PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

5 September 2000

(extract from Book 2)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

The Ministry

Premier and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Health and Minister for Planning	The Hon. J. W. Thwaites, MP
Minister for Industrial Relations and Minister assisting the Minister for Workcover	The Hon. M. M. Gould, MLC
Minister for Transport	The Hon. P. Batchelor, MP
Minister for Energy and Resources, Minister for Ports and Minister assisting the Minister for State and Regional Development	The Hon. C. C. Broad, MLC
Minister for State and Regional Development and Treasurer	The Hon. J. M. Brumby, MP
Minister for Local Government, Minister for Workcover and Minister assisting the Minister for Transport regarding Roads	The Hon. R. G. Cameron, MP
Minister for Community Services	The Hon. C. M. Campbell, MP
Minister for Education and Minister for the Arts	The Hon. M. E. Delahunty, MP
Minister for Environment and Conservation and Minister for Women's Affairs	The Hon. S. M. Garbutt, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. A. Haermeyer, MP
Minister for Agriculture and Minister for Aboriginal Affairs	The Hon. K. G. Hamilton, MP
Attorney-General, Minister for Manufacturing Industry and Minister for Racing	The Hon. R. J. Hulls, MP
Minister for Post Compulsory Education, Training and Employment and Minister for Finance	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation, Minister for Youth Affairs and Minister assisting the Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Major Projects and Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Housing, Minister for Aged Care and Minister assisting the Minister for Health	The Hon. B. J. Pike, MP
Minister for Small Business and Minister for Consumer Affairs	The Hon. M. R. Thomson, MLC
Parliamentary Secretary of the Cabinet	The Hon. G. W. Jennings

Legislative Council Committees

Economic Development Committee — The Honourables R. A. Best, Andrea Coote G. R. Craige, Kaye Darveniza, N. B. Lucas, J. M. McQuilten and T. C. Theophanous.

Privileges Committee — The Honourables W. R. Baxter, D. McL. Davis, C. A. Furletti, M. M. Gould and G. W. Jennings.

Standing Orders Committee — The Honourables the President, G. B. Ashman, B. W. Bishop, G. W. Jennings, Jenny Mikakos, G. D. Romanes and K. M. Smith.

Joint Committees

Drugs and Crime Prevention Committee — (*Council*): The Honourables B. C. Boardman and S. M. Nguyen. (*Assembly*): Mr Cooper, Mr Jasper, Mr Lupton, Mr Mildenhall and Mr Wynne.

Environment and Natural Resources Committee — (*Council*): The Honourables R. F. Smith and E. G. Stoney. (*Assembly*): Mr Delahunty, Ms Duncan, Mr Ingram, Ms Lindell, Mr Mulder and Mr Seitz.

Family and Community Development Committee — (*Council*): The Honourables E. J. Powell and G. D. Romanes. (*Assembly*): Mr Hardman, Mr Lim, Mr Nardella, Mrs Peulich and Mr Wilson.

House Committee — (*Council*): The Honourables the President (*ex officio*), G. B. Ashman, R. A. Best, J. M. McQuilten, Jenny Mikakos and R. F. Smith. (*Assembly*): Mr Speaker (*ex officio*), Ms Beattie, Mr Kilgour, Mr Leighton, Ms McCall, Mr Rowe and Mr Savage.

Law Reform Committee — (*Council*): The Honourables D. G. Hadden and P. A. Katsambanis. (*Assembly*): Mr Languiller, Ms McCall, Mr McIntosh, Mr Stensholt and Mr Thompson.

Library Committee — (*Council*): The Honourables the President, E. C. Carbines, M. T. Luckins, E. J. Powell and C. A. Strong. (*Assembly*): Mr Speaker, Ms Duncan, Mr Languiller, Mrs Peulich and Mr Seitz.

Printing Committee — (*Council*): The Honourables the President, Andrea Coote, Kaye Darveniza and E. J. Powell. (*Assembly*): Mr Speaker, Ms Gillett, Mr Nardella and Mr Richardson.

Public Accounts and Estimates Committee — (*Council*): The Honourables D. McL. Davis, R. M. Hallam, G. K. Rich-Phillips and T. C. Theophanous. (*Assembly*): Ms Asher, Ms Barker, Ms Davies, Mr Holding, Mr Loney and Mrs Maddigan.

Road Safety Committee — (*Council*): The Honourables Andrew Brideson and E. C. Carbines. (*Assembly*): Mr Kilgour, Mr Langdon, Mr Plowman, Mr Spry and Mr Trezise.

Scrutiny of Acts and Regulations Committee — (*Council*): The Honourables M. A. Birrell, M. T. Luckins, Jenny Mikakos and C. A. Strong. (*Assembly*): Ms Beattie, Mr Carli, Mr Dixon, Ms Gillett and Mr Robinson.

Heads of Parliamentary Departments

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

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Secretary: Ms C. M. Haydon

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

President: The Hon. B. A. CHAMBERLAIN

Deputy President and Chairman of Committees: The Hon. B. W. BISHOP

Temporary Chairmen of Committees: The Honourables G. B. Ashman, R. A. Best, Kaye Darveniza, D. G. Hadden, P. R. Hall, Jenny Mikakos, R. F. Smith, E. G. Stoney and C. A. Strong

Leader of the Government:
The Hon. M. M. GOULD

Deputy Leader of the Government:
The Hon. G. W. JENNINGS

Leader of the Opposition:
The Hon. M. A. BIRRELL

Deputy Leader of the Opposition:
The Hon. BILL FORWOOD

Leader of the National Party:
The Hon. R. M. HALLAM

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

Member	Province	Party	Member	Province	Party
Ashman, Hon. Gerald Barry	Koonung	LP	Hall, Hon. Peter Ronald	Gippsland	NP
Atkinson, Hon. Bruce Norman	Koonung	LP	Hallam, Hon. Roger Murray	Western	NP
Baxter, Hon. William Robert	North Eastern	NP	Jennings, Hon. Gavin Wayne	Melbourne	ALP
Best, Hon. Ronald Alexander	North Western	NP	Katsambanis, Hon. Peter Argyris	Monash	LP
Birrell, Hon. Mark Alexander	East Yarra	LP	Lucas, Hon. Neil Bedford, PSM	Eumemmerring	LP
Bishop, Hon. Barry Wilfred	North Western	NP	Luckins, Hon. Maree Therese	Waverley	LP
Boardman, Hon. Blair Cameron	Chelsea	LP	McQuilten, Hon. John Martin	Ballarat	ALP
Bowden, Hon. Ronald Henry	South Eastern	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
Brideson, Hon. Andrew Ronald	Waverley	LP	Mikakos, Hon. Jenny	Jika Jika	ALP
Broad, Hon. Candy Celeste	Melbourne North	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Carbines, Hon. Elaine Cafferty	Geelong	ALP	Olexander, Hon. Andrew Phillip	Silvan	LP
Chamberlain, Hon. Bruce Anthony	Western	LP	Powell, Hon. Elizabeth Jeanette	North Eastern	NP
Coote, Hon. Andrea	Monash	LP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Cover, Hon. Ian James	Geelong	LP	Romanes, Hon. Glenyys Dorothy	Melbourne	ALP
Craige, Hon. Geoffrey Ronald	Central Highlands	LP	Ross, Hon. John William Gamaliel	Higinbotham	LP
Darveniza, Hon. Kaye	Melbourne West	ALP	Smith, Hon. Kenneth Maurice	South Eastern	LP
Davis, Hon. David McLean	East Yarra	LP	Smith, Hon. Robert Fredrick	Chelsea	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Smith, Hon. Wendy Irene	Silvan	LP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Furletti, Hon. Carlo Angelo	Templestowe	LP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hadden, Hon. Dianne Gladys	Ballarat	ALP	Thomson, Hon. Marsha Rose	Melbourne North	ALP

CONTENTS

TUESDAY, 5 SEPTEMBER 2000

Tuesday, 5 September 2000

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to Courts and Tribunals Legislation (Further Amendment) Act.

DEPUTY CLERK

The PRESIDENT — Order! I welcome the Deputy Clerk back to the chamber, and I wish him a full recovery.

MAS: ROYAL COMMISSION

The PRESIDENT — Order! I advise the house that today Mr Speaker and I delivered a letter to Ms Cleary, secretary of the Metropolitan Ambulance Service royal commission. It states:

> Re: parliamentary immunity
>
> We have been handed a copy of your letter of 31 August 2000 to Mr Ian Killey, assistant secretary, Legal Branch of the Department of Premier and Cabinet. The letter indicates that a debate is to take place on 6 September in which it is suggested that the commissioner will deliver a ruling as to whether or not he proposes to permit cross-examination of past or present parliamentarians.
>
> We are surprised that, despite public comments apparently emanating from the commission, no approach has been made to the Presiding Officers from the commission on these issues up to the present time.
>
> The purpose of this letter is to address itself simply to the question of whether any examination can be made of a present or former member of Parliament in relation to any matter raised by the member in either house of the Parliament.
>
> It is our firm view that:
>
> 1. No such examination may take place;
>
> 2. The privilege attaching to such parliamentary proceedings as contained in the Bill of Rights is the privilege of the Parliament and not something that can be waived by individual members;
>
> 3. The Parliament itself has no power to permit its members or former members to waive any such privilege;
>
> 4. Any attempt to cross-examine a member of Parliament or a former member of Parliament in relation to any matter which arose in proceedings in either house would be a contempt of Parliament and a breach of privilege.
>
> Any questioning of members of Parliament or former members in relation to matters which did not arise during the course of parliamentary proceedings would be a matter for the commission.
>
> We trust that this clarifies the matter from the point of view of the Victorian Parliament.

The letter is signed by Mr Speaker and me.

I also add that the commission should take notice of the sitting dates listed for the house in respect of any current member who is required as a witness. Those dates should be avoided. The Parliament has a paramount right to the attendance and service of its members. That is spelt out at page 105 of the 22nd edition of *May*. That right is clearly recognised by the courts.

CONSTITUTION (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time.

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

> That the bill be printed and, by leave, the second reading be made an order of the day for later this day.

Leave refused.

Ordered to be printed and second reading to be made order of the day for next day.

QUESTIONS WITHOUT NOTICE

Electricity: tariff

Hon. PHILIP DAVIS (Gippsland) — Will the Minister for Energy and Resources confirm that the government has abandoned its election policy commitment to a uniform tariff for rural electricity customers?

Hon. C. C. BROAD (Minister for Energy and Resources) — I advise the house that in line with a number of debates in this house on this matter the government has a very clear commitment to all Victorians, in particular regional and rural customers, that as an absolute minimum they will be no worse off as a result of the introduction of full retail contestability. In fact, the government expects — and has made it clear in its submission to the Office of the Regulator-General — that there will be reductions in

network prices, and that as a result of competition in energy prices customers can expect to see reductions in prices.

Industrial relations: task force

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Industrial Relations indicate whether she has received the final report of the independent industrial relations task force and, if so, will she indicate how the Bracks government intends to deal with its recommendations?

Hon. M. M. GOULD (Minister for Industrial Relations) — Earlier today I had the pleasure of formally accepting on behalf of the Bracks government the landmark report of the Victorian independent industrial relations task force chaired by Professor Ron McCallum. Honourable members will be aware that the impetus for the task force arose out of the Growing Victoria Together summit in March this year.

Since the creation of the task force in May, Professor McCallum and other task force members have worked tirelessly travelling round Victoria listening to workers from many different industries. The task force has also spoken to many employers and has received more than 200 submissions in the past two months. Unfortunately it did not receive a submission from the Victorian Leader of the Opposition or from federal Minister Reith. They were either too lazy to write a report or make a submission or did not care enough about Victorian workers who have been disadvantaged by the previous government's referral of industrial relations powers to the commonwealth.

The report stands out as a well considered, in depth look at the current industrial relations system as it applies in Victoria. The report makes 106 recommendations about possible future industrial relations arrangements. More than half of the recommendations were adopted unanimously, and almost all the other recommendations enjoyed majority support. The report clearly records the views of all the members of the task force in its recommendations and reflects the independence of the task force by identifying individual member comments with respect to those recommendations. All views are included in the report.

I have not had a chance to make a detailed examination of the recommendations, but it is clear the report has identified serious deficiencies in the Victorian industrial relations system. The Bracks government will carefully consider the task force's recommendations, and as part of that process I advise the house that the government will now conduct research to consider the economic impact of the various options contained in the report. That will ensure that prior to the government's adopting any of the recommendations it will be aware of the potential economic impact of any change on small businesses and employment in Victoria.

I again take the opportunity to thank individual members of the task force, and in particular Professor Ron McCallum, who worked tirelessly in bringing together a broad group of people who have worked constructively over the past few months. Professor McCallum's independence is demonstrated by the way he ensured that the issues raised by all members of the task force were incorporated in the report.

Answer ordered to be considered next day on motion of Hon. M. A. BIRRELL (East Yarra).

Liquor: licences

Hon. BILL FORWOOD (Templestowe) — It is stated at page XIV of the government's secret review on the 8 per cent limit on liquor licences that the removal of the 8 per cent limit will result in greater choice for consumers. Will the Minister for Small Business explain to the house how greater choice for consumers will flow from the closure of small independent liquor stores and country pubs and the transfer of market share to Coles and Woolworths?

Hon. M. R. THOMSON (Minister for Small Business) — I am pleased the government has been able to release the report into the liquor industry. The report recommends the retention of the 8 per cent limit on packaged liquor licences unless an alternative mechanism to ensure small business viability in the industry is maintained. The government is pleased to have the support of the Liquor Stores Association of Victoria for the report and its recommendations. A press release issued today by the President of the Liquor Stores Association of Victoria, Mr Peter Wilkinson, says that the association supports the recommendations of the review and goes on to state:

> Mr Wilkinson commended the Minister for Small Business … for ensuring that the review examined the fundamentals of the industry with all stakeholders having input.
>
> 'We know that Minister Thomson is under enormous pressure from the National Competition Council', said Mr Wilkinson, 'and to her credit, she has ensured small business a fair hearing'.
>
> …
>
> 'The LSAV is pleased that Minister Thomson has made provision for a consultative process. The association is fully committed to participate.

…

'… and endorses the recommendation which would outlaw any attempt to circumvent the 8 per cent cap with a general licence, as has occurred in recent times. This practice is an anomaly.

'The recommendation to link the retail packaged liquor industry to the proposed initiative of the commonwealth government in establishing a retail ombudsman and a retail code of conduct is definitely praiseworthy', said Mr Wilkinson.

'The recommendation to ensure harm minimisation will also have the full support of our members', said Mr Wilkinson.

It is obvious that the Liquor Stores Association o Victoria understands the intent. It is also obvious that the report will go out to consultation, and the government is looking forward to that proceeding.

Liquor: licences

Hon. T. C. THEOPHANOUS (Jika Jika) — My question to the Minister for Small Business also relates to the review of the packaged liquor industry. Given that the previous government and the former minister failed to address the issue, will the minister provide further detail of the outcome of the review of the 8 per cent cap on packaged liquor licences and contrast the position of the review with the information provided to the media by the opposition spokesperson on small business, the Honourable Bill Forwood?

The PRESIDENT — Order! In answering the question, I suggest the minister not go over the ground she has already covered.

Hon. M. R. THOMSON (Minister for Small Business) — As I said, the report was released on 4 September. In June 1999 the previous government was notified of the requirement to withdraw the 8 per cent cap on packaged liquor licences.

Hon. M. A. Birrell — To review it.

Hon. M. R. THOMSON — It did not review it; it did not do anything with it. The previous government did not go to the election with a policy position on it. All we can assume is that the previous government was waiting for an election it was expecting to win to remove the cap without consultation, which was its practice.

In contrast, there has been wide consultation in the development of the report, which recommends the retention of the 8 per cent cap unless there is an alternative mechanism to protect small businesses. The report also calls for the strengthening of the 8 per cent cap to ensure that people cannot get around general licences. The government will be introducing legislation into this place to ensure general licences do not become a way around that 8 per cent cap, and I look forward to the opposition's support for it.

I also referred to the press release from the Liquor Stores Association of Victoria and its reference to the inclusion of the federal code of conduct for the retail sector and also the recommendation to look at the effect of drinking habits.

The report is being put out for broader consultation. It will be available to everyone who runs a liquor store, a hotel, or a licensed grocery. People will have 28 days in which to put their views to the department on the report. There will be visits into regional Victoria and metropolitan Melbourne to ensure that people have a chance to put their views, and I look forward to that consultative process. I look forward to getting those views and to the involvement of the peak bodies in that review. Based on the consultative process and the recommendations of the review, we will then take the matter back up with the National Competition Council.

Industrial relations: task force

Hon. R. M. HALLAM (Western) — I refer the Minister for Industrial Relations to her evidence before the Public Accounts and Estimates Committee that the industrial relations research consultancy, which she just mentioned in the house and which was recently awarded to the Australian Centre of Industrial Relations Research and Training, was not subject to a tender process. Given that the $80 000 consultancy fee was a direct cost to the public purse, does the decision not to go to tender represent a departure from government policy?

Hon. M. M. GOULD (Minister for Industrial Relations) — During the Public Accounts and Estimates Committee hearing I was asked that question and I informed the committee that the research into Victorian workers not covered by federal awards had not gone to tender but was done under the auspices of the industrial relations task force. It was conducted by an organisation that had the required ability, capability and competency to undertake such research. The decision to let the contract to the Australian Centre of Industrial Relations Research and Training was a decision of the task force and I stand by that decision.

Youth: regional committees

Hon. E. C. CARBINES (Geelong) — Will the Minister for Youth Affairs inform the house how the

views and issues of young people in rural and regional Victoria are communicated to government?

Hon. J. M. MADDEN (Minister for Youth Affairs) — On Tuesday, 1 August I relaunched Victoria's regional youth committees (RYCs).

Honourable members interjecting.

Hon. J. M. MADDEN — I can understand the opposition's confusion over the mechanisms of consultation because the previous government had little interest in consulting with young people. I recently relaunched Victoria's youth committees following a review of the role, function and composition of the committees. There are 15 regional youth committees — 5 in metropolitan Melbourne and 10 in rural areas across the state — that play an important role in advising the government and me about youth needs and issues in local areas. The RYCs are made up of professionals from a variety of backgrounds, including the non-government sector, business, government departments, local community representatives and young people.

During the first half of this year I asked the Office for Youth to review the role, function and composition of the regional youth committees. The outcome of that review has led to the existing network of 15 regional youth committees being retained and strengthened, with regular meetings with me throughout the year; most importantly, the appointment of seven full-time youth liaison officers to resource the regional youth committees which were substantially under-resourced and so had little impact on the previous government's youth policy; an update of the RYCs' terms of reference following input from their chairs and membership; and a clear expectation, as reflected in the new terms of reference, of increased participation of young people in the committees' processes.

The RYCs are aligned with the regional structure of the Department of Education, Employment and Training, taking them out of the Department of Human Services following the government's policy commitment to give opportunities to young people in regional and rural Victoria.

Public sector: enterprise agreement

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Industrial Relations to her comments last week in an answer to a question from her own backbench when she talked about the Community and Public Sector Union (CPSU) dispute settlement and said that the settlement allowed for a 3 per cent wage increase which is budget neutral. In response to a matter raised during the adjournment debate by my colleague, Mr Brideson, the minister repeated that argument — that it was 3 per cent and was budget neutral. Given that the media have widely reported that payments of 4 per cent and up to 6 per cent are included as part of the CPSU deal, will the minister confirm that all costs above the 3 per cent that she has asserted as part of the budget will have to be met by the relevant departments from within their existing budgets?

Hon. M. M. GOULD (Minister for Industrial Relations) — Last week in response to the Honourable Andrew Brideson's comments about media reports on my announcement in the house about the settlement of the Community and Public Sector Union (CPSU) enterprise bargaining agreement I indicated that it involved a 3 per cent wage increase and also involved an agreement to review the pay classification structure as set out in the current award, that details of a more transparent performance-based pay system would be distributed to employees, and that we had entered into an agreement with the CPSU and its members for a more cooperative and consultative approach to industrial relations. Part of the agreement was to reach further agreements down the track with individual departments.

That was the response I gave last week to a question asked and to an adjournment matter raised by colleagues of the Leader of the Opposition, and I stand by that response today. It was a 3 per cent pay increase with a performance-based payment, as I said — —

Hon. M. A. Birrell — On a point of order, Mr President, I am happy with the minister's preamble to her response, but she is answering a previous question and a previous matter raised on the adjournment. My question was: if it is true that the increase is 3 per cent and budget neutral, and given that the media has reported that a 4 per cent to 6 per cent increase is part of the deal, will departments have to pay for all payments made above the 3 per cent increase out of their budgets? My point of order is that the minister has not yet answered the question.

The PRESIDENT — Order! The minister will answer the question.

Hon. M. M. GOULD — I have not checked *Hansard*, but I recall saying to the Honourable Andrew Brideson that a performance-based payment would be met by each department.

Honourable members interjecting.

The PRESIDENT — Order! I ask the respective leaders of the house to desist from interjecting.

Port of Melbourne: performance

Hon. KAYE DARVENIZA (Melbourne West) — I refer the Minister for Ports to the fact that the port of Melbourne has an important role to play in maintaining a vibrant and growing Victorian economy. While the previous government — —

Honourable members interjecting.

The PRESIDENT — Order! We will leave the media moguls to one side. I ask the honourable member to continue with her question.

Hon. KAYE DARVENIZA — I am pleased that honourable members on the other side of the house have bothered to listen so carefully to my comments on the radio and to follow my performance in the press. I thank them very much for that.

The port of Melbourne has an important role to play in maintaining a vibrant and growing Victorian economy. Given that the previous government concentrated mainly on selling off the state's ports, such as those at Portland and Geelong, will the minister inform the house of the performance of the publicly owned port of Melbourne during 1999–2000?

Hon. C. C. BROAD (Minister for Ports) — The previous coalition government privatised the regional ports of Geelong and Portland, which the Honourable Geoff Craige, as the minister responsible for ports during the privatisation and sale of the Geelong port, will remember well. I am pleased to advise the house of the excellent trade results experienced by the publicly owned port of Melbourne during 1999–2000. The substantial increase in trade demonstrates the key role the port plays in serving Victoria's growing economy.

The port of Melbourne remains far and away Australia's busiest container port. During 1999–2000 the port experienced a boom year in trade. Containerised imports and exports improved by 14 per cent to a total container throughput of more than 1.2 million 20-foot equivalent units. That growth easily eclipses that of the previous 12 months, which stood at around 7 per cent. Forty-four million revenue tonnes of cargo moved through the port in the last financial year, which represented an increase of 5.7 per cent over the previous year. Melbourne remains the primary port of choice for Australian exporters and importers, and the principle centre for the Australian container-based cargo market.

Dry bulk traffic almost reached an impressive 2 million tonnes and experienced a growth of 13 per cent over the previous year. New motor vehicle imports also showed an exceptional growth rate of 17 per cent. Those results again emphasise Melbourne and Victoria's pre-eminence as a gateway for imports supplying the Australian market. The port's status as a hub with access to extensive road and rail connections has major significance for companies involved in international trade. Traders are able to avail themselves of those connections for the movement of cargo services as well as the services of more than 40 shipping lines. The excellent trade results for the port of Melbourne is good news for the whole state, reflecting the confidence of local and international companies in doing business in Victoria. It also emphasises the importance of the role of an efficient port in strengthening Victoria's role as the nation's manufacturing heartland.

Unlike the previous government, which focused on the sale and privatisation of public assets, the Bracks government is focusing on tangible outcomes for Victorian business that ensure the utilisation of port services as well as the growth of the whole state.

Minister for Industrial Relations: offices

Hon. D. McL. DAVIS (East Yarra) — Will the Minister for Industrial Relations confirm that since coming to office as a minister the total cost of her office renovations, departmental reorganisations and moving costs has exceeded $147 000?

Hon. M. M. GOULD (Minister for Industrial Relations) — I wish the honourable member would get a life! He has already asked the question and I have answered it. I also answered the question when I appeared before the Public Accounts and Estimates Committee. I offered the information to the deputy chairman of that committee, the Honourable Bill Forwood, who did not even want it, for goodness sake! I said to him, 'Do you want me to tell you how much the renovation of my office cost?'. He said, 'No, no', but the chairman, the honourable member for Geelong North in the other place, Peter Loney, wanted to know. I am quite happy to put the answer on the record once again. The honourable member is a bit thick. How many times does he have to be told?

Honourable members interjecting.

Hon. M. M. GOULD — As I have said previously to the house and to the Public Accounts and Estimates Committee, there was no previous minister for industrial relations and there was no minister's office. Temporary arrangements for the new office which involved some minor adjustments were made at 35 Spring Street at a cost of $20 000. Permanent

accommodation was then found at 1 Macarthur Street at a cost of $107 000.

Olympic Games: training

Hon. R. F. SMITH (Chelsea) — Will the Minister for Sport and Recreation advise the house of the benefits Victoria will derive from its hosting of Olympic Games soccer matches and pre-Olympic Games training?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — As I have said on a number of occasions, Sport and Recreation Victoria is responsible for coordinating the Olympic Games football to be conducted at the Melbourne Cricket Ground and for the development of Victoria's status as a pre-Olympic training competition destination for international teams participating in the Olympic Games. In hosting the Olympic Games football in Melbourne, Victoria will have the distinction of becoming a dual Olympic city — a rare accolade for any city and another reflection of the fact that Victoria is the place to be.

The flow-on economic benefit to Victoria of Olympic Games football is estimated to be around $40 million. Some 250 media representatives from around the world will be in Melbourne for the event, which will further showcase the state. That exposure will result in increased visitation from international guests and an increased add-on economic benefit. The government has also been actively working in consultation with the state's sporting associations and facility managers to promote Melbourne as a pre-Olympic training and competition destination.

Victoria will capitalise on the Olympic Games by hosting pre-Olympic training for more than 1500 overseas athletes. That number includes 81 teams representing 16 sports. Officials and members of the media will also be present. Regional Victoria will bear the fruit from that. A number of table tennis teams will train in Ballarat, Mildura and Bairnsdale and the bulk of the Ukrainian Olympic squad will train in Wodonga.

Members of the opposition will appreciate that a number of teams will train in Melbourne. They include Danish handball, Belarus fencing, British cycling and Malaysian badminton. Mr Birrell will appreciate that the French and Canadian synchronised swimming teams will train in Victoria, as will the American men's and women's basketball teams. The men's team, not unlike the opposition, is known as the dream team.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — I have an answer to question on notice no. 636.

Hon. C. C. BROAD (Minister for Energy and Resources) — I have an answer to question on notice no. 613.

ESSENTIAL SERVICES LEGISLATION (DISPUTE RESOLUTION) BILL

Introduction and first reading

Hon. C. C. BROAD (Minister for Energy and Resources) introduced a bill to amend the Electricity Industry Act 1993, the Gas Industry Act 1994, the Water Industry Act 1994, the Water Act 1989 and the Melbourne Water Corporation Act 1992 to provide for customer dispute resolution and for other purposes.

Read first time.

LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL

Introduction and first reading

Hon. C. C. BROAD (Minister for Energy and Resources) introduced a bill to amend the Local Government Act 1989 to provide for a general election of councillors for the Melton Shire Council on 13 October 2001 and for other purposes.

Read first time.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Minister's order of 25 August 2000 giving approval to granting of a lease at Brighton.

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 15, September 2000, together with Amendment No. 1 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (three papers).

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

Ballarat Planning Scheme — Amendments C8, C26 and C32.

Bass Coast Planning Scheme — Amendment C1.

Brimbank Planning Scheme — Amendment C21.

Campaspe Planning Scheme — Amendment C12.

Casey Planning Scheme — Amendment C12.

Dandenong — Greater Dandenong Planning Scheme — Amendment C7.

East Gippsland Planning Scheme — Amendment C2.

Maroondah Planning Scheme — Amendment C4.

Mornington Peninsula Planning Scheme — Amendment C12 (Part 1).

Swan Hill Planning Scheme — Amendment C2.

Victoria Planning Scheme — Amendment VC8.

Yarra Planning Scheme — Amendment C14.

Statutory Rules under the following Acts of Parliament:

Drugs, Poisons and Controlled Substances Act 1981 — No. 85.

Electronic Transactions (Victoria) Act 2000 — No. 86.

Gas Safety Act 1997 — No. 83.

Melbourne City Link Act 1995 — No. 84.

Subordinate Legislation Act 1994 —

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 82 and 85.

Proclamation of His Excellency the Governor in Council fixing an operative date in respect of an Act.

Accident Compensation (Common Law and Benefits) Act 2000 — Section 4 — 1 September 2000 *(Gazette No. G35, 31 August 2000)*.

VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL

Second reading

Debate resumed from 29 August; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. C. A. FURLETTI (Templestowe) — I am pleased to speak on the Victims of Crime Assistance (Amendment) Bill, which the opposition does not oppose in this instance. This is another example of the government's smoke and mirrors tricks. The government introduced the legislation with great fanfare as it did the Workcover, freedom of information and other bills that implement its pre-election promises, but when one analyses the bill one sees that it barely reaches the standards the government indicated it would meet prior to its hoodwinking the Victorian public into voting it close to office and making arrangements with the Independents to secure government. The openness and transparency of government which the Labor Party committed to both before and after striking that arrangement have not come about.

The bill before the house today makes very few changes. In that sense we can be grateful that the government has substantially endorsed the amendments the previous government introduced by way of the rewriting of the Victims of Crime Assistance Act in 1996. This bill retains the suite of changes introduced by the previous government, including the fundamental premise that was the cornerstone of the 1996 amendments — that is, the requirement that victims be provided with assistance as soon as possible after the event and that they not be kept waiting and languishing, in some cases for a number of years.

The raft of initiatives remaining in the legislation includes the immediate referral of victims of crime to counselling and the provision of vouchers for payment for treatment. It also includes the advice that victims receive assistance almost immediately after the event to enable them not only to be made aware of their rights but also to access the enforcement of those rights, and immediate access to medical and other treatment. All those initiatives were introduced with a view to implementing the opinions of experts who indicated that immediacy of attention is far more effective than delayed compensation in restoring a victim's pride and confidence and rehabilitating and returning a victim to the community.

I was pleased to be part of the government which in 1996 considered that it was far more important to attend to victims' immediate needs than to give them handouts of money, as was the previous Labor government's wont.

The history of victims of crime legislation is now becoming fairly extensive. This type of legislation started under a Liberal government in 1972 with the introduction of the Criminal Injuries Compensation Act, which was rewritten in 1983. It is interesting to note that section 15 of that act contains a number of provisions that remain with us today. That groundbreaking legislation, introduced by a Liberal government in 1972, provided for compensation to be paid to a victim of crime for the actual expenses incurred by the victim. It also included compensation for pecuniary loss to the victim from incapacity to work; pecuniary loss to dependants as a result of the

death of a victim of crime; pecuniary loss for injury and reasonable expenses incurred; and provision for compensation for the pain and suffering of the victim. They were fairly groundbreaking and innovative provisions in those days. The lid was kept on what would today be seen as a fairly generous scheme because the amount of compensation was capped.

Hon. R. M. Hallam — And pain and suffering was included.

Hon. C. A. FURLETTI — In 1972 the maximum compensation payable to a victim of crime was $3000 and, as the Honourable Roger Hallam said, compensation for pain and suffering was not treated separately; it was included as part of the cap. That situation remained until 1981, when the maximum had been increased to some $10 000. In 1987 the amount of compensation had been increased to $20 000, but I understand it was still on the same basis. A statistic that needs to be put on the record is the fact that 88.5 per cent of the total amount awarded in 1986 related to pain and suffering. That is indicative of the manner in which this type of scheme can cause enormous blow-outs in budgets.

Every member of this chamber acknowledges and appreciates that every victim is a vulnerable and fragile member of society, whether he or she be a victim of crime, a traffic or workplace accident, a serious illness or even a sporting accident. Anybody who suffers injury, whether it be physical, psychological or emotional, deserves society's care and attention. However, as I indicated, there must be limits. In the 1972 legislation and scheme the then government saw the community providing a safety net for those who found themselves victims of violent crime, and it sought to provide some facility to enable those victims to receive medical treatment and other compensation, minimal though it was, for pecuniary loss and the like.

In 1995 the Auditor-General disclosed in his report that over the next five years compensation for victims of crime would cost some $630 million. That would have been the cost by this year of the scheme in place. The community would have seen the annual cost almost double from $100 million from 1995 to 2000 if the scheme had continued as it was. Another interesting figure to put on record, and I will refer to this later, is the fact that the average compensation award in 1995 was $5000. It is also worth noting that in 1995 more than half the claims that were lodged took more than two years to complete and a third took more than three years. Victims of crime were being left to languish awaiting the outcome, waiting for the tribunal to make an award. There was uncertainty, and it was obvious by 1995 that there was an urgent need to review the whole gamut of compensation for victims of crime. The previous government implemented that review.

It was also clear in 1995 that the scarce funds that were required by the community to cater for genuine cases of need were being channelled into some extraordinary claims. Towards the end of the previous scheme there were examples cited of quite unacceptable claims being made such as that of the New Zealand resident who came to Victoria to make a claim in respect of his deceased brother, even though they had not been in contact for some years. In another case a claim was made by the natural father of a deceased victim who had been adopted out at birth. There had been only one contact since that adoption and the father was held to be entitled to make a claim for compensation although the nexus between the victim and the claimant was minimal.

There are many instances of compensation being paid to people who had instigated and participated in pub brawls, street fights and the like, so there was an understandable reason for the system being used inappropriately and for such an enormous blow-out in the budget.

The 1996 act resulted in some 35 000 contacts being made with the victims assistance agency and some 17 000 people receiving full counselling, as compared to a previous statistic of some 8500 complainants, so it is obvious the reforms have been effective and efficient in servicing victims of crime.

All honourable members would be aware that in the current year's budget the government has allocated some $60 million over the next four years for pain and suffering compensation under the legislation. That amounts to $15 million per annum. I do not know how the government does its sums because on my calculation, if the average award for pain and suffering in 1995 of $5000 is any basis on which to make the argument, if one divides the $15 million by $5000, only about 3000 victims of crime will be compensated. Given the statistics I mentioned — that last year some 17 000 victims received counselling — I do not understand how the government will make up the shortfall.

My argument is probably substantiated by the minister's disclosure in the second-reading speech that before the changes in 1997, awards for compensation and costs amounted to between $40 million and $50 million each year, the comment being that it would be too heavy a burden to impose on the community today. That seems to substantiate my argument that the

amount necessary will far exceed the $15 million that has been allowed. Another telling point about the statement in the second-reading speech is that it indicates the philosophy of the government. In talking about the bill and victims of crime the minister says that regrettably the government cannot afford to turn back the clock, and states

> Unlike other state schemes, —

I can only assume the minister is talking about schemes such as Workcover or perhaps the Transport Accident Commission —

> we cannot look to an industry or a distinct sector of society to pay a higher premium to cover retrospective claims.

Does that not tell us something about the philosophy of the government? It acknowledges that the scheme has some inherent difficulties and that the number of claimants will exceed what the government has budgeted for, but I suppose time will tell just how good the government is at managing taxpayers' funds, as it did back in 1992.

In its 1996 revamp of the victims of crime assistance scheme the Kennett Liberal coalition government did more than simply introduce legislation to provide assistance to victims of crime. It had a far broader agenda than that: it introduced victim impact statements as part of the sentencing regime for courts and tribunals; it facilitated intervention orders and made them far more expeditiously available to victims in domestic disputes, in particular; and in section 86 of the Sentencing Act it introduced the power for courts exercising criminal jurisdictions to award compensation to victims against offenders who were before the court at the time and were convicted. It is pertinent to say, as did a County Court judge, that the power provides an immediate and expeditious way for a victim to obtain compensation from a perpetrator of an offence without having to go through a civil process. I will talk about the section 86 amendments later.

The previous government also recognised the breadth of categories of victims that arose because of the problem with which the legislation dealt, and a number of categories were established: primary, secondary and related. Primary victims are those who suffer an immediate impact as a result of a violent act — that is, they are the persons against whom the offences are generally perpetrated. Secondary victims include those who observe or are present at the commission of a crime and parents of child victims — in other words, those who are incidentally injured and suffered trauma. Related victims are those family members or otherwise related dependents or intimate associates of the primary victim.

Each of those categories has different rights and benefits. Suffice it to say that for primary victims the maximum benefit is $60 000, which includes compensation across the board for medical treatment and up to $20 000 for loss of income. Secondary victims have a limit of $50 000 for similar claims. Related victims also have a $50 000 limit, but that limit can be increased to a maximum of $100 000 where there are multiple claims by multiple related victims, and the $100 000 can be split between all related victims. That does not make provision for pain and suffering but it certainly makes provision for the most important of elements — that is, the provision of treatment, care and attention on an immediate basis to those who are most in need.

The bill extends some of the rights of related victims. It extends the period during which child victims of sexual abuse may make claims, extends the classes of victims eligible to claim, and makes procedural and administrative changes in respect of Victims of Crime Assistance Tribunal hearings. However, the main thrust of the change that the government intends to sell itself on is the introduction of pain and suffering payments. I will look at those in more detail shortly. From the Liberal Party's perspective the issues in these cases extend far beyond the payment of money, particularly the almost insulting amounts of money categorised in the bill. The Liberal Party believes the wellbeing of victims is an issue that goes beyond handouts and that this type of scheme should not be politicised.

It is the care and respect for the most vulnerable in the community that should remain the objective of such schemes. The previous government believed public funds should not be used to buy sorrow or compassion but to provide treatment, rehabilitation and restitution of respect.

What is unique in my time in this place is that for the first time reference in the bill is made to the purposes and objectives of the act. In my 30 years as a solicitor I have noted that the purpose or purposes have always been expressed, but for the first time this bill deals with the objectives of the act. The purpose of the principal act remains the same, which is to provide assistance to victims of crime, but there appears to be a need for the government to set out the objectives of the act, perhaps because it is unable to express what they are in other ways. Whatever the reason, to embed them in legislation is strange.

Clause 4 substitutes a proposed new section 1 of the principal act headed 'Purpose and objectives of Act', which includes:

> … a symbolic expression by the State of the community's sympathy and condolence for, and recognition of, significant adverse effects experienced or suffered by them as victims of crime; and
>
> … to allow victims of crime to have recourse to financial assistance under this Act where compensation for the injury cannot be obtained from the offender or other sources.

Clause 4(3) states:

> Awards of financial assistance … are not intended to reflect the level of compensation to which victims of crime may be entitled at common law or otherwise.

Clause 4(4) states:

> The scheme provided by this Act is intended to complement other services provided by government to victims of crime.

That appears to be the inclusion of part of a second-reading speech in legislation. If it is intended to promote the government's objectives, it would be more appropriate in the second-reading speech as an explanation rather than being committed to legislation. Nobody necessarily objects to the objectives of the act, but to enshrine them in the legislation is unusual.

The symbolism of the amounts becomes obvious in clause 7, which inserts proposed section 8A. Irrespective of what is created as a perception, it is the reality that will come home to roost. Proposed section 8A establishes four categories based not on the degree of pain and suffering, which could have been an appropriate indicator, but on the severity of the crime that was committed.

What is interesting, and takes away from public scrutiny, is that the four categories that are established can be varied or altered by regulation. The most serious category relates to offences such as aggravated rape, incest and other serious crimes where the special financial assistance, which relates only to primary victims, is set at a minimum of $3500 and a maximum of $7500.

I am advised by officers from the department that the second category would include armed robberies. The minimum amount of compensation is set at $1000 and the maximum is $2500. An armed robbery can be extremely traumatic. I extend sympathy to those who have gone through such circumstances. The third category, which includes crimes such as aggravated assault, has a minimum of $500 and a maximum of $1000. For the fourth category, the lowest level of crime, which includes common assault, the minimum is set at $100 with a maximum of $500.

What is not indicated is whether the awards will be as of right or whether the administration costs will far outweigh the amount of compensation. There is not information either in the legislation or in the second-reading speech about the basis on which these amounts were calculated. It is one thing to say these payments are symbolic, but we must reassure victims that the community cares. That can be better done by having the victims attended to expeditiously. In some instances I am certain that offering the amounts set out in the bill to people who have been the victims of dreadful crimes will not necessarily achieve the conclusion the government is trying to achieve. It could be perceived to be an insult, something I can understand happening.

I congratulate the government on expanding the Provisions of the Sentencing Act. Clause 21 extends the definition of 'injury' to include grief, distress or trauma or other significant adverse effect. The bill also extends the period within which an application for compensation can be made from within 6 months after conviction to within 12 months after conviction. The ability of victims to obtain expeditious and immediate remedy without the need for civil proceedings is a provision of which the previous government can be proud.

It is interesting to note that not much fanfare has been made of proposed section 85D, which allows the court to extend the time in which to bring an application if the court can be convinced it is in the interests of justice to do so. It is a means of extending a limitation period to give the victim the benefit in extraordinary circumstances. Clearly there is no limit to the amount of compensation that can be awarded under section 86; the court is exercising its jurisdiction in compensating for the injuries sustained. I am sure honourable members will have read about a substantial award recently made in the courts to children on that basis against a father who murdered his wife.

The amendments to the bill extend the manner in which applications can be made so that they no longer need to be made personally by a victim; they can be made on a victim's behalf. Quite appropriately, in determining compensation the court is obliged to take into account any other amounts the victim has received in the past. Any applications under this provision do not necessarily preclude a subsequent civil action for recovery of damages.

It should be noted, too, that in this type of application a finding of guilt is necessary. That is not the case in the Victims of Crime Assistance Act. It should also be put on the record that the state can apply to be compensated for payments it has made to a victim, and that amount can be recovered from the offender.

The government intends to review the scheme in three years time. I put the government on notice that the opposition will be closely monitoring the progress of the scheme. It will ensure that the changes are properly and appropriately administered and that victims of crime derive the benefits intended from the scheme, which is a minor variation to a very good scheme introduced by the previous government.

Hon. JENNY MIKAKOS (Jika Jika) — I have great pleasure in supporting the Victims of Crime Assistance (Amendment) Bill. It seeks to deliver on one of the government's pre-election commitments, which was to reinstate compensation for pain and suffering to victims of crime. Prior to the election the government committed $45 million over a three-year period. I am pleased that in this year's budget an amount of $60 million was allocated for the scheme, to be implemented over four financial years.

As honourable members are aware, compensation for pain and suffering was available for Victorian victims of crime from 1973 until 1 July 1997, when the Kennett government abolished that statutory entitlement. The bill is part of a package of assistance for victims of crime which includes counselling services particularly tailored to the specific needs of victims who reside in regional Victoria, those who are members of the Aboriginal or culturally and linguistically diverse communities, or those with physical or mental impairments.

Hon. M. T. Luckins — That was a Kennett government initiative.

Hon. JENNY MIKAKOS — The honourable member will have her turn later. The package extends beyond financial assistance to broaden the scope of counselling services available to victims of crime. I am pleased that the government consulted widely on the bill, and I commend the honourable member for Richmond in the other place on chairing a consultative committee that consulted with representatives of victims of crime associations and organisations, representatives from the centres against sexual assault and other organisations that had a particular interest in the legislation. The bill will be welcomed by the broader community, and in particular by victims of crime and their advocacy organisations.

The major thrust of the bill relates to the amendments to the Victims of Crime Assistance Act. The basic premise of the bill, which reinstates compensation for pain and suffering to victims of crime, is found in clause 4, which amends the objectives of the Victims of Crime Assistance Act. In the bill compensation for pain and suffering is referred to as special financial assistance.

I always have a great deal of interest in following the Honourable Carlo Furletti because his comments and the hollow arguments that the opposition puts forward about the government's legislation are a great source of amusement. Mr Furletti waxed lyrical about the fact that proposed new section 1 includes the government's objectives. I am pleased the government has included in the objectives of the principal act a statement that victims of crime who receive financial assistance receive it:

> … as a symbolic expression by the State of the community's sympathy and condolence for, and recognition of, significant adverse effects experienced or suffered by them as victims of crime …

That statement encapsulates the government's view that although no monetary amount can compensate a victim of crime for the injury, damage, loss, distress or humiliation suffered, it is important for the community to show symbolically that it has sympathy for the victim. It is an acknowledgment that the victim has suffered some loss or damage to his or her person. My personal view is that such an expression of public sympathy can assist victims of crime to recover from the trauma they have experienced and help them to get on with their lives as best they can.

Unlike the previous government, the Bracks government will not dictate to victims of crime what awards for special financial assistance can be used for. The former government justified the abolition of the statutory right to pain and suffering compensation by referring to a particular instance where a victim of crime used some of her compensation to purchase a red coat. That was extremely trivial and made a mockery of the pain and suffering of past and present victims of crime.

The government has a firm view that victims of crime should be free to spend whatever compensation they receive solely at their own discretion, and in some instances that may well include expenditure of a personal nature that assists that particular victim of crime to readjust to normal society.

The government is also of the view that a tribunal should not preclude a victim of crime or the family of a

victim from setting up a reward for information leading to an offender being captured or convicted, as has been well documented in the Halvagis case, where the family was precluded from pursuing compensation because they made it known that they intended to use the compensation for that purpose.

The government has a view, as I said, that victims of crime and their families should be able to spend the compensation as they see fit and appropriate.

Under the present act primary victims of crime can obtain financial assistance up to $60 000 for the payment of medical expenses, loss of income and other associated expenses. Secondary victims, who can include witnesses of a crime and members of the victim's family, are eligible to obtain compensation for such losses up to a maximum of $50 000.

The bill does not seek to alter those ceilings, but clause 6 provides that any special financial assistance — that is, compensation for pain and suffering; I use that term to assist members' understanding — will be in addition to those capped amounts. In effect, the government is increasing the pool of funds available to victims of crime and their families from the current ceilings of $60 000 and $50 000 respectively to allow additional amounts to be obtained by way of special financial assistance.

Prior to 1 July 1997 victims of crime were able to obtain compensation for pain and suffering up to a maximum of $20 000. Concern had previously been expressed — I can say this having been formerly a practising member of the legal profession — that the wide discretion available was leading to inconsistent decisions and awards being made by the Victims of Crime Assistance Tribunal. It was also difficult for victims of crime and their legal advisers to obtain any proper indication of the amount of compensation a victim would obtain if he or she pursued an application. The scheme the bill seeks to introduce in clause 7, which inserts proposed section 8A in the principal act, will introduce a level of compensation that is contingent upon two factors. The first factor relates to the seriousness of the offence, with higher awards being made for more serious offences, and the second relates to the impact on the victim. Obviously a higher award will be made to a victim who has suffered an injury as opposed to a significant adverse effect. I will speak more about that in a moment.

Mr Furletti sought to suggest that the amount of compensation being offered under this four-tiered approach where offences are categorised as A, B, C and D, with category A being the most serious type of offence, is paltry. I think he used the words 'paltry in nature'.

Hon. C. A. Furletti — I said that people who suffered serious injury could find it insulting.

Hon. JENNY MIKAKOS — I thank Mr Furletti for that. I am always keen to make sure that I get his exact words on the record. They are worth putting on the record!

My point was that Mr Furletti was indicating that the level of compensation was inadequate at the same time as he said the amount the government has budgeted for will be inadequate to meet the demand. He sought to illustrate that point by referring to averages under the previous scheme, which allowed for a discretionary cap of $20 000. I do not believe any kind of analysis can be made based on the previous averages, given that we will now have a system that prescribes a maximum award based on the seriousness of the offence and will take into account the level of injury suffered by the victim involved.

Hon. C. A. Furletti interjected.

Hon. JENNY MIKAKOS — There will be discretion, Mr Furletti, that is why a minimum and a maximum are set out in the bill.

The bill provides for four categories of offences and gives the tribunal a discretion to award compensation based on the seriousness of the offence. Whether acts of violence fall into category A, B, C or D will be prescribed by regulation, as will the maximum and minimum amounts of compensation.

The government has made it clear that it is committed to reviewing the adequacy of the award levels after the scheme has been in operation for a three-year period. Mr Furletti owes it to victims of crime to give the scheme a chance and see how it operates in practice.

In my view, the introduction of the categories will not trivialise in any way the seriousness of offences. Even where a victim of crime is able to pursue only a smaller amount of compensation under category D, the fact that he or she is able to pursue that compensation without the previous threshold of $200, which will be removed, is a validation to that victim of the fact that he or she has suffered a serious injury that is deserving of compensation by the community.

In addition to introducing this four-tiered scheme the bill also seeks to introduce a wider class of victim. Unlike the situation under the Kennett legislation, a victim of crime will not be precluded from pursuing

compensation because the offender has not been charged or convicted of an offence. The Victims of Crime Assistance Tribunal will be able, on the balance of probabilities, to award compensation where it comes to the view that an act of violence has been committed.

In addition, it will no longer be necessary for a victim of crime to prove injury. The concept of significant adverse effect that has been introduced in clause 5 of the bill seeks to add grief, distress, trauma or injury experienced or suffered by a victim as a direct result of an act of violence to the previously existing concepts of injury. In addition, the concept of injury itself has been expanded to include mental illness and mental disorder. By introducing the concept of significant adverse effect and by broadening the definition of injury, the government has ensured that a larger group of victims of crime will now have scope to pursue compensation under the legislation.

As part of its commitment to fiscal responsibility the government felt it was unable to make the legislation retrospective to 1997. However, victims of crime, where an act of violence occurs after 1 July 2000, will be able to pursue compensation for special financial assistance. Those victims of crime, where the offence has been committed before 1 July 2000, will still remain eligible to apply for financial assistance for things such as medical expenses and loss of income.

The one area where the government has decided to be more generous in terms of retrospectivity is childhood sexual assaults. Clause 20 seeks to recognise that there is an inherent delay in the reporting of crimes involving childhood sexual assault, and the legislation will allow children who have experienced sexual abuse after 1 July 1997 and children abused before 1 July 2000, where the alleged offender has been committed or presented for trial after 1 July 1997, to pursue special financial assistance. This exception to retrospectivity is highly warranted. From the number of public instances that have been documented in recent years honourable members will be aware that it is particularly traumatic for children to report those types of crimes and that they may only come to light many years after the event when a victim has become an adult and is able to face the reality of the traumatic situation in which he or she was involved and to report that matter. I commend the Attorney-General for including this exemption in clause 20.

Clauses 8 and 9 seek to insert proposed section 10A in the Victims of Crime Assistance Act. At the present time the principal act allows primary victims in exceptional circumstances to apply for payment of expenses that will assist them in their recovery. This payment of expenses is in addition to any entitlement they have to compensation for medical and other expenses. To date, such awards have been made to cover expenses such as the purchase of computers, the cost of holidays and the payment of educational and remedial courses.

I should add that such payments are made only in highly exceptional circumstances where the tribunal is satisfied that the payment will assist the victim to recover from the crime committed against him or her. The bill seeks to extend the exceptional circumstances entitlements to related victims affected, for example, by the death of a victim, and also to certain secondary victims, such as parents and guardians of child victims, but not to witnesses present at the scene.

Part 2 of the bill also contains a number of minor amendments. I shall refer to some of those briefly. Clause 11 removes the penalty for failure by a victim to notify the tribunal of other potential applicants. Currently, related victims are required to inform the tribunal within 21 days of making an application of the details of other potential applicants. A failure to do so results in the victim being liable for a penalty of up to $5000, which is a fairly harsh imposition to make on applicants to the tribunal. Clause 11 removes the penalty while retaining the notification procedure. In this way the tribunal is assisted in informing other victims of their entitlements without victims being under the threat of having to pay a significant fine for failing to comply with the current section.

Clause 17 seeks to remove the presumption that related victims have to bear their own legal costs. The current Victims of Crime Assistance Act creates a presumption that related victims bear their own costs. Such a presumption does not exist for other categories of victims, such as primary and secondary victims. Clause 17 removes this presumption so that all victims are treated in the same way for costs.

The final matter I wish to refer to under part 2 relates to the current provisions in the act that relate to public access to the tribunal's material. Currently, the Victims of Crime Assistance Act regulates how evidence and documents are presented to the tribunal and how such documents can be inspected and published. Clauses 15 and 16 provide that tribunal material should not be published unless the tribunal is satisfied there is a public interest in so doing.

The bill also seeks to address and regulate the manner in which documents on the tribunal's file may be inspected by members of the public. Under the proposed new section inspection by the public is

prohibited unless the tribunal orders that a document should not remain confidential, and where inspection is sought by a person other than the victim without the leave of the tribunal and the registrar believes the document should not be disclosed.

I now move to part 3 of the bill, which relates to amendments of the Sentencing Act 1991. When the Kennett government abolished the statutory right for compensation for pain and suffering, it also amended section 86 of the Sentencing Act to extend an offender's liability to pay victims for the harm that he or she caused. Liability at that time was extended from property damage to include liability for pain and suffering.

I am sure all honourable members will be of the view that offenders should in theory be held financially accountable for the harm they cause to their victims. However, in practice the matter is more complicated. I welcome Mr Furletti's congratulating the government for proposing amendments to section 86 of the Sentencing Act. To date, very few victims of crime have been able to pursue compensation or redress from offenders. The current operation of section 86 inappropriately places the onus on victims to pursue offenders for compensation, which puts them at risk of revictimisation.

Section 86 of the Sentencing Act is dependent upon defendants being successfully convicted of offences and being both capable and willing to pay the compensation pursued. The government is proposing to retain section 86 as an option available to victims. That option will be complementary to and not in substitution of a state-funded compensation scheme.

I note that clause 4 of the bill, which relates to the objectives of the Victims of Crime Assistance Act, states in new section 1(3) that:

> Awards of financial assistance … to victims of crime are not intended to reflect the level of compensation to which victims of crime may be entitled at common law or otherwise.

Under the proposed system victims of crime will be able to simultaneously pursue compensation through the Victims of Crime Assistance Tribunal and under the Sentencing Act. Clause 12 precludes the Victims of Crime Assistance Tribunal from staying an application from being heard because a civil proceeding or a related proceeding under the Sentencing Act is being heard at the same time. In effect, it requires the tribunal to hear a matter quickly so that victims of crime can get on with their lives.

The government has decided to make a number of alterations to the operation of the Sentencing Act to expedite the application and hearing processes for victims of crime. That will be achieved by extending to 12 months the current 6-month period within which victims' applications for compensation can be accepted. A further extension of time will also be granted where a court application has been made and the court believes it is in the interests of justice to extend an application beyond the 12-month period.

As I said previously, the definition of 'injury' will also be expanded to enable a broader range of victims to pursue compensation, not only under the Victims of Crime Assistance Act but also under the Sentencing Act. In addition, a wider range of documents and evidentiary materials will be admissible, including evidence from victims themselves, in compensation claims made against offenders. In addition, compensation will now be available to victims of crime for a wider range of matters, including medical costs and other expenses.

The government has decided to continue the current practice of having no ceiling on the amount that can be awarded under part 4 of the Sentencing Act. Victims of crime will be able to pursue the maximum compensation available under the Victims of Crime Assistance Act as well as pursuing, in theory at least, an unlimited amount of compensation under the Sentencing Act.

I congratulate the Attorney-General on yet again seeking to speedily introduce a bill that will implement one of the government's pre-election commitments. In doing so, he has allowed for a more than adequate process of consultation to occur with key stakeholder groups. The bill, which I hope the house will pass today, is a very good piece of legislation. The changes it proposes to the Victims of Crime Assistance Act and the Sentencing Act will not only assist victims of crime to attain just recompense for the loss and harm they have suffered, but will also assist them psychologically to validate their experiences publicly and adjust back into the community. I commend the bill to the house.

Hon. R. M. HALLAM (Western) — I shall report the National Party's reasoned response to the Victims of Crime Assistance (Amendment) Bill and indicate that the bill shall not be opposed.

The bill has two purposes: firstly, to amend the Victims of Crime Assistance Act of 1996 to enable primary victims to receive a monetary award for significant adverse effects and to increase the amounts that may be awarded to secondary and related victims in certain

circumstances; and secondly, to amend the Sentencing Act of 1991 to reform the process by which victims may recover compensation from defendants in criminal proceedings without having to resort to civil proceedings.

The major concept underpinning the bill is, we are told, a response to the Bracks government's commitment to reinstate pain and suffering as a basis for compensation to victims of crime. We are also told the bill reverses the decision taken by the Kennett government to specifically exclude pain and suffering as a basis for victim compensation under the Victims of Crime Assistance Act.

Honourable members should note that at the same time as the deliberate decision was taken to remove pain and suffering as a specific basis for compensation under the Victims of Crime Assistance Act, the Kennett government strengthened access to compensation under the Sentencing Act by allowing the courts to make compensation orders for the pain and suffering of victims where offenders were convicted.

From the National Party's perspective, the effects of the bill fall into two categories. The first category is a number of practical initiatives that go to the management and administration of victims of crime compensation in a general sense.

I acknowledge that victims of crime is a relatively new and evolving area of law that will need to be finetuned over time. The National Party acknowledges that the amendments to the bill are designed to assist questions of equity particularly regarding access to compensation and the practicality of its administration. On that basis, the National Party is happy to support the amendments.

However, the second category deals with those effects designed to deliver the Bracks government's undertaking to reinstate pain and suffering compensation as a separate and legitimate basis of compensation for victims of crime. Much can be said about whether pain and suffering is an appropriate basis on which to award financial compensation. That opens up the old debate of whether the community should differentiate between pecuniary compensation and non-pecuniary compensation, and about the rationale for any differentiation.

That is not a new debate for the chamber or for me because the house has dealt with that specific issue on several occasions, particularly regarding workers compensation where repeatedly the question arose about the appropriateness of awarding damages specifically for pain and suffering. I will return to that issue in the context of the 1996 amendments.

Much can be said about that fundamental issue, but even more can be said about whether the bill delivers on the commitment given by the Bracks government in opposition about returning pain and suffering as a specific basis on which compensation should be awarded. The second-reading speech describes the award as a tangible expression of the community's sympathy and concern.

That demonstrates that the government is at least tacitly acknowledging that the award is symbolic. It is reported that the honourable member for Richmond in the other place, who chaired the Attorney-General's review committee, went one step further and described the bill not only as symbolic but also as a token gesture. That is a long way removed from the commitment to reinstate pain and suffering as a basis for compensation.

I can do no better than go to the first paragraph in the second-reading speech of the Attorney-General in another place, where he states that the bill:

> … implements the government's election commitment to reinstate compensation for pain and suffering for victims of violent crime.

That is a bald statement of claim. When one turns to the way in which that reinstatement is to take place one discovers it is severely restricted and becomes a pale shade of the system that previously prevailed. Some of the claims made by the government become fanciful.

The National Party has misgivings about several aspects of the concept that underpins the bill. The government is obviously less enthusiastic since it has assumed the responsibility of office because the bill is a substantial step back from the previous undertakings given from the comfort of opposition. But for all that I acknowledge that compensation for pain and suffering was a specific election commitment. To that extent Labor has a mandate and the National Party believes not only that the government should be given the opportunity to implement its policies and promises but also that it is the job of those on the opposition benches to ensure that it keeps its promises.

The bill goes about half way towards achieving what the Labor Party undertook to do. Moreover the government is going in the wrong direction. However, the Labor Party won the right to manage the affairs of state and on that basis the National Party does not oppose the bill. I wish the Labor government luck in this instance. As the Honourable Carlo Furletti said, I give the government notice that the National Party will

also monitor the new provisions. I intend to remind the government of commitments made and comments made in this place today.

Much has been said about the Kennett government's 1996 decision to delete pain and suffering as a separate criteria under which compensation could be granted by the Victims of Crime Assistance Tribunal. The house has repeatedly heard that the previous administration was heartless, that the Kennett government lacked compassion and care and that it was driven too much by the bottom line. It is on the public record that the Attorney-General has described the decision made on pain and suffering in 1995 as outrageous. Before the Labor government completely rewrites history I shall recall some of the facts and issues the Kennett government faced in 1995 and 1996, which led to the 1996 amendments.

By 1995 every honourable member, every community observer and certainly every advocacy organisation knew that something had to be done with the old system, which was primarily based on the old Criminal Injuries Compensation Act. That legislation was breaking down. Many criticisms made of the system as it then operated were accepted across party lines; it is ironic that many of those criticisms are tacitly acknowledged today in the bill. I ask the house to recognise some of the real issues rather than retrospectively demonising the architect of the 1996 changes.

The then Attorney-General, the Honourable Jan Wade, pursued a number of reforms that were specifically designed to protect and recognise victims in the operation of the Victorian legal system. I put at the head of that list the issue of victim statements. Jan Wade is entitled to be congratulated on her foresight and tenacity as a legislator; she did not lack compassion and courage. She does not deserve the misconstruction of events now put forward as the justification for the bill.

I turn now to the recognised facts that were then generally agreed across the political spectrum. The first criticism was the recognition that the system was too slow. There is much evidence that the speed of the award system is critical to its success; that rule applies to any remedial package and underpins the transport accident and workers compensation systems. There is general acceptance that time is of the essence when it comes to devising a remedial package. The best way to address trauma is to act immediately or as quickly as possible; the recovery process must start as soon as possible. It is generally acknowledged that any delay in the implementation of a remedial package becomes a complication or a barrier to a victim's ultimate recovery.

Under the old victims of crime assistance system prior to 1996 many of the awards made, as the Honourable Carlo Furletti said, occurred two or three years after crimes had been committed.

In fact, I think more than 50 per cent of awards were paid more than two years after the date of the crime. We should all acknowledge that that was an absolutely hopeless situation. We had reached a point where compensation was considered quite separately from recovery. In other words, the test of whether the system was working became dependent on the dollar sign; the dollar became the measurement of community response rather then the extent to which that dollar had effectively contributed to the recovery. Thus a compassionate government had to do something about the time factor. That much was clear. Let the record show that the Kennett government did do something about that time factor. We provided for free crisis counselling available via a voucher immediately upon recognition of the claim. The first thing was the issue of timing.

The second criticism, which was accepted across the political spectrum, was that the process operating then was too haphazard in its format — it had become a lottery. Prior to 1996 the likelihood of compensation being awarded depended more upon the name of the lawyer whom the claimant consulted than the merit of the claim. The raw data was obvious. Only about one in four of those who were ostensibly entitled to make a claim actually did so. What does it tell us about the system when between 1994 and 1996 only about one in four of those who ostensibly qualified actually applied for compensation? The fundamental question that was raised at the time was: how could that be the case? The fact was that very few victims were advised of their entitlement; it depended on which law firm had been consulted and whether a law firm had been consulted.

Despite whatever else they might have done that has led to criticism today, the 1996 amendments saw the introduction of an automatic referral line. As soon as victims contacted the police they were advised of their entitlement regarding counselling and compensation, and the number of people accessing those services grew dramatically. Not surprisingly there was an exponential growth in the number of people applying. In my view that was a good thing on two counts: first, it overcame the fact that the majority of victims were missing out on existing services and entitlements; and second, the new system was providing access immediately so services become much more effective, particularly for those

who fell into the counselling category. We saw very clear evidence of greater access, and that hardly sounds like a government that lacked compassion. I suggest that the facts in that instance speak for themselves.

Thirdly, I will make some points about the extent to which the system was open to abuse. Much has been made of this aspect, and we have heard about the claims in respect of the red coat which, in my view, is nothing more than a red herring. There were many examples where compensation was granted in circumstances not contemplated in the design of the law. Mr Furletti has given the chamber a number of examples of that. Many successful claimants were clearly not blameless: many had contributed to the action that caused their injury. Examples were cited of several claims arising from the equivalent of a pub brawl where there were grave doubts that the injured and the compensated claimants were innocent bystanders, which was the inference in the original design. In many cases it was clear that those successful claimants were not just unfortunate enough to be in the wrong place at the wrong time. There was evidence of rorting and it did not go to the issue of how the claimant used the damages awarded — the so-called red coat example we see cited in the second-reading speech, a frivolous example.

We were much more concerned about how some of the claimants had the temerity to make a claim in the first place. To that extent the system had been held up to ridicule and had lost credibility in the eyes of the community. Members should remember, as we did then, that it was the community who was funding it. There were any number of genuine claimants in the system who witnessed the dubious claims going through the system at the time. Members can make light of it, but there was plenty of evidence that the system was being employed beyond the objectives originally intended.

Fourthly, and this, too, was uncontested at the time, the system had become too costly. I remind the chamber that in 1995 the Auditor-General did a report on compensation for victims of crime. He reported that the awards were running at the rate of about $100 million per annum. More importantly, he said at the time that the trend was exponential and he expected that unless changes were implemented the total value of claims would reach something in the vicinity of $160 million per annum by the year 2000. As proof of that he cited a 370 per cent increase in claims in the five years from 1998. We could not close our eyes to the facts of the system. It represented a substantial cost to the public purse and it would have been quite irresponsible to ignore the trend, particularly given the fact that the basic criticism of the scheme was that it was too selective and therefore unfair in respect of accessibility. We were determined to do something about equity of access. We did that and that is a recorded fact.

That meant that the impact on the public purse could be expected to rise dramatically. The question that arose then was whether, if we could overcome the issue of inequity in respect of access, we should automatically see the increase in the cost to the public purse as a mark of success or conclude that we had found a way to make the system fairer. We had overcome the lottery, that was clear. We had seen the services become more widely available and had seen the cost of services rise. The question was whether we could sustain the trends in respect of that system. Our conclusion was that there is no Santa Claus in government. We had to balance the rights of the claimant on one hand against the impact on the taxpayer on the other. It is all right to criticise and say we were only interested in the bottom line and that we should have been interested in people rather than the dollar sign, but that is a very cheap shot. As Labor will learn, in government someone has to count the cost of compassion. Whatever else is said about the Kennett government I do not think anybody could claim that it took other than a responsible view in respect of public finances and the stewardship of the public purse.

The irony is that in the very next breath the Bracks government is recognising the cost factor in the changes to the scheme. We are told in the second-reading speech that $45 million has been allowed over three years for the newly introduced classification of compensation under the heading ‘Pain and suffering’. We suspect that the actual cost will prove to be much greater than that. We are prepared to wait and see, but I ask the minister to explain the differences that I believe are inherent in the figures quoted in the second-reading speech. For instance, we are told as justification that retrospectivity could not be afforded that:

> Before the changes in 1997, awards for compensation and costs amounted to between $40 million and $50 million each year.

On that basis:

> It would be too heavy a burden to impose such a three-year liability upon the community today.

So here is a government saying it would cost between $40 million and $50 million a year — that is the way I read it, each year — and yet we are told that by some stroke of a miraculous pen the reinstatement of compensation for pain and suffering can be funded through a staggered allocation of $45 million over the next three financial years. It seems to me to be a

fundamental mistake in the costing. On that basis if no other I put the government on notice that the Opposition parties will be watching carefully the operation of the expanded scheme.

I note the decision to not backdate the changes over the three years that the current regime has been operational. Honourable members are told again in the second-reading speech that the constraints on funding are tighter than they have ever been. The precise quote is:

> Given the work ahead of us in rebuilding Victoria —

I should put '[sic]' there —

> the constraints on funding are tighter than they have ever been.

I wonder where the minister has been. I might also say that it is interesting to see that the government has discovered fiscal responsibility. But what a difference a day makes, particularly if it is the one that has seen the government change hands! It is a bit rich that the Bracks government is blaming the Kennett administration for the decision to not backdate, particularly as the former government has just left a massive budgetary surplus in the path of the incoming government. I consider it appropriate to compare that with the position that confronted the then government in 1996 when it was still cleaning up the horrific mess left after the last Labor administration.

But honourable members are told by way of justification that the liability for funding retrospective claims rests with the community, that there is no particular section of the community that can be milked — that is the inference that can be drawn — as applied to workers compensation where the employers of the state were seen to be fair game.

My question is: what is the point in saying that the retrospective claims rest with the community? I would have thought that this is public funding and all the claims rest with the community. I do not see much difference between offering a retrospective claim and offering one in the future. I wonder what school of economics Labor members attended. This is a publicly funded system and I cannot see why the government should offer that explanation to justify the decision to not retrospectively change the rules. I am not arguing for retrospectivity but I think it is a hollow justification to say it has to be funded by the public purse, that the government cannot afford to go back, and, 'Retrospectively we would love it but it is the fault of the Kennett government'. What arrant nonsense!

On the issue of costs, I turn to that last factor that drove the need to review what was the scheme in 1996. I make the point that the Labor Government is effectively reinforcing today the very concern that ultimately determined the then government's position in 1996 to the extent that honourable members are now seeing restrictive parameters on the new pain and suffering component that is euphemistically called 'special financial assistance'. I note there is a maximum of $7500 in the worst and most heinous of crimes. For the vast majority the awards will be substantially less, and perhaps as little as $100 given that that threshold is nominated in the lowest category of crime. I also note that the victims will be able to obtain compensation without having to prove an injury, so I suspect that there will be many awards at the lower end of the scale.

I find it interesting and a reinforcement of the very issue the then government confronted in 1996 about the appropriateness of offering compensation for pain and suffering to see the classifications now being attempted. One can therefore conclude that the reintroduction of compensation for pain and suffering is absolutely symbolic. I prefer the description of 'tokenistic' used by Mr Wynne, the honourable member for Richmond in the other place. I saw the description in the second-reading speech that here was the opportunity to have suffering validated by the state. That is clearly tokenism.

So much for the strident criticism directed at the Kennett government's decision of 1996, and so much for the description that the legislation was outrageous. I make the point that here is the chance for the Bracks government to review and reverse the 1996 changes. The bottom line is that the vast majority of the reforms that were introduced under the Kennett government in 1996 have been retained, and that is hardly consistent with the notion that they were outrageous.

The final factor that underpinned the 1996 changes was the basic question of whether it was appropriate to award public funding to victims of crime as compensation for pain and suffering. I recall the debate well because it was across the community, across party lines and in the chamber and many associated issues surfaced as a result of that debate. I make the point that pain and suffering by definition is subjective and almost impossible to measure objectively.

That raises the basic question of how one is to compensate for pain and suffering, because the impact will vary dramatically between individuals. I note, as did Mr Furletti, that in respect of the award between the minimum and maximum nominated in the bill there is absolutely no assistance offered to the tribunal as to

how the award should be made and how the assistance should be assessed. The Bracks government may well come across exactly the same issues that confronted the former government in 1996. To this point the issue has been dodged. All the government has said is that these issues shall be resolved by regulation, so it has not addressed the hard issue. When it comes down to the crunch someone will have to say what the entitlement is in a particular instance and how that assessment is to be made, because by definition it is personal and cannot be objectively measured.

Are we to see awards increased because some particular claimant is better at describing the injury? Are we to see awards vary because one particular claimant is less able to cope psychologically? I will bet that someone will come up with a solution that to overcome the inequities that will inevitably arise in respect of the awards, they should be standardised. The vagaries of the assessment on an individual basis will be taken out. I suspect that the debate will turn full circle.

At the end of the day should it really come down to how the claimant is able to describe his or her pain and suffering or how clearly that pain and suffering is described by a third party? There are many other issues of potential inequity; and anyway, the concept of being compensated for pain and suffering will logically tend towards the victim maximising and perhaps even exaggerating the injury. That is not something that I enjoy describing but it is a fact of life. When you open the door to a claim for compensation that depends on how badly you say you have been injured isn't there a natural tendency for claimants to want to maximise the award made?

It is inconsistent with the notion that compensation is meant to be taking them back to their circumstances so far as possible before the incident. We may undermine the recovery process by superimposing pain and suffering compensation over the whole process. That may be putting too hard a view on it, but it comes from experience in the field. The return to pain and suffering compensation, albeit well meaning, may come back to bite the Labor Party hard. That may not be fair on some who are caught up in the process. I can say with some sureness that the allocation of public funds for pain and suffering for victims of crime will not guarantee certainty or assist the recovery process. Against that background I suggest that the community may not be convinced that it is getting good value for its investment.

When in government the coalition took the position that there was no guarantee that public funding allocated to compensate for pain and suffering would be a smart investment. The issue will return and will become more expensive for the public purse than first anticipated by the Bracks government. For all that, we acknowledge that the concept of reintroducing pain and suffering as a compensable factor for victims of crime was a specific commitment of the Labor Party, and on that basis the bill will not be opposed.

The fundamental reasoning behind the National Party's position goes to the mandate theory, upon which I am not certain governments should rely, but in this case Labor told the Victorian community that it was committed to the reintroduction of compensation for the pain and suffering of victims of crime, and the rub is that the compensation is so heavily restricted. In any event, we are yet to see the regulations that will determine the precise nature of the awards. There has been some fast footwork rather than the delivery of a specific commitment.

I suggest that those who supported Labor on the basis of this commitment should be more unhappy with the bill than members of the Liberal and National parties. It is not because Labor has reintroduced pain and suffering compensation but rather the extent to which it has not met the specific commitment. I read the protestations of Labor members in 1996, when they were in opposition, and I relived the strident criticism and saw the graphic undertakings given prior to the last election. I suggest all Labor Party members in this chamber should be embarrassed because the bill makes nothing like the changes they promised from the comfort of opposition.

When all the tumult and the shouting dies down, this legislation is a Clayton's return of pain and suffering as a compensable basis of compensation for victims of crime. Four categories have been introduced over which compensation for pain and suffering is claimable ranging from a few dollars to a maximum of $7500 for the most heinous of crimes and demonstrable harm.

I make the point, as I did by way of interjection during the Honourable Carlo Furletti's contribution, that there was no restriction on pain and suffering as a component of compensation entitlements under the previous regime. I cannot find any circumstance where pain and suffering as a head of compensation within the aggregate was restricted. It is clear that the return of pain and suffering in this case is tokenistic, and it reminds me of the pup that was sold to the unions on the return of common-law access in workers compensation claims. Here we have Labor on the tightrope, on the one hand addressing the grandiose promises recklessly thrown around from the comfort of opposition and the need to deliver to those to whom

those promises were primarily directed and from whom support was drawn, while on the other hand addressing the other side of the coin, the overall public commitment to financial responsibility.

If only governments could be all things to all people, but they cannot. Labor should get ready for the chickens to come home to roost. The bill shall not be opposed.

Hon. M. T. LUCKINS (Waverley) — The Liberal Party does not oppose the Victims of Crime Assistance (Amendment) Bill but it has grave reservations about how the amendments will be applied. I take personal exception to the expression 'symbolic', as did the Honourable Roger Hallam and other members. The honourable member for Richmond in the other place used the word 'tokenistic'. As he was the chairman of the committee that came up with these recommendations, I find that very interesting indeed.

Proposed section 1(2)(b) states that one of the objectives of the bill is:

> to pay certain victims of crime financial assistance (including special financial assistance) as a symbolic expression by the State of the community's sympathy and condolence for, and recognition of, significant adverse effects experienced or suffered by them as victims of crime …

It goes on to say in proposed subsection(4):

> The scheme provided by this Act is intended to complement other services provided by government to victims of crime.

Other honourable members have outlined the previous scheme introduced in 1996 by the Kennett government. I have had to sit here and listen to the former Attorney-General, Jan Wade, being shoved from pillar to post, and I have certainly taken great interest in the debate that took place in the other place.

I shall indulge myself for a moment and reflect on some of the wonderful things Mrs Wade did, particularly for women in this state as Minister for Women's Affairs and Attorney-General. She recognised that 90 per cent of victims of crime are women and over many years she made a number of changes to the way justice is accessed in Victoria. She introduced victim impact statements, which allow the victim to have his or her day in court and to provide a statement about how he or she was personally affected so that the judge, the jury and the accused in court are fully aware of the impact the crime had on that victim.

She also introduced the Crimes (Confiscation of Profits) Act, which for the first time allowed the profits from all crimes to be confiscated from a convicted criminal and used by the state to compensate the victims of those crimes.

She also introduced videoconferencing for victims, which was very, very important for women, particularly for women who had been in intimidating situations or who had been sexually assaulted by someone in a domestic or community setting. It was also an important change for children, because it allowed them to be interviewed in a non-intimidatory environment.

The original legislation, the Criminal Injuries Compensation Act, to which Ms Mikakos previously referred, was introduced in 1972 by a Liberal government. Like the Honourable Roger Hallam, I am sick and tired of hearing about the care and compassion of those on the other side of politics. This side of politics has demonstrated its compassion and care over many years and throughout generations of politicians in this place. This government does not have a mortgage on care and concern for the community. The former government demonstrated more compassion because it gave people the opportunity to better their lives and stop feeling like victims; they were encouraged to reach their full potential.

The 1996 Victims of Crime Assistance bill was a multipronged program and scheme devised to provide real assistance to victims of crime and to those who witnessed crimes and were affected by them, including family members or friends of the victims. In cases where fatalities occurred, legislation was introduced to maximise the potential for victims' recovery from the psychological and physical effects of violent offences.

It should be noted that under the old system on many occasions victims of crime had to wait for long periods — months or even years — to have their day in court. During that time no counselling was available to them. Medical research backs up the assertion that if treatment is not provided to victims very soon after the commission of a crime, post-traumatic stress disorder can result.

It is not certain that monetary benefits for victims of crime for pain and suffering do anything to alleviate feelings of grief and of being victims. For that reason the objective of the 1996 legislation was to provide appropriate services for victims to facilitate their recovery. As soon as a crime was reported to the police, the police would either distribute a voucher to that victim or provide the telephone number of a victims' referral information service so that that person could be put in touch with people who could help to immediately work through the trauma.

Wherever practicable convicted offenders were made to pay for the harm they caused to the victims of crime. The procedures in the criminal justice system provided a quick and economical means to redress the harm suffered as a result of the offenders' criminal conduct. The provision of immediate counselling was one of the greatest strengths of the still-existing system. I note that when in opposition the shadow Attorney-General, Mr Hulls, was vocal in 1996 and again in 1997 when the Victims of Crime Assistance Act was amended. He was very vocal about the fact that the existing system put in place by the Kennett government was somehow flawed. It is interesting to note that every aspect of the legislation introduced by the previous government has been retained by the new Labor government.

In opposition Labor certainly gave the impression that if it won government — Labor members did not plan to be in government and that is becoming more and more obvious all the time — victims of crime would receive great amounts of compensation for pain and suffering. I believe the compensation offered in the bill adds insult to injury for victims of crime.

The previous government also introduced the victims of crime referral service to provide assistance to victims of crime throughout Victoria. It was aimed specifically at the migrant community, the elderly and women.

An article in the *Herald Sun* of 2 December 1997 entitled 'Victim support service' quotes Mr Barnett from the Victims of Crime Assistance League (VOCAL) and states:

> Elderly crime victims are among those most likely to benefit from a new network of victim support services to be set up next year.
>
> Victims of Crime Assistance League president, Mel Barnett, yesterday said the service would help many victims who were not catered for.
>
> VOCAL has been awarded a state government tender of $450 000 to establish the program throughout the metropolitan area.
>
> …
>
> Mr Barnett said the arrangements would be 'a major move towards servicing the 95 per cent of victims who've got no assistance previously'.

That referral service worked, and it assisted the most isolated people in the community.

The previous regime also included what I term proper compensation for primary, secondary and related victims. In her contribution the Honourable Jenny Mikakos took ownership of the compensation available and even implied that somehow that scheme of compensation formed part of the bill. It does not. It is retained in the previous system set up by the Kennett government.

I will be in this place for a fair while and I hope by the time I retire — more particularly during this term because I hope members opposite are not still in government when I retire — I will hear the Bracks government acknowledge something done by the previous government as good, wholesome and compassionate for the community.

Under the 1996 legislation primary victims were eligible for assistance of up to $60 000, and that included counselling additional to the counselling already provided to them through the other scheme. It included payment of medical expenses and other expenses to assist the victim's recovery in exceptional circumstances. That could be seen as a pain and suffering component, because it was up to the tribunal to decide the exceptional circumstances and the additional payments. Primary victims of crime were also eligible for payments for loss of income up to $20 000.

A secondary victim is a person who witnesses a crime or a parent of a primary victim where the primary victim is a child who suffers an injury. Secondary victims were eligible for assistance of up to $50 000. Related victims were eligible for part of a pool of funds of $100 000, and an individual related victim was able to receive up to $50 000.

Those initiatives were introduced by the previous government, and for all the protestations of the now Attorney-General when he was in opposition, with the responsibility of government and some good advice from government bureaucrats he has decided that he likes the scheme and he admits that it is working well.

For an explanation of why the pain and suffering component was removed in 1996 I refer to an *Age* article of 11 November 1996 entitled 'A better way to help victims recover' by Jan Wade. Because Mrs Wade is not here to answer for herself as to why she removed the compensation, I will quote the article to justify her position. It states:

> Compensation for pain and suffering only indirectly assists a victim's recovery from the crime. Medical research suggests that while these payments may benefit victims, compensation does not alter later symptoms of psychological suffering.
>
> Further, while it is argued that there is symbolic merit in payments for pain and suffering, the amounts awarded do not reflect the victim's suffering and injury. In fact, some victims have described the amounts as insulting.

I now turn to the compensation being offered by the government for pain and suffering. Categories A, B, C and D go from $100 in category D for an average assault up to $7500 for a heinous crime or a particularly violent rape. Many victims of crime, and in particular rape victims, feel an additional burden because many in society do not accept their physical and mental pain. Rape is sometimes seen as a lesser crime.

We have some way to go before rape victims gain from the community the respect and support they need. Sexual assault victims I have spoken to often say that they feel of less value or worth after the crime. To be offered between $3500 and $7500 may be considered paltry in that category. It may lead to additional psychological trauma because they think society deems them worthy of only that amount and therefore they must be worthless. It is fine to have a token gesture, but I question whether the millions of dollars of community funds that will be spent on the reinstatement of pain and suffering as a component of compensation is the best way to spend that money. I do not believe the compensation for pain and suffering will ease the pain and suffering of the majority of victims of crime. Indeed, many victims of crime will continue to feel like victims — powerless, threatened, insecure, unsafe and vulnerable — unless they get the psychological help and support of their families and friends and the understanding of the community immediately after the crime has been committed.

The psychological trauma suffered after a crime does, when swiftly treated, diminish and is proven to diminish, enabling the person to get on with his or her life. There by the grace of God go all of us with violent and particularly spontaneous crime. A split-second or seemingly spontaneous act will have an effect on the mental health of a victim and that person's ability to work and to interact with his or her family and friends. The best support you can give to a victim of crime is psychological support to enable him or her to get over the trauma.

I refer to a victim of crime mentioned in an article in the *Herald Sun* of 22 March 1998. The article is entitled 'Hold-up puts a life on hold'. I will not mention the person's name, but he was held at gunpoint and pistol-whipped while working at a South Melbourne tramway depot in 1994. The article states:

> The burglary and attack caused minor physical damage, but the psychological trauma is constant.
>
> 'It just keeps going through my head', he said. 'I can still see his head and hear the clicking sound of the gun …

He rarely leaves his house and he never opens the windows or answers the telephone or the door, which remains locked. He has developed a damaged neck from the strain of constantly looking over his shoulder on the rare outings he has with his children. He is seeing a psychologist and has been doing so since the crime. Regardless of how swiftly this man was treated after the crime he is still suffering from post-traumatic disorder. What sort of compensation would he get under the scheme? The crime may be seen as just another assault, which would mean he would be awarded $100, which would be nearly enough for him and his family to go to a pub for a Sunday lunch or dinner.

Hon. C. A. Furletti — It would be a small family.

Hon. M. T. LUCKINS — It certainly would not be my immediate family. In that case the man would not receive any benefit from the paltry pain and suffering payment. He would not feel any better after what he has been through and, as with a victim of rape, he might feel it has devalued the experience he suffered.

They are some of my concerns about how the amendments will affect the community. There is an excellent booklet available for victims of crime that sets out what to do in the case of a crime against you, a family member or a neighbour. It describes how to obtain counselling, what to do when you go to court and how to make a victim impact statement. The booklet has been widely available through community offices and councils for many years, certainly since 1996. I am proud of what the Kennett government achieved in this area. I am confident it did the right thing in introducing the full package in 1996.

From my personal experiences as the patron of the Bonnie Babes Foundation, which deals with a different area of grief — miscarriages and stillbirths — I know that the quicker people who have been traumatised gain assistance, advice and psychological support, the better. If I were a victim of crime — again, thank God that no-one in my immediate family, which is substantial and now has 23 members, has been involved in a violent crime but it could happen at any time — I would not feel adequately compensated by a payment of between $100 and $7500. I would expect the support I needed to get on with my life so I would not have to feel like a victim for years after the crime has been committed.

As I said at the outset, the Liberal Party does not oppose the bill, but it has grave reservations as to how the amendments will be applied. I wish the bill a speedy passage.

Hon. R. F. SMITH (Chelsea) — I support the Victims of Crime Assistance (Amendment) Bill. The proposed amendments are the result of many hours of work by the review committee. I would like to read into the record the participants in the review: the Department of Justice, including the Victims Referral and Assistance Service and the Asset Confiscation Office; the Magistrates Court; the Victims of Crime Assistance Tribunal; the Office of Women's Policy; the Victoria Police; the Office of Public Prosecutions; the Community Council against Violence; the Federation of Community Legal Centres; the State Victims Assistance Program Network, Crime Victim Services of Geelong, and CASA House. Membership also included Crown Counsel, a senior lecturer from La Trobe University and an adviser to Mr Russell Savage, the Independent in the other place.

The review committee was so extensive that it is almost impossible to suggest that anyone was denied access or was not represented on the committee. It reflects the Bracks government policy of full consultation on these matters.

I need to explain why the government proposed the amendments to the Victims of Crime Assistance Act. Not only was it a policy that the Labor Party took to the last election and committed itself to, but it was necessary to reinstate the compensation for those victims, it having been removed by the previous government. The Kennett government had the view that it was not necessary or appropriate to compensate people with cash. Indeed, the former Premier was reported in the media as saying that it was inappropriate for them to be compensated with cash because victims of crime would spend their compensation on holidays, perhaps buy red coats or pay off some of their children's debts. I thought to myself when I heard that, so what! Surely people can do whatever they like with the compensation. It is the government's view and my view that they should do just that.

That indicates the mind-set of the previous government: 'No, don't give them any money. They don't know what to do with it, so give them nothing!'. As I said, the government made it clear that it would reinstate compensation because it believes it is important to demonstrate to victims of crime that it cares and recognises their pain and suffering — even if it is symbolic, as some people suggest.

I have heard previous speakers talk about the rorting of the system. I am not suggesting for one second that I do not believe any rorting took place; I dare say some did. However, it is unacceptable to use that as an excuse to deprive the genuine victims. I have been approached by a member of the Liberal Party on this issue who said he knew of examples of people from the Aboriginal community taking it in turns to seriously assault each other and putting each other in hospital, being found guilty, and the victim collecting compensation. Some time down the track it would be the other person's turn. I think that is outrageous. I asked for evidence but there was none forthcoming. It was basically hearsay and again goes to that mind-set, which is unacceptable to the government.

The real issue is: is it reasonable for society to recognise victims and compensate them in some small way for their pain and suffering? The government's position is clearly yes. If compensation is given, what award or levels should apply, and in what circumstances? The bill contains four categories — A, B, C and D. Category A covers offences such as rape and incest and has minimum award compensation of $3500 and maximum of $7500; category B covers kidnapping, armed robbery, et cetera, and has minimum compensation of $1000 and maximum of $2500; category C covers indecent assault, attempted rape, et cetera, with a minimum of $500 and maximum of $1000 compensation; and category D covers offences such as assaults and threats, with a minimum of $100 and a maximum of $500 compensation. Those amounts are by no stretch extravagant and again demonstrate that we simply need to recognise that those people have been injured in some way. It is not the full amount of compensation they could claim anyway.

The issue of retrospectivity has come up again, and clearly the government's position is that no retrospectivity will apply for people who were victims during the period from 1 July 1997 until now. However, they will still be eligible to apply for financial assistance — for example, medical and counselling expenses and loss of income. The real fact is that the government simply could not afford to back pay three years of claims with all the associated problems, in much the same way as occurred with Workcover.

It is fair to say that the previous government was cold, uncaring or misguided in the way it removed provision for compensation for pain and suffering. The Bracks government promised to reinstate compo. The bill does that, and I commend the bill to the house.

Hon. B. W. BISHOP (North Western) — I will make a few brief comments on the Victims of Crime Assistance (Amendment) Bill. Many honourable members have already spoken on the bill and there are a number to come, and most of the technical issues in it have been covered. Before I commence my comments I

express my concern about the political nature of the second-reading speech. In my time in this house I have not seen one that is so blatantly political. My understanding is that the second-reading speech should explain in everyday terms the absolute intent of the bill. It is a privilege the government and the Parliament have, and they should take note of that. I believe it is an abuse of the house to have a political slant displayed in the second-reading speech. There are plenty of opportunities for that to come out in the debate that follows the second-reading speech.

I note the objectives that are outlined in the second-reading speech. I will read them, as they are admirable. The first is:

> equity of access to fair compensation …

which is very good. The second states:

> predictability and consistency in decision making, to assist the victims and their advisers to determine the amount they might reasonably expect to obtain from the tribunal …

The third objective is:

> simplicity and accessibility to those administering the scheme and to those seeking benefits under it …

The final objective is:

> fiscal responsibility to enable the scheme to be sustainable and capable of being administered within its budget.

The last objective is pertinent and should be recognised.

I took some time to examine the history of the Victims of Crime Assistance Act. From memory, I think it was introduced in 1996 but came into effect on 1 July 1997. It is important for the house to note during the debate today that the primary thrust of the originating bill remains — that is, a strong attempt to get help and assistance to victims of crime quickly, which is most important. The originating bill certainly had that thrust in it, and I am glad to see that primary thrust has been followed through with the amendments in this bill.

As we talk about this particularly sensitive issue it is important to note that the legislation is an attempt to treat victims of crime as fairly and equitably as possible. Without doubt the previous government made that attempt, and I believe earlier speakers have explained that clearly to the house.

I clearly remember the Auditor-General's report in 1995. In the report the Auditor-General — the independent umpire of the state, if you like — stated that over the five years from 1995 to 2000 the cost of criminal compensation allocated from that process would be about $630 million, which is a lot of money. In other words, the system was generating payments of about $100 million a year, and by the year 2000 could reach about $160 million. If my recollection is right, and I believe the Auditor-General's report raised some concern about this aspect, it means more than half the payments made to victims of crime — the people we are all concerned about — were for offences that were more than two years old. In fact, some were more than three years old.

It is clear from my research into the trauma experienced by victims of crime that all compensation, in whatever form should be provided as quickly as possible. When victims of crime receive compensation in dribs and drabs it brings back their terrible memories, and they do not want to be reminded of the crimes. Compensation can take many forms — for example, it can be for the payment of counselling expenses or to make up for the loss of salary forgone. Whatever form it takes, it needs to be made quickly, or it can have a deleterious effect on the unfortunate victim of the crime.

I noted from my research that before the Victims of Crime Assistance Act took effect in 1997, the level of community understanding of the victims of crime compensation system was low. Most victims did not know of or were not sure about what the system offered. That lack of understanding may have been one of the reasons for the delays of up to three years that sometimes occurred in compensation payments. My research also revealed that in 1995–96 the number of offences committed that could have led to compensation claims was 31 000 — a huge number — but only about 8500 people applied for compensation. I was concerned about those figures, and concluded from my research that the reason for them was that those who knew about the system applied for compensation and those who did not know about it did not. I do not know whether those who applied knew lawyers or solicitors or had contacts such as counsellors who steered them in the right direction, but I do know that those numbers are not fair and equitable. The act that was put into place in 1997 provided equity and fairness in those circumstances.

I then looked at the figures for 1998–99, when almost 36 000 victims of crime requested help with and information about compensation. One has to ask why that big jump in numbers occurred. I believe one reason was that under the procedures then in place the police informed victims of crime with whom they came in contact what they could do about receiving compensation. I have no doubt that those victims were traumatised and looking for help, and that information

was given to them at a time when the events were fresh in their minds and they were able to act on it.

It is true that the right to claim compensation for pain and suffering was removed in 1996. However, to be fair members of the government should recognise the wide range of substantial changes to provisions that were contained in the 1996 bill, including provision for primary, secondary and related victims. The bill also provided for a strong element of counselling, which was an important issue for victims of crime who were looking for help. I again make the point that while monetary compensation is always helpful, often what victims of crime seek and need the most is counselling to ensure that they can recover from their traumatic experiences. The 1996 bill also provided for the payment for loss of earnings, which is important in today's world, particularly for victims of crime who lose earnings through no fault of their own. The bill also provided for compensation for other losses reasonably incurred to be claimed.

The fundamental changes made by the Victims of Crime Assistance (Amendment) Bill are contained in proposed section 8A(5), which inserts four new categories of special financial assistance — categories A, B, C and D — in the form of a table that sets out the amounts applicable to each category of claim. I will not go through that table because it has been well covered by previous speakers.

I note with interest that proposed section 8A(6) allows flexibility within those categories in the awarding of such payments. The Honourable Roger Hallam mentioned that the bill results from a pre-election promise made by the Labor Party which it is now putting in place. I also note from the second-reading speech that the government has allocated $45 million as compensation to victims of crime to be staggered over the next three financial years. I suspect that the best intentions of any government would be to guard against a future blow-out in the allocation of that money such as was occurring in 1996. I urge the government to keep a close watch on the trends as the application of the new system starts to bite.

All honourable members feel for victims of crime. However, as I read through the bill and look at the amounts I cannot help but think, whichever way I look at it, that it is simple tokenism. Victims of crime want a bit more than a symbol, as referred to in the second-reading speech. I have been fortunate not to have been a victim of crime. However, if I were, I would not be very impressed with mere symbolism. I would want all the help I could get as quickly as I could get it. I hope I am not being too cynical. I certainly would not be interested in the symbolism or tokenism that I see in the bill and have heard mentioned by honourable members during the debate. People who find themselves in the traumatic situation of being victims of crime need counselling and some financial compensation as provided for in the bill. However, I believe the tokenism that it also contains is unfortunate, given the hue and cry of the current government's pre-election promise.

I congratulate the government on having made provision for children in the bill; it is a worthy inclusion. The structure and philosophy of the 1996 originating bill remains unchanged — that is, that victims of crime should be given assistance as quickly and as humanely as possible to ensure that they get over their traumatic experiences.

The main change proposed by the bill is that the government has honoured its pre-election commitment and restored the right to claim compensation for pain and suffering. I do not oppose the bill.

Hon. A. P. OLEXANDER (Silvan) — It gives me pleasure to contribute to debate on the Victims of Crime Assistance (Amendment) Bill. The bill deals with an important and serious issue for Victorians who have suffered or continue to suffer as victims of crime. In doing so I acknowledge the fine contributions that have already been made by members of the Liberal and National parties. Both parties have an abiding commitment to assist in every way possible those Victorians who, through no fault of their own, find their lives and the lives of those closest to them disrupted and negatively impacted upon by criminal acts.

The opposition has resolved not to oppose the bill because although it builds on many of the excellent initiatives taken by the previous Attorney-General, the Honourable Jan Wade, and the previous coalition government, significant aspects of the legislation cause the opposition serious concern and misgivings, mainly about the direction in which the government is heading.

It is important to review some of the history relating to crimes compensation in Victoria because one never knows when a government may choose to change history. The house has heard in this debate and has read in debate in the other place how history is being changed.

In 1972 a Liberal government introduced compensation for crime victims under the Criminal Injuries Compensation Act. That covered expenses that were actually and reasonably incurred as a result of death or injury, pecuniary loss as the result of the inability to

work and other pecuniary losses including the loss of dependants of victims. The maximum sum prescribed in that legislation for pain and suffering was $3000. In 1972 not much was understood about the real impact of crime on victims and not much thought or effort was put into that area by government. Even so, minor amendments to the legislation were made in the 1980s by the then Labor government. The amendments were largely inconsequential and simply sought to build on the original legislation.

A visionary and groundbreaking change occurred in 1996 when the coalition government changed the focus completely. It concentrated on responding to the real needs of victims of crime. It was the product of a concerted government effort, working hand in hand with the community and professionals in the area. In her second-reading speech on the Victims of Crime Assistance Bill *Hansard* of 31 October 1996 records the then Attorney-General, Jan Wade, as having said:

> The government wishes to change the focus of criminal injuries compensation in Victoria by developing a scheme which is far more responsive to the needs of victims. Over the years a perception has developed that the needs of offenders have received a higher priority than the needs of victims. The government will address this perceived imbalance, in part through the creation of the victims of crime assistance scheme. The bill is an integral part of the scheme.
>
> The scheme will include:
>
> > …
> >
> > immediate counselling services for victims (to be known as the victims counselling scheme); and
> >
> > the establishment of the Victims Assistance Agency, which will refer victims of crime to appropriate services and coordinate resourcing of those services. There will also be an extra $2 million per annum to fund specific victim support projects.
>
> It is important to note that the scheme and the agency will operate within the context of many other valuable services provided to victims by government, both state and commonwealth, including Victoria Police and a variety of non-government bodies and individuals throughout Victoria.

Today the house is debating a bill, which, in true Labor style, tinkers at the edges of what was then a real and important reform in a crucial area. The bill does not contribute anything new to the process of victim compensation in Victoria.

History has shown that before and since 1972, honourable members have tried to come to grips not only with what constitutes adequate compensation — I emphasise the words 'adequate compensation' — for crime victims, but most importantly they have grappled, and the house today is grappling, with what constitutes the most relevant and appropriate form of government response to victims and their families.

For its part, the opposition strongly believes the objective of government should be so far as possible to restore victims of crime to the situation that prevailed before the crimes were committed. The opposition acknowledges that to a small degree, that involves money and financial payments, but to a larger degree it strongly believes any such restoration must involve support services that address the fear, anxiety, trauma and other human and psychological issues that debilitate many victims of crime and often prevent them from re-entering society. That is the opposition's primary purpose in debating the bill.

I refer to an article by Carolyn Webb in the *Age* of 10 September 1999 entitled 'Minister: don't forget victims'. The article is instructive and government members should pay attention to the federal minister's comments on the issue. It states, in part:

> The criminal justice system had much to learn about the impact of crime on victims, the justice minister, Senator Amanda Vanstone, said yesterday.
>
> …
>
> Senator Vanstone said victims could suffer financial loss, property damage or injury. Less obvious, but often just as devastating, were psychological wounds.
>
> 'Even relatively minor crimes like burglary can cause us shock, confusion, helplessness, anxiety, fear and depression', she said.
>
> …
>
> In the longer term, many victims no longer felt safe, and commonly saw themselves as weak or helpless, needy, frightened or not in control.
>
> Senator Vanstone said there was a societal trend towards 'restoration' of victims of crime, which she believed could help 'many, many more victims than could ever be compensated for by dollars'.
>
> Academics define restoration as a holistic approach, involving recognising victims' rights, community support and involving them in the legal process.

The act Jan Wade left Victoria introduced groundbreaking reforms and addressed the very issues that the federal minister referred to in that *Age* article. Speedy resolution was one of the biggest reforms of the new Victims of Crime Assistance Tribunal. It has been well canvassed in the debate that people waited for two or three years for restitution, thereby detrimentally impacting their recovery and re-entry into society.

In the original legislation Jan Wade provided for access to immediate counselling services for grief and trauma to be available to victims through a voucher system or through a help line, which would subsequently refer

victims to those services. Jan Wade also built a greater awareness of the support services through the then Victims of Crime Assistance Agency and its associated help line, which had never operated before in Victoria. She introduced that reform because the overwhelming evidence was that most victims of crime did not appreciate that they were entitled to assistance in the first place. The vast majority were not taking up any of the offers of assistance then on offer by the government.

As has already been well canvassed in this place, Jan Wade also established the primary, secondary and related victims categories and gave victims access to funds designed to restore them in practical and important ways. I will not go through the definitions of those categories because other honourable members have already done so.

As I said, the Labor government seems content merely to readjust the settings on a machine that has already been built — and built by somebody else. It always likes to beat the drum loudly and claim the moral high ground on social reform. Everybody knows that the Labor Party in Victoria is an imposter on social reform and as every day passes, more Victorians realise that fact.

The bill extends compensation to victims of crime on the basis of a significant adverse effect. That may include grief, distress, trauma or other forms of injury in various circumstances. It is important to recognise — this is where the debate seems to hinge — that the bill reintroduces compensation for pain and suffering under the victims of crime scheme.

Compensation at the top end of the scale is $7500 and at the bottom $100. Two intermediate categories allow compensation payments of $500 to $1000 and $1000 to $2500.

This whole debate is really about a question of priorities. The previous government believed that compensation for pain and suffering only indirectly assists victims' recovery from crime. Previous speakers have cited medical research that goes to the fact that while compensation may benefit victims it fails to alter the symptoms of psychological suffering. As a question of priority the former government decided to divert resources toward practical services that more directly assist in the recovery of victims and their restoration to the community. The fact is that decisions needed to be made about how to allocate financial resources to victims of crime at that time. The decision was made to allocate them in a relevant and appropriate way. That consideration should still be the guiding principle in a bill such as this, but it appears that this government is moving away from that principle.

Balancing the issues of fiscal and social responsibility is an important matter. In 1995 an Auditor-General's report on this area forecast that between 1995 and 2000 the cost of compensation via the Crimes Compensation Tribunal would be in the vicinity of $630 million. It was running at between $100 million and $160 million per year over the period, and the $160 million was towards the end of that time. Clearly the old system was running out of control and was on the way to insolvency. Not only was it fiscally reckless but it was too slow, with many awards being made more than two years after the event, and compensation was not accessible to the majority. In 1995–96 only 8500 victims of 31 000 claimable offences applied for compensation under the scheme. However, by 1998–99, after changes were introduced by the former coalition government, over 35 000 Victorian crime victims were accessing a range of restorative services via the new scheme help line. That is a huge turnaround, and it indicates that the reforms put into place by the previous government and former Attorney-General Jan Wade were well targeted and taken up and supported by the community.

I shall quote from an article in the *Herald Sun* of 5 November 1999 which reinforces that point. It is entitled 'Victim payments' and was written by Nicola Webber. The article states:

> Victims of violent crime in Victoria were given an average of $4702 in the past year to help them recover from their ordeals.
>
> …
>
> But the Victims of Crime Assistance Tribunal made 656 payments for assistance in the past year — a massive 429 per cent increase from 1997–98.
>
> The tribunal provides cash for victims to help pay for their counselling and medical expenses.

These are practical measures and on all the evidence they were taken up strongly by members of the community who were victims of crime. A 429 per cent increase is phenomenal for a program such as this.

Now we see that the government seems to be trying to move back to the past with this bill. Restoring pain and suffering payments may not only have a very negative psychological effect on victims who are suffering from self-esteem problems and do not need to be told that their pain and suffering is worth $100, $500 or $1000 or whatever, but also, and this will come home to roost for the government at some time, it will have very real fiscal impacts — it will take a fiscal toll.

There is a growing body of professional opinion in Victoria and Australia that indicates that to place a monetary value, particularly such a small or — as the government describes it — symbolic monetary value on human pain and suffering could lead to significant adverse effects of its own in the mind-set of victims who are suffering self-esteem problems as a result of their experience. To be told that the state deems their pain and suffering to be worth only $100, $500 or $3500 in some cases is not only insulting but represents a commodification of human suffering which many see as unworthy of any government.

Even more seriously, the advent of pain and suffering payments will necessarily place great financial strain on the existing resources of government and the services that are supported by the community and are working. These services are practical and assist people. They include grief counselling; fear and trauma counselling; counselling for re-establishing interpersonal relationships — something many people have problems with after a traumatic crime experience — and many other restorative measures that are in place at this time.

In the year following the introduction of the scheme budget estimates revealed that 12 000 Victorians were expected to go through the full level of counselling services. Surprisingly, the budget papers for 2000–01, the government's own budget, put that estimate at 8000 people. This represents an expected drop of 4000 in the number of people who are expected to go through the full counselling service set up by the previous government. In the budget documents this is put down to the introduction of impending legislation, which I assume is this legislation. It is a staggering thing!

What is the government really saying here? Is it trying to tell this Parliament and the people of Victoria that the number of people requiring counselling services as a result of crime in this state will be magically reduced because money has been paid to victims for their pain and suffering? That is an absurd proposition, and I personally do not feel that that is what the government is saying. The real story behind that budget statistic is that money had to be found to pay for the reintroduction of pain and suffering compensation. The $50 million which is budgeted for every year will have real consequences for practical services being offered to people in this state. We on the opposition side see that as a socially retrograde step.

The record of the previous coalition government in this area is strong. It does the current government no credit to attack the commitment of the previous government so far as victims of crime are concerned, and that is what government members have done in the other place and in this place. It is time that type of thing stopped because it does government members no credit. Jan Wade was one of the great reformist attorneys-general, and her record speaks volumes.

I will refer briefly to some of the major groundbreaking innovations that Jan Wade introduced when she was Attorney-General in Victoria. In 1993 she restructured the Victorian Community Council Against Violence to create task forces on victims of crime, violence against women and safer communities. She introduced majority verdicts in criminal trials to limit the number of unnecessary retrials and discontinuations of prosecutions. The government should know that a retrial can entail traumatic repetition for many classes of victims of crime and can have a very damaging effect on the quality of justice.

In 1994 Jan Wade continued the introduction of closed circuit television in our courts so that victims could give evidence without having to come face to face with the accused, another very important reform on behalf of victims of crime. She introduced the victim impact statements which have been referred to in this debate. They allow the appropriate participation of victims of crime in the court process. Jan Wade reformed laws relating to intervention orders to provide greater protection to victims, and in particular she introduced indefinite intervention orders against violent spouses and increased the penalties for breaching such intervention orders.

In 1995 Jan Wade evaluated the code of practice for sexual assault cases to improve police conduct in their dealings with victims. These are real reforms, difficult reforms — reforms a previous coalition government was prepared to tackle and achieve. The last reform to benefit victims of crime that Jan Wade undertook as Attorney-General was the Victims of Crime Assistance Act, amendments to which we are debating today.

The opposition will not oppose this bill. We will watch closely to see if these changes lead to the diminution of the restorative services that Jan Wade worked so hard to achieve for victims of crime in this state. We will be watching very closely — members opposite should make no mistake about that.

The government will also monitor the responses of victims to the symbolic awards for pain and suffering to ensure a negative response does not impede or slow down their recovery and restoration to society. I wish the bill a speedy passage.

Hon. D. G. HADDEN (Ballarat) — I support the Victims of Crime Assistance (Amendment) Bill. In doing so I am pleased to follow in the footsteps of the Honourables Jenny Mikakos and Bob Smith.

The purposes of the bill are set out in clause 1. They are firstly, to amend the 1996 act to enable primary victims of acts of violence to be given a monetary award for significant adverse effects experienced or suffered by them, and to increase the amounts that may be awarded to secondary and related victims in certain circumstances, and secondly, to amend the Sentencing Act to reform the process by which victims can recover compensation from the perpetrators in criminal proceedings without the necessity of having to commence civil proceedings against the perpetrator.

As was alluded to by the Honourable Carlo Furletti in an earlier debate, clause 4 substitutes proposed new section 1 in the principal act, which sets out the purposes and objectives of the act. The objectives are, in part:

> (a) to assist victims of crime to recover from the crime by paying them financial assistance …
>
> (b) to pay certain victims of crime financial assistance … as a symbolic expression by the state of the community's sympathy and condolence for, and recognition of, significant adverse effects experienced or suffered by them as victims of crime; and
>
> (c) to allow victims of crime to have recourse to financial assistance under this Act …

The proposed new section also provides that awards of financial assistance to victims of crime are not intended to reflect the level of compensation to which the victim may be entitled at common law or otherwise. The scheme provided by the act is intended to complement other services provided by government to victims of crime. I refer to the famous case of Fagan, where a mother was murdered while her children were at school, which was decided under the Criminal Injuries Compensation Act by Justice Anderson of the Supreme Court of Victoria, 1981, VR 887 at 889. The judgment states:

> The purpose of the act … is not to award damages of the kind comparable or analogous to damages which an injured party, as a plaintiff, might seek and recover from a tortious wrongdoer, but to give the victim of a criminal act or omission some solatium by way of compensation out of the public purse for the injury sustained, whether or not the culprit is brought to book, and whether or not the culprit might otherwise be liable to the victim.

That statement from as far back as 1981 has been followed in every subsequent case as the basis of seeking an award under the earlier criminal injuries compensation legislation. It was never intended to be an amount of damages that one victim could obtain through the courts analogous to damages; it was always intended to be some solatium, an acknowledgment by the community that the victim had been wrongly dealt with by a perpetrator.

To give some history I refer to 1998–99 report — the second annual report — of the Victims of Crime Assistance Tribunal, which contains some very interesting and apt statistics and information. I will quote from various parts of the report.

At page 3 it is stated that in 1998–99 the tribunal saw a 35.5 per cent increase in the number of applications lodged with the tribunal — that is, from 1200 in 1997–98 to 1627 in 1998–99. There was also a significant rise in the number of awards of assistance made. In 1998–99 the tribunal made 656 awards compared with 124 in the first year under the victims of crime assistance legislation, an increase of 429 per cent. The average award for assistance decreased by 31.8 per cent, from $6902.12 in 1997–98 to $4702.79 in 1998–99. Under the Criminal Injuries Compensation Act the tribunal also awarded compensation in 2195 applications, with the average award being $9413.03.

At page 15 the report provides details of the payments made in the financial years 1997–98 and 1998–99, including costs and disbursements. In 1997–98 the payments made by the tribunal totalled $51 020 360, and the total in 1998–99 was $29 356 061. Turning to page 16, the legal costs statistics provided by the report are divided into two components — legal costs and disbursements. The legal costs were $2 363 388 and disbursements were $981 211, a total of $3 344 599.

Under the heading 'Assistance and compensation' at page 17, the report states that during 1998–99 awards totalling $26 011 462 were held on trust for victims under 18 years of age by the Victims of Crime Assistance Tribunal. As at 30 June 1999, 3599 trust awards had been made totalling $31 221 947. Those awards are invested in bank deposits which earn interest.

Page 18 of the report gives details of average awards victims of crime assistance legislation. In 1997–98 the average award was $6209 and for the same period the average award under the Criminal Injuries Compensation Act was $7865. In the financial year 1998–99 the figures were $4702 and $9413 respectively.

The number of awards by victim category made under the Victims of Crime Assistance Act increased from a total of 124 in 1997–98 to a total of 656 in 1998–99. The number of primary victim awards increased from 109 to 559, and the number of secondary victim awards increased from 2 to 29. The number of awards made under the Criminal Injuries Compensation Act 1983 for the financial year 1997–98 was 5767, reducing dramatically to 2195 in 1998–99.

The second annual report by the Victims of Crime Assistance Tribunal, which is for 1998–99, has a table showing the locality of crimes by municipality for awards granted in the country. Awards granted feature strongly in some of our most popular rural centres such as the City of Ballarat, the City of Greater Geelong, the City of Greater Bendigo, the City of Greater Shepparton, the Shire of La Trobe, the Shire of Macedon Ranges, the Rural City of Mildura, the City of Morwell, the Shire of South Gippsland, the Rural City of Swan Hill and the City of Warrnambool. Awards granted under the Criminal Injuries Compensation Act totalled 769 and the number under the Victims of Crime Assistance Act dropped to 220.

Under the 1972 Criminal Injuries Compensation Act under Premier Hamer from March 1973 to November 1976 the maximum award was $3000. From December 1976 to September 1980 the maximum award was $5000. From October 1980 to October 1981 it was $7500. From October 1981 to March 1984 the maximum award was $10 000.

Under a Labor government the pain and suffering component was increased. From March 1984 to July 1988 the pain and suffering component was $7500, with expenses up to $3000 plus pecuniary loss calculated under the Workers Compensation Act and the Accident Compensation Act. Pecuniary loss could be paid up to one year. From 1 August 1988 until 1 July 1997 the pain and suffering component was a maximum of $20 000. The maximum award for pecuniary loss was $50 000, which included the pain and suffering component of $20 000.

Pain and suffering was abolished under the Victims of Crime Act passed in December 1996, which came into operation on 1 July 1997. I recall that period vividly because one of my major areas of practice as a barrister and solicitor during that period was crime compensation, in the main for women and child victims. There was concern about how it could be abolished and victims were worried they would be further victimised and made to suffer because the perpetrators were getting away with it yet again. It was a difficult period in which to explain to clients that as at 1 July 1997 pain and suffering went out the window and compensation for it was no longer available.

The bill reinstates what will probably be known in the community as pain and suffering but is described in the bill as an award of special financial assistance for victims of crime.

Victims, as defined in clause 7 of the bill, are divided into three categories — primary, secondary and related. Primary victims are those directly injured or killed as a result of an act of violence, and secondary victims are those injured as a result of witnessing a crime, or parents of child victims. Eligibility for an award has not changed and is based on the balance of probabilities as opposed to being beyond reasonable doubt as is required in a criminal trial.

Clause 20 covers child victims so that from 1 January 2001 they will be covered for crimes committed against them from 1 July 2000. Also included are child victims who have suffered from an act of violence that occurred on or after 1 July 1997 or where the offender has been committed for trial on or after 1 July 1997. Importantly, the victims have two years from 1 July 2000 to lodge an application for an award.

Clause 18 allows not only for applications for variations of awards but also additional time — in particular, child victims have six years from the date of the original award to lodge an application for variation.

Clause 21 refers to section 86 of the Sentencing Act, which deals with the ability of a victim to apply to the sentencing court for compensation. I have not heard of anybody obtaining compensation in that fashion. That concerns me because victims who are complainants in criminal trials should be encouraged and educated throughout the process from the time they have lodged complaints with the police to make applications for compensation from the defendants or accused. The perpetrators and offenders should be liable for the harm they cause to the victims. They should be made to pay where possible. I do not think they should get off lightly, certainly not at the expense of the public purse.

Criticism has been expressed to the effect that the offender should not have to be victimised again by having to pay money to the victim as well as serving a term of imprisonment. A popular saying among the criminal legal fraternity is, ‘If you do the crime you do the time’.

The Bracks government believes section 86 should be retained so that offenders are made to account to their victims. The situation should be looked at from the point of view of the victim. In a criminal matter there is

a complainant, the police and those advising the victims on their rights. That is an important right with which victims should be acquainted.

There has been criticism that a victim's application for compensation restitution under section 86 of the Sentencing Act would be a burden on the offender. As I said previously, that is too bad! The offender should have thought about that before he or she went down that path. The victim should not be limited to receiving an award of financial assistance through that avenue because of some ill-conceived view by some in the community that the perpetrator should not pay. There is a difficulty with victims applying for compensation under that section. I have not seen statistics on it; I have asked and apparently they are not available. Certainly that avenue of recourse should be encouraged.

The purpose of the bill is relatively simple: to provide assistance to victims of crime. The Bracks government made an election campaign commitment to reinstate from 1 July this year compensation for pain and suffering. That policy commitment will cost an estimated $60 million over four years.

I have received criticism from members of the legal fraternity that the range of awards to be reintroduced under the bill is not enough and that the maximum of $7500 is not sufficient. Frankly, nothing would ever be enough to compensate a victim of crime, and some victims consider any amount to be an insult. That probably reveals why some victims do not even apply for compensation or financial assistance. The government cannot write an open cheque for victims of crime; no responsible government is able to do that.

Another criticism from members of the legal fraternity who have contacted me is that children who are still living with the trauma of assaults perpetrated against them before 1 July 1997, and who have not yet disclosed those offences to the police, will not be eligible for the special financial assistance, except for counselling assistance, and that that situation is contrary to article 2 of the United Nations Convention on the Rights of the Child.

Although I am sympathetic to those views the reality is that the former Kennett government did not give a hoot about the United Nations Convention on the Rights of the Child when it abolished compensation for pain and suffering for victims of crime, operative from 1 July 1997.

Other sections of the bill have been thoroughly elaborated on by previous speakers and I will not revisit that ground. The bill goes some of the way towards rectifying the damage that has been done in the past three years by not providing special financial assistance to victims of crime. I hope the intent of the bill is obvious and that it is supported by both sides of the house. On that basis I commend it to the house.

Hon. E. J. POWELL (North Eastern) — I am pleased to contribute to the bill, which the National Party does not oppose. The Honourable Roger Hallam and you, Mr Deputy President, gave one of the reasons for that — the National Party acknowledges that Labor made an election promise to reintroduce compensation for pain and suffering to victims of crime.

As a new member of Parliament in 1996 I well remember the debate on that bill. Although I was concerned about the removal of compensation for pain and suffering, the debate disclosed that in some cases people did not receive compensation until two or three years after the event. That is clearly not appropriate and there had to be a better way. During that time victims became frustrated, angry and more stressed.

It is important to note that the Transport Accident Commission and Workcover believe that recovery counselling needs to be initiated straight after an incident or accident. I believe that is also true for victims of crime. The former government's legislation provided payments for counselling, medical services and pecuniary loss of up to $20 000 for victims of crime.

Although pain and suffering lump sum payments were removed, other initiatives were put in place to compensate, such as the referral vouchers from police and the referral telephone service. If required, victims of crime were able to immediately access counselling services. That was a way of genuinely helping victims of crime, whether they were personally injured, under stress or had suffered trauma.

Members of the government side of the house said the Kennett government was uncaring and unfeeling and removed the rights of victims of crime. During the 1996 debate many honourable members listened carefully and took into account both sides of the argument. They felt very strongly that victims of crime needed genuine help in the form of counselling and that it was not just a matter of money. Under that legislation victims of crime received referral vouchers or the telephone numbers of referral services and were able to get help immediately. The number of people who received full counselling almost doubled.

Many speakers have referred to the detail of the bill so I will not go over it again. I shall refer specifically to

proposed section 8A(5) at page 6 of the bill, which refers to the categories of acts of violence. I look at the minimum and maximum amounts and wonder who put those amounts in the bill. For example a rape victim receives a minimum amount of $3500 and a maximum of $7500. The second-reading speech states that if there is sufficient significant adverse effect on a rape victim the maximum will apply. I wonder who will judge the degree of adverse affect. Honourable members may know people who have been raped, and each person is different and sees the act of violence differently. Who will assess whether the victim is adversely affected and decide whether the minimum or maximum applies?

Subsection (5) of proposed section 8A to be inserted by clause 7 sets out the minimum payment for victims of crime of $100. That may recompense some victims of crime for stolen property, but it does nothing to help people who require counselling. People who have been burgled have told me that they are traumatised by the fact that someone has entered their house or flat and disturbed their property. The flat next to mine was burgled about a month ago, and the woman tenant said that she can no longer go back to the flat. That has affected me because I live next door. Someone entered the flat in broad daylight and removed her video and television set. I am conscious of the fact that I need to lock my doors and windows. While the payment of $100 may assist someone to replace the property stolen if that property is not insured, it will not help the person who has been traumatised because she is aware that someone has entered her home, touched her belongings and gone through her personal effects. How do you compensate that person for pain and suffering?

The second-reading speech says that compensation is an expression of community sympathy and concern for a person who has suffered a violent crime. The government says it put this policy to the people at the last election, but I am concerned that these amendments demonstrate a token concern which may cause insult to victims of crime.

Mr Deputy President, you referred to the fact that the second-reading speech has a political bias. I agree with that. That should not happen. A second-reading speech should reflect the intention of the amendments and not in any way demonstrate a political bias.

The second-reading speech is critical of the Kennett government. I join with my colleagues who put on the record the fantastic work the former Attorney-General, the Honourable Jan Wade, did for the Victorian community. Given that almost 90 per cent of victims of crime are women it was appropriate that the former Attorney-General took a leading role.

Along with my colleague, the Honourable Maree Luckins, I was part of a seven-member committee that travelled throughout Victoria and examined issues such as safety, education and justice — all the things we have talked about today. Members of Parliament were invited to host public meetings so that people could put their concerns. The committee produced two excellent documents entitled ‘Women on the move’. One section dealt with women and the justice system. I will refer to just a few of the initiatives proposed by the committee, because there are pages of them.

The minister’s second-reading speech said that governments need to take into account the special needs of people living in regional Victoria, especially the Aboriginal community and the linguistically diverse communities. The ‘Women on the move’ documents refer to developing partnerships between justice agencies and Aboriginal communities and improving the outcomes of the justice system for Aboriginal people. The document states in part:

> Consult with Koori communities to develop a family violence strategy, including family strengthening models to promote education, prevention and early intervention responses to family violence.

During the consultation process people indicated that they wanted additional outreach services to take into account issues relating to the justice system and indigenous communities. People need to be more aware of the problems.

Opposition members have already referred to some of the initiatives the former Attorney-General put forward. One such initiative was expanding the availability of videoconferencing, remote circuit television witness facilities and videorecording of evidence in courts. They are important issues for women, who often do not want to give evidence in courts. The document further states:

> Identify and communicate the issues confronting culturally and linguistically diverse families and women through police Operation Ethos. Lectures are designed to meet the needs of culturally and linguistically diverse women and to focus on the personal safety of women in their homes and social environment.

The document also states:

> Support a newly implemented training program for police with specific reference to the issues faced by Aboriginal women in violent family situations. This training program has been developed with two objectives: to sensitise police to indigenous and gender issues; and to educate the Aboriginal community about police procedures and options to address family violence.

A number of issues related to working with support services for people affected by violence. The community also told the committee — something the former Attorney-General took on board — that there was a need for more refuge supports which are linguistically and culturally responsive. The document also states:

> Maintain crisis support which is culturally and linguistically appropriate and responsive by recognising the diversity of the needs of women from culturally and linguistically diverse backgrounds.

The government has said it will look at initiating such programs. I ask members of the government to examine the initiatives set out in 'Women on the move'. The government should grow those programs. The document further states:

> Develop information in formats and languages appropriate for women with disabilities, a best practice guide for use by women's refuges and a peer support project for women with disabilities experiencing family violence.

There was an acknowledgment that some people had special needs and required increased after-hours access to information, support and referral for women and children experiencing family violence. The former Attorney-General ensured that separate rooms were available for witnesses in all new court buildings and in refurbishments where possible. That is particularly important for rape, domestic violence and child victims. It is stressful to be in the same room with the person who has committed the crime.

In response to the minister's second-reading speech, which implied that the Kennett government was heartless and treated victims of crime in a terrible way, I put on the record my appreciation of the work of the former Attorney-General, the Honourable Jan Wade. Although the National Party does not oppose the bill, it is important to set the record straight. I wish the bill a speedy passage.

Hon. KAYE DARVENIZA (Melbourne West) — The Victims of Crime Assistance (Amendment) Bill implements another of the Labor Party's electoral promises, which on this occasion is to reinstate pain and suffering compensation for victims of crime. The Labor Party made that commitment because victims of violent crime had not been able to obtain compensation for pain and suffering since the former Kennett government introduced the Victims of Crime Assistance Act in 1996, which took effect in July 1997.

Honourable members opposite have claimed that in removing compensation for victims of crime the former government was not heartless or showing disregard for the suffering victims of crime went through, but they were members of a government that removed compensation from the principal act. To understand the real situation honourable members need only cast their minds back to the statements made by the former Premier on 3AW about victims of crime receiving compensation. No wonder people think the former government was heartless and cruel in taking away that compensation. The comments made by the former Premier gave every indication that he was heartless. No wonder the former government is now the opposition when that was the attitude it took to Victorians who had suffered violence.

The Bracks Labor government is committed to consultation. It sees the bill as introducing a comprehensive process of consultation. The government believes in compensation and made a promise that it would reinstate compensation for victims of crime and allocate a significant amount of money for that purpose — in fact, $45 million staggered over three years.

In December 1999 the government set up a review committee to consider how it should implement its policy to reintroduce this important level of compensation. The government wanted a system that was fair, equitable, and financially sustainable. The committee included representatives from many interested stakeholders and from a network of victims assistance programs. The Centre Against Sexual Assault, the Community Council Against Violence, and the Victims Referral and Assistance Service were just some of the organisations represented. The committee consulted widely within the community. The bill is firmly based on the recommendations made by the committee to the government.

The bill does a number of important things. It demonstrates the government's commitment to providing a comprehensive system to assist victims of crime in their recovery. The government is looking at a comprehensive package. One thing it wants is a forum where victims can receive a sympathetic and compassionate hearing and be given the opportunity to tell their stories. The Victims of Crime Assistance Tribunal is that forum. A hearing is important because it gives the victim an opportunity to have his or her say, to tell his or her story and to have it listened to sympathetically and compassionately.

It is important to provide to a victim the recognition that violence has occurred against him or her. It is also important because it gives those who have experienced a traumatic event the opportunity to have their say, to be given recognition, and to be able to move on and get

on with their lives and not have the traumatic situations they have been through colour their lives now and in the future.

If a victim of crime has suffered substantial harm after violence against him or her, the scheme also provides an opportunity for the state to make a payment on behalf of the community. Again, this is about recognising that a member of the community has suffered victimisation and has been through a traumatic event.

It has been pointed out by previous government speakers that the bill is part of a package or a scheme designed by the government to provide assistance and services to victims. A range of services is provided to victims, such as a counselling scheme that is available in both metropolitan and regional areas. Services have been set up to meet the special needs and circumstances of a victim of crime. The scheme takes into consideration whether someone is from an Aboriginal or a culturally and linguistically diverse background, and also whether a person may suffer from a physical or mental disability. The system is designed to provide services and assistance to everyone, including those who have special needs, whether it is about where they live or some special individual needs.

The scheme also provides for a person who has committed an offence to be financially accountable where possible, and this is an important part of the scheme. It allows the state to seek reimbursement of moneys that have been awarded to a victim. It allows the state to pursue the person who has been convicted of the crime and to have the money reimbursed by the person who committed the crime, and it allows the victim to seek compensation directly from the offender who is found guilty of the crime.

The bill makes a number of amendments to the Victims of Crime Assistance Act. Firstly, the bill will reintroduce compensation for pain and suffering, now known as awards of special financial assistance for primary victims who suffer an injury or other adverse effects as a direct result of an act of violence. Secondly, it will extend the class of victim to include a person who has been a witness at the scene of a crime, and parents and guardians who later find out their child was a victim of an act of violence. They will be eligible under the amendments to seek payments in exceptional circumstances.

Under clauses 7 and 8 the bill also sets out a proposed model for the awarding of special financial assistance. It is aimed at promoting greater predictability and uniformity in the decisions that are made by structuring award levels based on two factors: the first factor is the seriousness of the offence, with higher awards made for more serious offences such as rape and incest; the second factor takes into account the impact on the victim. Minimum awards are available.

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

Hon. KAYE DARVENIZA — Prior to the suspension of the sitting I said that the award structure is based on two factors: the first is the seriousness of the offence, which I have already talked about; and the second is the impact on the victim. Minimum awards are available to those suffering from grief, distress or trauma as a result of acts of violence, and more compensation is available to those victims who also suffered direct injuries as a result of acts of violence.

Hon. N. B. Lucas — Are you just filling in time, Kaye?

Hon. KAYE DARVENIZA — Never, Mr Lucas.

Hon. N. B. Lucas — There is no government business, so you keep talking. Give us some more business!

Honourable members interjecting.

Hon. KAYE DARVENIZA — The government has already made it clear that there are a number of bills it would be more than happy to debate. Unfortunately the opposition is not prepared to debate them.

An advantage of the new system is that the award levels have been set to promote equity and to be financially responsible. Another advantage is that no threshold has been set below which compensation is not payable, which was the case prior to 1997. The government believes victims should not be denied access to compensation just because the entitlement they might receive is small. A wider class of victims will now be entitled and eligible to seek financial assistance. Another advantage is that it will not be necessary for victims to prove injury to gain access to compensation.

The overall entitlement of an injured primary victim will be at its highest — I stress that point — since the Crimes Compensation Act was first introduced in 1973. The government is committed to reviewing the award levels after three years of operation and to assess whether any changes need to be made.

Retrospectivity is an issue about which a number of government members have spoken. As a government, we would like to be able to undo the many injustices we saw in a whole range of services and areas under the

Kennett government's crimes compensation system. Crimes compensation was not the only area where there were injustices; we saw it in Victoria's hospital and education systems and in the reduction of the powers of the Auditor-General, to name just a couple. We would very much like to be able to undo those injustices, but we have to be responsible, and the burden that retrospectivity would impose on the community would be far too great. Prior to 1997, awards for compensation amounted to between $40 million and $50 million each year. A three-year liability of that proportion would be far too heavy a burden to impose on the community.

The bill also provides new mechanisms to improve the process for victims to apply for and gain compensation directly from offenders.

An Opposition Member — What are they?

Hon. KAYE DARVENIZA — There are a number of them. One mechanism is that applications for compensation by victims of crime will be accepted up to 12 months after the offenders are convicted or found guilty, and not 6 months, which is the current provision. The bill also provides for an extension of that time if it is believed to be in the interests of justice.

A second mechanism is that courts will be able to take into account the expanded definition of 'injury', which will enable those who suffer from grief, distress or trauma to apply for compensation.

The third point is that the courts will have regard to a wider range of documents that may be taken into consideration. The courts will be able to award compensation on a wider range of issues, including medical costs and other expenses.

The bill is important. Prior to the last election the government made a commitment to rectify the unjust and cruel changes made by the previous government when it removed the right of a victim to claim compensation for pain and suffering. The bill goes a long way towards restoring and putting in place a system that is fair, equitable and looks after the interests of those who unfortunately find themselves the victims of crime. I commend the bill to the house.

Hon. T. C. THEOPHANOUS (Jika Jika) — I shall briefly contribute to debate on the Victims of Crime Assistance (Amendment) Bill. Its introduction is part of an election commitment by the Labor government to reinstate compensation for the pain and suffering of victims of crime. It became necessary because the previous government abolished compensation previously payable to such victims.

I have listened to opposition members contribute to the debate, and their hypocrisy is breath taking. When in government members of the current opposition parties told the house why it was necessary to remove victims' rights. Having lost government last year and finding themselves in the political wilderness, they have suddenly found a conscience. The Honourable Roger Hallam tried to defend the indefensible. He bleated about how, according to him, the former Attorney-General, the Honourable Jan Wade, had been so maligned for all her positive measures.

Jan Wade was responsible for removing the rights of victims of crime. Now the Labor government is restoring those rights. The bill gives fair and equitable compensation to victims of sometimes horrendous crimes.

The hypocrisy of opposition members is even more blatant when one remembers that the then Premier's justification for removing the rights of victims of crime was that a woman had the audacity to purchase a red coat with the money that had been awarded to her. Consequently, the Kennett government saw fit to remove compensation for pain and suffering for all victims of crime.

That action was a disgrace; it was done in the context of the then Premier running around telling everybody who would listen about his right to sue people for hundreds of thousands of dollars compensation because his feelings had been hurt. Yet he intended to remove the small amount of compensation then available to people who may have been seriously injured through no fault of their own but as a result of violent crimes. That was another example of the hypocrisy of the previous government and shows how ordinary people suffered at the hands of that callous and cruel administration. Victorians ultimately saw through the Kennett government and kicked it out.

The opposition parties have nothing to say about the bill and will not oppose it because they are trying to pretend they did not mean to remove victims' rights in the first place. What a pathetic excuse! One would have expected that people of integrity in this place would at least have stuck to their beliefs.

Hon. N. B. Lucas — That cuts you out.

Hon. T. C. THEOPHANOUS — Few members on the opposition benches could be described in that way. If they had any integrity they would not have agreed with Jeff Kennett when he walked into the party room and said, 'Let's get rid of the rights of victims who have been injured as a result of violence'. Not one opposition

member who has today supported the bill was prepared to get up in the party room and object.

Hon. N. B. Lucas — How do you know? I was there and you weren't.

Hon. T. C. THEOPHANOUS — Mr Lucas comes in here with his smart alec comments, but he was not prepared to stand up to Jeff Kennett. So much for his integrity! He is happy to support the bill, but the debate obviously makes him uneasy.

Many people become victims of violent crime. It is part of the philosophical approach of the Bracks government to look after people who have been injured through no fault of their own. Although the bill does not directly cover that aspect it exemplifies the overall philosophical approach of the government.

There are crimes committed, for example, in the workplace by some employers — a very small number, I hasten to add — who have no regard for their employees and cause horrendous accidents. In those circumstances the government has seen fit to restore the common-law rights of those people so they can get compensation when somebody causes them injury.

Hon. K. M. Smith — We should get compensation for you coming in here and boring us.

Hon. T. C. THEOPHANOUS — I know Mr Smith does not like listening to these things; he cannot stand his own hypocrisy.

When this government talks about victims of crime it can be crime that occurs in the workplace, but crime can occur anywhere: it can occur at the pub, at the footy or on the road — it can even occur in the Parliament House car park. An honourable member in another place was particularly outraged because she thought that somebody had violated her car, having given it a nudge. From the way the honourable member was carrying on I thought she was going to try to seek compensation as a victim of crime!

Hon. Jenny Mikakos — She would not get over the $200 threshold at the moment.

Hon. T. C. THEOPHANOUS — She might not get over the $200 threshold, especially as she already had another car on order. She had a car on order and has now picked it up — so much for the crocodile tears of Andrea McCall.

That honourable member made a very interesting contribution in another place to debate on this bill. The other form of violence that occurs in our community is domestic violence. It is a form of violence which I expect is abhorrent to most members. I note that the issue of domestic violence was the subject of considerable debate in another place. A member of that place indicated to that house that her husband was the victim of domestic violence as she had hit him over the head and knocked him out with a Le Creuset frying pan. I do not know whether under present circumstances the husband would be eligible for compensation under this bill had he been in Victoria; I suppose it depends on the extent of his injuries. It just goes to show that there are forms of domestic violence and other violence in criminal activity which can result in injury, often very serious injury, to people in our community. As a result of the actions of the previous government for a period of about three years these people have had no access to compensation.

Time and again when bills are brought before the house, whether it be legislation dealing with the Auditor-General or restoring common-law rights or restoring the rights in this bill, we see the opposition supporting the legislation as it goes through, but each and every one of the members opposite was part of a government in which none of them was prepared to stand up to the previous leader and say, 'Hang on a minute, we do not really support this'.

Hon. D. McL. Davis interjected.

Hon. T. C. THEOPHANOUS — Mr Davis was part of that government. If he had had any guts back then he would have done something about it, but he did not have any guts and that is why he is in opposition. Members opposite are in opposition because they were not prepared to stand up for a principle. You do not change your principles every time there is an election; you have principles that you keep. If members opposite really do not believe these people should get compensation they should be voting against this legislation. Members opposite should not be coming in here and voting for it and then on another occasion voting against it because the previous leader of their party is gone. Time and again we have seen that this opposition has absolutely no credibility when it comes to these pieces of legislation.

I am happy to put my support for this bill on the record. It is another piece of legislation that brings back fairness and justice and some sense of decency to the Victorian community. I am happy to support the bill, and I hope all other members will support it also.

Honourable members interjecting.

The PRESIDENT — Order! Mr Theophanous, you can sit down. You have had your go, just sit down.

Hon. K. M. SMITH (South Eastern) — I came into the chamber after the suspension of the sitting expecting to hear a couple more credible speakers. Members from the opposition side and the other side have spoken in a very balanced way on the bill. However, after listening to Mr Theophanous waffling for probably the past 20 minutes I felt compelled to get up and speak because he was talking absolute rubbish, as he usually does in this house. What annoys me most is that when we made changes to the legislation — —

Hon. T. C. Theophanous — You were one of the gutless ones; you didn't stand up to Kennett.

Hon. K. M. SMITH — Our party had a very balanced debate on the Victims of Crime Assistance Bill when it was introduced and when we made the changes to the act while in government. I was very comfortable with the act at the time, and I am still comfortable with it.

As a party we agreed not to oppose the bill and in a way to let the government have its head in bringing back some of the financial assistance to the people. We do not believe waving a fistful of dollars at people will make them feel any better. We do not believe the government's proposal will make people feel any better. After a long debate in the party room we agreed to what the government is doing.

Honourable members interjecting.

Hon. K. M. SMITH — I will not go into discussions of what we talked about, but we have agreed not to oppose the bill. Mr Theophanous got to his feet and talked about Kennett rolling over us all. The original bill was brought in by Mrs Wade, the then Attorney-General. We had good reason to introduce that bill because, as I said a few moments ago, it was not about a fistful of dollars. It was about us looking after people, caring about people; it was about paying their medical bills.

It was the former government being able to care about people enough to say, 'We will look after you if you are a victim of crime. We will look after you and compensate you with the right amount of counselling that you may need' — ongoing counselling, not 5-minute counselling — 'to help you over the trauma that you have suffered in your life. If you have had some problems with medical costs, we will pay for them. If you are in a position where you are incapacitated and need help in your homes to put in ramps and such things, they will be paid for'. When in government the Liberal Party offered people unlimited counselling to try to get them through the trauma. I thought that was what it was all about — trying to help people, not throwing a fistful of dollars at them. Now Labor is back in government and it is throwing around the fistfuls of dollars that were saved by the Kennett government. Labor has just got a handful of dollars and is throwing money out to everybody left, right and centre — dollars here and dollars there. It is saying, 'Let us give them their money!' That is the biggest problem opposition members have with government members — they are going to throw our money out like it was theirs. The trouble is it is not theirs; it belongs to the taxpayers. Labor members do not care whether people have been hurt or wounded because they have been attacked and are victims of crime. All they care about is trying to win the populist vote and they think the bill will do it for them.

I see Bob Smith is nodding his head. Unfortunately the Hansard reporters cannot see him, but I can see him nodding his head in agreement with everything I am saying. It is true. I am appalled at what Mr Theophanous put up. It was typical Mr Theophanous, and typical of the way he talks in the chamber.

Honourable members interjecting.

Hon. K. M. SMITH — He has been found guilty of lying in this house, and nothing has changed. He has been found guilty in this house!

Hon. T. C. Theophanous — On a point order, Mr President, I take strong exception to the language used by Mr Smith. Not only is it objectionable to me but it is also untrue factually.

Hon. K. M. SMITH — On the point of order, Mr President, I am only being factual. Mr Theophanous was found guilty of lying to the house. I am not telling an untruth; I am telling the truth. Mr Theophanous does not tell the truth; he lies.

The PRESIDENT — Order! That expression is unparliamentary, and whether it is true or not true it is still unparliamentary. The Honourable Theo Theophanous has taken objection to it and I ask the Honourable Ken Smith to withdraw.

Hon. K. M. SMITH — I withdraw, Mr President. I am glad we had a little break because it gave me an opportunity to look at my copious notes. I put on record that Andrea McCall, the honourable member for Frankston in the other place, parked her car in the Parliament House car park — —

The PRESIDENT — Order! The bill deals with victims of crime. Mr Smith had better relate what he says to the bill.

Hon. K. M. SMITH — I will, Mr President.

The PRESIDENT — Order! Mr Smith knows the rules of the house. I have warned the Honourable Theo Theophanous. I will not make an exception for Mr Smith.

Hon. K. M. SMITH — I would not either, Mr President, but someone whose car is run into and is a victim of a hit-and-run accident suffers emotional trauma, so it is no wonder I want to mention the exposure of Mr Theophanous as a hit-and-run driver. It was in the car park here! Andrea McCall, the honourable member for Frankston, was absolutely devastated at what occurred to her car out there.

Hon. T. C. Theophanous — On a point of order, Mr President, I am aware of the public debate on the issue and that an honourable member has raised it in another house. I am also aware that you, Sir, rule on or at least give some guidance on the issues raised with you. I am happy for honourable members to debate such issues in the house but if that occurs it ought to occur on the basis of everyone in the house being able to enter into such debates.

Therefore if the honourable member wants to talk about an incident that involves me and wants to make slanderous remarks about it, you, Sir, ought to rule either that he has to do so by substantive motion, as you have done in the past, or that if he is to be allowed to continue then it ought to be allowed for all members, which means that I would have the right to raise, for instance, some matters relating to his pecuniary interest forms.

Hon. K. M. SMITH — Go ahead!

The PRESIDENT — Order! The matter raised by the Honourable Ken Smith suggested that Mr Theophanous was a hit-and-run driver in a general sense. A hit-and-run driver means someone who has broken a criminal law. It is a crime to be involved in an accident, head off and not leave your name and address. There has been no such finding as I understand it against Mr Theophanous. He assures the house that that is not the case. He has asked for a withdrawal. I ask Mr Smith to withdraw.

Hon. K. M. SMITH — I withdraw, Mr President. It is amazing how some people in this house, such as Mr Theophanous, are more than happy to tip the bucket on people but when the truth comes out about their little misdemeanours they are not too happy about accepting them.

I was compelled to get to my feet to refute some of the rubbish that Mr Theophanous was talking about, as he usually does in debates. When it made changes to the victims of crime assistance legislation the former government made decisions on all the right advice. They were the right decisions at the time.

The opposition has said it will not oppose the bill. However, I do not believe that throwing a fistful of dollars at people will make them feel any better. I believe that caring about people will make them feel better. I believe that the right counselling and the right compensation so far as looking after them with all their medical costs and so forth is concerned is the way to go. Each time Mr Theophanous gets up in this house and talks absolute rubbish, I will get up and put a few facts on the table. If Mr Theophanous want to raise the matter of my pecuniary interests, that is fine by me. If is to be the case, Mr President, I am more than happy to talk about things that were sold out of chemist shops not so long ago. Is that okay, Mr Theophanous?

In conclusion, I am more than happy to say that the opposition does not oppose the bill.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to debate the Victims of Crime Assistance (Amendment) Bill. It is a most important bill for victims of crimes. It is also important that societies such as ours have policies to protect individuals and families in the Victorian community.

Prior to its election in 1999 the Bracks government promised to bring back support for people with a family member who had been a victim of crime. The bill will help families in such situations. Listening to the arguments on both sides I believe that honourable members are trying to have the bill passed not just for those who have suffered loss through their families but also to ensure that everyone has a fair go and gets support, particularly the poor, who often cannot cope with the burdens of life after a family member has become a victim of crime and is murdered or injured.

The newspapers report that members of the community would like to have their cases heard. To summarise the newspaper articles, many daughters or wives, especially women who cannot protect themselves, are targets of crime. The *Herald Sun* of 24 May reports that a young woman was murdered at the Fawkner Cemetery on 1 November 1997 while putting flowers on a grave. The family of the murdered victim should have received support from the government and the

community, and funds should be available to ensure families of such victims receive proper compensation. When the Kennett government was elected it removed such measures. The *Age* of 24 September 1998 reports under the heading 'Wade defends crime victims' service':

> The opposition criticised the freecall hotline, part of the government's victims of crime assistance service, after documents obtained under freedom of information laws showed that on some days no calls were received by the service at all.
>
> Telephone bills from August 1997 to November 1997 show that fewer than 10 calls were received on most days …

The Bracks government is reintroducing services to families who most need them. Before the last election the Bracks government campaigned on education, law enforcement and social service policies to make the community aware of what the government can do to help when people are in crisis. The child of some friends of mine was murdered and the family did not know where to get help or how to organise the funeral and so on. They may have been surrounded by friends and family who supported them to ensure they could recover as soon as possible, but they could not obtain support or counselling.

Now the community can have an input. The government will provide about $60 million over four years. It is not easy for people to get support to help them return to a normal life. The Attorney-General when in opposition always fought for community access to better services.

The former Attorney-General, Jan Wade, was questioned many times about such services and the loss of funding. The bill is important for victims of crime, and families require the support of the government.

The PRESIDENT — Order! I am of the opinion that the second reading of the bill requires to be passed by an absolute majority. As there is not an absolute majority of members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! As the passage of the bill requires to be passed by an absolute majority, I ask honourable members not opposing the passage of the bill to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Third reading

Hon. M. R. THOMSON (Minister for Small Business) — By leave, I move:

> That this bill be now read a third time.

I thank Mr Furletti for his question about the objectives. The objectives currently exist in section 6 of the act; they have been moved forward and enhanced.

I also thank Ms Mikakos and Mr Hallam, who asked a question about retrospectivity and the associated costs. The $40 million to $50 million is based on the old scheme and the old amounts that would be paid. That is why there is a difference in the casting of the dollars and cents for the retrospectivity, and the $45 million over the three years.

I also thank Mrs Luckins, Mr Bob Smith, Mr Bishop, Mr Olexander, Ms Hadden, Mrs Powell, Ms Darveniza, Mr Theophanous, Mr Ken Smith and Mr Nguyen for their contributions.

The PRESIDENT — Order! So that I may be satisfied that an absolute majority exists, I again ask honourable members supporting the passage of the legislation to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

JURIES BILL

Council's amendments and Assembly's amendment

Returned from Assembly with message agreeing to a Council amendment, disagreeing with another Council amendment and seeking concurrence with a further Assembly amendment.

Ordered to be considered next day.

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

> That the house do now adjourn.

Geological Survey: appointment

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the Minister for Energy and Resources. On 8 December last year, in response to a question without notice from me concerning the targeting for retrenchment of Mr Tom Dickson, the then manager of Geological Survey, the minister responded by denying involvement in the matter. The minister said in part:

> It may have been the practice of the previous government and previous ministers to interfere in departmental decisions …

She further stated:

> … it is not my intention to intervene to change decisions of that nature by the department.

As a consequence of a freedom of information request a document was released to me last week. The document is dated 11 January and the time is 11.25 a.m. It is an email from Mr Terry Bowman, a human resources officer in the department, to the then acting secretary of the department, Richard Rawson. It states:

> You would be aware that Tom —

meaning Tom Dickson —

> and Michael Taylor —

the then Secretary of the Department of Natural Resources and Environment —

> signed a three-months employment contract for Tom up to 6 February 2000, and that representations have been made by the Chamber of Mines concerning the termination of his services.
>
> The last advice we received on this is that 'it is in the minister's office', and take no further action until advised.

The email seeks a direction from the acting secretary of the department. How could it be possible that the minister advised the house on 8 December 1999 that it was not her intention to intervene to change decisions by the department, but the department was clearly waiting for a direction from the minister on the matter?

Fishing: bag limits

Hon. P. R. HALL (Gippsland) — I raise a matter with the Minister for Energy and Resources on behalf of my constituent, Mr Michael Doran, who operates a company called Ourway Corporate Cruises Pty Ltd based in Welshpool. The core of the business is the conducting of fishing charter trips. For single day trips there is no difficulty with Mr Doran's clients landing the legal daily bag limit. However, one of his regular trips is a five-day charter to Flinders Island, which is outside Victorian waters. When the charter boat returns after a five-day trip a problem arises about whether the participants are legally permitted to bring back five days worth of catch or whether they are allowed to bring back an amount equivalent to the daily bag limit per client. The department is unable to give my constituent a categorical answer and the uncertainty is affecting the viability of the business.

I ask the minister to direct her attention to the matter and expedite an answer for my constituent. Moreover, I suggest to the minister that there may be a need to establish a long-term strategy or arrangement for charter boat operators. It may be that a special licence category needs to be created somewhere between a commercial and recreational licence to specifically cater for charter boat proprietors and others to overcome the problem.

Carlton: traffic congestion

Hon. G. D. ROMANES (Melbourne) — I direct a matter to the attention of the Minister for Energy and Resources in her capacity as the representative of the Minister for Transport in another place. Community groups such as the Carlton Residents Association and the Parkville Association and many individuals in my electorate have drawn attention to the increasing congestion in the Carlton and Parkville areas due to the volume of traffic from the Eastern Freeway. They are concerned that the improved access for people in the east from the proposed extension of the Eastern Freeway will attract even more traffic to the inner city area.

I understand the Minister for Transport has mentioned that a feasibility study will examine integrated transport options to address traffic problems at the western and city ends of the Eastern Freeway. I also understand the Melbourne City Council is interested in becoming involved in such a feasibility study. Community groups and members of my electorate in Carlton and Parkville are anxious that some action be taken on the matter. I therefore ask the minister when the feasibility study will begin and whether it will incorporate consideration of a light rail service along the Eastern Freeway to Doncaster.

Mount Stirling Road: safety works

Hon. G. R. CRAIGE (Central Highlands) — I raise a matter for the attention of the Minister for Energy and Resources, who represents the Minister for Environment and Conservation in another place. It concerns some works that recently took place on the Mount Stirling Road. As a result of the safety audits

carried out following the disaster at Thredbo, many safety issues were identified in alpine regions. I acknowledge that last summer prior to the ski season the Labor government allocated funding to the resorts to carry out necessary safety works.

I have no problem at all with the risk management process. Most of the resorts, with the exception of Mount Stirling, carried out their works during the summer months — an acceptable practice. The contract let by the Mount Stirling Management Board included works such as the pruning of dangerous vegetation along the roadside, the upgrade of drainage, the reinforcement of batters and rehabilitating the surface of the deteriorating road.

The issue I raise is the lack of consultation, the timing and, in particular, the disposal of debris and timber. As already indicated, the works carried out at other resorts were done during the summer months. I cannot, nor can the Mount Stirling Alpine Advisory Group, which was established by the Mount Stirling Management Board, work out why the work was carried out in the winter. No discussion took place between the board and local communities, advisory groups or the operators working in the area. Many large trees were felled during the process.

I was disgusted at the way the timber and tree stumps were displaced and disposed of. They were pushed over the edge of the road, ripping out vegetation as they fell into the beautiful ferny valleys along the road. It is an absolute mess. The timber sawlogs — about 600 cubic metres — could have been retrieved and sold, probably recovering about half the cost of the contract. I ask the minister to have a full departmental inquiry into this environmental disaster.

Rail: Ouyen crossing

Hon. B. W. BISHOP (North Western) — I direct to the Minister for Energy and Resources in her capacity as the representative in this place of the Minister for Transport the poor condition of the railway crossing on the western side of Ouyen, famous for its vanilla slice. The crossing is on the Mallee Highway, which as the major road leading to and from South Australia carries a lot of traffic. It also services Victorian towns such as Murrayville, Underbool and Walpeup, as well as a number of villages on the way.

I inspected the crossing and noted that it has broken up badly and is rapidly becoming worse. It is a risk to users of the Mallee Highway. I request that this issue be drawn to the immediate attention of the Minister for Transport so that this urgent matter can be addressed.

Braybrook: street lighting

Hon. S. M. NGUYEN (Melbourne West) — I direct to the attention of the Minister for Energy and Resources issues raised by the residents of Braybrook over recent weeks and months relating to safety in that suburb.

Honourable members interjecting.

The PRESIDENT — Order! It is not assisting Mr Nguyen when two of his colleagues are speaking at the same time as he is raising an adjournment issue. I ask honourable members to desist from interjecting.

Hon. S. M. NGUYEN — As I said, residents and groups in the suburb of Braybrook have raised issues relating to safety. The community, police and the Braybrook Issues Working Group have worked together to address some of these concerns. The residents have raised the issue of street lights that have gone out and not been replaced. Will the minister advise the house of the process for having street lights repaired and the standard turnaround time?

Housing: youth homelessness

Hon. W. I. SMITH (Silvan) — I raise for the attention of the Minister for Small Business, representing the Minister for Housing in the other place, the issue of homelessness and some of the work done by the government. It is difficult to get a handle on what is happening, but the government appears to be trying to understand the issue of homelessness.

Recently it released a report entitled *Homelessness in Victoria* by Dr Chris Chamberlain, the head of sociology at Monash University. The report was prepared for the Victorian homelessness strategy and raises issues that need to be addressed. It uses the 1996 population census to work out how many homeless people there are in Victoria and states in part:

> … that two-thirds (64 per cent) of the homeless in suburban Melbourne were staying with other households on census night. This tends to make them invisible. It is possible that some may have been homeless for short periods of time, because homeless people often prefer to stay with other households when they first lose their accommodation …
>
> It is also more common in suburban areas for people in crisis (especially families) to access caravan parks on a short-term basis.

I know this occurs in the outer east. The problem is wider than homelessness for families in crisis, and that is the issue I direct to the minister's attention. Unfortunately there is a hidden problem in my electorate, and I know it occurs in other electorates,

involving homeless schoolchildren. I know from the work I do with some of the secondary colleges in my electorate that about 15 to 20 students in 1000 aged 15 to 16 years are homeless, and I suspect the proportion is the same in secondary schools in other electorates.

When one studies the figures one can see a pattern emerging of homeless kids, who cannot stay at school for a range of reasons, dropping out of school and getting lost in the statistics. The organisations with whom I have discussed this issue, including Hanover House, all say the same thing: that a lot of children have not been counted in the census and are lost to inner city areas. I know the government has announced funding for programs in my area, including Wesley in outer eastern Silvan.

I have raised the issue in the hope that the strategy will review the situation of homeless schoolchildren, not just families in crisis, and try to offer solutions.

Minister for Environment and Conservation: correspondence

Hon. W. R. BAXTER (North Eastern) — I raise with the Minister for Energy and Resources for referral to her colleague the Minister for Environment and Conservation in another place an issue relating to open and accountable government. It is my sad duty to advise the house for a second time that the Minister for Environment and Conservation has failed to uphold the Labor government's lofty commitments to open and accountable government.

I have a copy of the draft recommendations of the Environment Conservation Council report on box ironbark forest vegetation, a report, not surprisingly, that generated a lot of interest in northern Victoria. I attended meetings in Bendigo in July at which 300 people were present and in Nathalia on 7 August where more than 200 people were present. The closing date for submissions was 8 August.

A number of my constituents, particularly those in the Broken–Boosey area, found the recommendations to be somewhat surprising and sought an extension of the closing date for submissions. On 31 July I wrote to the minister requesting that the closing date be extended by a short period. I would have thought that, bearing in mind that it was dated 31 July and that the closing date was a week later, upon receipt of the letter in the minister's office it may have had some urgency attached to it. More than a month has elapsed and I am still to receive an acknowledgment, let alone any response of substance to the letter. That is not the way for governments to operate if they want to profess that they are open and accountable. I request the minister to ask her colleague to give me a response as soon as possible.

Gas: Portarlington, Indented Head and St Leonards supply

Hon. E. C. CARBINES (Geelong) — I refer a matter to the Minister assisting the Minister for State and Regional Development representing the Minister for State and Regional Development in another place. Can the minister confirm that an application has been lodged for funding from the Regional Infrastructure Development Fund for the construction of a gas pipeline to the townships of Portarlington, Indented Head and St Leonards?

Minister for Major Projects and Tourism: correspondence

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I refer the Minister for Industrial Relations, representing the Premier, to a letter Mr Lucas and I received from Mr Bernard Canning, a constituent from Dandenong. Mr Canning wrote:

> On 26 May this year I wrote to my local member of the Legislative Assembly, Mr John Pandazopoulos, regarding the proposed 'trials' of drug injecting rooms. Despite a reminder letter on 19 July, when I also wrote to the mayor of Dandenong, Ms Angela Long, I have not received so much as an acknowledgment, let alone an adequate response.

Mr Canning lists a number of points regarding safe injecting facilities and then goes on to state:

> Not having had a reply, it may be that the government is only now actively considering these issues.
>
> …
>
> Drug use is a difficult and complex issue. It needs more than the simplistic responses we have so far seen. It certainly needs more than abuse of those who question the wisdom and effectiveness of this government's proposals to date.
>
> Will you please take up this matter and see what response you can obtain, on my behalf, to what I believe are reasonable questions that so far remain unanswered.

It is well known in Dandenong that the honourable member for Dandenong, having become a minister, prefers to spend time in his Collins Street office rather than in his electorate office. It does not surprise me that this letter has gone unanswered. I seek the Premier's assistance to obtain a response to Mr Canning from the Minister for Major Projects and Tourism and the honourable member for Dandenong.

Bendigo: healthy eating service

Hon. R. A. BEST (North Western) — I refer the Minister for Industrial Relations, representing the Minister for Health in another place, to the establishment in the Bendigo area of a healthy eating service. Under the previous government some — —

Government members interjecting.

Hon. R. A. BEST — If you would shut up you would be able to hear. I am sorry, but the two of you behind the minister are like parrots.

The previous government provided some $30 000 in funding to review the provision of support services for people suffering from eating disorders. Currently, people suffering from eating disorders have to travel to the metropolitan area because there are limited areas of expertise and support available to care for them. This afternoon I was talking to a mental health nurse and she reminded me of the urgency of the need for funding to provide a service that is multidisciplinary and addresses the concerns and cares of those poor people.

Last year, through the Bendigo Health Care Group, an extensive study was undertaken and a multidisciplinary approach and model was developed and established to look at the provision of care and support for not only the sufferers, but also the families of people suffering from eating disorders. The Bendigo Health Care Group has made a submission to the government, and I in no way want to make this matter party political. People in country Victoria are in extreme need of the establishment of a model that can be duplicated in other rural areas to support sufferers and their families.

As I said, the program is a multidisciplinary model that looks at the provision of services by general practitioners, psychiatrists, psychologists and dietitians. It is a much-needed service and I urge the government, particularly the minister, to look positively at supporting the funding for it, as this would alleviate much of the pain and suffering and dislocation that the families have to endure in bringing the unfortunate sufferers to the metropolitan area.

Knox: school crossings

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Energy and Resources, who represents the Minister for Transport in the other place. Last week I received a letter from the City of Knox about the incidence of high severity casualty accidents in the municipality and the need for speed zones at school crossings, particularly on main roads. I believe this may be a significant issue for other municipalities in my electorate. The council advises me it has identified approximately seven sites that would meet the criteria for the establishment of a school speed zone. Of greatest concern are those schools that operate on main roads where an 80-kilometre-per-hour speed limit is common.

The council has advised me that a number of incidents and near misses have been reported to it by schools and parents. Incidents to date predominantly have been car accidents resulting from drivers stopping abruptly. Fortunately, to date there have been no reports of pedestrians being injured. However, there have been reports of school crossing supervisors tragically killed or injured in the general region in the period prior to the past five years.

The City of Knox believes the safety of school crossings is of the highest priority, and the growth of traffic in the region renders the introduction of reduced speed zones one of its main priorities. I wholeheartedly share the council's concerns.

The problem the council has is that each identified school crossing site will cost approximately $20 000 to upgrade, and that is $140 000 of ratepayers' funds that has not been budgeted for. That is a significant sum for the council to provide, but it would go a long way towards protecting school kids crossing busy roads in the electorate. Because most of the crossings are on main roads, with most traffic being through traffic and not local traffic, the council has proposed to the minister's department a dollar-for-dollar shared funding arrangement.

As the issue is critical to the safety of school students in my electorate I ask the minister whether he will ensure his department reviews the council's proposals as a matter of urgency and agree to the funding arrangement proposed for school zones in the interests of saving lives of young school children in the outer east of Melbourne.

Goulburn Valley HIV/AIDS resources group

Hon. E. J. POWELL (North Eastern) — I refer a matter to the Minister for Industrial Relations, representing the Minister for Health in another place. I was first contacted by the secretary–treasurer of the Goulburn Valley HIV/AIDS resources group in July because she was concerned the organisation had not received its yearly funding of $3000 from the Victorian government. It should have received the funding in February and was told that the cheque was sitting on the minister's desk.

The Goulburn Valley volunteers freely give many hours of their time to help people in the community who desperately need their support with counselling, advice, referral and information. The amount funded has been multiplied many times over because of the benefits to the wider community. Support has been given to people who are HIV affected or infected and the group is a point of referral to professionals and lay workers. Country Victorians especially can be isolated in their communities, both by fear of the disease and by the ignorance of the public.

When the organisation first contacted me in July it had $6 left in its funds, but it was not too worried because it was told the cheque would be there shortly. The group contacted me again this month because it has now received a telephone bill it cannot pay. The phone bill is for the crisis line that people call when they are desperately seeking support, help and information.

I ask the Minister for Health to advise why there is a delay in processing a cheque for this organisation and when it will receive the funding, as the support group is now itself in crisis and desperately needs help because the crisis telephone line may be disconnected.

EPA: test results

Hon. C. A. FURLETTI (Templestowe) — I refer a matter to the Minister for Energy and Resources, representing the Minister for Environment and Conservation in the other place. It is a problem that has been experienced by a constituent of mine who for about five years has been engaged in a dispute with a neighbour. The neighbouring business is a car wash that washes cars and car engines and uses spray chemicals which find their way over the dividing fence and through seepage into my constituent's property and garden.

The Banyule council has also been seeking to resolve the problem, and arranged for the Yarra region of the Environment Protection Authority (EPA) to take samples of soil and vegetation from my constituent's garden for analysis on 8 December, 1999. I was pleased the council had taken that initiative because I believed the analysis would go a long way towards putting to rest my constituent's genuine concerns. The vegetation samples were apparently returned fairly quickly, but as the soil samples have not been forthcoming my constituent raised the problem with me.

On 2 May I began writing to the EPA seeking details about the results of the soil samples and have written monthly since then. I have made telephone calls intermittently following up my written correspondence, and my office has been ringing the EPA daily since last Monday week. Not only have I not received a response to my letters, but the EPA has not even shown me the courtesy of acknowledging them. The staff at the EPA whose names I am in possession of have failed to return any of the five messages my office staff have left in the past 10 days.

I ask the minister to pass on to her colleague in the other place my request to her to direct the regional office of the Environment Protection Authority, which I understand comes within the minister's portfolio, to produce the results of the analysis and, hopefully, resolve this somewhat unfortunate neighbourhood dispute.

Housing: St Kilda hotel closure

Hon. ANDREA COOTE (Monash) — I ask the Minister for Small Business to refer the Minister for Housing in another place to the closure of the Hollywood Private Hotel in Beaconsfield Parade, St Kilda. Last week I met with members of the Port Phillip and Stonnington Information Network, who meet monthly to discuss issues and to share information relating to public housing in the cities of Port Phillip and Stonnington. It is an excellent network, comprising public housing groups such as Hanover Housing Services, Argyle Street Housing Service, the Office of Housing, the South Port Community Housing Group, the Prahran–Malvern Community Housing group and the St Kilda residents group.

For some time there has been a tendency towards gentrification in the City of Port Phillip. The gentrification of the City of Port Phillip, and St Kilda in particular, is causing a lot of pressure on public housing. I commend the former Minister for Housing, Ann Henderson, on the excellent integrated private and public housing development behind Fitzroy Street called the Regal development.

The gentrification of St Kilda is causing concern for housing lobby groups that are trying to place single people in particular into public housing in the area. The Hollywood Private Hotel has recently been bought by a developer, and 65 single men need to find new homes in the area and close to the infrastructure with which they are familiar. The Port Phillip and Stonnington Information Network is already stretched to the limit with its daily activities, without the additional influx of homeless people.

I ask the Minister for Housing what funds and tangible assistance she has given to ensure that the residents of

the Hollywood Private Hotel are relocated as soon as possible to permanent accommodation in the same area.

Dalyston–Glen Forbes Road: upgrade

Hon. R. H. BOWDEN (South Eastern) — I raise a matter with the Minister for Energy and Resources, in her capacity as the representative in this house of the Minister assisting the Minister for Transport regarding Roads. During the past few days I have received from constituents 31 signed letters, each with a different address, about the dangerous condition of the Dalyston–Glen Forbes Road in the electorate of Gippsland West.

According to the 31 letters, a 5.6 kilometre section of the 20 kilometre Dalyston–Glen Forbes Road is unsealed, winding and very dangerous. I am assured by my constituents that there are on average more than 100 vehicle movements a day on the road, including milk tankers, school buses, hay trucks and heavy vehicles. A death on that section of the road has also been recorded. My constituents are extremely concerned that on the occasions when the local council provides upgrading and repairs to the road, within two weeks on average the road again becomes dangerous.

I ask that the matter be thoroughly investigated, as it appears the council has written to several of my constituents saying that the council is not able to provide the due diligence of care to ensure the required performance standards of that section of road. I ask the minister to urgently check out the exact condition and capacity of the road and ensure that it meets an acceptable performance standard.

Local government: national competition policy

Hon. R. M. HALLAM (Western) — I refer the Minister for Energy and Resources, as the representative in this house of the Minister for Local Government, to the national competition policy dividends either received or anticipated by Victoria that are directly attributable to the Kennett government's reform of local government.

I was pleased to note that Minister Cameron has confirmed that the government expects a dividend of $9.8 million this year and a total of $45 million over the five years to the year 2001–02. However, I am not impressed to learn that Victoria is currently the only state that shares the national competition policy payments with local government. I ask Minister Broad to seek from her colleague the Minister for Local Government a commitment on behalf of the Bracks government that both the total received and anticipated dividends from the local government reform will be faithfully passed on to councils over the period it is received.

Patterson–Tucker road intersection: traffic signals

Hon. J. W. G. ROSS (Higinbotham) — I refer the Minister for Energy and Resources, as the representative in this house of the Minister for Transport, to a petition submitted to the Glen Eira City Council by some 800 residents in my electorate concerning the dangers to pedestrians at the intersection of Patterson and Tucker roads in East Bentleigh.

The council has investigated traffic flows and past incidents at that intersection and submitted an application to Vicroads to provide automatic and pedestrian-activated intersection traffic signals. The response to the council from Vicroads has been disappointing and certainly not in accordance with the strength of feeling of residents in the local area. I ask the minister to investigate the past incidents at that intersection which are of great concern to my constituents and to consider making funds available to undertake the work sought by the Glen Eira City Council before a tragedy occurs.

Taxis: driver standards

Hon. ANDREW BRIDESON (Waverley) — I refer the Minister for Energy and Resources, as the representative in this house of the Minister for Transport, to an issue concerning incompetent taxidrivers. All honourable members know that taxis are an important and integral part of Melbourne's public transport system. As such, we all have expectations that those drivers will be well trained, qualified and competent in what they do. The former Premier, who did a lot for the industry, tagged taxidrivers as being ambassadors for the state and said that they could promote tourism and associated industries and activities.

Members of the public have a fair expectation that when they hail a taxi, the driver will have some idea of where they want to go. I was therefore somewhat embarrassed last Wednesday when the Commonwealth Parliamentary Association executive had a very enjoyable dinner with guests from the British Parliament, and I inquired during conversation why they had arrived late for the dinner.

I asked whether their lateness was caused by Melbourne's rainfall. However, they were late for another reason: they hailed a taxi but the driver did not

know how to get to Parliament House from the Hotel Stamford, which is less than a kilometre away.

That incident reminded me that in the past 12 months I hailed a taxi to go from Parliament House to the grand prix at Albert Park, but had to instruct the driver how to get there. On another occasion I hired a taxi to travel to Flemington racecourse for the Melbourne Cup, but, again, the driver did not know how to get there.

Will the Minister for Transport investigate how incompetent taxidrivers are employed and whether they have ongoing and in-service education? Victoria's taxidrivers should be trained to the standards of London cabbies.

Olympic Games: training

Hon. B. C. BOARDMAN (Chelsea) — The matter I direct to the attention of the Minister for Sport and Recreation concerns his bizarre promotion during today's question time of international sporting teams using Melbourne's facilities in the lead-up to the Olympic Games. It is wonderful that Victoria should have such an incredible number of sporting teams and international athletes availing themselves of Victoria's fine facilities in the lead-up to the Olympics, but it is a slur on the minister that he should go on about the promotion of international athletes to the detriment of Australian athletes.

If the minister were capable and knowledgeable about his portfolio responsibilities he would be aware that the Australian Telstra swimming team has been using the Melbourne Sports and Aquatic Centre in the lead-up to the games. Training there on Thursdays are such fine Australians as Matt Dunn, Michael Klim and Rebecca Brown. The public is turning up in droves to support the athletes, yet the minister is nowhere to be seen. He is not interested. He would rather succumb to the populist publicity associated with supporting big-ticket athletes in the hope that he may get some publicity.

I ask the minister to admit that he has shirked his responsibilities as Victoria's sports minister by neglecting Victorian athletes at the expense of gaining potential publicity through acting as a quasi advocate for overseas athletes.

School Focus Youth Service

Hon. M. T. LUCKINS (Waverley) — The matter I direct to the attention of the Minister for Youth Affairs may seem pedestrian after the last two matters. The School Focus Youth Service was funded by the previous government to offer an integrated program to Victorian schools and to develop links to existing programs for young people. The City of Monash was one of the successful tenderers for the program and has received $120 000 a year. The service worked with 63 schools in the City of Monash, including all government, Catholic and independent schools.

The director of youth services at the City of Monash, Malcolm Ford, said the School Focus Youth Service has been successful locally, with positive outcomes for students referred to the services. It has provided schools with unprecedented contact on their initiatives. The program was initially funded for three years and the contract is set to expire in September 2001.

Given that that is a year away, the City of Monash and other providers are keen to know the government's plans for the continuation of the School Focus Youth Service. They want to know whether ongoing funds will be provided so that the momentum gained to date will not be lost.

Olympic Games: training

Hon. P. A. KATSAMBANIS (Monash) — The matter I direct to the attention of the Minister for Sport and Recreation follows the issue raised by Mr Boardman, who said that during question time today the minister was glowing and enthusiastic in his promotion of overseas athletes training in Melbourne in the lead-up to the Olympic Games.

I point out to the minister that probably Australia's most internationally renowned athletes — that is, Australia's Olympic soccer team, commonly known as the Olyroos — are based in Melbourne not only in the lead-up to the Olympics but tonight they are to play an international soccer match at Olympic Park. On Thursday night they will be playing another international soccer match at the Bob Jane stadium in my electorate. For the duration of the Olympics the team will be based in Melbourne at the Hilton Hotel.

Like Mr Boardman I am also concerned at the minister's apparent lack of interest in Australian sporting teams in his haste to embrace international athletes. I call on the minister to correct the omission by putting on the record his support along with that of Liberal Party members and, no doubt, National Party members for the Australian Olympic athletes, including the Olyroos. We wish them well in their quest to win gold for Australia.

Waverley Park

Hon. N. B. LUCAS (Eumemmerring) — I direct a matter to the attention of the Minister for Sport and Recreation. It revolves around the *Herald Sun* headline

of 27 August 'Waverley pledge an election hoax'. I have followed with great interest the heritage listing of Waverley Park. I have noticed headlines in a number of newspapers about the heritage status of Waverley Park. One headline states 'Heritage status for Waverley a joke'. A headline in the 1 September edition of the *Age* states 'Heritage call threatens clubs: AFL'. A headline of 16 August states 'Heritage bid a threat to clubs: AFL' and on 1 September a further headline states 'Heritage hurts AFL'.

I have done some research and got to the bottom of the heritage listing. The *Dandenong Examiner* states that the Minister for Gaming in the other place, John Pandazopoulos, last year suggested that if somebody nominated Waverley Park for heritage listing to preserve the stadium, the schemes of the Australian Football League (AFL) would fall asunder.

I have found out why the heritage listing has succeeded. The Minister for Gaming, the honourable member for Dandenong in the other place, suggested that the heritage listing should proceed. It seems the listing is a result of the minister's suggestion to the City of Greater Dandenong which, as the Honourable Gordon Rich-Phillips said the other night, spent more than $160 000 prosecuting the case for a heritage listing; yet, Waverley Park is in the City of Monash.

On 1 September it was reported that Wayne Jackson, the chief executive of the AFL, said that the heritage listing threatened the future of cash-strapped local clubs and the development of the game. It appears that the football clubs of St Kilda, Hawthorn, North Melbourne and Footscray could go under as a result of the minister's suggestion to the City of Greater Dandenong.

Given that it was the suggestion of the minister that the City of Greater Dandenong seek heritage listing for Waverley Park and having regard to the statement of the chief executive of the AFL of 1 September that the listing threatened the future of cash-strapped clubs in the development of the game, will the minister advise the house what financial guarantees the government will provide for the AFL clubs of St Kilda, Hawthorn, North Melbourne and Footscray should they have financial difficulties? In other words, what action will the government take — —

The PRESIDENT — Order! The honourable member clearly went over his time. Next time he will be on a 2-minute limit!

Industrial relations: IT industry

Hon. D. McL. DAVIS (East Yarra) — My question to the Minister for Industrial Relations concerns the telecommunications and information technology sector of the Victorian economy. The *Australian Financial Review* of 18 August carried an article at page 19 that dealt with some industrial relations aspects of the industry at the moment. It is an important growth industry that is growing much faster than the national economy and the Victorian economy overall. The Community and Public Sector Union (CPSU) has served a significant log of claims on telecommunications groups and Internet service providers and is trying to establish an industry-wide award. The article states that the log of claims covers:

> … virtually the entire sector outside market giants Telstra Corp and Cable & Wireless Optus, which are regulated by company-specific federal industrial awards.

The article goes on to list other carriers and service providers that are affected by the log of claims — AAPT, Davnet, One.Tel, Vodafone, Hutchison Telecommunications, Ozemail, Eisa, Macquarie Corporate Telecommunications, Primus and RSL Communications. There is considerable concern that this industry, which is growing very fast, will be significantly affected by this log of claims. The union seeks to impose a regulated workplace on a number of carriers in a way that will impact on the growth of the sector and the employment opportunities that it offers Victoria.

I contrast that with the fact that the Kennett government had a very strong policy in this area to grow the sector and to place Victoria in a leadership position in the world of multimedia and associated industries. It had the first Minister for Multimedia in Alan Stockdale. In that context there is a belief that this claim can seriously damage the industry. The log of claims is believed to affect more than 100 000 workers in the sector across Australia.

I ask the Minister for Industrial Relations to assure the house that she does not support the industry-wide award push in the information technology industry. Can the minister assure the house that she does not support any heavy-handed tactics by the CPSU that may disadvantage the IT sector and employment by telecommunications and Internet service providers in Victoria?

Workcover: premiums

Hon. K. M. SMITH (South Eastern) — I have a question to the Minister assisting the Minister for Workcover. During the last sittings of Parliament the minister came into this house as the lead speaker on a bill seeking the opposition's support to increase Workcover premiums to cover the provision of

common-law rights. That is the way it was sold. She told us that the premiums would rise approximately 15 per cent, or 15 per cent on average. There was no mention of the removal of caps, of adjustments of industry or anything like that. I think the Minister assisting the Minister for Workcover misled the house with what she said during that debate. *Hansard* will record that the minister misled the house.

My office has been inundated with complaints from people about the premiums they have been asked to pay. I will mention the name of one company on the basis that if it is in any way victimised by the Thought Police out at Workcover I will be in here naming Workcover officers and the company for what Workcover has done to it.

In 1998–99 the premium the company was asked to pay was $34 577.10. For the year 1999–2000 it was up to $39 762.08, and for this current year, 2000–01, the premium has just increased to $71 959.01. That is far in excess of the 15 per cent average that the minister misled members into accepting.

Hon. R. F. Smith interjected.

Hon. K. M. SMITH — Why don't you shut up! I want to know why the Minister assisting the Minister for Workcover allowed this to happen, why she misled the house and what she is going to do for this small business, which she and her government may be sending broke.

Liquor: licences

Hon. BILL FORWOOD (Templestowe) — I raise an issue with the Minister for Small Business concerning the review of the 8 per cent limit on liquor licence holdings. At the outset let me point out that on page 5 the report released yesterday by the minister notes that the National Competition Council stated in its submission that it was satisfied that the current review was 'sufficiently independent'. The issue is that the Office of Regulation Reform undertook an independent review. We know, because it is on the record, that the initial review document was finished in June as was required under the terms of reference, which were extended from May. I draw a contrast between what the original report said and what ended up in the final report. For example, the original report states:

> Given the above conclusions, the review considers that it would be inappropriate to immediately abolish the 8 per cent limit.

The final report states:

> Given the above conclusions, it would be in the public interest to retain the 8 per cent limit …

Of course, that led to a change in the recommendation. The original recommendation said:

> While it would be inappropriate to immediately abolish the 8 per cent limit …

In the final report issued yesterday the recommendation had been changed to:

> The 8 per cent rule should not be removed …

Is it not true that the review released yesterday is not independent, as required by the National Competition Council, and that in fact the alterations made to it to hide its true recommendations were made on the minister's instructions?

Industrial relations: task force

Hon. M. A. BIRRELL (East Yarra) — I raise a matter with the Minister for Industrial Relations relating to the work of the industrial relations task force which she spoke about so proudly in question time. The industrial relations task force has already cost the taxpayers around $2 million, even though it has been established for only about three months. I am keen to know whether the government is planning to continue with the task force after this date. If not, how will the government honour its election promise that it will have some form of multipartisan body to discuss industrial relations issues and provide some kind of forum for employers and unions? Will it be the industrial relations task force? If not, which body will the government create, or will it not create such a body?

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — A number of matters were raised with me. The Honourable Gordon Rich-Phillips raised a matter for the Premier. I will pass that on and the Premier will respond in the usual manner.

The Honourable Ron Best raised a matter for referral to the Minister for Health with respect to multidisciplinary services in the Bendigo area and an application for funding, I think it was for $30 000. I will raise that with the minister.

Hon. R. A. Best — The study cost $30 000, which was provided by the previous government.

Hon. M. M. GOULD — The matter was in respect to funding for multidisciplinary services in the Bendigo area, specifically relating to eating disorders. I will raise

that with the Minister for Health and ask him to respond in the normal manner.

The Honourable Jeanette Powell raised a matter for the Minister for Health with respect to funding of $3000 for HIV/AIDS treatment programs. I will raise that with the minister and ask him to respond in the usual manner.

The Honourable David Davis raised a log of claims that has been served by the Community and Public Sector Union on telecommunications and information technology industries. If the honourable member had any understanding of what industrial relations was about he would realise the under the Workplace Relations Act a union serves a log of claims on companies. It has to be an ambit claim so they can have what is called a paper dispute — —

Hon. D. McL. Davis — It doesn't have to be an ambit claim.

Hon. M. M. GOULD — If they want a dispute found to resolve an issue.

Honourable members interjecting.

Hon. M. M. GOULD — The process for creating a federal award under the Workplace Relations Act is that the union serves a log of claims on companies. If any companies wish to take issue with that I would be more than happy for them to get in touch with my department, which would be prepared to advise and assist them in any way to sort out any issues they may have with the matters before the commission.

Hon. D. McL. Davis — On a point of order, Mr President, I asked the minister to assure the house that she did not support the industry-wide award and the push by the Community and Public Sector Union into the information technology industry. That is not what she has done. She said she has no understanding of the issue. However, I seek that assurance from her.

The PRESIDENT — Order! There is no point of order. I read the guidelines to the house the other night. They specifically state that the house accepts the answer as given. I can read the words again if the honourable member wishes.

Hon. M. M. GOULD — The Honourable Ken Smith referred to Workcover premiums, a subject that was debated extensively last week. He also passed on the name of a particular company and details of an initial premium notice. I will not name the company. As indicated, if any companies wish to discuss their premiums with the authority an appointment will be made and I will take it up with the authority and ask it to organise a meeting to discuss their concerns.

The Leader of the Opposition referred to the industrial relations task force. The question covered two issues and I will address both. One concerned the $2 million. As I stated to the house, the government allocated a sum not exceeding $2 million. The task force has not expended the full amount of that money.

An Opposition Member — How much?

Hon. M. M. GOULD — I cannot recall. I advised the Public Accounts and Estimates Committee how much money had been spent to date. I think I can say it is less than $250 000, but I will stand corrected. I am happy to advise the house tomorrow exactly how much has been spent on the continuation of the task force. It was resolved in the formal report given to me today.

An honourable member interjected.

Hon. M. M. GOULD — As I said, the government will be considering the recommendations of the task force. After an economic impact statement has been prepared it will respond in the not-too-distant future.

Hon. C. C. BROAD (Minister for Energy and Resources) — The first question I received was from the Honourable Philip Davis, who referred to a matter concerning Mr Tom Dickson, which he raised with me in this place on 8 December, and to my response at that time. The honourable member sought to revive the matter by referring to documents he received under freedom of information. Unfortunately for him, some of the emails that some officers appear to have exchanged between themselves within the department are less than well informed.

I can assure the honourable member that the answer I gave on 8 December is accurate, and the extent of my so-called intervention in the matter consisted of representations made to me by the Victorian Chamber of Mines and others about a matter that predated my taking on the responsibilities of the portfolio. I did the entirely appropriate thing, which was to raise the matter with the then secretary of the department, Mr Taylor, who is the person who appoints and determines the contracts, not the minister. The then secretary of the department informed me of the actions he had taken in relation to that person's employment, and I accepted his explanation. That was the extent of my inquiries on the matter.

An Honourable Member — A cover-up!

Hon. C. C. BROAD — You wish!

The second matter was raised by the Honourable Peter Hall in response to a constituent, Mr Michael Doran. It concerned bag limits for people participating in fishing charter trips. Mr Doran sought clarification of the limits that apply to people who participate in charters. I undertake to discuss the matter with the department and to seek a resolution.

The Honourable Glenyys Romanes raised a matter with the Minister for Transport concerning traffic congestion at the western end of the Eastern Freeway. She requested that the minister advise her of a feasibility study on the matter. I will refer her question to the minister.

An Honourable Member — Don't forget the light rail out to Doncaster!

Hon. C. C. BROAD — That is correct.

The Honourable Geoff Craige requested the Minister for Environment and Conservation to investigate the safety works at Mount Stirling and issues such as consultation, timing and disposal of timber following those works. I will refer the matter to the minister for her to pursue.

The Honourable Barry Bishop raised a matter for the Minister for Transport concerning a railway crossing at Ouyen. He requested that the minister urgently address safety matters to do with that crossing. I will refer that to the minister.

The Honourable Sang Nguyen raised with me a matter concerning safe public lighting in the Braybrook area. I can advise the honourable member that most public lighting services are currently owned, maintained and operated by the franchised electricity distribution businesses and local councils pay the relevant distribution company for the provision of those services in each council area. In some instances Vicroads pays the distribution businesses for lighting services associated with major roads. Public lighting services in Braybrook — west of Footscray — are provided by AGL in the east and Powercor in the west.

Those electricity distribution businesses operate in accordance with audited asset maintenance programs, and the electricity supply and sale code of the Office of the Regulator-General provides that if a customer reports a broken street light next to the customer's house or business and the distribution business does not fix the light within two working days the business must credit the customer's account with $10. That is one of five guaranteed service levels introduced by the SEC in 1993 and continued under the current regulatory framework. Legislation the government enacted in the autumn sittings gave the Office of the Regulator-General continuing powers to regulate public lighting services from 2001.

The Honourable Bill Baxter referred to the Environment Conservation Council's draft box-ironbark report. All honourable members know the high regard Mr Baxter has for the ECC! He asked the Minister for Environment and Conservation to have the Environment Conservation Council, an independent body, provide an extension of time for submissions, and requested that the minister respond to his request. I shall pass on the matter to the minister.

The Honourable Elaine Carbines asked the Minister for State and Regional Development to advise her whether a submission has been received by the Regional Infrastructure Development Fund concerning the extension of gas to the towns of Portarlington, Indented Head and Clifton Springs. I shall pass on her request to the Minister for State and Regional Development.

The Honourable Andrew Olexander raised for the attention of the Minister for Transport correspondence from the City of Knox about safety at school crossings. He asked the minister to review the council's proposal for joint funding of works required to ensure safety at school crossings. I shall refer the matter to the Minister for Transport.

The Honourable Carlo Furletti raised for the Minister for Environment and Conservation a constituent's problem with a carwash business next door and trouble obtaining test results from the Environment Protection Authority. He requested that the minister require the EPA to provide those test results. I shall refer the matter to the Minister for Environment and Conservation.

The Honourable Ron Bowden on behalf of a constituent raised for the Minister for Transport the state of Dalyston–Glen Forbes Road in South Gippsland and asked that the minister urgently investigate works required to ensure that the road meets an acceptable standard. I shall refer the matter to the Minister for Transport.

The Honourable Roger Hallam raised for the attention of the Minister for Local Government a matter concerning national competition dividend payments and sought an assurance from the minister that the total dividend from those payments will be passed on to local councils. I shall refer the matter to the Minister for Local Government.

The Honourable John Ross also referred a matter concerning an intersection to the Minister for Transport. It was raised by the Glen Eira City Council. Dr Ross

asked that the minister investigate incidents at that intersection and act to prevent a tragedy. I shall refer the matter to the Minister for Transport.

The Honourable Andrew Brideson raised a matter for the attention of the Minister for Transport concerning competent taxidrivers, a matter to which many members of this house can relate. He asked the minister to investigate the training of Melbourne taxidrivers to the standard of London taxidrivers. I shall refer his request to the Minister for Transport.

I wish to correct an answer I gave earlier to the Honourable Elaine Carbines. I referred to Portarlington, Indented Head and Clifton Springs. I should have referred to St Leonards rather than Clifton Springs.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Wendy Smith raised the matter of the homelessness strategy that is being prepared and asked for it to deal with the question of homeless schoolchildren in suburban areas rather than being a strategy only for homeless families. I shall pass that on to the Minister for Housing for a reply.

The Honourable Andrea Coote raised for the attention of the Minister for Housing the closure of the Hollywood Private Hotel and her meeting with members of the Port Phillip and Stonnington Information Network. She said that the hotel had been purchased by a developer and referred to the 65 or so single men who resided there. She asked what funds and tangible assistance could be provided to enable the men to stay in the area. I shall pass on the matter to the Minister for Housing.

The Honourable Bill Forwood raised the matter of the 8 per cent limit for packaged liquor licence holders. I know he is disappointed in the final report, but we are pleased with it. We look forward to the consultative project. Next time he should wait for the final report before he makes an announcement.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Cameron Boardman asked about the Australian Olympic teams training in Victoria. Although today during question time I recognised exotic sports from exotic countries, I also know that the Australian teams recognise that Melbourne is the sporting capital of the nation, and it is clear that some of the sportspeople from around the world appreciate that Victoria is the place to be.

I hope the reason the honourable member gave the Australian Telstra Dolphins a plug is that he wholeheartedly supports the Australian swimming team, not because he is engaging in any corporate hospitality related to Telstra. It is great to see so many teams involved in pre-Olympic training in Victoria. I reinforce the great work that has been done by Sport and Recreation Victoria for many years to attract these teams to Melbourne.

The Honourable Maree Luckins asked about the School Focused Youth Service, which targets young people between the ages of 10 and 18 years who are displaying behaviours that require intervention and who need support. The program is under the jurisdiction of the Minister for Community Services in the other place. I have been informed that the program includes an ongoing evaluation which is currently being conducted and will conclude in early 2001, when decisions will be made about how the program will proceed beyond October 2001.

The Honourable Peter Katsambanis also raised a matter — I was pleased he was sitting next to the Honourable Cameron Boardman when watching the 6 o'clock news tonight! — about the teams that will be training in Melbourne prior to the Olympic Games. All honourable members will be looking forward to the opening soccer game between the Olyroos and Italy, which is to be played three days before the Olympic Games begin in Sydney. I wish those teams all the best in their pursuit of excellence in representing their countries.

The Honourable Neil Lucas asked about Waverley Park. The Australian Football League, like any other individual or organisation in this state, must engage in a planning process, and that has been the case in this instance. Today I spoke with the AFL to discuss the ongoing viability of the competition and clubs, and the government will continue to advocate for games to be played at Waverley. The government will also continue to discuss a range of issues with regard to the viability of the competition.

I advise all honourable members that one of the attendants of the house, Russel Bowman, is celebrating his birthday today. Honourable members might like to pass on their best wishes as they leave the chamber tonight.

Motion agreed to.

House adjourned 10.10 p.m.