the workforce as plumbers, electricians, motor mechanics and so on. These dedicated, hardworking
teachers bring a wealth of experience to the classroom. They also become great mentors for their students
based on their many years of involvement in the real world of industry and their willingness to share this
valuable knowledge.

I call on the minister and the Premier to immediately resolve this inequity. Instead of constantly bragging
about Victoria's TAFE system being the best in Australia, they should implement a pay structure that
rewards those committed TAFE teachers who make it happen.

Nusret Colpan

Mr EREN (Lara) — It gives me great pleasure to inform the house about the exhibition of the
world-renowned Turkish artist Nusret Colpan's miniatures in Parliament House's Queen's Hall. This
has been made possible by the grants and donations from the state government, the Turkish government and
the Turkish business community, coordinated by the 40th anniversary committee. This wonderful collection
of works is one part of a massive range of activities to celebrate 40 years of Turkish migration to this great
country, Australia. It will be officially launched tonight, and I encourage all members to take the time to have a
look at these fascinating works.

Nusret Colpan's works are inspired by the works of the acclaimed miniaturist Matrakci Nasuh, who depicted
16th century Istanbul and other Ottoman cities in his historical works. Colpan's works, as displayed in this
building, make up a collection depicting both 16th century and modern-day Istanbul with amazing
attention to detail. His works are in many private collections across the globe, and he has even made a
miniature of Paris for Jacques Chirac and a miniature of Moscow for Vladimir Putin.

The journey of so many Turkish people to Victoria is being celebrated in many ways this year. From the
Premier's gala dinner to the Moomba parade and two major festivals at the Immigration Museum and the
Queen Victoria Market. Turkish migration to Australia began with an assisted passage agreement in October
1967. My family is among those who have come to our shores. Former Prime Minister Paul Keating said in his
foreword — —

The ACTING SPEAKER (Mr Ingram) — Order! The member's time has expired, and the time for
making members' statements has also expired.

CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human
Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility
with respect to the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008.

In my opinion, the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008, as introduced to the Legislative
Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this
statement.

Overview of bill

This bill creates two new offences which relate to food or
drink spiking behaviour. Both were recommended to the
Standing Committee of Attorneys-General (SCAG) by the
Model Criminal Law Officers' Code (MCLOC) in its review of
drink spiking. SCAG endorsed MCLOC's
recommendations.

Clause 3 of the bill inserts a new subsection into section 53 of
the Crimes Act 1958. That subsection creates a new offence
of administering a drug with the intention of rendering a
person incapable of resisting an indecent act. The existing
provision only applies to situations where a person has been
rendered incapable of resisting sexual penetration.

Accordingly, this new provision addresses a gap, which was
identified by MCLOC.

Clause 4 of the bill creates a new offence in the Summary
Offences Act 1966 of food or drink spiking. In keeping with
MCLOC's recommendation, but adopting Victorian drafting
conventions, this bill creates an offence where a person:

- gives another person, or causes another person to be
given or to consume, food or drink that is spiked; and

- knows that the victim is not aware, or is reckless as to
whether the victim is aware, that the food or drink is
spiked; and

intends the victim to be harmed by the consumption of
the food or drink.

The offence is also made out if the victim has been given
more of an intoxicating substance than they could reasonably
expect their food or drink to contain. This means that it
captures the spiking of an alcoholic drink with additional
alcohol where the elements of the offence are also satisfied.

The offence is a preparatory offence. It is not necessary for
food or drink to be consumed, nor is it necessary that a
person's senses or understanding actually be impaired. If a
person's senses or understanding are actually impaired, this
is likely to be covered by assault offences and, in Victoria, the
offence of "administering certain substances" (an offence
under the Crimes Act which applies where there is likely to
be a substantial impairment of bodily functions).
CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL

Tuesday, 28 October 2008  ASSEMBLY  4203

Human rights issues

1. Human rights promoted by the charter that are relevant to the bill

There are two human rights protected by the charter that are relevant to the bill, as set out below.

1. Section 13 — privacy and reputation

Section 13(a) of the charter provides that a person must not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

The term privacy includes 'bodily privacy'. The bill promotes the right to bodily privacy, namely the protection of physical selves against invasive procedures, which arguably include food or drink spiking. It does this by criminalising behaviour associated with food or drink spiking.

2. Section 21 — right to liberty and security of person

Section 21 of the charter provides that every person has the right to liberty and security.

This bill promotes the right to security. Under that right, public authorities (such as the state) must protect a person's physical security where it is aware that security may be under threat.

This bill does this by criminalising certain behaviours relating to food and drink spiking which may not currently be captured by existing offences.

Consideration of reasonable limitations — section 7(2)

The bill does not limit any human rights, and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

The Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008 is compatible with the Charter of Human Rights and Responsibilities on the basis that it enhances two human rights, and does not limit any rights.

ROB HULLS, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill delivers on the government’s commitment to reform the law relating to food and drink spiking to increase the protection, particularly for young people, against harm and sexual assault.

The term 'spiking' refers to the practice of adding drugs or alcohol to another person’s food or drink, without that person’s consent. There has been considerable media reporting of cases in which perpetrators have added ‘date rape’ drugs to alcohol with the aim of taking sexual advantage, and indeed sexually assaulting, victims. This is clearly very serious offending behaviour. Other examples of ‘spiking’ include someone adding extra alcohol to an alcoholic drink with the aim of, for example, seeing the victim make a fool of himself or herself. Such behaviour can obviously have very serious consequences for the victim, but also the broader community.

We do not know precisely how prevalent drink spiking is. This is due to a range of factors including high levels of under-reporting and difficulties associated with verifying whether a reported incident actually occurred. There is no typical incident of drink spiking. What we do know from the available research is that it disproportionately affects young women, and a third of all drink spiking incidents are associated with sexual assault.

This bill arises directly out of recommendations by the Model Criminal Law Officers Committee (MCLOC) of the Standing Committee of Attorneys-General (SCAG), which SCAG subsequently endorsed. It builds on the work of the Australian Institute of Criminology and the Ministerial Council on Drug Strategy.

MCLOC concluded that while other general offences cover spiking cases where the spiking results in injury or death, in most jurisdictions there was a gap in relation to the lower end of the spectrum of drink spiking behaviour.

It proposed the creation of a preparatory offence in which it would not be necessary for food or drink to be consumed, nor for a person’s senses or understanding actually be impaired.

If a person’s senses or understanding are actually impaired, this would be covered by assault offences (or in the most extreme cases, murder) and, in Victoria, the offence of ‘administering certain substances’.

Accordingly, in keeping with MCLOC’s recommendation, but adopting Victorian drafting conventions, this bill creates an offence where a person:

- gives another person, or causes another person to be given, or to consume, food or drink that is spiked;
- knows that the victim is not aware, or is reckless as to whether the victim is aware, that the food or drink is spiked; and
- intends the victim to be harmed by the consumption of the food or drink.