

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

9 October 2001

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. D. V. NAPHTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

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Mr P. J. RYAN

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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantima	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 3 November 1999

² Elected 11 December 1999

³ Resigned 12 April 2000

⁴ Elected 13 May 2000

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Tuesday, 9 October 2001

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.07 p.m. and read the prayer.

NATIONAL WEEK OF DEAF PEOPLE

The SPEAKER — Order! I advise the house that this week is the National Week of Deaf People and that I have approved a request for two interpreters from the Victorian Deaf Society to sign from the Hansard box for deaf and hearing-impaired persons and visitors in the gallery during question time today.

RULINGS BY THE CHAIR

Questions without notice: points of order

The SPEAKER — Order! On 27 September, at the end of question time, the honourable member for Monbulk sought guidance from the Chair on the method of raising a point of order as to relevance without referring to the question already asked.

This arose following an earlier point of order taken by the Leader of the Opposition and my ruling that a member should not repeat the question in raising such a point of order. I have checked the record and it does show that the Leader of the Opposition on that occasion was, in essence, repeating the question.

A point of order allows a member who thinks a breach has been committed to direct the attention of the Chair to the matter. A member, however, must simply direct the Chair's attention to the point complained of and the issue will then be decided by the Chair. In the context of question time, the Chair is well aware of the original question and the answer being given and neither should be repeated. My expectation is that a member has to submit only that, for example, the answer is not relevant or that a minister is debating the question. The Chair will then rule on the matter.

The Chair does accept that there may be some occasions, when seeking a ruling on admissibility, where it will be necessary for a member to refer to the substance of a question. However, the increasing trend in this chamber of members automatically using the opportunity to restate a question or make a point in debate is not acceptable. Such actions are contrary to the practices of the house and will not be tolerated by the Chair.

ABSENCE OF PREMIER

The SPEAKER — Order! I advise the house that I have been notified that the Premier will not be in attendance during question time today and that the Acting Premier will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE

Scoresby freeway: funding

Dr NAPHTHINE (Leader of the Opposition) — I refer the Acting Premier to the outstanding announcement made this morning by the Prime Minister — —

Honourable members interjecting.

The SPEAKER — Order! I ask government benches to come to order.

Dr NAPHTHINE — Thank you, Mr Speaker. I refer to the outstanding announcement made this morning by the Prime Minister committing — —

Honourable members interjecting.

The SPEAKER — Order! This is not a good start to question time.

Dr NAPHTHINE — I refer to the outstanding announcement made this morning by the Prime Minister, committing a federal coalition government to spend \$445 million to fully fund its half of the Scoresby freeway.

Honourable members interjecting.

The SPEAKER — Order! I ask opposition benches to come to order.

Honourable members interjecting.

The SPEAKER — Order! I ask both sides of the house to come to order to enable the Leader of the Opposition to ask his question.

Dr NAPHTHINE — Thank you, Mr Speaker. I refer the Acting Premier to the outstanding announcement made by the Prime Minister this morning, committing a federal coalition government to spend \$445 million to fully fund its half of the Scoresby freeway. Given that the state Labor government has put no dollars in to build this freeway, I ask: when will the Victorian Labor government match the federal government's \$445 million commitment, and will it now guarantee to

commence construction of this important freeway this financial year?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc! The honourable member will find himself outside the chamber very shortly — similarly the honourable member for Cranbourne.

Mr THWAITES (Acting Premier) — The Leader of the Opposition referred to the announcement by the Prime Minister this morning in relation to Scoresby. I am afraid this is a case of Johnny-come-lately. For 12 months the Bracks government has clearly indicated — —

Honourable members interjecting.

The SPEAKER — Order! I have cautioned the house on a number of occasions. The Chair is having difficulty hearing.

Mr Maclellan — On a point of order, Mr Speaker, in accordance with your ruling — relevance and debating.

The SPEAKER — I am not prepared to uphold the point of order raised by the honourable member for Pakenham. The Chair has had extreme difficulty in hearing anything that has been uttered by the Acting Premier. I ask the cooperation of the house to enable the Chair to hear and Hansard to record the answer.

Mr THWAITES — The Prime Minister had to be dragged kicking and screaming to sign this agreement. For 12 months the Bracks government indicated quite clearly it had been prepared to pay 50 per cent of the funding for Scoresby. I am very pleased to advise the house that the Victorian cabinet has approved funding of \$445 million for the Victorian government's share of the project.

Honourable members interjecting.

The SPEAKER — Order! I ask the government benches to come to order!

Honourable members interjecting.

The SPEAKER — Order! It seems that the house is not heeding the Chair's warnings to come to order. I will not hesitate to use sessional order 10 to remove some honourable members who continue to offend with their behaviour.

Mr THWAITES — In addition I am pleased to advise the house that construction will commence at the

time the Prime Minister indicated — in 2002. This will be a magnificent job and a great project for Victoria. This project will commence, as agreed by the commonwealth government, in 2002. It will provide for the more than 1 million people who live in the Scoresby corridor an access and transport route that will lead to economic benefit for that whole region and indeed for the whole state. It is the absolute height of hypocrisy that this opposition talks about Scoresby. They did not spend a cent on Scoresby. Not 1 cent!

Honourable members interjecting

The SPEAKER — Order! The honourable member for Mordialloc!

Mr Leigh interjected.

The SPEAKER — Order! I warn the honourable member for Mordialloc!

Mr THWAITES — In seven years in office the Kennett government failed to spend a cent on Scoresby. It failed to get 1 cent of commonwealth funding. But, Honourable Speaker, they did have a policy. The only plan the Liberal Party had for Scoresby was \$8 tolls!

Dr Napthine interjected.

Mr THWAITES — He says it's a lie! As recently as May this year the local Liberal Party member called for tolls on the Scoresby. The honourable member for Forest Hill said he had no objections to tolls paying for speedy completion of the freeway. He went on to say — —

Mr Rowe — On a point of order, Mr Speaker, the Acting Premier is obviously debating the question and acting in a role that is not befitting him at this stage because the Labor Party actually denounced the project in 1999.

The SPEAKER — Order! I will not permit the honourable member for Cranbourne to continue. The Acting Premier will cease debating the question and will come back to answering it.

Mr THWAITES — This side of the house is committed — and has committed through the state cabinet — absolutely to spending \$445 million to get this freeway up and running. That side of the house has a different policy. The honourable member for Forest Hill supported tolls and said that without tolls there would be a shortfall of millions of dollars of government funding.

Mr McArthur — On a point of order, Mr Speaker, despite your guidance the Acting Premier is flouting your ruling.

The SPEAKER — Order! I uphold the point of order raised by the honourable member for Monbulk, and I ask the Acting Premier to cease debating the question and conclude his answer.

Mr THWAITES — I am also very pleased to advise the house that my colleague the Minister for Transport has signed the agreement between the commonwealth of Australia and the government of Victoria. I would like to compliment — —

An Honourable Member — Who signed first?

Mr THWAITES — Who signed first? Who do you think signed first? Victoria signed first! Victoria did sign first, but I will tell you something else. We did not sign until we had — —

Mr Rowe — On a point of order, Mr Speaker, obviously the Acting Premier is failing to hear you, Sir. He is continuing to debate the question and is flouting your decision.

The SPEAKER — Order! I do not uphold that point of order. The Acting Premier was providing information to the house about a document that was signed between the commonwealth and the state on this project. However, even allowing for interruptions, the Acting Premier should be in a position to conclude his answer, as there is also a requirement to be succinct. I ask him to do so.

Mr THWAITES — I indicate that we did sign before the commonwealth, but we were not prepared to sign until the commonwealth committed to paying half the cost of the Scoresby freeway. And the reason for that is that if that had not occurred we would have had only half a freeway. We are getting a full freeway. The other side of the house has only one policy for roads — and that is tolls!

Ansett Australia: financial crisis

Ms BEATTIE (Tullamarine) — Will the Acting Premier inform the house of the latest action the government is taking to promote investment in Ansett Australia as a third carrier and to alleviate the impact of the Ansett crisis on the Victorian tourism industry?

Mr THWAITES (Acting Premier) — I thank the honourable member for Tullamarine for her question and for her untiring efforts as the member for Tullamarine on behalf of Ansett Australia staff.

The Bracks government has always acted decisively and immediately to do everything possible to keep Ansett as a going concern. It is critical for the future not only of this state but of the whole of Australia that we have an ongoing concern in Ansett, that we have a third airline in this country, that we have a competitor for Qantas and Virgin and that we do not do what the federal government wanted to do, which was to destroy Ansett and allow it to be picked over by Qantas and Virgin.

That is why we have taken the strategic approach of facilitating investment in Ansett Mark 2 and of ensuring that the tourism industry is supported through a \$10 million package and that, as far as possible, Ansett workers are supported with financial counselling.

The Premier is today flying to Singapore to further promote two of those key objectives. They are, first, to ensure that wherever possible we promote investment in Ansett Mark 2 and, second, to alleviate the impact on tourism. The Premier will be meeting Dr Cheong, the chief of Singapore Airlines, and he will be giving Dr Cheong the clear message that Singapore Airlines is welcome in Victoria.

Honourable members interjecting.

Mr THWAITES — Opposition members are laughing. They laugh at Singapore Airlines; they have no interest in Singapore Airlines! But this side of the house is putting out the welcome mat to Singapore Airlines. The Bracks government will do whatever is needed to facilitate investment in a reborn Ansett.

It is important to emphasise that the role of Singapore Airlines may not necessarily be as an equity investor; it may have an interest in assisting with the operations side of the airline. It will be necessary to have an experienced operator of Ansett, and Singapore Airlines is certainly that.

It is fair to say that Singapore Airlines has had a difficult time as a result of the Australian government's failure to properly manage Ansett Australia and airline policy. I have to say that the federal transport minister, Mr Anderson — —

Mr McArthur — On a point of order, Mr Speaker, I draw your attention to debating the question.

The SPEAKER — Order! I do not believe the Acting Premier was debating. I do not uphold the point of order.

Mr THWAITES — The Premier has to go to Singapore because our national government has failed in its obligations. Our national government slammed the door in the face of Singapore Airlines. That is what it did: the federal government slammed the door in its face. The federal Minister for Transport and Regional Services, Mr Anderson, did nothing to save Ansett. He sat on his hands for months and described Ansett as a carcass.

Honourable members interjecting.

Mr THWAITES — Are you proud of that? This is the federal transport minister, who was described by, I think, Terry McCrann as the worst transport minister in Australia's history — the worst!

Honourable members interjecting.

Mr Maclellan — On a point of order, Mr Speaker, in accordance with your ruling earlier today and your advice to the house — debating!

The SPEAKER — Order! I ask the Acting Premier to cease debating the question and to come back to answering it.

Mr THWAITES — The Premier is going to Singapore to make sure that Singapore Airlines and the Singapore tourism industry, which is critical to this state, understand that the welcome mat is out. This state welcomes investment from overseas, it welcomes investment from Singapore, and I am sure the Premier's trip will assist in both those regards.

Insurance: fire service levy

Mr RYAN (Leader of the National Party) — I refer the Minister for Finance to the fact that the fire service levy on insurance in Victoria is the highest in Australia, that the Labor government has just approved another increase in the fee, and finally that rural Victorians pay substantially more than their metropolitan counterparts. I ask the minister what alternatives she is investigating to change this unfair tax.

Ms KOSKY (Minister for Finance) — As we know, we had a terrific tax review in this state, which was long overdue. Part of that tax review involved consultation with businesses around the state about what we needed to do in relation to taxes that would have the best impact for businesses. We have taken into account the recommendations of that tax review and acted. Unlike the other side of the house, we are getting on with the job of providing business opportunities in Victoria. The opposition just wants to rule out and get rid of all taxes, a consequence of which would be cuts

in the number of nurses and teachers to pay for those tax cuts.

GST: wine

Ms DUNCAN (Gisborne) — I refer the Minister for State and Regional Development to the importance of the Victorian wine industry to the Victorian economy, and I ask the minister to inform the house of the impact of the GST on the Victorian wine industry and what action the government is taking to facilitate growth in this critical industry?

Mr BRUMBY (Minister for State and Regional Development) — The opposition had a big success with its first question today — it was a resounding success!

I thank the honourable member for Gisborne for her question. She has been a strong advocate and supporter of the Macedon Ranges wine industry. Many of the wine makers from the Macedon Ranges are in Queen's Hall today — names such as Rochford, Virgin Hills, Hanging Rock and so on. I was delighted at lunch time to officially launch that presentation. Many honourable members were there to support what is a great asset to and attribute of the region.

More generally, the wine industry is one of our great assets across Victoria. It is now producing something like \$350 million worth of grapes and \$780 million of sales a year, and this year for the first time the exports of Victorian wine overseas exceeded \$200 million.

This is an industry that we can be truly proud of. It is also an industry that makes a huge contribution to the tourism industry. It is estimated that 2.8 million visits were made to Victorian wineries last year, which represents a 22 per cent increase on the 1998 figure.

The Bracks government has done a great deal to support the Victorian wine industry. Recently I announced changes to the 15 per cent subsidy rule for cellar door sales. That means that small vineyards which do not have their own fermentation facilities will be able to attract that cellar door rebate. This change will benefit between 50 and 70 small vineyards in Victoria, which will get the advantage of this initiative for the first time. The government is also putting more than \$7 million into locating the Australian College of Wine in Victoria. The government is providing substantial support to the Victorian Wine Industry Association. Furthermore, Melbourne is a member of the great wine networks of the world. We have a government in Victoria that is strongly supporting this industry.

However, I have to say that while the Victorian government is supporting it, there are other policies at other levels of government that are damaging the industry. I have here an article from the *Bendigo Advertiser* — a very good newspaper — dated Friday, 5 October 2001, with the headline ‘Tax unfair for wine industry’. It says:

Bendigo vigneron Wes Vine describes the GST as the double whammy tax imposed unfairly on the burgeoning wine industry.

Wes Vine is a winemaker, and he says his taxes have gone up and he has to spend between 2 and 3 hours extra each week dealing with the paperwork and red tape that go with the GST.

I am also able to advise the house that according to the commonwealth government’s own estimate the GST on a medium-priced bottle of wine — the sort of wine we can see in Queen’s Hall today, produced in the Macedon Ranges — means the tax take because of the Howard government’s tax policies has increased from \$3.07 to \$3.75 — an increase of more than 20 per cent.

Mr Perton interjected.

Mr BRUMBY — The only policy you have for the Scoresby freeway is \$8 tolls, and the only policy you have for the wine industry is higher taxes.

The SPEAKER — Order! The minister will address the Chair.

Mr BRUMBY — I have here another article from the *Bendigo Advertiser* about a study completed by La Trobe University which looked more broadly at the impact of the GST on small vineyards and small businesses generally. According to the article, 87 per cent of respondents said they faced significant additional workloads associated with the GST, and 68 per cent cited cash flow as a significant issue.

The wine industry in Victoria is a great growth industry. The Bracks government is proud of the wine industry, and it is proud of the Macedon Ranges wine producers in Parliament House today. However, while the Bracks government is out there supporting the wine industry the Howard government is dealing sledgehammer blows to it through the GST. The Bracks government will continue to support this industry.

Dr Napthine — On a point of order, Mr Speaker, the minister is debating the question. He knows he gets revenue from the GST, and if he wants to give it back he can.

The SPEAKER — Order! I do not uphold the point of view raised by the Leader of the Opposition.

The minister has concluded his answer.

Stamp duty: conveyancing

Mr CLARK (Box Hill) — I refer the Treasurer to the fact that revenue from stamp duty on conveyancing exceeded original budget estimates by 42 per cent in 1999–2000 and by 23 per cent in 2000–01. Will the Treasurer commit to a reduction in stamp duty on conveyancing in next year’s budget if collections in 2001–02 exceed this year’s budget estimate, or will he simply continue to pocket the benefit from such windfall gains, just as his government has done for the past two years?

Mr BRUMBY (Treasurer) — I am delighted that the honourable member has raised this question because, as both the Premier and I have pointed out in this house on other occasions, if you aggregate the tax promises that have been made by the opposition and look at what it is promising in terms of payroll tax — —

Honourable members interjecting.

Mr BRUMBY — Well, we’re a bit embarrassed about this, are we?

Dr Napthine — On a point of order, Mr Speaker, the Treasurer is debating the question. I suggest that you advise him to answer it.

The SPEAKER — Order! I am not prepared to uphold the point of order. The Treasurer had just begun his answer.

Mr BRUMBY — The opposition has just raised the question of stamp duty. It begs the question about their policy because, as I have said — —

Honourable members interjecting.

Mr BRUMBY — Yes it does!

Mr Cooper interjected.

The SPEAKER — Order! The honourable member for Mornington!

Mr BRUMBY — So far we have got the Napthine-led opposition promising tax cuts totalling \$1.5 billion per year or \$6 billion over four years! This is equivalent to the gross domestic product of a small nation, and you’re promising it in tax cuts!

Honourable members interjecting.

The SPEAKER — Order! I ask the Treasurer to cease debating the question and to come back to answering it.

Mr BRUMBY — The total tax take of the Victorian government is less than \$10 billion per annum. This pack of clowns over here are promising tax cuts — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Treasurer to address his remarks to the Chair and to desist from using inflammatory language.

Mr BRUMBY — It is true — —

Ms Asher interjected.

Mr BRUMBY — More than you! That's why you're not shadow Treasurer any more — you didn't know any answers!

The SPEAKER — Order! I ask the Deputy Leader of the Opposition to cease interjecting.

Mr Cooper interjected.

The SPEAKER — Order! The Treasurer should desist from responding to interjections.

Mr BRUMBY — It's true! The honourable member for Box Hill is correct about this. It is true that stamp duty collections are increasing because Victoria has the strongest housing market in Australia and because the Bracks government's policies are working. For seven consecutive months — —

Mr Rowe — On a point of order, Mr Speaker, the Treasurer is clearly debating the issue, because the first home owner grant is the obvious reason for an increase in housing.

The SPEAKER — Order! I do not uphold that point of order, and I ask the honourable member to desist from taking points of order to make a point in debate.

Mr BRUMBY — Despite the fact that first home owner grants are applying right around Australia, it is the Bracks government in Victoria that has the best rate of new approvals for the housing industry of any state.

Let us go to the question of stamp duty and the claims made by the opposition on top of the \$6 billion in tax cuts that it has already promised. When you look at the collections of stamp duty — —

Honourable members interjecting.

Mr BRUMBY — I'll go through them; you asked! In the 1999–2000 financial year Victoria collected stamp duty of \$273 per head. New South Wales collected \$374 per head.

Even the former shadow Treasurer would understand that that is a difference of around \$100 more per person. Moreover, Victoria also collects less tax and less local government rates, both per capita and as a proportion of gross state product (GSP), than New South Wales. On all of the measures, whether it is per capita or as a share of gross domestic product, Victoria is below the national average on both those tax comparisons. On both of those figures we are below the national average.

I do not know whether the shadow Treasurer is suggesting the abolition of this particular concession, but Victoria is the only state that provides for off-the-plan duty concessions. That concession is worth between \$50 million and \$70 million per annum. The Housing Industry Association has put to government that the concession provides incentives for construction of 1400 new dwellings a year valued at \$226 million, \$555 million in gross state product and more than 5000 jobs.

The government also provides concessions for concession cardholders who are purchasing a house. This is for low-income earners buying lower priced properties with a value of up to \$130 000. This is a particular benefit in country Victoria. Taken together the government provides in this state through the off-the-plan concessions and concessions for concession holders \$75 million of tax concessions.

The honourable member for Box Hill asks are we going to cut stamp duty. Our rate is below — —

Honourable members interjecting.

Mr BRUMBY — What is the opposition's answer? Here is \$6 billion. We will put it on the list. We will add it on to more of the opposition's irresponsible promises.

On all of the measures — GSP per capita, stamp duty per capita, comparisons with New South Wales — we are below the national average. We provide off-the-plan concessions which no other state provides, and we are leading Australia in terms of new housing approvals. People are voting with their feet. They are moving to our state, they are buying houses and they are pushing the economy along to give us the best growth rates of any state in Australia.

The last point I will make is this: the one thing we can say which has doubled over the past five years is the commissions that have been earned by real estate agents. What this campaign is about, which the Leader of the Opposition and the shadow Treasurer are apparently prepared to support, is trying to push stamp duty rates down so that real estate agents can make up the difference. That is what this is about, and the willing accomplices are the Leader of the Opposition and the honourable member for Box Hill.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mornington!

Public sector: office accommodation

Mr CARLI (Coburg) — Will the Minister for Finance inform the house of the latest initiative to ensure a cost-effective solution to government office accommodation while providing a major stimulus to central business district construction activity?

Ms KOSKY (Minister for Finance) — Some members in this house may be aware that a number of long-term existing leases for government departments are about to expire and that central business district (CBD) office rents rose 30 per cent in the last year. The government has therefore decided to consolidate a significant number of those leases so it can capture some of the financial savings of larger leases and take a more consolidated approach to public sector office needs through a pre-commitment process.

Today I am pleased to announce that the Victorian government is about to advertise for the leasing of 100 000 square metres of office space for January 2004, with the first 50 000 square metres required by January 2003. To put that into context — —

Honourable members interjecting.

Ms KOSKY — The opposition is obviously not at all concerned about this.

The Rialto provides 85 000 square metres, and we are talking about 100 000 square metres. It is a major project for Melbourne, with more than \$300 million of construction and related costs. It will be one of the largest projects of its type not only in Melbourne or Victoria but right across Australia.

It is worth saying that the provision of 100 000 square metres of office space within the CBD will lead to related employment of up to 900 jobs in the construction industry with a multiplier effect of

400 additional positions. There are economic benefits for government in this because of the savings in consolidating the leases as they become due as well as because of the growth within Melbourne from having the leases consolidated. So it is a terrific announcement. I know we will get a good response from industry and there will be a very great keenness to respond to this project. It is a big project for Melbourne and for the Victorian government, and it will lead to significant construction jobs over the next few years.

Stamp duty: conveyancing

Mr CLARK (Box Hill) — I refer the Treasurer to his previous answer and to the fact that revenue from stamp duty on conveyancing exceeded original budget estimates by \$383 million in 1999–2000 and \$240 million in 2000–01. Has the Treasurer received any information from his department or from the State Revenue Office on collections of stamp duty on conveyancing in the current financial year to date, and if so will the Treasurer inform the house of the current levels of collections in comparison with budget estimates?

Mr BRUMBY (Treasurer) — As I indicated in my previous answer, the government is experiencing a strong growth in revenue from stamp duty at this time due to the strength of the Victorian housing market, which is the strongest in Australia. When you have the strongest housing market in Australia in both volume — that is sales — and price, obviously there will be growth in the stamp duty collections. However, as honourable members ought to know it was the former government in 1999–2000 that brought that one down.

The SPEAKER — Order! I ask the Treasurer to cease inviting interjections from the Leader of the Opposition and to answer the question.

Mr BRUMBY — As I said, we are leading Australia in housing growth. In the March quarter of this year 2700 people have moved to our state from interstate. That is the highest level of any interstate migration in any quarter — —

Mr Clark — On a point of order, Mr Speaker, my question was very specific. I submit to you that the Treasurer is debating the question.

The SPEAKER — Order! I ask the Treasurer to come back to answering the question.

Mr Cooper interjected.

The SPEAKER — Order! The honourable member for Mornington has been called a number of times!

Mr BRUMBY — The Bracks government makes no apologies for the fact that Victoria is a great place to live and a great place to work. We have the strongest housing market in Australia and as a consequence we have strong growth in stamp duty collections.

Disability services: state plan

Ms LINDELL (Carrum) — As this is the National Week of Deaf People I ask the Minister for Community Services to inform the house of the progress of the government's disability plan.

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for Carrum for her question. The Bracks government is working with people with a disability to ensure they have the same rights as other people in Victoria. The development of the state disability plan is the centrepiece of our government's disability policy. Last Friday at the Melbourne town hall I had the opportunity to release that draft plan to hundreds of people with a disability, to their family members and carers and to community service organisations. This is the first time in this state's history that any government has produced an all-embracing, whole-of-government plan for disability services.

The government also has a plan which, for the first time, covers intellectual disability, physical and sensory disability, acquired brain injury and neurological impairment. Previous disability plans have covered only people with an intellectual disability. The draft state disability plan has been developed based on the fundamental principles of human rights and social justice — again, a first in this state.

The plan has four guiding principles: equality, dignity and self-determination, diversity and non-discrimination. They are core values that underpin all elements of our plan and they will guide the way this government and this community think about disability.

This draft state disability plan has a 10-year outlook which is very important as it outlines the government's vision for the future and some proposed strategies, which are also important to ensure that this vision is delivered. This vision is an extension of our One Community philosophy and expresses the view of this government — which I would hope members of the opposition share — that disability should be no barrier to active participation in the community.

The draft state plan is available in two braille volumes; it is available in plain English for people with an intellectual disability or an acquired brain injury who may require it in plain English with the use of Compic; it is also available in a range of multilingual publications; and an audio tape is available. During feedback sessions special attention will be given to people with a disability to ensure that this plan delivers exactly what those people require for the future. The feedback sessions will conclude at the end of this year to ensure that all items that need to be covered in this plan have been signed off by people with a disability and that any finetuning that needs to occur will have received their input.

The disability division of the Department of Human Services will hold consultations around the state and I encourage honourable members to invite people in their own communities to participate in that process. The feedback received during this period will inform the government's consideration of appropriate time lines, resourcing and priorities, which will be set by people with a disability. This plan outlines a significant program of change in Victoria. It is a rights-based framework and a whole-of-government and whole-of-community approach to disability services which will cover all disability services.

I am particularly pleased that in this week, the National Week of Deaf People, Auslan is being provided in this Parliament so that members of the community who are deaf or hearing impaired have the opportunity to understand democracy in action.

Attorney-General: conduct

Dr DEAN (Berwick) — I refer the Attorney-General to his recent statement to the house in which he claimed that all his 11 taxpayer-funded trips to Melbourne were for legitimate parliamentary committee purposes and ask: can the Attorney-General now name the committee and its members who met with him when he flew to Melbourne on Saturday, 15 September 1990, and left on Sunday, 16 September 1990 — that is, the same weekend that happened to host the Phillip Island grand prix?

Mr Batchelor — On a point of order, Mr Speaker, I refer you to Speaker Delzoppo's ruling of 9 November 1993 which clearly indicates that questions that relate to a matter that took place before the period of administration are not required to be answered. You ruled on that, Mr Speaker, at the beginning of this grubby exercise by the opposition — —

The SPEAKER — Order! I do not uphold the point of order. That part of the question that was referring to the statement made by the Attorney-General while he was Attorney-General is in order. I will allow the Attorney-General to answer that part of the question.

Mr HULLS (Attorney-General) — Silly me for thinking that for the past two years since we have been in government the shadow Attorney-General has done nothing more than try to investigate what happened in my life about 11 years ago. That is what I thought, but I was wrong, because he has been developing policy and the first and most important piece of policy he has published was in the *Law Institute Journal* where he says he wants to redesign barristers' gowns!

Mr Thwaites interjected.

The SPEAKER — Order! The Acting Premier! The Attorney-General might think it is amusing; the Chair does not. I ask him to come back to answering the question.

Mr HULLS — The honourable member for Berwick wants to give the gowns more of a Victorian look.

Dr Dean — On a point of order, Mr Speaker, you made a very firm ruling off your own bat and what has been happening time and time again is that after you sit down, having given the ruling, ministers come back to the microphone and flout that ruling directly and immediately. I ask you to take some action.

The SPEAKER — Order! The Attorney-General has been asked to come back to answering the question and to cease debating it.

Mr HULLS — I am sorry, Mr Speaker. There was one other policy development, which I will not mention. But I urge people to read this article.

The SPEAKER — Order! The Attorney-General, answering the question.

Mr HULLS — I repeat: all the travel undertaken by me as the federal member for Kennedy was undertaken under the relevant guidelines.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh!

Mrs Peulich interjected.

The SPEAKER — Order! I warn the honourable member for Bentleigh.

Water: national action plan

Mr HELPER (Ripon) — As the house will be aware, the Bracks government has a clear commitment to Victoria's natural resource management, with programs for natural resource management and environmental and biodiversity management exceeding \$200 million annually. I ask the Minister for Environment and Conservation to outline the Bracks government's commitment to the joint commonwealth-state government national action plan for salinity and water quality.

Ms GARBUTT (Minister for Environment and Conservation) — The house will be aware that the government is committed to the national action plan for salinity and water quality. This should have been a good-news announcement. Today we should have had a joint announcement with the federal government of significant funding for rural and regional Victoria. We should have been announcing \$20 million worth of projects for the first year of the national action plan on salinity and water quality. But what we are hearing from the federal minister is that he failed to sign up on those projects before the federal government went into caretaker mode — and that is absolutely disgraceful. That is a failure of the federal government. Rural and regional Victorians should understand that the federal government has turned its back on them.

I am pleased to say that I have signed off on the \$20 million worth of projects, and my colleague the Minister for Agriculture has signed off on the \$20 million worth of projects. What we do not know is whether the federal government has really signed off or whether it has simply let that opportunity pass it by.

We should have been able to tell the Corangamite region that it has \$1.4 million of funding this year for salinity and water quality. Our money is there, but where is the federal government's commitment? We should have been able to say to Mallee that it has \$1.7 million worth of funding this year. Our money is there — —

Mr Perton — Mr Speaker, my point of order relates to relevance. The honourable member asked the minister what action she was taking in respect of salinity. As you know, Mr Speaker, the Auditor-General has already found that the government's programs are inadequate and incompetent. I ask you to bring her back to answering the question in relation to her own administration.

The SPEAKER — Order! The Chair has already made a statement today in regard to the taking of points

of order, which the honourable member for Doncaster is clearly flouting. The minister, continuing her answer.

Ms GARBUTT — Thank you, Honourable Speaker. I say to the people of north central that this government is committed to providing \$2.2 million worth of projects this year, but the federal government's commitment is missing. For the Wimmera the Bracks government has committed \$1.8 million — but we do not know anything about the federal government's commitment. For the Goulburn–Broken region \$1.69 million has been committed, and for priority action programs right across the state another \$4.7 million has been committed. Rural and regional Victoria will miss out completely, unless people like the shadow minister are prepared to get up, pick up the phone and ask the federal minister to make that commitment — —

Honourable members interjecting.

Ms GARBUTT — We are committed. What I am doing is putting our money on the table. We have put \$157 million over seven years into this year's budget. So the Bracks government's money is there, but the federal government has gone missing. Opposition members should be ashamed. They should walk out with their heads bowed.

PETITIONS

The Clerk — I have received the following petitions for presentation to Parliament:

Students: tertiary concessions

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of RMIT Student Union sheweth that the fee of \$75 for tertiary student concession cards for concession travel on public transport is too high and that international, part-time and postgraduate students are not eligible for concession cards.

Your petitioners therefore pray that the fee of \$75 is reduced to the same rate (\$7.15) as secondary students and that international, part time and postgraduate should be eligible for concession cards.

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

By Ms DAVIES (Gippsland West) (2414 signatures)

Frankston–Flinders, Dandenong–Hastings and Denham roads: traffic control

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of Victoria sheweth that we are gravely concerned about the extreme danger of the intersection of Frankston–Flinders Road with Dandenong–Hastings Road and Denham Road in Tyabb.

Your petitioners therefore pray that urgent action be taken to make this black spot intersection safer before any more lives are lost at the location.

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

By Mr COOPER (Mornington) (52 signatures)

Laid on table.

Ordered that petition presented by honourable member for Gippsland West be considered next day on motion of Ms DAVIES (Gippsland West).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 11

Ms GILLETT (Werribee) presented *Alert Digest No. 11 of 2001* on:

Building (Amendment) Bill
 Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill
 Commonwealth Games Arrangements Bill
 Co-operative Schemes (Administrative Actions) Bill
 Country Fire Authority (Miscellaneous Amendments) Bill
 Fundraising Appeals (Amendment) Bill
 Health Services (Conciliation and Review) (Amendment) Bill
 Legal Aid (Amendment) Bill
 Marine Safety Legislation (Lakes Hume and Mulwala) Bill
 Mineral Resources Development (Further Amendment) Bill
 Retail Tenancies Reform (Rent Review) Bill
 Roman Catholic Trusts (Amendment) Bill
 Statute Law Further Amendment (Relationships) Bill
 Telecommunications (Interception) (State Provisions) (Amendment) Bill
 Trustee (Amendment) Bill
 Unclaimed Moneys and Superannuation Legislation (Amendment) Bill
 Victorian Arts Centre (Amendment) Bill
 Water (Irrigation Farm Dams) Bill

together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease by the Shire of Colac Otway

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the report for the period 1 July 1999 to 30 November 2000 of the Emu Industry Development Committee

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

- Boroondara Planning Scheme — No. C19
- Buloke Planning Scheme — No. C2
- Greater Bendigo Planning Scheme — No. C14
- Greater Shepparton Planning Scheme — Nos C12, C13
- Hobsons Bay Planning Scheme — No. C16
- Macedon Ranges Planning Scheme — No. C10
- Moonee Valley Planning Scheme — No. C16 (Part 2)
- Moreland Planning Scheme — Nos C2, C10 Part 3
- Murrindindi Planning Scheme — No. C5 Part 2
- Victoria Planning Provision — No. VC13
- Wyndham Planning Scheme — No. C28

Statutory Rules under the following Acts:

- Courts (Case Transfer) Act 1991* — SR No. 92
- Electricity Safety Act 1998* — SR No. 93
- Road Safety Act 1986* — SR Nos 94, 95

Subordinate Legislation Act 1994 —

- Ministers' exemption certificates in relation to Statutory Rule Nos 92, 94, 95
- Ministers' exemption certificates in relation to Statutory Rule Nos 93, 94

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

Chinese Medicine Registration Act 2000 — Remaining provisions of the Act on 1 January 2002 (*Gazette G40*, 4 October 2001).

ROYAL ASSENT

Message read advising royal assent to:

Agriculture Legislation Amendment Bill
Transport (Further Amendment) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Building (Amendment) Bill
Mineral Resources Development (Further Amendment) Bill
Unclaimed Moneys and Superannuation Legislation (Amendment) Bill
Water (Irrigation Farm Dams) Bill

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) —

An honourable member interjected.

Mr BATCHELOR — You won't be missed anyway. You could go now.

The SPEAKER — Order!

Mr BATCHELOR — I move:

That, pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 11 October 2001:

- Infertility Treatment (Amendment) Bill
- Trustee (Amendment) Bill
- Victorian Arts Centre (Amendment) Bill
- Telecommunications (Interception) (State Provisions) (Amendment) Bill
- Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill
- Roman Catholic Trusts (Amendment) Bill

I put forward this government business program for this week. As honourable members will see, there are six bills for consideration — —

An honourable member interjected.

Mr BATCHELOR — An omnibus bill? Yes. You want one, do you?

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House, addressing the Chair.

Mr BATCHELOR — The Leader of the National Party wants to go home by tomorrow morning.

The SPEAKER — Order! The Leader of the House, speaking to his motion.

Mr BATCHELOR — We have a legislative program here that has six bills and we expect that this will be sufficient to satisfy the legislative requirements of this particular week. We are starting this week with the Telecommunications (Interception) (State Provisions) (Amendment) Bill.

Mr McARTHUR (Monbulk) — I note that the Leader of the House is keen to offer leave to some honourable members on this side of the house — I think his explanation was that he would not miss a couple. I understand that is the same basis on which he gave the Premier leave today and tomorrow.

Mr Speaker, this is a fairly underwhelming task that faces the house this week. The bills referred to in the motion are all fairly minor. The legislation may be significant in the areas on which it has an impact, but in legislative terms these are minor bills. They are putting in place state versions of commonwealth agreed legislation or making consequential changes to legislation as a result of state or national agreements. No doubt the house will be able to deal with the bills fairly speedily.

I note that in the discussions between the government and the opposition that there has been some agreement that if we get time we will deal on Thursday with the Fundraising Appeals (Amendment) Bill which is coming across from the Legislative Council. Despite the fact that the government voted against the Liberal Party amendments in the Council, I understand that it is now going to support those amendments, which is a welcome change of heart between houses and a sign of the developing maturity and wisdom of the government.

Mr MAUGHAN (Rodney) — Although the National Party will not be opposing the government's business program, I want to make a few comments. These are all lightweight bills. There is a total of 20 bills on the notice paper, one of which deals with amendments coming back from the Legislative Council. Apart from one to do with farm dams, where I anticipate considerable discussion, there is nothing of any substance in any of those bills before the house. Many of them could be considered omnibus bills that could go in with other legislation to be debated.

If we really wanted to, these bills could be knocked over by tomorrow night. There is so little in them —

An Honourable Member — Why so long?

Mr MAUGHAN — Yes, why so long? We could be home by tomorrow morning if we really set our minds to it — although I suspect we are not going to do that. I simply make the point that the government is padding out its legislative program. I suspect that it is aiming to say at the end of the session that it has put through 90 bills or 100 bills, which will probably be true — but they will all be tiny pieces of legislation. There is little if any substance to them. There is nothing that is landmark legislation or that will make a tremendous impact on the state.

I look forward to the debate on these six bills and to their going through this week. I look forward, in the next week, to discussing something of substance when we get into the farm dams bill.

The National Party will not be opposing the government's business program.

Motion agreed to.

MEMBERS STATEMENTS

Local government: insurance liability

Ms BURKE (Pahran) — On 31 May the full bench of the High Court of Australia delivered judgments in *Brodie v. Singleton Shire Council* and *Ghantous v. Hawkesbury City Council*. The two judgments are landmark decisions. They consider whether local government can be or is liable for injury or loss arising from the refusal or failure to act in relation to the formation, construction, maintenance and repair of public roads.

Under the Local Government Act 1989 local councils have the care and maintenance of most roads within their areas. 'Roads' includes bridges, culverts, footpaths and any other work forming part of the road.

Many of these types of roads fall under the jurisdiction of local councils and can typically be a consistent source of danger to the public. Many require substantial sums of money to be spent on them and lead to decisions which have significant budgetary and resource allocation implications for local governments.

The decision means that all local councils will now have to be more careful about the way they consider and exercise their discretionary powers over roads. This is because local government may now have a legal duty of care in relation to the condition of roads under their jurisdiction.

At the moment there is no clear indication of how the matter will be resolved or how courts will interpret — —

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

Sale: RAAF base

Mr RYAN (Leader of the National Party) — I congratulate the federal coalition government on the wisdom of its decision to locate \$42 million worth of expenditure to the Royal Australian Air Force base at East Sale. The decision will see the actual expenditure of money — not promises of expenditure or more plans or more discussions, like this state government. The federal coalition government is going to spend the money — \$42 million — starting next year, and we will see the RAAF training college being moved to East Sale.

All of Gippsland is quite rightly celebrating this. Last Wednesday I had the pleasure of joining the local member, the Honourable Peter McGauran, the federal Minister for Defence, the Honourable Peter Reith, and representatives of the Wellington Shire Council to announce this magnificent development for Gippsland.

It is a tribute to the Honourable Peter Reith, who took on the waterfront unions and beat the daylight out of them, despite the protests. He is never afraid to take on the tough tasks, just like the federal government. In this case he wrestled with this problem and was able to get an outcome, which suited our area magnificently.

Similarly the Wellington shire, presently under the leadership of Mayor Keith Boyd, has done a great job, together with the councillors and their predecessors, particularly Cr Gordon Cameron, who over many years fought for this. The local federal member, the Honourable Peter McGauran, is a terrific bloke and a capable minister. He is doing a wonderful job on behalf of a government that will be re-elected on 10 November!

Volunteers: blood donors

Ms CAMPBELL (Minister for Community Services) — In this the International Year of Volunteers I pay tribute to Victoria's 131 000 volunteer blood donors — and in particular to Dr Peter Schiff, who last Thursday received the Victorian government's and our community's gratitude for his lifetime of giving blood, plasma and platelets, amounting to the grand total of 429 donations. He holds the record in Victoria for the largest number of donations.

The blood bank also nominated for special recognition Mr Robin Evans, a volunteer blood delivery driver, who is also a donor; Mr Ray Ellis, a long-time volunteer, who has helped generate community support for blood donating; and Ms Jillian Elliott, who coordinates mobile unit visits to her own workplace for group donations.

The Victorian government, through the Red Cross, will be presenting over 100 000 volunteer certificates to the wonderful people who give blood. We are honouring not only blood donors but also those who help complete the life-saving cycle of donating that begins with taking blood. These are the people who courier blood to 200 hospitals, arrange workplace groups to give blood and coordinate mobile venues and provide donor refreshments.

Every year, and in particular during the International Year of Volunteers, our thanks should go to blood donors and their support team. To Dr Peter Schiff I say a special thank you.

Minister for Police and Emergency Services: conduct

Mr WELLS (Wantirna) — I condemn the honourable member for Yan Yean for the utter contempt he has shown for the Victorian community as Minister for Police and Emergency Services through his appalling neglect of his portfolio responsibilities, particularly his complete inaction during the current, protracted police pay dispute.

We now all know that he has failed miserably, given the revelations that have recently come to light. The minister has been spending all his time lobbying his Labor factional mates to secure his own political survival while deserting the sinking ship in his marginal electorate of Yan Yean.

He cites as the reason for giving up on Yan Yean that he does not have the time to look after his constituents due to his ministerial commitments. What contempt! It is now clear that the minister does not have the time or respect for either his constituents or his portfolio responsibilities, based on his sheer neglect as a minister. Not only has the honourable member let down the good citizens of Yan Yean, he has shown the Victorian community that its welfare and safety is expendable when it comes to saving his own political skin.

The minister's utter contempt for the Victorian community and his own constituents in Yan Yean is to be condemned. He should now immediately bail out of

his sinking-ship portfolios, since he appears to be so fond of deserting sinking ships.

Member for Templestowe Province: conduct

Mr LANGDON (Ivanhoe) — I congratulate members of the opposition. I have only recently received information that on 3 October they had a community feedback meeting in the Bellfield Community Centre. The honourable members for Bulleen and Caulfield and an honourable member for Templestowe Province invited people to come to a multicultural community forum. While I congratulate the Liberal Party, I am also concerned about a letter I received under the letterhead of the Honourable Carlo Furlletti, a member for Templestowe Province, in which he writes:

Dear branch member —

‘Branch member’? Who would be a branch member? Who could he possibly be writing to under his own letterhead? Obviously there has been some mistake, and I hope the honourable member for Box Hill will raise this matter with that member for Templestowe Province because he also expressed concern about me using my letterhead.

The final sentence of the letter, which I think really sums up the opposition’s community forums, states:

As this is a public forum it is essential that as many Liberal Party members as possible attend. Please call my electorate officer ... or fax ... to let us know of appropriate numbers.

Clearly this is a community forum and the Liberal Party is trying to stack it! Honourable members, using their own letterhead, trying to stack a public forum! How desperate can a party be!

Michael Voss

Mr INGRAM (Gippsland East) — I would like to recognise one of East Gippsland’s finest exports — and I apologise today to the Bombers supporters in the house — Michael Voss. He was born and raised in Orbost and has now reached the pinnacle of his chosen career and his sport. He has been recognised by the media, by his peers and by the number of awards he has received.

Michael was born in Orbost. His father was a player of great renown in the East Gippsland Football League. For one of our premierships wins the club I used to play for, the Snowy Rovers Football Club, Michael Voss was the club mascot. His father captained and coached both Orbost and Snowy Rovers.

Michael’s achievements include a Brownlow medal, four club best-and-fairest prizes, being an all-Australian team member a number of times from 1997 to 2000 and captain of the Brisbane Lions in their great win a couple of weeks ago. All these achievements should be recognised. I congratulate Michael Voss as a great person who grew up in Orbost and moved to Brisbane to further his football career.

Electricity: Stonehaven station

Mr PATERSON (South Barwon) — The Premier promised as recently as July that all new energy projects would be the subject of an environment effects statement (EES). The peak-load power station proposed for Stonehaven near Geelong has been exempted from the very process the Premier promised. The Liberal Party well understands the need for peak-load energy facilities, but it seems the residents in surrounding areas have been ignored by this deceptive Labor government. The ALP member for Geelong has pretended to show his concern for the worried local residents but, to date, has not delivered a single thing on their behalf.

The real test for the ALP in Geelong is whether the government will live up to its commitment to ensure an EES will be required for the Stonehaven project. The Liberal Party has supported residents and demanded an EES. Concerned locals will be watching very closely to see exactly what the honourable member for Geelong has demanded from his own government. What has he actually done? That is the first test. The second crucial test will be whether the Bracks Labor government cares at all about the residents of Geelong and surrounding areas and reverses its decision to abandon the promised EES.

Nature’s Dozen

Mr HARDMAN (Seymour) — I rise to congratulate a Wallan company called Nature’s Dozen, which has developed a new product to meet the demands of our busy society. As honourable members are aware, people are looking for convenience through value-added food products that save time and effort, giving us a lot more time to enjoy our families and recreational pursuits.

Nature’s Dozen proprietors, Dino and Rosemary Salvatore, have developed a new product: prepackaged, peeled, hard-boiled eggs. The product is now on supermarket shelves, and I am sure it will be very successful along with a number of other value-added food products being developed across Victoria. We have seen their success in the increase in our exports. I note that our exports of food, including value-added

food products and fibre are at a record high: \$7.6 billion, which is up one-third on last year and represents the largest increase in value-added food and fibre products in the last 10 years. I think that is something to congratulate the Bracks government on.

I encourage all honourable members to try this new product. It will bring more jobs into the township of Wallan, which is a rapidly growing area. A few more jobs will give the town a bit more heart, because it will mean that people can have their jobs there without having to travel away. For the innovation and simplicity of the product, I congratulate Nature's Dozen, and I am sure they will do well.

ALP: Flinders federal candidate

Mr DIXON (Dromana) — I am getting rather sick of complaints from local ALP branch members who come to me complaining about the federal candidate for Flinders. Firstly, they do not appreciate the Maritime Union of Australia telling them who their candidate will be and totally overriding consideration of any local candidate. They were very upset about that.

Now that the campaign has actually started and the candidate is out there they are complaining to me about his lack of profile. That is probably fair, because he is rather inarticulate. They also complain about his lack of energy and enthusiasm. In fact the honourable member for Mornington was telling me that the Labor candidate made a dreadful speech at a public meeting at Hastings on Saturday and even the ALP branch members who were there were turning around and shaking their heads. They could not believe what they were hearing.

Compare that with Greg Hunt, who is the Liberal candidate. He is young, articulate and intelligent, and he even has a firm handshake. He is setting an unbelievably hectic pace. Greg Hunt has given the Labor candidate a 16-month head start and already local polling is showing that his name recognition is on a par with that of the Labor candidate. It is just incredible, the work he is doing.

The Labor candidate refuses to debate the Liberal candidate; in fact, he refuses to turn up to the same functions. He does not want to be compared with that candidate. No wonder the ALP branches are complaining to me — and they have every right to.

The ACTING SPEAKER (Mr Loney) — Order! The honourable member's time has expired.

GST: small business

Ms BEATTIE (Tullamarine) — This house should be aware that two great Melbourne eating establishments have closed. Marchetti's Latin Restaurant and Marchetti's Tuscan Grill have closed their doors. Although I am not a regular at these places, I know they are synonymous with fine dining in Victoria.

Bill Marchetti was interviewed on 3AW last Friday about the demise of these famous institutions. When quizzed about the reasons for the closure Bill stated that there were several factors, but he specifically mentioned the GST, the events of 11 September and the crash of Ansett Australia. Two of these factors come under the control of the Howard government. But the top reason, according to Mr Marchetti, is the GST. He claimed that he had become a tax collector for the Howard government. Despite the fact that his wife had campaigned in favour of the GST, Mr Marchetti stated that the GST is one of those things that looks good on paper but just does not work.

I congratulate Mr Marchetti on his contribution to Melbourne and his honest admissions regarding a tax that hurts people. This unfair tax just does not work.

TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL

Second reading

Debate resumed from 19 September; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — This is a small bill that makes technical amendments to a state act that effectively mirrors the commonwealth act. The basis of this bill is that the federal constitution provides that the telecommunications power is a separate commonwealth power and is dealt with entirely by the commonwealth government. As such, subject to the cover the field doctrine, the commonwealth legislates in relation to this area. If the commonwealth intends to cover the field through the interpretation of the courts, the states cannot legislate in that area at all.

However, this particular piece of legislation, which concerns telephone tapping and the capacity of the police to obtain information by intercepting calls on the telecommunications system, which I will come to later, is necessary because the federal police are busy doing all sorts of other things — such as, it would appear, investigating members of state Parliament. The states

do not have the police resources to intercept telecommunications and handle all the business that needs to be done in obtaining information about crime. As such, the commonwealth permits and encourages the states to enact mirror legislation to enable the state police to tap telephone lines and intercept telecommunications to gather evidence in relation to state crime.

There is a great deal of cooperation between the state police and the federal police on this matter, and so there should be. I will not get on my soapbox in relation to cooperative federalism, because everybody has heard about it so many times before. But this is a good example of what could be achieved if we as a country decided to adopt the model of cooperative federalism, which I have spoken about in this house.

It is terribly important that these sorts of bills are scrutinised closely and that they have detailed provisions respecting a person's privacy and rights, because they hand incredibly powerful powers to the police. It is true that the police have to obtain a warrant — I am not sure whether it is still called a warrant; it may be called an application — through a member of the judiciary before they can tap a telephone. However, there are powers in this bill which enable the police to go ahead and tap phones immediately in situations where there is no time to get to the courts. Under this bill the police have to make copious records of what they have done and then go to the courts to make sure it was done appropriately.

Legislation of this sort gives police both federal and state the capacity to make decisions at a particular level — it is not an overly high level; if my memory serves me correctly it is about the inspector level — about whether a telecommunication needs to be intercepted quickly if there is a reasonable suspicion that a crime is being committed. We need to be careful with these sorts of bills. A balance needs to be struck between giving powers to the police to investigate crime and protecting the rights and privacy of the general population.

This bill is very small. I must say to the Attorney-General that I have no idea why the series of bills he has brought in are not in an omnibus bill. He would be aware that the previous government introduced legislation of a small and minor nature through omnibus bills because it was considered to be a waste of parliamentary time to have small technical bills debated separately.

It is important that this house and the members of it use their time efficiently. Members of the public do not

consider it appropriate for the house to filibuster, and filibuster simply because a government does not have a legislative regime. If a government does not have a lot of legislation at one time it should be frank about it and say it has legislation in the pipeline, or this or that is happening rather than persevering with the cosmetic notion of having the house sit to debate bills like this. There are only four members in the house at present. This is a very technical bill, and not one most members of Parliament want to speak on.

It is terribly important that the government say honestly that it will sit one day less this week and maybe sit an extra day the week after rather than going through a ridiculous process of wasting the time of Parliament because its legislative program is not running the way it should. It is the people's Parliament, after all. I know that when it was in opposition and the Kennett government was in office the Labor Party said debates should have been longer. That may be true; all I am saying is that there should be a balance. If you have a very small legislative program you should have Parliament sitting for less time, and when you get your bills together have it sit for a longer time but try to be sensible and practical and so forth. As I said, it is the people's Parliament, not ours to play window-dressing games with.

I turn now to the cosmetic changes made by the bill. The definition of 'certifying officer' has been changed in the commonwealth act and therefore it is necessary to change it in the state act. A certifying officer must certify, particularly in the case of Victoria, copy documents. If reports are made of intercepts and those reports are copied, those copies need to be sent to the federal government because interception is its power and it needs to have a record. Those copies must be certified, and as a consequence we need a definition of 'certifying officer' — a person who can do that. It is not exactly a groundbreaking change.

The constant changes in information technology mean telecommunication in this country is no longer a matter of using wires under the ground for making telephone calls; it is to do with satellites, images on computer screens and all sorts of digital communications. Consequently the definition of 'communication' has been changed to include speech, music or other sounds, or data, or text or visual images, whether or not animated, or signals, or in any other form or in any combination of forms — again, not exactly a world-shattering change. The parent act in the federal sphere is up to date and we must change Victoria's legislation accordingly.

After that we have a change to the definition of 'permitted purpose'. This is a definitional change to enable certain people to keep records and make decisions in relation to appointments, reappointments and retirements of officers. Why does this have to be a permitted purpose? Because everything you do in relation to telecommunications interceptions — which are breaches of your and my privacy — must be closely controlled and the people concerned with that process must be permitted to do it. Therefore they must have a permitted purpose when they go ahead and make some of those changes.

The definitions of 'record' and 'restricted record' are being amended because they have become redundant as a consequence of the changes, and that is the end of the bill. It is hardly world shattering. It is important to note that this legislation does not emanate from the state government. This legislation has been introduced because the commonwealth government has made changes to its act and the state government is, quite properly, seeking to mirror those changes.

The bill is a matter of technical adjustment, but it does concern an important area. In my early days I was stupid enough to spend six years writing a book called the *Law of Trade Secrets*. A couple of chapters were about the capacity to intercept telecommunications as the act was then — it has changed a lot since then. I also went into the Surveillance Devices Act which was introduced in the previous term of government. That is a fascinating area, but it has nothing to do with these changes.

Did you know that satellites can photograph newspaper print on the ground? That tells you how incredibly sophisticated the technology is. As the Afghan crisis continues, as it seems it will for a long time, it is quite possible that satellites in the sky will be photographing movements of human beings in and out of buildings on a constant basis and that information will be sent back to the intelligence agencies. I once saw on television a raid by the United States in relation to, I think, Iraq, but I am not sure. They showed us pictures of people, photographed from satellites, moving in and out of buildings. The raid began and you could see the special forces or the United States equivalent coming in and everything happening. That is telecommunications as well as the wires, so it is important we get this area right in relation to protecting privacy. Of course we must keep up with the commonwealth government whenever it makes changes to its act.

The opposition supports the bill. I am sure other changes will be made as the years go by, and probably at an increasing rate as telecommunication changes its

form at an exponential rate. Frankly, I find it hard enough to keep up with the current rate of change, so I really do not know how I will be in five years time.

Mr RYAN (Leader of the National Party) — I wish to make a brief contribution in relation to this bill.

Mr Wynne — A very good bill.

Mr RYAN — It is a good bill, which has occupied a lot of my time and attention over the past few days in preparing for this debate. This is another example of national scheme legislation. There are people in this place right now who have served on the Scrutiny of Acts and Regulations Committee with distinction over the years, and this is yet another example of the need for national capacity for scrutiny of these national schemes. If that were the case perhaps some of the issues arising out of legislation of this nature would be dealt with in other ways and we would not have the measure of confusion that tends to arise with regard to relations between states and the commonwealth.

The 1988 state act forms part of a national telecommunications interception scheme which is primarily contained in the 1979 commonwealth act. That act enables law enforcement agencies, including Victoria Police, to intercept telecommunications for law enforcement and for other purposes. The act specifies the purposes for which such information can be used and regulates dealing with it. A number of definitions in the commonwealth act have been amended, and accordingly it is necessary to make consequential amendments to the Victorian legislation, otherwise the two acts would be out of sync.

The bill contains four essentially technical amendments dealing with the definitions of 'certifying officer', 'communication', 'permitted purpose', 'record' and 'restricted record'. I do not believe in the prevailing circumstances that it is necessary for me to go into any close analytical examination of each of the changes.

Suffice it to say that, to enable the Victorian act to be given effect to, it is necessary that those definitions actually line up. Having considered the terms of what is proposed in the course of this legislation, we National Party members gave it due consideration at our recent meeting. I reported to our party that the proposals contained in the legislation were sensible and necessary. Such being the case, the National Party supports the bill and wishes it a speedy passage.

Mr WYNNE (Richmond) — I rise to support the Telecommunications (Interception) (State Provisions) (Amendment) Bill and thank the honourable member for Berwick and the Leader of the National Party for

their contributions. At the outset, as the contribution of the honourable member for Berwick indicated that perhaps the legislative program of the government was somewhat deficient, I point out to him that we have six bills to be debated this week.

Ms McCall interjected.

Mrs Fyffe interjected.

Mr WYNNE — By any measure the interjections of both members on the other side indicate that this is quite an important piece of legislation.

It is mirror legislation that reflects the commonwealth act. As we know, the purpose of the bill is to amend the Telecommunications Act 1988. The interception of telecommunications and the purposes for which Victoria Police may deal with intercepted information are controlled directly by the commonwealth act of 1979. The commonwealth act contains a regime for the interception of telecommunications, and it is obvious that it operates with complementary state legislation to establish a national scheme.

Following amendments to the commonwealth act a number of definitions in the state act require similar amendment to ensure that the acts are complementary and reflect a national response. Victoria Police has sought such amendment to address inconsistencies that impact upon its activities. Further consultation in the framing of this legislation occurred with the office of Chief Parliamentary Counsel, relevant government departments, the Ombudsman's office and the commonwealth Attorney-General's Department. It is important in framing this legislation that we ensure not only that it accords with the national provisions but also that it is cognisant of privacy provisions and that in that respect — and this has been echoed in the contribution made by the honourable member for Berwick — an appropriate balance is struck. The bill is supported by all the bodies that were consulted.

The changes to be implemented by the bill include amendments to the definitions for: certifying officer; communication; permitted purpose; record; and restricted record. When making his contribution my colleague the honourable member for Preston will go into more detail on the subject of communications.

Mr Leighton interjected.

Mr WYNNE — The honourable member for Preston has indicated that data is an area of longstanding interest to him. As the honourable member for Berwick also indicated, emerging technologies create enormous challenges not only for us

as members of Parliament but also for the community generally. I look forward to the honourable member for Preston's contribution to this debate.

Clause 3 of the bill substitutes a new definition for certifying officer that is consistent with the definition in the commonwealth act and ensures that the classes of people who can certify documents under the commonwealth act can also certify copies of documents for record keeping under the state act. Under the commonwealth act the classes of officers and employees who may certify such documents are strictly confined to ensure that only suitably senior persons perform these certifications. The amendments in this bill are complementary to the commonwealth legislation and include an officer whose rank is equivalent to that of an assistant commissioner or a senior executive employee of the Federal Police who is authorised in writing by the commissioner under the relevant authority. I think the honourable member for Berwick said that it was at the inspector level, but a higher bar is indicated here — well above the level of inspector. In fact it is at the level of assistant commissioner.

Under the current state act a certifying officer is defined more narrowly to mean the chief commissioner or deputy chief commissioner of police. In that context, although the nature of this activity makes it suitable to have the threshold for certifying these matters at the command level of chief commissioner or deputy commissioner of police, it is considered appropriate that the classes of senior persons who are empowered to certify original documents under the commonwealth act should be similarly empowered under the state act.

Clause 3 also includes the more comprehensive definition of the term 'communication' in the commonwealth act. The current definition of 'permitted purpose' does not reflect the full range of purposes for which lawfully obtained information can be used under the commonwealth act. The bill will rectify this by amending the existing definition to include the additional purposes contained in the commonwealth legislation. The effect of this amendment, as the commonwealth act does with the Federal Police, will be to enable the Victoria Police to use lawfully accepted information in the keeping of records and in making decisions regarding serious police misconduct. Those who had the opportunity to see last night's exposé on the ABC's *Four Corners* program would have seen some of the power of the capacity to intercept this sort of information. It was compelling television that enabled us to see some of the activities that are alleged to have been undertaken in New South Wales. We have to remember that this is an important power that is

available to the Victoria Police where appropriate to use in its own right.

The amendments to the definitions of 'record' and 'record keeping' remove redundant references to documents relating to warrants, again bringing the definitions into line with the commonwealth act. The commonwealth act was recently amended to exclude copies of records from the definition of 'restricted record'. However, the state act continues to include both original records and copy records in its definition. This ensures that sufficient safeguards of individual privacy are maintained in Victoria as these records remain subject to the stringent record-keeping and reporting requirements of the state act. In this respect I believe the Parliament should be well satisfied that the appropriate checks and balances are available in these amendments and that significant safeguards are in place to ensure that the community can feel comfortable that Victoria has an appropriate regime that mirrors the national legislation but also respects and protects the privacy of people.

The passing of these amendments will facilitate the effective operation of the national telecommunications interception scheme in Victoria. The bill is a further commitment of the government to ensure that the police have adequate powers to protect the community and also provides adequate safeguards in the exercise of those powers.

It is clear from the contributions thus far that the bill enjoys bipartisan support in this house. The government welcomes that support for the legislation. It is important that we have cooperative federalism on these matters. When it comes to fighting crime, particularly organised crime, which certainly does not respect state boundaries but is national and in many respects transnational, police departments, whether state or federal, need to have the appropriate investigative tools to undertake their work. In an increasingly sophisticated environment of the movement of people, the exchange of information and the burgeoning telecommunications industry, police departments at both state and federal levels must be equipped to be able to address these demands. I believe this is an important piece of legislation, and I am pleased that it enjoys bipartisan support.

I wish the bill a speedy passage.

Ms McCALL (Frankston) — As the honourable member for Berwick has remarked, the bill before the house is one of a collection of very small or minor bills that, if the current government had got its act into gear, we might have seen make up an omnibus bill. Never

mind! We have got it here, and it is incumbent upon all of us to make some observations about the bill before the house.

The Telecommunications (Interception) (State Provisions) (Amendment) Bill is very appropriate. I would suggest, given the world in which we live at the moment, that we should be giving the police, both federal and state, the most appropriate and compatible powers possible for record keeping, to make sure that the laws work in tandem and that as a result of the interception of telecommunications, should those powers be used, prosecutions are successful.

My understanding is that up until now there has been a misinterpretation of expressions such as 'restricted record' and that confusion has arisen where the commonwealth act has said you can protect the restricted record, meaning the original only, but that protection has not extended to a copy of the document that may be made, given that both the federal and state police would keep them.

Nobody would argue against the necessity for those documents be appropriately protected under the privacy provisions.

Honourable members may recall the debate in this chamber about the appropriate use of surveillance devices — whether they were invasions of privacy, whether they hindered the police in the execution of their duties or whether the legislation was a recognition that technology has advanced to such an extent that their use would be appropriate in moves towards crime detection.

The opposition does not oppose the bill. We agree it is a small piece of legislation that is here to assist the commonwealth in the execution of its duty, and we have no difficulty in supporting it. I commend the bill.

Mr LEIGHTON (Preston) — Unlike the honourable member for Berwick, I welcome the opportunity to speak in a debate. The honourable member for Berwick seemed to be advancing a couple of themes. The first was that bills he does not consider important should all be rolled into an omnibus bill. I remind the honourable member for Berwick that under the previous government in the final couple of sitting weeks there would be 17 bills on the notice paper, including a couple of omnibus bills that would deal with, say, 9 or 10 different acts of Parliament and should clearly have involved at least four separate debates. In my view that was an atrocity. The Liberal Party really has learnt nothing from its failure to consult and its failure to allow community debate.

In fact the honourable member for Berwick went further in his contribution and argued that, if necessary, we should shut the Parliament down. That was certainly the attitude of the Kennett government. On our side we are committed to having the Parliament sit.

The bill is a fairly simple one that amends three or four definitions to bring them into line with commonwealth legislation. In particular it amends the definitions of 'certifying officer', 'communication' and 'permitted purpose'. I want to comment in a moment on one in particular, the definition of 'communication'.

It seems to me that in Australia we are probably getting a better balance between, on the one hand, privacy and, on the other hand, the need for our law enforcement bodies to monitor and intercept communications when we wish that to happen. In contrast, in Europe the European Commission seems to come down perhaps too heavily on the side of privacy, and I think as a result of what happened at the World Trade Centre towers in New York that the United States of America will revisit a debate they went through previously on whether there should be the capacity to encrypt data.

As a result of the atrocities committed in New York and Washington, America, from the literature I read and the newsletters I read, is revisiting a debate it had previously on whether data should be encrypted. Before I continue down that track, I would like to comment on the definition of 'communication', which the bill widens. The principal act states:

"Communication" includes conversation, message and signal, and any part of a conversation, message or signal.

The amending bill provides a much more sophisticated definition:

... "communication" includes conversation and a message, and any part of a conversation or message, whether —

- (a) in the form of —
 - (i) speech, music or other sounds; or
 - (ii) data; or
 - (iii) text; or
 - (iv) visual images, whether or not animated; or
 - (v) signals; or
- (b) in any other form or in any combination of forms ...

The two important additions to the definition of 'communication' are 'data' and 'visual images'. They reflect technological advances over the past few years, particularly with the advent of the Internet.

Previously the United States of America outlawed technology that could be used overseas and that could encrypt data at too high a rate. The current rate of encryption for data is to the power of 128. Anybody who does their banking on the Internet would be familiar with that, because a message comes up that it is encrypted to the power of 128. At one stage America prohibited by law the use of that technology, especially where it could be exported overseas. It argued that it meant the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA) could not eavesdrop on data if it was encrypted to that level. The United States found that that technology was developed anyway, and it lost its business to countries such as Israel which for fairly obvious reasons had a high level of expertise in the area of data encryption. So the Americans had to repeal that law and, like elsewhere in the world, allow 128-bit encryption of data.

I have read that as a result of the events of 11 September the United States is again going through that debate and is questioning whether it should be possible to encrypt data to such a level that its agencies cannot eavesdrop on communications on the Internet. One of the suggested compromises has been to leave open some sort of back door in the data that is transmitted to allow authorised agencies, presumably the FBI and the CIA to intercept, open and read that communication. But as experts in the field have pointed out, if all data transmitted had a back door that a hacker could easily exploit to read the data, that would lead to the United States being vulnerable in the transmission of its data.

I think the United States will be forced to continue to allow data to be encrypted at a high level. I also think it is appropriate that the definition of 'communication' in the bill includes 'visual image', because one can imagine that people wanting to transmit a message and not have it read by law enforcement agencies would encrypt it at high level, and that does not apply to data as we understand it. The technology now exists to hide a message inside an electronic picture. So if you are viewing an electronic picture that has been transmitted by email or over the Internet it might look like an ordinary picture but have contained within it your message which, presumably, has also been encrypted. The developments in technology are such that from time to time we will have to come back here and amend the legislation further to keep up with changes in technology.

I have referred to the debate in the United States. It is also interesting to make some observations about the debate in Europe, which has come down firmly on the side of privacy. Honourable members will be aware

from the debate they had on the privacy bill last year that the European Commission insists that if other countries do not meet its standards of privacy it will not trade with them. It was argued that potentially our state legislation and in particular our federal legislation did not meet the standards of the European Commission. In my view the Europeans have gone too far down that path, but certainly they have done some useful work. I think I am correct in saying that it was a European Commission inquiry that reported last year on the existence of, if I remember correctly, Echelon, a United States organisation that can monitor and intercept traffic on the Internet. So the view I would put in expressing my support of the bill is that we in Australia achieve a better balance between privacy considerations and the need for our law enforcement agencies to monitor and intercept electronic communications.

The honourable member for Richmond referred to last night's *Four Corners* story of crooked police officers in New South Wales. It was interesting to see that crooked police officers have been victims of electronic surveillance. In my view, using those means to catch the officers out was a highly appropriate use of the technology.

I support the bill. It is necessary to keep up with the developments in technology, and I think they are very sensible amendments.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Telecommunications (Interception) (State Provisions) (Amendment) Bill. The bill follows on from the federal government's changes to the commonwealth act of 1979 and subsequent amendments. Its intention is to ensure that the record keeping is sufficient for prosecution and to make the two laws — that is, both federal and state laws — work together. All of us are very much aware of people who are guilty of offences getting off on technicalities, and we should do anything we can to ensure that efficient laws that work together closely and carefully are brought into this house.

The bill is a minor one and consequently my speech will be short. The constant changes to information technology (IT) mean that we have to continually keep up to date with the legislation. That has only occurred because the federal government has made the changes. It is not the initiative of this government. There are not many initiatives around from this government at all. It could have been part of an omnibus bill, as honourable members have said. It is important however to ensure that we are consistent and that prosecutions can be carried forward.

The IT changes before the house today are sometimes difficult for honourable members to comprehend. The sophisticated satellites that can identify people, objects and subtle changes to topography and movements do away with the old idea of the army tank with a camouflage net and branches put over it to disguise it from the enemy. That approach is certainly obsolete. Being a fan of the James Bond films for many years I find it hard to believe we are now seeing many of the things we once thought to be futuristic, far from expanding anyone's imagination, being used.

The tracking of telephone conversations is necessary. Although people are concerned about protecting the privacy of the individual, that pales into insignificance in the light of events on 11 September. We now have to protect the majority, not the individual, when it comes to things such as this.

It is interesting to see how the interception of telephone calls works, how the mechanisms and equipment chase certain words so that one word in a quite innocuous conversation will trigger the recording and alert the agencies involved.

The interception of telephone calls enables the law enforcement agencies to achieve their objectives. We are now living in a vulnerable society, as are people right around the world, and it is very important that we support law enforcement agencies when they request changes to legislation such as this — and justifiably so — to enable them to trace, prosecute and convict those committing crimes.

I have been in England on several occasions when the Irish Republican Army has been very active, and I remember being there when its members bombed the horse guard parade and used booby traps. The devastation, horror and fear I witnessed was unbelievable. If you left a bag unattended at an airport at that time it was not just removed, it was completely destroyed; and if you were driving a station wagon, you could have your car searched. In a situation like that at first you might think, 'That is a total invasion of privacy. Why are they stopping me?', but when you look at the horror that terrorists right around the world are inflicting in the name of whatever cause they think is worthy, you realise it is justified.

All of us should be happy to accept our telephone calls being monitored, parcels mailed from overseas being checked and our luggage at airports being inspected. I was very pleased to see during a visit to Melbourne Airport last week how stringent the security checks were of handheld luggage and of the luggage being

carried in the hold on flights coming into and going out of the airport.

I also visited Australia Post and saw the checking that every envelope and every parcel coming into the country is subjected to before it is sorted and sent out. The checks are very stringent, and I hope they are strong enough. However, if they are not and if technology is developed that can improve that security, then I will gladly support any legislation that will enable it to be introduced to protect our society not just from terrorists but also from the drug dealers and the out-and-out criminals we have in our society. I am delighted to support the bill.

Mr ROBINSON (Mitcham) — I join with the honourable members for Berwick, Preston, Richmond and Evelyn in supporting this bill.

An honourable member interjected.

Mr ROBINSON — Who else? I forgot the honourable member for Frankston. I was detained while the honourable member made a brief but I understand substantial and intellectually brilliant contribution, lifting the standard of debate significantly in the course of those few minutes. I apologise for not acknowledging her. I have corrected that oversight — but it was not a good start.

The bill is a significant piece of legislation. Although it is not the most detailed of bills to come before the house, what it stands for is very important. I will spend a few minutes detailing to the house the significance and relevance of the bill.

An honourable member interjected.

Mr ROBINSON — We all stand for this bill in this debate; it is a very intelligent piece of legislation. The bill is a good example of the cooperative arrangements that exist in this country, notwithstanding the fact that all state parliaments and all members of different party affiliations reserve the right to argue the toss over the optimum cooperative arrangement between the federal government and the state governments.

All governments in this country operate under a cooperative federalism model. Indeed as a member of the Scrutiny of Acts and Regulations Committee I am familiar with national scheme legislation and the way that works. State ministers will often agree to cooperate by introducing standardised legislative arrangements across the country, and as a result legislation introduced in one state will be mirrored or replicated elsewhere. While that presents some problems from a scrutiny perspective, no-one would argue, in a general sense at

least, that the outcome is not very good for a country that has been able to put behind it years of differences of opinion which have resulted in different administrative regimes.

Although I do not think this bill is classified as national scheme legislation, it is a very good example of a cooperative attempt to produce a standardised national telecommunications interception scheme. The bill has been introduced into this house because the interception scheme that operates is based on federal legislation which has recently been amended. That federal regime includes a registration function which acknowledges the role of the Victoria Police as an agency empowered to intercept telecommunications transmissions in this jurisdiction.

The nearest example of a country that operates under a similar administrative arrangement would be the United States of America, which is also a collection of states with a federal government, although the birth of its federal government was somewhat more troubled than was the case in this country. Indeed, the degree to which various American state jurisdictions resort to litigation to win an argument leaves us blushing with pride that we do not pursue a similar style of government.

I was in the United States last year with the honourable member for — —

Mr Wilson interjected.

Mr ROBINSON — No, it was the honourable member for Dromana, and we were discharging our very onerous duty as members of the — —

Mr Wilson interjected.

Mr ROBINSON — That is what he says. No, it was not a junket. It was a very serious undertaking by members of the Scrutiny of Acts and Regulations Committee to attend an Organisation for Economic Cooperation and Development conference on regulatory reform.

Ms McCall interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Frankston! The honourable member for Mitcham should ignore interjections.

Mr ROBINSON — Thank you for your protection, Mr Acting Speaker! On my way to Mexico City I spent a few days in Sacramento, where I took the opportunity to visit the state capital. It was a very entertaining and instructive couple of days.

Mr Brumby interjected.

Mr ROBINSON — Sacramento in California, Minister, for your information; it was a very productive visit. I was informed on that visit that the administrative arrangements that apply in respect of electoral districting — or what we would call electoral redistributions — are quite novel. The state legislature, whether it be Republican or Democrat in flavour, is empowered to draw up the federal district boundaries that apply in that state. They do so in a manner that blatantly breaches the civil rights of different sectors of the American community, and they do so in apparent disregard of the fact that the boundaries of a number of the districts they draw up will be challenged in the Supreme Court. They go through this regular exercise of not being able to conduct elections every two years in a number of districts because there are Supreme Court challenges based on the infringement of civil liberties.

I made the observation that perhaps it was something that ought to be conducted — as it is in Australia — by an independent commission. They thought that was a silly idea, because if you had the whip hand, why would you surrender it? So the inefficiency of that process is perpetuated. I highlight that example for the house's benefit because it strikes me as a very inefficient example of cooperation — or indeed lack of cooperation — between states and a federal government. Under the scheme introduced by the bill we will have a far more cooperative arrangement between our state and the federal government which will be productive and conducted with goodwill.

The commonwealth act to which this legislation relates substantiates a national telecommunications interception scheme that empowers a number of policing agencies across the country to conduct telecommunications intercepts. The Victoria Police is one of those agencies, and I imagine that others would include the Australian Federal Police, the National Crime Authority, perhaps the Australian Security Intelligence Organisation, and the Australian Taxation Office.

I am not sure whether the State Revenue Office has this power yet, although I know the Treasurer is keen for it to make sure that no-one walks away from their responsibility to pay their dues to the state of Victoria. He is very assiduous in that regard, and if that takes interceptions it is something that will have to be looked at, but not under this legislation and not today.

The bill, if passed — and I certainly support it — will allow for more effective policing. It will be a very

useful addition to the powers and capabilities of the Victoria Police. It is important that its officers are at all times provided with the means to carry out their functions efficiently and effectively.

The Bracks government stands proudly on its record over the past two years of boosting police numbers substantially. We are more than halfway to our 800 target — I think we are at 450 new officers, which is a wonderful achievement in such a short space of time — and we will go a lot further. But putting police on the beat is one thing; with this bill we are going further by giving them more effective resourcing regimes. Making sure that our interception capabilities are in line with the commonwealth scheme and the schemes embraced by other states is also an essential element.

It is important that at all times police forces have at their disposal the tools they need to conduct their investigations efficiently. Investigations into trading in things like pornography, which effectively involves data transmission rather than telephonic transmission, have risen in recent years. This house would be familiar with a number of legislative measures which have been put in place to create new offences of and increase the penalties for pornographic transmission.

The federal telecommunications interception arrangements provide for the interception of emails and digital images as well as the traditional telephone voice transmissions. Ensuring that interception arrangements are standardised across the states will give all our police forces the opportunity to crack down on those particular breaches of the law far more effectively.

At all times it is important for police forces — as it is important for parliaments — to strike a balance between the need to police efficiently and effectively and the need to preserve the civil liberties of citizens. That is a challenging task, which the Scrutiny of Acts and Regulations Committee deals with every week in deliberating on bills that are subject to the statutory orders under which we operate.

This is an important challenge and an important balance to get right, particularly in light of the recent savage tragedies we have witnessed in the United States. There has already been speculation in the United States and elsewhere about the necessary response of police and law enforcement agencies to the terrorist actions that have been committed and to the fear of further terrorist activity. That speculation has permeated even to the level of the Blackburn Returned and Services League club, where I was just a week or so ago. I note that the

honourable member for Forest Hill is a member of that esteemed organisation.

Mr Richardson — It is a fine body of men.

Mr ROBINSON — It is a fine body of men. When I was there recently a debate was going on about whether the terrorism which recently struck New York, Washington and Pennsylvania would result in the introduction of a monitoring or surveillance regime here in Victoria and Australia. A number of views were expressed. One club member expressed the view that we should all be required to carry identity cards. A lively debate ensued. I made the point that it is one thing to suggest that that could be an efficient means of ensuring that terrorists, or prospective terrorists, are not able to operate in the community with the anonymity they might feel they currently have, but it is another thing to believe that the Australian community — or any community, for that matter — would readily embrace reporting or surveillance regimes which might in their application infringe on the liberty that all of us have enjoyed for many years and feel we have a right to continue to enjoy.

I hark back to the history books and to a famous example in Australia when a government attempted to impose on the community a protective measure of that sort. I think of the Communist Party Dissolution Bill that was introduced into the federal Parliament in the 1950s. At a subsequent referendum the community — perhaps surprisingly, given events at the time — rejected the efforts of the then federal government to proscribe a political organisation. That is a good example of the way in which the civil liberties of Australians are valued dearly. They are perhaps not articulated strongly at times, but they are sentiments that run deep in the Australian psyche.

This is very good legislation. The definitions in the bill — —

Mr Baillieu interjected.

Mr ROBINSON — I was going to turn to the Box Hill Hawks. For the benefit of the honourable member for Hawthorn I have examined the bill from their perspective, but I could find no direct link. But that has not stopped us from mentioning them at least once more in the debate!

Clause 3 substitutes and amends a number of definitions, which are very straightforward. The Scrutiny of Acts and Regulations Committee examined this bill under the able chairwomanship of the honourable member for Werribee, who does a sterling job. As honourable members would know, it is an

all-party committee which discharges its responsibilities very well.

The committee reviewed this piece of legislation in its usual thorough manner, and it did not find any of its aspects to be untoward or to otherwise be the cause of comment. It certainly did not find that it represented a trespass on any rights. Occasionally we find legislation that trespasses on rights, but rarely do we find legislation which trespasses unduly — and that is the test which we apply. This piece of legislation certainly presented the committee with no such difficulties.

This is a very good example of the way the states and the commonwealth can cooperate. It is my strong belief that we do so far better than is the case in the United States of America. I know that the coordination and administrative arrangements between the commonwealth and the states often cause some of our single-state neighbours some difficulty. For example, Singapore often finds the competition for investment that goes on between the Australian states somewhat strange.

It is a good example, because my understanding is that the Victorian government is helping to lead the way and that the other state jurisdictions will similarly amend their legislation to ensure a consistent standard. There are dangers in a system of cooperative federation where one state wishes to stand aside. For example, the consequences for law enforcement agencies could be quite parlous if the definitions they were to rely upon in one jurisdiction were not to apply elsewhere. One fears that if that were the outcome of the current efforts by the commonwealth to standardise the new definitions across a number of jurisdictions, prosecutions would be jeopardised in some way, shape or form at a future point in time.

If we are to have effective policing and prosecution of those who breach the law it is absolutely imperative that at all times the police and law enforcement agencies are able to rely upon sound definitions and administrative arrangements so that those they are seeking to bring to justice for alleged breaches are not able to avoid their day in court through some novel trick or technicality which allows them to escape their just deserts.

I think this is a good piece of legislation. As I said at the start of my contribution, although not a lengthy bill it is significant for what it stands for. I commend the bill to the house and join other honourable members in wishing it a speedy passage.

Mrs PEULICH (Bentleigh) — I am not sure that the Telecommunications (Interception) (State Provisions) (Amendment) Bill is a great piece of legislation but it is necessary legislation, especially in the light of recent events — the unfolding drama and tragedy of 11 September when we were able to witness a crime, probably coordinated by fairly simple telecommunications, relayed to us around the world by reasonably sophisticated telecommunications, making it possible for us to witness the evaporation of 6000 lives.

It is this capacity for devastation because of the manner in which we can move and communicate that necessitates the capacity for law enforcement, in a state, nationally and internationally, to monitor a wider range of human behaviour in society. The emergence, prevalence and growing sophistication of telecommunications means that crimes within and outside our borders can occur more readily, more pervasively and with greater devastation. It is because of those competing needs for national and international security that this sort of legislation is before the house.

One would expect that legislation of this nature would be in large part driven by a federal government with responsibilities for national security. One would also expect that a state government would have a very keen interest in terms of balancing the privacy needs and the range of issues involving telecommunications that the honourable member for Preston alluded to — issues of privacy and encryption and protection of data, law enforcement and the globalisation of a range of law and order issues.

However, the Bracks government has been caught flat-footed time and time again, not only with this legislation but also with a range of multimedia issues. I briefly refer to a report of the all-party Family and Community Development Committee which was commissioned initially by the former Premier Jeff Kennett. It was reaffirmed by the current Premier Bracks for the all-party committee — Labor, Liberal and National party members of Parliament — to inquire into the effects of multimedia and television on children in families in Victoria. That happened and the report was tabled more than 10 months ago.

As honourable members may know, under the Parliamentary Committees Act there is a need for the government of the day to respond within six months of an all-party committee report being tabled. Premier Bracks has so far been in breach of the Parliamentary Committees Act, but apart from that what the Bracks government has shown is a complete disregard, a lack of concern, for the range of social and community issues raised by that report, some of which dealt with

issues of privacy, and some with issues of data encryption and the like.

Whilst I support and recognise the need for legislation of this nature, especially in the pursuit of terrorists, which is obviously something the Prime Minister and the whole nation sympathise with — it is sad that we have to do it, but most of us recognise the need for it — coming from a communist regime I also have a concern about privacy issues.

I know what it is like to have conversations in family homes eavesdropped on by the authorities. I know how it feels to live in a place with a system of informants at work. I have a keen interest in getting that balance right.

At the moment one would expect the balance of national and international security issues to be given greater weight. A state government should make sure that all the issues involved in protecting individuals and their families are carefully and logically balanced and monitored and that it is not caught flat footed, as it is by the federal government time and time again. It should be firmly committed to getting on top of the issues, not only in terms of this bill but in terms of telecommunications and the multimedia industry.

This government has just reacted. It needs to get its act together. It needs to respond to the all-party report. It needs to take multimedia and telecommunications much more seriously than it does. With those few words, I support the bill.

Mr STENSHOLT (Burwood) — Along with my colleagues I also rise to support the Telecommunications (Interception) (State Provisions) (Amendment) Bill. I am fascinated by the number of brackets — I do not think I have seen three sets in succession before. The main purpose of the bill is to amend the Telecommunications (Interception) (State Provisions) Act 1988 to address inconsistencies with the federal Telecommunications (Interception) Act.

I am happy to join with previous speakers — the honourable member for Bentleigh and the honourable member for Mitcham — in expressing my views on this bill. As an aside, like the honourable member for Mitcham I am a member of the Box Hill Hawks, and I join him in congratulating the football club on winning the Victorian Football League (VFL) premiership.

Although this is a technical bill that seeks to achieve a number of minor technical amendments, the basis of it is important because it goes to the heart of good governance in our society. Naturally I have a strong interest in the subject, particularly as prior to being

elected to this house I used to give courses and run programs on good governance. I ran a campaign on bringing democracy back to my electorate of Burwood, part of which emphasised the role of public security and law and order. This resonated with the people of my electorate, and indeed the people of Victoria, who value the role of the police and the intelligence services in safeguarding our society.

Honourable members do not need much reminding of that in this time of international worry following the events in the United States of America. Along with other honourable members I took the opportunity to put out a condolence book in my electorate. Close to 3000 people signed the book because of their concerns about international and local security. They are concerned about combating international crime and dealing with law enforcement issues locally using techniques like telecommunications interception. It is seen by police and intelligence services as a powerful technique in combating such crimes, whether suspected or actual.

I share the concerns of many other honourable members about the need to ensure that we are fully protected by having the most comprehensive and professional services available operating in Australia, in Victoria, and throughout our suburbs and regions. We want to ensure that we have the best possible enforcement system and that the necessary powers are properly set out and able to be implemented by our police.

Other speakers have noted the importance of balancing the need for law and order to protect our citizens and safeguard the state on the one hand and the need to protect the rights and privacy of groups and individual citizens on the other. We need to ensure that ours is a robust democracy that fully protects the individuals within it. We must make sure that we do not descend into a police state by forgoing the basic checks and balances and that the use of effective and highly technical law enforcement measures to protect the security of our state does not become intrusive on the rights of individual citizens.

They should not be used for improper purposes — for example, for political purposes rather than law enforcement purposes — or to harass individuals unfairly. The powers of the bodies involved in those checks and balances, whether they be public prosecutors or auditors-general, for example, must be there and properly laid out. The powers of the police, who are also very important agents in telecommunications interception, must also be set out properly.

Mr Baillieu — Mr Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr STENSHOLT — I am sure the honourable member for Hawthorn merely requested a quorum to ensure that I repeated my remarks about the Box Hill Hawks winning the VFL premiership. The honourable member for Mitcham and I are members of that august football club and I recommend that the honourable member for Hawthorn join us next year.

I was talking about the important question of balance. In legislation such as the bill before us there must be a balance between, on the one hand, law and order and the protection of citizens and the welfare of the state and, on the other hand, ensuring proper protection of the rights and privacy of citizens and organisations, particularly individual citizens who may be vulnerable. It is our duty as legislators to be particularly vigilant in this regard to ensure that bills that come before the house and become legislation pass this proper test of vigilance, good governance and the safeguarding of our democracy. We must get the balance right.

Law and order is vital, particularly in the areas of intelligence, the detection of very serious suspected or actual crimes, and enforcement. The bill deals with powers in the hands of the intelligence services and the police to intercept transmissions — an area that has been very much in the news in the last few weeks. I am sure all honourable members have read or seen on television — whether on free-to-air or on cable networks — that bin Laden's telephone call to his mother had been intercepted. It is a pity that it was not intercepted by people who could unscramble the signal or define the signal within the maze of many other messages intercepted prior to the events in New York. That phone call is, however, an example of the ways in which telecommunications interception can be used.

We have also read about the many thousands of leads, including telecommunications interceptions, being followed up by the Central Intelligence Agency (CIA) and other intelligence and police organisations in the United States and around the world in their inquiry into the terrorist strikes in America.

It is also relevant in Australia because it relates to the question of whether our services doing similar work are totally competent and active. The Victoria Police is fully involved in the area of telecommunications interception, and we are very proud of our police officers working in that area. Victoria now has the opportunity to be exceptionally proud of its police

officers because they are now so much better resourced under a Labor government than they were in the past, and much better prepared to undertake tasks provided under the Telecommunications (Interception) (State Provisions) (Amendment) Bill. Part of that increased capacity is the result of the increase in the number of police officers we now have. There are now well over 450 — possibly as many as 465, I understand — additional well-trained police, and the academy is full. They will play their role in this aspect of law enforcement and the fight against crime.

In doing that, they are complementing the work of their federal and state colleagues. That is the purpose of the bill. It is intended as complementary legislation to the commonwealth's Telecommunications (Interception) Act 1979 and its amendments. It is as a result of those amendments to the commonwealth legislation that this bill is before us to ensure that the changes are made.

The technical definitions are in relation to the roles of the Victorian police, particularly in terms of record keeping and the reporting regime. The commonwealth act defines the situations in which interceptions can be made and the nature of telecommunications interception.

The purpose of the bill is to amend some definitions. Clause 3 deals with the amendments to the definitions. The first is the definition of 'certifying officer'. The bill states:

"certifying officer" has the same meaning as in the Commonwealth Act in the case of the Police Force of a State —

that is, the state of Victoria. Some important points need to be made in this regard because the commonwealth act sets out a list of people who are able to certify original records of telecommunications interceptions. Unfortunately, it does not allow for certain categories of officers to certify copies of original records. Naturally, if you wish to ensure an efficient and professional telecommunications interception service you need to make sure information is widely available within the intelligence network that is pursuing law enforcement in relation to a serious crime. That involves a protected network of confidentiality and the copying of transmissions and documents that have been received.

The bill ensures that the definition is as wide as it is under the commonwealth law — that is, 'certifying officer' means the commissioner, the deputy commissioner or an officer whose rank is equivalent to that of the assistant commissioner of the Australian Federal Police or of a senior executive employee of the

Australian Federal Police who is also a member of the Australian Federal Police and is authorised in writing by the commissioner under a relevant authority. So an officer of the same level and with the same level of responsibility as a certifying officer at the commonwealth level is able to certify original documents and copies of original documents.

The second amendment involves the substitution of the definition of 'communication'. For many years we have been in a communication revolution. The age of email is not all that old — a fact that was highlighted in a recent newspaper article on Professor Breen from Monash University, one of the pioneers in email technology in Australia — and short messages now appear on our mobile phones. The definition of 'communication' in this bill includes a conversation, a message or any part of a conversation or message. In interception work it is often difficult to get the whole message. It can be in the form of speech, music or other sounds; in the form of data, which can be analog or digital; in the form of text; in the form of visual images, including animation — Victoria is an extraordinarily strong centre for digital animation; or in the generic form of signals, which covers a wide spectrum. The word 'spectrum' is appropriate because signals come through various spectrums.

One of the issues concerning telecommunications definitions is the need to make them comprehensive so they cover the whole area. Clause 3(b) ensures that the definition is comprehensive by providing that 'communication' includes a conversation or a message in 'any other form'. It is important when drafting this sort of legislation to ensure that it is as comprehensive as possible because we are dealing with people who are trying to elude the law. Finally, the bill also amends the definitions of 'permitted purpose', 'record' and 'restricted record'. I commend the bill to the house. It is another fine example of good governance and making sure that our police force is fully able to perform its task.

Ms BEATTIE (Tullamarine) — It gives me great pleasure to follow the honourable member for Burwood in the debate on the Telecommunications (Interception) (State Provisions) (Amendment) Bill. He has given a very comprehensive view of what this bill entails. We, as parliamentarians, all know the importance of telecommunications. As we walk around the house we clutch at our hips to see what our pagers are saying and run back to our offices to check our mobile phone messages. Some honourable members who are better off than me have a palm pilot, and we also have laptops.

We are almost literally wired for sound. I note that the opposition did not have another speaker to match the government's speaker. Perhaps that is because the opposition members are all checking their electronic devices to see what is happening. Very shortly we will experience what it is like to be without a form of telecommunications when there is an electrical shutdown in Parliament House and we may not have email for a couple of days. Honourable members know that when the email system comes back up we could be spending hours in front of our computers and laptops clearing the messages that will have banked up over those couple of days.

It is a pleasure to follow the honourable members for Richmond, Preston, Mitcham, Burwood and Bentleigh, who made fine contributions. This seems to be a small, technical bill, but it is actually very important because it goes to the heart of record keeping and reporting. Victoria Police asked for this bill. That is important, because the Bracks government has provided 400 extra police officers, and over this term of office it will top up the force with 800 extra police officers. The honourable member for Burwood made the statement that the parade grounds are full, but the Minister for Police and Emergency Services tells me that the parade grounds are now not only full but overflowing. We must provide those officers with all the tools and techniques they need to combat an increasingly intelligent criminal sector.

It was only a few years ago that we watched shows like *Get Smart* and thought we would never have a shoe phone or anything like that, but we now see computers on watches. Any honourable member who has teenage or younger children who use mobile phones would know that they can do things we never thought possible. I am still grappling with sending a text message, yet my 18-year-old daughter can do almost everything except make a cup of coffee with my mobile phone. It is increasingly embarrassing when she takes it from me to show me how to use it.

The honourable member for Preston made a fine contribution. The honourable member is known in our party as an information technology (IT) guru — he has come into the chamber to listen to me — and I have no reason to dispute that. I am a member of the Scrutiny of Acts and Regulations Committee, which is looking at information privacy as it affects members. The committee will be going through the proposed legislation in detail and seeking counsel from others who have expertise in this area.

Clause 1 sets out the bill's purpose, which is to amend the Telecommunications (Interception) (State

Provisions) Act 1988 to address its inconsistencies with the commonwealth Telecommunications (Interception) Act 1979.

The tragedies in the United States in the past couple of weeks have shown us that we need modern technology. There is no use being an isolationist country or state anymore. We see call centres operating out of India and data being sent overseas for processing and returned within hours. We cannot be isolationist about these things. I will go into the definitions in the bill in a bit more detail later, but the definition of 'communication' is being amended to include conversations or messages in the form of speech, music or other sounds, data, text, visual images, whether or not animated, or signals, as well as conversations and messages in any other form and in any other combination of forms. It is a complex bill, and telecommunications is a complex industry.

We need to make a number of minor technical amendments to the 1988 state act. For ease of recognition I will refer to the Telecommunications (Interception) (State Provisions) Act 1988 as the 'state act'. The state act forms part of a national telecommunications interception scheme that provides a powerful investigative tool to law enforcement agencies. We must encourage law enforcement agencies to work in conjunction with each other in these days of international travel, international telephone calls and international text messages. We must cover all the bases, do the right thing and give the police all the tools they need.

The scheme is primarily contained in the commonwealth Telecommunications (Interception) Act 1979, which enables law enforcement agencies, including Victoria's finest, to intercept telecommunications. I am trying not to be too parochial about this, but I think we have the finest police force in this country. Anybody who watched *Four Corners* last night would know that it was about a tragedy that has never happened here and, I am sure, will not happen here. However, we must be ever vigilant.

The 1979 act enables those agencies to intercept telecommunications for law enforcement and other purposes. The commonwealth act specifies the purposes for which intercepted information can be used and regulates dealings with that information. The state act complements the commonwealth act.

Mrs Shardey — Mr Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms BEATTIE — I seem to have lost my place. When the honourable member for Prahran interrupted — —

Mr Nardella — Rudely interrupted.

Ms BEATTIE — I will not say ‘rudely interrupted’. I am sure she wanted a number of my colleagues to hear my fine speech, so I will start again. Clause 1 sets out of the purpose of the bill, which is to amend the Telecommunications (Interception) (State Provisions) Act 1988. The Minister for Police and Emergency Services is now here. I was saying earlier that the honourable member for Burwood talked about the parade grounds being full. That is indeed wrong, because the Minister for Police and Emergency Services assures me that the parade grounds at the police academy are now overflowing. The recruitment scheme the minister has introduced has been very successful.

These recruits must be given every assistance, every tool and every technique that can be offered to them. This important bill will aid both new and more experienced police officers in getting all the tools they need. I have already spoken about the number of tools and the equipment that is now available. I spoke about parliamentarians having mobile phones, pagers, palm pilots, laptops and such like, so we can all see how increasingly dependent we are becoming on telecommunications.

The bill makes a number of technical amendments to the state act and addresses inconsistencies between it and the federal act. It substitutes and amends a number of definitions. These amendments will ensure that the record-keeping and reporting obligations in the act operate consistently with the interception regime in the commonwealth act. There cannot be inconsistencies in record keeping. As you move around the states and territories, you can see that all these acts have to be in sync because all the Mr Bigs and masterminds have every tool available to them; so we must equip our police in a similar way. By equipping them we will facilitate the effective operation of the national communication scheme here in Victoria.

It is interesting to note that it was the police who sought these amendments. They are at the coalface and know what their needs are, so they have requested amendments to the act that will give them the techniques they need.

The bill contains machinery provisions and covers just about everything. I did touch on the definition of ‘certifying officer’ in clause 3. The bill also amends the

definitions of communication, permitted purpose and restricted record. As I said earlier, it is absolutely vital that the police get their records right because it could mean the difference between getting or not getting proper convictions.

The definition of ‘certifying officer’ will be made consistent with the equivalent definition in the commonwealth act. That ensures that the same classes of persons who can certify documents under the commonwealth act can certify copies of documents for the record-keeping purposes of the state act.

I will touch on the definitions of the classes of police officers and employees who may certify formal documents for the purposes of the act. There are instruments revoking warrants and evidentiary certificates setting out relevant matters in relation to the execution of warrants. We do not want the police going in and finding that they cannot execute a warrant because the paperwork is not right. That has to be done properly. The commonwealth act defines a certifying officer in relation to a state police force, including Victoria Police, to mean the commissioner, a deputy commissioner, an officer whose rank is equivalent to that of the assistant commissioner of the Australian Federal Police, or a senior executive Australian Federal Police employee who is a member of the Australian Federal Police and who is authorised in writing by the commissioner under a relevant authority.

In making reference to the commissioner, I congratulate the current police chief commissioner, who is the first woman to hold that office. What a fine job she is doing. I am sure she will not be the last woman to hold that office; she is the first of many woman who will do so. She is the trailblazer for those women.

Under the state act a certifying officer is defined more narrowly to mean the Chief Commissioner of Police or a deputy commissioner of police, hence the reason for these definitions needing to be broadened.

I will not take too much longer because I know there are many people who want to speak on this bill.

An Honourable Member — Two more.

Ms BEATTIE — Two more.

It is considered appropriate that the same classes of senior persons who are empowered to certify original documents under the commonwealth act be permitted to discharge the function of certifying copy documents for record-keeping purposes under the state act.

I have highlighted the importance of this act — despite being interrupted midstream — and there are others who want to speak on the bill, so in conclusion I commend the bill to the house and wish it a speedy passage. I also caution honourable members who may think that this is a trivial bill to actually think about what will happen in a few days time when the electricity supply to this place will be shut down and we will be without emails for a while. I caution them about the need to have our telecommunications dealt with properly.

As I said, I commend the bill to the house, but honourable members should keep in mind the importance of telecommunications and the importance of empowering our police to act in conjunction with their federal colleagues. Crime knows no boundaries: it does not stop at the Murray River, and neither should telecommunications stop at our borders. I wish the bill a speedy passage.

Ms GILLETT (Werribee) — It is my pleasure to take my turn among my fantastic colleagues in making my contribution to the Telecommunications (Interception) (State Provisions) (Amendment) Bill. In doing so I congratulate the Attorney-General, his staff, his department and his very fine parliamentary secretary, the honourable member for Richmond, on producing yet another fine piece of legislation which seeks to continue the reforming agenda of the Bracks Labor government.

The Telecommunications (Interception) (State Provisions) (Amendment) Bill will make a number of minor technical amendments to the Telecommunications (Interception) (State Provisions) Act 1988. As honourable members would be aware, this piece of legislation is what we have come to call national scheme legislation. For honourable members who may not be as passionately interested in legislation as the chair of the Scrutiny of Acts and Regulations Committee has to be, national scheme legislation is legislation which comes as a result of a national agreement between the Australian states and territories and the commonwealth to move forward in a harmonious direction so that complementary legislation can be adopted in each state and territory. That is what this legislation is seeking to do so that it can more straightforwardly do the job it was intended to do — that is, to provide a solid and national basis for the criminal justice system to work more effectively in a federation of states.

The scheme is primarily contained in the commonwealth Telecommunications (Interception) Act of 1979. That act enables law enforcement agencies,

including the force's finest, the Victoria Police, to intercept telecommunications for law enforcement surveillance and other purposes.

The commonwealth act also specifies the purposes for which intercepted information can be used and regulates dealings with that information. On the face of it that 1979 commonwealth legislation would have presented enormous issues for the commonwealth's Scrutiny of Bills Committee, a committee which has been so ably chaired by my federal colleague Senator Barney Cooney for many, many years. Indeed, he is the doyen of Australian scrutiny. It is with some sadness that I reflect that Senator Cooney will be retiring at this election. I do not know who will replace him, but I am sure there will be some fine people who care much about Australians' rights and freedoms who will step into that role. I take this opportunity to wish Senator Cooney well in his retirement and to place on the record my gratitude for his counsel and mentoring over the two years that I have chaired the Victorian Scrutiny of Acts and Regulations Committee. He can be relied on always for wisdom, wit and the occasional little smack around the ear if I am going in the wrong direction at any stage of the game. He would be the only one who would get away with it!

This bill complements the commonwealth act by establishing a record-keeping and reporting regime for the Victoria Police in respect of those telecommunications which have been intercepted in accordance with the commonwealth act.

The bill makes a number of technical amendments to the state act to address inconsistencies that exist between the commonwealth and state acts. So while opposition members might say this is a minor piece of legislation, I indicate that these amendments are absolutely critical to cut out any loopholes that might be available to members of the community who come to the attention of the Victoria Police for a range of reasons, mostly associated with activities not conducive to the good of our society. In essence, the amendments ensure that the record-keeping and reporting obligations under the Telecommunications (Interception) (State Provisions) Act 1988 operate consistently with the interception regime contained in the commonwealth act.

As has been said by a number of speakers, these amendments have come to us because the Victoria Police has sought them. It has sought them to assist it in the successful operation of its duties. I can only support that. Having been blessed by having a husband who spent 15 years in the police force, but who is now retired from that organisation, and hearing stories from

him about lengthy investigations and prosecutions which are brought undone by minor technical details, I am very mindful of the significance of tightening up loopholes or overcoming excuses that may be used by people who do not contribute to the harmony and good of our community.

Given that the interception of telecommunications and the purpose for which Victoria Police may deal with that intercepted information are controlled directly by the commonwealth act, it is highly desirable to ensure that the record-keeping and reporting requirements in the state act are consistent with the interception regime that exists under the commonwealth act.

As chair of the Scrutiny of Acts and Regulations Committee I announce to the house that we have had some resignations from and additions to the committee. We are pleased to welcome the honourable member for Pakenham who is replacing the honourable member for Dromana, and the Honourable Andrew Olexander in the upper house who is replacing the Honourable Maree Luckins. I wish the new members of the committee well. We had our first full *Alert Digest* meeting yesterday and the new members seemed to have come through it relatively unscathed; they still have enthusiasm for the work that the Scrutiny of Acts and Regulations Committee has to do. I look forward to working with our two new members over the next couple of years.

It is pleasing to see the amendment provided in the definition of a certifying officer. Certifying officers play a very important role and it is important that this delegation power is specifically named and adequately defined. That is one of the issues that the Scrutiny of Acts and Regulations Committee takes very seriously. It is highly inappropriate, and has historically been seen by the committee as being highly inappropriate, for there to be ill-defined or broad powers of delegation, and the committee will comment adversely on such broad or ill-defined delegation powers every time. With this bill we had no need for such adverse comment because the definition of 'certifying officer' and 'communications' amends the definitions of 'permitted purpose' and 'record' and 'restricted record' to address the inconsistencies between the state act and the commonwealth act. 'Certifying officer' has been changed to reflect the identical definition and meaning as in the commonwealth act — an incredibly sensible and simple resolution to what could be a complex problem.

The commonwealth act defines those classes of police officers and employees who may certify certain formal documents for the purposes of the act, documents such

as instruments which revoke a warrant and evidentiary certificates which set out relevant matters in relation to the execution of warrants.

The classes of officers and employees who can certify such documents are strictly confined, as they should be, under the commonwealth act to ensure that only the most suitable and senior persons perform these certification functions. That is absolutely critical to the certainty of the public that their own rights and freedoms will not be unduly trespassed upon, because the effect of having very senior, experienced people act as certifying officers gives us less concern in the delicate areas of rights, freedoms and interception of telecommunications.

The state act sets out the classes of police officers who are certifying officers for the purposes of the act — again, clear and simple. Under the state act certifying officers may certify copies of certain formal documents, such as warrants issued under the commonwealth act and instruments that revoke such warrants, for the purposes of their record-keeping obligations imposed by that act.

Following amendments made to the commonwealth act, the classes of persons who may certify documents under it is broader than the classes of persons who may certify those documents under the state act. The commonwealth act, as I am sure some honourable members would be aware, defines a certifying officer in relation to a state police force, including Victoria Police, to mean the commissioner, a deputy commissioner, an officer whose rank is equivalent to that of an assistant commissioner of the Australian Federal Police, or a senior executive AFP employee who is a member of the Australian Federal Police and is authorised in writing by the commissioner under a relevant authority. So honourable members can see that these powers are exercised only by the most senior people in state police forces and in the federal police force. That is a measure of how well thought out the originating commonwealth legislation was and how well thought out the subsequent state legislation that formed part of the national scheme is.

Under the state act 'certifying officer' is defined more narrowly to mean the chief commissioner of police or a deputy commissioner of police. It is considered appropriate that the same classes of senior persons who are empowered to certify original documents under the commonwealth act be permitted to discharge the function of certifying copy documents as well. It is a perfectly sensible arrangement. Consequently the bill does just that. It amends the definition of certifying officer in the state act to allow the same classes of

police officers who can certify documents under the commonwealth act to certify copies of those documents for record-keeping purposes under the state act. The meaning of ‘certifying officers’ is therefore defined simply and accurately by reference to the commonwealth act to ensure a complete uniformity of interpretation — very simple, very clear and totally unambiguous.

A further amendment is the definition of ‘communication’. In 2001 our communications are vastly different to when I started work 22 years ago. Yes, I was 21 at the time! Those of us who were working at that stage can remember telex machines; we can remember even gestetner machines, before we had photocopiers where you press a button and thousands of things pop out; we thought fax machines were a fantastic innovation when they first came in. We have moved so far forward —

An Honourable Member — What about electronic typewriters?

Ms GILLET — I had an electric typewriter. I thought it was a very good electric typewriter. Then laptops came through. We now have palm pilots and mobile phones small enough to fit into the palm of your hand. The whole way we communicate with one another and with the world has changed radically, even in the short amount of time that I have been in the work force. If you think about the next 20 years you realise that the changes will be equally enormous but probably incrementally more sophisticated and more rapid than we have seen in the past 20 years. So it is incredibly important to have an appropriate definition of ‘communication’, given that all those technological advances have allowed us to communicate in so many different ways.

The existing definition of ‘communication’ in the state act reflects the definition originally contained in the commonwealth act. Following changes to the commonwealth act, the definition in the state act was amended to make it clearer and much more comprehensive. I refer to the new definition of ‘communication’ in clause 3, which states that ‘communication’ includes conversation and a message, and any part of a conversation or message, whether in the form of speech, music or other sounds; data; or text; or visual images, whether or not animated; or signals; or in any other form or in any combination of forms. It is a terrific definition. As far as my limited vision goes, I cannot think at this stage of the game of any form of communication that is left out or not comprehended by it. As I said, the new definition of ‘communication’ in

the state act is the same as the clearer commonwealth definition of the same term.

To ensure that as far as is possible the state act is self-contained for ease of reference by the reader, the bill sets out the new definition in the state act itself rather than simply incorporating the definition in the commonwealth act. That is something that we as members of the Scrutiny of Acts and Regulations Committee take very seriously. If an act contains definitions that need to be readily seen and understood by practitioners and those who may use it, we like to see those definitions laid out, because it adds to the openness and transparency of the act and the ease of access for people who may be using the act on a daily basis, in this case Victoria Police.

There is also a change to the definition of ‘permitted purpose’. The commonwealth act tightly regulates the purposes for which information lawfully obtained by telecommunications interception can be used. These purposes are set out in the definition of ‘permitted purpose’ in the commonwealth act, and they include purposes connected with the investigation of certain offences and the prosecution of those offences.

The definition of ‘permitted purpose’ in the commonwealth act has been extended by a number of amendments to that act, the effect of those being to permit Victoria Police to use lawfully intercepted information, firstly in the keeping of records under the relevant record-keeping and reporting requirements in the state act, and secondly in making a decision whether to appoint, reappoint, dismiss or retire a police member and in the review of such a decision. This provision assists the chief commissioner to deal with serious police misconduct as well. The current definition of ‘permitted purpose’ in the state act does not include these additional purposes. This creates a potential anomaly in the operation of the state act, as it means that the record-keeping obligations in that act do not reflect the full range of the purposes for which lawfully obtained information can be used under the commonwealth act.

It is terribly important to rectify that sort of friction and lack of cohesiveness between a commonwealth act and a state act, and the bill will in fact rectify it by amending the existing definition of ‘permitted purpose’ in the state act to include the additional purposes contained in the equivalent commonwealth definition. This is consistent with the aim of ensuring that as far as possible the definitions in the state act are self-contained for ease of reference for the reader.

I wish I had another 20 minutes to speak about how wonderful this bill is and how important it is to make sure that we are ever vigilant in making sure that our national schemes of legislation work effectively, because they help to create a fine Australian nation that we all enjoy to live in. I commend the bill to the house.

Mr SMITH (Glen Waverley) — Any instrument, power or tool that helps the police to apprehend criminals has my unqualified support. However, I have found it fascinating to listen to members opposite giving their unqualified support to this bill, because in 1988 when the legislation was first brought in I remember the Labor Party having incredible concerns about the form in which it was presented. As those who have a lot to do with Victoria Police and other police forces would know, this sort of legislation is an imperative tool in the fight against organised crime.

If, like the honourable member for Richmond, honourable members were to take themselves down to the Victoria Police complex in St Kilda Road, where this telecommunications equipment is housed, they would be amazed at how well supervised the interception room is. When permission is given for members of Parliament to visit the area the police there are very careful about how they show you about. For obvious reasons they do not want to give away any of their secrets. However, once you get down there and start talking with the very enthusiastic people who operate the equipment and who have specific assignments that they follow through for weeks, months and sometimes years, you find that they fill you with a great deal of confidence in the Victoria Police.

Our legislation has allowed police not only to detect members of particular crime gangs at work but also to produce in court the evidence they have gathered. That has resulted in many of our top criminals, particularly those operating in the drug area, being put away for a long time. As you well know, Mr Acting Speaker, the provisions within this bill are strong enough to ensure that when members of the drug squad or any other crime squad seek permission to bug the conversations of particular persons we can be confident that they will be recorded professionally using the sophisticated equipment that is available.

I visited the interception room on a number of occasions soon after this legislation was introduced in 1988. At the time the Labor Party was in government and lots of concerns were being expressed on its own side about how the legislation was to be administered. That was in the days when the chief of crime operations was Chief Superintendent Kevin Holliday. I saw how well the place operated and how much pride the officers

took in doing their job — and doing it within the law. They wanted the technology to work. They said, ‘We do not want this new telecommunications intercept to be a laughing-stock, because this is the greatest tool of trade we have had in the past 15 or 20 years’.

I was taken through the area on a couple of occasions, as were other honourable members, and we considered it a privilege. While we were not permitted to know the identity of the person whose conversation was being intercepted, we had a pretty good idea because of discussions we heard outside about who should be intercepted — and we would get a friendly nod and smile when we suggested who it might be. Sure enough, those honourable members who had the privilege of going through that place usually learnt within months or sometimes years that at the time of their visit the police had managed to put the finger on those people they had been wanting to get for a long time.

As the honourable member for Werribee said, we want to make sure that the police are given every available tool to enable them to go ahead confidently and get the convictions they are after. It is a good thing that this bill mirrors the commonwealth legislation, because it reflects yet another attempt by police forces both commonwealth and state to ensure that they are going about their interception activities in the correct way. The fact that the house is talking about this bill for such an extended length of time is an indication that the government wants to fill up time because of its paucity of legislation; however, it is an important bill.

I was rather amused to read in *Alert Digest* No. 11 the comment by the Scrutiny of Acts and Regulations Committee that:

The bill also substitutes a new definition of ‘communication’ into the state act to make the definition of this term the same as the clearer equivalent definition of this term in the commonwealth act.

In other words, it is not a point-scoring exercise; rather, it is about ensuring that the cops have what they should have, because unless they do they will not get the Mr Bigs — and they are getting the Mr Bigs. The number of heroin deaths is always a good way of judging where we are going with the drug trade. The fact that this year the number of heroin deaths is only 33 compared with 220-odd road deaths is an indication that the police are on top of the drug trade — and the heroin trade in particular — in Victoria, and this legislation is one of their key tools.

The Victorian director of crime operations is Commander Rod Lambert, and he would have the

telecommunications interception section within his complex. Professionals like Rod Lambert and the people who work within his department are doing their job at such a high level that the crims out there are really on the run. It gives me a great deal of pleasure that we as legislators can give those police officers the extra support they need. It is a privilege to be able to give them what they want.

If the commonwealth government says this is what we need to do to ensure that criminals or the smart lawyers assisting them, such as the one in court this week, are pinned down and put behind bars, that is what we are here to do. The bill has my unqualified support and that of the Liberal Party.

Ms ALLAN (Bendigo East) — I am very pleased to join my many colleagues and the honourable member for Glen Waverley in speaking on this bill. I have certainly enjoyed listening to the honourable member for Glen Waverley talking about his experiences in visiting the place where electronic surveillance takes place. I am sure it would have been fascinating to see up front and first hand how that section of the Victoria Police operates.

The purpose of the Telecommunications (Interceptions) (State Provisions) (Amendment) Bill — or, as we have all called it, the state act — is to make amendments to the original act to address inconsistencies with the commonwealth Telecommunications (Interception) Act of 1979. The commonwealth act established the regime for telecommunications interceptions which enables law enforcement agencies to intercept telecommunications where they hold authorised warrants to do so — and for us here in Victoria, that includes the Victoria Police.

The state act establishes a framework for the record keeping and reporting of the information intercepted by the Victoria Police under the guidelines contained in the commonwealth act. As other speakers have said, it is important for the police to have a clear and concise framework under which to operate in this very sensitive area.

Likewise, it is important for the community to know that safeguards on the exercise of these powers are in place. Because they are quite powerful powers, some checks and balances are needed in the process so the community can be secure in the knowledge that the powers are not being used in ways which would not make them very happy. It is important that police officers have this framework in order to go about their duties in accordance with the regulations.

This bill contains important amendments which will make the state act consistent with the commonwealth act. I hope that soon we will have a commonwealth government that has philosophies consistent with the philosophies of the state government and is complementary to what the state government is implementing across Victoria, particularly in the areas of regional Victoria — and I take this opportunity to mention funding for the Calder Highway.

However, on the telecommunications bill we have already heard of the importance of telecommunications — and modern communications — in our daily lives, whether in our business or personal lives. We heard the honourable member for Werribee talk about gestetners. We have come a long way since the age of the gestetner, and it is important that when making amendments to acts of this type we acknowledge the rapid change in telecommunications. Along with the basic things such as phones and faxes, we also have the Internet, email, and our own pagers that seem to distract us in the house. So there is certainly a need for a consistent, nation-wide framework under which they can all operate.

The community is aware more than ever of the power and, by the same token, the intrusion that telecommunication has in our daily lives. A TV program based on the theme of Big Brother gave people the opportunity of watching the lives of people in a household on the Gold Coast. It was a template program that operated internationally. The fact that programs are made with this sort of technology shows how technology has changed our lives. Technology has certainly come a long way in a short time.

Victoria Police has to grapple with such changes, including changes to mobile phones. Mobile phones have advanced to the point where text messages can now be sent on them. In my circle of friends text messaging is the preferred method of communication rather than the more conventional way of talking over the phone. On the Internet we see things such as Internet banking and Internet shopping, and earlier someone mentioned telemedicine. I chair a regional and rural health advisory committee that is looking closely at the importance of telemedicine to improve the health status of country Victorians.

All these things come under this bill. It is quite an enormous area that Victoria Police has to deal with. I am not sure we can appreciate it, but with this bill we go some way towards appreciating the difficult job police have in intercepting information in all the different areas of telecommunications. There is

certainly a need for a legally binding and consistent framework.

Victoria Police has requested that there be a number of technical amendments to the state act to address its inconsistencies with the commonwealth act. As the honourable member for Tullamarine said in her excellent contribution, it is important to continue to support the work of Victoria Police in its operations in protecting our community. The honourable member for Glen Waverley talked about the importance of telecommunications surveillance in dealing with the heroin problem. It is vital that we continue to support the police in these operations.

Our community-wide support of the police is strongly articulated every year at the police remembrance day and Blue Ribbon Day memorial services. Recently I had the opportunity to speak at a memorial service held at the Anglican church in Bendigo. I was honoured to give that address. It reinforces the important role of Victoria Police in protecting our community and acknowledges that its members put their own safety on the line every time they go out to work.

This bill is important as it continues to support the police with the rapidly changing telecommunications technology. I understand from the parliamentary secretary that as well as consultation with Victoria Police, a wide-ranging consultation process has been undertaken with this bill, which is very important. The Bracks government believes wide-ranging consultation on everything it does is important. Part of its platform on coming to government was that it would consult with the Victorian community on changes, and consultation is an important and ongoing part of our work.

Consultation on this bill has been held with the Office of the Chief Parliamentary Counsel Victoria, the relevant government departments, the Ombudsman's office and the commonwealth Attorney-General's office — hopefully, soon to be a Labor colleague of ours. The bill has been supported by all who have been consulted through that consultation process which, as I said, has been a very important part of the process of bringing this bill to the house. The bill makes many changes by creating new definitions or amending existing definitions. It provides for new definitions of 'certifying officer' and 'communication' and for amended definitions of 'permitted purpose', 'record' and 'restricted record'. I turn to briefly look at the definitions.

Firstly, I refer to the new definition for 'certifying officer'. Clause 3 of the bill — an important clause —

substitutes a new definition for 'certifying officer' in the state act so that it becomes consistent with the definition in the commonwealth act. It ensures that the same classes of people who can certify documents under the commonwealth act can also certify documents for record keeping under the state act. This is part of the purpose of the entire bill — to make the state and commonwealth acts consistent.

The classes of officers and employees who certify such documents have a strict definition under both acts. It is important that under the current state act a certifying officer is defined more narrowly to mean the Chief Commissioner of Police or a deputy commissioner. The amendments in this bill provide that the same class of senior persons who can certify documents under the commonwealth act can also have those powers under the state act.

Clause 3 also makes a more comprehensive definition of the term 'communication' as defined in the commonwealth act. The definition of 'permitted purpose' in the state act does not reflect the full range of purposes for which lawfully obtaining information can be used under the commonwealth act. This bill amends the existing definition to include the additional purposes contained in the commonwealth act. Further, the bill amends the definitions of 'record' and 'record keeping' to remove redundant references to documents relating to warrants and, in line with the other definitions, makes them consistent with the commonwealth act. The commonwealth act was recently amended to exclude copies of records from the definition of 'restricted record'. However, for the information of the house, the state legislation will continue to include both original records and copy records within its definitions. These amendments are clearly a very important part of this bill.

Like my many Labor colleagues on this side and the honourable member for Glen Waverley, I am pleased to speak in support of this bill. Clearly there is great interest in this bill by many members of Parliament, and this afternoon we have spent our time being quite engrossed in this debate. As the honourable member for Richmond, the parliamentary secretary, indicated to me earlier, it must be because it is template legislation that covers a very important area of telecommunications.

It is important because it deals not just with a complex and ever-changing area of communications but also with that equally complex and equally ever-changing area of commonwealth–state relations. This area will be greatly improved, I am sure, by the election of a Beazley Labor government on 10 November. It is absolutely important that there is national consistency

in this area, not just in terms of Labor governments but in the area of telecommunications.

As we heard the honourable members for Tullamarine and Werribee say, telecommunications knows no boundaries. Telstra has installed a multimillion-dollar satellite on the roof of its headquarters in Short Street in the centre of Bendigo. This provides Bendigo and Telstra with network links to the rest of the world. This bill will be important for Bendigo because the city is a telecommunications hub, whether through the Ittera satellite, a component of Telstra, through the numerous call centre jobs or through Telstra's country-wide operations.

AAPT's Australian call centre headquarters, which are also located in Bendigo, were officially opened by the Premier in March this year. AAPT has been in Bendigo for only a short time, but it already provides 400 full-time jobs, which in terms of full and part-time loads means there are more than 400 people working there. It is not only an important part of Bendigo's economy, it is an important part of Bendigo's telecommunications community, and it certainly provides Bendigo people with greater options. It is pleasing that the Bracks government was vigorous in encouraging AAPT to come to Bendigo and to bring with it over 400 jobs, along with its multimillion-dollar investment in the Bendigo community.

In conclusion, the bill addresses a number of inconsistencies that have arisen following the changes to the commonwealth act and, now, the state act. It provides a number of new or amended definitions of 'certifying officer', 'communication', 'permitted purpose', 'record' and 'restricted record'. As I said, these amendments will greatly assist the Victoria Police not just in their surveillance operations but also in their broader duty to protect our community of Victoria. It will also ensure that they legally have the powers they need to carry out the required surveillance. I am very pleased to commend the bill to the house.

Mr MAXFIELD (Narracan) — I rise with some humility, having just sat through one of the finest speeches I have heard in the house. I certainly acknowledge the honourable member's well-constructed speech and the fine focus our colleague from Bendigo East has given to this debate. This telecommunications bill is one which both sides of the house are supporting, although it is with some disappointment that I see so few honourable members opposite. Honourable members on this side of the house have investigated the issue thoroughly. We were elected on a strong platform of security in our homes and security in our community through employing extra

police and providing them with the resources they need to do their jobs.

As I said, it is disappointing to see so few opposition members in the house. Fortunately there is an attendant over there; at least the opposition have some numbers! I note that two Liberal members have now arrived. Unfortunately one appears to be walking straight through — no, he is still here. Some Liberal members have come into the house to hopefully involve themselves in and listen to the debate and perhaps make some contribution. We certainly hope they do not wish to leave too quickly.

I come to the substance of the bill. We are all acutely aware of the issue of our security. The ability to intercept communications by law enforcement officers is fairly crucial. Having seen the problems in the last few weeks in America, where unfortunately the intelligence was not there to intercept and stop those tragic circumstances, it reminds us that it is important that we have the intelligence available to our fine law enforcement officers and police who would be in a position to intercept communications when required — for example, to intercept communications from terrorists and people who spread drugs in our community. In Gippsland, like other communities, the issue of drugs is of concern. We need to be alert to that when considering this bill.

Changes to the commonwealth act, which enshrines a telecommunications interception regime and enables law enforcement agencies to intercept telecommunications, have required the Bracks government to introduce changes that ensure the state act conforms with the commonwealth legislation. The Victoria Police is supportive of these changes because, as we have seen in the past, some well-known crooks have been able to escape the clutches of the law by using legal technicalities and loopholes. Those well-known crooks — some have been known to be members of the Liberal Party, but I do not intend to name them in the house — have used loopholes and have been found not guilty in our courts of law. However, we need to ensure that the loopholes are tight so crooks cannot wriggle through them. And this is the issue — to ensure that those who want to cause damage, theft and mayhem in our community cannot use slight variations in commonwealth and state laws to wriggle out of the dangerous situations and circumstances that they get themselves into.

I turn to the issue of interceptions in telecommunications. In my area Telstra announced the establishment of a new call centre in Moe, which will involve the employment of the equivalent of over

300 full-time jobs. We would expect to see over 400 staff in that call centre. May I state in this house my thanks to the Bracks government for the financial assistance it provided Telstra to locate its call centre in Moe. I thank also the Latrobe City Council, which contributed significant funds as well. It is an example of local government and the Bracks government working together to deliver the sorts of jobs that we need in our community. That call centre will be the largest employer in Moe. We appreciate Telstra's involvement in that.

I turn to the clauses in the bill — but first I will ease my dry throat with some water —

Mr McArthur interjected.

Mr MAXFIELD — I hope the honourable member is going to speak on this bill rather than just interjecting from the other side. We are keen to see some contributions from the Liberal Party. It is sad that it does not show any interest in the bill.

Mr McArthur — I raise a point of order, Mr Acting Speaker. Contributions from the Liberal Party? The Liberal Party supports the bill.

The ACTING SPEAKER (Mr Phillips) — Order! There is no point of order. The honourable member for Narracan, addressing the bill.

Mr MAXFIELD — Certainly, but I look forward to Liberal Party member contributions as they speak on the bill and explain to this house and the community why they support this important bill. We hope they do involve themselves in the democratic processes we have in this state.

As we look at the issue of the state act complementing the commonwealth act, we also have to ensure that the record-keeping and reporting regime works well. This issue has the potential to infringe on some people's perceived civil liberties. Accurate keeping of records is so important because we need to ensure that the community can feel comfortable that this legislation is not being abused in order for some wrongdoings or dubious deeds to be carried out. Not only must we do the right thing, it is important that we should be seen to be doing the right thing — for example —

Mr McArthur — The honourable member said, 'We should be seen to be doing the right thing'. I agree, Mr Acting Speaker, but more people should hear this riveting contribution, so I draw your attention to the state of the house.

Quorum formed.

Mr MAXFIELD — I appreciated that little chance to have a breather and rest my vocal cords. I note with interest that during the current election campaign a National Party candidate in Broome has apparently called for the further sale of Telstra to be stopped. That call appears in an election brochure issued by that National Party candidate.

I note with interest that National Party candidates in the federal election are pleading with the federal coalition not to sell Telstra. That comes to the heart of our telecommunications industry. We have some concerns about it in this state, because we want the telecommunications standards we need. It is sad that a person like Peter McGauran, the federal member for Gippsland and the Minister for the Arts and the Centenary of Federation, seems to spend more time worrying about getting revenue from pokies and going to the opera in Sydney than looking after his own electorate and protecting telecommunications in that electorate. He is now more affectionately known in Gippsland as Pokie Pete.

Pokie Pete apparently seems happy to support his leadership, which seems intent on selling all of Telstra. We know what that would mean: further reduction in services in rural Victoria, and especially in Gippsland. There are a lot of outlying areas that have struggled with their telecommunications over the past few years. Even parts of the National Party are revolting against their own leadership. Pokie Pete should be aware not only of the problems with the privatisation of Telstra in his own electorate among his own constituents, but fellow members of the National Party and other candidates are also starting to say, 'Hoy! We do not want Telstra to be sold'. They do not want the sale of Telstra because they know what it will mean.

They know we have suffered something similar with the privatisation and sale of our power industry and so know about the potential for a drop in service delivery and standards. It is sad that federal National Party ministers seem oblivious to the needs of their own electorates. Why can't they too come out strongly, as one of their fellow candidates has done —

Ms Burke — On a point of order, Mr Acting Speaker, we are being very tolerant about the number and content of speeches about such a tiny bill. Can we please keep away from Telstra and the federal government and get back to the state provisions in the bill?

The ACTING SPEAKER (Mr Phillips) — Order! All honourable members know they must address the bill. There has been a lot of sideways movement. I ask

the honourable member to address the bill before the Chair.

Mr MAXFIELD — On the bill, the issue of telecommunications is something close to all of our hearts. The bill deals with the interception of telecommunications, which involves equipment. It is quite clear that the police need to be able to access phone lines. In country Victoria the potential for telephones to not work and lines to drop out make it difficult for the police to intercept those communications. It is clear that the security of our communications system is very important.

Honourable members interjecting.

Mr MAXFIELD — Excuse me, Mr Acting Speaker, but some honourable members are distracting me from my speech. I must get back to ensuring that I do not miss any of the important points I intended to raise during this important debate. As I have said before, the reliability of our phone system is critical. We cannot afford to allow anything to interfere with that.

The bill appears on the surface not to have a lot in it, probably because of the nature of the amendments. One does not need to be a speed reader to read the bill quickly — like a Mini, it goes quite well but is pretty small. It does not have a lot of technical points in it. What it does, however, is ensure that our law enforcement agencies will have the ability to deliver the security our community needs.

All honourable members are critically aware of what has happened in the last few weeks in America. Our ability to have active and incisive information on what terrorists or crooks might be up to is certainly important. The more we can pre-empt terrorist and criminal activities, the more able we are to provide a safer community for members of our society, who need and deserve that sort of strong security. The only people who will be opposed to this bill will be the crooks, who will be hoping for loopholes they can use to say the behaviour of the police was technically incorrect, thus escaping the justice they deserve.

To sum up, the bill makes me realise what a wonderful country we live in. We can talk today, for example, about a bill like this without exposing our society to the risks that would be faced under a dictatorship. We have a regime that ensures we have safeguards. If we lived in a country that did not follow democratic principles, where the phone of every political opponent was listened to, where a dubious dictator would closely investigate the workings of members of an opposition

or community activists, the situation would be different. That is a wonderful thing.

An honourable member interjected.

Mr MAXFIELD — That is right, trade unions are a wonderful thing. As someone who is very active in the trade union movement I am aware that there was a time even in Australia — the 1950s — when former Liberal governments probably engaged in some very questionable telecommunications interception activities. They listened in on people whose only crime was that they wanted a fair day's pay for a fair day's work. The built-in safeguards we have today ensure that we can target the crooks in our society — those who do not want to work within the bounds of what we regard as reasonable. Those safeguards will ensure that those who want to push the boundaries will not be able to do so.

This government was elected on its promise to be open, accountable and democratic. The Bracks government stands for open and accountable government. It is with great pleasure that I support this bill.

Sitting suspended 6.26 p.m. until 8.02 p.m.

Mr LANGDON (Ivanhoe) — I am aware that the Telecommunications (Interception) (State Provisions) (Amendment) Bill has been debated for quite some time. I am also aware that we are trying to speed up the debate so I will be brief. Nevertheless, I commend those honourable members who spoke for their allotted time. Some of them were very eloquent — although I did not necessarily get the whole pitch of their stories.

This bill is very important. I could speak on clauses 1 and 2, but having looked at them I realise there is nothing to speak about! I will concentrate on clause 3, which goes to the crux of the issues we are debating. I pick up on the point raised by opposition members that there should be an omnibus bill because there are so many smaller bills floating around the house this week. I point out to members opposite that one of the problems we had when we were in opposition was that while often we supported seven-tenths of an omnibus bill that the Kennett government introduced we did not support three-tenths of it. We were caught in a very awkward position — if we wanted seven-tenths of the bill we had to support the whole bill. Of course the Kennett government did not draft them that way to trap the opposition!

Mr Hamilton interjected.

Mr LANGDON — I am sure the Minister for Agriculture would agree that the Kennett government

would never ever try to entrap the opposition with such devious ways! This government is not in favour of omnibus bills, and it has not introduced one since it has been in office. The opposition can therefore vote on each bill individually and not be caught in such an awkward position.

As I said, many honourable members have spoken eloquently on the Telecommunications (Interception) (State Provisions) (Amendment) Bill, which is a mouthful in itself, particularly about telecommunications. One point I wish to pick up on, which the honourable member for Werribee also mentioned, is how much telecommunications have changed since we started work ourselves — even though it was not quite in the quill and ink stage. We now have things like pagers, emails and short message service (SMS) messages on our phones. I know the honourable member for Dandenong North is a great user of email. Things have changed dramatically in recent years, and the measures in the bill are needed.

In a nutshell the Victoria Police supports the bill, so we need it to go ahead. As I said, numerous speakers have spoken on the bill at length, and I do not wish to add to the debate given that we now have more family-friendly hours. I shall yield the floor while pointing out to the opposition that omnibus bills do not necessarily work all the time. I support the bill fully.

Mr NARDELLA (Melton) — Along with other honourable members on this side of the house I support the Telecommunications (Interception) (State Provisions) (Amendment) Bill. I understand why honourable members on the other side of the house are absolutely mute when it comes to this piece of legislation. There is not one member among the Liberals or the Nationals in the chamber tonight. They go around talking about law and — —

Mr Plowman interjected.

Mr NARDELLA — All right, you are in the Liberal Party. They go around talking about law and order, yet when it comes to the telecommunications interception devices legislation, together with the supporting commonwealth legislation, and catching criminals and drug dealers in this state, they are mute. Not one member of the National Party is here to listen or contribute to the debate on this important matter before the house. That is appalling. There is not one National Party member here to put a view to the house on why it is so important to support this type of legislation.

Mrs Peulich interjected.

Mr NARDELLA — Unlike the honourable member for Bentleigh I have been in the house to listen to the debate. She cannot get up. We could give her dispensation to sit down and give a speech — we will do that for her — but she will not get up to debate these issues in the house and represent her members.

Mrs Peulich — On a point of order, Mr Acting Speaker, the honourable member obviously was not in the house for most of the day because I actually did get up and speak on the bill.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member well knows that that is a personal explanation and there are different forums in which to make a personal explanation. There is no point of order.

Mr NARDELLA — I stand corrected, and I apologise to the honourable member for Bentleigh. However, other honourable members opposite could stand up and debate the bill, as the honourable member for Bentleigh did.

The bill addresses the inconsistencies between the commonwealth act and the state act with regard to telecommunications interceptions in Victoria. Victoria Police uses the legislation quite a lot, mainly in criminal investigations where it follows up leads and monitors the activities of criminals, especially in the heavy criminal areas of drug dealing, murder and fraud. This legislation is important in those areas. The bill brings the Victorian legislation into line with the commonwealth legislation in regard to record keeping. It is important to have a single set of reporting mechanisms rather than having different reporting mechanisms for the various jurisdictions, because the jurisdictions work together.

I went through the Victoria Police telephone interception area with the then parliamentary Crime Prevention Committee when the Honourable Ken Smith in another place was the chairman of that committee, which he was from 1992 to 1996. It was very interesting to see the operations of that department and the checks and balances on it. There was a discussion about how to intercept mobile phone calls and those types of communications. We live in a changing world, and we need to work through different forms of communications. The honourable member for Bendigo East talked about text messaging and other options on mobile phones, and it is becoming much more challenging and complex to intercept telecommunications.

The last thing I want to say is that the record-keeping provisions of this legislation are important in the sense of ensuring that Victoria Police, the special branch as it was in the past, and other authorities in Victoria and Australia are kept in check. They must understand the limits of their authority, and the record-keeping part of the legislation is part of the process of ensuring that civil liberties are not breached by these authorities and that power is not abused. That is very important when dealing with this type of legislation. On that note, I support the bill before the house.

Ms BARKER (Oakleigh) — I am very pleased to make some brief comments on the Telecommunications (Interception) (State Provisions) (Amendment) Bill. We should never underestimate the power and importance of telecommunications in our everyday lives. Like many other honourable members I found the ABC *Four Corners* report on the New South Wales police last night quite compelling. I was amazed at the highly technical and sophisticated listening devices which were used in the three-year investigation of police officers in New South Wales. The issue of telecommunications and how listening devices are used is extremely important.

This bill is designed to ensure that Victoria Police has the appropriate powers to use telecommunications devices. I agree with the many honourable members on this side who have said that we all hope and are confident that listening devices such as those used in New South Wales over the past three years to catch some police who were not doing the right thing are not needed in Victoria.

The commonwealth Telecommunications (Interception) Act 1979 contains a regime for the interception of telecommunications which with complementary state legislation establishes the national telecommunications interception scheme. It is important to have a national scheme because crime does not necessarily recognise borders. The state act establishes a record-keeping and reporting regime in relation to the interception of telecommunications by Victoria Police. That record-keeping and reporting regime is needed to ensure that all the necessary safeguards are there to protect individual privacy.

As other honourable members have indicated, following amendments to the commonwealth act it is necessary for the Parliament to amend a number of definitions in the state act to make them consistent. Victoria Police was among those who sought amendments to the state act to address these inconsistencies, and it is pleasing that the government

has been able to ensure that the concerns raised by Victoria Police have been addressed.

It is important to ensure that Victoria Police has the resources and powers to do its job appropriately. I am very pleased to note that Labor is getting on with the job in Victoria and recruiting a lot more police to work in our community. I have a great police station in my electorate of Oakleigh. One of Labor's election commitments was to save the Murrumbeena police station. I am pleased to note that not only did the government save the Murrumbeena police station, it is about to repaint it. The government has done an excellent job in my electorate.

Ms Beattie — What colour?

Ms BARKER — I have not decided the colour yet, but I suspect it will be blue and white.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Oakleigh, without assistance!

Ms BARKER — Thank you, Mr Acting Speaker; I will abide by your direction.

The objective of this bill is to amend the state act to address the inconsistencies which have arisen through amendments to the commonwealth act. Consultation took place with Victoria Police and other relevant authorities in this state. That is very important. The government stands by its commitment to consult, and I am sure it will continue to do so.

The bill amends certain definitions, many of which have been gone through in detail. The first is the definition of 'certifying officer' and the second is that of 'communication'. Not only is it necessary to change the definition of 'communication' to make it consistent, but it is very sensible to do that, as you realise when you look at what is outlined in the bill. 'Communication' is to include a conversation or message and any part of a conversation or message whether in the form of speech, music, sound, data, text, visual images and signals in any form and in any combination of forms. It seems not only rather sensible but essential to change the definition.

The definition of 'permitted purpose' is also to be amended by clause 3 of the bill. That will make it consistent with the definition of that term in the commonwealth act.

Definitions of 'record' and 'restricted record' in the state act contain redundant references. This bill will amend the act to remove those references so as to make

the state act consistent with the commonwealth act. I think it was the honourable member for Bendigo East who also said that the bill does not otherwise alter the definition of 'restricted record' in the state act. While the commonwealth act was recently amended to exclude copies of records from the definition of 'restricted records', both original records and copy records continue to be included within the definition in the state act. This ensures that sufficient safeguards of individual privacy are maintained in Victoria as both original and copy records remain subject to the stringent record-keeping and reporting requirements in the state act. That is very important.

As I said, I am pleased to make some brief comments on this bill. It is a small and technical bill, but a very important one. The bill implements our commitment to ensure that police have adequate powers. I commend the bill to the house.

Mr LONEY (Geelong North) — I will make a few brief remarks on this bill, which is of some importance. It contains a number of important provisions for the community to understand.

At the outset, I might say that I was a little bemused that the opposition was calling for this to be presented in an omnibus bill. As one of those people who had experience with omnibus bills over the seven years of the previous government and the way in which they were used to do away with debate, I would have thought that an omnibus bill would be the last thing the opposition would have been calling for. In particular I remember one omnibus bill that actually covered about 19 different acts. I think that was the record! None of these provisions was related to any other in the omnibus bill. Always within those sorts of bills presented by the Kennett government there would be at least one controversial matter that should have been subject to wide debate. They were regularly used as a mechanism to try to slip things through without debate at all.

I welcome the fact that the Attorney-General is presenting his legislation as separate bills and is giving honourable members in this chamber the chance to look at them in context and debate them in some depth. Regardless of whether this bill comes from commonwealth legislation or not, it is perfectly appropriate that honourable members should be able to comment on whether the commonwealth changes are desirable. We should be able to take that stance. I find it strange that opposition members come in here saying that they do not wish to debate bills.

A number of clauses in this bill are worthy of examination. In the brief time that I have I wish to deal

with a few of them. Overall, this bill is about amending the inconsistencies between the state act and the commonwealth act, insofar as there may be inconsistencies, and by amending a number of definitions in the state act to pick up changes that have been made in the commonwealth act. As the lead speaker for the opposition said, although the provisions may be technical in nature it is perfectly appropriate that honourable members have the opportunity to comment on those changes.

One of the particular areas dealt with in this bill is that the purposes for which interceptions are made are to be strictly controlled, and the purposes in this case for which Victoria Police may deal with intercepted information are controlled directly by the commonwealth act. There are a number of record-keeping obligations et cetera that are to be applied to that. Within that, it is also good to note that there are no changes in this provision that would widen the power of other people to be able to intercept phone conversations. That is entirely appropriate too. The ability for unauthorised tapping of private phone conversations is not supported within this community. It invades the privacy of those having conversations and can have dire consequences.

I point to a past instance of a phone conversation that was tapped and reported and resulted in one of the participants losing his job as a result of the publicity given to it. We do not like to see that sort of thing. That phone call is quoted by Paul Kelly in his book *The End of Certainty*:

The conversation was tapped by a member of the group People for Equality not Institutionalisation (PENI), and extracts were quoted in the Melbourne *Sun* newspaper on Monday, 23 March 1987.

He goes on to say:

Kennett began by describing to Peacock his earlier phone call to Howard. Kennett said that he told Howard: 'Tomorrow I'm going to bucket the whole lot of you. Tomorrow, John'. Peacock urged him not to do this. According to Kennett, Howard had said, 'I know where your sympathies lie'. Kennett continued: 'I said, "I couldn't give a ...

I have deleted an expletive.

... I've got no sympathies any more. You're all a pile of ...

I have deleted another expletive!

... and tomorrow I'm going berserk. Well, he went off his brain and at the end of it I said to him, 'Howard, you're a ...

I have deleted yet another expletive.

Dr Dean — On a point of order, Mr Acting Speaker, I understand that the honourable member has to do his required 20 minutes — or whatever it is that he has been asked to do — but that is no excuse to digress from a very focused, technical bill in relation to amendments to the Telecommunications (Interception) (State Provisions) Act and to start reading out political statements between politicians in the federal Parliament — whatever small joy it may give him to do so. I ask you to say that he has to be relevant to the bill. It is a very focused and limited bill. I ask you to ask him to come back to the bill rather than entering into all sorts of political nonsense in relation to federal Parliament and acts of years gone by.

Mr LONEY — On the point of order, Mr Acting Speaker, the flaw in the honourable member's argument is, as I pointed out — he probably was not paying attention — that it is directly relevant to the content of the bill. The bill is about the tapping of phone conversations and the powers and provisions relating to that. It is quite proper that it should be strongly controlled and not so reduced in scope as to allow illegal phone tapping by people other than the police, because it can have dire consequences. As I pointed out in this instance, the publication of this conversation resulted in a person losing their job. It is relevant to the bill.

The ACTING SPEAKER (Mr Seitz) — Order! I have heard enough on the point of order to make a ruling.

I do not uphold the point of order, as the honourable member for Geelong North has referred to the security of telephone tapping, but I ask the honourable member for Geelong North to come back to the bill and today's events.

Mr LONEY — As I was saying, just concluding the brief quote I was — —

Dr Dean — On a point of order, Mr Acting Speaker, in your decision you asked the honourable member to come back to the bill and to current events. I took that to mean you were telling him that to continue with his efforts to give word for word a past discussion between two private individuals was something you would not tolerate. Now he has got up and said he wants to continue with the very thing that you have said he cannot do. I would ask you to make sure he does not do that.

The ACTING SPEAKER (Mr Seitz) — Order! I do not uphold the point of order because I did not hear what the honourable member for Geelong North

intended to continue with. I will pull him up if he is out of order.

Mr LONEY — I was attempting to comply with your ruling, Sir, by saying I would round off the quotation I was making. So to round it off, he concludes:

And I'm not going to rubbish you or the party tomorrow, but I feel a lot better having told you you're a —

expletive deleted.

And the poor little fella didn't know whether he was Arthur or Martha.

Dr Dean — On a further point of order, Mr Acting Speaker, you said you would listen very closely and if he went back to the past quote you would stop him doing so. I would ask you not only to rule that he has defied you, because quite clearly he went back to the quote, but also that whatever he has said ought not be regarded as part of this debate because it is in direct defiance of your order, and I would ask you to make a ruling on that.

The ACTING SPEAKER (Mr Seitz) — Order! I do not uphold the point of order. I said I would listen to the honourable member round off and I would pull him up if he was out of order.

Mrs Peulich — On a point of order, Mr Acting Speaker, the honourable member for Geelong North is in my view straying far and wide from the bill. He is citing an incident which occurred certainly before the application of this amendment, and I would hazard a guess it was before the introduction of the original bill. He is using it to trivialise the bill. I think it is a travesty in regard to the intent of the bill and the reasons for it, and the honourable member for Geelong North ought to hang his head in shame.

The ACTING SPEAKER (Mr Seitz) — Order! There is no point of order.

Mr LONEY — I point out that the honourable member for Bentleigh did not actually raise a point of order. The Chair could perhaps give her the call after me if she wishes to participate in the debate.

The issue I was talking about is the unauthorised tapping of phone conversations such as that one, and I can understand the embarrassment over there. Not only are there phone conversations that should not be tapped, there are phone conversations that the community should not have access to — and this is one of them. The fact is that under the provisions of this act, the authorisation of legal tapping will be very strictly

limited and will not enable people such as that to carry out the sort of tapping that went on there.

The provisions of this bill are such that they will continue to give protection to people and to their privacy and will ensure that where phones are tapped proper records are kept and that proper procedures are followed in seeking to have a legal tap. These are very important and worthwhile provisions, and this bill should be commended.

Mr HULLS (Attorney-General) — I thank all honourable members who have participated in debate on this very important piece of legislation, particularly those on this side of the house. I say that because it was mainly people on this side of the house who actually spoke. There were a lot of quorums called by the other side of the house. For some reason they are not interested in this very important legislation, although I notice that the shadow Attorney-General spoke, and I thank him for that. I also notice that he has taken up flying, and good luck to him — the Biggles of the Liberal Party.

In thanking all honourable members on this side of the house for supporting this legislation, I make it quite clear that this is template legislation that will be introduced in other states as well. This legislation, as we all know, complements the commonwealth legislation to establish a record-keeping and reporting regime in relation to telecommunications intercepted by Victoria Police under the commonwealth act. However, amendments were made to the commonwealth act recently, and a number of definitions in the state act are no longer consistent with the federal act. That is why this legislation needs to be introduced.

I also notice that the Victoria Police requested a number of technical amendments to the state act to address the inconsistencies that had developed. It is a very important piece of legislation. It is nice to see it has bipartisan support. Often with legislation we introduce in this place that is groundbreaking legislation the opposition has to be dragged kicking and screaming to support the legislation because we are the reformers and they are the blockers. But in relation to this legislation, I thank those limited members on the other side — and I do mean limited, and I use that word advisedly — who supported this legislation. I thank all participants on this side of the house, and I wish this legislation a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

**CLASSIFICATION (PUBLICATIONS,
FILMS AND COMPUTER GAMES)
(ENFORCEMENT) (AMENDMENT) BILL**

Second reading

Debate resumed from 19 September; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — It has been an interesting evening. We have debated a bill with three technical amendments which were driven by amendments to a federal act and were therefore done not as a consequence of any government decision but of a decision made in Canberra that had to be reflected, emulated and enacted down here — and the government managed to run that debate for 3 hours! You have to take your hat off to government members when they protest about omnibus bills and all the rest of it. Given some of the comical performances we have heard from government members and the catcalls that will be heard as I am talking, it is clear that members opposite knew quite well that they had to filibuster their way through the debate.

This bill is also small and, being based on federal legislation, is much the same as the previous one, so it will be interesting to see how the government approaches the debate. The Classification Board is a federal board — it runs the show — and the states have introduced legislation to mirror those federal changes and to ensure that any action taken by state agencies corresponds with the federal government's legislation, because it has the legislation and the power runs from there.

This is an interesting exercise in politics, given that the government took the moral high ground when in opposition, regularly claiming that the then government was abusing the chamber. It is interesting how after getting into government all its former protestations have died away. The government has fallen flat on its face for all to see because it has mocked this place. The suggestion that a bill which contains only three technical amendments and this one, which contains about four, should have been put together in an omnibus bill so as not to waste the resources of this house and the time and energy of speakers is met with derision and all sorts of nonsense!

When members give 20-minute speeches on technical bills with a maximum of three amendments and

laughingly say, 'I wanted to speak for 20 minutes on three technical amendments', everybody in Parliament knows the truth, which is that a party that made such a big show about a supposed lack of democracy during the term of the previous government is now being unbelievably hypocritical. I have no doubt that as we go through this debate we will see the same thing again. We will watch it very closely. As I said this is a technical bill which ensures that state legislation complies with the federal legislation.

I can remember the honourable member for Geelong North, probably the greatest proponent of what I am talking about, filibustering for hours and hours when he was the shadow minister. For him to get up and laughingly go through the same process again is extraordinary. Whatever may be said of the new members of the Labor government, those of us who were here when the honourable member for Geelong North was in opposition remember him filibustering until he almost fell to the floor. The cost of running this place is enormous — including the upkeep and the salaries that are paid to every parliamentarian by the taxpayers. For him to stand up and mock the whole process by saying he wants to give a 20-minute speech when he knows that the whole purpose of speaking in Parliament is to be succinct, to use the taxpayers' money appropriately and not to filibuster is absolute nonsense.

We remember the speeches of the honourable member for Geelong North, during which he would smile across the table, acknowledging that he was playing tactics — and we knew he was. For him to get up there and make the comments he did today was extraordinary.

Getting back to reality, the second-reading speech refers to some amendments being made to bring the state act into line with the federal act. That is fine, because that is what you would expect. The bill allows 14 days for the changing of markings and so forth — not exactly momentous, but nevertheless a good thing to do. It also mirrors the new offence involving the sale or delivery of publications contrary to imposed conditions, which is another good thing. It makes amendments to give the director of the Office of Films and Literature Classification the power to call in films, and it ups the penalty for knowingly transmitting or publishing pornography from 5 years to 10 years.

Those are changes that can be mentioned, as I have done, in about 30 seconds. I could then happily go on and say they are good changes that are necessary because of federalism and because we cooperate with the commonwealth government. I could then go on and comment about how good it is that the classification of

films is centrally controlled, because it gives uniformity. I could also say that it is good to see the penalty for knowingly transmitting pornography being increased to 10 years. We all agree that it is an outrageous offence to transmit pornography involving children.

Where do I go from there? If I am on the other side I start to filibuster. If I am on this side I might make some other comments about the background of the legislation, which has been around for a long time, and about the new classifications being interesting. I know one of my colleagues wants to make a particular point about going to films and seeing the trailers of others. We have five speakers on this bill, and we had six speakers on the other bill. I spoke for 10 or 15 minutes on the other bill, and most of the others spoke for about 6 minutes on the minor amendments. I do not know how long my colleagues will speak on this bill, but I am sure they will speak only for as long as it takes to make their point. To suggest that it is necessary for reams of government members to speak for 20 minutes each on a bill that simply ensures that the federal bill is emulated in the states is total hypocrisy, and we know it is.

I have now spoken for probably 6 minutes, and I am sure I could talk for another 4 minutes if I really wanted to push it. It is important when you are changing classifications to be able to bring films back in and reclassify them, which therefore makes this a very important proposal. I could also talk about the fact that when conditions are placed on giving particular classifications to films — people do not realise that conditions can be imposed by the board over and above the general classification figures — and those conditions are not complied with, it is important to be able to bring the films in or discipline the offenders in some way. I could also talk about the fact that the penalty for not knowingly engaging in the transmitting of pornography is now 2 years, that this government recently increased the penalty for possessing it to 5 years and that the bill increases the penalty for knowingly transmitting it to 10 years.

Where do we go from there? If I were to try to fill in a few more minutes I could talk about how important it is that the states all cooperate. I could say that maybe a better system is possible so that when a federal act of this nature is changed it can be done more quickly and efficiently without having to wait for various parliaments to sit at various times.

I could talk about the good job that people do. I could talk about the effect of pornography, but we have spoken about that in this place many times and we all agree that pornography is something that should be kept

away from our children. I could talk about the difficulty of classifying literature and films and the very difficult job it must be to strike that balance between freedom and protecting children from those things that might hurt them.

However, in the end this is a very small bill which makes quite small amendments, just as the previous bill did. Why it is not part of an omnibus bill, I do not know. Whether the current government felt when it was in opposition that the previous government put too much legislation into omnibus bills is neither here nor there. That may be right, but no-one can argue that two little bills like this and the Roman Catholic Trusts (Amendment) Bill should not have been in one bill. We are meant to be giving everybody the opportunity to say what they want to say, but we are not meant to be wasting the time of this Parliament and playing with the money that taxpayers give us to behave responsibly in this place.

Let us face it, however bad the members of this government believe the previous government was, they cannot now hold their heads high and say they are not hypocritical, given what they have been doing here this evening.

Mr WYNNE (Richmond) — What an arrogant performance by the honourable member for Berwick in seeking to trivialise this important piece of legislation. I am not sure that the honourable member for Berwick indicated the support of the Liberal Party for this legislation, which goes to the heart of addressing a serious social ill in this community — that of child pornography. But to seek to trivialise it in the way he did in suggesting that this chamber is not a place where all members of Parliament have the right, the obligation and the duty to debate the issues as we on this side of the house did with the previous bill and are doing with this bill seems to me to be the height of arrogance.

The Classifications (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill — a long-named bill — amends the Victorian classifications act of 1995 to reflect the amendments made to the commonwealth act. This bill, as was the previous bill, is a template piece of legislation that will be enacted on a national basis. Each state Parliament is required to debate and pass a bill, which is surely a proper thing to occur.

Mr Stensholt — Particularly on issues like this.

Mr WYNNE — As my colleague the honourable member for Burwood said, particularly on an issue like child pornography.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Richmond should know better. Interjections are disorderly, and the honourable member should ignore them.

Mr WYNNE — It was an extremely helpful interjection by my colleague. The bill provides for the enforcement of a national classification scheme for films, publications and computer games. As has been noted, the amendments were made to the commonwealth act in March and will come into operation in March 2002 or when all the states and territories have enacted complementary legislation, whichever occurs first.

Since the invention of printing in the 15th century it has been thought necessary to institute preventive censorship. Censorship of the written word has existed since at least the time of Henry VIII. A test for obscenity in the written word was cited in the Hicklin case of 1868 as being a test of:

... whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and to whose hands a publication of this sort may fall.

I quote that test for the attention of the house because it remains relevant today.

As a government we are very concerned about the impact of pornography on the young and impressionable members of our community, and in this age of expanding technology that is very frightening ground. Speaking as a parent of two young children who frankly have more capacity on the Internet at ages 8 and 5 than I could ever dream of, I see communications technology as an extremely powerful tool that is open to young people to use. If parents do not closely monitor the computer activities of their young children, the possibility of their being exposed to inappropriate material is great.

All honourable members are well aware of the filters that can be applied to these mediums to stream out, as far as possible, inappropriate material such as pornography; however, it is clearly available and people can be bombarded with it. The protection of the young and impressionable lies at the heart of this bill. I would have thought that rather than adopting the arrogant manner of the honourable member for Berwick, all members of this house should reflect the aspirations of our community and our own families and treat the matter with the degree of seriousness it deserves.

In the middle of the 20th century concerns also arose over the content of comic books, motion pictures, stage productions, broadcasting mediums, school textbooks and mail. Today, as I have said, the Internet and the intranet are the emerging communication technologies. They are being developed all the time, and there is a continual need for the law to keep pace with these changes to protect the young and impressionable members of our community.

This legislation is part of a revised cooperative legislative scheme for censorship in Australia — and what a difficult task the chief censor has. I had cause to work with the current chief censor, Des Clarke, in a previous public life that he and I shared at the Melbourne town hall, and I do not envy him his job. As the chief censor he has the difficult job of seeking to reflect the sense in which members of the community should be able to view materials within the constraints of what is publicly acceptable. In his capacity as chief censor he attends meetings of the Standing Committee of Attorneys-General, which meets regularly to deal specifically with matters pertaining to his area of responsibility — and as I said, I know from discussions I have had with him that his is an extremely onerous task.

The amendments in the bill will ensure that the terms used in the Victorian and commonwealth legislation are given the same meaning in any proceedings arising out of that legislation. The commonwealth act will no longer apply to a range of films and computer games that would otherwise be rated PG — that is, a parental guidance rating — as it is intended that these should not be subject to the cost and delay of the classification process when they are obviously uncontroversial.

Amendments give the Director of the Office of Film and Literature Classification the power to call in unclassified films for classification, and further amendments provide the director with a power to call in a publication, film or computer game for reclassification.

The bill inserts a new section 57A into the act, creating an offence which applies to anyone who knowingly uses an online information service to publish or transmit or make available for transmission objectionable material. This material is defined as that which describes or depicts a person who is or looks like a minor under 16 years engaging in sexual activity or depicted in an indecent sexual context. The maximum penalty will be 10 years' imprisonment and the offence will be indictable, although able to be dealt with summarily.

This is important; it is not a trivial matter. The penalty of 10 years' imprisonment is a suitable reflection of the community's abhorrence of people who seek to peddle and distribute this offensive material by way of the Internet or various other forms of distribution.

This new offence applies to photographic images sent over the Internet and includes material transmitted over an internal network, such as an intranet — that is, within an organisation where people have an internal email system, as we have within the parliamentary system. It will capture people both on the Internet — that is, the external service provider to the World Wide Web — and people who are seeking to transmit information through internal and private company intranet processes.

This legislation also amends section 70(4) of the Crimes Act 1958 to ensure that the appropriately authorised persons assisting the police in their functions and duties are also protected from prosecution from offences under section 70. This is important because there are people who, in the course of their duties, are to screen material — for instance, Internet service providers who screen material which is being passed through the Internet. Such people must be protected against likely prosecution for when they have found material that is inappropriately sourced or has passed through the various electronic transmission means.

The bill also amends section 68 of the Crimes Act 1958 to ensure that police and their appropriately authorised assistants commit no offence under that section when they act in the exercise or performance of a power, function or duty conferred or imposed on them under the law. So it contains the appropriate checks and balances.

The bill ensures that police can effectively enforce changes to the national classification system for publications, films and computer games, and that they are not hindered in their investigation of the production, distribution and possession of child pornography.

The government recognises the seriousness of the growing use of online information services for the transmission and publication of child pornography. It is updating legislation accordingly, which is reflecting what I think is a bipartisan position that has been reached by the states and the commonwealth. It is acknowledging that this state, along with the commonwealth, abhors this form of transmission of this type of material.

In his contribution tonight the shadow Attorney-General failed to appropriately address the

importance of this piece of legislation and the gravity of what it means to a community for a government and an opposition to stand together on issues like this and say that they support the legislation in a bipartisan way. We have an obligation to reflect our communities' views on matters of such an abhorrent nature as child pornography and the peddling of it. I think the honourable member for Berwick should reflect on his contribution to this bill tonight.

I welcome the support of the other side of the house for this legislation. I wish it a speedy passage.

Mr HONEYWOOD (Warrandyte) — I wish to make a brief contribution on this bill. In doing so, I have to say that for once I am in accord with the honourable member for Richmond. As a parent of a 13-year-old daughter who thinks she is 18 at the moment — —

An honourable member interjected.

Mr HONEYWOOD — Thank you, I will look forward to it. As a parent of a 13-year-old daughter and of an 11-year-old son who, fortunately, so far thinks he is 11, I had occasion only last week during the school holidays to take my children to see the movie *Spy Kids*. I thought it was G-rated, but subsequently found by checking with today's newspaper that it is PG-rated. Notwithstanding that, my concern was not with the movie, *Spy Kids* — which was a great, fun family film — but with the movie theatre advertising that preceded the movie. Whether it be the Coca Cola ad that showed naked teenagers running into the surf and skinny-dipping in the evening, and one of the teenagers then emerging from the surf and doing things I have not seen since my university days, or whether it be the exploitation of virtually naked women in certain ads promoting all sorts of interesting products, I thought to myself, 'What sort of message are our children getting from having a family day out at the movie theatre when, before they even see the movie, they are having all these adult concepts thrown at them across the big screen?'.

In supporting Prime Minister Howard's legislation on the classification of films, as much as anything I worry that if that does not go hand in hand with some sort of voluntary code of behaviour, if nothing else, by advertisers who obviously want to sell their products by exploiting sex — nowadays more than ever before — then really what is the point of classifying films anyway? Because our children are getting bombarded with all this pornography even before the G-rated or PG-rated film they are on a family day out to see even commences.

Perhaps the only thing former Prime Minister Keating did that I wholeheartedly agreed with was his negotiation with the major TV commercial channels to introduce a voluntary code involving the notification of the content of programs, particularly movies, on TV stations in Australia. Former Prime Minister Keating, quite successfully, ensured that prior to any adult-type movie, TV sitcom or whatever coming onto our screens, we as parents had the option of changing channels, of turning off the television, or of saying to our children, 'This is not suitable for you; we will not watch this as a family'. I think that code has worked very well.

All honourable members would be aware that before certain programs come onto the screen there is now early warning as to the nature of their content in terms of their impact on children. As the Minister for the Arts and Minister for Education leaves the chamber, I point out that, just as it is incumbent on us to be concerned about film and TV classification, equally we should not ignore the print media.

On a number of occasions, as shadow Minister for Education, I have been contacted by parents who have alerted me to a number of books available in school libraries which are totally inappropriate for certain age groups to be exposed to. It concerns me that authors for whom I have a great deal of respect, including Tim Winton and others, in attempting to penetrate a new market, shall we say — in other words, in attempting to move from writing and publishing books for adults to trying to appeal to a younger age group — tend unfortunately to put a lot of adult language and adult concepts into their books.

Unfortunately many school councils have decided quite naively, on the face of it, given the brief description they have of what the books contain, to buy those books for school libraries or set them for certain grade levels, only to find that they contain sexual content. In one case a book called *Lockie Leonard — The Human Torpedo*, which involves sexual contact between 12-year-olds, has been set for students as young as year 7. I worry about the penetration of some of these books that contain certain language and certain adult concepts that we as parents really do not find appropriate for those younger age groups.

In embracing the need for classification under this piece of legislation I just highlight the warning markers, if you like: no. 1, advertising in our cinemas can be even worse than the concepts that are pushed forward in movies, and if we do not have a code for advertisers we do ourselves a disservice as parents and as a wider community. No. 2, let us not ignore the fact that in our

school libraries and in classes as young as grade 6 certain novels are being set in which not only is there sexual content but a number of authors are dealing with themes to do with depression which young people find very difficult to cope with, particularly if novel after novel is dealing with teenage suicide, themes of war, genocide and so on. This might be trendy in certain academic circles for certain authors to write about, but we do not want to find our young people constantly given pessimistic themes in publications set for them.

In highlighting those concerns and pointers to the future when it comes to the need for parents to be ever vigilant, I finish my contribution to this bill.

Mr ROBINSON (Mitcham) — The contribution by the honourable member for Berwick to commence this debate was extraordinary. For the alternative chief law officer of this state to say that the bill before the house was nothing more than a series of technical amendments was to suggest that his continuation in his current position is something that needs to be reviewed.

This bill makes changes to the Crimes Act 1958, which is a substantial piece of legislation. Anyone involved in the justice system will tell anyone who asks that the most significant piece of legislation that governs their work in Victoria is the Crimes Act. Before the house we have a bill which in part 2 provides for a new offence, under proposed section 57A, and deals with related provisions and other amendments to the Crimes Act. It is extraordinary for the honourable member for Berwick, as the shadow Attorney-General, to claim that what we are dealing with is nothing more than technical amendments.

Clause 20 makes further changes to the Crimes Act by adding proposed subsection 68(2), which will greatly enhance the capacity of law enforcement officers to effectively monitor and police pornography-related offences. The provisions deal with the transmission of data and imagery and involve or would necessitate the police officers themselves transmitting that material. That is a significant amendment to the Crimes Act, which in itself is prominent legislation. I find it extraordinary that the honourable member for Berwick would come into this place and in trying to make a cheap political point would so denigrate his own position.

The other comment the honourable member for Berwick made that cannot be allowed to pass without some observation from this side is that we should go back to the practice of introducing omnibus bills. He suggested that the bill we debated earlier this evening, this bill and a bill yet to be debated should be

amalgamated into one piece of legislation. I thought that was extraordinary because my understanding is that the third bill he referred to, the Roman Catholic Trusts (Amendment) Bill, is a private bill and as such requires separate processing through Parliament. It requires an assessment by Presiding Officers. I might be wrong here, but I am not sure that in 200 years or more of parliamentary practice it has ever been the convention that a bill classified as a private bill can be amalgamated into an omnibus bill with other legislation of a public nature. That is another extraordinary claim by the honourable member for Berwick that does him no credit whatsoever.

Having said that, I agree with a number of points made by the honourable member for Warrandyte about the increasing difficulty of ensuring that young children, in particular, are spared exposure to material their parents or any reasonable observer would maintain was not suitable for them. This is not a new phenomenon. It is something that has challenged parents throughout the ages.

I recall my primary school experience of a fellow student — I think we were in grade 2 — relating to his classmates with some mirth that on the previous weekend his father had been entrusted by his mother to take him and his younger brother to the theatre to watch a film. His father, not perhaps as attentive to these matters as his mother and being something of a fan of John Wayne westerns, chose the film *Midnight Cowboy*. Honourable members whose memories go back some years might recall that *Midnight Cowboy* — I think it starred Dustin Hoffman — had very little to do with the western genre. It was more an adult genre, I think. I see that you, Mr Acting Speaker, understand the context of those remarks.

Suffice it to say that the young man's education was accelerated greatly that weekend. The rest of us, who had not seen *Midnight Cowboy* and had no idea what he was talking about, remained blissfully ignorant. That is an example of the difficulties that have continually confronted parents, although I note that the Internet and the presence now of computer technology in about 50 per cent of Victorian households does accelerate that problem and can create great alarm among parents.

The debate on the legislation before the house is an opportunity for all honourable members to contribute. I do not see any problem with our taking time as a Parliament to provide an opportunity for honourable members to have their say — that is the way parliaments are meant to work. It might not have been the practice under the previous government, but it is the practice under this government. I welcome this

productive change. If we were to modify an expression used by the Australian Football League we would say not that it is good for football but that it is good for democracy that on occasions like this we have the opportunity to contribute.

The censorship arrangements in operation in Australia, as has been noted, are cooperative in nature. This is a development of the 1990s. It has taken us some 140 years from the time the colonies were founded to get to the point where we actually standardise these arrangements, and that is greatly to be welcomed. However, it is worth noting at the same time that even with the hopeful passage of this legislation the censorship regime in this country will continue to evolve. It is an area of active examination and review.

Indeed, I draw the attention of the house to 'A review of the classification guidelines for films and computer games', a discussion paper that has been put out by the Office of Film and Literature Classification. I take a moment to refer to this paper, given that it is significant. The submissions on this are open to the public until 31 October. It is a very good document, because it provides a succinct summary of and background to the evolution of the censorship laws affecting films and computer games in this country. It notes:

In 1995 commonwealth, state and territory classification ministers agreed that the classification guidelines would be reviewed sequentially. There are separate guidelines for publications, films and computer games. The film guidelines were reviewed in 1996. The guidelines for the classification of publications were reviewed in 1999 and are not included in this review.

It was intended that the computer games guidelines be reviewed in 2000–01 and that a further review of the film guidelines be commenced in 2001 ... However, as work progressed on preparing material for the review of the computer games guidelines alone, it became increasingly apparent that both of the film and computer games guidelines should be considered together to allow issues arising from the convergence of entertainment media to be effectively dealt with.

For this reason, classification ministers agreed in November 2000 to conduct a combined review of the film guidelines and the computer games guidelines.

The review provides a unique opportunity for the public to comment on a very pertinent issue that has been alluded to in the debate this evening.

The issue is whether in developing the censorship laws there should be a uniform national approach which includes a single set of classifications standards for entertainment media — that is, for both film and computer games — or, alternatively, a classification scheme which recognises the inherent differences

between film and computer games. It is a vexed question. No-one would doubt that computer games that promote unseemly imagery can be as damaging to a child as more traditional forms of film or literature. Nevertheless, it is important to allow the computer game industry to be treated on its merits.

The state of Victoria has emerged as a very central location, indeed the leader in Australia, for computer games. We are doing extremely well in that field. Mr Mike Fegan, who heads Acclaim Entertainment, has probably done more for the development of the national computer game industry in his time as a Victorian than anyone else in the country. It is for that reason that Victoria's computer game industry is attracting very significant investment from overseas'.

The computer game industry is substantial. We need to be careful to ensure that the arguments of the people in Victoria who are in that industry are given due regard. The industry is capable of growing further and more rapidly due to the much lower costs of developing software in Australia as opposed to the costs in the northern hemisphere.

Mrs Peulich interjected.

Mr ROBINSON — I encourage all members, including the honourable member for Bentleigh, to get hold of a copy of that report. It does not have any pictures and is reasonably lengthy, but even she would be advised to consider making some sort of submission to that inquiry.

The censorship regime that operates, notwithstanding the fact that it is continuing to be modified, is not without its limitations. Although the legislation before the house will ensure there is a more systematic approach across the country, we ought to note that the federal government could do more to ensure that standards currently in place are being enforced.

Mrs Peulich — You have done nothing.

Mr ROBINSON — It is the federal government we are talking about here. I am conscious that last year — I think it was last year — the federal government introduced parallel importation for the computer game industry and concerns were expressed across the industry in Australia that that would lead to a much higher incidence of pirated material coming into the country. Similarly it posed a threat in that there was a possibility the incidence of material coming through which fell short of the censorship laws and existing regime would actually increase.

The industry pointed out that the resources provided by the federal government to monitor the standards it had laid down under parallel importation arrangements were inadequate. At the time the federal government was funding two enforcement officers to look at the entire volume of computer games material being imported into the country. The response of industry members was that that was totally inadequate and while their concerns may well have been driven more by a concern for piracy and what it would do to their businesses, based as they are on legitimate licensing agreements, there was also a very real concern that the absence of adequate monitoring of resources would not permit the effective application of the classification regimes we have. That does not reflect well on the federal government; it has more or less done a deal with the states, saying, 'We will have uniform standards but the enforcement side of it is something we have not worked on nearly as diligently'. That is to be regretted.

Having made those comments, I will support the legislation. As I said at the start, I think it is unfortunate that the honourable member for Berwick did not spend a little more time concentrating on the significance of the amendments to the Crimes Act proposed in the legislation. The Crimes Act is one of the most significant pieces of legislation that a law officer of this state, or one who aspires to that role, could be concerned with.

It is good legislation and is a step towards ensuring that we have standardised arrangements across the country. It would be a tragedy if the states argued the toss over whether they should adopt these standards, because that would generate the real risk of law enforcement agencies and like bodies not being able to initiate public prosecutions in the community interest or see those prosecutions through to eventual success. There would be a real risk that prosecutions of that sort would collapse for technical reasons. That would not do anyone any good — apart from the lawyers, perhaps — and would be an affront to those of us who believe higher and more uniform standards are necessary in this country.

I support the proposed legislation and hope it goes through this house unopposed.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill. It is a very important bill, and I hope government members do not try to score cheap political points with it. Censorship has been with us for many years, but with new technology like the Internet it is important that we make changes so it is relevant for today.

A few weeks ago my 10-year-old son approached me and asked whether I would purchase a computer game for his next birthday. I asked him for the name of the game and he said it was called *Soldier of Fortune*. He said he had seen it in a magazine and he would like me to purchase it for him. I asked him whether I could read the review, and a few days later he brought me the magazine from his friend's house. I will quote from the review of this game. It states:

The excellent graphics coupled with the use of 'gore zones' on the bodies of characters meant that it was possible to shoot an opponent in the arm or leg (sometimes blowing it clean off), leaving him screaming in agony, before putting a bullet in his head. If you were feeling particularly twisted it was also possible to pick up a knife and make a mess of the body too.

It goes on:

The level of detail on the characters is quite impressive and this is matched by game play that sees you able to kneecap opponents or take them out with a head shot depending on where you hit them. Explosions and gunfire sound terrifyingly lifelike and are guaranteed to get your heart pumping when an unseen enemy opens fire on you from close range, while the gore factor is sky high. Unload a shotgun blast into a bad guy's face from point blank range and recoil as his brains decorate the room, or use automatic weapons to blast limbs from would-be assailants.

This is what my 10-year-old son wanted me to purchase! If you look on the Internet it is even worse. It states:

... best remembered for its Ghoul technology, which allowed for highly specific damage location modelling; the offspring of which were the gory death animations that allowed you to blow limbs off enemies, or ragged chunks out of their heads. Though loved by the fans, SoF took a lot of heat for its gut-spilling, brain-spraying violence.

Whether you loved or hated the original, SoF2 is on the way, and the latest incarnation looks better than ever ... You can actually see individual wood grains and specks of rust.

...

... but the running and gunning style from the original game will still be there for anyone who likes to go in guns blazing.

... the new Ghoul II technology will continue to hone the cutting edge of realistic violence. Get you parental warning stickers ready ... this one is not for the kiddies.

Unfortunately my 10-year-old son actually played it. The review also states:

With more damage locations ... SoF2 is all but guaranteed to start a new round of 'violence in gaming' debates ... From the looks of things so far, it'll be worth the wait.

According to the guidelines for the classification of computer games one classification is RC, which stands for refused classification. Material that will be refused

classification falling under the heading 'Violence' includes:

... depictions of realistic violence, even if not detailed ... (for example, excessive and serious violence such as realistic depictions of dismemberment accompanied by loss of blood to real life images) ...

I would have thought that this game would have been refused classification. Unfortunately, it was not.

It was pleasing to see in the Attorney-General's second-reading speech that there will be a number of amendments to the act to create new offences for the sale or delivery of publications contrary to imposed conditions, selling publications without the display of consumer advice and making a computer game available for playing on a pay-and-play basis without having it marked. It is pleasing to see that the government has had a close look at these games, but it disturbs me that my 10-year-old son was able to gain access to reviews of such a violent game.

Studies have shown that the most popular, best-selling games are those that involve and encourage violence. While I understand the jury is still out on the impact that these games have on children, I would have thought it would be inappropriate for a 10-year-old to have access to them. The industry needs to ensure that such games are not easily accessible by minors. Amending the legislation to tighten and restrict the accessibility of such games is very much supported.

In March the commonwealth government made some changes to its act, and the states have been asked to do the same. This is exactly what this bill does — it reflects the amendments made by the commonwealth act. The intention of the bill is to stop the distribution of child pornography. This is a major problem which is getting worse. Any person who knowingly uses or makes available for transmission child pornography is liable to 10 years imprisonment. I support that, but I would have thought the penalty would be a bit more. The bill also gives protection to a known police analyst who is investigating child pornography on behalf of the police.

As I said earlier, I support the bill. It disturbs me that the youngest of my three children, who is 10 years old, has seen, read about and played games like the one I mentioned. I support the bill and wish it a speedy passage.

Ms ALLAN (Bendigo East) — I am pleased to join the debate on the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill. As we have already heard, this bill amends the

1995 Classification (Publications, Films and Computer Games) Act to bring it into line with the Commonwealth Classifications (Publications, Films and Computer Games) Act 1995, which, as the honourable member for Bulleen just noted, was amended in March.

This bill creates a new offence to address the situation where a person intentionally uses online computer information to transmit child pornography. As part of that, the bill also amends the Crimes Act 1958 to provide indemnities to police officers when they are holding material for the purposes of investigating child pornography-related offences. This bill is an important piece of legislation. It addresses a very serious issue, which many members of all communities across Victoria feel very strongly about. As members of Parliament we often receive communications from constituents who are deeply concerned about this issue and regularly monitor child pornography, whether it appears in the printed form, in film and television or now even in the electronic form, which is becoming more prevalent.

Earlier this afternoon we debated quite extensively a bill which looked at commonwealth–state relations and addressed legislative inconsistencies. This bill also looks at issues of national uniformity, in this case in the classifications system. This is important because obviously the electronic media knows no boundaries.

The classifications system has been a very important guide for parents and the community for a number of years. It has assisted people to monitor the images, films or television programs they are watching. I am sure we are familiar with its use for our own purposes and for parents with young children who use it as a practical guide.

It is important to note that this bill also addresses issues involving computer games. Computer games and programs are an increasingly popular form of entertainment for even very young children. Earlier we heard from the honourable member for Bulleen, whose 10-year-old son is obviously interested in computer games. This interest extends all the way through to adults. Computer games are an emerging and increasing important form of entertainment that crosses boundaries which many of us would not be comfortable with. Those boundaries include the inappropriate use of children in pornography and the denigration of the female form in the more accessible games we might find in our department stores or shopping centres. Unfortunately I must admit that I have used some of these computer games where the female form is

denigrated, be it through the use of scantily clad women or the exploitation of women by other images.

In addition, there is the overlying issue of violence, and in that light the honourable member for Bulleen quoted extensively from trade magazines which promote these computer games. While they might be designed for the adult market, that does not seem to stop them from being marketed to young children. I am sure many of us do not feel comfortable with these boundaries being crossed. I am concerned about the message these computer games send to our young people, particularly primary schoolchildren. When they see these images of violence and sexuality in their recreation and entertainment they may begin to think they are acceptable.

At a very minor level I get offended every time I play the Daytona car racing game, which starts with, 'Gentlemen, start your engines', because I am not a gentleman.

Mr Ryan interjected.

Ms ALLAN — Members opposite need to consider — —

Mr Ryan — Are we going to get into the chairman/chairwoman thing?

Ms ALLAN — Absolutely! I will debate the Leader of the National Party on that any time.

These games are promoted to young people. They are about the explicit and implicit messages our young people are growing up with, whether they involve gender discrimination or sexual exploitation. I personally find any form of that inappropriate. It is something I will continue to rile against, even if it does not stop me playing the Daytona game.

This important bill inserts proposed section 57A into the Crimes Act to provide for the imprisonment for up to 10 years of a person who uses online information to publish or transmit child pornography. This is a very important amendment, which I heard the parliamentary secretary talking about earlier, because it addresses the seriousness of this issue. Sadly the use of child pornography is a growing problem on the Internet as home computers become more accessible.

The world of electronic entertainment is expanding. We are used to the conventional television and film mediums, but the Internet is now being used extensively as a form of recreational entertainment. We are being bombarded with a number of images through all these mediums. It is a very difficult area to regulate.

Clearly, as we have heard in the last few minutes, we all have our own opinions of whether those images are appropriate.

The use and transmission of child pornography is something I am sure all members of the house find abhorrent. It is something we need to be quite vigilant about. We need a national framework that is consistent across the country. That framework needs to be very strong when we consider that the Internet in particular has no national or international borders.

This bill also provides for the protection of our police as they continue to pursue and prosecute people who possess and use child pornography. The police need this indemnity for the purposes of their investigations. To meet this need the bill proposes to amend section 68 of the Crimes Act by inserting a new subsection.

In conclusion, I am pleased to support this legislation. I commend the Attorney-General and the government for addressing this very serious and important issue. I commend the bill to the house.

Mr RYAN (Leader of the National Party) — It is my great pleasure to join the debate on this legislation. Essentially the bill has three components. As a precursor to talking about those components I refer to the general position with this legislative structure, which is that Victoria is a party to the 1995 agreement between the commonwealth and the states and territories relating to a revised cooperative legislative scheme for censorship in Australia. Under this agreement there is a commonwealth act, the Classification (Publications, Films and Computer Games) Act 1995, and a Victorian act, the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995. In essence the commonwealth act builds the structure and loads the bullets and the Victorian act fires the bullets, in the sense of enforcing the matters dealt with under the commonwealth act.

In the first instance this legislation is about the fact that in March the commonwealth government made amendments to the commonwealth act that will come into operation on 22 March 2002 or whenever it might be prior to that time that all the states and territories pass legislation similar to that before us. Therefore we are dealing with a series of amendments to accommodate the amendments made at a commonwealth level.

The various amendments have been dealt with by other speakers. They are fulsomely explained in the second-reading speech, and accordingly I will resist the

temptation to make my way through them. There are half a dozen amendments which are significant in the context of this legislative program.

The second element of this bill is the creation of a new offence through the insertion of proposed section 57A in the Victorian Crimes Act. In essence it deals with information provided online by way of publishing, transmitting or making available for transmission objectionable material that describes or depicts a person who is or looks like a minor under 16 engaging in sexual activity or depicted in an indecent sexual manner or context — in other words, child pornography. I strongly endorse the sentiments expressed in this regard by the honourable member for Bendigo East. She was quite right in her observations about what an appalling thing it is that these sorts of images are transmitted or published in this way. The creation of this offence is very sensible. It will carry with it a penalty not exceeding 10 years imprisonment. The offence will be indictable, although it is able to be dealt with summarily through the Magistrates Court, and there are appropriate provisions in the bill to enable the Magistrates Court to undertake that process.

It is a similar sort of penal regime that applies in relation to people who are guilty of the offence of production of pornography within section 68 of the Crimes Act. In essence, that is the second element of this legislation.

The third element comprises two amendments to the Crimes Act which provide that for the purposes of investigating offences under the legislation, police and those who are in effect licensed by the police but who are not necessarily police officers need to be able to deal with this objectionable form of material, either by way of its possession or by downloading it, as the case may be.

Sections 68 and 70 of the Crimes Act set out the offences with regard to, in the first instance, the possession and, in the second instance, the production of material that is offensive under the terms of the act. This legislation recognises that those provisions entail strict liability and therefore the police and those others involved in the pursuit of those persons who are engaged in this appalling form of behaviour need to be exempted from the strict liability provisions that are set out in sections 68 and 70 of the Crimes Act — hence the amendments contained within clause 20 of the bill. This is sensible and, I regret to say, necessary legislation and the National Party supports it.

Mr STENSHOLT (Burwood) — I support the Classification (Publications, Films and Computer

Games) (Enforcement) (Amendment) Bill. It has a number of intentions. In particular it amends the 1995 act to bring it into line with the commonwealth act, which was amended on 22 March and, as has already been noted, is due to come into effect 12 months later — on 22 March 2002 — unless all states and territories pass their enabling complementary legislation before that date.

I must note that I was disappointed with the contribution of the honourable member for Berwick. The honourable member for Richmond called his contribution arrogant. I suggest it bordered on flippant. He shrugged his shoulders and virtually said, 'What can I say?' about this or that element. As other speakers have mentioned, this is an important bill and it covers important issues dealing with the classification of publications, films and computer games. As honourable members have illustrated in their own stories, the bill is about the appropriate protection of our children. I share their concern very much, both as a parent and on behalf of the many concerned citizens in my electorate. Like them, I am very concerned about appropriate classification, be it of films or of computer games.

As has been noted, computer games technology, including the high-tech virtual reality games which are available, is becoming more and more sophisticated. The possibility of far more intrusive and powerful programs causes great concern, particularly with their possible influence on younger children who can be quite susceptible to certain elements in these types of games. Like many, I see no value in the inappropriate classification of violent games in particular, and I do not favour the inappropriate availability of such highly classified games out there in the market. I support the appropriate marking and restriction and supervised availability of such games and films.

I should also note that with the Internet and the increasing speed of global communications new games and films become available all the time. It will not be very long — only a year or two, with high-speed interconnection and advances of technology — before it will be very easy to download and store films in the way that these days we download and store individual pictures. This legislation, which stems from the 1995 commonwealth–state agreement, is timely. We will need to look at the technology continually and ensure that we have the sorts of provisions for controlling the types of games, films, visual images and virtual realities that are going to be available. We need to ensure that these things are not only appropriately classified, but also appropriately controlled.

This bill provides a range of sections to deal with many of these issues — for example, clause 11 deals with the issues of making it an offence to make available computer games unless the markings on them are appropriate to the classification of the game and also relevant computer advice. It is very important that we should support adequate advice being given to consumers of such games and high-tech films, communications and publications — and I use the term ‘publications’ in its widest sense. A well-informed public is half the battle in making sure that our society is well and truly able to utilise and understand to the most appropriate extent such modern technology.

I note that clause 11 also provides not just for single computer games but for other computer games to be appropriately marked. Indeed if one has a higher classification it will receive the highest classification for the total package. I also note, however, that clauses 6 to 8 provide 14 days for people to re-mark the films, publications and computer games after they have been classified. As I already have noted there are new games, publications and films appearing all the time, so the office has to have the capacity to call them in and reclassify them. If they do not have a classification or if they have suddenly become available — —

Mr Cooper — Mr Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr STENSHOLT — I was talking about clause 13, where the director of the Classification Review Board has the power to call in films. Similarly under clause 14 the director has the power to call in computer games. These are very sensible provisions to ensure that this technology is appropriately classified and responsibly handled. Clause 15, as has been noted, gives the power to the board to reclassify the publications, films and computer games two years after their initial classification. This is obviously intended to ensure that the classification remains current with the general views of our society on the types of games that are available.

Clause 16 is a very serious and important part of the bill because it relates to the publication or transmission of child pornography. Other speakers have referred to this. I am sure all members of the house would join with me in strongly opposing the publication and transmission of child pornography. In November last year we increased the penalty for offences of simply the possession of child pornography from two years to five years, but clause 16 inserts proposed section 57A in the principal act to provide that those who take the active

step of knowingly publishing or transmitting such images will be liable to a term of imprisonment not exceeding 10 years. This brings that into line by providing a sense of proportion between possession and the actual transmission and publication of such material, which is a far more serious offence than simple possession.

I and my constituents in the seat of Burwood give no support at all to people who knowingly publish or transmit child pornography. We see that as very much an indictable offence and consider offenders should be liable to quite a long period of imprisonment, which is provided for in the bill.

The bill seeks to close the lacunae in the operations of our police services in dealing with the enforcement of such criminal acts. They have the very unpalatable task of trawling through the Internet and other trails that they have to follow in chasing down the purveyors of child pornography, and they often need to collect the evidence. This bill allows them to do that without unwittingly offending against the act. They collect evidence on the people purveying child pornography, load it onto the latest technology such as CD-ROM and use that in the evidence they present before the court. These provisions allow our police services to do that.

As honourable members can see, the amendment of the Crimes Act under clause 20 allows an officer of a law enforcement agency to do that, particularly people authorised in writing by the chief commissioner. Of course they do that in performance of their duty. Naturally anyone who purveys such pornography — even public servants, which we have seen a case of this year, or police officers who do it outside the line of duty — will have to face the full force of the law as provided for here.

This is very sensible legislation. It provides for commonwealth and state laws to be brought into tandem and to complement each other. It deals with an area which is very important for the stability and nurturing of children in our society. Given that intent, I strongly support the bill and commend it to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on this bill. The classification of films, videos and computer games is essential as not only a guide for parents of young children, but the classification also assists adults who have certain standards and comfort levels in choosing the material they intend to view.

Censorship is sometimes criticised by intellectuals who say that a free society should not need censorship. I totally disagree with that. We need censorship for the

protection of the young; we also need it for the purveyors of perverted, aggressive and violent material. The increase in the penalty for transmitting pornography from 5 to 10 years is to be commended. It would be good to see an increase in penalties for people who produce films that show horrendous violence, as has been described by the honourable member for Bulleen in the video his son wanted him to buy.

We also need censorship for the explicit and distasteful sex that is shown in some videos and films. These often affect people who are more vulnerable than you and I. People who suffer from mental illnesses can be influenced to take action that is perhaps encouraged. In fact ideas are planted in their heads and they live the parts of these films. The penalty increase is important. I commend the bill to the house.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! Under sessional orders the time for the adjournment of the house has arrived.

Mornington Secondary College site

Mr COOPER (Mornington) — I raise a matter for the urgent attention of the Minister for Education and seek action to ensure that the long-running negotiations between the Department of Education, Employment and Training and the Mornington Peninsula Shire Council are finalised. For two years the Mornington Peninsula Shire Council has been doing everything it can to try to finalise negotiations with the education department so it can purchase a substantial portion of the old Mornington Secondary College site, the portion that contains a significant auditorium called Findlay Hall.

The council wishes to completely restore Findlay Hall for use as a much-needed public facility in Mornington. It is a large auditorium that will be very popular for meetings, concerts, recitals and functions. Mornington does not have a facility of this type, and as I said, one is badly needed. Despite the best endeavours of the council the education department refuses to take action to proceed with the negotiations. In the meantime Findlay Hall has been subjected to a lot of vandalism and attempted arson. The hall is not insured, and if it is destroyed by fire the property will no longer be of any interest to the council.

It has become obvious to many that the education department would not be unhappy if the hall were burnt

to the ground. Apparently some departmental officers have been heard to say that they would get more from the sale of the vacant site to a private developer than selling the property as is to the council. I ask the minister to immediately intervene and instruct her department to finalise this matter with the council so that the Mornington community does not lose a major asset forever.

Australian Football League: country football

Mr JASPER (Murray Valley) — I raise with the Minister for Gaming as the representative in this place of the Minister for Sport and Recreation what I call the need for direct support to be provided by the Australian Football League (AFL) to football clubs and netball clubs across country Victoria. During the winter season I follow country football across my electorate, which has resulted in my being a member of probably a dozen football clubs. I view the clubs as key supporters of the areas in which they operate. They have now extended their base, with netball clubs operating as an integral part of the football organisations. The football and netball clubs in the small areas of Katamatite, Katandra, Tungamah, Tarrawingee and Whorouly — all areas in the electorate of Murray Valley — are key supporters of the continued operation of small communities.

In recent times the clubs have been battling for existence, and the same people are involved in a voluntary capacity in maintaining these organisations. More recently I have taken up the challenge of seeking support from the AFL for country football clubs that otherwise will go out of existence. These clubs are important to country football and country communities and provide up to 27 per cent of AFL footballers from across Victoria and southern New South Wales. The response from the chief executive of the AFL, Wayne Jackson, has been less than satisfactory. He said that the AFL was providing Football Victoria with funding and that that should be the organisation to provide support to the country clubs. He more or less passed the need for action across to the state organisations to assist the country clubs.

I seek action from the Minister for Sport and Recreation in making direct representations to the AFL to ensure that we get support for these country football and netball clubs so they can continue to operate and provide the essential services that they have in the past, not only for sport and recreation but for all small country communities.

In my view it is not good enough for the AFL to be gaining millions of dollars from television revenue — which will be increased next year — from the sale of

Waverley Park and from all the other avenues of support provided but not give any to country football. The issue needs to be looked at. I have been getting a negative response from the AFL. I want the Minister for Sport and Recreation to assist me and all members representing rural Victoria to get support for country football and netball clubs.

Liberal Party: McMillan federal candidate

Mr MAXFIELD (Narracan) — I raise with the Attorney-General the West Gippsland Catchment Management Authority. I ask him to investigate whether there is any misappropriation of taxpayers' resources and whether the matter should be dealt with by police investigation.

I think everyone appreciates that for a catchment management authority (CMA) to be effective it must be completely non-political. It must not under any circumstances favour any political party or candidate for political office. Public confidence in the CMA would erode very quickly if it were to engage in that type of behaviour. Unfortunately a West Gippsland CMA board member — James Forbes — is seeking to get himself elected to public office when he cannot see the difference between himself as a board member of the CMA and his role as an endorsed Liberal candidate. It is not uncommon for CMAs and other government agencies to promote what they do at agricultural shows, rural expos and conferences. For those of us who —

Mr Perton — On a point of order, Madam Deputy Speaker, the adjournment debate is for a member to ask a minister for action. As you are aware, there have been many rulings by yourself, by your predecessors and by the Speaker that it is not to be taken as an opportunity to besmirch a person without reason. What is quite clear is that the honourable member is taking the opportunity —

The DEPUTY SPEAKER — Order! I ask the honourable member to sit down. There is no point of order. The honourable member for Narracan.

Mr MAXFIELD — James Forbes placed an ad in the *Gippsland Farmer*, which reads:

As a director of the West Gippsland CMA, you can come and talk to me at the West Gippsland CMA site at the Poowong Dairy Expo.

And underneath there are these words:

Jim Forbes, Liberal candidate for McMillan.

What an outrage! This man has tried to use the CMA site at the dairy expo as a Liberal Party campaign

office. Had he wanted to have a presence at the dairy expo as the Liberal candidate for the seat of McMillan he could have booked the site and paid for it or got the Liberal Party to pay for it. This is an absolute outrage. Who knows what type of discussions he might have had at the dairy expo at the taxpayer-funded CMA site, given that he publicly invited people to talk to him at the site in his capacity as a Liberal candidate? Would he have given out Liberal Party membership applications to people? Could he have distributed material to promote himself? Could he have received donations from people?

It is a complete and utter outrage! How can a member of the CMA invite people to visit a CMA site and say, 'I am the Liberal Party candidate for McMillan.'? It is absolutely appalling.

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

Small business: DNRE report

Mr MULDER (Polwarth) — I refer the Minister for Environment and Conservation to Labor's policy on small business and the key commitments of that policy, being to promote small business's role in industry development and economic growth and to provide small business with a chance to compete on fair and more equal terms. That policy goes on to talk about the Kennett government having stacked the odds heavily in favour of big business and that it is business made at the cost of small business.

I refer the minister to a response from her department to an inquiry by Les and Rosemary Vulcz. It concerned the government's response to a report of the Victorian Parliament's Natural Resources and Environment Committee of its inquiry into the utilisation of Victorian flora and fauna — a committee of which the minister was a member at the time.

Mr and Mrs Vulcz were told by a department spokesperson that a copy of the government's full response to the draft tree fern management plan would not be available until the day of the meeting with the parties concerned, including Mr and Mrs Vulcz, and the department on 12 October. However, the department spokesperson has provided Mr and Mrs Vulcz with a brief summary of the key Labor government recommendations covered in the report. It states that the Labor government wishes to avoid wild harvesting, apart from major industries, other than that which may be salvaged or directly harvested for cultivation. It would appear from this response that the government is

prepared to knock out small business and support major industries.

I ask the minister to take action to support small business such as the tree fern venture operated by Les and Rosemary Vulcz at Lavers Hill in the Otways and live up to Labor's commitment of not allowing small business to be overrun by major industries. The Vulcz family has invested heavily in its tree fern venture for over five years. It is a small but emerging business and anything other than support for their efforts to date will be nothing more than hypocritical rhetoric by the minister. Small niche operators such as the Vulcz family make up a tremendous mosaic of small businesses throughout the Otway Ranges. The economic strength of the great south-west of Victoria is its diversity, and this is just one of the diverse business operations that warrant consideration and support in the wake of the influence of major industries.

Eastern Freeway: Greensborough link

Mr LANGDON (Ivanhoe) — I ask the Minister for Transport what action the government is taking to refute the claims made by various opposition members, in particular the Liberal federal member for Menzies, that the state government plans to build a freeway —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I ask the honourable member for Ivanhoe to repeat from whom he is seeking action.

Mr LANGDON — I am seeking action from the Minister for Transport. The house would have known that if I had not been so rudely interrupted. I am asking the Minister for Transport to refute the opposition claims that a freeway will go from Macleod to Bulleen. I have said in this house on many occasions that it is not, but the Liberal Party seems to be running this campaign of mistruths and what have you.

Mr Perton — On a point of order, Madam Deputy Speaker, the adjournment debate is an opportunity for members to ask ministers for action.

Ms Campbell — He already has.

Mr Perton — No, it is not an excuse for a member to raise an issue relating to federal politics and to ask a state minister to refute it. Refutation in the house is not the equivalent of an action that needs to be sought in the adjournment debate, Madam Deputy Speaker, and I ask you to rule the honourable member's contribution out of order.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. The honourable member has started his discussion, and as I understand it he is asking the minister to take action to overcome some misunderstanding.

Mr LANGDON — Clearly the honourable member for Doncaster has been drinking and has come to the house in an intoxicated state.

The DEPUTY SPEAKER — Order! The honourable member for Ivanhoe will withdraw that.

Mr Perton — On a point of order, Madam Deputy Speaker, not only do I ask the honourable member to withdraw, I ask him to say that out of the house, because I am prepared to sue him if he does!

The DEPUTY SPEAKER — Order! I ask the honourable member for Ivanhoe to withdraw the comment.

Mr LANGDON — I withdraw. As I said, the federal member for Menzies has been telling these lies and untruths about state government plans to put a freeway between Macleod and Bulleen. He has sent letters out to his electorate claiming the state government is planning to do that. Unfortunately the federal member for Menzies does not seem to know his electorate very well as he cannot spell Bulleen correctly. Perhaps the honourable member for Bulleen could instruct him how to at least spell Bulleen. In a letter he has spelt it incorrectly twice. He claims that the state Labor government plans to put a freeway —

Mr Perton — On a point of order, Madam Deputy Speaker, how the spelling of the name of the suburb of Bulleen can have anything to do with a call for action by a minister is absolutely beyond me. This is the worst abuse of the adjournment debate I have ever seen, Madam Deputy Speaker, and if you allow this to continue you are allowing the practices of this house to be abused.

The DEPUTY SPEAKER — Order! There is no point of order. I ask the honourable member for Doncaster to sit down.

Mr LANGDON — The honourable member for Doncaster has achieved his desire to outspoke every other opposition member.

The DEPUTY SPEAKER — Order! The honourable member's time has expired. Before I call the next speaker, who will be the honourable member for Mildura, I ask all members of the house to

cooperate with the Chair in ensuring that the adjournment debate continues in a manner — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc! The honourable member for Doncaster!

I ask members of the house to cooperate with the Chair to allow the adjournment debate to continue. If I have to keep interrupting it will mean only that towards the end of the debate honourable members will not have time to raise their items. I remind honourable members that only half an hour is allowed for the adjournment debate, regardless of how much time is wasted along the way.

Rural Northwest Health

Mr SAVAGE (Mildura) — I raise with the Minister for Health serious claims about the operation of Rural Northwest Health at Warracknabeal. I call upon the minister to arrange for a comprehensive and independent investigation of these claims and if they are true to consider replacing the current chairperson of the board and the acting chief executive officer (CEO), Lesley Walsh.

These claims raise a number of questions, including whether the chairperson of the board, Marie Aitken, has a conflict of interest because her husband owns a local pharmacy in Warracknabeal and because she is a psychologist who works mainly in Horsham and has an association with the Wimmera Health Care Group; and whether the prices of pharmaceuticals in Warracknabeal are higher than they need to be and whether one explanation is that there is one pharmacy only in Warracknabeal.

Other questions are whether Ann Semmens was appointed as a consultant at \$3500 per week at the Landt Nursing Home; whether at a time when the future of this consultancy was in doubt she arranged for the taking of photographs of the operations of the home on a Friday during the busy period when the residents were being showered and for the showing of these photographs to board members prior to a board meeting; whether the following Monday night the CEO, Sam Ireland, was dismissed; whether Mr Ireland stopped the salary packaging of two doctors who had been on salary packaging, one for six and a half years, which is contrary to tax office guidelines; whether the chairperson of the board told Sam Ireland that all the members had lost confidence in him when a majority of the board had not lost confidence in him; whether a board member told Sam Ireland that if he did not go

quietly the board would ensure he never got another job; and whether the manager of the nursing home in Warracknabeal resigned giving one week's notice because of the way in which Sam Ireland was dismissed.

It also raises questions of whether, despite the board having publicised the results of a review recommending the consolidation of obstetrics services at Warracknabeal, Ian Graham, the then medical director of Rural Northwest Health, said it was appropriate to undertake obstetrics at Hopetoun because of its isolation; whether at least one other consultant recommended the extension of obstetrics at Hopetoun; and whether the current CEO has threatened staff with dismissal if they speak publicly about the retention of obstetrics at Hopetoun.

I call upon the minister to conduct a thorough investigation into these matters. An inquiry needs to be properly conducted to ensure the safety and welfare of Rural Northwest Health.

Police: Yarra Ranges

Mrs FYFFE (Evelyn) — My request for action is to the Minister for Police and Emergency Services. The Shire of Yarra Ranges has the dubious honour of having the highest number of fatal road accidents of any municipality in the state of Victoria.

Constituents contacted me last week saying that cars were doing burnouts on the Warburton Highway — where most of the fatalities occur — at 6.30 p.m. on a recent Saturday, at the end of a week in which two fatal accidents had occurred. They called 000, spoke to the police and reported the incident. By 7.10 p.m. the police had not attended and the hoons were still doing the burnouts. My constituents called 000 again, and the 000 number rang out with no answer. They called again and the 000 operator answered, but then the police number rang out with no answer. In the end, my constituents gave up.

On the Monday following the Saturday they called Lilydale police station and were told to call Knox traffic operations, which they did. My constituents were told the reason for there being no response was that the police had only two cars to cover 12 000 kilometres and that no officers were available to respond to the call due to sick leave, annual leave and industrial action. The constituents were advised to request that their local member of Parliament try to get more police in the police force to respond to such incidents.

Much has been made of the fact that this government had a recruiting campaign and that 45 000 people

sought information and application forms, but I understand that only 1836 actual applications to join the force were made between February and September this year. Given the number of applications and the high rejection rate, one wonders if the government will be able to reach its much-vaunted target for extra police numbers.

My request to the Minister for Police and Emergency Services is for an inquiry to be called into this incident to ensure that the people of Yarra Ranges are not put at risk through the lack of available police officers and police cars to protect our community.

Ballarat: champions mentoring program

Ms OVERINGTON (Ballarat West) — I raise a matter for the Minister for Community Services regarding the champions mentoring program in Ballarat. The action I seek is an assurance from the minister that this successful program will be maintained and that the model on which it is based will be expanded.

The champions mentoring program is run by Lisa Lodge-Hayeslee House in Ballarat, and it also runs the program out of Horsham. The program provides mentors for young women on the region's high risk register. The program recruits and trains volunteers from the local community to work one on one as mentors with their matched young people. A number of mentors experienced similar difficulties when they were younger and can easily relate to and assist the young women they are mentoring.

Over the past couple of years I have had a very close association with the program, and I have acted as referee for some volunteers coming into the program. They have told me about the satisfaction that it provides them with, given that those women — who, as I have just said, experienced difficulties when growing up — can pass on some of their experience. They can pass on the fact that although they went through those difficulties, they know that with assistance and esteem and confidence building there is life after those troubled times.

I congratulate Lisa Lodge-Hayeslee House on this program, which has proved so successful within the Ballarat area. It is really interesting that it targets those young women who are in most danger of being exploited within our community. The program gives the women coming onto the program strength and understanding.

I ask that the minister expand the model on which the mentoring program is based to other services. Lisa

Lodge-Hayeslee House needs to be congratulated. In particular, Di Noyce and her team need to be congratulated on the wonderful program they have operating there, which at the moment is being talked about all over Ballarat and regional Victoria as one that works.

Workcover: premiums

Mr THOMPSON (Sandringham) — I raise a matter for the attention of the Minister for Workcover concerning the Workcover implications of a tragic accident which occurred on 12 February and which subsequently resulted in a case of highway robbery. A company car in which three employees were travelling was collected by an oncoming vehicle that crossed the middle of the road after the driver of the other car fell asleep. The result of the accident is that of the personnel one escaped injury, one died, and the third is still recovering from serious head injuries.

Following this accident, and after much bureaucratic conjecture, it was determined that this particular case was a Workcover claim and not a Transport Accident Commission (TAC) claim, which resulted in the company being given a \$250 000 increase in premium over the next three years due to its claims experience. That claims experience was not the result of industrial negligence or a lack of care in the workplace but the direct result of a motor vehicle accident. The company, A. G. Coombs, is in the electorate of the honourable member for Bentleigh. Both she and I are aware of the important role the company has as a mechanical and airconditioning contractor and as a major employer in the local area. It should be noted that that manufacturing area is one of the leading industrial areas in the Southern Hemisphere.

If A. G. Coombs gets a \$250 000 Workcover impost as a consequence of an accident that it or its employees in no way contributed to, the burden will make it much more difficult for the enterprise to compete in the marketplace.

It is understood that in recent times there has been a change in the law which has meant that if Workcover is able to extract an additional premium from an employer and is also, as a consequence of the legislative change, reimbursed in full by the TAC, that becomes a financial windfall for the Victorian Workcover Authority.

Housing: western suburbs

Mr SEITZ (Keilor) — I raise a matter for the Minister for Housing that relates to the Melbourne property market having experienced an extraordinary

boom in recent times. This is good economic news for Victoria, but the increased cost of purchasing a home also impacts on the cost of renting in the private market, especially for low-income households and people living in the western suburbs of Melbourne. The Office of Housing rental report for the March 2001 quarter indicates that median private rentals for properties in the western suburbs rose by 6.1 per cent over the preceding quarter, which is consistent with the 5.9 per cent increase in median rates across the state.

The minister recently called for proposals for the second round of funding under the social housing innovations project. Public and social housing initiatives are the cornerstone of affordable accommodation. I hope to see non-government organisations and the local government sector, particularly the City of Brimbank in my electorate, take up this opportunity to work in partnership with the Victorian government to provide low-cost, affordable public housing. The waiting list in Keilor is reasonably long, a legacy from the Kennett government, which did not provide increased public housing in my electorate.

I ask the minister to ensure that the western suburbs are included in this second round of community housing projects.

Swimming pools: fencing

Mr LUPTON (Knox) — I raise a matter for the attention of the Minister for Planning which I first raised on 5 October last year, and it relates to a child who drowned at a swimming pool because the swimming pool gate was propped open. I asked the minister to investigate this loophole in the law to see if something could be done to make propping open a swimming pool gate an offence.

Since that time I have received a response from the minister advising that a working party had been set up. My office then spoke with the Building Control Commission on 23 May but had no luck at all. I again raised the matter on the adjournment debate on 29 May, when I asked the minister to address it as a matter of urgency. I received a letter in response advising me that, while it was arguable that it may be an offence for an occupier to leave a swimming pool gate or door open when it is not actually in use, the commission was working towards amending the regulations to make it a specific offence and a decision would be made shortly.

The facts of the matter are that, as far as I am aware, we have already had one swimming season last year when one child drowned in my electorate. I do not believe it is satisfactory for the government to take in excess of

12 months to close a loophole, and we are just about to approach another swimming season. The minister has said that he has referred the matter to the Building Control Commission and that it has gone off to a number of working groups — but nobody can come up with a decision. Surely to God it is not too much to ask that somebody in this do-nothing government close a loophole so that somebody leaving a swimming pool gate open while they are doing something through the gate commits an offence.

As I said, one child has already drowned in my electorate as a result of a gate being propped open. I do not believe it is appropriate for this thing to be procrastinated on and for it to be referred from one committee to another. Surely to God we can get this thing rectified within 12 months. We are going through another swimming season, and if it is half as hot as it was last year it will be extensive. I do not want one more death to occur because a child has walked through an open pool gate which has been propped open by an owner or somebody else by one of a number of various convenient methods.

I believe it is totally inappropriate for it to take 12 months to fix one simple little thing like this. I plead with the minister to do something to get the act amended so that it becomes an offence and no more children in the state of Victoria will lose their lives because of the stupidity of swimming pool owners.

James Harrison Secondary College

Mr TREZISE (Geelong) — I raise an issue with the Minister for Education which relates to the merger of the James Harrison and Newcomb secondary colleges. The action I seek is for the minister to consider the recommendation by the local proposal committee and, given that we are in the last term of the school year, treat with urgency an announcement of her recommendation as it applies to the James Harrison Secondary College.

The DEPUTY SPEAKER — Order! The honourable member's time has expired. The time for raising matters has now expired.

Responses

Mr HULLS (Attorney-General) — In response to the matter raised by the honourable member for Narracan, I have taken note of what he has said and have been presented with a copy of page 33 of the *Gippsland Farmer* dated September 2001. There is a piece in the paper that is not marked as an advertisement and is certainly not authorised which

makes it quite clear that Mr Jim Forbes is the Liberal candidate for McMillan but he is asking people to come to meet him as a director of the West Gippsland Catchment Management Authority. These are unusual if not extraordinary allegations raised by the honourable member for Narracan.

Generally when someone is appointed to a state government board it is so they can serve the board. From what we have heard, and in this case seen in this newspaper, the Liberal candidate for McMillan thinks the board is there to serve him. This may not be an unusual situation when it comes to the Liberal Party, but I will certainly seek an urgent investigation by the Department of Justice, including legal advice, in relation to the matters raised by the honourable member for Narracan and I will report back to this house when that investigation is concluded.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Mornington! The Attorney-General!

Ms PIKE (Minister for Housing) — The honourable member for Keilor raised with me the matter of affordable housing in his electorate, and I thank him for his ongoing commitment to the housing needs of his constituents. He clearly identified that there have been very steep rises in — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Mornington! If honourable members wish to speak at such loud volume I suggest they go and do it somewhere else.

Ms PIKE — Thank you, Honourable Deputy Speaker. The honourable member for Keilor has correctly identified that the median private rental rate rose by over 6 per cent in the preceding quarter, so it is very good news for people in his community and in communities right around Victoria that the second funding tranche — some \$15 million of the Bracks government's \$94.5 million social housing innovation project — has now been advertised.

We are looking to work closely with local government, community organisations and the private sector so that they might make some capital contributions to innovative social housing joint ventures. We are looking for projects that will address local needs for secure and affordable housing, and of course the double benefit is that these projects will stimulate construction of new housing and boost direct and indirect

employment in local economies. We are looking forward to working with people in the west particularly, and right around Victoria, as they bring forward innovative ideas so that together we might be able to address the issue of affordable housing in our community.

Mr BATCHELOR (Minister for Transport) — The honourable member for Ivanhoe raised with me — —

An honourable member interjected.

Mr BATCHELOR — No, not the bats. You must have been listening to something else.

The honourable member for Ivanhoe raised with me an issue that has been circulating in his electorate and surrounding electorates: a fear campaign, a smear campaign, that is being run by a number of people.

There is a very wrong suggestion that the government has a proposal to build a freeway through the Yarra Flats to link the Eastern Freeway with the northern metropolitan ring-road. I put on the record that the government has no such proposal under consideration. Funding for such a freeway is not provided for in this year's budget or in the forward estimates of the Victorian government. The project is not part of the Bracks government's very successful Linking Victoria strategy, which has set about revitalising the state's roads, rail and ports.

It is not on our radar. It is a proposal in the minds of people like the federal member for Menzies and the president of the Public Transport Users Association (PTUA), who is an adviser to the Liberal Party and the shadow Minister for Transport. It has even been raised by an honourable member for Templestowe in the other place and the honourable member for Bulleen.

There is no truth in the suggestion. It is a campaign designed to get people to join the PTUA or to put fear into people living in the area. It is a tragic and sleazy attempt by a conspiracy of the deluded to try to frighten people living and working in this area. I need to set the record straight once and for all, and these people will have no basis for making the suggestions in the future.

Mr CAMERON (Minister for Workcover) — The honourable member for Sandringham raised the matter of an horrific work accident involving a company. The Workcover scheme is a no-fault scheme, and the effect of that is that any claim — whether there is or is not a fault — has a consequential impact on future experience. That has been the case for many years, and it has equally been the case for many years that a claim that arises as a result of a motor injury is a Workcover

claim where the injured person was engaged as a worker at the time of the injury. That has been the case for many years. However, I will have the necessary information obtained, and I will correspond with the honourable member.

Ms CAMPBELL (Minister for Community Services) — The honourable member for Ballarat West raised the important issue of the champions mentoring program, which has been plagued by lack of consistency and surety in its funding. To put the record straight I want to assure the honourable member that the government and I, as minister, support mentoring programs, and we will make sure that recurrent funding is available for this important program. Lisa Lodge has initially set up the champions mentoring program in Horsham and Ballarat and, as the honourable member has clearly outlined, it is being acclaimed throughout the state.

Its aim is to provide mentors through the recruitment and training of volunteers from the local community — and the honourable member for Ballarat West knows that only too well. I am pleased to tell the house that this program won the National Bank Community Link Award 2000, which is a highly regarded prize.

Throughout its duration the program has received inquiries from a range of welfare agencies, various departmental sections and schools about the provision of fully trained and accredited mentors or, more importantly, advice on how to establish successful mentoring programs. As a result a mentoring kit has been developed to ensure that all the essential elements are well and truly provided to those that are keen to set up mentoring programs and emulate this terrific service. The mentoring kit has brought on other agencies. Lisa Lodge has also set up a web site to convey the human dimension of mentoring programs.

In addition to the champions mentoring program, two successful initiatives have also been established. These focus on the parent-in-the-school system and parent assessment and skills development. I join the honourable member for Ballarat West in acclaiming Di Noyce, the coordinator of Lisa Lodge-Hayeslee House, and put on the record this government's belief that this is a very important program. I am pleased to inform the honourable member for Ballarat West that \$72 000 per annum will be provided on a recurrent basis to Lisa Lodge-Hayeslee House for the provision of the champions mentoring program.

The honourable member for Mornington raised a matter for the attention of the Minister for Education, asking her to immediately intervene to ensure that parts of the

Mornington Secondary College were available for purchase by the local council. I am sure the minister will not find a manual on ensuring that old school sites are delivered to local government or not-for-profit organisations in the portfolio guidelines left by the previous minister, but because I have examples of where that was not possible in the past I will pass it on.

The honourable member for Murray Valley raised an issue — —

Mr Cooper — On a point of order, Madam Deputy Speaker, I regret that the minister seems to have not understood what I had to say. It might have been better if she had referred the matter to the Minister for Education, but she has got it completely apex over base as far as the point that I made is concerned. I would prefer that the Minister for Education showed the courtesy of coming into this house and responding to matters that are raised rather than handing over the responsibility for important matters to a minister who clearly has difficulty understanding them.

The DEPUTY SPEAKER — Order! There is no point of order. The Chair does not have the authority to order ministers to come into the house. The Minister for Community Services said she will refer the matter to the Minister for Education.

Ms CAMPBELL — The other matter that will be referred to the appropriate minister — namely, the Minister for Sport and Recreation in the other place — was raised by the honourable member for Murray Valley and related to small netball and football clubs. The honourable member called on the Australian Football League for support.

The honourable member for Polwarth raised a matter for the attention of the Minister for Environment and Conservation relating to the Vulcz family. I will ask the minister to attend to that matter.

The honourable member for Mildura raised an important matter with the Minister for Health regarding the Rural Northwest Health board. That matter will be referred to the minister.

The honourable member for Evelyn raised a matter for the Minister for Police and Emergency Services seeking a response on the police follow-up of a fatal accident. That matter will be passed on.

The honourable member for Knox raised a matter for the attention of the Minister for Planning regarding a loophole, as he described it, in the law and particularly how the Building Control Commission has responded to an incident raised on a number of occasions about

propping open the gate of a swimming pool fence. I will relay the matter to the minister.

The honourable member for Geelong raised a matter for the Minister for Education concerning a local committee which was formed to investigate the merger of the James Harrison and Newcomb secondary colleges. The honourable member asked the minister for her decision on its recommendation. I will refer that matter to the minister.

The DEPUTY SPEAKER — Order! The house stands adjourned until next day.

House adjourned 10.46 p.m.

