PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Thursday, 9 February 2006

(Extract from book 1)

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AC

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Minister for Sport and Recreation and Minister for Commonwealth Games	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
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Minister for Energy Industries and Minister for Resources	The Hon. T. C. Theophanous, MLC
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Legislative Assembly committees

Privileges Committee — Mr Cooper, Mr Herbert, Mr Honeywood, Ms Lindell, Mr Lupton, Mr Maughan, Mr Nardella, Mr Perton and Mr Stensholt.

Standing Orders Committee — The Speaker, Ms Campbell, Mr Dixon, Mr Helper, Mr Loney, Mr Plowman and Mrs Powell.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JUDY MADDIGAN

Deputy Speaker: Mr P. J. LONEY

Acting Speakers: Ms Barker, Ms Campbell, Mr Cooper, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
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:
Mr R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. P. N. HONEYWOOD

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Asher, Ms Louise	Brighton	LP	Lim, Mr Hong	Clayton	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Batchelor, Mr Peter	Thomastown	ALP	Lockwood, Mr Peter John	Bayswater	ALP
Beard, Ms Dympna Anne	Kilsyth	ALP	Loney, Mr Peter James	Lara	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Lupton, Mr Anthony Gerard	Prahran	ALP
Bracks, Mr Stephen Phillip	Williamstown	ALP	McIntosh, Mr Andrew John	Kew	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McTaggart, Ms Heather	Evelyn	ALP
Buchanan, Ms Rosalyn	Hastings	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maughan, Mr Noel John	Rodney	Nats
Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Delahunty, Mr Hugh Francis	Lowan	Nats	Munt, Ms Janice Ruth	Mordialloc	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Dixon, Mr Martin Francis	Nepean	LP	Nardella, Mr Donato Antonio	Melton	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Doyle, Mr Robert Keith Bennett	Malvern	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Eckstein, Ms Anne Lore	Ferntree Gully	ALP	Perera, Mr Jude	Cranbourne	ALP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Perton, Mr Victor John	Doncaster	LP
Gillett, Ms Mary Jane	Tarneit	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Plowman, Mr Antony Fulton	Benambra	LP
Haermeyer, Mr André	Kororoit	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Harkness, Dr Alistair Ross	Frankston	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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THURSDAY, 9 FEBRUARY 2006

Thursday, 9 February 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 101 to 104, 212 to 213 and 353 to 355 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

NOTICES OF MOTION

Notice of motion given.

Mr BAILLIEU having given notice of motion:

Mr Helper — On a point of order, Speaker — —

The SPEAKER — Order! Before I hear the point of order, I believe a large proportion of the notice of motion given by the member for Hawthorn is out of order, and I shall give it to the Clerk for investigation.

Mr Helper — On a point of order, I was just wondering whether this notice is offending against our general direction to be succinct, and I also point out that I think some of the language is probably offensive and out of order.

The SPEAKER — Order! I have already told the house that I will be referring it to the Clerk for investigation and that I believe part of it is out of order.

PETITIONS

Following petitions presented to house:

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools draws out to the house that under the Bracks Labor government review of education and training legislation, the future of religious instruction in Victorian schools is in question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious instruction in Victorian government schools, and to provide additional funding for school chaplains.

By Mr HOWARD (Ballarat East) (49 signatures)

Education: home-schooling

To the Legislative Assembly of Victoria:

The petition of Victorians who support home-schooling points out to the house extensive research in America, Canada, England and Australia has revealed that home education works both academically and socially and produces 'literate students with minimal government interference at a fraction of the cost of any government program'. Home-educated children enter conventional schools, go on to university, enter the work force and become responsible citizens. The government has provided no evidence to show that regulation would have any beneficial effect. Moreover, the powers granted to the Victorian Registration and Qualifications Authority under the terms of the exposure draft of the Education and Training Reform Bill in regard to home education are unlimited and would allow unfair and ineffective regulations to be imposed on Victorian parents to the detriment of their children.

The petitioners therefore request that the Legislative Assembly of Victoria orders the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education in line with the existing requirements of the Education Act of 1958 and Community Services Act of 1970 that parents provide 'regular and efficient instruction' without reference to a statutory authority. This provides for the parents' rights to determine the manner of their children's education and for the state's responsibility to ensure all children are educated.

By Mr HOWARD (Ballarat East) (18 signatures)
Ms BEARD (Kilsyth) (4 signatures)
Mr DELAHUNTY (Lowan) (4 signatures)
Ms DUNCAN (Macedon) (47 signatures)

Heritage Springs primary school: funding

To the Legislative Assembly of Victoria:

The strain on educational facilities in the Pakenham region is becoming greater with every new family moving to the area, part of the growth corridor out of Melbourne. The overall growth rate in Cardinia Shire in 2003–04 was 6.5 per cent, the fifth highest in metropolitan Melbourne. Not one government school has been built in Pakenham in the past 10 years and the following forecasts by Cardinia Shire Council show how many will live in Pakenham in the future. The average annual forecast increase in numbers of primary school-aged children is 9 per cent.

	2001	2006	2011	2016
Total population	12 983	↗ 20 967	↗ 30 743	↗ 38 523
Households	4601	↗ 7467	↗ 11 078	↗ 14 064
Dwellings	4777	↗ 7752	↗ 11 502	↗ 14 602

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the minister for education to confirm the future of education in the Pakenham region by funding a new primary school on the Heritage Springs estate in Pakenham in the 06–07 state budget.

By Mr SMITH (Bass) (452 signatures)

Boating: safety regulations

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house our total opposition to the regulations for the compulsory wearing of life jackets, or PFDs. The petitioners therefore request that the Legislative Assembly of Victoria reject these regulations as a matter of urgency.

By Mr INGRAM (Gippsland East) (1314 signatures)

Gas: Lakes Entrance supply

To the Legislative Assembly of Victoria:

The petition of the residents of Lakes Entrance and district draws to the attention of the house the desire to be included in the natural gas reticulation rollout for regional towns. The petitioners therefore request that the Legislative Assembly of Victoria call on the state government to provide funding for Lakes Entrance to be reticulated through the state government's Rural Infrastructure Development Fund.

By Mr INGRAM (Gippsland East) (1376 signatures)

Melbourne Youth Music: funding

To the Legislative Assembly of Victoria:

The petition of the supporters of the Melbourne Youth Music draws to the attention of the house that the MYM Saturday music program is nationally and internationally recognised for its unique and diverse musical education. The Bracks government's funding cut of $100 000 for 2006 and $250 000 in 2007 and 2008 will have a serious adverse impact on the program offered to young talented musicians.

The petitioners therefore request that the house force the government to restore the Strategic Partnerships program grant to Melbourne Youth Music to ensure students may continue to gain equitable access to the program.

By Ms DUNCAN (Macedon) (3 signatures)

Schools: public education

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws [to the] attention of the house that under the Bracks Labor government review of education and training legislation the future of public education enjoyed by the overwhelming majority of Victorians since 1872 is gravely threatened because it fails to define public education and require commitment to the public system from its employees. It will place parental choice before educational choices of children. It also fails to give primacy to public education and will place the registration of our state schools under the same body as the private systems. Petitioners named below desire to promote and defend the free, secular and universal public system of education in Victoria and prevent its integration into the private system in this state.

The petitioners therefore request that the Legislative Assembly ensure that any new education and training legislation dealing with our public (state) education system:

1. Be separate and distinct from any dealing with private schools.

2. Define public education as free, secular and universal; public in purpose, outcome, ownership, accountability; and accessible to all children whatever their colour, class, creed, ethnicity and geographical location.

3. Gives primacy to public education in any and all areas and furthermore provides:

4. Separate legislation for registration of private schools together with proper, transparent, publicly accessible accountability for expenditure of all taxpayers money.

By Ms PIKE (Melbourne) (294 signatures)

Mornington Peninsula Freeway: noise barriers

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that the sound levels of the Mornington Peninsula Freeway have been measured as above acceptable levels and as such adversely affects residents' enjoyment of their properties.

The petitioners therefore request that the Legislative Assembly of Victoria instruct VicRoads to build noise attenuation barriers along the Mornington Peninsula Freeway.

By Mr DIXON (Nepean) (237 signatures)

Planning: Sandringham development

To the Legislative Assembly of Victoria:

This petition of those who live in, love and value Sandringham, City of Bayside, draws to the attention of the house that the proposed Sandringham Village structure plan provides for up to five-storey buildings in Sandringham and the replacement of all off-street public car parks by high-density development, underneath which some public car parking may be provided. The implementation of this plan would entail the loss of the historic Edwardian atmosphere of the shopping centre.

The existing high-density developments within Sandringham Village have low occupancy rates, showing that this type of development is inappropriate for the area.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that:

Planning within Sandringham Village conforms to the wishes of residents.

A 10.5-metre maximum building height be enforced within the existing shopping centre, except for buildings that abut Beach Road, for which a two-storey limit should be maintained.

No existing residential areas should be included within higher density zones and all residential areas should be limited to two storeys with a setback.

By Mr THOMPSON(Sandringham) (1070 signatures)

Ambulance services: Whittlesea and Kinglake

To the Legislative Assembly of Victoria:

We, the undersigned, draw the attention of the house to the unreasonably long average ambulance response times in the communities of Whittlesea and Kinglake.

The current Victorian government target for code one emergencies is that the response time be within 14 minutes in 90 per cent of cases. The communities of Whittlesea and Kinglake experience much longer response times.

Postcode	Total Cases	Code One Cases	Average Code One Response Time
3757 (Whittlesea/surrounds and Kinglake West/surrounds)	102	67	**26.3 minutes**
3763 (Kinglake)	16	14	**34 minutes**
Total	118	81	**NA**

Summary of ambulance attendances during period November 2004 to February 2005

The petitioners therefore request that the Legislative Assembly of Victoria should immediately act to ensure that the ambulance response time for code one emergencies in the communities of Whittlesea and Kinglake be reduced to not more than 14 minutes in 90 per cent of cases.

By Mr HARDMAN (Seymour) (3464 signatures)
Ms GREEN (Yan Yean) (2721 signatures)

Ordered that petition presented by honourable member for Bass be considered next day on motion of Mr SMITH (Bass).

Ordered that petition presented by honourable member for Seymour be considered next day on motion of Mr HARDMAN (Seymour).

Ordered that petitions presented by honourable member for Gippsland East be considered next day on motion of Mr INGRAM (Gippsland East).

Ordered that petition presented by honourable member for Yan Yean be considered next day on motion of Ms GREEN (Yan Yean).

Ordered that petition presented by honourable member for Sandringham be considered next day on motion of Mr THOMPSON (Sandringham).

Ordered that petition presented by honourable member for Nepean be considered next day on motion of Mr DIXON (Nepean).

Ordered that petitions presented by honourable member for Macedon be considered next day on motion of Ms DUNCAN (Macedon).

ECONOMIC DEVELOPMENT COMMITTEE

Thoroughbred breeding industry

Mr ROBINSON (Mitcham) presented report, together with appendices and minutes of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Beaufort and Skipton Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling (two documents)

East Wimmera Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling

Latrobe Regional Hospital — Report for the year 2004–05, together with an explanation for the delay in tabling

Medical Practitioners Board — Report for the year ended 30 September 2005

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer the Regional Victoria 2006 Bushfire Assistance Scheme

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 7.

BUSINESS OF THE HOUSE

Adjournment

Ms PIKE (Minister for Health) — I move:

That the house, at its rising, adjourn until Tuesday, 28 February 2006.

Motion agreed to.

MEMBERS STATEMENTS

Cowwarr Primary School: achievements

Mr JENKINS (Morwell) — I would like to congratulate the staff, students and parents of the Cowwarr Primary School on their work which has made Cowwarr a really great state school. On Monday I was a guest at Cowwarr and was given a quick tour by the school captains, Nathan and Mercedes, before joining acting principal Helen Halloran and her class for discussion. After giving out school hats to new preps Dempsey, Flyn, James, Ami, Siobon and Briana, I joined parents club president Jan Gilmour and other parents to discuss facilities at Cowwarr and ways in which we can work together to make improvements to those facilities. It is a great school, and it can be even better.

Gippsland Education Precinct: opening

Mr JENKINS — Last week I was also fortunate enough to address the first 350 students to begin their year at the Gippsland Education Precinct in Churchill. I was joined by college principal Margaret Corcoran, campus principal Rob Juratawich, precinct partners, pro vice-chancellor Brian McKenzie of Monash University and Peter Whitley of Central Gippsland Institute of TAFE. Connie Van Eyk, the school council president who has done so much, was there also. It is due to the hard work of so many, including, importantly, the personal involvement of the Minister for Education and Training, that the Gippsland Education Precinct is up and running. I extend my thanks and congratulations to them all.

Xavier Connor

Mr McINTOSH (Kew) — It is with sadness that I note the passing of Xavier Connor late last year. Xavier Connor was born in 1917 and educated at Xavier College and at Melbourne University. He joined the 2nd AIF and saw service in New Guinea during World War II. After graduation he practised as a barrister, took silk as a Queen's Counsel, served as chairman of the Victorian Bar Council and was appointed a judge of the Supreme Court of the Australian Capital Territory and at a later stage a judge of the Federal Court. Upon retiring from the Federal Court he was appointed president of the Australian Law Reform Commission. However, I knew Xavier Connor as the apotheosis of an elder statesman of the Victorian bar.

Although he was a longstanding, influential and active member of the Australian Labor Party, it is worth noting — and it is probably a measure of the man — that both his judicial appointments were made by Liberal governments. It was an honour to get to know Xavier in the last couple of decades of his wonderful life. I was always struck by his humility, strength of character, insight and clear understanding of the subtle workings of our democracy. While there were political differences I always had the highest regard for him, and I will certainly miss our conversations enormously. Xavier is survived by his wife, Laura, and four children, to whom I extend my sincere condolences.

Old Orchard Winery, Wantirna South

Mr LOCKWOOD (Bayswater) — It is great to be able to tell members about a brand new oasis right in the heart of Knox. It is not just a vineyard but a cellar door, too. On the hill behind Knox City there is a community garden and small vineyard. The gardens are flourishing but the vines are in need of a little tender loving care. Not to worry — David and Pat Smith are set to put that right. They have taken over the vineyard and have established a cellar door and are selling a great range of boutique wines at great prices. They even have their own local label, Old Orchard Winery, named after the orchards of Wantirna. With help from Rachel Dutton, a viticulturist, Mark Jordan, an owner of the Vermont winery, and Jeff White, a winemaker, David and Pat have a great product.

The wines are great on the palate. I cannot give you the technical terms, but I can tell you that, whether they are reds or whites, they go down very well. They are quality wines. They are not the kind that are aged for an hour in a cat's tummy. They are from the Victorian Pyrenees, the Mornington Peninsula and the Yarra Valley. It is a labour of love rather than a large-scale money-making venture. The wines are lovingly cared for and enthusiastically presented to those few who have discovered this secret part of Wantirna South. But I am letting the word out. I invite members to come along to the Old Orchard cellar door, which is at the end of Kleinert Road in Wantirna South and has great views of Mount Dandenong over the gardens and vines. But members should not all come at once; only about a dozen people can fit into the temporary building at any one time. It is definitely small scale.

David also sells computer software, WineSOFT, as part of his normal business as David Smith and Associates. The vineyard started as a job creation scheme in the mid 1980s with vines supplied from Knox's sister city, Noarlunga, in South Australia, which is only a hop, step and a jump from McLaren Vale. The council obviously does not know what to do with its vineyard, but we have the answer: Old Orchard estate is just the solution.

Sustainability and Environment: native vegetation management

Dr SYKES (Benalla) — I wish to highlight yet another example of the Bracks government's absolute lack of commonsense in relation to the management of native roadside vegetation.

Mr Ray and Mrs Nola Gordon and neighbour Mr Allen Ashworth have properties on McLean's Road, Greta. On 27 January a severe storm blew over a large number of trees on the roadside blocking the road and causing over $3000 damage to fences on the Gordon property alone. The roadway has been cleared, but hundreds of tonnes of trees now rest on the roadside blocking culverts and causing further road and fence damage. Commonsense says, 'Get in there and clean it up to prevent further damage and to reduce future fire risk', but current Department of Sustainability and Environment policy says, 'Leave it there, it is a natural habitat. Besides, we do not know how to interpret our own convoluted rules'.

This example follows on from the issues raised yesterday by the member for South-West Coast who highlighted the absolute stupidity of rules which limit post-fire refencing. I call on the Bracks government to apply commonsense and allow proper clearing of the massive debris which results from severe storms and fires. If DSE claims ownership of the trees, then it must pay for the clean-up.

George Drossinos

Ms ECKSTEIN (Ferntree Gully) — Today I would like to pay tribute to the life of George Drossinos. George was a senior legal officer in the Department of Education and Training, where he worked for 24 years. He passed away very suddenly on 7 December last year at the age of 59 years after collapsing at work.

Born in Greece, George came to Australia at the age of seven. He valued his Greek heritage and culture a great deal and was an active member of the Greek community for over 30 years. He made sure his children grew up in the Greek culture and sent them to Greek school so that they learnt the language. He was the only legal officer in the department to whom you did not have to first explain what an ethnic school was.

As a result, the languages and multicultural education area where I used to work relied heavily on George for advice on legal matters. He also provided excellent advice and helped me through many a sticky situation. Nothing ever fazed him. No matter what the crisis, George had a way of calming the situation with a wry smile and a good sense humour and then calmly finding a way forward. He also had a way of prioritising issues in terms of their importance in the overall scheme of things. There were times when I nagged him mercilessly to get an answer on something. He would get back to me in the end, but only when he was good and ready. This might have had something to do with his Greek sense of time.

George was a lovely person, a complete professional, and I am proud to say a good colleague. To his wife, Mary, his children, Irene and Paul, and his mother Filio, I extend my deepest sympathy.

Lake Mokoan: decommissioning

Mr PLOWMAN (Benambra) — On 17 January, without notice being given, Goulburn-Murray Water sacked the Broken System Reliability Reference Committee, which was looking into alternative supplies of water to users in the Broken system. This was clearly initiated by the Minister for Water, Minister Thwaites, as it was done without prior consultation with the Goulburn-Murray Water Board but later ratified by phone. The committee had still not reached agreement with the department about the reliability of supply, the future costs of water after all offsets are in place, exactly which offsets will be viable and the parameters used in the so-called score card to evaluate the various offsets.

The community concern is that the decommissioning of Lake Mokoan will now definitely go ahead regardless of the cost and the effect it will have. The Department of Sustainability and Environment will have no choice but to buy up water rights in the valley, thereby making the remaining irrigators foot the ever-increasing bill and hence become non-viable. The committee continually asked that the feasibility of a permanent wetland in the bed of Lake Mokoan be investigated. The only reply to this was for the committee to be sacked. It was a democratically elected committee. This has become a serious breach of faith for the democratic process, and both the minister and the Bracks government stand condemned.

Kristin McFarlane

Mr CARLI (Brunswick) — I would like to congratulate Kristin McFarlane, a local Brunswick-based artist who was recently commissioned to do some glass art for the Australia Day Committee's prizes. She is a very successful local artist and runs Ruby Studio in the Brunswick Business Incubator. I congratulate Kristin. I also note the importance of the Brunswick Business Incubator in

terms of start-up businesses in the Moreland area. Fifty-five businesses, involving about 170 people, are now based there. They are all start-up businesses.

They are all people like Kristin who are trying to make a statement and a business for themselves. Kristin's glass art is terrific. It is certainly viewed as major artistic work in Australia, and she has been recognised with prizes as well as this important commission. She has been doing work on glass pieces for businesses and government, and she also makes jewellery. She has a terrific little studio. I also congratulate Graeme Walker, who manages the incubator. He provides enormous support. Not only does the incubator provide a location with a reasonable rent in the Brunswick area, but it also provides meeting rooms, support and advice to start-up businesses.

Congratulations to Kristin, to Graeme Walker and to everyone at the Brunswick Business Incubator.

Economy: performance

Mr CLARK (Box Hill) — The Treasurer and the government are continuing complacently to ignore warning signs of ongoing weaknesses in key areas of the Victorian economy. Instead they prefer spin over substance, spending millions of dollars on political advertising while quietly ceasing last July to publish actual economic statistics via the Treasury quarterly publication, *Victorian Economic News*.

However, despite the Treasurer's idle boasting, statistics make it clear that Victoria is suffering from low business confidence in the economy and in the Bracks government's policies; a declining share of national business investment; levels of public infrastructure lagging behind other states; big falls in manufacturing investment and exports; net interstate migration out of Victoria; and unemployment levels that are consistently above the national average.

The latest ANZ job advertisement statistics, published on Monday, show that in Victoria newspaper advertisements fell by 2.1 per cent in January and 15.5 per cent over the year, more than twice the national average. The momentum that the Victorian economy had built up over the 1990s is now falling away because of a lack of management by the Bracks government. We are steadily losing ground to other states, even in traditional areas of strength such as manufacturing. The indexation of fees, fines and charges across the board, the new parking levy, the new land development tax, the new land tax on trusts and the cut to the first home bonus will further weaken consumer and business confidence.

The Victorian economy needs leadership it is not getting, such as in genuine tax relief, actual reductions in the regulatory burden instead of the government's just talking about it, proper plans for the state's future infrastructure needs and support for cleaning up the building industry.

Frankston Reservoir: future

Dr HARKNESS (Frankston) — Last night about 270 people gathered in Frankston to discuss the future of the Frankston Reservoir. I would like to thank the Frankston City Council for providing the venue and for its logistical support in this important community consultation. A working group appointed by the Minister for Environment is examining various options for the Frankston Reservoir site after it is decommissioned later this year. The purpose of last night's meeting was twofold: to introduce the working group to the community and to provide background information on the reservoir and what is expected of the working group. It was also about receiving important feedback from residents on a variety of issues that may be of interest or possible concern.

Frankston Reservoir is a Melbourne Water site on 98 hectares of land, and it will be replaced with a steel tank later this year. This has prompted the need to consider options for the site. The area contains damp heathland, grassy woodland and gully woodland, all of which are regionally rare or endangered. The site certainly has much to offer from a conservation perspective, and it provides many exciting possibilities. It is vital that we seek the views of and feedback from people in the local community and provide them constantly with the opportunity to have their say.

Under the terms of reference set by the minister the working group needs to look at and provide advice on some of the significant aspects of the site, including its ecological natural and landscape values. I would like to thank all the people who came to the meeting last night. There will be more public forums and small group tours of the site, and a dedicated Web presence is also planned for the process.

S. Sali and Sons

Mrs POWELL (Shepparton) — On Saturday, 4 February, my husband, Ian, and I attended the 50th anniversary of S. Sali and Sons in Shepparton, magnificently organised by Sam and his daughter, Linda. This was a great milestone in the lives of the Sali family and recognised the great contribution the whole Sali family has made to the Shepparton district and,

indeed, to Australia. It also provided recognition of the contribution of many of our migrants to this country.

In 1928 Sabri Sali left Albania and came to Australia to seek a new life. Sabri's wife, Hyrie, and son, Alan, remained in Albania while Sabri searched for work. He came to Shepparton to settle, and after seven years of hard work returned to Albania to be with his wife and son; but after a second son, Sam, was born, the family returned to Australia. Over the years Bill, Avni, Haset and Hismet Sali were born, each making a great contribution through their own careers. In 1946 Alan bought the first truck, then Sam joined the business, which is now a thriving transport company, with the trucks recognised throughout Victoria and Australia.

Sam, with the support of his wife, Nina, now manages a team of 10 prime movers and up to 25 subcontractors a week, who haul general freight on most interstate runs with the help of son Adem, who also manages one of the family's orchards. The birth of a grandson, also named Sabri, ensures the continuation of the next generation, as does the involvement of Vivien, Noreen and Linda.

The contribution that the Sali family has made through their careers and their involvement with their communities is to be commended. This is a family that came to Australia for a better life and in doing so made Shepparton and Australia a better place to live.

Commonwealth Games: community clay target event

Ms McTAGGART (Evelyn) — Last Sunday I had the pleasure of attending the 'Come and try' clay target shooting day at the Melbourne Gun Club in Lilydale. This free community day was hosted by the Shire of Yarra Ranges, in conjunction with the Bracks government, through the Getting Involved grants program. My electorate is very fortunate to host the Commonwealth Games clay target shooting events from 17 to 25 March at the Melbourne Gun Club in Yering.

The Shire of Yarra Ranges Recreation Services team is to be commended for its efforts in bringing this wonderful event to the residents in our local community. Congratulations to Gerran Wright, Simon O'Callaghan, Sharon Buck, Michael Faulkner, Ron Pearce and Marion Munro for their professional promotion and organisation of this event. Their efforts were evident, as over 350 participants enjoyed the opportunity to try clay target shooting, watch an exhibition from champion Adam Vella and access information from Victoria Police district firearms officers should they wish to inquire about firearms laws. It was pleasing to see so many young people excited and participating in this local community event.

Special thanks must also go to the president, Bob Buchan, and members of the Melbourne Gun Club for their efforts in providing safety advice, tuition and expertise to all participants. I believe many members of the community have shown a keen interest in joining the club. I have worked closely with Bob in obtaining $200 000 for the installation of the Mattarelli clay target machines and accessories. A few weeks ago I announced an amount of $14 500 to improve safety at the venue, and I was pleased to see the upgraded footpaths at the recent event. The shooting events for the Commonwealth Games have been sold out at this venue, and I wish the Melbourne Gun Club all the best for the games. Congratulations to the Commonwealth Games minister, the Bracks government, the Melbourne Gun Club and the Shire of Yarra Ranges Recreation Services team.

Cameron Rahles-Rabula

Mr MULDER (Polwarth) — I would like to acknowledge the outstanding achievements of a young man from the town of Camperdown in my electorate of Polwarth. Cameron Rahles-Rabula has shown remarkable courage, determination and dedication to reach the heights in his chosen sport of skiing. Against competition from some of the best racers in the USA national team, Cameron scored a double, winning both the grand slalom and the super-G skiing events at the recent North American Cup race series, held in Park City, Utah, and Keystone, Colorado. These results are made even more outstanding when you consider that Cameron is a member of the Paralympic squad, currently in training for the 2006 Paralympic Winter Games in Torino, Italy, which get under way on 6 March.

Cameron lost the leg due to bone cancer at an early age and first became interested in skiing when he attended a challenge weekend at Mount Buller. From there he competed in interschool competitions and was then invited to join the squad of potential Paralympic team members in Canada. He first represented Australia in Salt Lake City in 2002. Cameron is currently ranked ninth in the world and won two gold medals and a silver medal in the 2004 world championships in Austria. I am sure you will all join me in acknowledging Cameron's efforts and wishing him all the best in his quest for gold in Torino.

Yuroke electorate: Australia Day awards

Ms BEATTIE (Yuroke) — Australia Day is an opportunity for us all to celebrate the wonderful country in which we live. It is also a time for us to appreciate and acknowledge that this great country is borne of great local communities and individuals whose everyday efforts and activities make a positive difference. This year in my own local community a number of people were acknowledged with Australia Day honours, and I would like to take this opportunity to thank them for what they do that makes the electorate of Yuroke a better place to live in.

Alan Penaluna is a Craigieburn resident who has given 23 years service to the local State Emergency Service as a volunteer. He is one of only three Victorians to have received an emergency services medal in this year's Australia Day honours. His dedication has impacted on so many others who have benefited from his service and experience, and I sincerely thank him for this.

Sebastiano Pitruzzello arrived in Australia 33 years ago with a great work ethic and dream that has turned his family business into what we know as the Pantalica cheese factory, employing 120 staff. His Order of Australia medal this year is an acknowledgment of not only his business success but also the wonderful contribution he has made as a champion of the Italian community.

Casey Nunn is this year's Hume council's young citizen of the year. At 21 years, this Craigieburn resident has made her mark on our local community. I would also like to thank Bruce Kent, who was Hume council's citizen of the year. Bruce has dedicated years to supporting the people of Greenvale. He has supported many young people in sport.

Royal Children's Hospital: Commonwealth Games

Mrs SHARDEY (Caulfield) — The issue I raise relates to the disgraceful situation whereby the Royal Children's Hospital is being forced to cut elective surgery during the holding of the Commonwealth Games. The effect of this action can only impact on the lives and wellbeing of sick children in the state of Victoria. Elective surgery waiting lists at the Royal Children's Hospital have massively increased under the Bracks government, a situation that will only be made worse by the fact that during the Commonwealth Games medical staff have been asked to take annual leave and elective surgery cases are to be rescheduled. The reason, bizarrely, is said to be predicted traffic congestion on Flemington Road during this sporting event — a claim that does not make sense, given that the services down the road at the Royal Melbourne Hospital will remain unchanged. The only reason for this extraordinary situation is that it is a further example of the Bracks government's inability to manage this state's health system — or even a sporting event. It comes on top of the Bracks government's broken promise to fix the health system, and it makes the minister's claims in advertising that the health system is improving all the time an even bigger joke.

Instead of wasting millions of dollars on misleading advertising, the minister would serve the Victorian community better by addressing the issue of the nearly 42 000 people waiting for elective surgery in Victoria.

Kilsyth electorate: Australia Day awards

Ms BEARD (Kilsyth) — It was my great pleasure to join the member for Bayswater at the Maroondah City Council's Australia Day awards and citizenship ceremonies. As usual no Liberal members — either state or federal — were present, and I was asked to present the message from the federal minister. I was delighted to also welcome new citizens on behalf of our state government.

I extend my congratulations to the 2006 Maroondah Citizen of the Year, Margaret Keert. Margaret has volunteered with Meals on Wheels five days a week over 25 years. She is also involved with the Croydon garden club and was district commissioner with local guides during the 1970s and 1980s. Margaret was joined by her children and grandchildren for the announcement.

The Young Citizen of the Year award went to Belinda Anderson. Belinda has been a brownie, a guide, a ranger guide and ranger with Guides Victoria over a period of 15 years. She is currently a leader with Yingani guides, a unit for girls with disabilities at Croydon West. Belinda has received two peak achievement awards — the Baden-Powell emblem and a Queen's Guide award. Belinda is an inspiration to all young people.

I would like to congratulate Wayne Moloney for his nomination for citizen of the year for serving over 10 years with St John Ambulance Australia. Alan Bailey and the Croydon North Cricket club were nominated for the community event of the year award for an event where more than 100 members of local Returned and Services League sub-branches were shown how much their efforts in serving our country

are appreciated. I am honoured and grateful to have such outstanding citizens in our community and in the electorate of Kilsyth. I again congratulate the winners and nominees of these awards.

Western Region Health Centre: Premier's award

Mr MILDENHALL (Footscray) — I rise to congratulate the staff of the Western Region Health Centre. At a glittering event on 24 November — the Victorian public health care awards — the centre was named by the Minister for Health as the recipient of the Premier's award as the metropolitan ambulatory health care provider of the year, which effectively means it was named as Melbourne's top community health centre. There were 95 experts involved in the judging of these awards led by Dr Norman Swan, which indicates it was a very comprehensive process.

The particular services that came to the notice of the judges were the chronic illness program, the partnerships with Western Health and its refugee health initiatives, including the establishment of a refugee health nurse. The centre's effectiveness is due to its outstanding staff, led by the president of the board, Professor Roger Eade, and the chief executive officer, Clare Amies. The centre has a proud 40-year history as a pioneer in community health. Its first administrator was Dr Moss Cass, and it was born from a trade union reaction to high injury rates in the meatworks in the area. It has prospered under the Bracks government.

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

Sri Lankan Independence Day

Mr PERERA (Cranbourne) — On 3 February, along with the member for Yuroke, who represented the Premier, and the member for Narre Warren North, I attended the Independence Day celebrations organised by the Committee for Sri Lanka under the stewardship of the Honorary Consul for Sri Lanka, Dr Rodney Arambewela. It was a formal night with a variety of cultural entertainments. On 4 February I, along with the member for Narre Warren South, attended the Independence Day celebrations organised by the Sri Lankan Cultural Foundation, led by Dr Olga Mendis. It was a very informative evening. Eight youngsters narrated the 2500-year-long Sri Lankan history, along with cultural performances.

I thank the committee for Sri Lanka and the Sinhala Cultural Association for putting together two fantastic programs to celebrate the 58th year of independence. In 1948 dominion status was conferred on Sri Lanka, then known as Ceylon. This delivered the Westminster system of government, with the Queen of England as the head of Sri Lanka. Until the 1972 constitutional change judgments made by the Supreme Court of Sri Lanka were able to be challenged in the English Privy Council.

However, the complete breakaway from colonial rule and the monarchy took place only after the establishment of the Republic of Sri Lanka in 1972, with a Sri Lankan head of state as President. This accomplishment was the culmination of a long series of struggles and tribulations that Sri Lanka went through. In the anti-Imperialist struggle that went on the Bracegirdle episode occupies — —

The ACTING SPEAKER (Ms Barker) — Order! The member's time has expired.

State Emergency Service: Nunawading unit

Mr ROBINSON (Mitcham) — The outstanding value of the State Emergency Service was apparent yet again on Australia Day when volunteers responded magnificently to windstorm damage in Blackburn and Nunawading. Led superbly by Alan Barnard the Nunawading SES crew performed outstanding work, responding to hundreds of calls. On behalf of residents in affected parts of the Mitcham electorate I would like to offer my congratulations to all those involved in the SES effort.

Lachlan Johns

Mr ROBINSON — Congratulations are also in order for young Lachlan Johns, a student at Antonio Park Primary School in Mitcham. Late last year he was selected to represent Victoria in the Victorian primary schools cricket team, which competed in the national titles in January. Lachlan had to survive eight months of trials and practice matches to make the final team of 13 and achieve this honour. I am sure he has made his family and his school very proud.

Box Hill Hospital: auxiliaries

Mr ROBINSON — Finally I would like to congratulate all those who have been involved with the executive council of auxiliaries at Box Hill Hospital over the past 25 years. In celebrating its 25th anniversary last year the auxiliary recorded a magnificent aggregate total in fundraising of some $5.078 million, an extraordinary achievement. In 2005 the volunteers gave a total of 32 771 hours of their time. That is an outstanding effort and I am sure all

members would like to join with me in congratulating them.

Ultimate Fertilisers

Mr ANDREWS (Mulgrave) — This morning I want to make mention of two successful manufacturers operating in my local community. Firstly, last week I was pleased to visit Ultimate Fertilisers in Noble Park to celebrate an important state government grant made under the successful first step exporter program. This grant of just under $4000 will allow representatives of Ultimate Fertilisers to present their products and related technologies at the World Ag Expo in California later this year. Ultimate Fertilisers manufactures a number of agricultural products, the most exciting of which is Gyp-Flo, a patented liquid gypsum product used in cotton and wine grape production. Congratulations should go to all at Ultimate Fertilisers, especially its director, Graham Strachan. The company does a great job, and I wish it success in the future.

Medical Developments International

Mr ANDREWS — Secondly, I recently had the pleasure of supporting a research and development grant application made by Springvale North manufacturer Medical Developments International (MDI). This local firm is a medical equipment manufacturer and pharmaceutical company. MDI plans to expand the use of its market-leading hand-held pain relief product Penthrox in partnership with the Peter MacCallum Cancer Centre. All at MDI are to be congratulated on their commitment to the local economy, the community and better health care for all Victorians.

Boating: Point Richards ramp

Ms NEVILLE (Bellarine) — I was pleased to announce recently, with the Minister for Transport, a major upgrade to the Point Richards boat ramp. The Northern Bellarine Peninsula has one of the highest take-up rates for recreational boating in Victoria, and over the last two years the government has invested significant resources in boat ramp facilities in Bellarine. The announcement of $446 800 to replace the existing boat ramp with a four-lane elevated ramp will complete the upgrading of these well-used pieces of infrastructure. The money will also see the construction of an additional four-lane ramp adjacent to the current boat ramp.

The new facility will enable the area to accommodate additional boats, especially larger boats. This builds on over $850 000 previously provided to upgrade the Clifton Springs boat ramp and ramps at St Leonards, Steele Rock and the Portarlington Seaside Resort in the last two years. Congratulations to Bellarine Bayside for its efforts and contribution towards these projects. I particularly want to acknowledge Tim Page-Walker and his vision for the area.

Boating: Bellarine Peninsula

Ms NEVILLE — In addition, I announced money to support sailing programs at the Queenscliff Lonsdale Yacht Club, which does a great job in the development of youth sailing, and the St Leonards Yacht Club. I also announced $140 000 to provide a floating pontoon at the Queenscliff boat launching area and $32 000 to do some minor dredging at the Portarlington harbour. The Bracks government continues — —

The ACTING SPEAKER (Ms Barker) — Order! The time for member's statements has expired.

TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL

Extension of scope

Mr BRACKS (Premier) — I move:

> That the scope of the Terrorism (Community Protection) (Amendment) Bill be extended to enable consideration of amendments and new clauses in relation to the Children and Young Persons Act 1989 and the Children, Youth and Families Act 2005 to provide for the searching of visitors to juvenile justice facilities and to generally regulate visits to those facilities.

Mr McINTOSH (Kew) — Can I say very briefly that the opposition is indebted to the Premier and his office for the full and detailed briefing they have given us in relation to the bill and amendments and particularly the consequences of this motion to expand the scope of the bill. I am very grateful for that detailed briefing, and accordingly the opposition will be supporting this motion.

Mr RYAN (Leader of The Nationals) — I endorse that sentiment. I have also been briefed in relation to the amendments, which are extensive — some 200 in number and comprising 29 pages, although of course a lot are consequential. We have had the opportunity to have a fulsome look at them, and I thank the government for that opportunity.

Motion agreed to.

Second reading

Debate resumed from 9 February; motion of Mr BRACKS (Premier).

Mr McINTOSH (Kew) — I say from the outset that the opposition will be supporting the amendments as well as the bill. This is a very serious and draconian bill. My own view is that it may be the most draconian bill I will have to deal with as shadow Attorney-General — hopefully in government as an Attorney-General I would not have to deal with such a bill. This is a very serious matter we are dealing with, something facing not only the community in Victoria but all of Australia. Many other nations around the world face the problem of terrorism, even many Middle Eastern countries and other Muslim communities. Each of us has to work out the best possible way to deal with this very dangerous and damaging threat.

Perhaps the bell tolled on September 11 through to Bali and most recently London, following similar events in Madrid. The consequences of terrorism are demonstrable and profound. One of the most appalling consequences of the London bombings was the realisation that it was no longer somebody from outside, it was home-grown, domestic and part of the community. I have no doubt that the threats faced by those elsewhere, and the damage and destroyed lives are also facing Australians. Therefore we in this place must do everything in our power to prevent them becoming reality by enabling our law enforcement agencies to take whatever measures they can to protect not only our community in Victoria but communities around the country.

The essence of this bill arose out of a Council of Australian Governments agreement in September last year between all state and territory premiers and chief ministers, together with the Prime Minister on behalf of the Australian government. It was a chilling reminder that despite a lot of rhetoric — and there was more rhetoric after that agreement — it was clear that all our state and national leaders were standing ad idem in their fight against terrorism.

It is to a large extent an act of faith by members in this place that we are prepared to support and pass this draconian legislation. Indeed, we in this place have a responsibility to scrutinise this legislation to ensure that it is appropriate, that it is measured and that it is a proper response to the threat we face. Sometimes that scrutiny and that process is tempered by the fact that we do not necessarily know precisely what threat we face. I certainly have not received a detailed briefing from law enforcement agencies about the specifics of the problem. Yes, I have received briefings from the various security agencies, as I call them, in the lead-up to the Commonwealth Games about the general nature of the problem; but the specifics, the details that the government would know about through its agencies, obviously form a part of this. No doubt that has been debated and discussed at a national level among all the states and the Prime Minister, and this is the measured response. But it is still to some extent an act of faith that we are prepared to support this legislation on the assumption that it is absolutely necessary. It demonstrates both the abilities of this place and the importance of the Parliament in our system of government.

At essence this is about something we all hold very dear unto ourselves: the right of every single citizen and resident of this country to their freedom and to have that freedom protected at all costs. Many of the structures of our criminal justice system and our civil law are designed to protect the individual's fundamental right to liberty. We give up that right only in the most stringent circumstances. Clearly when in the case of criminal law a punitive sanction is imposed and we debate that up hill and down dale, quite often we come to the view that it is appropriate. Sometimes the opposition will say it is not stringent enough, but it is a debate where there is a clear historical precedent.

Likewise we have not shied away from preventative detention when that is necessary. In relation to mental impairment there are provisions in various acts that enable the state to deprive an individual of their liberty for their own protection and for the protection of others. We have also seen in relation to infectious diseases that the protection of community safety sometimes requires government action, and there is a very strict regime to ensure that it is necessary, that it is measured and that it is an appropriate response to a particular threat.

In this place earlier this week we debated the Crimes (Family Violence) (Holding Powers) Bill — which again provides for a form of preventative detention. Likewise the Scrutiny of Acts and Regulations Committee (SARC) highlighted its concern about preventative detention, perhaps ultimately recognising that it was for the Parliament to determine whether it was a measured and appropriate response. On that occasion the opposition supported the government, saying it was an appropriate and measured response.

Each of those three examples, involving mental impairment, infectious diseases and even police holding powers, were very simple to determine. An objective factor could be demonstrated — somebody was insane or somebody was suffering from an infectious disease

that, if communicated to others, would have serious consequences for the whole community. The same was true of the police holding powers. It was not about domestic violence; it was about the fact that we enabled police to give a lawful direction which, when disobeyed, would enable preventative detention to take place. Again, it was about an objective fact.

What is of concern here, and it is so draconian, is that, along with the special police powers, which I will talk about in a moment, the essence of the bill, which is preventative detention, is based upon the proof of only a reasonable suspicion. There is no objective fact; it is just a reasonable suspicion. As SARC has reported, a wide variety of bodies — from the Law Institute of Victoria, the Victorian Bar Council and Amnesty International to the Fitzroy Legal Service, Victoria Legal Aid and many others — were able to point out that 'based upon a reasonable suspicion' is a bit alien to our system.

I cannot think of another example where we are prepared to deprive somebody of their liberty — which is something we hold very seriously for ourselves — on that basis. While in certain circumstances we do deprive people of liberty on the basis of objectively proven facts, in this case we do not prove that objective fact; we just establish a reasonable suspicion. Whatever else can be said — and it could be said, 'That is still an objective fact: there is a reasonable suspicion' — how do you challenge that? How do you actually challenge somebody's reasonable suspicion that this is necessary? It is a very hard thing to do.

We in the opposition have been unable to really test whether this is proportional. We are told of the concerns, we can see them, we can be implored about them; but we ourselves are concerned that we are not necessarily able to establish that this is concretely necessary. It is an act of faith. It is an act of faith that we understand is necessary because we face a very serious threat, and that threat could have tragic and extensive consequences.

However, it is the beauty of this place — and it is something very important — that in the context of things like charters and international covenants of rights, the determination of whether this is an appropriate response will be devolved to people in this place. In the circumstances certainly the government does support this legislation, the opposition does and I understand The Nationals will also support it. I am sure all of us in this place do so with a measure of regret and concern about the step we are taking, because its essence is to deprive somebody of their liberty not based upon an objectively provable fact but on a reasonable suspicion. That is the essence of our concerns.

In relation to that there is a tendency to use the terms 'separation of power' and 'judicial oversight'. I was brought up in a household where there was at least one lawyer who had a major impact on my life, and I followed in her footsteps and went to the law, and indeed had the opportunity of working for a judge on one occasion, for 12 months before I went to the bar; so these terms means something to me. They signify the importance of judicial oversight and independent judicial discretion — very precious parts of our system of liberty. What concerns me here is that we flippantly talk about judicial oversight and we provide that judicial oversight, but there is a real question as to whether or not a judge of the Supreme Court, in relation to preventative detention orders and indeed in relation to special police powers as nominated under this bill, will actually have a question to answer.

In relation to preventative detention orders, the government has amended the powers in one very important way, which is to give much greater power to the detainee to make an objection in front of a judge to the granting of this order. I think that is a vast improvement in this system as it comes before this house. The opposition is very grateful that the Premier has sought to make that amendment to enable a detainee to properly argue and articulate their case, because at the end of the day there can now be a proper argument before a judge, and I am now satisfied that there is a question to be adjudicated. Yes, it is on a question of reasonable suspicion, and I am concerned about that very low standard and what it actually means and whether or not a judge would be able to articulate what a reasonable suspicion is as opposed to objective facts, but I am now satisfied that at least there is an ability to properly present a contradicting argument in relation to those preventative detention orders. I think it is appropriate in the circumstances that there is some form of oversight.

What does concern me though — and this is a matter of some degree of technical, legal manipulation if you like — is what has been put to us very stridently by the Victorian Bar Council, representing the views of the Law Council of Australia that have been put to other bodies including the Senate cost of justice inquiry and similar groups around Australia: that this may very well be unconstitutional. It may be in breach of part 3 of the federal constitution, which deals with the judicature. The problem is that in state Supreme Courts unless there is a proper question to be tried, a proper question to be asked, a proper question to be dealt with and adjudicated on by a judge, essentially what you are

doing is shifting an executive decision — something that should be made by a minister or an administrative decision by a bureaucrat — to a judge. It is not a proper question to be decided by a judge.

There is one fundamental thing: I do not have the expertise, and I certainly will not be making a pronouncement in the short time I am provided in this place, but I am assured by the Premier's representatives that this matter has gone to the Solicitor-General and the Solicitor-General has provided an opinion that these rules do not transgress part 3 of the federal constitution — that it is a question to be tried by a Supreme Court judge, it is something a Supreme Court Judge can adjudicate on and it will not transgress the constitution and therefore potentially be declared void. I accept that opinion. It provides me with some degree of solace.

The amendments introduced in the last 24 hours provide some degree of solace that there is a much stronger question to be tried and a much stronger ability for detainees to present a case to contradict the argument that has been put by those authorities. Yes, it will be done in camera; yes, it will be done behind closed doors. That is because of the national security issues that are involved, and I understand that. I am concerned that it took so long for the government to move to provide that absolute right to a lawyer of choice. I am also very grateful that the government has moved to ensure that, while detained, there will be no questioning of the detainee. Yes, there will be an ability to interrupt the preventative detention order that will provide access to other agencies such as the Australian Security Intelligence Organisation that may properly conduct an investigation outside the preventative detention order, but during the preventative detention order no questioning of the accused, apart from questioning about their personal welfare, can take place.

A lawyer will be part of the process because of detention. They will be facilitating and advising about the right to obtain a lawyer and obtaining access to an interpreter or other forms of support. Access to family members can now be provided, and I think that is a very worthwhile step. It does not necessarily compensate completely in relation to the detention, but it goes a long way towards assuaging some of my personal concerns and those of the Liberal Party as to how detainees would be looked after. Ultimately access is being provided to both the Ombudsman and the director of police integrity, one and the same person, which provides some degree of oversight.

I ask the government to take on board the words of Justice Michael Kirby in Mallard's case, when he said that in these circumstances it may be wise to go down the track of having someone who is independent like the Queensland public interest monitor — somebody who is specifically designed to oversee this particular type of detention. It is very important that the notion of an independent advocate as referred to by Justice Kirby in Mallard's case be something we may adopt. It is something that may assuage a lot of the concerns of outside groups.

As I said, I and my party are satisfied that there are better guarantees to ensure that everything is done fairly and reasonably, but at the end of the day I am still concerned about how you can objectively prove that a policeman on reasonable grounds suspects that somebody is likely to conduct a terrorist attack or may have evidence and is about to destroy that evidence of a previous terrorist attack.

I move on now to special police powers. These provisions cause me a great deal of concern. Again it is an act of faith on the part of the opposition to support the legislation despite all our concerns, but in supporting the legislation I still raise questions regarding special police powers. The Premier has now moved amendments that will provide special independent oversight of the making of one of these police orders. The police orders are designed so that in the case of an imminent terrorist threat or attack against infrastructure or facilities or against a person, stringent powers can be given to the police to cordon off areas and to search and strip-search people who may be accessing particular facilities or trying to get hold of a particular person or even a particular type of car. For example, an ordinary Holden may be suspect, so every Holden could, under this legislation, be stopped and searched. The occupants inside the car could be searched and strip-searched, subject to the necessary provisos.

It was a matter of concern to the opposition, which we articulated publicly last week, that the powers provided would enable police, with the granting of one of these orders, to take a child aside — anyone aged from 18 years to 10 years; there is a total prohibition on any child under 10 years — and to have a member of the opposite sex strip-search them, potentially in public, not in the presence of their parent or guardian or even of a support person. Irrespective of the right and wrongs, imagine the trauma to a 12, 13 or 14-year-old girl of being strip-searched in public by a policeman. That potential was a matter of profound concern.

The government has moved to amend the provision, and I am very grateful, and say absolutely that the child must be a strip-searched only in the presence of a parent, guardian or support person and not in public by a person of the opposite sex. They are the sorts of guarantees that any rational person would accept. There is still an exception, but it is a distinct exception, and it is important to note the difference in the words. In the original bill a child could be strip-searched 'unless it is not reasonably practicable in the circumstances'. That could mean there was no-one else around and we had to do it. It was a low threshold and a low test. It was based on the New South Wales legislation.

I do not know whether that jurisdiction will move to change its legislation, but I can only again thank the Premier and his department for making that change, because that must now be an absolute obligation with the one exception. If a parent or guardian is not present it can only take place when the seriousness and urgency of the matter require a search to be conducted without delay. It is a much stricter test, and woe betide any policeman who misuses that power. It is a much stricter test, and certainly it assuages some of the concerns of the opposition.

It was not just the opposition who raised it; many others raised those concerns with the Premier. Perhaps it is an indication of the power of this place. While it may not have been done because we raised the issue, it has been raised in a public forum and pressure was brought to bear in many circumstances. I imagine there was a lot of tension on the government benches, just as there was on the opposition benches. It demonstrates that the system does work to provide a much better outcome.

But I turn back to the issue of judicial independence. If one of these special police powers or orders — I shall just call them police orders — is granted, although it is unlike the preventative detention order it has the same sort of very draconian outcome. People can be deprived of their liberty, they can be strip-searched and their property can be seized — all of these sorts of things which are contrary to the fundamental rights which we hold dear and which we would relinquish only in the utmost circumstances. Certainly in relation to terrorism it is probably a measured response.

In relation to judicial oversight my concern is that we blithely go away and say, 'Let us have judicial oversight'. In this circumstance no doubt it will be the Chief Commissioner of Police or the assistant commissioner who must make this application. They must make the application to the Supreme Court now, given the amendments that the Premier has introduced. Who opposes the application? Who can provide a contrary argument — something that is integral to our system of justice? I see the Attorney-General sitting here at the moment. He knows full well that there have been occasions when he has appeared in court, almost as an amicus curiae, to provide a contrary argument, representing the community's views in relation to certain circumstances. But who provides the opposing view? Who provides the contrary argument in these circumstances? Is it a genuine question to be tried? Is there a question to be asked for a judge to solve, or is it truly an administrative decision?

If the Chief Commissioner of Police makes a decision that this is necessary, what is a judge going to be able to say? A judge might be trying a murder or hearing a drugs case or a commercial or building dispute. What questions can a judge ask? As the Attorney-General would also know, judges are just ordinary human beings. Many of them are friends of mine, having gone through the bar together. Indeed I did my readers course with seven or eight of them, including the Chief Justice.

Mr Hulls — Do you want an appointment?

Mr McINTOSH — I have asked for one, but you won't give it to me.

Mr Hulls — Not just yet.

Mr McINTOSH — Just not yet.

Mr Doyle — Don't worry, I'll give him one.

Mr McINTOSH — Can you imagine if the Chief Commissioner of Police arrives in your court and says, 'I suspect there will be a terrorist attack on the Parliament building', or on the Melbourne Cricket Ground during the Commonwealth Games, or whatever? What do you think will be going through the mind of a judge? This is a political question. It is an administrative decision. There is no contrary argument. This decision should be made. Perhaps ultimately this is such a significant decision that it ought to be the Premier of the state that is making this decision. Do not put this on a judge. That is the one concern I have.

It is not an argument that a judge should be put in place to make the decision on. There is no contrary argument. Who will be able to sit there and say to the Chief Commissioner of Police, 'You have got it wrong. I have better knowledge than you have. I have read the *Age* newspaper and you are wrong. It is not going to happen. It is not a proper decision.'? It concerns me that this could easily be held to be unconstitutional. Far more than the issue relating to preventative detention

orders, I think it is a matter of profound concern that these orders could easily be held to be void.

While you cannot take the interim decision to court — and that is what the section 85 in here is about — if a full order is made to a Supreme Court judge, that may well be challenged. The government really has a decision to make here: either it makes a blanket prohibition on reviewing one of those orders, or it removes the Supreme Court absolutely and gives the power to the Premier. I am not even in a position to adjudge the correctness or otherwise, but many people have raised their concerns about this particular provision, and indeed only providing judicial oversight for all of them now makes the matter even worse. I have raised with the Attorney-General, who is in the chamber, and certainly with the Premier that they should think about this. Why not just make it what it correctly is — a political decision?

If the Premier gets it wrong and it is not necessary, or if the chief commissioner gets it wrong and it is not necessary, they ought to take the odium. I am not saying they will get it wrong — in fact, far from it. It is still an act of faith, and I trust the Chief Commissioner of Police and I trust the Premier of the day to get this right, because it is a serious matter. But you should not, as some sort of notion of the separation of powers or as some rather — and I say this flippantly, but not nastily — juvenile response, try to assuage whatever concerns people have by saying that you are going to provide independent judicial oversight.

What the government is doing is perhaps the wrong thing. I implore the government to go back to square one and say, 'Truly, this is something we are doing as representing the community, and it should be a decision for the Premier or indeed the Chief Commissioner of Police to make that decision'. I can understand why the Chief Commissioner of Police would want some sort of oversight, but it ought to be the Premier who makes the decision. The responsibility should not be put on a Supreme Court judge to make that decision.

In conclusion, 30 minutes is too short a time to go through the detail of this bill. It is an act of faith at the end of the day. We have faith in this place; we have faith in the system. But at the end of the day the greatest threat to our freedom is the government. It will be this place that holds the government accountable. That is our greatest protection for our freedom — the measured responses of the people in this place, and the members of the government who also have to be members of this place or of the upper house. The Parliament of Victoria is the greatest protector of our freedoms and liberties. Even if you put it down in black and white, there are so many exceptions and nuances that it will be up to this place. We need to be able to get it right. This is a measured response. There are still anomalies. Let us get it right, but let us ultimately try to protect the people of Victoria.

Mr RYAN (Leader of The Nationals) — This truly is extraordinary legislation. If ever there was a benchmark of the sign of the times in which we live it is represented by the pages of what is now before us for debate. I cannot help but reflect, having been in London and Paris just late last year and having seen the impact of terrorism on those great cities, that once upon a time in London the street bobby was there to be chatted to if you so desired. Now when you go to government buildings the police officers are there behind bulletproof glass, with submachine guns slung, and being careful about who approaches them.

In the streets of Paris and down side lanes busloads of heavily armed police officers are ready to step into the fray should the necessity arise. To go to any public building in either of those cities now entails allowing extra time to go through processes which invariably involve handing over your passport, having to be carefully identified, going through screening systems and going past heavily armed police officers or their equivalent. It is an amazing transition when you go to those places after not having been there for a few years. Australia is now embroiled in all of this. The bases and the background to all of that are well known.

So it is that progressively the laws that we have passed in the first place through our parliaments, and through this Parliament in particular, have had to react to the events that have occurred around the world; but then on the other hand, and particularly as this legislation does, the laws attempt to be proactive in a preventative sense to deal with issues regarding terrorism. In so doing, of course, it is an absolute leap of faith on our joint behalf as parliamentarians that we should come here. I think it is the fact that we are unanimously supporting this, but it is nevertheless an enormous leap of faith. It is a very substantial further step along the way to making significant inroads into basic freedoms that Australians historically have enjoyed.

I might say also in the spirit of the apolitical approach to all this that in some ways it is a demonstration of the maturity of the Labor Party. I have little doubt that if in days gone by conservative governments had attempted to bring legislation of this nature before the house, the Labor Party would have gone absolutely and utterly troppo. The Attorney-General is in the house as I speak, and I think by indication he is acknowledging that if

circumstances had been different, there would have been hell to pay in a parliamentary sense over this sort of legislation being introduced by a conservative government. Be that as it may, I think it is a sign of the maturity of the Labor Party that it is participating constructively in the introduction of this legislation before the house.

The content of the bill takes up about 117 pages, and we have before us about 30 pages of amendments, which total some 200 in number, many of which are not primary amendments but rather consequential. Nevertheless it is a huge body of material. Around the bill and the amendments there are huge reams of material regarding the legislative initiatives that deal with these issues. It is just impractical in the time allocated to try to go through the thing in its totality. I might say that as the day unfolds and we start dealing with the amendments there will be more opportunities to explore some of the specific aspects of the legislation which are deserving of closer consideration.

I want to quickly trace the history of how it is that we are having this discussion. As the explanatory memorandum recites, the meeting of the Council of Australian Governments (COAG) which gave rise to much of this was conducted on 27 September 2005. The legislation we have before us now is reflective of legislation that has been introduced and passed by the federal Parliament. The COAG agreement was the outcome of various basic tenets being settled upon and agreed to by the Prime Minister and the premiers. In essence they are the need for improvements to the security of mass passenger transport; the need to develop a national, risk-based approach to the use of closed-circuit television for counter-terrorism purposes; the need to strengthen the links and promote dialogue with faith leaders, including those among the Islamic community; the need to establish a unified model for policing around Australian airports; the need for a review of information and intelligence sharing in the aviation sector; and finally, the need to strengthen the counter-terrorism laws — and they are what we have here.

The federal Parliament then moved to introduce its legislation, which essentially deals with issues regarding the ability to obtain control orders, the preventative detention of persons for periods of up to 48 hours and expanding the commonwealth's ability to proscribe a terrorist organisation. Under the Commonwealth Criminal Code, particularly part 5.3, there is a reliance upon the legislative power that has been referred to the commonwealth Parliament by the states under section 51 of the constitution. That is what gives rise to much of the federal government's capacity to legislate in this area. The federal government having undertaken its part, it has moved to the states and territories to enact the various counter-terrorism laws that the federal government has been unable to enact because of constitutional constraints.

Essentially these laws are intended to enable the preventative detention of persons for up to 14 days and to introduce stop-question-and-search powers for use in public areas, particularly in places such as transport hubs and in other locations where there are mass gatherings of people.

The commonwealth government for its part introduced the Anti-Terrorism Bill 2005, which deals with some aspects of what was agreed upon by COAG. It was passed by the federal Parliament and received royal assent in November last year. The commonwealth also introduced the Anti-Terrorism (No. 2) Bill 2005, which was subsequently passed by the federal Parliament in some stage in November last year. So the structure at the commonwealth level is in place. There has been a Senate inquiry and a report arising from it. What we in Victoria have done is take the relevant aspects of the commonwealth legislation and marry it, through these amendments, with the outcomes of the Senate inquiry, taking into account the positive reaction of the government to public commentary from a variety of sources. All of that, taken as a conglomerate, is what we have before the Parliament.

It is important to reflect on the fact that much of this legislation will be reviewed over a period of five years, and it will be sunsetted in 10 years. So there will be a chance for a proper examination of the legislation to see whether it is doing what it was designed to do, whether it is justified to the extraordinary extent that it imposes restrictions upon the persons to whom it applies and whether we need it to continue after a period of 10 years.

For all its massive content, the issues that are pursued in this legislation are relatively narrow. They are focused primarily around the preventative detention provisions. I want to pause for a moment and talk about them in a generalist sense, because I think it is important, as the member for Kew remarked, to have proper regard to what is contemplated by this legislation, given the nature of the society in which we live. Firstly, I feel enormous empathy for the police and for those who will have the responsibility of conducting themselves as law enforcement officers under the terms of this legislation. It is sometimes said in The Nationals' party room — and people would probably identify with us — that a lot of these things are akin to the notion of the dog which runs down the road chasing cars until one

day, to the dog's absolute horror, he actually catches one and sinks his teeth into the back wheel. He then runs along thinking to himself, 'What am I going to do now?'.

Police across all jurisdictions who have so often been anxious to have these extensive powers granted to them are now in a pretty invidious position in deciding how they are going to give effect to these new laws. There is enormous pressure on them with regard to these laws. I know when the federal legislation was contemplated and being debated members of the Australian Federal Police were very concerned about how it would play out in terms of their association with the Islamic community in particular, to the point where — if I remember correctly — they sought to get indemnity provisions introduced into the legislation so that their situation could be protected. I suppose that is an example of how it is that the police, who are forever caught in the middle of this, are now on the one hand going to be empowered to do the things which I am sure they have seen the necessity to do and which are underpinning a lot of this and yet on the other hand are going to be under intense and immense scrutiny as to the way in which these laws are given effect. I really feel for the law enforcement officers in all jurisdictions.

The other thing to be said is that it is a leap of faith. I have already made this remark, but we do not have before us the sort of material that one would normally imagine as being the basis for the introduction of laws of this nature, and as a matter of logic that almost has to be so. What we are doing here is enacting legislation with this immense impact and capacity for influence and yet not having before us precisely what it is that justifies it. Obviously we know the general tenor of it — antiterrorism and all the things that go with that — but nevertheless it is a leap of faith.

I think it important that we all recognise preventative detention orders for what they are. One of the many things we prize in our society in Australia is our freedom. To be able to get up and say what you want within the law, to be able to put your point of view in any forum, particularly in this place and to be able to move about freely, all these are things we take for granted. They are a part of who we are. It is why these preventative detention orders strike at the core of our society. In effect what they contemplate is people having their liberty taken away from them for up to 14 days in a circumstance where the argument being made in favour of that happening is that there is a reasonable suspicion that an individual may be in some way involved in terrorist activity. It is an extraordinary thing to do.

We have passed through this place, as has the federal Parliament, rafts of legislation which have empowered the police to do many things in an investigative sense. Police can now do things in our state that even 10 years ago would not have been contemplated. A capacity for covert activity in all its forms has been given to police. There are oversight provisions riding with that power, but nevertheless police now have a capacity to investigate crime in a way that is a high-water mark of their powers.

In addition to all that, we are passing legislation in this Parliament which says that someone can be jailed for a period of up to 14 days on reasonable suspicion that that person has been engaged in something associated with terrorist activities. As I said, it is an extraordinary thing to do. Furthermore, there will be a prohibited contact provision. Under the amendments it is being relaxed to a degree, but nevertheless an associated order can be obtained to have prohibited contact apply. I am pleased to see that there is a specific provision about people being treated humanely and not being treated cruelly. It is true that the persons concerned are not to be subjected to questioning save as it relates to their identity. All of these things are true.

Anybody who has ever been in the position of having his or her liberty restricted and not being able to get out of a room or out of a cell or whatever it might be will know that that in itself is an enormous thing. Now someone can be plucked off the street and put away for up to 14 days when there is simply a reasonable suspicion that they may have been involved in the activity which triggers these orders. It is an amazing quantum leap for this Parliament to be taking, and no-one should downgrade its significance.

I want to refer to a couple of other aspects of the bill. The stop, search and seize provisions are, of course, very broad. Police will have immense powers in given circumstances to take action that once upon a time simply would not have been contemplated. We have seen the recent events in Sydney where there was activity that resulted in the New South Wales government introducing legislation to deal with those issues. This is not the same, but it is similar. The capacity of police to do what they will be able to do under the terms of this legislation is something that we will examine more deeply as the day goes on.

The Nationals have a measure of concern about what is proposed in new section 21F at page 93 of the bill headed 'Authorisation of special powers to protect essential services from a terrorist act', which deals with infrastructure assets. This is the provision which enables an order in council to be made on the basis of

an application which will inherently require contributions by the police minister, the Premier and the Chief Commissioner of Police. We have that concern simply because, if these orders are going to be made, then it seems to us to be a strange state of affairs that such an order can be made in effect by the government of the day. I heard what the member of Kew said about the terribly invidious position in which judges are placed when applications under this legislation are brought before them. It is something that we will no doubt talk about as the day goes on, because it gives the government of the day a very extensive power.

The amendments regarding the general treatment of people under the age of 18 years are welcome, because in their original form they were deficient in many respects. Not only simply because the federal legislation did not have regard to them, bearing in mind that the federal government has no jurisdiction in many of those elements, but also because many of the provisions in the initially circulated bill did not deal with the issues for people under the age of 18 years in a manner which gave sufficient respect to those people.

I make these comments by way of preliminary commentary about the terms of this legislation. I return to my starting point: no-one should have any doubt as to the enormous gravity that The Nationals attach to this bill. It is surely one of the most invasive pieces of legislation that Victoria has ever seen come to the Parliament. We understand the rationale behind it. We do not precisely see all the reasons for it, because by definition those reasons are not being placed before us because of security matters, but there is no doubt that it is a large leap of faith that is going to bear careful, ongoing examination.

Mr MILDENHALL (Footscray) — It is indeed a sobering time, not only in this chamber but across the nation, as legislators in chambers like ours draw breath and contemplate the powers necessary to deal effectively with terrorism, balancing those against the traditional rights and liberties that have been articulated and developed in our society and under our system of government over many centuries. It is certainly true that the legislation we are dealing with today, which has the support of all parties in the house, provides extraordinary powers for extraordinary circumstances, and it has been developed in quite an unusual way in terms of both process and agreement.

The provision of these extraordinary powers has been prompted by a number of pressures on both federal and state governments, including looming events in a broader sense. There has also been pressure on the government to have powers in place before the Commonwealth Games begin. The number of steps and processes that have been under way since the Council of Australian Governments (COAG) discussions of 27 September 2005 have seen the need for both federal and state governments to consider an extraordinary level of imposition on people's liberties in all jurisdictions. And after the heat, if you like, the momentum and the almost panic of those original discussions, those powers and provisions have been reviewed in the colder light of day, ending up with what I call a significantly moderated package of powers.

Since its introduction in November last year we have seen some very significant influences brought to bear on this legislation. The variations in the legislation that has been introduced in other jurisdictions have included models such as the public interest monitor in Queensland through to the New South Wales insistence on oversight and preventative detention orders only being issued by Supreme Court judges. We have taken some guidance from all that.

I do not know whether there is a precedent for the level of scrutiny and the number of submissions and hearings and subsequent advice and commentary offered to government by the Scrutiny of Acts and Regulations Committee (SARC). There were also fairly extensive considerations by the relevant Senate committee. The high level of discussion within the parties represented in this Parliament and then among the government, the opposition and the members of the other parties led to the significant moderation of the bill introduced in November, enabling us to arrive at the current product.

I echo the sentiments of the shadow Attorney-General and Leader of The Nationals when I say that it is very difficult for parties with the principles and traditions represented in this chamber to contemplate the sorts of powers provided for in this legislation. That is particularly so in the case of preventative detention orders, where on the basis of reasonable suspicion and the balance of probabilities an order can be made ex parte and the person effectively incarcerated for up to 14 days without having been charged with an offence. That unprecedented power was proposed as a result of the COAG agreement, but it has been significantly moderated as a result of discussions and the amendments circulated by the Premier. The insistence that the Supreme Court play a role in the issuing of preventative detention orders and the significant number of other safeguards that have been introduced mean that we can now be satisfied to a much greater extent that a detainee's case will be able to be heard and be subject to review.

One of the overriding concerns from the perspective of a member who has been around this chamber for as long as I have has been the need to moderate the federal proposals. We have a federal government that is inclined to overreact. It is inclined, if you like, to adopt a more extreme policy position and to go beyond what we would, after reflection, agree is reasonable. That seems be the inclination of the federal Attorney-General when he considers the rights of Australians. I say thank God there are state governments and other processes that are able to bring to the issue more considered and detailed arguments to moderate the excesses to which Mr Ruddock seems to be naturally inclined. That is where the overriding debate has come from; he wanted to go too far. The states and indeed members of his own party in state legislatures have succeeded in moderating that influence.

This is needed legislation; it is legislation for our time. A recent SBS program detailing the chilling premeditated acts of mass murder in the London Underground was a sobering and frightening recreation of what is possible in a modern city like ours. If law enforcement agencies whose advice we trust bring forward advice extending the sorts of powers that will prevent those acts — for preventative detention; prohibitive contact orders; stop, search and seize powers; protection of infrastructure and new powers for search warrants — then it is in our collective interest to ensure — —

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

Mr DOYLE (Leader of the Opposition) — I think all members recognise the gravity of the Terrorism (Community Protection) (Amendment) Bill. What we are about to enact should give us pause. I do not think any of us has seen legislation which is as draconian as this. The response on this side of the house has been shaped, and to some extent described, by one sentence which you can find in the explanatory memorandum. It refers, of course, to the COAG meeting on 27 September 2005. That sentence reads:

> It was recognised at COAG that there was a clear case to strengthen Australia's counter-terrorism laws.

As many people have pointed out, the problem we have here is that there may well be that clear case, but it has not been fully made to any of us. Therefore if we are to pass this legislation, if we are to support it, then we need to accept on faith, in that quantum leap described by the Leader of The Nationals and the member for Kew, that there is a clear case which exists.

Mr Hudson — The Prime Minister has made that case.

Mr DOYLE — To some extent — I will take up the interjection briefly. I think there are still some concerns we need to face, particularly with questions of judicial oversight, particularly with questions of what question the judge is to look at and particularly with the reality, as the Leader of The Nationals pointed out, that because of its very nature you cannot completely describe the threat of terrorism because you may actually promote it and help it. But I take the point made by the member for Bentleigh.

So this bill is the result of that COAG decision. As I said, it is a leap of faith, but the only thing you can do when you are asked to make that leap is either accept it or reject it — it is as simple as that. We have decided in this house to accept it, and this debate is, of course, the result. It will be mirrored around Australia in all of the states and territories as well as federally. I do think it is a pity that it is not actual template legislation. We do not have, as Queensland does, a public interest monitor, which Justice Kirby has suggested. We on this side of the house think that is a reasonable provision. We were in line with New South Wales with the strip-search provisions and now we are not.

We are also having some difficulties, and I think one of the reasons for that — I think four states and territories have legislated and four have not — is in determining what 'judicial oversight' is. Some states now recognise that there is not perhaps a question that you can put before the judge. But because there was a general parameter of judicial oversight, they are now struggling with how they are going to make that parameter happen. There is no clear agreement on what that oversight might be. I think that is regrettable. But never mind, we are here to support the bill that is before us today, which, by the way, we all agree is much improved by the amendments, in particular the removal of the strip-search provisions for children between the ages of 10 and 18 which were so onerous.

I think it was pointed out by the member for Kew — so I do not have to go into it at length — that the reason we are here is that, because of constitutionally referred legislative power to the commonwealth by the states, particularly in relation to the Commonwealth Criminal Code, we need complementary legislation in the federal sphere and the states and territories.

Honourable members should have no illusions about what we are dealing with. Firstly, this is the most draconian piece of legislation this Parliament has ever had to consider. These are the most extreme powers

ever given to a police force or ever granted by a Parliament. I think we have to understand that. It makes one pause slightly and reflect. I wonder whether, if we were back in the good old days when we were on that side of the house and those on that side were back on this side and we had put up these laws, Labor would have supported them. While it is a moot point, it is an interesting one to reflect upon. Many speakers have made the point that this is the most draconian, most extreme legislation we have considered.

However, the second point I want to make is this: we are entering new, uncharted and untested waters, and one thing we should have no illusion about is that this will be tested. There is considerable community unrest about the provisions of this legislation, and I have no doubt that its provisions will be tested at law. We need to be prepared for that, and therefore what we say in here is of the utmost importance, because it may help the legislation pass the tests of intent in the courts of law of this land.

We sometimes talk about the Garry David legislation that was brought before this Parliament. None of us ever wants to see that — legislation for one individual — again. We all consider it anathema. I think between ourselves as members of Parliament that we have determined never to do it again. Although we all knew it was draconian — by the way, the Liberal Party supported that from opposition, even though it was draconian — we knew the specifics of the Garry David case. We knew exactly what we were dealing with, so even though we did not like the powers we were granting ourselves, we knew why we had to do it. This legislation is the Garry David principle given universal applicability. That is something we should consider. I understand we live in a changed world, and I will come to that later, but given that seriousness and that weight, we had better know what we are doing, why we are doing it, to what effect we are doing at and what consequences we are visiting upon the community.

I must say, given the seriousness of this bill, that I think the second-reading speech is rather insipid and anodyne. Given the gravity of what we are proposing, I would have thought more of a 'clear case' would have been made in the second-reading speech. That was not the case. While I give great credit to the Scrutiny of Acts and Regulations Committee — I do not think I have ever seen a SARC report that runs to 35 pages — I do not think it was enough simply to quote the second-reading speech in support of a position on some of the major points of contention. That is repetition and assertion; it is not argument.

However, I think we also understand that, even though we may not individually know what that clear case might be, we are asking the people of Victoria to take a giant leap of faith with us, because this is soon to be law. What are we asking? What we are asking people to accept is that there is a need to allow police to remove people from the streets at a moment's notice because those people are potentially dangerous. And we are giving police power over people, places and things in an unprecedented way for this state and this nation.

Why, although many of us would have difficulty in articulating that clear case, are we doing it? I do not want us to get into the trite argument that we live in a changed world. That is certainly true: we do live in a changed world. But we cannot make that and the word 'terrorism' a catch-all or a mantra for anything we wish to do legislatively. That is our difficulty. We all recognise the nature of the changed world in which we operate and the danger it brings. What we need to do in supporting legislation like this is to recognise the proper concerns that our changed world brings and not use terrorism as a mantra to legislate or justify anything we wish to do. We have to separate the word and the concept of terrorism from the reality of terrorism if we are to be responsible in passing legislation like this. We have to respond intelligently and prudently.

This bill presents two difficulties of principle. The first is preventative detention and the second is the stop, search and seize powers. The member for Kew, the member for Footscray and the Leader of The Nationals have articulated the difficulties with those provisions. We have to understand that what we are doing through this legislation does offend against common-law rights and the rule of law when it comes to preventative detention and stop, search and seize powers. That is not necessarily an insurmountable problem, because that is what we can do in this place, but what we have to ask ourselves is: in overriding those common-law rights, in overriding what we have all accepted as the rule of law and our way of life, are we justified in all the circumstances? That is what I mean by weighing up the proper concerns versus the mantra.

Are we really responding to proper concerns or are we using terrorism as something that forces us to do something legislatively that would otherwise be anathema? We would argue that this bill is not the invocation of a mantra. We would argue that there are proper concerns that need to be recognised and addressed and that, regrettably, this sort of legislation is the only type of legislation that will do it.

I point out a further difficulty that was touched on by a couple of speakers, but I do not have time to elaborate

upon it. As the member for Kew said in his summation, it will only be through this Parliament that the operation of the act will be scrutinised. Even if we were to accept that those principles have to be breached, we would then have to understand that we have to prevent overzealousness in their application. We have to prevent the abuse of these powers, even in the name of community safety. That is something we have to safeguard. Therefore this Parliament will have to be on its mettle to look at where these powers are exercised.

I will look briefly at the specific concerns — and there are two of them — that have been raised in the course of debate so far. The first is the standard of proof required. Division 6 of the bill applies a civil test, although criminal sanctions will follow. The standard of proof provisions in division 6 make that contradiction very clear. That is something with which I do not rest very comfortably, but I do not have time to go into it specifically. I have a more specific concern, which I wish to cover in a little more detail. If I could receive leave to extend my speaking briefly, I would be very appreciative.

Leave granted.

Mr DOYLE — Finally, as I said, I want to note some specific concerns with the threshold test of reasonable suspicion. That threshold test is used in a number of areas. It is used in the disclosure of identity, including search powers — including strip-search powers without warrant, the search of vehicles without warrant and the search of premises without warrant — and the seize and detain provisions as well. This reasonable suspicion test is applied in all of those instances.

The member for Kew outlined, I think very eloquently, the difficulty of looking at suspicion rather than belief or conviction and just trying to determine what test you can apply to that. That is why we say we do not think judicial oversight is appropriate in this case. We believe it is an administrative decision, a political decision. I do not say that in any way disparagingly. We should not shy away from that. We believe it is appropriately a decision for the Premier of the day. How can the judge say to the Chief Commissioner of Police, 'I simply do not believe your suspicion, I have greater grounds or more evidence before me which tells me that your suspicions are unfounded.'? Which judge is going to do that? They will not.

Therefore we would say that although the government has tried to put some judicial oversight in there, it is simply not workable. We do not have the opinion of the Solicitor-General, but I am prepared to accept, again on faith, that the Solicitor-General has determined that there is a question that can be put before a judge. I have not seen that argument, but I accept that the Solicitors-General around Australia have found that to be the case.

However, when you look at terrorism it is such a charged crime, such a charged concept. The problem is you can always be suspicious and your suspicion can be real. Whether it is founded or not is a different matter. Think about, for instance, some of the things we have been talking about. We have been talking about protecting Commonwealth Games venues through the cordoning provisions of this legislation. That is very worthy. We have G20 here later this year and presumably you are going to want to protect some of the venues the G20 finance ministers will be attending. But if you think about the attacks we have seen around the world — September 11, Bali, London, Madrid, Tel Aviv — these were not attacks on either major venues or major events. They were attacks on everyday people going about their everyday lives.

If you are going to have a reasonable suspicion about terrorism and the possibility of a terrorist attack, the number of targets is infinite. You do not just have to make a case that this is important and therefore it might be a target, the reality of terrorist attacks around the world has been that anything can be a target. Any mass or even small gathering of people can be a target. To say that you are going to have a suspicion of that would seem to me to be a pretty low-level test and one I am still not entirely convinced a judge can apply. However, as I say, I accept the Solicitor-General's view.

The point about suspicion, even if you accept there is a question before the judge, is that there is no objective fact to weigh. We have had provisions in this Parliament whereby we have allowed people to be detained immediately, but in each case there has been an objective fact. If someone has a particular infectious disease, that can be clinically determined as an objective fact and we can act upon it. If it is because of mental illness, that can also be determined clinically and we can act upon it. If it is a matter of domestic violence and the disobedience of a police stricture, again that disobedience can be proven as an objective fact and we can act upon it. In each of the cases where we have given this preventative detention power there has been an objective fact. Our difficulty is that in this case there is not one, there is just suspicion. Nevertheless, given that initial statement about this being a clear case to strengthen the laws, you either accept or you reject that.

This is legislation of gravity. While recognising all the hesitations and concerns, and those hesitations and concerns go to the fundamental tenets of our democracy and our constitution, unfortunately in deciding whether or not to support this legislation it really boils down to one simple question, one facile question even: dare we do this? Given the seriousness of what we are going to do, dare we do this? To which the answer is dare we not do this? On this side of the house our judgment is that we must pass this legislation. We recognise that in seeking to safeguard community and individual safety we are constraining community and individual liberty in a way we never have before.

In conclusion can I say I hope this legislation never has to be invoked. However, I must also say in reality I fear that it is and will be needed.

Mr LOCKWOOD (Bayswater) — I also rise to support the bill before the house. We need an effective response to terrorism, one with effective safeguards and judicial review. I think with the amendments this bill provides just that. In this new age of terrorism, as people have often described it, others seek to destroy our way of life with random acts of terror and by creating a society of fear. As has just been said, picking individuals going about their ordinary daily tasks has the potential to make people very fearful about going about their ordinary lives. We need to do all we can to alleviate that fear and provide freedom from fear in our society. It is necessary for us not only to take measures like those in this bill but also to demonstrate to our community that we are taking measures to protect our way of life. These are extraordinary measures. This is our part of a national response, as has already been discussed and is spelt out in the explanatory memorandum to the bill.

There has been fairly wide consultation on this bill. Part of that was the usual consideration by the Scrutiny of Acts and Regulations Committee, which augmented its usual analysis with public submissions and public hearings. The committee received a range of submissions from a range of presenters at those hearings. It is clear that the bill is caught up by SARC's terms of reference in that it could be seen to be trespassing unduly on rights and freedoms or perhaps insufficiently subjecting the exercise of legislative power to legislative scrutiny. SARC considers every bill that comes before this house against those freedoms every sitting week. The results of SARC's deliberations are available every week in the *Alert Digest*.

SARC's deliberations on this bill raised some interesting issues. We had some interesting presentations. We heard from the Law Institute of Victoria, a lecturer from Monash University, the Victorian Bar Council, Victoria Legal Aid, the Federation of Community Legal Centres, the Fitzroy Legal Service, the Uniting Church and the Victorian Council of Churches, and Amnesty International.

Most of the legal people were pretty adamant that we do not need these laws and that we have enough scope in existing laws to prosecute to prevent and act on terrorism. An assistant lecturer from Monash University was quite adamant about this and become even more adamant during his presentation. I do not think he liked being questioned, he just raised his voice and his tempo as he insisted over and over that we do not need to do this. Towards the end of his presentation he was getting quite fanciful with his conspiracy theories and extra-planetary conspiracies. The Victorian Bar Council was interesting in that its representatives pointed out that hearings before a Supreme Court judge are not a trial but are actually administrative, not judicial. I am not sure whether at the end of the day that makes a great deal of difference.

Some others were a bit more reasonable in their approach. They suggested alternatives and were accepting of the need to respond appropriately to terrorism. Amnesty International pointed out that these laws were okay in its view because we are doing things by law and not in an arbitrary manner. They felt preventative detention as a part of the law was a reasonable thing because people are given rights and legal representation and are not locked away indefinitely or prevented from getting legal representation.

These issues were reported in the SARC *Alert Digest*. The committee wrote to the Premier as the sponsoring minister for the bill to point out its issues with the bill. The committee got a response which it approved this morning. Those issues have been responded to and I think those responses are quite evident in the amendments. There are a large number of amendments, which, of course, are in response to the broad range of consultation and the committee hearings. This shows that the government has listened to the concerns expressed by our community. It has made a number of significant changes to improve the safeguards in this bill.

The issues raised by SARC included police orders without judicial involvement. That provision will be amended and the orders will now only be issued by the Supreme Court sitting as a court. SARC also raised the issue of a public interest monitor. That has not been taken up; it was pointed out that a judge in the Supreme

Court has sufficient ability to consider the interests of the person who is the subject of the order.

We raised the issue of the detention of children in prisons with adults and whether they will be held in isolation. We received a perfectly adequate response that that will not happen, and provisions are being made for the detention of people between 16 and 18 years of age in appropriate places with appropriate protections, not with adults and not in isolation. We again raised the issue of the strip-searching of people under 10 years of age, and that has also been addressed.

Other issues raised were: the detaining in prisons of people who have not been convicted of any crime; legal professional privilege; legal aid; and questioning. These have been addressed in the amendments before us today, and hopefully everybody supports them — everybody sounds like they will. We have been assured that no questioning of people detained under a preventative detention order will be possible under this legislation, although I believe it will be possible for the Australian Security Intelligence Organisation, for example, to get a release of the order for questioning and then for the order to be resumed.

These are new terms in our legal language: preventative detention and contact orders are things that we never thought we would have but no doubt deem necessary in this day and age of needing to protect our community. Some of the protections include the one I alluded to — that is, no questioning of people being held in detention and no detention of anybody under 16. The orders are issued and able to be reviewed by the Supreme Court if the detainee requests review. It allows for legal aid to be appointed. One of the issues raised in the submissions was that people who were the subject of detention orders would not have been convicted of any crime, so perhaps they ought to have more ready access to legal aid as of right. Supreme Court judges have the ability to order legal aid where it is appropriate.

Humane treatment is assured. There will be no cruel and degrading treatment. People will be held in a proper way, as I am sure happens in all our prisons and areas of detention in our state. Police powers to take people into custody and to search and detain persons are no wider than existing powers, apart from detention orders. As I said, a subject can seek a court review. There must be disclosure of all previous applications for a court order. You cannot just roll them end on end, one after the other. That needs to be taken into account. There is ability for compensation for anybody who has been wrongfully detained under one of these orders, with the involvement of the Ombudsman and the director of police integrity to ensure that police follow proper procedure. There will be an annual report to Parliament on these preventative detention orders.

As I mentioned, the provisions for the strip-searching of young people have been amended. A parent or guardian must be present except in urgent or serious circumstances, so that concern has been removed, and there is no longer a police order. Under-18s cannot be held with adults unless there is a special order by the Supreme Court, and there is a more sympathetic ability to advise family members of the length of detention and the fact of people being detained. Interpreters must be provided, and detainees must be informed of their rights. There are a range of changes.

I cannot attest to there being no precedent for the extensive scrutiny by the Scrutiny of Acts and Regulations Committee, but we have subjected this bill to the most scrutiny I have seen in my short time on SARC, which is a good thing. The committee has a responsibility to scrutinise all bills that come before the house for trespass on rights and freedoms in this state. That is probably not widely known in the community. The committee does a quiet and valuable job, and I am sure there are some members here who have been on that committee in the past.

It has been said that this is an unusual step for the ALP, and opposition members have asked whether we would oppose it if we were on the other side of the house. I feel quite certain we would support this bill for the preservation of people's right to freedom from fear and worry about attack from terrorists and other extraneous people. This bill is worthy of support, has great protections and, unfortunately, is needed in these times. However I, too, hope its provisions never have to be used. I commend the bill to the house.

Mr HONEYWOOD (Warrandyte) — This would have to be one of the most important and grave pieces of legislation that has come before this Parliament. Yet so serious is this piece of legislation that in the chamber at the moment we have only 4 out of over 60 government members, including the required minimum one minister at the table, and we have just heard the most inane, inept, read-out speech by the junior member for Bayswater who is one of the lead speakers for the government in this debate. This government is meant to be a government that cares for civil liberties, that cares about legislation of this gravitas, and there was no public servant with expertise in this — —

Mr Lockwood — On a point of order, Speaker, the member for Warrandyte has just alleged that I read my speech. I did not read my speech; I have notes.

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

Mr HONEYWOOD — For the first 25 of the 30 minutes that were given to our shadow Attorney-General, the member for Kew, there was no specialist public servant in the box to advise the Attorney-General, who has now fled the chamber, on the serious issues raised by the member for Kew. There were no ministerial advisers in the box. They wandered in 4 minutes before the end of the important contribution to debate of the shadow Attorney-General. This government, yet again, treats the Parliament with contempt. This government, yet again, delegates to its most junior members of Parliament the most important, technical and grave pieces of legislation that come before this house.

Let the public know that despite the Premier's rhetoric about Parliament being important, about Parliament sitting more often, about the very pre-eminence of Parliament when it comes to public debate, this government, yet again, has let the people of Victoria down. It puts up the C team, not the B team or the A team, to debate highly contentious pieces of legislation — legislation that is going to have major impacts on the way this community goes about its day-to-day life.

We all know the immediate impetus for this piece of legislation. In late September last year the Council of Australian Governments meeting reached an agreement with state and territory leaders on the proposed strengthening of counter-terrorism laws.

Following the horrific acts of terrorism in New York, Bali and London, there is little doubt that the Australian Parliament and the Australian community collectively must take action by responding to the threat of international terrorism. Our response to this threat should not be undertaken lightly, however. It is most important that our laws seek to strike a balance between further advancing the national security of Australia and maintaining the protection of the individual rights and freedoms of our people. The balance between these often conflicting imperatives is not without its difficulties. Australia has had experiences with related issues, such as politically motivated violence, organised crime and national security. However, we have had very few experiences that would be widely accepted as being acts of terrorism per se.

It must be noted that these new laws do not fit neatly into existing legislative categories such as serious criminal offences, rules of personal liberties or disaster management. Yet the Hilton bombing in Sydney during the Commonwealth Government Heads of Meeting (CHOGM) occurred when I was a teenager, 30 years ago.

Mr Stensholt — I was there.

Mr HONEYWOOD — The member for Burwood says he was there. The member for Burwood would have expected that there would have been some legislative response to that. Therefore we are all at some fault for not acting sooner to comprehensively address the gaping hole in our legislative framework when it comes to acts of terrorism on our shores.

Having said that, there is a big neon sign in the front foyer of this Parliament that today is flashing the message 'Thirty-four days to go before the Commonwealth Games'. There are 34 days to go before the world's elite athletes and their families and supporters arrive in this city, let alone the hundreds of thousands of Victorians and Australians who will come to this fine Australian city to witness this major sporting spectacular. Later this year, as the Leader of the Opposition mentioned in his important contribution to the debate, we will yet again host the G20 finance ministers meeting. Yet are we the first state to enact this important anti-terrorism legislation? Are we the second state, the third or the fourth? No, we are way down the list. We are the fifth state to get around to enacting this legislation.

That goes to the nub of the opposition's concerns about this legislation. As I mentioned, it is one thing for the government to treat the Parliament with total contempt when it comes to giving enough time for debate; it is another thing entirely to rush through this legislation without having it properly tested.

One important power in this bill is the power given to our police, not lightly, to cordon off areas that they believe are a major security threat. Can you believe that until the introduction of this bill the police in our state have had that power only for use at sporting venues? In New South Wales police have for two years had the power, through the deputy commissioner, to cordon off any other area — for example, a hotel, a meeting place or a convention centre — rather than just a sporting venue. Again it is an indictment of this government that it has come to this issue so late in the day, with only 34 days to go before the Commonwealth Games commence in Victoria, without having gone through the process that other states went through much earlier to enable these provisions to be tested well before they needed to be brought into being.

That is just one concern. The stop-search-and-question powers are based on the New South Wales and South Australian legislation, which is important to bear in mind. Another concern for the opposition — again, this is another case of a lack of transparency, and I know I can speak about it, because you have an important concern about this — is that this bill is being used as a device to tack on a general power allowing visitors to juvenile detention centres to be searched if they are visiting a youngster who is a family member, for example. What worries me is that that is not an anti-terrorism issue.

I put it to the public servants who were giving the briefing that was provided to the opposition only yesterday, just before this legislation was to be brought on for debate, that a young person who was in a juvenile detection centre for a car-jacking — for pinching a car — could have their mother and 10-year-old brother searched when they come to visit. Again, we are informed that this would not be done lightly — you would hope that the juvenile detention officer involved would have some genuine grounds for doing it — but to have any hope of reform a young person in a juvenile detention centre needs to have family visitations and needs to have friends and supporters visiting to assist in the reform effort. What sort of incentive is there for a genuine group of supporters and family members to regularly visit a young person in detention — perhaps for having been involved in a car-jacking under pressure from a peer group — if they think they are going to be searched on the way through?

I put it to Parliament that that neat little amendment, which has been tacked on to the 206 amendments that we are about to have less than an hour to debate, canvasses a broad range of powers and intrusions into private life which could have been the subject of separate legislation and further debate in this place. Instead it has been tacked on to this terrorism bill at the last moment as a device to enable this government to infringe further on the rights and liberties of Victorians. There may well be merit in providing that general power, but this is not the time and place, 34 days before the Commonwealth Games, to be debating it as an anti-terrorism device when it clearly is not.

There are other amendments that relate to the Senate committee's amendments that will permit a young person to explain to their parents why they have been detained rather than just that they have been detained.

In the 30 seconds left of my limited time to contribute to the debate I make the point that the member for Footscray, who has just been sacked to make way for Tim Pallas, the chief of staff for the Premier, led the debate for the government. We did not have the Attorney-General lead the debate; instead we had a junior member of the government debate. It was a bit rich for the member for Footscray to attack our Prime Minister for being right wing when this government did not agree to the Queensland government's provision of the public interest monitor. This government did not want that and said no to it.

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

Mr ROBINSON (Mitcham) — I am very pleased today to have the opportunity of making a brief contribution on the Terrorism (Community Protection) (Amendment) Bill. No-one doubts that Victoria faces profound challenges in dealing with contemporary terrorism threats, and no-one doubts the scale of suffering that terrorist organisations are capable of inflicting on this state, evidenced by what has happened in recent years in New York, Washington, Jakarta, Bali, London and Madrid. No-one doubts that indifference helps this threat to grow, but equally no-one should doubt that balancing the rights of Victorians who wish to continue enjoying their long-held freedoms and the compelling need to ensure that the state can tackle this threat effectively is a profound challenge for all members of Parliament.

The bill that we are debating has been introduced as a consequence of a Commonwealth Heads of Government (COAG) agreement late last year. Certainly since that time I and a large number of my colleagues have been working very productively to try and temper these proposed powers, including the power to detain people without charge, through a suitable suite of checks and balances. I want to thank the Premier and his office sincerely on behalf of a lot of my colleagues for the way in which they have permitted a very frank, open and ongoing discussion between caucus colleagues and various bureaucrats. It has been very much a two-way process. In the course of the last few weeks we have come to understand some of the very profound difficulties that senior bureaucrats and other people in high office have to deal with, knowing as they do more than we do about the precise terrorist threats that present themselves. I am very grateful for the opportunity the Premier has extended to me and my caucus colleagues.

I have used the last few weeks to consult with a number of people including Dr David Neal, who has written extensively about these new anti-terrorism laws. I also had the opportunity of talking with the Honourable Michael Duffy, a former and very well-respected

commonwealth Attorney-General who in that position had very real experience of dealing with terrorism matters and the way the Australian Secret Intelligence Organisation and other agencies would deal with them. In those discussions I bounced off those individuals and others my concerns about two aspects of what was proposed by the Council of Australian Governments and is flowing through into this chamber today. I am pleased that on both counts the amendments have to a large extent picked up and addressed my concerns.

The first aspect stems from the capacity provided by the legislation for police officers to make ex parte applications to court. This is not in itself new; this has been a feature of domestic violence strategies in this state and others for a long time. But it is being extended in a manner which can lead to the detention without charge of individuals, albeit for periods of possibly up to 48 hours, before a hearing at which they can be represented is conducted to test out claims. This effectively creates a twilight zone — a necessary twilight zone, I might say, but a twilight zone — because it challenges the well and long-established principle of law that people should not be detained without charge.

The very powerful compensation provisions in the legislation are, I think, a useful check against the procedures outlined in the bill becoming a default mechanism. That is the real key here. Much as the provisions are proposed to deal with extreme circumstances, it is incumbent upon this chamber to do everything it can to ensure that in practice that is what continues to be the case. None of us would want to see these provisions becoming a default mechanism that is used because it is simply the easiest way to have people detained on criteria that are becoming weaker and weaker. They need to be balanced, and the compensation provisions are one means of doing that.

I also understand that the amendments impose greater obligations on police officers than were originally proposed, in so much as the bill proposes that in seeking to proceed with an application to the court for a preventative detention order, police must now produce more than was talked about some months ago. That, again, is to be welcomed; it is simply reinforcing that threshold test.

The second aspect that concerned me was the reporting mechanism. I am a former member of the Scrutiny of Acts and Regulations Committee, and anyone who has been on that committee understands that its bread and butter is to examine legislation, particularly with a view to ascertaining whether that legislation infringes upon people's rights and freedoms. One of the joys of serving on that committee is that you get to understand the full range of rights and freedoms, which extend to all sorts of things involving impacts upon people's property and upon their right to do this and that. On the scale of things the greatest right we enjoy, of course, is the right to liberty, the right to be able to move around this society freely. This bill proposes potentially very substantial trespasses upon rights and freedoms by removing people's liberties.

I believe quite strongly that the reporting mechanisms — the scrutiny this place applies to the operation of this bill — need to be proportionate to the potential infringement of people's rights. In that sense I have been keen to push the point that I believe a simple pro forma — which is the standard for many reports on legislation to Parliament — would not in itself be adequate, because it would not necessarily tell us much about the way these proposed laws were working.

The Council of Australian Governments agreement last year did not spend a great deal of time talking about reporting mechanisms. I think it said there would be a review within three or five years. What has happened with the amendments, and, again, through the good offices of the Department of Premier and Cabinet, is that there has been an understanding that Victoria will do far more than that and will subject the bill to more regular review. I think that is a good thing for two reasons. Firstly, it goes further towards preserving the balance of the rights and freedoms of Victorians to move around and not be detained unreasonably without charge; and secondly, it allows us as a community to look at whether the procedures envisaged in this bill are working properly. That is a very important thing. I hope potentially the review will come back and say to the Parliament, 'Look, there are some weaknesses that need to be addressed'.

This legislation, as indeed the broader terrorism threat, which is extraordinarily real, is a challenge to us all. I am very pleased to support the bill with the very significant amendments being introduced because I think they get us much closer to what is a reasonable balance.

Mr SAVAGE (Mildura) — I rise to support the Terrorism (Community Protection) (Amendment) Bill. I say at the outset that I do not believe the bill goes far enough. The preamble sets out the objectives of the bill. They are to give members of the police force special powers to prevent a terrorist act occurring or to preserve the evidence relating to a terrorist act or assist the community to recover from a terrorist act as part of the implementation of a Council of Australian Governments agreement on 27 September 2005.

The amendments are quite extensive and have caused me some concern as to appropriate assessment at this late hour, but I understand the difficulties faced by government to try and make sure the bill covers all aspects. I guess I will give it consideration on that basis. It is a great tragedy that this house has been required to enact legislation that is going to severely restrict the freedoms we have today and those we will have tomorrow.

I am angry and disturbed we have had to go down this path. We have invited and allowed significant number of immigrants into this country, and we have resettled thousands of refugees. A small number of these refugees and immigrants have repaid our hospitality by allegedly conspiring to plant bombs in our midst to cause death and destruction on a large scale. It has been said that many of these legislative anti-terror laws are not directed at Muslims. I am a bit puzzled by that observation. I am not sure who are the target groups on the basis of the evidence before us. I wonder whether it is perhaps my elderly mother living at Mount Tinbeerwah who is planning to undertake some terrorist enterprise. The reality is there is only one group out there that is actively engaged.

Alan Jones on 4 August last year on the *Today Show* said:

> Up to 80 Australians have trained abroad or had close links with terrorist groups such as al-Qaeda, and a former senior ASIO official, Michael Roach, has said that up to 60 Islamic terrorists are currently operating in Australia.

In other words, only 10 per cent of Australians have been charged as being known to have undergone terrorist training. He further went on to say that Charles Krauthammer, a *Washington Post* journalist, said that 6 per cent of British Muslims living in Britain, which is more than 100 000 citizens, think the 7 July terrorist attacks were justified, and that, according to a *London Telegraph* poll, one-quarter of British Muslims sympathise with the bombers, one-fifth of British Muslims feel little or no loyalty to Britain, and all these trends are worse among younger British Muslims.

Mr Krauthammer continued:

> This is not a stereotype, it is a simple fact that Jihadist terrorism has been carried out by young Muslim men of North African, Middle Eastern and South Asian origin.

The suggestion that Islam has no terror component is political correctness at its worst, and is part of the continual sycophantic approach to the ethnic warlords and multiculturalism that this state follows.

Let us look at some of the terrorist acts over the last 20 years. We can go back to the Munich Olympics in 1972; the takeover of the US embassy in 1979; the attacks on the marine base in Beirut in 1983; the attack on the cruise ship *Achille Lauro*; the destruction of TWA flight 847 in 1985; the attack on a Pan American plane in 1988; the attack on the World Trade Centre in 1993; the bombing of the US embassies in Kenya and Tanzania in 1998; and of course, September 11, which has left an imprint on all our minds that we will never forget. We woke up one morning thinking it was a rescreening of the end of the world, but instead it was the real thing happening before our eyes. Anyone who saw that has impressions that will never leave them.

We then had the Spain railway bombings, the London bombings in July last year and two significant Bali bombings which were directly related to killing as many Australians as possible. The evidence is there and we must be aware of the danger signs. It is fair to say that there is a large number of Muslim citizens in this country who are proud members of our Australian community and who make a significant contribution to the wellbeing of this nation. I certainly have a large number of people of that religious origin in my electorate and I recognise the contribution they make.

However, we have to also balance that with the danger signs of the growing terrorist threat we have seen for some time. There are many web sites that promote terrorism in Australia. There are book stores selling books that openly promote hatred and death by terrorist organisations or believers. We have Islamic leaders who have let their community down very badly. I do not need to detail the things that some have said in recent times. They have complained they are not a police force within the Islamic community and therefore they are not responsible for what some people do. I disagree with that. I think also there is a large number outside the terrorist component of people within the Muslim community who have some contempt and limited hatred of mainstream Australia. We should recognise what is happening around Australia and identify what it is.

A very interesting article was written by Tim Priest, a former New South Wales policeman who co-authored the book *To Serve and Protect* published in January 2004, and it assesses the Middle Eastern crime component of Sydney. The article was very predictive of what transpired this year in Cronulla. You would have to say there is some element of ethnic anarchy occurring in Sydney even post those particular riots. He identifies the causes of that. These things are connected to some of the problems we face today. They are not unrelated. Mr Priest identifies it as being the direct

result of 10 years of backing off by the New South Wales police service under the reign of Peter Ryan. He let ethnic yobbos throw bricks and rocks at police cars and did not tackle the problem.

Peter Ryan was arguably the worst chief commissioner that state has ever had. He was a charismatic loser: he took New South Wales police into the worst days they had ever seen. They are climbing back out of it now, but they may never recover. We have to identify this multicultural trap that we have fallen into. We saw the worst race riots in New South Wales since the gold rush. Similar problems have occurred in France, but on a larger scale. I have to say that around the world we see some real danger signs and we are realising that Australia may be part of this problem. We have to make sure we have a legislative process that gives the police the powers to deal with the potential threat.

I think we all agree that we have an attitude of tolerance and harmony, but it is a two-way street. People have to realise when they come here that they have to accept an element of the culture that prevails in this country and not make demands which are unreasonable. I believe that up to this moment in time we have been considering or making too many concessions, and that has made the problem worse than it needs to be.

I watched the British Prime Minister, Tony Blair, on the Internet after the bombings in London. I have to say he gave a very impressive account of how they were going to resolve some of the problems they faced. One of the problems that has been building for a long time in Britain is the fact that the European Court of Human Rights has refused to allow Britain to extradite or deport people who have been actively engaged in the incitement of terrorism. That is a very good example of why you should never lose legislative control of your state's rights and also federal rights. You should never sign up to conventions adopted by the United Nations. You should keep control of your legislative processes in places like this Legislative Assembly or the House of Representatives.

I support this bill, but I believe it could have gone further. I feel very disappointed that we have had to come into this place and agree to give up some of our freedoms, because we are a generous country.

Mr LANGUILLER (Derrimut) — It is not with pleasure that I rise today to speak on this bill. I think members on both sides of this house would concur with the proposition that we would rather be doing other things. However, reality is as it is, and consequently I support the Terrorism (Community Protection) (Amendment) Bill, which will make amendments to the Terrorism (Community Protection) Act 2003 to enact new counter-terrorism measures and enhance existing powers.

The objects of the bill are to give members of the police force special powers to prevent a terrorist act occurring, preserve the evidence related to a terrorist act or assist the community to recover from a terrorist act. The legislation is necessary because the nature of a terrorist threat means that the police may need to intervene early to prevent a terrorist act with less knowledge than they would have had using traditional policing methods.

One can take many directions in this debate, but I will endeavour to focus on what I regard as the priority, which is the protection and safety of our community, which is the fundamental obligation of the government. We have to make every effort possible to ensure that the correct balance is struck in relation to safety and security measures and civil liberties. I am confident the government has done just that. In passing I note with interest that there have been 109 registered attempts at definitions of terrorism at the United Nations level, and I refer to one by the UN Secretary-General, Kofi Annan:

> … any action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organisation to do or abstain from doing any act.

I generally concur with that definition. Unfortunately I think this is precisely the issue that we have before us.

I say in passing how careful we have to be. I think many members on both sides of the chamber have referred to the issue of protecting civil liberties and the fears legislators and governments around the world have in ensuring that mistakes are not made when defining persons, states or groups — but individuals particularly — as terrorist persons or groups. The most infamous and unfortunate example was in 1987–88, when the UK and the US governments labelled the African National Congress of South Africa and Nelson Mandela as terrorists. I think both those administrations at the time would recognise that mistakes were made.

However, we need to focus on the inevitable dangers we face. I for one have been in a number of countries whilst terrorism has taken place. I will not forget once being in Spain when ETA, the Basque terrorist organisation, carried out a terrorist act in a shopping centre in a Basque village. I will not forget mums and dads asking their governments and legislators whether they had done enough to protect the safety of their children and loved ones.

Uncomfortable as it is for most of us — or all of us, because I think we would all rather be on the side of protecting civil liberties — quite frankly the reality is that we have problems and we have to confront them. We need to be proactive and take preventative measures. The truth is that we are in somewhat of a luxurious position, because in Melbourne — and in Australia in terms of the mainland — we can talk about this proactively because we have not had such an event on our land. However, we have unfortunately seen successful attempts at acts of terrorism against Australians. I cite Bali for one, and other speakers have named others, such as those in New York, Madrid and so on. In my case, given my background, I was in Spain when the event that I mentioned earlier occurred. I have had more than one unfortunate experience of such things, but I will name another: Febe Velazquez, a young Salvadorian woman and trade union official, was killed after being the subject of a terrorist act in San Salvador.

It would be remiss of me as a member of this place not to concur with the position that this government has responsibly adopted in relation to this legislation. This is the final stage in implementing Victoria's tough new anti-terrorism laws. Prior to the Council of Australian Governments agreement the Victorian government released a statement entitled *Protecting Our Community — Attacking the Causes of Terrorism*. The statement announced that Victoria would only enact and support counter-terrorism laws that were based on evidence that they were needed, that were effective against terrorism, that contained safeguards against abuse, that were subject to judicial review and that were subject to a legislative sunset. At Victoria's insistence these were adopted nationally as the guiding principles for the development of the commonwealth's counter-terrorism laws. It is important to highlight that the bill before the Parliament meets the test of these five criteria.

It is with regret that one has to rise in support of this draconian legislation, which in many ways may sometimes impinge on civil rights. I have had issues brought to my attention to do with civil rights being impinged upon, may I say not necessarily in the Islamic or Muslim community but in other communities as well. But I recognise and do accept — and I have given a lot of careful consideration to this challenge for all of us — that we need to consider some questions. Is there a threat? Could there be a threat against Australians or Australia, or against other states and territories? Given my personal experience and my observations after having travelled to a number of countries around the world — and having been to Gaza and to a number of other states in that region — I have formed the view that there are individuals and groups which, if they could, would harm our civilian population and non-combatants, as Kofi Annan would put it.

Consequently it is incumbent on the government and the opposition to adopt the measures that are required. We have the luxury of being able to have this debate not post an event, which the Spanish legislators had to have. I watched so many Spanish inquiries where mums and dads would turn up and ask respective legislators, 'Why didn't you do enough?'. I would rather have the problem of having to explain that we might impinge on civil rights than have to try to explain to a family that because of a fear of impinging on people's civil rights we had not acted sufficiently or had not taken the measures required in the preventative and proactive sense.

It is with reluctance that I support this bill. I do so having given careful consideration to the fact that this is the legislation that Victoria unfortunately needs to have. May I be somewhat partisan in this debate in saying that it was this government in Victoria that brought some commonsense and balance to the table. We should not forget that it was on Ruddock's agenda to enact legislation and give consideration to the proposition of shoot to kill and the sedition law, among other things, and to give the police the powers to issue detention orders. It is because of the intervention of this good Premier and his good government that only a Supreme Court judge can authorise these powers.

I support the bill. I reiterate that I do so with reluctance, but I believe this bill meets the criteria that is required at this point in time. I am sure that we will continue to work through this and make further amendments if required. It strikes a balance between the fundamental role of government, which is to protect its people, and at the same time — —

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

Mr WELLS (Scoresby) — I rise to support the Terrorism (Community Protection) (Amendment) Bill. There is no doubt that Australia is a great place to live. We have democratic rights and we have freedoms. We can understand why so many people from overseas want to have Australia as their new home. It is of great interest to go to citizenship ceremonies and talk to people about why they have chosen Australia as their new home. One of the issues that comes up over and over again is the fact that they want to have a great future for their children, and safety is one of the reasons why people choose our country as their new home.

We can travel freely. We expect our governments at all levels to act in the best interests of all individuals. We expect our police to protect us from all crime and wrongdoing, free from political interference. We expect our court systems to act independently from executive governments, parliaments and political interference in making their decisions. We enjoy all these freedoms, but unfortunately these times are different. We have to balance the rights of individuals and the freedoms that we have experienced in the past with that of national security and individual protection. Most people in the community would agree that we have to make changes to protect the greater good.

The main provisions of the bill will enable a police officer to apply for a preventative detention order (PDO) against a person in order to prevent an imminent terrorist attack or to preserve evidence of a recent terrorist attack. A PDO will be granted when the applicant believes on reasonable grounds a person will take part in an imminent terrorist attack within 14 days, possesses or controls things that are connected to the preparation of an imminent terrorist attack or has participated in the preparation or planning of an imminent terrorist attack, or if the making of a PDO would assist in preventing the destruction of evidence of a terrorist attack within the past 28 days.

I note that the government has put forward a house amendment. The bill as it stands provides that an assistant commissioner of police or above has the authority to issue an interim PDO that lasts for 48 hours but then has to apply to the Supreme Court. That has now been changed so that they can apply to any court, which the Liberal Party supports.

The Chief Commissioner of Police, with the written approval of the Premier, can apply to the Supreme Court for special police powers against particular people or over a specified geographic area for 14 days. We note that the provisions dealing with strip-searching in public of children between 10 and 16 years of age have now been changed, and I will come to that in a few moments.

The attacks in Bali have brought us into the global sphere, and the attack on the Australian embassy in Jakarta showed that we are a part of the target of some groups in the world. The attack on the Australian embassy really hit home just how vulnerable we are. Although the attack was not on our own soil in that particular case, it was obviously targeted at our country. On 9 September 2004 a car bomb blast outside the Australian embassy in Jakarta killed 11 people and wounded up to 160 people. The Australian embassy staff escaped relatively unscathed, but that was not the case for many Indonesians who were working in and around the area. Police and embassy security staff were cut down by the explosion just 4 metres from the front gates of the compound, and the blast was heard up to 15 kilometres away.

We are gearing up for the Commonwealth Games, and the federal and state governments are working together closely to make sure that it is a very safe games. The threat of terrorism and the fear is a reality. These games are going to be something different to what we have seen in the past. There will be many more helicopters, the presence of the military, more police and fighter jets to make sure the airspace is safe. The venues are starting to be locked down now. The police and security guards will be monitoring and checking people as they go in. This is a reality, but everyone has the confidence that they will be able to visit these games in great numbers in safety.

Of course the queues will be longer than expected because we will be checking people as they go into the Melbourne Cricket Ground, for example, but I suspect that people will feel reasonably at ease about the fact that the reason for the queues will be that the security guards and police want to make doubly sure that people are safe and that they are not taking any risks. I suspect that the queues of people coming in and out of the airports will also be long as we check and double check.

It is interesting that the government has amended the provisions dealing with the strip-searching of children. The bill originally stated in clause 6(3) of schedule 1 headed 'Rules for conduct of strip-searches' that:

> A strip search of a child who is at least 10 years of age but under 18 years of age, or of a person who has impaired intellectual functioning, must …

The words that are proposed to be deleted are:

> unless it is not reasonably practicable in the circumstances, be conducted in the presence of a parent or guardian …

That will be amended by amendment 196 so that the bill will state:

> Sub-clause (3) does not apply if a parent, guardian or other acceptable person is not then present and the seriousness and urgency of the circumstances require the strip search to be conducted without delay.

That is a good halfway mark between what is realistic and realising that the police have a job to do and that if it is of a serious and urgent nature then they have the right to proceed. It is something that the Liberal Party is supporting. We appreciate that the government has

been able to look again at that provision and make it more realistic in its implementation.

As many speakers have said, we do not like the idea of this sort of legislation being put forward, but the reality is that we live in a different and more dangerous world and at some time we have to balance the individual rights and freedoms against the overall security of the state and of the country. For that reason we support this bill.

Ms MUNT (Mordialloc) — I am pleased today to rise and speak in support of the Terrorism (Community Protection) (Amendment) Bill. It is based on a special meeting of the Council of Australian Governments (COAG) on 27 September 2005. The object of the bill is to give members of the police force special powers to prevent a terrorist act occurring or preserve the evidence related to a terrorist act or assist the community to recover from a terrorist act.

I will give a little background to the bill. Before COAG the Premier released a report titled *Protecting Our Community — Attacking the Causes of Terrorism*, which states that Victoria would consider legislative measures including those to give greater stop, search and seize powers, limited by place and time, to the police, and extend the existing covert search warrant provisions and possible additional powers to protect essential services. The Premier also advanced the principles that should guide the development of counter-terrorism legislation, which require that it be based on evidence that is needed, be effective against terrorism, contain certain safeguards against abuse, be subject to judicial review, be subject to legislative sunset and be exercised in a way that is evidence based, intelligence led and proportionate. In my opinion all those objectives have been reflected in the bill. The bill also broadly covers preventative detention provisions, stop, search and seize powers and covert search warrants.

Subsequent to the statement, it was agreed at the COAG meeting to introduce nationwide counter-terrorism initiatives, and it is sensible to have blanket initiatives across Australia. A lot of discussion has since ensued between the federal and state governments and between our caucus members and departments and in the community generally. I have been approached on many occasions by people who want to talk about these laws. That is because as a Labor government we have had discussions regarding the balance between individual liberties and the safety needs of our community. We are particularly sensitive to that. We are also very mindful of the tools available to our police to ensure public safety. So that is the balance that we have to try to achieve: a balance between civil liberties and the tools available to our police.

In our discussions with the federal government I am aware that we have been at pains to ensure that the provisions of the federal bill, based on referred state power, contain enough safeguards, including the safeguard of a review of the merits of the lawfulness of a control order or preventative detention orders. I am satisfied that the balance has been reached with this bill. But it is a credit to the Premier that he has worked so hard in his discussions with the federal government to achieve this balance.

We now live in a different world and have a different nature of threat in Australia, and that has been detailed by previous speakers. These threats must be addressed. We cannot believe they will not affect us or will go away. We must have a proactive approach. It is particularly pressing now with the Commonwealth Games due to be held in Melbourne in a few weeks. We must be mindful of the safety not only of the citizens of Melbourne and Victoria but also of the visitors who will come to enjoy the games. I have been approached by people who are concerned about their safety during the event, so I think it is timely that this legislation is being passed by this house to give them an added sense of security and confidence that we are taking these issues very seriously and addressing them.

The nature of terrorism has changed, as we have seen recently all over the world. It is targeted against civilians going about their daily lives — at school, at work, on the train or the bus or on holiday. Normal people doing normal things are under threat and being hurt. In recent times we have seen it in London, New York, Spain and Bali. There have been numerous incidences of terrorist attacks. I stood in the gardens beside Parliament House with survivors of the Bali bombing and noticed their emotional and physical scars. I spoke with a mother who had lost her son, her daughter-in-law and her unborn grandchild. It really brings home the fact that these acts are right on our doorstep. So we have to be vigilant against acts of what we call terrorism but which I term mass murder.

We need this legislation. We need a legislative framework so that our police have the power and the information to intervene before these acts are committed against the citizens of Victoria. I would not want to be part of a government that was not prepared to deal with these threats and these facts of life. I support the legislation, and I commend the bill to the house.

Mr PLOWMAN (Benambra) — I am pleased to be able to contribute to the debate on the Terrorism (Community Protection) (Amendment) Bill on two bases. The first is that this legislation is undoubtedly the most serious legislation that has come before this Parliament in my term of nearly 14 years. As the member for Kew said, this is probably the most draconian legislation to come before the Parliament on any occasion, particularly with respect to private rights and personal freedoms.

The second reason why I am pleased to speak relates to the opportunity I had in 1998 when as a member of the Scrutiny of Acts and Regulations Committee I was fortunate to be included on a select committee appointed by the Attorney-General of the day to review the right to silence. The right to silence is the right of an individual to avoid the need to answer questions when apprehended and questioned by police prior to charges being laid. We were given the responsibility of travelling to England and Ireland to see how the right to silence legislation had been changed in both those countries as a result of the terrorism that had been in Ireland for some time, but which had more recently come into England.

We were privileged to be able to meet leading people in both Ireland and England from the judiciary and other organisations that were responsible for freedoms and liberties, so we saw and heard both sides of that argument.

The two issues of significance in this legislation that are relevant to that have previously been identified by the Leader of the Opposition. They are, firstly, the preventative detention powers in the bill and the difficulty in defining the threshold test of reasonable suspicion for detention to occur for a period of up to 14 days, and secondly, the requirements subsequent to that for a strip-search to be carried out on anyone who happens to meet that threshold. The experience and the information given to that select committee, of which I was part, made me quite aware, and it was certainly made quite clear to the committee, that increased police powers would be required in Australia. It was a case not of whether they would be required but of when they would be required.

The example that sticks in my mind is when the head of the Garda in Dublin described to us how some terrorists are trained to avoid answering any questions under interrogation. He explained that the terrorists are trained specifically to resist interrogation. Once apprehended the terrorists will not only say nothing in response to questioning or to the charges being laid but will sit in a cell or an interview room staring at the wall on the other side of that cell or interview room and make every attempt to make it clear not only that they are not listening but that they are not hearing the questions being directed at them. They make things even more difficult by smearing excrement over their faces and their clothing in order to make the situation impossible for the interviewer or interrogator. The only reason I bring this up is that it indicates how a terrorist operates after being apprehended and held.

It is of interest to note that when were in Ireland the period of apprehension was, as I recall, 30 days. But the big difference between the proposed law here and the law in Ireland was that in Ireland the suspect was able to be questioned and interrogated for that entire period. As members would know, this legislation does not allow such interrogation to occur. That provision is there for the safety of others, not so that the interrogation can be made and the police can then be given greater powers because of that.

I think that is the fundamental difference between the laws as they apply in the UK and the law that is proposed here. It is also of interest that when the UK introduced the changes to its legislation it was suggested that the period of apprehension be 60 days. That was reduced to 30 days. On that basis the proposed legislation is sensible and reasonable. It does give greater powers to the police and it does give greater security to our communities, and therefore I have pleasure in supporting the legislation.

Mr STENSHOLT (Burwood) — I rise to support the Terrorism (Community Protection) (Amendment) Bill and the house amendments with which we have been provided. I agree with the member for Scoresby that Victoria is a great place in which to live, and we should be able to raise our families in an atmosphere of peace, security and prosperity.

This bill goes to the heart of why we are here as members of Parliament. We are here to make sound and appropriate laws for our state. That includes these laws being balanced to ensure the safety and security of our community. We are living in an era of enhanced terrorism, and there have been many instances of terrorist acts in recent years in communities similar to our own. I have even had some personal experience of a terrorist act. I was part of the Australian Commonwealth Heads of Government Meeting (CHOGM) delegation in Sydney at the time of the Hilton bombing. In fact I had walked out of the building past the dumpster a few minutes before it blew up causing a very regrettable loss of life.

There have been other terrorist acts recently, whether in New York, Bali, Jakarta, Madrid or London, so we cannot ignore the danger from terrorist groups such as al-Qaeda — or Jemaah Islamiah, which is much closer to our part of the world. These issues are certainly real. Let us not play that down in any sense; they are real. I know that our state and federal leaders were given appropriate intelligence briefings in this regard. I understand what these briefings are; I used to work in Canberra, and I understand what intelligence briefings and discussions are all about. They need to be taken very seriously. All these various state and federal leaders came away convinced of the need for strengthened legislation. I am not saying that they all walked in thinking that way, but they all came out thinking that way. There was a wide range of views, but they were all convinced of the need for appropriate legislation.

I am proud that the Bracks government has consulted widely on this legislation and included strong safeguards and accountability measures. I should say that this is the Labor way. The balance is what we seek to achieve, and I repudiate the views of the Leader of The Nationals. The Labor Party is able to make sound judgments, protect civil liberties and provide strong safeguards for our communities in a way that I am sure The Nationals would not be able to do. We can do that in a way that protects our society while preserving checks and balances through the legislation and the way we frame our regulations.

I should note that this legislation is complementary to the federal legislation. As other speakers have mentioned, there was agreement at a COAG meeting last year to enact legislation to strengthen the counter-terrorism laws. I am very proud of our leader for that. When the states were asked to pass complementary legislation, they sought to provide appropriate checks and balances. The commonwealth legislates on other matters — sedition laws, advocating terrorism control orders, and laws concerning the financing of terrorism — but the state governments lobbied to ensure that extra safeguards were put into the legislation. These included the judicial review of decisions. We took a principled stand, we took a stand on balance and we took a stand supporting all Victorians and ensuring, for example, that the extended shoot-to-kill powers were not included — and the federal government subsequently agreed to this. I am also proud that the government consulted widely on the bill. This is a government that wants to ensure that our community is protected and that the community is able to understand and contribute to the dialogue that goes into framing such important and significant legislation.

We put this legislation to the Parliament before Christmas and let it lie over for a number of important reasons. The first was to allow full consultation and debate with key stakeholders, given the very extensive and controversial nature of the changes proposed. This is not an insignificant bill; it is highly significant and has required consultation. The second reason was to enable the bill to be amended if there were any changes to the commonwealth legislation or any changes suggested in the Senate inquiry into the bill. We were prepared to wait and see rather than rushing into legislation and amending it later.

Victoria had its own inquiry, and I commend the Scrutiny of Acts and Regulations Committee for its work. It tabled its recommendations in its *Alert Digest* no. 1 of 2006. The house amendments were introduced by the Premier yesterday to allow members to look at them, and as has been mentioned by the member for Kew and the Leader of The Nationals, briefings were provided so that members could understand what the changes were going to be. We are getting unanimous support for this legislation today.

I am very pleased that the bill contains a number of checks and balances, including the provision for judicial review. I should reaffirm and underline that it is not as a result of action by the Liberal Party or the shadow Attorney-General; it is a result of action by the Labor Party. I attended a number of meetings on the bill, along with my caucus colleagues, and we raised a number of substantive issues regarding safeguards. These have been included in the bill. The legislation provides a lot of safeguards for people detained under preventative detention orders, and I should just mention a few, including prohibiting the questioning of a detained person, other than to confirm their identity, prohibiting an order against persons aged under 16 and ensuring a full merit review by order of the Supreme Court — and I could go on, because there are quite a number of them. However, I think the judicial review provisions are very important, and I very much support them, along with the other provisions and safeguards which have been put in this bill.

A number of wide-ranging provisions and amendments have been put forward. While they are very comprehensive — as we know, there are some 200 of them — it shows that this is a government that listens and actually consults. The government has been able to take this on board and actually strengthen the legislation while ensuring it is legislation with an appropriate balance.

I support this bill and the amendments to it. I agree with other speakers that it is regrettable in our society that

we have to introduce such legislation. But we have had to introduce it in order to provide the powers to meet a possible threat of extreme terrorism. We have a responsibility to ensure that law enforcement agencies have effective powers and the legal means to counter terrorism while ensuring there are strong safeguards and accountability measures. I support this balance, and I commend the bill to the house.

Mr PERTON (Doncaster) — Unlike the member for Burwood, it gives me no great pleasure to be placed in the position of supporting this bill. Australians have been a free people not subject to the authoritarian measures and surveillance perpetrated in many parts of the world. As my friend the member from Scoresby said, many people have come to this country to raise their children in a safe environment, and I put it to the house that many more people have come to this country because of the innate freedoms enjoyed by its people. The safety in which we live is as a result of the common-law tradition which has given us a parliamentary democracy and a set of safeguards that up until now have been the envy of many people in the world.

This bill continues the process of reducing the common-law rights of the citizens of this country. The Scrutiny of Acts and Regulations Committee has given this bill a very thorough examination. I notice that the member of Burwood skipped over all the concerns of the committee, but I shall return to them later. As members of this house have said, there is an increased prevalence of terrorism against Western liberal society. The member for Mildura said this was about the threat of Muslim terrorism. As subsequent members noted, organisations like ETA in Spain do not seem to have any religious basis to them. The threat of terror comes from a wide range of sources.

Terror has been with us for thousands of years. I am sure the Romans spoke of terrorist attacks — or whatever the Latin equivalent is. One also thinks back to the causes of World War I and the like. Terror has often been used against governments and against innocent citizens.

The threat of terror against soft Australian targets such as holiday-makers in Bali and the Australian embassy in Indonesia and the attack on British citizens on the streets of London are certainly new, but is the appropriate response to diminish the rights of Australian citizens? Is it right that in order to oppose the terrorist threat from people who hate us for our liberal values, our individualism and our freedom, and who would, given the option, impose an authoritarian religious state upon us — and certainly upon their own people — we should respond by creating a more authoritarian state?

The Prime Minister, state premiers and senior federal ministers have been privy to material that has persuaded them that we should introduce measures to deprive Australians of their liberty despite their not having been arrested or convicted for any crime. The federal opposition leader, Mr Beazley, was also persuaded that this was the case and was prepared to support this legislation sight unseen. In fact Mr Beazley was quoted as saying:

> These are extraordinary circumstances; they're not normal times. Our priority has got to be [the] protection of the Australian community. So I'm happy enough with that.

As the author of *Clash of Civilizations* and others have said, this is not a short-term threat. The current, raised level of terrorist threat in Western societies is from an ancient cause — a cause that will continue not just for years but for decades. Will we have to have legislation like this into perpetuity?

My parents came to Australia, as did other members of my family and many Europeans, after World War II to escape the authoritarian nature of Soviet society. Many people fled Europe to escape fascism, and many Chinese citizens of this country came here to escape Chinese communism. In all those societies detention without charge and detention without trial are the norm. They are offensive to people; they are offensive to us. It remains a surprise and a source of tension to me that we are introducing these powers to Australian governments. As a liberal it seems to me that we are placing very great faith in the police force and the executive arm of government. These are not powers I am happy to give the executive and the police.

As Petro Georgiou, the federal member for Kooyong, said:

> These measures bring to the fore the very real tension between Parliament's duty to protect the community from the threat of terrorism and its obligation to ensure that other fundamental rights such as due process, liberty and freedom of speech are not unduly infringed upon or curtailed.

This is backed up by the Scrutiny of Acts and Regulations Committee *Alert Digest* No. 1. I will briefly quote from it, because it is a very long report, but I recommend it to any citizen reading *Hansard*. It says:

> The committee observes that were the police powers to grant an interim order (ex parte without judicial determination) to be misused or over-zealously applied, the powers so exercised may constitute arbitrary arrest and detention of the subject. In light of the inclusion in the bill of compensation provisions

> the committee observes that the possibility of an inappropriate resort to the use of these powers is not so remote that it should remain unreported.

Indeed the Leader of the Opposition, who is the honourable member for Malvern, and the member for Kew have both pointed to the fact that the Queensland legislation provides a greater degree of safeguards and greater levels of scrutiny to enable parliamentarians and the community to satisfy themselves as to the exercise of these powers.

The other thing that concerned the Scrutiny of Acts and Regulations Committee, as well as a number of federal Liberal Party members of Parliament and others, is the 10-year sunset provision. If the times are so extraordinary, as Mr Beazley suggests, then it would seem to me that 10 years is an unconscionably long time for the legislation to operate without a sunset clause. Given the very draconian powers in respect of reporting on the exercise of these powers, it would seem to me that it will be very difficult indeed for members of Parliament to properly scrutinise this legislation.

Over the past 10 years I have had debates with a number of my friends, both Australians and others living in other commonwealth countries, who support a bill of rights for the reason that parliamentarians are not sufficiently zealous in protecting citizens' rights. I fear that it will be very difficult indeed for parliamentarians to ensure that the powers being given to the executive arm of government and the police under this legislation are not abused.

The threat of terrorism is very serious. Many innocent people have died. A friend of mine was assassinated in another country merely for being a moderate seeking the cause of community unity in Sri Lanka. As members know, I was in Rwanda last week where the genocide museums speak loudly of the threat of terrorism. The point that is made by many members of this house that this terrorist threat is serious is something I take seriously indeed.

The parliamentarians of this country have almost unanimously agreed with this legislation but they have agreed to it on faith. It is so often the case now that state parliamentarians are forced to vote in favour of legislation because there is an intergovernmental agreement at the federal level. That is very much the case with this legislation. A decision made by the Prime Minister and premiers is being implemented in this house. I hear some of the speeches from Labor members who are very uncomfortable with having to espouse the virtues of this process. We have a strong obligation to protect the rights of citizens under this legislation. We will have a strong responsibility at the time of the sunset clause. It will be our duty to protect the rights of our citizens in, as Mr Beazley says, these extraordinary times.

Mr INGRAM (Gippsland East) — I rise to speak on the Terrorism (Community Protection) (Amendment) Bill. I do not always agree with the previous speaker, the member for Doncaster, but I do agree with much of what he has indicated on this occasion.

As has been indicated, this bill implements the Council of Australian Governments agreements set down by the Prime Minister and the premiers. It is very difficult — I will keep going for my full 10 minutes if you do not stop me, Acting Speaker.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Gippsland East will have the call after question time. It is time for the luncheon break. The Chair will be resumed at 2.00 p.m.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Mr McIntosh — On a point of order, Speaker, I note that you have written to me clearing the member for Ivanhoe of any wrongdoing. I was wondering whether to clear the air you could inform the house by providing details of that investigation.

The SPEAKER — Order! I am somewhat surprised that the member for Kew has raised this in the house this afternoon. He and his party are aware that communications between members and the Speaker are confidential, particularly when they relate to another member. I was surprised that I learnt of this matter through a conversation with a member of the media, who raised it with me. I certainly have no intention of breaching the confidentiality of this house so I will not be making any statements in relation to the member for Kew's point of order.

Mr Honeywood — On a point of order, Speaker, I advise you that I have referred all the allegations against the member for Ivanhoe to Victoria Police. I seek leave to table my letter to Victoria Police. Is leave granted?

Honourable members interjecting.

The SPEAKER — Order! There is no point of order. I am disappointed that for two days in a row the Deputy Leader of the Opposition has sought to make allegations and statements in this house which he, being a long-serving member of this Parliament, knows full well are not points of order.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Royal Children's Hospital: administration

Mrs SHARDEY (Caulfield) — My question without notice — —

Honourable members interjecting.

The SPEAKER — Order! I remind members on both sides of the house that when a member stands to ask a question other members should show them the courtesy of listening to their question in silence.

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast!

Mrs SHARDEY — My question is to the Minister for Health. Does the minister have complete confidence in the management of the Royal Children's Hospital?

Ms PIKE (Minister for Health) — I thank the member for Caulfield for her question. The government's commitment to the Royal Children's Hospital is absolutely unquestionable. Last year we committed $850 million to a rebuild of that hospital. To my knowledge that is the biggest ever building project of any public hospital in Australia's history. We will be working very closely with the board, chaired by Tony Beddison, and, through the board, with the management of the hospital to ensure not only that that rebuild of the Royal Children's Hospital is successful but that the ongoing management of that hospital will be undertaken in a way that best serves the needs of Victoria's children.

Mrs Shardey — On a point of order, Speaker, as to relevance, I appreciate the minister — —

Mr Maxfield — You're never relevant!

The SPEAKER — Order! I warn the member for Narracan!

Mrs Shardey — I appreciate that the minister may wish to give some background, but my question relates to her confidence in the management of the hospital, and I ask that she address that question.

The SPEAKER — Order! I understand the minister was addressing the question.

The Minister for Health has completed her answer.

Sport: major events

Mr CARLI (Brunswick) — I refer the Premier to the government's commitment to bringing world-class sporting events to Victoria and ask the Premier to detail to the house recent examples of this commitment.

Mr BRACKS (Premier) — I thank the member for Brunswick for his question. Looking at what is happening in Victoria this year, we have the Australian Open tennis championships; the ILS World Lifesaving Championships in Geelong and Lorne, which will be spectacular; the stopover of the Volvo international ocean yacht race, also a great fillip for our economy; the Commonwealth Games; and the Australian Formula One Grand Prix — and it goes on and on.

I was pleased today, with the head of the Major Events Company, Sir Rod Eddington, and other key people to announce not only that we have some of the biggest events in the world currently in Victoria and will have in the future, going forward to the FINA World Swimming Championships in 2007, but that we will also have a significant program of international football over the next four years.

Honourable members interjecting.

Mr BRACKS — The member for Brunswick will have a lot of constituents who will be going, the Minister for Tourism will have a lot of constituents who will be going and many other members will have constituents who will be going to these events. This will kick off — —

Honourable members interjecting.

The SPEAKER — Order! There is something about football that in this chamber always brings a strange response!

Mr BRACKS — This four-year program of international football events will kick off on 25 May this year at the Melbourne Cricket Ground (MCG), which has been redeveloped and refurbished by our government in conjunction with the Melbourne Cricket Club. The first event on that day will be a game leading up to and in preparation for the 2006 FIFA World Cup between the Socceroos and Greece at the MCG. What a great lead-up event to the World Cup in Germany to have Greece, the European champions, here in Australia for the first time since 1978 with their full team playing against the Socceroos on 25 May this year. We will also have a rolling four-year program, of which this will be the start.

In 2007 there will be a Powerade Series match between the Socceroos and one of the world's best football nations. The 2008 FIFA World Cup qualifier will be in place and will be Australia's first World Cup match since its membership of the Asian Football Confederation. In 2009 we will have the World Cup qualifier here between the international team we are competing with to go into the subsequent World Cup finals following Germany. These are big international events, the biggest in Australia, and they will be occurring here in Melbourne and here in Victoria.

Starting that with a friendly lead-up game to the World Cup between Greece and the Socceroos is going to be of great benefit to our state and a great benefit to our international reputation and will showcase the MCG in all its glory to the international community. The MCG, which has been rebuilt successfully by our government on time and on budget, is ready for the opening ceremony of the Commonwealth Games and also ready for the Victorian athletics championships, which will occur there.

This is a great series of world-class events adding to the enormous international reputation that Victoria has. I want to congratulate all those involved: the Major Events Company; Sport and Recreation Victoria, which has done a great job; and Frank Lowy, who was here for the announcement today and who has done a great job in the resurrection of international football in Australia. His praise of the Victorian government was significant at the presentation today.

Government: advertising

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the government's $80 million advertising propaganda campaign, and I ask: how does the government justify this waste of taxpayers money while refusing to provide a helicopter service to people in south-west Victoria, refusing to provide $20 000 in financial assistance for struggling horticulturalists in the Sunraysia, and refusing to fund the additional 1500 hospital beds which the Australian Medical Association estimates Victoria will need in the next five years?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. One thing I can guarantee the house is that if ever there is an opportunity for The Nationals to be in government, the party will do what it did before — that is, cut into services. The party's record is there for everyone to see: it closed railway lines, schools and hospitals.

In answer to the member's question, the government has invested record amounts in public services in Victoria. If you look at how we have managed the economy and finance, we have put that back into services for the Victorian public — health, education and public safety. That distinguishes us from what occurred for seven years under the previous government, which cut into services in health, education and public safety. The Nationals closed railway lines, schools and hospitals around Victoria.

Honourable members interjecting.

The SPEAKER — Order! I ask members to settle down. The level of interjection is far too high.

Commonwealth Games: preparations

Ms GILLETT (Tarneit) — My question is to the Premier. I refer the Premier to the government's commitment to making the 2006 Melbourne Commonwealth Games the best games ever and ask him to update the house on preparations for the games.

Mr BRACKS (Premier) — I thank the member for Tarneit for her question and her work in supporting the Minister for Commonwealth Games in the other place, the Honourable Justin Madden, in the task of getting ready for what is going to be the biggest event that Victoria has ever seen. It will be bigger than the 1956 Olympics, such is the scale and size of events like the Commonwealth Games. What we will see in Victoria in 34 days — —

Mr Smith interjected.

The SPEAKER — Order! The member for Bass will cease interjecting in that manner.

Mr BRACKS — In just 34 days time we will see 71 nations represented here. One-third of the world's population will be represented here in Victoria. We will have about 1 billion people plus — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to resume his seat. I ask members to behave in a manner which allows question time to continue in an orderly manner, which means that I would like the Leader of the Opposition to cease that very loud interjection across the table, and I ask other members in the house to be quiet to allow the Premier to answer the question.

Mr BRACKS — So with 34 days to go the Commonwealth Games are well and truly on track for what I believe will be the best Commonwealth Games

ever. The organising committee for Melbourne 2006 has undertaken a series of games overlay works venues, and I am delighted to say that all our infrastructure projects are ready to host the world's best athletes next month. Cabling works for the opening ceremony at the Melbourne Cricket Ground are in place, and I saw some of the cabling works when I was at the MCG today for the announcement on international football. The athletics track has been uncovered and is only days away from being ready next week to host the Victorian open track and field championships, which will be held in February. The new bridge into the MCG and the Olympic Park precinct — —

Mr Thompson — On a point of order, Speaker, the Premier appears to be reading from a document, and I was wondering if he could table the document.

The SPEAKER — Order! Is the Premier reading from a document?

Mr BRACKS — I was referring to notes.

Honourable members interjecting.

The SPEAKER — Order! There is no point of order, and I ask the member for Doncaster to cease interjecting in that manner as well.

Mr BRACKS — I indicated that the new bridge, which connects Birrarung Marr Park and Federation Square to the MCG and the Australian tennis centre, is also open. I am pleased to say that the Melbourne Sports and Aquatic Centre is also ready to take athletes from around the world and will host 20 per cent of all Commonwealth Games competition, with swimming, diving, synchronised swimming, table tennis and squash all taking place at this great complex. The pool has had a significant tryout with the — —

Mr Plowman interjected.

The SPEAKER — Order! The member for Benambra!

Mr Plowman — He is reading from a document.

The SPEAKER — Order! I do not intend to continue question time with members just yelling out for no apparent reason except that they wish to make a contribution. The member for Benambra knows as well as I do what the rules are in this house, and I ask him to adopt them. If he wishes to raise a point of order he is welcome to, but he is not welcome to just sit there yelling out at the top of his voice. That also applies to other members who find it necessary to make a contribution when ministers are answering a question.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster knows full well not to be interjecting at a level that I can at least hear when I am on my feet. I have warned him of this on previous occasions and I have removed him from the house for a similar offence, so it would be fairly difficult for the member for Doncaster to say he does not know what the rules are. I warn him as well. I ask the Premier to continue answering the question without any assistance from other members.

Mr BRACKS — As I mentioned, the aquatic centre had its tryout for the Australian championships and the trials for the Commonwealth Games. Not only was it successful, but we know several world records were broken as part of that.

The athletes village is also having security checks for a lockdown. Some 5800 athletes will be present in the Commonwealth Games village. Athletes and officials will live in 155 permanent houses.

Mr Thompson — On a point of order, Speaker, another requirement in responding to answers is that they be direct, factual and succinct. The Premier has been speaking now for more than 5 minutes and is reading from a document. I ask you to get him to answer the question more succinctly or make a ministerial statement.

Mr Batchelor — On the point of order, Speaker, the Premier has been continuously interrupted both by interjections and frivolous points of order during the debate today. This is clearly some newly coordinated strategy to try and prevent the Premier delivering the good news he has been delivering.

The SPEAKER — Order! The Premier has indeed been interrupted a number of times by interjections and also by me responding to interjections. I will allow the Premier to continue. Whilst the member for Sandringham is right — ministers are required to be direct, factual and succinct — I do not think you can count the time when there are interjections and rulings from the Chair as part of that response time.

Mr BRACKS — Some 5800 athletes will be present at the Commonwealth Games village. It is expected with the large dining hall that some 20 000 different meals will be served there every day. All the overlay works for the Commonwealth Games village have been completed and all the venues are now ready to take athletes from around the world. As I mentioned, one-third of the world's nations will be represented

here — 71 nations — and more than 1 billion people worldwide will be seeing what is happening here. The preparations for the Commonwealth Games could not be better, and I want to congratulate everyone involved. The minister and the organising committee have done a great job. We have 34 days to go and we could not be better prepared.

Royal Children's Hospital: administration

Mrs SHARDEY (Caulfield) — My question without notice is to the Minister for Health. Will the minister admit that the Royal Children's Hospital is operating in such a disastrous financial position that the Department of Human Services will impose a new financial strategy and a new senior executive management?

Ms PIKE (Minister for Health) — I thank the member for Caulfield for her question. I have already reminded the house that the government has in fact committed to rebuilding the Royal Children's Hospital — the largest hospital rebuilding project in Australia. Additional to that is the enormous amount of capital funding we have already been providing and will provide to the Royal Children's Hospital. We have dramatically increased the amount of recurrent funding available to the hospital. Over the last six years the Royal Children's Hospital's has been sharing in the overall 70 per cent increase in recurrent funding so that we can hire more nurses and treat more patients. On top of that we can — —

Mr Doyle interjected.

The SPEAKER — Order! I have asked the Leader of the Opposition not to continually interject, but he seems to be totally ignoring my previous request to him. Once again I ask the Leader of the Opposition not to continually interject.

Ms PIKE — On top of that we conducted a major price review throughout all of our hospitals, and given that the cost of treating children is higher than the cost of treating adults, we adjusted the price weights, and through that mechanism we have provided even further additional funding to the Royal Children's Hospital. This financial year in our budget the situation was no different: there was a significant increase in funding to the Royal Children's Hospital.

At the moment the Department of Human Services is working with all our public hospitals and reviewing their performance in the middle of the financial year. As part of that review we are of course talking about their performance in terms of access and their financial performance. Those discussions have been undertaken with the Royal Children's Hospital, as they have with every hospital. I am advised by the Department of Human Services that the Royal Children's Hospital is in fact performing well, that there is no cash crisis or cash issue — —

Honourable members interjecting.

Ms PIKE — I have confidence that the children's hospital is being well managed and that it is continuing to deliver the highest quality services to the children of Victoria. I know that Victorians are very proud of the Royal Children's Hospital. It is a world-class hospital, and I as health minister monitor the performance of the Royal Children's Hospital because the government has every interest, as does the community in Victoria, in maintaining that world-class service.

Commonwealth Games: public transport

Ms OVERINGTON (Ballarat West) — My question is to the Minister for Transport. I ask the minister to detail for the house what steps the government is taking to prepare Victoria's public transport system for the influx of visitors to Victoria during the Commonwealth Games.

Mr BATCHELOR (Minister for Transport) — In 34 days Victoria will be participating in one of the most exciting events for this state in many years. Of course I am talking about the Commonwealth Games, and as this event draws nearer more and more Victorians are beginning to think about how the games will impact on them and how they can maximise their participation in the games and their enjoyment. Behind the scenes a huge amount of work has been undertaken to ensure that the Commonwealth Games are a fantastic event. Transport, in particular, requires a massive amount of coordination.

The number of public transport services being provided to both Victorians and international visitors will be unprecedented. I want to thank the public transport staff, the public transport unions and the public transport companies for their commitment to work their hardest during what will be a very difficult and stressful period for people delivering these public transport services.

The size of the challenge cannot be underestimated. We are talking about running an event which is really the equivalent of holding the Australian Football League Grand Final, the Australian Formula One Grand Prix and the Melbourne Cup all on one day, and we are asking the public transport system to provide services

for the equivalent of those three events being held on one day not just for one day but for each and every day for 12 days.

A great deal of planning and preparation have gone into this. In fact we are putting on an additional 28 000 train, tram and bus services across Victoria to handle the extra demand brought about by the Commonwealth Games. During the games more people will be out and about — that is stating the obvious — and that will have a significant impact on the way people get around the city, especially during the peak periods, and this impact should not be underestimated. What will it mean for the people who go to and from the games and to and from the cultural events and people who are going about their daily business? It will mean they will take longer to get to their destinations. They will need to plan ahead and be prepared for delays.

This is important information that I am sure the people of Victoria will be keen to hear. This rule of thumb of planning ahead, preparing for delays and preparing to take longer is a rule of thumb that will apply to both motorists and public transport users. For motorists there will be two exclusive games-only lanes that will have limited use. They will be limited to authorised games vehicles and emergency service vehicles. These exclusive lanes will run from the games village to the sports and entertainment precinct and another one will go from the games village to the Melbourne Sports and Aquatic Centre.

The other thing that people need to understand for the Commonwealth Games is that there were will not be parking at the games venues. In addition there will be changes to road operations around all major Commonwealth Games venues. In general, during the games motorists will have less road space available to them, so it is important to stress again that they will need to plan and think ahead.

We thank everyone who has been working so hard to make this event good and enjoyable for the people of Melbourne. We ask the people of Melbourne not to forget that it is not business as usual and that the event will be over 12 days. We urge people travelling — —

Mr Thompson — On a point of order, Speaker, there has been a tradition in the house that answers to questions without notice are generally kept to roughly 4 minutes. Direct factual succinctness is — —

Mr Brumby interjected.

The SPEAKER — Order! The Treasurer will not interrupt while a point of order is being taken.

Mr Thompson — It is something that should be borne in mind by government advisers when they are preparing scripts for ministers. They should adjust the length.

The SPEAKER — Order! Part of the point of order was out of order! The minister has been speaking for some time, and I ask him to conclude his answer.

Mr BATCHELOR — We wonder what comedian wrote his script. We are told he has a whole bagful that he will trot out over the next few weeks.

The SPEAKER — Order! Perhaps the minister can finish answering the question.

Mr BATCHELOR — They will get less funny as we go along. One of the things that Melburnians should think about when they are preparing to travel during the games period is to take seriously the thought of travelling off peak, remembering that the Commonwealth Games travel activity will generate three peaks for Melbourne public transport.

Ombudsman: child death report

Mr DIXON (Nepean) — My question is to the Minister for Children. I refer the minister to the Ombudsman's report into the tragic death of baby Ben. Why is the minister refusing to release this damning report and why is she involved in a cover-up of gross negligence?

Ms GARBUTT (Minister for Children) — This is a very disturbing case and one I found very distressing, as did everyone who has been dealing with it. Late last year the Ombudsman provided a preliminary report to the department and asked that it respond. I asked the department to make sure the recommendations were either already addressed by the reform process or would be addressed by the package of initiatives that the government announced late last year.

The Ombudsman was satisfied that the government was addressing the issue and that concluded his investigation. I understand the Ombudsman has said it is not in the public interest to release his draft report, and I accept his decision. The child was injured over two years ago, in late 2003. Many of the issues that were raised by the Ombudsman had been picked up by the major child protection reform process that had been under way since I made my ministerial statement in May 2003.

The context is that since coming to office we have increased funding by 58 per cent in child protection and family support services. That is an extra $116 million.

Many major improvements have been made to child protection and the care system, including the appointment of the child safety commissioner, the introduction of the new child protection legislation that passed the house last year, a new investigative unit to monitor protection practices, the carers list that was announced last October to maintain a central list of carers and the identification of unsuitable carers and the appointment of an extra 120 child protection workers. The results can be seen in the notification levels, which in Victoria rose by only 1.5 per cent in the last financial year compared to 18 per cent nationally. We are certainly making progress on the reform program.

Tourism: major events

Mr MILDENHALL (Footscray) — My question is to the Minister for Tourism. I refer the minister to the government's commitment to maintaining Victoria as the major events capital of Australia and ask him to detail to the house some of the attractions that will bring visitors to Victoria in 2006 and the economic benefits that will flow from this.

Mr PANDAZOPOULOS (Minister for Tourism) — I thank the member for Footscray for his question. Members on this side of the house are very pleased about our major international event reputation around the world. What a year of major events we are having in Melbourne and Victoria. Not only is the world's biggest event this year, the Commonwealth Games, occurring here in just 34 days time, but Melbourne and Victoria are hosting more international events this year than they have ever hosted before. Melbourne is hosting more than any city anywhere in the world has ever hosted in one year. That is because of a clear policy the government has had to make our major events strategy an all-year-round strategy involving sport, culture and fashion to attract visitors to our state every month of the year.

Twenty-four major events will occur this year. Every couple of weeks there is an international standard event in Victoria. Our event season normally kicks off with the Australian Open. Despite the Aussies dropping out early, we still had record crowds. What a fantastic show of support Australians gave to this country's newly adopted son, Marcos Baghdatis. It was great to see that sort of spectacle. It was a record crowd supporting the underdog who helped make it a great event. The Australian Open was barely finished when the Volvo Ocean Race started. We welcomed the world's biggest ocean racing vessels in Docklands. I encourage members of the house to visit Docklands and Waterfront City this weekend. On Sunday we wave off the yachts. Also, the Melbourne Food and Wine Festival is having its wine spectacular at Docklands this weekend.

In February the World Life Saving Championships are taking place in Geelong and Lorne, and in March we will have the great spectacle of the Commonwealth Games. Four days after the Commonwealth Games we will see the 11th Australian Formula One Grand Prix — another great spectacle that increases in economic value to our state every year under this government. Of course we had the Premier's announcement today not only of the deal with Football Australia but of the FIFA World Cup game when Australia's Socceroos team, on its way to the World Cup in Germany, will play the European champion, Greece, in Melbourne on 25 May. What a great spectacle that will be.

If we thought Lonsdale Street being shut down in the middle of the night to get all those Greek Australians turning up and cheering on the Greek team was anything, if we thought the world's biggest Zorba dance at Federation Square in blue and white was anything, and if we thought the colour and spectacle of Baghdatis at the Australian Open was anything, we ain't seen nothing yet! The blue and white of the Hellenic supporters will be there, matched with the green and gold. But, Speaker, some of us have some very difficult choices to make about what events to go to this year, given this record number of events.

Honourable members interjecting.

Mr PANDAZOPOULOS — But it is great to be in a multicultural country where you can wear the green and gold with great pride — wear your Pandazopoulos Socceroos top — and put on your Greek scarf and wear them together.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to finish his answer in a more orderly manner.

Mr PANDAZOPOULOS — I had to share with the house the dilemma that I face in May, Speaker. Of course that Australia versus. Greece soccer game is only some of it. The Picasso exhibition starts in June for three months at the National Gallery of Victoria as part of our three-year event strategy of Melbourne winter masterpieces. Then we will have the Australian Motorcycle Grand Prix in September and the Spring Racing Carnival, with 50 days of world-standard racing; and we will end the year with the Boxing Day test as the Ashes return to Australia. It will be watched by tens of thousands of Brits, all coming over here to see Australia win back the Ashes.

What a spectacular year of major events. Events provide $1.2 billion to our economy every year. This year we are talking about a $3 billion contribution. Victoria is not only the place to be, but we are promoting our state to tourists as the place to invest and the place to live. That is why we fund events: they showcase our great strengths to the world, and we will have a great time as well.

The SPEAKER — Order! You left out that great sporting event, the election!

Rural North West Health: Hopetoun campus

Mr DELAHUNTY (Lowan) — I direct my question to the Minister for Health. I refer the minister to the upgrade of the Hopetoun hospital which is over budget and nearly two years behind the scheduled opening day, and I ask — —

Honourable members interjecting.

The SPEAKER — Order! The member for Lowan, without assistance from members on my right.

Mr DELAHUNTY — Given that the original contractor was sacked by the government, will the minister guarantee that subcontractors will be paid for materials supplied and work that they have completed on the project?

Ms PIKE (Minister for Health) — I thank the member for his question. The rebuild of the Hopetoun campus of Rural North West Health is a project that has been able to be facilitated by an $8 million grant from this government. That is part of the $550 million that we have spent over the last six years in rural Victoria alone on rebuilding the infrastructure in our health system. What a contrast that is from the 12 closures that characterised the previous government.

The member has raised some specific concerns regarding the Hopetoun campus of Rural North West Health, and I want to address them. What happened in that situation was that Warburton's was a contractor that was appointed by the government to begin and complete the work that was required at the Hopetoun hospital. Over a period of time the contractor was found to be in breach of several matters in the contract. There were many meetings in an attempt to resolve this matter, particularly, of course, to protect the community and ensure the hospital was completed and that the resources of the community were protected as well. The Department of Human Services was unable to resolve the matter and the contractor in fact was terminated. The department met all of its financial obligations. Later an administrator was appointed and it is now in control of Warburton's.

The particular subcontractor that the member referred to has himself had a longstanding dispute with Warburton's. That dispute was well under way long before the contract with the Department of Human Services was terminated. The subcontractor's relationship is with Warburton's as the main contractor, not with the state government, and there are many mechanisms available to that subcontractor to resolve his concerns with the administrator. That is appropriate and proper because our obligation and responsibility is to protect the public interest.

People will be aware that this subcontractor has been running a very public campaign seeking to enjoin the state government in the resolution of his dispute with Warburton's. I would certainly hope — and I have been given an assurance by the member for Lowan about this — that members opposite would not be supporting threats to go into a nursing home where 33 elderly people now reside and pull the plaster off the walls. That threat was made by the subcontractor in the public arena in an attempt to enjoin the state government in what is a dispute between contractors. It is clearly custom and practice that his relationship is with the company, Warburton's; it is not a relationship with the state government. I am confident that we have acted in a way that protects the hospital, the aged care service and the Victorian public.

Bushfires: government response

Mr HELPER (Ripon) — My question is to the Minister for State and Regional Development. Can the minister detail to the house any recent government initiatives arising from the work of the government's bushfire task force that are assisting those affected by the recent bushfires?

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Ripon for his question and advise the house that overnight and this morning members of the Premier's bushfire ministerial task force visited the Grampians region. I was accompanied by the ministers for police, community services and agriculture, and the Minister for Local Government from another place, as well as by the member for Ripon. Yesterday afternoon we visited Dunkeld and addressed a public meeting, which was attended by around 60 local community and council organisations. We announced at that meeting a $250 000 grant to assist with the rejuvenation and rebuilding of 12 towns throughout the Southern

Grampians shire, including towns like Dunkeld, Cavendish, Penshurst and Coleraine.

Mr Delahunty interjected.

Mr BRUMBY — It is getting close to home.

We then inspected the damage in the Grampians National Park. We went to a public meeting at Halls Gap last night, which was attended by around 100 people. We listened at some length to the views of local businesses and community organisations about the recovery effort and some of the fire issues. At Halls Gap we also visited many of the Department of Sustainability and Environment (DSE) and Country Fire Authority (CFA) firefighters who were returning from shift work.

I was asked during a radio interview this morning what was the most striking thing that came through from our visit. The most striking thing was the talks with so many of the CFA and DSE officers and volunteers and the extraordinary commitment of those people during the effort to get the fire out and protect communities. We spoke to the DSE and CFA officers who were there on the Sunday, the first day, when six fires started from lightning right in the heart of the Grampians. The people told us that they 'worked their guts out' — using their own words — to try to get those fires out, and there was one they could not contain, the one they were advised about only on Sunday morning. It was an extraordinary effort of commitment and bravery by so many people.

This morning we announced further funding for business support throughout the area. There is $600 000 — $100 000 for businesses and $500 000 for councils for economic programs and business support. I am also pleased to advise the house about the tourism advertisements. Members are probably aware that tourism advertisements started on radio last night, and print advertisements will be starting today or in the very near future encouraging people and saying that it is safe to go back to the Grampians, that it is good to go back to the Grampians and that there are great things to do in the Grampians.

This weekend I also announced a grant of $5000 to promote the Halls Gap Jazz Festival, which is on this weekend. There will be great jazz musicians. There will be people like the late Fats Waller — —

An honourable member — He won't be there!

Mr BRUMBY — No, he won't be there, but if he could, he would love to be there! The Parliamentary Secretary to the Premier, the member for Footscray, will be attending on behalf of the government, but he will not be performing — thankfully!

Rural Finance Commission loans are now starting flow. These are the loans at 2.6 per cent for businesses, farmers and householders who have been affected. The Minister for Police and Emergency Services will shortly be announcing $1 million in grants for equipment for the State Emergency Service and the Country Fire Authority.

An honourable member interjected.

Mr BRUMBY — No, I haven't. There is $1 million in grants. The tourism ads have already starting flowing, and funding is flowing through to events. Finally, I wish to say briefly that we visited Pomonal and Moyston, which is in many ways the home of Aussie Rules football. In Moyston we announced a grant of $154 000 to assist with the rebuilding of the sports facilities there.

It has been an extraordinary effort by the affected communities. We have been able to hear first hand about their efforts, and we are acting promptly to assist those communities to recover quickly and hopefully end up in a stronger position than they were in before the fires.

TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL

Second reading

Debate resumed.

Mr INGRAM (Gippsland East) — Before the break I had just started my contribution on the Terrorism (Community Protection) (Amendment) Bill, which comes about from the Council of Australian Governments (COAG) agreement. I remember that another terrorism-related bill we previously debated in this Parliament stemmed from a similar type of agreement.

I spent a fair amount of time working on that legislation, which involved a large number of restrictions being put on the availability of ammonium nitrate. Members may be aware that I was one of the few members who spoke against that legislation. I actually considered opposing it for a number of reasons. The main reason was that I have a bit of a background in the use of ammonium nitrate as an explosive on my agricultural property, and it was my view that regulating ammonium nitrate would not necessarily make our community safer. It was my view that passing

the legislation would be more about window-dressing than about providing greater protection from terrorism.

The concerns I had were that it placed significant restrictions on the availability of essential products that are used throughout Australia in agricultural production and therefore made it very difficult for agricultural producers to use it. As I said, I contemplated voting against that legislation at the time, but I refrained from doing so simply because there was a COAG agreement — although I expressed my disappointment that we were going down that path — and everyone around the country was moving in that direction. It is very difficult to put forward an opposing view and come up with an alternative solution. My objection was that it would not necessarily make our community safer.

Looking at the bill currently before the house, I have similar concerns. Initially when the first bill came out at the commonwealth level my view was that we were still going in the wrong direction. In Australia we have incredible freedoms and rights which our forebears fought for and which our legislative and political system have established.

When the first terrorist attacks occurred which brought this issue back to Australia, our leaders all said the same thing — 'We will not change the way we live to address terrorism'. And yet everything we seem to have done since then has changed all that we value. I am not standing here saying that I do not think our country is at risk from terrorism, because we are. There is clear evidence of that, and clearly there are people who live among us, some of whom are second and third-generation Australians, who unfortunately do not value the rights and freedoms and political and legal systems in this country — and that is one of the most disappointing things we have seen in recent times.

There are people within our country who accept all the benefits that it gives yet do not value its freedoms. One of the most disappointing things I have seen recently occurred when the members of terrors cells in Melbourne and Sydney came up before the courts in Melbourne and when individuals who had been arrested as part of that would not acknowledge the legal system of this country by standing before the judge. That is something we should address, and I do not think this legislation necessarily does that.

I was on a committee trip to London just after the bombings there. We were there on the Thursday after the second attack, and to see armed policemen with automatic rifles manning street corners in London brought home to us the uncertain times we live in. To see that happen in Australia would be extremely disappointing, considering the freedoms we have here. Thinking about it brings back the terror. You only had to look at the faces of the young policemen in flak jackets on patrol with automatic weapons in the middle of the busy central business district of one of our Westminster democracies to know that it was not something you would like to see in Australia, but unfortunately it is a part of the times we live in.

Many speakers have acknowledged that this is not necessarily directed at everyone. Clearly this is about a very recent threat to this country, and it is down to extremists within our midst — and those extremists are Muslim extremists. It is important to recognise that it does not include everyone. In Australia we have a principle that we do not single out individual nationalities or religious groups, and that is important; but it is also important to acknowledge that the people we are passing this legislation to deal with are extremists who do not operate in the same way as other illegal activists have acted in the past. That is probably why we need to come up with specific legislation.

As I said, I have read through this legislation. When the commonwealth bill was first introduced I had grave concerns about it, simply because I thought it would not necessarily give us the protection it was supposed to. I thought it was more about a government's need to be seen to be doing something rather than about achieving the outcomes it set out to achieve. I also thought it trespassed on rights. I will support this bill, but I also have some serious concerns about it. There have been a number of amendments since the original discussions that have reduced some of those concerns. As I said, when it was introduced I seriously considered opposing the bill, but that would make for a very difficult position. It is a principle thing. The rights and freedoms of this country are very important. There are laws which predominantly deal with the issues we are facing, and having seen some of the members of terror cells who have been arrested and are due to go to court, I believe we probably have most of the legislation we need to deal with them.

Clearly there are areas where it is important to provide greater protection. A government has a duty to protect its citizens — and first of all, we must protect the citizens of this country. That is what we are elected to do, and this legislation probably goes some way towards doing that. With those words I thank members for an interesting debate. I have listened to a number of the contributions, and I found myself supporting the member for Doncaster and some of his comments, which is not something I normally do in this place!

This has been an important discussion. We have had some very good contributions from members of this place, and it has been interesting to listen to them. I support the passing of the bill.

Debate adjourned on motion of Ms D'AMBROSIO (Mill Park).

Debate adjourned until later this day.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL

Second reading

Mr HULLS (Minister for Planning) — I move:

That this bill be now read a second time.

The main purpose of this bill is to amend the Building and Construction Industry Security of Payment Act 2002 to make it more effective in enabling any person who carries out building or construction work to promptly recover progress payments.

The proposed amendments will build on the foundations of the existing legislation by introducing new features and improving existing provisions, consistent with the policy intention of the act.

The Building and Construction Industry Security of Payment Act 2002 has now been in operation for three years. The act has delivered on the government's commitments to improve protection of the rights of subcontractors and others in the industry to fair and prompt payment and assist them to recover legitimate payment claims against defaulting parties.

The construction industry strongly supports the existing legislation, which has improved payment prospects and cash flow outcomes for many industry participants.

However, the first three years of the act's operation have revealed that there is room for improvement.

The previous Minister for Planning, the honourable member for Northcote, initiated a review of the Building and Construction Industry Security of Payment Act 2002. In June 2004 a detailed discussion paper was released by the Building Commission, to which all sectors of the industry responded. To ensure a balanced response to industry concerns, an industry working group was established, chaired by Tony Robinson, MLA, with representation from all key sectors of the industry. It was given the task of evaluating the issues and assisting in finalising recommendations for amendments to the act.

The bill substantially adopts the recommendations of the industry working group.

The main thrust of these recommendations was to match the improvements made to similar New South Wales legislation and to enhance the effectiveness of the existing Victorian legislation.

The bill is modelled on the provisions and processes of the amended New South Wales act and the similar recently enacted legislation in Queensland. The changes will benefit building and construction firms with national or interstate operations by improving consistency between payment regimes across all three jurisdictions. The Productivity Commission and key industry associations across Australia strongly support national consistency in building industry legislation.

At present, claimants can enforce payment only with expensive and time-consuming proceedings in a court or tribunal. The bill provides claimants with the option of applying for adjudication allowing such payments to be recovered quickly.

The bill expands the application of the legislation to include a wider range of payments, including final payments, single payments and milestone (key event) payments. It will also allow subcontractors to use the adjudication process to access amounts clients or head contractors hold on trust for subcontractors until works are completed.

The bill also makes it clear that claims for damages, delay costs and latent conditions are 'excluded amounts' and cannot be claimed under the act. Disputed variations will be excluded where the contract provides a mechanism for determining whether there is an entitlement to be paid for a variation and for determining the quantum and due date for such payment. These changes are aimed at avoiding uncertainties that have been experienced in other jurisdictions.

The bill also provides that an adjudicator's determination, insofar as it takes into account matters that are not permitted to be claimed under the act, is void and of no effect. This amendment will ensure that where an adjudicator steps beyond the scope of the act those parts of the adjudicator's determination that are within power can be saved.

The bill introduces a review process for aggrieved parties to seek review of an adjudicated determination. The review process, by a single adjudicator, will only

be available in limited circumstances. This would be where the respondent's response to the claim (the payment schedule) has been supplied by the respondent prior to adjudication and where the adjudicated amount is at least $100 000. The sole ground for review is that the adjudicator has taken into account amounts which are excluded by the act. These limits ensure the act does not disadvantage small contractors who rely on prompt payment to stay in business.

Furthermore, the bill creates an expedited process for enforcing statutory liability through the courts. This is modelled on the New South Wales system. It applies where a respondent fails to pay an adjudicated amount by the due date. A claimant will be able to request a certificate (stating the adjudicated amount) from the authorised nominating authority, and lodge the certificate in an appropriate court, as an application for judgment debt. This process avoids the time and costs of a court hearing, while also preventing a respondent from delaying payment by raising inappropriate defences and counterclaims.

Cash flow is the lifeblood of the construction industry. It is critical that industry participants obtain prompt interim payment, pending a final determination of the matters in dispute.

The bill reinforces this principle by providing that after an adjudicator has made a determination, the respondent must pay the adjudicated amount. The existing legislation allows respondents to provide security for payment (such as placement of the amount in a trust fund) rather than money. This has been removed because the NSW experience demonstrated that some parties delayed payment by providing security and failing to take prompt action to resolve the dispute.

Although the ability to use a trust account for the payment of security is to be removed, the concept of trust accounts is being retained for another purpose. In the event that a respondent applies for a review of the adjudicator's determination, disputed amounts are to be paid into a trust account. Undisputed amounts must be paid to the claimant. This has a twofold benefit in that neither the claimant nor the respondent is disadvantaged. The money in trust is readily available to either party whatever the outcome of the review adjudication.

To further enhance security for payment, the bill introduces a right to exercise a statutory lien or a right over unfixed goods to the value of the unpaid amount. The bill, however, specifies that the claimant's right will not take precedence over any pre-existing right over the goods such as where the client has already paid for them.

Another new measure is the proposed time limit on the making of payment claims under the act. In relation to claims for progress payments, the time limit is to be three months from the reference date for payment for each item of work carried out or goods provided, or such longer period as a contract may provide.

The time limit is to ensure prompt payment for works completed. The act is not intended to encourage or reward claimants who delay making progress payments claims until long after works are completed.

The bill also places some restrictions on the right under the existing legislation to suspend works when payment is not made when due. It is proposed that claimants return to work promptly after payment is made. This will minimise exposing a respondent to unnecessary delays to work on site and the resultant costs. The bill also offers greater protection to claimants who exercise the right to suspend by protecting them from any liability for losses resulting from the suspension of works. These amendments do not reduce or change any of the parties' obligations or responsibilities for safety under the relevant contract, common law or other legislation.

The bill makes minor amendments to improve clarity and strengthen the application of the act. This includes new provisions stating the role, functions and powers of authorised nominating authorities and the Building Commission, extending the scope of the current 'no contracting out' provision and preventing 'adjudicator shopping' by claimants seeking favourable determinations.

Other minor amendments include the establishment of a right to claim interest from the date that payments first become due and permitting adjudicators to exercise wider discretion. Such discretion includes allowing legal representation during adjudication conferences, apportioning of fees between the parties to a dispute and extending the time for making a determination.

Statement under section 85 of the Constitution Act 1975

I make the following statement under section 85 of the Constitution Act 1975 of the reasons for altering or varying that section in this bill.

Clause 40 of the bill amends section 51 of the principal act to provide that it is the intention of section 28R (to be inserted by clause 28 of the bill) to alter or vary section 85 of the Constitution Act 1975.

Clause 28R sets out a procedure for the bringing of proceedings in a court of competent jurisdiction for judgment to enable recovery of an unpaid adjudicated amount. It also provides that a person who brings proceedings to have that judgment set aside cannot challenge the adjudication determination or review determination made by the adjudicator or review adjudicator except on specified grounds. The reason for this restriction is to provide a timely, streamlined process for enforcing the adjudicated debt. This provision will not prevent a person from bringing separate proceedings under the construction contract to recover any amount allegedly overpaid or underpaid under the progress payment process. Section 47 of the principal act preserves this right.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 23 February.

EDUCATION AND TRAINING REFORM BILL

Second reading

Ms KOSKY (Minister for Education and Training) — I move:

That this bill be now read a second time.

Today represents a new milestone for education and training in this state. I am pleased, on behalf of the Victorian government, to present the most significant education reform legislation since the original act of 1872. This new bill builds on the strengths of previous legislation but also reflects the reality of contemporary education. Its main purpose is to set out a legislative framework that will underpin quality education and training delivery in Victoria, both now and well into the future. It establishes a robust framework for both education and training that compares favourably with the best across the OECD and will enhance economic, social and cultural prosperity.

As Minister for Education and Training, I am responsible for ensuring the provision of quality education and training opportunities for all Victorian students. The people of Victoria deserve, and expect, the best possible learning opportunities, whatever their background or circumstances. Our key education and training priority, therefore, is to ensure that all Victorian students are provided with a wide range of effective programs that cater to community and individual needs. It also means building a highly integrated and responsive education and training system that offers multiple pathways and allows Victorians to pursue the increasingly specialised qualifications and skills they require to lead the life of their choosing.

Of all the factors that have the potential to increase an individual's opportunities, education and training is the most enabling. It allows individuals to equip themselves to live fulfilling, productive and satisfying lives. It provides the opportunity for them to consider their place in our democratic Australian communities and to acknowledge their cultural and linguistic heritage. Not only does education provide the grounding for the development of skills and judgment, it supports people to be innovative and creative. Education and training enables individuals to contribute to Australian society by adding to our national prosperity, participating in our democratic processes and strengthening the cohesive and egalitarian nature of our communities. It is a private good that has immense public value.

The successful provision of quality education and training for all is the critical requirement of all modern democracies to enable their citizens to flourish personally and to maximise economic, social and cultural opportunity.

A quality education and training system does not respond only to contemporary needs and issues; it should also identify and anticipate future needs and challenges.

It is a fundamental community and social glue, while being a bridge to a more prosperous and harmonious future.

It is important to note in this respect that Victoria's training legislation is relatively recent — for example, the Vocational Education and Training Act dates from 1990. As a result, much of the training legislation continues to reflect the needs and expectations of the community.

By contrast, many of the provisions in the current 1958 Education Act remained unchanged from 1872. As a consequence the most significant changes included in this reform bill relate to school education where current legislation prescribes in minute and often archaic detail the operation of a government school over a century ago.

In developing this reform bill we have consulted widely with education and training stakeholders and the broader community over the past year. Informed by the views expressed and our own policy research, this bill

represents the aspirations and expectations of the community for an education and training system set in the 21st century in the following ways:

it includes, for the first time in education and training legislation, a set of overarching principles that reflect the democratic values that are the essence of our society and system of government;

it provides for a seamless education and training system in Victoria that supports high standards and provides multiple pathways and lifelong learning opportunities;

it replaces 12 acts with one consolidated Education and Training Reform Act; and

it provides reforms that will support flexible and responsive service delivery across Victoria.

Given the magnitude of the bill, I am sure the members of the house will appreciate that this speech will focus on its more significant elements.

The bill is organised into six chapters. The first chapter describes the general provisions of the bill, and describes two sets of principles. The first set of principles are those which I propose Parliament has regard to when enacting this legislation, while the second set underlie the government education and training system.

The first principle set out in the bill is particularly important. It requires that all providers of education and training, both government and non-government owned, deliver their programs and teaching in a manner that supports and promotes the principles and practice of Australian democracy.

This includes a commitment to:

elected government;

the rule of law;

equal rights for all before the law;

freedom of religion;

freedom of speech and association; and

the values of openness and tolerance.

Australian civil society is defined, among other aspects, by these key tenets. Our consultations with the community confirmed this view. Australian society is tolerant of a range of religious, political and social beliefs and values in the context of the fundamental principles of our democracy. Government has an obligation to foster adherence to the principles of Australian democracy by all education and training providers. Identifying this framework through the bill reminds all Victorians not only of the values we hold in common, but also of our shared responsibilities in promoting these values.

The second chapter of the bill contains the provisions relating to school education in Victoria. This chapter includes those applicable to government schools, government school councils, the government school teaching service, the Victorian Institute of Teaching and the Victorian Curriculum and Assessment Authority. In particular, the bill clarifies the responsibilities of the Victorian Curriculum and Assessment Authority, stating it is responsible for managing the delivery of the Victorian certificate of education and Victorian certificate of applied learning as well as for authorising schools and training providers to offer these qualifications. This function extends to licensing or approving the use of its curriculum outside Victoria, including overseas. This is an important role — other jurisdictions are increasingly recognising and wanting to use Victoria's high-quality qualifications.

The third chapter of the bill describes the provisions for post-school education and training. This includes updated provisions from the Vocational Education and Training Act 1990, the Adult, Community and Further Education Act 1991, and the Tertiary Education Act 1993. In this chapter the bill clarifies and confirms the existing policy advisory role of the Victorian Learning and Employment Skills Commission in the skills and training area and updates its functions to provide a more strategic focus. To more clearly define its responsibilities, the name of this statutory authority will be changed to the Victorian Skills Commission.

Chapter 4 of the bill sets out the role and functions of the new statutory authority that will be responsible for the regulation of all schools, training providers and higher education providers, except existing universities. This statutory authority will also be responsible for the regulation of home-schooling in Victoria, and will maintain a 'light touch' approach to the development of minimum standards. I will expand on this approach further on.

The fifth chapter outlines other general provisions relating to workplace learning, apprentices, enforcement, as well as the making of regulations and ministerial orders. This chapter also sets out the functions and powers of ministers responsible for the education and training portfolio, as well as those functions that are identified as the responsibility of the

secretary of the department. This part of the bill establishes the responsibility of the department for the administration of education and training in Victoria, with its principal role being to assist the ministers in administering the act.

The bill updates and merges the existing powers of the minister and includes a new power enabling the minister to do all things necessary and convenient in connection with the functions conferred by this bill or any other act. This is consistent with modern legislative practices and makes clear to the public the minister's common-law powers. In addition, the bill enables the minister to approve or enter into arrangements for multisector provision in Victoria. This will ensure that innovative solutions to provision can be delivered in the future. For example, a TAFE institute and a secondary school could jointly share or offer services to better meet the needs of their local community. This is part of our ongoing commitment to supporting multiple pathways for Victorian students.

The sixth chapter of the bill repeals the current 12 acts for education and training and provides for transitional and consequential amendments arising out of those repeals.

Clause 5.9.3 of the act provides that it is the intention of sections 2.2.2, 2.3.31 and 2.4.22 to alter or vary section 85 of the Constitution Act 1975. I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of sections 2.2.2, 2.3.31 and 2.4.22 of the bill to alter or vary section 85 of that act.

(i) Section 2.2.2(2) provides that the minister's decision to discontinue or continue a government school cannot be challenged by prerogative writ, injunction, or other legal proceedings. The types of legal proceedings listed are those mostly available in the Supreme Court of Victoria. The reasons for altering or varying section 85 of the Constitution Act 1975 is because decisions to discontinue or continue a government school are made following lengthy public consultation, and are based on projected demographic and other considerations such as other government schools servicing an area, and the minister's decisions on these matters should be final. It should be noted that section 2.2.2 reflects the current section 21A of the Education Act 1958.

(ii) Section 2.3.31 prevents councils of government schools from issuing legal proceedings against government bodies without the consent of the minister. The type of proceedings listed include prerogative writs, injunctions, or other legal proceedings issued in the Supreme Court of Victoria. The reasons for altering or varying section 85 of the Constitution Act 1975 is because it is considered inappropriate for school councils established by the government to issue proceedings against the state, or other school councils, or other bodies having a common interest with the state. In circumstances where disputes occur, then administrative action should be able to resolve the matter, rather than resorting to litigation and tying up our courts. It should be noted that section 2.3.31 reflects the current section 14B of the Education Act 1958 in a slightly amended version.

(iii) Section 2.4.22 prevents principals of government schools from issuing legal proceedings arising out of an appointment or non-appointment of a person as a principal. The type of proceedings listed include prerogative writs, injunctions, or other legal proceedings issued in the Supreme Court of Victoria. The reasons for altering or varying section 85 of the Constitution Act 1975 is to remove delays associated with a multiplicity of appeal and review processes, and because of the existence of rights of review under the bill with the Merit Protection Board. It is considered that the specialised Merit Protection Board established under the bill for these processes is the appropriate body to review these decisions. It should be noted that the section repeats the current section 30 of the Teaching Service Act 1981.

The current section 14B of the Education Act 1958 prevents councils of government schools from issuing legal proceedings against any person without the consent of the minister. The term 'any person' was considered too restrictive, and the updated clause 2.3.31 improves the position of councils by enabling them to issue proceedings against non-government bodies without the minister's consent. This change will permit councils to issue proceedings against third parties that are not government bodies for matters such as contractual disputes.

Decisions to discontinue government schools is also a subject worth mentioning. This government is committed to a policy of not unilaterally or forcibly closing government schools. Whilst we consider that

the decision of the minister to discontinue a particular school should be final, it is the processes that lead to that decision which will be critical. Our policy will not see government schools being closed without community support and ensuring there are other appropriate education services in place for students.

I now turn to the significant reforms in the first, second and fourth chapters of the bill, focusing on these reforms in more detail.

Access

The government believes that all Victorian students should have the opportunity to receive a quality education. Chapter 1 of the bill enshrines this principle by stating that all Victorians, irrespective of the education or training institution they attend, where they live or their social and economic status, should have access to a quality education that maximises their potential and achievement, promotes enthusiasm for lifelong learning and allows parents to take an active part in their child's education.

This is essential given the positive long-term effects a quality education can deliver for both the individual and wider society.

Leading on from this principle, the bill recognises the crucial role of the state in providing universal access to education and training. The state does this through the establishment and maintenance of a government education and training system. The importance of this role was recognised over 100 years ago when our public secondary system was first established. Victoria's first director of education, Frank Tate — who was very much the driving force behind establishing this system — saw something greater in the socially and economically enabling capacity of public education. He proclaimed that instead of throwing out 'a few ropes from the upper storey to accommodate a few selected scholars', Victoria must provide 'broad stairways for all who can climb'. This sentiment holds true today and this bill — and in particular this principle — reflects the government's commitment to providing learning opportunities for all.

Building on this, the bill includes as a principle underlying the government education and training system, the right of every child to attend their designated neighbourhood government school. In the majority of cases, the designated government school will be the school that is nearest to a student's permanent residential address. However, infrastructure and facilities impose an enrolment limit on all schools and there will be occasions where designated boundaries mean the right of access is not to the nearest geographic location.

Choice

Although the neighbourhood school remains the cornerstone of communities and the choice of many parents, the reality for contemporary school education is that parents and students do choose between government and non-government schools, as well as between individual government schools and individual non-government schools. Further to this, parents and students choose between formal schooling and non-formal educational settings, as well as between training providers.

This bill recognises as a principle the right of parents to choose an appropriate educational setting for their child. Parents want and should be able to choose the educational environment that most suits the learning needs of their child.

Focusing on schools for a moment, the government expects — as a result of this principle — that schools will need to diversify the courses and programs they offer to meet the needs of their community. We have already begun this in government schools through the reforms of the Blueprint for Government Schools and this work is ongoing. This government is particularly committed to maximising choice in the government school system. By including this principle in the bill, we are reflecting the realities of 21st century education and acknowledging the diversity of choices within and across sectors.

Of course, the government acknowledges the ability to exercise choice is not dependent only on the capacity of education and training providers to supply diverse educational experiences. Choice also depends on the geographic and economic circumstances of the family. This is why all education and training providers need to be of a high quality. For this reason, the bill establishes a new regulatory authority to ensure minimum standards for all school and post-school providers are met. I will return to this aspect of the bill when I discuss chapter 4.

Information

A necessary precondition for the exercise of parental choice is the availability of information on education and training providers. The bill includes a principle stating that information concerning the performance of education and training providers should be publicly available.

In selecting a school, parents and students often require information on school performance, extracurricular activities and the school environment. School performance information is also required for the community to be assured that public funds are being used to their best advantage. For these reasons, the Education and Training Reform Bill also states that the school community has a right to information concerning the performance of its school. The bill requires that all schools take responsibility for providing such information via an annual reporting process. The bill sets the expectation that individual school information takes account of the particular circumstances faced by each school. This is not intended to create league tables that compare schools and systems, but rather to provide information to the local educational community of a school.

The bill also establishes a principle stating the right of parents and students to receive individual student achievement data from their school. Each student and their parents need to receive meaningful and easily understood information about that student's performance. The vast majority of schools already provide such information and the government recently released a revised reporting framework to enhance good practice across all government schools. Enshrining this principle in legislation will promote good practice in all schools long into the future. Although a number of students turn 18 — becoming adults — during year 12, there is a strong community feeling that all parents should be informed of their child's progress. However, recognising this is not appropriate in all cases, the bill will enable regulations to be made providing for exemptions where students are estranged from their parents or are not financially dependent on them.

Compulsory education

Compulsory education is the first provision outlined in chapter 2 and the bill makes clear the obligation of parents to ensure their child receives an education — at school or at home — up until 16 years of age. The world has changed since 1872 — which was when the current minimum leaving age of 15 was originally promulgated. Increasingly the demands of the labour market mean that young people require higher skill levels to find employment, even at entry-level positions. The evidence shows that people who complete year 12 or equivalent are more likely to make a successful transition to further study or work. The evidence also shows that there are ongoing effects from leaving school early — not just for the individual but also for society and the economy. It is often the most disadvantaged students who are at risk of not finishing their schooling. The objective of a minimum compulsory school leaving age is to prevent students leaving school with no pathways or prospects.

The Bracks government has invested significant resources over the past six years in strategies to increase the year 12 or equivalent completion rate in Victoria. Raising the minimum leaving age to 16 years complements these efforts and sets the expectations of the government and broader community.

Free instruction

Building on the expectations established in the provision for compulsory school education the bill guarantees free instruction at a government school or a place in a TAFE institute or other public training provider until the completion of a year 12 or an equivalent qualification, provided the student is under the age of 20 years as at 1 January of the relevant academic year. This is a key element of the government's commitment to deliver a quality education and training to all young people now and well into the future.

Victoria was the first of the colonies to introduce compulsory education, which was secular and provided free instruction through the passing of the Education Act 1872. The provision of free instruction was particularly controversial at the time, but paved the way for universal access to school education — now enshrined in every state and territory's legislation. This legislation had a powerful impact — school attendance increased by approximately 50 per cent when it was enacted.

The community expects free instruction in government schools and we have reaffirmed this in this bill. As I have already stated, access to education is important — particularly for the most disadvantaged in our community as it has the capacity to expand life opportunities. In this legislation, 'free instruction' in schools refers to teaching in the eight key learning areas identified in the 1999 'Adelaide Declaration's National Goals for Schooling'. This is agreed by all Australian jurisdictions.

The bill also enables government schools to seek voluntary contributions and charge for goods and co-curricula, or extracurricular, activities such as textbooks or school camps. This reflects the reality of current practice in government schools and makes provision for communities that wish to make additional contributions to their school. Of course, we recognise that for some families voluntary contributions are not possible. It is for this reason that the bill includes

several specific principles that schools must adhere to when seeking financial contributions. These are: contributions are to be voluntary and obtained without coercion or harassment; a child is not to be refused instruction in the eight key learning areas because the child's parents do not make a contribution; a child is not to be approached or harassed for contributions; in requesting voluntary contributions school councils must clearly articulate how the funds will be spent; and finally, any record of contributions should be confidential.

As I indicated earlier the government has gone one step further and included in the bill a guarantee of a place at a TAFE institute or other public training provider to the completion of year 12 or its equivalent if the student is under 20 years of age. We are the first Australian state or territory to do so in legislation.

This bill recognises the differing needs of young people. A range of alternative pathways is required to ensure that as many young people as possible participate in education and training. This provision will support and encourage young people to complete their studies, particularly those at risk of disengaging from education and training without any qualifications.

Secularity and religious instruction

One of the three 'cardinal points' of the 1872 Education Act was to ensure the secular nature of government schools. The 1872 act does not define secular, presumably on the assumption that the community had an agreed understanding of what secular meant. Today, secular has come to mean different things to different people. It is for this reason that the bill not only reaffirms the principle of secularity, but defines it in modern democratic language. In the first chapter, the bill makes it clear that the government school system is secular, and open to the adherents of any philosophy, religion, or faith. Further to this, the curriculum and teaching in government schools is 'not to promote any particular religious practice, denomination or sect'.

In addition to this principle, the bill makes clear in the second chapter that the current provisions for voluntary religious instruction will continue in government schools. The bill also ensures that government school teachers are able to discuss and teach comparative religion within the context of secular subjects such as politics or history. In a democratic and diverse society such as Australia, there is a widely held view that schools should enable their students to understand the religious perspectives, beliefs and cultural understandings of the people who constitute the society in which they live. This will inevitably involve an exploration of various religious beliefs. This does not mean that teachers can promote a particular religious view, but that they can discuss and explore different religious perspectives as part of delivering the Victorian curriculum. For government school teachers to do their job properly and develop well-informed young people, they need to be confident that they can cover all historical and contemporary issues, including religion. This bill will clarify ambiguities that exist in the current legislation.

New regulatory regime for all education and training providers

As indicated earlier in the overview of the bill, chapter four establishes and outlines the responsibilities of a new common regulatory authority for all schools, training providers and higher education providers, except existing universities. This authority will also have responsibility for monitoring home-schooling.

We all know that a quality education makes a difference. Young people need a high standard of education to underpin their economic and employment security, and to enable them to keep learning in an ever changing and more challenging world. Parents, therefore, rightly expect that their children will be provided with a quality education. To ensure all schools, training and higher education providers are delivering a quality education we need to make certain they are meeting minimum standards so that all students have the opportunity to reach their potential. These are not 'lowest common denominator' standards, but a guarantee that all students can have access to a quality education, no matter what school, training provider or higher education institution they attend.

We have carefully considered the breadth of options and believe that establishing a new statutory authority, with responsibility for the registration and accreditation arrangements for all schools, training and non-university higher education providers is the best solution. This acknowledges the reality of successful 21st century education — the need to have a range of education and training providers that can deliver a variety of pathways for young people as well as lifelong education and training for the entire community. This is a key element of the statutory authority — and indeed the bill — as it will support a seamless Victorian education and training system. It is the first time such a regulatory authority has been established, not only in Australia but across the OECD. This is yet another example of Victoria leading the way as we did back in 1872.

The bill makes it clear that this new authority will incorporate and build upon the current responsibilities of the Victorian Qualifications Authority and the Registered Schools Board, both of which will be abolished. This authority will ensure all schools are accountable to the same minimum standards, so that all Victorian students can have the very best education to set them on their way to a successful adult life. On the advice of this new authority, regulations will be made with respect to the minimum standards for school education, training and higher education providers (other than existing universities).

The bill makes clear these standards for schools will relate to the following areas:

student learning outcomes;

enrolment policies and minimum enrolment numbers;

student welfare;

curriculum programs;

governance and probity; and

review and evaluation processes.

The bill also makes clear that training providers will need to meet minimum standards that are consistent with the national standards for registered training organisations. These national standards currently apply to:

student learning outcomes and welfare services;

student enrolment, records and certification;

teaching, learning and assessment;

governance, probity and legislative compliance;

quality assurance, review and evaluation processes.

The bill requires the authority to establish registration processes for vocational education and training providers, consistent with the defined minimum standards.

With regard to non-university higher education providers, the bill requires the authority to develop minimum standards that these providers will need to meet for registration and accreditation in Victoria.

The bill also gives the new authority responsibility for approving the establishment of new universities in Victoria.

Finally, the bill makes the authority responsible for approving providers to offer courses to overseas students and accrediting all education and training qualifications in Victoria.

The bill requires the new authority to exercise a 'light touch' approach to regulation that is consistent with the modern regulatory practices operating throughout the OECD. This authority will not be responsible for school, training or higher education provider improvement beyond the required standards. This is a matter for the owners and operators of education and training providers. The government expects school system authorities, such as the Catholic Education Commission, and other appropriate school education organisations, such as the Association of Independent Schools, will be licensed by the new authority to take responsibility for quality assurance. It is anticipated this might also apply to training and higher education organisations for the non-university sector.

Victorians want to be proud of and feel confident about their education and training institutions. A set of expected standards and a common, modern regulatory regime for all education and training providers will give the community this confidence. The government's goal is to ensure that all of our education and training providers are accountable for providing the best possible education for their students.

As stated earlier, this bill acknowledges parental choice. Parental choice extends beyond school education providers — some parents also choose between formal schooling and home-schooling. Although home-schooling is chosen by relatively few parents, it is common throughout the democratic world and Australia is no exception. The bill recognises this choice and the commitment that home educators make to their children's learning. Equally, the responsible minister also needs to exercise their responsibility under the act to ensure all students receive a quality education. The current approach to home-schooling provides no support to parents in terms of materials or guidance. Therefore, the bill requires the new statutory authority to develop a modern and transparent approach to registering and monitoring home-schooling. This will be done in close consultation with parents engaged in home-schooling.

This 21st century approach to statutory regulation allows education and training providers to get on with what they know best — learning and teaching free of antiquated compliance structures. The responsibilities of ministers under the new act will be supported through a regulatory approach that upholds standards and protects all Victorian learners.

Summary and concluding remarks

In summary, the government has developed a student-centred bill that not only reflects the reality of contemporary education and training but will support the learning and development of future generations. It is a bill that acknowledges the traditions of Victorian education yet provides a platform that will serve the young people of this state for decades to come. It is a bill about good education and training outcomes for all Victorians.

The Education and Training Reform Bill facilitates diversity, choice, innovation and flexibility in the delivery of education and training. It ensures the right of all Victorians to a high-quality education; it enshrines a commitment to democracy; it promotes access; and, most importantly, it places an obligation on providers, whether government, non-government or home-schooling parents, to ensure all young people receive an education that will prepare them to participate fully in the world that awaits them.

Education and training is crucial to our individual and collective futures. It is the cornerstone of strong democracies in which all citizens can play a role in determining the type of society in which they wish to live and prosper.

As Minister for Education and Training, I have a responsibility to ensure that all Victorian students have the opportunity to achieve their potential in learning.

The successful provision of quality education for all is the glue which provides economic prosperity, social harmony and individual aspiration for all its citizens.

This important bill provides the means to enable this to happen.

I look forward to what I am sure will be a wide-ranging and informative debate.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 23 February.

TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr BRACKS (Premier).

Ms D'AMBROSIO (Mill Park) — I am very pleased to make a contribution to this debate today. I rise in support of the bill, and in so doing I wish to state that the bill, as it has for many other legislators, has presented me with many challenging considerations that need to be part of this debate. Not unlike the situation with other bills, public opinion and debate have been very fierce and robust, sometimes testing but always open. As a legislator I have listened to many and varied strong opinions regarding aspects of the legislation which for some people have caused many concerns about individual rights.

I wish to congratulate the Premier for allowing for a very spirited public debate to take place regarding these proposed laws. He has done that by maximising the opportunity available for public comment, debate and input into the details of this bill. The Premier's commitment to public debate referred to in his second-reading speech has led to house amendments which add to the fairness of the bill being put forward this week.

The amendments address some of the areas of greatest concern expressed in the public debate regarding certain provisions of the bill. When it comes to human rights, public debate is always about individual rights on the one hand and the broader community's rights on the other. That is the hallmark of all debates concerning human rights. In the real world these two interests are not necessarily always exclusive of each other; they do not necessarily stand in competition to each other. Most often the law is good for both the individual and the community, and vice versa. This is a reality by virtue of the fact that each of us is not an entity that lives alone without relationship to others; we benefit from each other and as members of the community. We are social beings, after all, and it is within this context that I make my contribution to the debate.

We in the government recognise that at times the enhancement of the community's right to be protected may necessarily involve an impact on the individual's rights. This can be justified only after careful consideration of the risk at hand — the likelihood of a risk, the timing of it and the likely extent of that risk. For example, if the risk of a terrorist attack is great on the evidence available to the state and may be imminent, a law which attempts to protects its citizens and the means by which the law attempts to do that needs to be assessed against the characteristics of the threat. When in any society the use of the powers made available to law enforcement agencies is disproportionate to that risk to the public and there are no means of checking the abuse of those powers, we have a serious problem.

I am confident that this government has framed a bill which carefully apportions powers of detention of individuals based on the risk to the community and — let us be very clear about this — the government's commitment to human rights and the protection of those rights. It was the Victorian government that was very insistent at the Council of Australian Governments meeting last year that any terrorism laws had to be based on evidence that there was a need, that there was strict judicial oversight, that there were the necessary checks to deal with any abuses and that the laws existed only to the extent deemed necessary. Hence we have a review period and we also have a sunset provision. Only under these circumstances did Victoria agree to take part in discussions about the establishment of counter-terrorism laws.

May I say that the Scrutiny of Acts and Regulations Committee has examined the bill, predating the house amendments, and has commented extensively on it. Because of the Premier's commitment to allow a full public debate, members of the house have had the opportunity to hold public hearings and to consider the many issues involved. I am pleased that the house amendments address some key issues to do with removing police orders and that any preventative detention orders can be issued only by a court, children to be detained are to be detained in juvenile detention unless there are special circumstances and the court may give direction that communications with a detainee must not be monitored. I commend the bill.

Mr Ryan — On a point of order, Speaker, 4 o'clock is almost upon us and the guillotine looms. I am conscious that others want to speak, but I raise for consideration the prospect of taking this bill out of the government business program because otherwise at 4 o'clock 200 amendments over 29 pages, which comprise major changes to this legislation, are going to sail through without any debate. I invite the government to consider the removal of the legislation from the government business program so we can keep this debate going and look at those amendments in proper fashion, which is what they deserve.

Mr Holding — On the point of order, Speaker, that is not a point of order. What the Leader of The Nationals has sought is a change to the government business program. We, as the government, are happy for the bill to proceed in the way that it would ordinarily proceed in accordance with the sessional orders.

The ACTING SPEAKER (Mr Seitz) — Order! It was not a point of order, it was a request.

Mr RYAN (Leader of The Nationals) — I desire to move, by leave:

> That the Terrorism (Community Protection) (Amendment) Bill be removed from the government business program.

Leave refused.

Mr LIM (Clayton) — This bill is undoubtedly part of the collective of measures that aim to protect Victoria from the scourge and cowardice that is terrorism. Often we are so wrapped up in the day-to-day aspects of government that many of us forget that the quintessential responsibility of government is to protect its citizens and the community it represents. This bill does just that. It gives the police and our security forces the powers, abilities and tools to ensure that we live in a society whose members do not fear to venture outside the home or feel apprehensive about congregating in large groups and that we can continue to live life to the fullest in the manner we have come to expect in this great state of ours — particularly in this most livable city in the world.

The bill before the house has emerged from the principles that this government has stood for since coming into office — that is, being an open, accountable government which does not impose its will unrelentingly, as previous governments have done, but which moreover consults widely to ensure that it is governing for the people in their best interests. This has been especially important in this case, as this bill is essentially about one thing — balance. Balance needs to be achieved between giving law enforcement agencies the power to prevent acts of terrorism and ensure community safety and minimising any loss of individual freedom and civil liberties. After a close reading of the bill I believe the government has done a remarkable job in achieving the correct balance.

I note that in the contributions of members opposite one theme seems to be emerging, and that is their amazement at the force and intensity of the forwardness of this bill coming from a Labor government. What opposition members fail to recognise is that this government is about leading, this government is about protecting the community and this government is about caring deeply about the security of the community. I commend the bill to the house.

Mr LEIGHTON (Preston) — I will make only a brief contribution in support of the bill to allow a couple of other members also to speak. Normally we say it is a pleasure to speak in support of a bill, but in this case it is much more of a responsibility and a duty. I think as members of Parliament we particularly have a responsibility to say where we stand on this legislation.

It is clearly a matter of trying to achieve a balance between the competing demands of individual civil liberties and the need for a society and community to protect itself, and of how we try to address that balance. Certainly 10 years ago we would not have contemplated such legislation; indeed I do not think we would have done so before 9/11.

My perspective is that of a member of the Scrutiny of Acts and Regulations Committee, and I have found that a very full process. Allowing it to lie over for the summer break has been a very satisfactory way of dealing with the legislation, with the government listening and responding to concerns and proposals and agreeing to a large number of amendments, and the report from the Scrutiny of Acts and Regulations Committee being tabled after we conducted public hearings.

The specific aspect I want to comment on is that of preventative detention. I did not accept the view put by a number of the legal academics who, when pushed, stated that they opposed any form of preventative detention. I believe there comes a time when society has the right to redistribute any risk away from itself and onto the individual, and on that basis I support the bill.

Mr HOLDING (Minister for Police and Emergency Services) — I want to start my summing up by thanking all honourable members for their contributions on what is a very significant piece of legislation. I start by acknowledging the member for Kew, the Leader of The Nationals, the member for Footscray, the Leader of the Opposition and the members for Bayswater, Warrandyte, Mildura, Derrimut, Scoresby, Mordialloc, Doncaster, Gippsland East, Mill Park, Clayton and Preston.

It has been a very good debate, insofar as members have expressed their support for the measures that the government has proposed to the house. We also want to acknowledge that this bill is significant in that it implements the Council of Australian Governments agreement that the states and territories and the commonwealth agreed to last year. It will provide law enforcement agencies with the laws that they require to respond to a terrorist attack, should it occur on Australian soil.

We accept that this bill contains provisions that restrict individual liberties. However, I want to reassure members that the government understands that this bill is compliant with the International Covenant on Civil and Political Rights. Members will be aware that the government has announced that it will be implementing a charter of rights and responsibilities, which will be the first legislative recognition of human rights at a state level in Australia. The new charter will provide additional assurances that the anti-terror laws will comply with our international obligations.

The bill strikes a balance between giving our police and security forces the powers they need to monitor and deal with threats to our community and ensuring those authorities are held accountable. Of course finding this balance is never easy, and I am pleased that members have made so many thoughtful contributions to the debate on what is such a crucial piece of legislation. The bill has had the opportunity to lie over from 15 November last year, when it was introduced, until this year, to enable the maximum amount of consultation and debate. Obviously members have made a range of specific contributions in terms of dealing with specific provisions in the legislation.

We believe addressing some of the comments made by the member for Kew and the Leader of the Opposition about having the Supreme Court oversight the cordon and search powers is important. We feel the powers are fairly limited in their scope and are justified in the context of the security environment Australia operates in at the moment. We believe applying the civil test for preventative detention, which is the reasonable suspicion test, is appropriate given what is a civil procedure rather than a criminal procedure as might have been implied or suggested by the Leader of the Opposition.

We believe this is a piece of legislation that strikes an appropriate balance between protecting the rights and liberties that Australians cherish and enjoy while at the same time providing law enforcement agencies and others charged with protecting Australian security with the powers and the capabilities they require to respond to the enhanced threat level at which Australia is operating at the moment.

Again I thank honourable members for their contributions. I thank members for the spirit in which the discussions occurred and, in wishing the bill a speedy passage through this Parliament, I reiterate the importance of these measures in providing a secure environment for Australians while at the same time protecting the rights and liberties of the Australian people. This has been a good opportunity for the house to consider these measures. They are complex measures but at the same time they are critical to enabling Australians to feel secure, not only about major events like the Commonwealth Games but also in the ongoing heightened-security-risk environment Australians will have to operate in. I commend the bill to the house.

Business interrupted pursuant to standing orders.

The ACTING SPEAKER (Mr Nardella) — Order! The time appointed under standing orders for me to interrupt business has arrived. I am required to put the questions necessary for the passage of the bill.

Question agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 1, line 6, after "orders" insert "and the detention of persons subject to those orders".

2. Clause 1, line 17, omit "detention" and insert "legal custody".

3. Clause 1, line 18, omit "orders." and insert "orders;".

4. Clause 1, after line 18 insert —

   "(c) to amend the **Children and Young Persons Act 1989** and the **Children, Youth and Families Act 2005** to provide for the searching of visitors to juvenile justice facilities and generally regulate visits to those facilities.".

5. Clause 2, line 20, after "Act" insert "(other than sections 17 and 18)".

6. Clause 2, line 22, after "Act" insert "(other than sections 17 and 18)".

7. Clause 2, after line 24 insert —

   "(3) Sections 17 and 18 come into operation on the day on which section 478 of the **Children, Youth and Families Act 2005** comes into operation.".

8. Clause 4, page 4, line 22, after "recordings" insert "other than video recordings made in the ordinary course of operation of a security camera fitted at, or in the immediate vicinity of, a place where the person is being detained under a preventative detention order".

9. Clause 4, page 4, after line 26 insert —

   '**"juvenile justice facility"** means a service established under section 249 of the **Children and Young Persons Act 1989** or, on and from the commencement of section 478 of the **Children, Youth and Families Act 2005**, under that section;'.

10. Clause 4, page 5, line 23, omit "remotely;" and insert "remotely.".

11. Clause 4, page 5, lines 24 to 26, omit all words and expressions on these lines.

12. Clause 4, page 5, after line 32 insert —

    "(3) Unless the context otherwise requires, a reference in this Part to a provision of this Act is, in relation to a person who is being detained under an order for the person's detention made under a corresponding preventative detention law, to be construed as a reference to the corresponding provision of that law.".

13. Clause 4, page 6, lines 6 and 7, omit "or, subject to sub-section (3), to a senior police officer".

14. Clause 4, page 7, lines 19 to 26, omit all words and expressions on these lines.

15. Clause 4, page 9, line 6, omit "law." and insert —

    "law; and

    (g) set out a summary of the grounds on which the applicant considers that the order should be made.".

16. Clause 4, page 9, after line 6 insert —

    "(2) To avoid doubt, sub-section (1)(g) does not require information to be included in the summary if the disclosure of the information is likely to prejudice national security (within the meaning of the National Security Information (Criminal and Civil Proceedings) Act 2004 of the Commonwealth).".

17. Clause 4, page 9, line 7, omit "(2)" and insert "(3)".

18. Clause 4, page 9, line 26, omit "(3)" and insert "(4)".

19. Clause 4, page 10, line 10, omit "13K(3)" and insert "13K(2)".

20. Clause 4, page 10, line 11, omit "(4)" and insert "(5)".

21. Clause 4, page 10, line 13, omit "1".

22. Clause 4, page 10, lines 17 to 24, omit all words and expressions on these lines.

23. Clause 4, page 10, line 25, omit "to the Supreme Court".

24. Clause 4, page 10, lines 30 to 33, omit all words and expressions on these lines and insert "under an order for the person's detention made".

25. Clause 4, page 11, lines 2 and 3, omit "or the senior police officer".

26. Clause 4, page 12, lines 15 and 16, omit "or the senior police officer".

27. Clause 4, page 12, line 19, omit "or the officer (as the case requires)".

28. Clause 4, page 12, line 20, omit "or he or she".

29. Clause 4, page 12, line 35, omit "13G(3)" and insert "13G(2)".

30. Clause 4, page 13, line 18, omit "13G(2)" and insert "13G(1)".

31. Clause 4, page 13, line 28, after "it" insert "or vary the order to include, or omit, a provision of a kind referred to in section 13F(6)".

32. Clause 4, page 14, line 3, after "prison" insert "or juvenile justice facility".

33. Clause 4, page 14, line 6, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".

34. Clause 4, page 14, lines 16 and 17, omit "or a preventative detention order made by a senior police officer".

35. Clause 4, page 14, lines 26 to 37 and page 15, lines 1 to 15, omit all words and expressions on these lines.

36. Clause 4, page 15, line 16, omit "(12)" and insert "(10)".

37. Clause 4, page 15, line 28, omit "(13)" and insert "(11)".

38. Clause 4, page 15, line 31, omit "(12)" and insert "(10)".

39. Clause 4, page 16, line 31, after "order" insert "or, if the person is under 18 years of age, the place or class of place where the person must be detained under the order".

40. Clause 4, page 16, after line 31 insert —

"Note: See sub-section (8) for rules as to where a person under 18 years of age may be detained.".

41. Clause 4, page 17, lines 3 to 6, omit all words and expressions on these lines.

42. Clause 4, page 17, line 7, omit "(f)" and insert "(e)".

43. Clause 4, page 17, lines 16 to 20, omit all words and expressions on these lines.

44. Clause 4, page 17, line 21, omit "(iv)" and insert "(iii)".

45. Clause 4, page 17, line 23, omit "(g)" and insert "(f)".

46. Clause 4, page 17, line 30, omit "(h)" and insert "(g)".

47. Clause 4, page 17, line 32, omit "order." and insert "order; and".

48. Clause 4, page 17, after line 33 insert —

"(h) a summary of the grounds on which the order is made.

(5) To avoid doubt, sub-section (4)(h) does not require information to be included in the summary if the disclosure of the information is likely to prejudice national security (within the meaning of the National Security Information (Criminal and Civil Proceedings) Act 2004 of the Commonwealth).

(6) A preventative detention order may contain a provision directing that the contact that the person in relation to whom it is made has with a lawyer under section 13ZF must not be monitored in accordance with section 13ZG if the Supreme Court is satisfied that it is appropriate to give such a direction.".

49. Clause 4, page 18, line 1, omit "(5)" and insert "(7)".

50. Clause 4, page 18, after line 10 insert —

"(8) If the person in relation to whom the order is made is under 18 years of age, the order must provide that the person must be detained in a juvenile justice facility unless the Supreme Court is satisfied that it is reasonably necessary for the person to be detained at a place other than a juvenile justice facility having regard to —

(a) the person's age and vulnerability;

(b) the likely impact that detention in a place other than a juvenile justice facility will have on the person;

(c) the grounds on which the order is made;

(d) the risk posed by the person to —

(i) the national or international security of Australia; or

(ii) other persons detained in a juvenile justice facility; or

(iii) the good order and safe operation of a juvenile justice facility;

(e) the availability of a place in a juvenile justice facility for the person to be detained in compliance with the terms of the order;

(f) any other factor that the Supreme Court considers relevant.

(9) Nothing in a preventative detention order about the place or places where the person may be, must be, or must not be, detained under the order prevents the person being taken to another place or class of place and detained there in connection with the carrying out of an examination for, or the provision of, any necessary medical, dental, psychiatric, physiological or pharmaceutical services.

Note: Division 3 of Part 8 of the **Corrections Act 1986** (as modified by section 13W(6) of this Act) provides for the issue of a custodial community permit to a person detained in a prison for a purpose relating to his or her health. Section 271 of the **Children and Young Persons Act 1989** (as applied by section 13WA(5) of this Act) provides for medical services and operations in the case of a person detained in a juvenile justice facility.

(10) The senior police officer nominated under section 13P(4) in relation to the preventative detention order must —

(a) notify the Ombudsman under the **Ombudsman Act 1973** and the Director, Police Integrity under Part IVA of the **Police Regulation Act 1958** in writing of the making of the order; and

(b) give the Ombudsman and the Director, Police Integrity a copy of the order; and

(c) if the person in relation to whom the order is made is taken into custody under the order, notify the Ombudsman and the Director, Police Integrity in writing that the person has been taken into custody under the order.".

51. Clause 4, page 18, lines 12 to 16, omit all words and expressions on these lines.

52. Clause 4, page 18, line 17, omit "(2)" and insert "(1)".

53. Clause 4, page 18, line 17, omit "(3)" and insert "(2)".

54. Clause 4, page 18, lines 25 to 31, omit all words and expressions on these lines and insert "under an order for the person's detention made under a corresponding preventative detention law on the same basis.".

55. Clause 4, page 19, line 1, omit "(3)" and insert "(2)".

56. Clause 4, page 19, lines 8 to 15, omit all words and expressions on these lines.

57. Clause 4, page 19, line 16, omit "(5)" and insert "(3)".

58. Clause 4, page 19, line 17, omit "(2)" and insert "(1)".

59. Clause 4, page 20, lines 29 to 32, omit all words and expressions on these lines.

60. Clause 4, page 20, line 33, omit "(c)" and insert "(b)".

61. Clause 4, page 22, line 25, omit "13G(2)" and insert "13G(1)".

62. Clause 4, page 22, line 27, after "prison" insert "or juvenile justice facility".

63. Clause 4, page 22, line 33, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".

64. Clause 4, page 23, after line 21 insert —

"**13JA. Special assistance for person with inadequate knowledge of English language or disability**

If the member of the force who is detaining a person under a preventative detention order has reasonable grounds to believe that the person is unable because of inadequate knowledge of the English language or a disability, to communicate with reasonable fluency in that language —

(a) the member has an obligation under section 13Z(3) to arrange for the assistance of an interpreter in informing the person about —

(i) the effect of the order or any extension, or further extension, of the order; and

(ii) the person's rights in relation to the order; and

(b) the member has an obligation under section 13ZF(4) to give the person reasonable assistance to —

(i) choose a lawyer to act for the person in relation to the order; and

(ii) contact the lawyer.".

65. Clause 4, page 24, lines 6 to 20, omit all words and expressions on these lines.

66. Clause 4, page 24, line 21, omit "(3)" and insert "(2)".

67. Clause 4, page 25, lines 3 to 15, omit all words and expressions on these lines.

68. Clause 4, page 25, after line 15 insert —

"**13KA. Basis for applying for, and making, prohibited contact order**

(1) An authorised member of the force may apply for a prohibited contact order in relation to a person only if the member is satisfied as set out in sub-section (4).

(2) The Supreme Court may make a prohibited contact order in relation to a person's detention under a preventative detention order only if the Court is satisfied as set out in sub-section (4).

(3) The person in relation to whose detention the prohibited contact order is applied for, or made, is the subject for the purposes of this section.

(4) The authorised member of the force and the Supreme Court must be satisfied that making the prohibited contact order is reasonably necessary —

(a) to avoid a risk to action being taken to prevent a terrorist act occurring; or

(b) to prevent serious harm to a person; or

(c) to preserve evidence of, or relating to, a terrorist act; or

(d) to prevent interference with the gathering of information about —

(i) a terrorist act; or

(ii) the preparation for, or the planning of, a terrorist act; or

(e) to avoid a risk to —

(i) the arrest of a person who is suspected of having committed an offence against Part 5.3 of the Criminal Code of the Commonwealth; or

(ii) the taking into custody of a person in relation to whom the preventative detention order is in force, or in relation to whom a preventative detention order is likely to be made; or

(iii) the service on a person of a Commonwealth control order.

(5) The Supreme Court may refuse to make a prohibited contact order unless the authorised member of the force applying for the order gives the Court any further information that it requests concerning the grounds on which the order is sought.".

69. Clause 4, page 26, line 3, omit "1".

70. Clause 4, page 26, lines 7 to 10, omit all words and expressions on these lines.

71. Clause 4, page 26, lines 21 to 22, omit "or the senior police officer, as the case requires".

72. Clause 4, page 26, lines 25 to 28, omit all words and expressions on these lines and insert —

"(b) is satisfied as set out in section 13KA(4)— ".

73. Clause 4, page 26, line 29, omit "or officer".

74. Clause 4, page 27, after line 2 insert —

"(7) The senior police officer nominated under section 13P(4) in relation to the preventative detention order must —

(a) notify the Ombudsman under the **Ombudsman Act 1973** and the Director, Police Integrity under Part IVA of the **Police Regulation Act 1958** in writing of the making of the prohibited contact order; and

(b) give the Ombudsman and the Director, Police Integrity a copy of the prohibited contact order.".

75. Clause 4, page 27, lines 9 to 11, omit "or, if the order was made by a senior police officer, to a senior police officer".

76. Clause 4, page 27, line 22, omit "1".

77. Clause 4, page 27, lines 26 to 29, omit all words and expressions on these lines.

78. Clause 4, page 28, lines 5 and 6, omit "or the senior police officer (as the case requires)".

79. Clause 4, page 28, lines 6 to 10, omit "on reasonable grounds that making the prohibited contact order will assist in achieving the purpose for which the preventative detention order was made" and insert "as set out in section 13KA(4)".

80. Clause 4, page 28, line 11, omit "or officer".

81. Clause 4, page 28, after line 20 insert —

"(7) The senior police officer nominated under section 13P(4) in relation to the preventative detention order must —

(a) notify the Ombudsman under the **Ombudsman Act 1973** and the Director, Police Integrity under Part IVA of the **Police Regulation Act 1958** in writing of the making of the prohibited contact order; and

(b) give the Ombudsman and the Director, Police Integrity a copy of the prohibited contact order.".

82. Clause 4, page 29, after line 23 insert —

"(5) To avoid doubt, if the variation applied for relates to the place or places where the person may be, must be, or must not be, detained under the preventative detention order, the Supreme Court must have regard to the requirements of section 13F(8).".

83. Clause 4, page 29, line 24, omit "(5)" and insert "(6)".

84. Clause 4, page 29, line 27, after "prison" insert "or juvenile justice facility".

85. Clause 4, page 29, line 32, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".

86. Clause 4, page 30, line 1, omit "(6)" and insert "(7)".

87. Clause 4, page 30, line 19, omit "(7)" and insert "(8)".

88. Clause 4, page 30, line 22, after "prison" insert "or juvenile justice facility".

89. Clause 4, page 30, line 24, omit "(6)" and insert "(7)".

90. Clause 4, page 30, line 29, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".

91. Clause 4, page 31, lines 6 to 8, omit "or, if the order was made by a senior police officer, to a senior police officer".

92. Clause 4, page 31, lines 19 to 21, omit "or, if the order was made by a senior police officer, to a senior police officer".

93. Clause 4, page 31, lines 25 to 27, omit "or, if the order was made by a senior police officer, a senior police officer".

94. Clause 4, page 31, lines 31 and 32, omit "or the officer, by writing,".

95. Clause 4, page 31, after line 32 insert —

"(4) To avoid doubt, if the variation applied for relates to the place or places where the person may be, must be, or must not be, detained under the preventative detention order, the Supreme Court must have regard to the requirements of section 13F(8).".

96. Clause 4, page 32, line 1, omit "(4)" and insert "(5)".

97. Clause 4, page 32, line 3, after "prison" insert "or juvenile justice facility".

98. Clause 4, page 32, line 6, omit "instrument" and insert "order".

99. Clause 4, page 32, line 8, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".

100. Clause 4, page 32, line 10, omit "(5)" and insert "(6)".

101. Clause 4, page 32, lines 27 to 29, omit "or, if the order was made by a senior police officer, to a senior police officer".

102. Clause 4, page 32, line 30, omit "(6)" and insert "(7)".

103. Clause 4, page 32, line 34 to 36, omit "or, if the order was made by a senior police officer, a senior police officer".

104. Clause 4, page 33, line 2, omit "(5)" and insert "(6)".

105. Clause 4, page 33, line 5 and 6, omit "or the officer, by writing,".

106. Clause 4, page 33, line 8, omit "(7)" and insert "(8)".

107. Clause 4, page 33, line 11, after "prison" insert "or juvenile justice facility".

108. Clause 4, page 33, line 13, omit "(6)" and insert "(7)".

109. Clause 4, page 33, line 15, omit "instrument" and insert "order".

110. Clause 4, page 33, line 17, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".

111. Clause 4, page 33, after line 17 insert —

"(9) A person in relation to whom a preventative detention order is in force may make representations to the senior police officer nominated under section 13P(4) in relation to the order with a view to having the order, or a prohibited contact order that is in force in relation to the person's detention under the preventative detention order, revoked or varied under this section.".

112. Clause 4, page 43, line 16, after "age" insert "if the preventative detention order provides for the person to be detained in a prison".

113. Clause 4, page 43, after line 16 insert —

"Note: See section 13ZBA for the rules as to how persons under 18 are to be detained.".

114. Clause 4, page 44, line 32, omit "Division 2 of Part 6" and insert "sections 37(1), 38(2) and (4), 40 and 41".

115. Clause 4, page 45, line 6, omit all words and expressions on this line and insert —

"(l) paragraphs (b) and (c) of section 57(1) and paragraph (a) of that section to the extent that it relates to a purpose other than the purpose referred to in section 57A(1)(a);

(m) sections 57(2), 57A(1)(b) to (e), 57A(3)(a), 57B and 57C;".

116. Clause 4, page 45, line 7, omit "(m)" and insert "(n)".

117. Clause 4, page 45, after line 7 insert —

'(7) The provisions of Division 2 of Part 6 of the **Corrections Act 1986** that apply in respect of the detention of a person in a prison under a preventative detention order or an order for his or her detention made under a corresponding preventative detention law apply as if —

(a) in the definition of "visitor" in section 33 —

(i) paragraphs (i) and (j) were omitted;

(ii) in paragraph (h) for the reference to section 37 there were substituted a reference to section 13ZD, 13ZF or 13ZH of this Act;

(iii) in paragraph (k) after "force" the words "visiting under section 13W(5)(d) of the **Terrorism (Community Protection) Act 2003**" were inserted;

(iv) in paragraph (l) the words "or a residential visiting programme" were omitted;

(b) in section 37(2) —

(i) for the reference to a relative or friend who visits a prisoner there were substituted a reference to a person who visits a prisoner under section 13ZD, 13ZF or 13ZH of this Act;

(ii) the words "or residential visiting programme" were omitted;

(c) in section 37(3) for the word "under" there were substituted the words "referred to in";

(d) in section 38(1) for the reference to a prisoner's family and friends there were substituted a reference to persons who visit a prisoner under section 13ZD, 13ZF or 13ZH of this Act;

(e) in section 38(3) the words "or a residential visiting programme" were omitted;

(f) in section 39(1) or (2) for the reference to a relative or friend or person wishing to visit, or visiting, a prisoner under section 37 or 38 there were substituted a reference to a person wishing to visit, or visiting, a prisoner under section 13ZD, 13ZF or 13ZH of this Act;

(g) section 43 prevented a senior police officer nominated under section 13P(4) in relation to the order being made the subject of an order under that section.

(8) If a provision of the **Corrections Act 1986** applies (with or without modification) in respect of the detention of a person in a prison or police gaol under a preventative detention order or an order for his or her detention made under a corresponding preventative detention law, any provision of the regulations made under that provision, or under that Act for or with respect to that provision, also applies in respect of that detention with any necessary modifications.

(9) The **Corrections Act 1986,** in its application in respect of the detention of a person in a prison or police gaol under a preventative detention order or an order for his or detention made under a corresponding preventative detention law, has effect subject to this Part and to the terms of the order under which the person is detained and, in the event of any inconsistency between that Act and this Part or the order, this Part or the order (as the case requires) prevails over that Act.'.

118. Clause 4, page 45, line 8, omit "(7)" and insert "(10)".

119. Clause 4, page 45, after line 15 insert —

"**13WA. Arrangement for detainee to be held in juvenile justice facility**

(1) If the preventative detention order in relation to a person who is under 18 years of age provides for him or her to be detained in a juvenile justice facility, the member of the force who is detaining the person under the order must request the Secretary to the Department of Human Services to authorise the transfer of that person to a juvenile justice facility.

(2) A request under sub-section (1) must be accompanied by a copy of —

(a) the preventative detention order on which is endorsed the date on which, and time at which, the person was first taken into custody or detained under the order; and

(b) any extension or further extension of the order under section 13I; and

(c) any prohibited contact order in force in relation to the person's detention.

(3) If requested to do so under sub-section (1), the Secretary to the Department of Human Services may, by instrument, authorise the transfer to a juvenile justice facility of a person being detained under a preventative detention order from any place where he or she is being detained.

(4) If a person is being detained in a juvenile justice facility under a preventative detention order —

(a) the preventative detention order is taken to authorise the officer in charge of the facility to detain the person at the facility while the order is in force in relation to the person; and

(b) section 13ZB applies in relation to the person's detention under the order at the facility as if —

(i) the officer in charge of that facility; or

(ii) any other person involved in the person's detention at that facility —

were a person exercising authority under the order or implementing or enforcing the order; and

(c) the member of the force who made the request under sub-section (1) is taken, while the person is detained at the facility, to be the member of the force detaining the person for the purposes of Divisions 4 and 5; and

(d) a member of the force may at any time enter the facility and visit the person being detained in the facility in connection with the exercise of powers under, and the performance of obligations in relation to, the order.

(5) No provision of the **Children and Young Persons Act 1989** applies in respect of the detention of a person in a juvenile justice facility under a preventative detention order or an order for his or her detention made under a corresponding preventative detention law other than —

(a) section 7(1) and, to the extent that it relates to section 271(3) or (4), section 7(1A);

(b) section 252(1) other than paragraphs (b) to (d);

(c) section 252(2) other than paragraphs (a) and (b);

(d) section 252(3);

(e) section 253(1) and (1A);

(f) section 256A;

(g) section 256B other than paragraph (f) to the extent that that paragraph applies to discriminatory treatment that is reasonable and necessary having regard to the nature of the person's detention;

(h) sections 256D to 256J;

(i) section 270;

(j) section 271.

(6) If a provision of the **Children and Young Persons Act 1989** applies (with or without modification) in respect of the detention of a person in a juvenile justice facility under a preventative detention order or an order for his or her detention made under a corresponding preventative detention law, any provision of the regulations made under that provision, or under that Act for or with respect to that provision, also applies in respect of that detention with any necessary modifications.

(7) The **Children and Young Persons Act 1989,** in its application in respect of the detention of a person in a juvenile justice facility under a preventative detention order or an order for his or her detention made under a corresponding preventative detention law, has effect subject to this Part and to the terms of the order under which the person is detained and, in the event of any inconsistency between that Act and this Part or the order, this Part or the order (as the case requires) prevails over that Act.

(8) Nothing in this section prevents an AFP member entering a juvenile justice facility and visiting a person being detained in the facility in connection with the exercise of powers under, and the performance of obligations in relation to, an order for the person's detention made under a corresponding preventative detention law.

(9) The Secretary to the Department of Human Services may, by instrument, delegate any function or power of the Secretary under this section (except this power of delegation) to any person, or class of person, employed in the Department of Human Services under Part 3 of the **Public Administration Act 2004**.".

120. Clause 4, page 46, lines 12 to 16 omit all words and expressions on these lines and insert —

"(d) the person's entitlement under section 13O(9) to make representations to the senior police officer nominated under section 13P(4) in relation to the order with a view to having the order, or a prohibited contact order, revoked or varied under section 13O; and".

121. Clause 4, page 46, lines 23 and 24, omit ", or the making of,".

122. Clause 4, page 47, after line 18 insert —

"(3) Without limiting sub-section (2)(c), the member of the force who is detaining a person under a preventative detention order must inform the person under that sub-section about the persons that he or she may contact under section 13ZD or 13ZH.".

123. Clause 4, page 48, line 21, omit "physical".

124. Clause 4, page 49, lines 4 and 5, omit "the preventative detention order or" and insert "any".

125. Clause 4, page 50, line 4, omit "the" and insert "any".

126. Clause 4, page 50, line 29, omit "the summary" and insert "any summary given under sub-section (1)(b)".

127. Clause 4, page 51, after line 32 insert —

"**13ZBA. Detention of persons under 18**

(1) Subject to sub-section (2), the member of the force detaining a person who is under 18 years of age under a preventative detention order must ensure that the person is not detained together with persons who are 18 years of age or older.

Note: A contravention of this sub-section may be an offence under section 13ZN.

(2) Sub-section (1) does not apply if a senior police officer approves the person being detained together with persons who are 18 years of age or older.

(3) The senior police officer may give an approval under sub-section (2) only if there are exceptional circumstances justifying the giving of the approval.

(4) An approval under sub-section (2) must —

(a) be given in writing; and

(b) set out the exceptional circumstances that justify the giving of the approval.".

128. Clause 4, page 52, line 10, after "prison" insert "or juvenile justice facility".

129. Clause 4, page 52, line 27, after "**1986**" insert "or the officer in charge of a juvenile justice facility".

130. Clause 4, page 52, line 29, after "prison" insert "or juvenile justice facility".

131. Clause 4, page 53, line 2, after "prison" insert "or juvenile justice facility".

132. Clause 4, page 53, after line 5 insert —

"(4) This section applies to legal documents exchanged between a lawyer and a person being detained in a prison or juvenile justice facility under an order referred to in

sub-section (2) as if that document were a letter.

(5) A person being detained in a prison or juvenile justice facility under an order referred to in sub-section (2) may retain any legal documents that are in his or her possession, subject to reasonable quantity limits imposed by the Governor of the prison or the officer in charge of the juvenile justice facility (as the case requires).".

133. Clause 4, page 54, lines 22 to 25, omit all words and expressions on these lines and insert "and is being detained.".

134. Clause 4, page 54, line 27, omit "not".

135. Clause 4, page 54, line 31, omit "or" and insert "and".

136. Clause 4, page 54, line 33, omit "detained." and insert "detained; and".

137. Clause 4, page 54, after line 33 insert —

"(c) the period for which the person is being detained.".

138. Clause 4, page 55, lines 17 and 18, omit "unless the preventative detention order otherwise provides,".

139. Clause 4, page 57, lines 8 and 9, omit ", or the making of,".

140. Clause 4, page 57, line 30, omit "email." and insert —

"email; and

(c) exchanging legal documents with the lawyer.".

141. Clause 4, page 58, after line 22 insert —

"(4) If the member of the force who is detaining a person under a preventative detention order has reasonable grounds to believe that —

(a) the person is unable, because of inadequate knowledge of the English language, or a disability, to communicate with reasonable fluency in that language; and

(b) the person may have difficulties in choosing or contacting a lawyer because of that inability —

the member must give the person reasonable assistance (including, if appropriate, by arranging for the assistance of an interpreter) to choose and contact a lawyer under sub-section (1).".

142. Clause 4, page 58, line 23, omit "(4)" and insert "(5)".

143. Clause 4, page 58, line 24, after "(3)" insert "or (4)".

144. Clause 4, page 58, line 30, omit "(5)" and insert "(6)".

145. Clause 4, page 58, line 30, omit "(4)" and insert "(5)".

146. Clause 4, page 58, line 34, omit "(4)" and insert "(5)".

147. Clause 4, page 59, line 4, after "or" insert "(unless the Supreme Court has otherwise directed under section 13F(6))".

148. Clause 4, page 60, after line 8 insert —

"(6) The contact the person being detained has with a lawyer under section 13ZF must not be monitored in accordance with this section if the preventative detention order so provides under section 13F(6).

Note: A contravention of this sub-section may be an offence under section 13ZN.".

149. Clause 4, page 62, line 8, omit "13F(5)" and insert "13F(7)".

150. Clause 4, page 63, after line 13 insert —

"(11) If —

(a) the person being detained has contact under sub-section (2) with a parent or guardian of the person; and

(b) a prohibited contact order is in force in relation to another parent or guardian of the person —

the senior police officer nominated under section 13P(4) in relation to the preventative detention order must inform the parent or guardian with whom the person being detained has had contact that he or she must not disclose to the other parent or guardian information of the kind referred to in section 13ZJ(3)(b).

Note: A contravention of this sub-section may be an offence under section 13ZN.".

151. Clause 4, page 65, lines 11 and 12, omit ", or making of,".

152. Clause 4, page 66, lines 18 to 21, omit all words and expressions on these lines and insert —

"(c) the other person is not a person the detainee is entitled to have contact with under section 13ZH; and".

153. Clause 4, page 66, lines 31 and 32, omit ", or the making of,".

154. Clause 4, page 67, after line 24 insert —

"(4) A person who is employed in the Department of Human Services under Part 3 of the **Public Administration Act 2004** does not contravene sub-section (3) merely by making a disclosure to another person employed in that Department in the exercise of powers or performance of functions under or in connection with any Act.

Note: A child may be in the custody or under the guardianship of the Secretary to the

Department of Human Services under the **Children and Young Persons Act 1989**. The Secretary may also be the guardian of a child under the **Adoption Act 1984**. The Secretary's functions may be delegated to staff in the Department.".

155. Clause 4, page 67, line 25, omit "(4)" and insert "(5)".

156. Clause 4, page 67, lines 29 to 31, omit all words and expressions on these lines and insert "specified period.".

157. Clause 4, page 67, after line 31 insert —

"(6) A person (the ***parent/guardian***) commits an offence if —

(a) the parent/guardian is a parent or guardian of a person who is being detained under a preventative detention order (the detainee); and

(b) the detainee has contact with the parent/guardian under section 13ZH; and

(c) while the detainee is being detained under the order, the parent/guardian intentionally discloses information of the kind referred to in sub-section (3)(b) to another parent or guardian of the detainee (the ***other parent/guardian***); and

(d) when the disclosure is made, the detainee has not had contact with the ***other parent/guardian*** under section 13ZH while being detained under the order; and

(e) when the disclosure is made, the parent/guardian has been informed under section 13ZH(11) by the senior police officer nominated under section 13P(4) in relation to the order that the parent/guardian must not disclose information of that kind to the other parent/guardian.

Penalty: Level 6 imprisonment (5 years maximum).

(7) If —

(a) a person (the ***parent/guardian***) is a parent or guardian of a person being detained under a preventative detention order (the ***detainee***); and

(b) the parent/guardian informs the senior police officer nominated under section 13P(4) in relation to the order that the parent/guardian proposes to disclose information of the kind referred to in sub-section (3)(b) to another parent or guardian of the detainee (the ***other parent/guardian***) —

that senior police officer may inform the parent/guardian that the detainee is not entitled to contact the other parent/guardian under section 13ZH.

Note: The parent/guardian may commit an offence against sub-section (3) if the other parent/guardian is a person the detainee is not entitled to have contact with under section 13ZH and the parent/guardian does disclose information of that kind to the other parent/guardian. This is because of the operation of sub-section (3)(c).".

158. Clause 4, page 68, line 1, omit "(5)" and insert "(8)".

159. Clause 4, page 68, line 25, omit "(6)" and insert "(9)".

160. Clause 4, page 69, line 9, omit "or (5)" and insert ", (6) or (8)".

161. Clause 4, page 69, line 28, omit "(7)" and insert "(10)".

162. Clause 4, page 71, after line 4 insert —

"(3) If a member of the force questions a person while the person is being detained under a preventative detention order, the member of the force who is detaining the person must ensure that —

(a) a video recording is made of the questioning if it is practicable to do so; or

(b) an audio recording is made of the questioning if it is not practicable for a video recording to be made of the questioning.

(4) Sub-section (3) does not apply if —

(a) the questioning occurs to —

(i) determine whether the person is the person in relation to whom the order is made; or

(ii) ensure the safety and well-being of the person being detained; and

(b) complying with sub-section (3) is not practicable because of the seriousness and urgency of the circumstances in which the questioning occurs.

(5) A recording made under sub-section (3) must be kept for the period of 12 months after the recording is made.".

163. Clause 4, page 71, line 29, omit "made." and insert "made; or".

164. Clause 4, page 71, after line 29 insert —

"(c) the member believes on reasonable grounds that it is necessary to do so for the purpose of documenting an illness or injury suffered by the person while being detained under the order.".

165. Clause 4, page 74, line 25, after "prison" insert "or juvenile justice facility".

166. Clause 4, page 74, line 28, after "Justice" insert "or the Secretary to the Department of Human Services (as the case requires)".

167. Clause 4, page 74, lines 29 and 30, omit "on his or her reception into the prison" and insert "while he or she is detained in the prison or juvenile justice facility".

168. Clause 4, page 75, line 14, after "Justice" insert "or the Secretary to the Department of Human Services".

169. Clause 4, page 75, after line 25 insert —

"(v) section 13ZBA(1); or".

170. Clause 4, page 75, line 26, omit "(v)" and insert "(vi)".

171. Clause 4, page 75, after line 26 insert —

"(vii) section 13ZG(6); or

(viii) section 13ZH(11); or".

172. Clause 4, page 75, line 27, omit "(vi)" and insert "(ix)".

173. Clause 4, page 75, line 27, omit "or (2)" and insert ", (2) or (3)".

174. Clause 4, page 75, line 28, omit "(vii)" and insert "(x)".

175. Clause 4, page 75, line 29, omit "(viii)" and insert "(xi)".

176. Clause 4, page 76, lines 19 to 32 and page 77, lines 1 to 12, omit all words and expressions on these lines.

177. Clause 4, page 77, line 13, omit "**13ZR**." and insert "**13ZQ.**".

178. Clause 4, page 77, line 27, omit "**13ZS**." and insert "**13ZR**.".

179. Clause 4, page 78, lines 4 to 8, omit all words and expressions on these lines.

180. Clause 4, page 78, line 9, omit "(b)" and insert "(a)".

181. Clause 4, page 78, line 14, omit "(c)" and insert "(b)".

182. Clause 4, page 78, after line 17 insert —

"(c) the number of persons in relation to whom a preventative detention order was made who were charged during the year with an offence against Part 5.3 of the Criminal Code of the Commonwealth;".

183. Clause 4, page 78, line 30, omit "year." and insert "year;".

184. Clause 4, page 78, after line 30 insert —

"(f) the number of preventative detention orders, and the number of prohibited contact orders, that during the year a court has found not to have been validly made.".

185. Clause 4, page 79, line 1, omit "**13ZT**." and insert "**13ZS**.".

186. Clause 4, page 79, line 8, omit "**13ZU**." and insert "**13ZT**.".

187. Clause 4, page 79, line 12, omit "**13ZV**." and insert "**13ZU**.".

188. Clause 4, page 80, lines 13 and 14, omit "or the senior police officer (as the case requires)".

189. Clause 4, page 80, line 24, omit "**13ZW**." and insert "**13ZV**.".

190. Clause 5, page 93, lines 14 and 15, omit "within the meaning of section 28" and insert "and for the purposes of this section a part of the essential service may include a part referred to in section 28(2)".

191. Clause 5, page 93, line 34, after "authorisation" insert "and name or describe any person or vehicle targeted by it".

192. Clause 5, page 94, lines 6 to 9, omit "means relevant Minister, in relation to a declared essential service, within the meaning of Part 6" and insert ", in relation to an essential service, means the Minister for the time being responsible for the essential service".

193. Clause 6, page 108, line 29, after "may" insert "only".

194. Clause 6, page 108, line 32, omit "suspects" and insert "believes".

195. Clause 6, page 111, lines 3 and 4, omit ", unless it is not reasonably practicable in the circumstances,".

196. Clause 6, page 111, after line 11 insert —

"(4) Sub-clause (3) does not apply if a parent, guardian or other acceptable person is not then present and the seriousness and urgency of the circumstances require the strip search to be conducted without delay.".

197. Clause 6, page 111, line 12, omit "(4)" and insert "(5)".

198. Clause 6, page 111, line 14, omit "(5)" and insert "(6)".

199. Clause 6, page 111, line 18, omit "(6)" and insert "(7)".

200. Clause 6, page 111, line 22, omit "(7)" and insert "(8)".

201. Clause 6, page 111, line 26, omit "(8)" and insert "(9)".

202. Clause 6, page 111, line 28, omit "(9)" and insert "(10)".

NEW CLAUSES

203. Insert the following new clauses to follow clause 14 —

"'**AA. Amendment of Children and Young Persons Act 1989**

(1) After section 253(1) of the **Children and Young Persons Act 1989** insert —

'(1A) A person who is detained in a remand centre, youth residential centre or youth training centre under an order referred to in

section 13WA(5) of the **Terrorism (Community Protection) Act 2003** (preventative detention) ceases to be in the legal custody of the Secretary during any time when he or she is in the legal custody of the Chief Commissioner of Police under section 6D of the **Corrections Act 1986**.'.

(2) In section 280(1) of the **Children and Young Persons Act 1989** —

(a) in paragraph (lc) after '256A' insert 'or 256H';

(b) after paragraph (ld) insert —

'(le) visits to remand centres, youth residential centres or youth training centres and searches of visitors; and'.

BB. New sections 256D to 256J inserted in Children and Young Persons Act 1989

After section 256C of the **Children and Young Persons Act 1989** insert —

'**256D. Definitions**

In sections 256E to 256J —

"detainee" means a person detained in a juvenile justice facility including a person detained under a preventative detention order (within the meaning of Part 2A of the **Terrorism (Community Protection) Act 2003)** or an order for his or her detention made under a corresponding preventative detention law (within the meaning of that Part);

"juvenile justice facility" means a remand centre, youth residential centre or youth training centre;

"officer" means any person employed in a juvenile justice facility with duties in relation to ensuring the security or good order of the facility or the safety and security of any detainee in the facility;

"visitor" means a person who visits a juvenile justice facility to have contact with a detainee.

256E. Visitors required to comply with orders

(1) The officer in charge of the juvenile justice facility may give to a visitor such orders as are necessary for the management and good order and security of the juvenile justice facility.

(2) A visitor must not disobey an order given under sub-section (1).

Penalty: 5 penalty units.

256F. Visitors to give prescribed information

(1) The officer in charge of the juvenile justice facility may require any person who wishes to enter, or who has entered, a juvenile justice facility as a visitor to give the officer information as to —

(a) the purpose of the visit or intended visit;

(b) the person's identity, address, occupation and age;

(c) the person's relationship (if any) to any detainee the person wishes to visit.

(2) A person who wishes to enter or has entered a juvenile justice facility as a visitor must not knowingly give to the officer in charge of the facility or any other officer information that is false or misleading.

Penalty: 5 penalty units.

(3) If, when asked, a person does not give the required information to the officer in charge of the juvenile justice facility or gives information to that officer or any other officer that is false or misleading, the officer in charge of the facility may —

(a) if the person has not entered the facility, by order prohibit the person from entering the facility; or

(b) if the person has entered the facility, order the person to leave the facility immediately.

(4) A person must not disobey an order under sub-section (3).

Penalty: 5 penalty units.

(5) A person ordered to leave a juvenile justice facility under this section may only re-enter the facility with the permission of the officer in charge of the facility.

256G. Officer in charge may refuse or terminate visits for security reasons

(1) If the officer in charge of a juvenile justice facility believes on reasonable grounds that the security of the facility or the safety of a visitor is threatened, the officer may —

(a) by order prohibit a person from entering the facility as a visitor; or

(b) order the visitor to leave the facility immediately.

(2) Without limiting any other power of the Secretary under this Act, if the Secretary believes on reasonable grounds that the good order or security of juvenile justice facilities or the safety of detainees or visitors to juvenile justice facilities is threatened, the Secretary may by order prohibit a person from entering all or

any juvenile justice facilities in Victoria as a visitor.

(3) An order under sub-section (2) in relation to a matter prevails over any order under sub-section (1) in relation to that matter.

(4) A person must not disobey an order under this section.

Penalty: 5 penalty units.

256H. Search of visitors

(1) In this section —

"electronic metal detection device" means an electronic device that is capable of detecting the presence of metallic objects;

"frisk search" means —

(a) a search of a visitor conducted by quickly running the hands over the visitor's outer clothing or by passing an electronic metal detection device over or in close proximity to the visitor's outer clothing; and

(b) an examination of anything worn or carried by the visitor that is conveniently and voluntarily removed by the visitor, including an examination conducted by passing an electronic metal detection device over or in close proximity to that thing;

"ordinary search" means a search of a visitor or of things in the possession or under the control of a visitor that may include —

(a) requiring the visitor to remove only his or her overcoat, coat or jacket or similar article of clothing and any gloves, shoes and hat; and

(b) an examination of those items;

"strip search" means a search of a visitor or of things in the possession or under the control of a visitor that may include —

(a) requiring the visitor to remove all of his or her clothes; and

(b) an examination of the visitor's body (but not of the visitor's body cavities) and of those clothes.

(2) The officer in charge of a juvenile justice facility may cause any person who wishes to enter the facility as a visitor to be asked to submit to a frisk search or an ordinary search to detect the presence of any article or thing which the officer carrying out the search believes on reasonable grounds jeopardises or is likely to jeopardise the security of the facility or the safety of persons in the facility (including any article or thing of a kind covered by section 270(1)(b)).

(3) The officer in charge of a juvenile justice facility may cause any person who is in the facility as a visitor to be asked to submit to a search of a kind referred to in sub-section (2) if he or she suspects on reasonable grounds that the visitor may have in his or her possession or under his or her control any article or thing of a kind referred to in that sub-section.

(4) In carrying out a frisk search, the officer carrying it out may, if he or she has asked the visitor to remove a coat or jacket, treat the visitor's outer clothing as being the visitor's outer clothing after the coat or jacket has been removed.

(5) A visitor must not be asked to submit to a strip search or a search of his or her body cavities.

(6) If, when asked, a person does not submit to a search authorised to be carried out under this section, an officer may prohibit the person from entering the juvenile justice facility or, if the person is in the juvenile justice facility, order the person to leave the facility immediately.

(7) A person must not disobey an order under sub-section (6).

Penalty: 5 penalty units.

(8) An officer is not liable for injury or damage caused in carrying out searches in accordance with this section.

(9) The officer in charge of the juvenile justice facility may at any time make an order terminating a search under this section.

256I. Search requirements

(1) Before carrying out a search of a person under section 256H, the officer who is to carry out the search must —

(a) inform the person of his or her authority to carry out the search; and

(b) inform the person that he or she may refuse the search; and

(c) inform the person of the consequences of refusal.

(2) If a person consents to a search, the officer who is to carry out the search must —

(a) ask the person if he or she has in his or her possession an article or thing of a kind referred to in section 256H(2); and

(b) ask the person to produce any article or thing referred to in paragraph (a).

(3) An officer carrying out a search of a person under section 256H must do so —

(a) expeditiously; and

(b) with regard to the decency and self-respect of the person searched; and

(c) in compliance with any other prescribed requirement.

256J. Seizure

(1) In carrying out a search of a person under section 256H an officer may seize any article or thing of a kind referred to in section 256H(2) that is found in the person's possession or produced in response to a request under section 256I(2)(b).

(2) An officer who seizes any thing under sub-section (1) must immediately inform the officer in charge of the juvenile justice facility.

(3) The officer in charge of the juvenile justice facility must deal in accordance with the regulations with any article or thing seized under this section.'.

CC. Amendment of Children, Youth and Families Act 2005

(1) In Part 5.8 of the **Children, Youth and Families Act 2005** —

(a) before section 483 insert the following heading —

'**Division 1 — Legal Custody**';

(b) after section 483(1) insert —

'(1A) A person who is detained in a remand centre, youth residential centre or youth justice centre under an order referred to in section 13WA(5) of the **Terrorism (Community Protection) Act 2003** (preventative detention) ceases to be in the legal custody of the Secretary during any time when he or she is in the legal custody of the Chief Commissioner of Police under section 6D of the **Corrections Act 1986**.';

(c) after section 485 insert the following heading —

'**Division 2 — Management of Detainees**';

(d) before section 489 insert the following heading —

'**Division 4 — General**'.

(2) In section 600(1) of the **Children, Youth and Families Act 2005** —

(a) in paragraph (o) after '486' insert 'or 488E';

(b) after paragraph (p) insert —

'(pa) visits to remand centres, youth residential centres or youth justice centres and searches of visitors; and'.

DD. New Division 3 inserted in Part 5.8 of Children, Youth and Families Act 2005

After section 488 of the **Children, Youth and Families Act 2005** insert —

'**Division 3 — Visitors**

488A. Definitions

In this Division —

"detainee" means a person detained in a juvenile justice facility including a person detained under a preventative detention order (within the meaning of Part 2A of the **Terrorism (Community Protection) Act 2003**) or an order for his or her detention made under a corresponding preventative detention law (within the meaning of that Part);

"juvenile justice facility" means a remand centre, youth residential centre or youth justice centre;

"officer" means any person employed in a juvenile justice facility with duties in relation to ensuring the security or good order of the facility or the safety and security of any detainee in the facility;

"visitor" means a person who visits a juvenile justice facility to have contact with a detainee.

488B. Visitors required to comply with orders

(1) The officer in charge of the juvenile justice facility may give to a visitor such orders as are necessary for the management and good order and security of the juvenile justice facility.

(2) A visitor must not disobey an order given under sub-section (1).

Penalty: 5 penalty units.

488C. Visitors to give prescribed information

(1) The officer in charge of the juvenile justice facility may require any person who wishes to enter, or who has entered, a juvenile justice facility as a visitor to give the officer information as to —

(a) the purpose of the visit or intended visit;

(b) the person's identity, address, occupation and age;

(c) the person's relationship (if any) to any detainee the person wishes to visit.

(2) A person who wishes to enter or has entered a juvenile justice facility as a visitor must not

knowingly give to the officer in charge of the facility or any other officer information that is false or misleading.

Penalty: 5 penalty units.

(3) If, when asked, a person does not give the required information to the officer in charge of the juvenile justice facility or gives information to that officer or any other officer that is false or misleading, the officer in charge of the facility may —

(a) if the person has not entered the facility, by order prohibit the person from entering the facility; or

(b) if the person has entered the facility, order the person to leave the facility immediately.

(4) A person must not disobey an order under sub-section (3).

Penalty: 5 penalty units.

(5) A person ordered to leave a juvenile justice facility under this section may only re-enter the facility with the permission of the officer in charge of the facility.

488D. Officer in charge may refuse or terminate visits for security reasons

(1) If the officer in charge of a juvenile justice facility believes on reasonable grounds that the security of the facility or the safety of a visitor is threatened, the officer may —

(a) by order prohibit a person from entering the facility as a visitor; or

(b) order the visitor to leave the facility immediately.

(2) Without limiting any other power of the Secretary under this Act, if the Secretary believes on reasonable grounds that the good order or security of juvenile justice facilities or the safety of detainees or visitors to juvenile justice facilities is threatened, the Secretary may by order prohibit a person from entering all or any juvenile justice facilities in Victoria as a visitor.

(3) An order under sub-section (2) in relation to a matter prevails over any order under sub-section (1) in relation to that matter.

(4) A person must not disobey an order under this section.

Penalty: 5 penalty units.

488E. Search of visitors

(1) In this section —

"electronic metal detection device" means an electronic device that is capable of detecting the presence of metallic objects;

"frisk search" means —

(a) a search of a visitor conducted by quickly running the hands over the visitor's outer clothing or by passing an electronic metal detection device over or in close proximity to the visitor's outer clothing; and

(b) an examination of anything worn or carried by the visitor that is conveniently and voluntarily removed by the visitor, including an examination conducted by passing an electronic metal detection device over or in close proximity to that thing;

"ordinary search" means a search of a visitor or of things in the possession or under the control of a visitor that may include —

(a) requiring the visitor to remove only his or her overcoat, coat or jacket or similar article of clothing and any gloves, shoes and hat; and

(b) an examination of those items;

"strip search" means a search of a visitor or of things in the possession or under the control of a visitor that may include —

(a) requiring the visitor to remove all of his or her clothes; and

(b) an examination of the visitor's body (but not of the visitor's body cavities) and of those clothes.

(2) The officer in charge of a juvenile justice facility may cause any person who wishes to enter the facility as a visitor to be asked to submit to a frisk search or an ordinary search to detect the presence of any article or thing which the officer carrying out the search believes on reasonable grounds jeopardises or is likely to jeopardise the security of the facility or the safety of persons in the facility (including any article or thing of a kind covered by section 501(1)(b)).

(3) The officer in charge of a juvenile justice facility may cause any person who is in the facility as a visitor to be asked to submit to a search of a kind referred to in sub-section (2) if he or she suspects on reasonable grounds that the visitor may have in his or her possession or under his or her control any article or thing of a kind referred to in that sub-section.

(4) In carrying out a frisk search, the officer carrying it out may, if he or she has asked the visitor to remove a coat or jacket, treat the visitor's outer clothing as being the visitor's outer clothing after the coat or jacket has been removed.

(5) A visitor must not be asked to submit to a strip search or a search of his or her body cavities.

(6) If, when asked, a person does not submit to a search authorised to be carried out under this section, an officer may prohibit the person from entering the juvenile justice facility or, if the person is in the juvenile justice facility, order the person to leave the facility immediately.

(7) A person must not disobey an order under sub-section (6).

Penalty: 5 penalty units.

(8) An officer is not liable for injury or damage caused in carrying out searches in accordance with this section.

(9) The officer in charge of the juvenile justice facility may at any time make an order terminating a search under this section.

488F. Search requirements

(1) Before carrying out a search of a person under section 488E, the officer who is to carry out the search must —

(a) inform the person of his or her authority to carry out the search; and

(b) inform the person that he or she may refuse the search; and

(c) inform the person of the consequences of refusal.

(2) If a person consents to a search, the officer who is to carry out the search must —

(a) ask the person if he or she has in his or her possession an article or thing of a kind referred to in section 488E(2); and

(b) ask the person to produce any article or thing referred to in paragraph (a).

(3) An officer carrying out a search of a person under section 488E must do so —

(a) expeditiously; and

(b) with regard to the decency and self-respect of the person searched; and

(c) in compliance with any other prescribed requirement.

488G. Seizure

(1) In carrying out a search of a person under section 488E an officer may seize any article or thing of a kind referred to in section 488E(2) that is found in the person's possession or produced in response to a request under section 488F(2)(b).

(2) An officer who seizes any thing under sub-section (1) must immediately inform the officer in charge of the juvenile justice facility.

(3) The officer in charge of the juvenile justice facility must deal in accordance with the regulations with any article or thing seized under this section.'.".

AMENDMENT OF LONG TITLE

204. Long title, after "orders" (where first occurring) insert "and the detention of persons subject to those orders".

205. Long title, omit "detention" (where secondly occurring) and insert "legal custody".

206. Long title, after "orders" (where secondly occurring) insert ", to amend the **Children and Young Persons Act 1989** and the **Children, Youth and Families Act 2005** to provide for the searching of visitors to juvenile justice facilities and generally regulate visits to those facilities".

Third reading

The ACTING SPEAKER (Mr Nardella) — Order! As the required statement of intention has been made under section 85(5)(c) of the Constitution Act 1975, the third reading of the bill is required to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Snowy Hydro Ltd: sale

Dr NAPTHINE (South-West Coast) — The issue I wish to raise is for the attention of the Premier. The action I seek from the Premier is for him to ensure that the following guarantees are given prior to the state

agreeing to the sale of Victoria's share of the Snowy Hydro scheme. These guarantees are: first, that all sale proceeds will be used to invest in improved water infrastructure in Victoria to deliver greater security of supply of water for Victorian agriculture and also deliver more water for the environment through water savings; and second, an absolutely watertight guarantee that any sale will fully protect current flows for both irrigators and the environment.

Snowy Hydro Ltd is owned in part by the New South Wales government, the commonwealth government and the Victorian government. The Victorian government share is 29 per cent, the New South Wales Labor government is committed to sell its 58 per cent, and the commonwealth government recently announced it will sell its 13 per cent. Victoria is currently considering its position. Everybody believes and understands Victoria will very shortly announce that it will also sell its share of Snowy Hydro. However, this sale should only proceed if current water flows for irrigators and the environment are guaranteed.

We must also have a guarantee that the windfall revenue gain for the Bracks Labor government, estimated by Stephen Bartholomeusz in the *Age* of 8 February to be almost $900 million, should be guaranteed by the Bracks government for use in upgrading water infrastructure, particularly irrigation infrastructure.

In 2005 Engineers Australia Victorian infrastructure report card gave rural water and irrigation a D. It said the standard of infrastructure for irrigation water in rural areas was well below par. Literally megalitres of water is lost each year in our irrigation area due to seepage, evaporation and inefficient systems. Investing in pipelines instead of open earthen channels, investing in automated channel flume gates with automatic cut-offs and helping farmers upgrade their on-farm irrigation systems will save more than enough water to provide additional water for agriculture, boost the economy and increase rural job opportunities. It will also produce water for increased environmental flows in our precious rivers and streams.

By investing in water infrastructure in irrigation areas we get a win-win outcome. We get more security of water supply, more water for agriculture and more opportunity for irrigators, but also we get improved environmental flows in our rivers and streams, whether it is the Snowy River to our east or the Murray–Darling river system to the west. The Premier, in considering whether to sell Victoria's share of Snowy Hydro, needs to guarantee that the proceeds will be used for water infrastructure.

Racing: bad debts

Mr ROBINSON (Mitcham) — I want to raise an issue for the attention of the Minister for Racing that relates to the enduring problem of bad debts within the racing industry. I am seeking the minister's agreement to have his office discuss it as a priority with Racing Victoria and related bodies with a view to assisting in strengthening the rules to prevent this unpalatable practice. I raise it wearing a number of hats — firstly, as someone who has been very interested in the racing industry for a number of years and who has participated in it as an owner as much as anything else. In my own experience I have come across an unhealthy level of bad debts and bad payment practices.

I suspect I am also speaking for other people in the chamber who might have some familiarity with the industry — the honourable members for Polwarth, Gippsland East, Geelong and others — and who could vouch for me when I say the racing industry is probably unique in that it has tolerated this level of bad debts and bad practices for far too long. I also bring my perspective as the chair of the Economic Development Committee, which has today handed down its report on its inquiry into the thoroughbred breeding industry, which was a terrific reference given to the committee by the Minister for Racing. I can say that the issue of bad debts was raised frequently with the Economic Development Committee as it travelled around Victoria, and certainly the practitioners on the ground have a view that something needs to be done to tighten up on this problem.

I understand that yesterday Racing Victoria issued a media release highlighting the results of a trainers survey. It is terrific that it is undertaking surveys like that, and the trainers themselves have drawn attention to the problem of bad debts. As I said, I doubt that there is another industry going around which tolerates bad debts to the extent that the racing industry does.

Last year I had the opportunity of speaking to the chief steward, Mr Des Gleeson, and I understand from that conversation that the power to do more about this actually exists already but that as a matter of practice the racing industry has not fully utilised it. I believe the basis is there for further action to be taken to strengthen the role of Racing Victoria. But it may very well be that it is something that requires more resources either on a permanent basis or at least on a trial basis to try to crack down on what is a very unfortunate practice. I urge the minister to have those discussions with the industry as a matter of priority this year.

Wangaratta–Whitfield road: upgrade

Dr SYKES (Benalla) — My issue is the dangerous state of the Wangaratta–Whitfield road, and I ask that the Minister for Transport ensure it is upgraded as a matter of urgency. The Wangaratta–Whitfield road services the highly productive King Valley. Usage of the road has increased substantially due to a blossoming wine industry, which attracts thousands of tourists each year. The tourist traffic, which often comprises people who are not familiar with country roads, adds to the heavy usage of the road by commercial vehicles transporting wine, milk and timber. And of course local people use the road regularly and school buses travel the road daily.

VicRoads upgraded 10 kilometres of the road last year, and local people are extremely pleased with that section. However, the first-class quality of the new section has well and truly highlighted the substandard and dangerous condition of much of the rest of the road, particularly just north of Whitfield. School bus drivers find it necessary to drive on the wrong side of the road to avoid many damaged sections, and truck drivers are concerned about the severely damaged edges of the bitumen, which cause their trailers to swerve violently and result in them having blow-outs and throwing up rocks at passing cars. Just last week a truck forced up a 10-kilogram rock the size of a watermelon from below the bitumen pavement and a car following the truck hit the rock, causing the car serious damage. Fortunately, by the grace of God, no-one was injured.

This matter has been raised with me by a number of people and groups, including Gwenda Canty, president of the King Valley Tourism Association, Wayne Overson, who is an earthmoving contractor from Cheshunt, Alan Hildebrand, who is the secretary of the Moyhu branch of the Victorian Farmers Federation, Michael Newton of J. A. Newton Bus Services, who drives the schoolchildren up that road daily, and David Maples, who is president of the King Valley vignerons.

The issue will no doubt be money. I suggest to the Minister for Transport that fixing this is a high priority, but if there is an issue with finding the money perhaps he could consider a Nationals initiative of looking at taking 1 per cent of the GST coming from the federal government and putting it directly into the upgrading of country roads, as the highly successful Roads to Recovery program has done.

In closing I ask that the minister ensure that the Wangaratta–Whitfield road is upgraded to a safe standard so that local families, businesses and visitors can travel safely through the King Valley.

Western Region Health Centre: Braybrook campus

Mr MILDENHALL (Footscray) — I raise for the attention of the Minister for Health a request for financial assistance for capital expenditure for the expansion of the Braybrook campus of the Western Region Health Centre. This morning during members statements I was able to inform the house that the Western Region Health Centre had been awarded the Premier's prize for being the most successful community health centre in the Melbourne metropolitan area. Indeed the success of the service has meant that the Braybrook campus is bursting at the seams.

Since the amalgamation of the Braybrook-Maidstone Community Health Association with the Western Region Health Centre some years ago the health centre has made a very successful and conscious attempt to expand the range of services available in the heart of Braybrook. With the assistance of the City of Maribyrnong and with funding by the Bracks government the Braybrook campus has expanded considerably. But such are the community's needs and such is the pace of expansion that financial support for this vital community health centre is necessary to further increase the floor space in the form of both renovations and temporary facilities. Some $150 000 has been sought by the board: $100 000 has been sought from the neighbourhood renewal program, and the remaining $50 000 has been sought from the primary care branch of the Department of Human Services — and it is that $50 000 allocation that I am seeking from the Minister for Health.

The centre has gained a formidable reputation in its support for chronic health initiatives, hospital-in-the-home initiatives and refugee health. It is also a vital partner in dealing with the substance abuse issue in the Footscray and Braybrook areas. These services are vital for our community. The continued expansion of the centre has seen a 300 per cent increase in funding under the Bracks government, and it provides a vast, comprehensive and effective range of services. I seek the minister's cooperation in facilitating the continued development of these vitally needed and very effective services.

Earl and Asquith streets, Kew: pedestrian crossing

Mr McINTOSH (Kew) — I raise with the Minister for Transport the urgent need for some form of pedestrian crossing on Earl Street and/or Asquith Street in Kew. The action I seek from the minister is to

undertake the construction of the necessary crossing in the interests of community safety. I say at the outset that it is unclear as to whether it should be a zebra crossing, a signal crossing or some form of subway or overpass because of the particular needs in that area.

Earl and Asquith streets are a single-lane continuation of the Chandler Highway and run adjacent to the linear park, which is the old outer circle railway and which is about 100 metres wide. It is a great park, and there are several parks in that 2-kilometre stretch between the Chandler Highway and the Harp junction. There is a bike path/pedestrian track, and when you go down there you often see kids playing cricket or footy with their parents, or what have you.

Because it is a significant feeder to the Eastern Freeway, around peak hour the road system is jam-packed with cars. I have been down to, say, Derby Street, which is about 1 kilometre from the freeway, and certainly from about 8.00 a.m. until about 9.00 a.m. the traffic can be bumper to bumper; but there is a constant stream of traffic because, as I said, it is a major feeder to the Eastern Freeway.

On top of that there are the Willsmere shops, which are just on one side of Earl Street at the intersection with Pakington Street and Willsmere Road. It is the only major shopping centre, or indeed shop, for about a kilometre or so around, so people who live on the northern side of Earl Street have to cross over that street to get to the shops, and there is absolutely no crossing there. In fact there are no traffic lights between the freeway and Harp junction. I have recently been approached by a number of different constituents, including elderly constituents, who mentioned just how difficult it is to cross Earl Street and Asquith Street at this time, particularly at peak hour. Accordingly it would be great to see some form of pedestrian crossing.

As I said, there are probably significant issues with it being a feeder road to the freeway. If there were any suggestion by VicRoads for the road to be widened to make it a dual carriageway that would encroach upon the public open space in that area, I am sure there would be quite a violent reaction. Certainly there needs to be some sort of crossing. If it cannot be signalised or even have a pedestrian crossing, certainly a crossover would be the best alternative.

John Landy Athletics Field: upgrade

Mr TREZISE (Geelong) — I raise an issue this evening for action by the Minister for Sport and Recreation in another place. The issue I raise relates to the proposed upgrade of the John Landy athletics track in my electorate of Geelong. Of course the athletics track was named after our current Governor, John Landy, who incidentally ran for the Geelong Guild during the 1960s. Landy Field, as it is known locally, was built in 1960, and since that time it has had a number of major upgrades, the last being in 1992 when the current track was laid. This makes the latest upgrade something like 14 years old, and the track and field is well overdue for a total overhaul. Therefore the action I seek from the Minister for Sport and Recreation is for him to support the upgrade when applications are made for assistance and funding.

As I said, Landy Field was built in 1960 and no longer complies with International Association of Athletics Federations (IAAF) standards, thus national and international-sanctioned events cannot be held at that venue in Geelong. To ensure compliance a number of major alterations and upgrades must occur, specifically the current bend of the 26-metre radius must be widened to the international standard of a 35-metre radius. As I mentioned before, the track surface is now 14 years old, and from my observation when I was down there the other day with Stuart Robley and other representatives from the management group, it is wearing, especially on the inside lane, which creates a hazard for athletes.

A number of other structural alterations need to take place, both major and minor, such as replacing the old drains with spoon drains and upgrading the inner field structures, including the hammer throw cage and the long-jump run-ups. Importantly, the management committee is also looking at installing lights to enable the facility to be used at night time. Landy Field is an important sporting facility in Geelong. Hundreds, if not thousands, of athletes use the facility during the weekend and during the week. Overall probably about 1000 schoolchildren use it during Little Athletics on Saturday mornings and then front up during the week with their local schools. So it is an important facility that is in urgent need of an upgrade. It needs to comply with IAAF standards, and I look forward to the minister's support.

Police: Cranbourne

Mr WELLS (Scoresby) — I would like to raise a matter of concern with the Minister for Police and Emergency Services. I ask him to take immediate action to ensure that the youth and gang problems around Cranbourne are addressed as a matter of priority. A petition was circulated, and in a two-week period 1500 signatures were collected, which demonstrates that the people of Cranbourne are fed up with youth vandalism and crime. Unfortunately we

were unable to table the petition because it was not in the correct format. I am speaking on behalf of one of the councillors who collected it. It states:

> Petition for more police
>
> To the Honourable Premier of Victoria, Steve Bracks, MP
>
> We the residents of Cranbourne and south-eastern suburbs of Victoria respectfully request additional funding for more police and a youth curfew program.

We are getting to a really desperate stage when we have the situation of residents calling for such drastic action. They are well and truly fed up. This petition was collected by Cr Steve Beardon of the Mayfield ward in the city of Casey. Steve has done an outstanding job in highlighting the needs of the Cranbourne community, particularly in relation to youth crime. He sent a letter to the Leader of the Opposition, in which he said:

> There is an opportunity and a need for both parliamentary parties to come together and draft new laws that will help identify troublesome youth and address the social reasoning through accountability, both civilly and criminally, to deter illegal behaviour. It is time that parents and their children face civil restitution through legislation as a deterrent to criminal damage. Residents cannot afford to initiate civil action to recoup the cost of unwanted vandalism, but local councils could take a stand on behalf of ratepayers, as could the state government.

So the councillor at the Mayfield ward, Steve Beardon, is calling for immediate action in a bipartisan manner. To address the problems in Cranbourne they are looking at the problem of returning young people back to their parents — that is, there are a number of young people walking the streets late at night midweek when you would think most would be in bed getting ready for school the next day. What the councillor is calling for is for the police to have the power to be able to pick up these young people and return them home. Some time ago the Liberal Party announced a policy of having a midnight curfew for children under 15 years who are engaging in antisocial behaviour and of giving the police the power to collect these children and return them home. I know that is not possible in all cases, but at least it identifies the problem. I hope the minister looks at this and is able to resolve it for the people of Cranbourne.

Ambulance services: Whittlesea and Kinglake

Ms GREEN (Yan Yean) — I wish to raise a matter for the Minister for Health. The action I seek is the establishment of an ambulance service for the growing communities of Whittlesea and Kinglake and throughout the Plenty growth corridor. I fully support the campaign run by the local community, and with the member for Seymour I stand firmly alongside the thousands of local residents who have signed a petition in their call for a reduction in ambulance response times across this region. The member for Seymour and I were very pleased this morning to present the petition, which has a total of 6185 signatures in support of this end.

I want to thank the minister and the Parliamentary Secretary for Health for the interest they have taken in this matter. In particular I would like to thank the minister's staff and departmental officers who took the time to meet this morning with a delegation led by me and the member for Seymour. I also want to thank Jane Szepe and her team for the way in which they have undertaken this important campaign. I have been happy to lend my assistance, beginning with taking signatures for the petition at my stall at the Whittlesea Show in November last year. I want to thank the many community members, including the children and the babies, who attended the Parliament this morning to show their support for this important campaign.

As a Country Fire Authority volunteer at Diamond Creek I have seen first hand the benefits that the co-location of emergency services can provide for the communities they serve and the volunteers and staff who use them. I want to encourage the minister to discuss with her cabinet colleague the Minister for Police and Emergency Services the possibility of the co-location of any future ambulance resources in the area, because there would be real benefits in looking at future co-locations with the police, the CFA or indeed the State Emergency Service.

During the recent bushfires in Kinglake we saw just how important co-location can be, when the Diamond Creek emergency complex acted for part of that time as an incident control centre. Having the fire, police and ambulance services in the one location was of tremendous assistance in emergency coordination. I also favour co-location because it can save significant amounts in recurrent expenditure which can then be put into better services.

Since 1999 the record of the Bracks government in the northern area has been excellent, with new stations being established at Epping, Diamond Creek, Craigieburn, Bundoora and Broadmeadows, as well as a community emergency response team in Kinglake, of which Jane Szepe is a member. However, we can do more. Those significant investments were all necessary because of the neglect and the absolutely atrocious record of the Liberal Party in government. There were no ambulance resources in the area until the change of government. I pay tribute to my predecessor, the Minister for Small Business, for his work on this effort. I caution the member for Caulfield not to politicise this

campaign. It is a genuine community campaign, which I support.

Gunnamatta: sewage outfall

Mr DIXON (Nepean) — I wish to raise a matter for the attention of the Minister for Health regarding the health risks associated with the Gunnamatta sewage outfall in my electorate. I ask the minister to ensure that proper health warnings are given out to beach users, particularly at the Gunnamatta and St Andrews beaches in the Mornington Peninsula National Park. Beach users need to know that there are health risks associated with the outfall. They need to know what sort of health risks there are, what testing has been done, the results of that testing and some of the symptoms associated with the afflictions people have had after having swum and surfed in the water off those beaches. The public also needs to be informed — and it might be through signage at the two beaches or through the use of a continually updated web site — as to the precise location of the outfall and how that outfall stream is affected by the prevailing wind and tide conditions.

The outfall spews 400 million litres of C-class sewage into Bass Strait every day, so only 42 per cent of Melbourne's sewage is being treated to C-class standard at the eastern treatment plant at Carrum. The outfall discharges at the beach, not into the ocean. Gunnamatta Beach is visited by about 350 000 people a year and St Andrews Beach by about 120 000 people a year, and, as I said, it is part of the Mornington Peninsula National Park. On one day last year the contamination level at the outfall was measured at 45 times the level recommended in the Environment Protection Authority's guidelines, so it was unbelievably contaminated. There are hundreds of documented cases of ear, skin, throat and eye infections. There have been five documented cases of viral meningitis and one of hepatitis C associated with people swimming and surfing in the water off Gunnamatta Beach.

The government does not have a good record here. It has become a health issue because the Minister for Water is delaying any upgrade of the treatment plant. In fact late last year he announced a further two-year delay in the upgrade of the eastern treatment plant at Carrum from C-class to A-class. The government also has an absurd policy of extending the outfall 2 kilometres out to sea, which is going to cost $70 million and flatten hectares of primary dunes — and all it will do is spread the health problem further. This has become a major issue, and unfortunately it has now become a health issue due to the inaction of the Minister for Water. I ask the Minister for Health to address it and to warn the public about the dangers of swimming and surfing off the beaches.

Torquay and Modewarre football and netball clubs: funding

Mr CRUTCHFIELD (South Barwon) — My issue is for the attention of the Minister for Sport and Recreation in another place. I ask the minister to support the applications to the country football and netball grants program by the Modewarre Football and Netball Club and the Torquay Football and Netball Club. The member for South-West Coast and the member for Seymour, who chairs the Rural and Regional Services and Development Committee, took part in an inquiry into country football and netball. That was one of the more enlightening inquiries for that committee in terms of getting some tangible dollars and resources for country football and netball clubs across the state. Most country members would be aware that these clubs serve their communities well — including yours, Acting Speaker, because your football and netball clubs would be eligible for that program as well. The Surf Coast council has supported the applications by the Modewarre and Torquay football and netball clubs.

I spoke about the Torquay Football and Netball Club last year in this chamber. I have not mentioned the Modewarre club before, because its application has only recently gone to the minister's office. Chris Ovens, the president of the Modewarre club, has briefed me on that project. The club is after $50 000 to upgrade the facilities down there, and I remember them very well because I have umpired there on many occasions. I look forward to an upgrade of the male and female toilets at the social club as well as an additional toilet cubicle in the home clubrooms, which will be a welcome addition for the umpires there.

Both this and the application from the Torquay club are about improving facilities for the whole sporting fraternity. Both are aimed at the netball clubs and at the juniors of both the football and the netball clubs. They are not specifically about football and are therefore much more attractive proposals than the ones that are. The state government has funded the program to the tune of some $2 million, and the Australian Football League has matched that amount. The program has been very well received across the state. I hope the first round will be announced soon, and I ask the minister in another place to support the applications of these two clubs.

Responses

Mr BATCHELOR (Minister for Transport) — The member for Kew raised with me a request for a pedestrian crossing on Earl and Asquith streets in Kew near the Willsmere Road shopping centre. As he pointed out, this section of the road network acts as a feeder road to the Eastern Freeway. It is an area surrounded by a largely residential catchment area and bounded by the freeway to the north. I am familiar with the area, because it is extremely well serviced by public transport. Buses run along Earl Street and Asquith Street and on the intersecting Willsmere Road. It is a very lucky part of the world. It has been looked after by this government.

However, the request he raises with me is for a pedestrian crossing, particularly near the Willsmere Road shopping centre, to allow for safer crossing at that location. My recollection is that there is some sort of roundabout there. I might not remember that correctly, because there is another roundabout further along that section of road.

The installation of a pedestrian crossing of any standard, whether it has lights or is the zebra crossing style, would depend on VicRoads carrying out an investigation to see whether the existing traffic and pedestrian conditions meet the warrants. Because budget funds are scarce and have to be managed carefully, certain processes have to be gone through. The normal process for the establishment of a pedestrian crossing in the circumstances which the member for Kew has identified would be for VicRoads to get a recommendation from the local council — and I think it is Boroondara in this case. I am not aware whether or not this location is on the priority list for Boroondara council, and we would first establish whether the proposal had that level of community support. Irrespective of that, it would still need to meet the warrants, particularly in relation to pedestrian and traffic flow in the area. Being a feeder road onto the freeway and given the very peculiar nature of the non-grid layout of the road network there, it would be interesting to see what they throw up.

There may also be other special circumstances and considerations that need to be taken into account that might assist VicRoads, but at the end of the day it has to compete against other priorities, not just in Boroondara but across the whole road network.

Honourable members interjecting.

Mr BATCHELOR — Yes, that is right — Knox, as the member for Scoresby indicates. The member for Nepean mentions Dromana and the Mornington Peninsula, and the member for Bulleen suggests Manningham. There are lots of competing interests, and members of both the government and the opposition make representations in this chamber. But notwithstanding the competition from his colleagues for the funds to be spent in their areas rather than his, I will ask VicRoads to dispassionately look at this request from the member for Kew to make sure that an examination to establish whether the proposal meets the road safety requirements is given appropriate consideration.

The member for Benalla raised with me the condition of the Wangaratta–Whitfield road, particularly the section near Whitfield. The Whitfield township and the connection from there to Mansfield is an area of the road network that, once again, I know particularly well. I am fond of that area, and I am sure the member for Benalla would agree with me that the King Valley is a very picturesque and beautiful part of Victoria. It is hard to beat. The road connection between the two towns — and I know he is not talking about the Mansfield–Whitfield road — has been improved and is helping the local economy by encouraging tourism, as mentioned by the member for Benalla.

The Wangaratta–Whitfield road has been the subject of significant improvements by VicRoads, and the member for Benalla acknowledged that. Rehabilitation works over a very long section have recently been completed, but the section he refers to is the pre-existing section that was not recently upgraded. He and other members of the community have noticed a recent deterioration in the condition of that road.

The member for Benalla thought it could possibly be attributed to tourism. It is not surprising that there has been an increase in tourism traffic in this area because it is, as I said, a very picturesque part of the world. Also, of course, the reason we sealed the Mansfield–Whitfield road was to encourage tourism to and from the King Valley. But I am informed that the changed circumstance that is likely to have brought about this deterioration in the road surface has been the recent increase in timber extraction along the Wangaratta–Whitfield road. I am told that about 160 trucks a week have suddenly started using that part of the road, and of course this has the greatest impact on the older section as opposed to the newer section, which is not surprising. It appears that this has been the cause of the problems the member for Benalla highlighted.

I can inform the member that VicRoads is aware of the issue. It has already undertaken some necessary maintenance works, including major patching, to ensure

that the older section of this road remains safe and trafficable. Additionally, rather than just doing the patching work, it is undertaking some further pavement investigations to determine the most appropriate long-term strategy. VicRoads is trying to look at the short term and see whether there are immediate problems because of the sudden increase in very heavy vehicle use. We encourage the reporting of those problems so that we can deal with them quickly, and it is helpful to have them reported. But I can advise the member for Benalla and his community that VicRoads is trying to establish the appropriate long-term treatment that should be applied to that section of the road that is suddenly under much greater stress.

I guess this is really a timely reminder to all members of the house of the impact that heavy trucks can have upon our road infrastructure and that the costs for fixing that must be borne by the community at large. These costs can be quite high, whether they be to local councils or to VicRoads if they are part of its network. It is a reminder that these costs are high, and that is part of the reason that a third determination of heavy vehicle charges is currently being considered by the National Transport Commission.

Mr HAERMEYER (Minister for Manufacturing and Export) — The member for South-West Coast raised a matter for the attention of the Premier. It related to the announced intentions of the New South Wales and federal governments to sell Snowy Hydro. The member asked the Victorian government to give some assurances in relation to water flows for irrigators and for the environment. I have to say that it is absolutely astounding that members of the Liberal Party have only just discovered the issue of water flows — or the issue of water, full stop. They never had a water policy until this government introduced one. They certainly never mentioned anything about environmental flows in the Snowy River until this government actually delivered on that.

This government is committed to the positions it has adopted. It will do anything it can to ensure environmental flows in the Snowy and to ensure water flows for irrigators, but at the end of the day we do not have the final say on this matter. The federal government has already taken a decision — a federal government that is made up of the Liberal Party and The Nationals. I understand no attempt was made by members opposite to influence the decision made by their colleagues. It is perhaps testimony to the seriousness with which the member for South-West Coast has raised this matter that he is not even here to hear a response on it.

The member for Mitcham raised a matter for the Minister for Racing — —

Mr Kotsiras — On a point of order, Acting Speaker, the member for South-West Coast raised the matter for the attention of the Premier, not for the minister at the table. I hope the minister will pass it on to the Premier.

Mr HAERMEYER — Acting Speaker, it goes without saying that I will pass it on to the Premier.

The member for Mitcham raised a matter for the Minister for Racing. He asked the minister to strengthen the rules relating to bad debts and bad payment practices. I am happy to pass that on to the Minister for Racing.

The member for Footscray raised a matter for the attention of the Minister for Health. He is seeking funding for the Braybrook campus of the Western Region Health Centre, which he rightly points out — and I would like to add my congratulations to them — won the Premier's prize for the most successful regional health centre. He is seeking $50 000 towards the $150 000 cost of the renovation and expansion of floor space at that campus. I will draw that to the attention of the Minister for Health.

The member for Geelong raised a matter for attention of the Minister for Sport and Recreation in the other place. He sought the upgrade of the Landy Field athletics track in Geelong. That is a facility that has served Geelong well for a very long time. He pointed out that it needs an overhaul. I will certainly pass that on to the minister for sport. We hope the Landy Field track will produce many more John Landys, both as sports stars and as potential state governors in the future.

The member for Scoresby raised a matter for the attention of the Minister for Police and Emergency Services.

Mr Wells — He's here!

Mr HAERMEYER — I know he is here, and it is good to see my old sparring partner across the table. He asked the minister to ensure that youth and gang problems around Cranbourne are addressed as a matter of priority. I know that the member for Cranbourne has been talking to the minister for police about a whole variety of crime and youth issues around Cranbourne, but the member for Scoresby again raises the issue of more police. I do have to point out that this government has made an unprecedented commitment to police in this state. We have made a commitment to

1500 additional police. That is in direct contrast to the cuts to police numbers and closures of police stations that occurred under the previous government.

The outcome of our commitment is that our crime rate continues to fall. Despite considerable growth in our population, our crime rate plummets. The government's performance on crime is better than that of any other government anywhere in Australia. However, I will certainly refer the matter raised by the member for Scoresby to the attention of the minister for police, but I suspect he may already be aware of these issues because they will have been raised by the member for Cranbourne.

The member for Yan Yean raised a matter for the attention of the Minister for Health, seeking the expansion of ambulance services in the Whittlesea–Kinglake growth corridor. Certainly these areas are rapidly growing. I recall from when I represented that area that the nearest ambulance service to Kinglake was in Heidelberg. This government provided an ambulance service to Diamond Creek and built a co-located police, firefighting and emergency services complex there, which has been an enormous boon to the area. In addition a number of new police stations and fire stations have been provided right throughout the area. We have also seen the establishment of a community emergency response team — and I add my congratulations and thanks to those of the member for Yan Yean to the people involved in the Kinglake unit, as they provide a valuable service. Co-location has been a policy of this government. Wherever possible, if we can get services co-located, we have sought the opportunity to do so. I will certainly pass that matter on to the Minister for Health.

The member for Nepean raised an issue about ensuring that there are proper health warnings regarding outfalls around Gunnamatta Beach, and I will make sure that is also drawn to the attention of the Minister for Health.

The member for South Barwon asked that the Minister for Sport and Recreation in the other place address some funding issues regarding the Torquay and Modewarre football and netball clubs. I will also make sure that is drawn to the attention of the Minister for Sport and Recreation.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 4.50 p.m. until Tuesday, 28 February.