PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

Book 5

11, 12 and 13 April 2000

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

By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Leighton, Mr Michael Andrew	Preston	ALP			

[1] Resigned 3 November 1999
[2] Elected 11 December 1999

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Tuesday, 11 April 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.04 p.m. and read the prayer.

DISTINGUISHED VISITORS

The SPEAKER — Order! The Chair welcomes to the gallery a delegation of members of Parliament from Tonga, Fiji, the Solomon Islands and the Cook Islands, who are here on a study tour as the guests of the Commonwealth Parliamentary Association.

Honourable Members — Hear, hear!

QUESTIONS WITHOUT NOTICE

Industrial relations: 36-hour week

Dr NAPTHINE (Leader of the Opposition) — In view of Mr Dean Mighell's statement at the summit that a 36-hour week was off the industrial agenda and his comments today that a 36-hour week and possibly a 35-hour week are now back on the industrial agenda, I ask the Premier how the Victorian manufacturing industry can rely on anything that came out of the so-called government summit.

Mr BRACKS (Premier) — The key question to be asked is: where is the federal workplace relations minister, Peter Reith? At the summit the government achieved something the federal Liberal and National parties could not achieve — that is, a basis of cooperation — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr BRACKS — I was very pleased with the cooperation shown at the summit and the preparedness of the industrial participants to work together.

Dr Napthine — You have backflipped on it!

Mr BRACKS — Sorry? You have another question?

The SPEAKER — Order! The Leader of the Opposition should cease interjecting, and the Premier should ignore interjections.

Mr BRACKS — I would not talk about backflips. On Workcover, it's yes, maybe and no — that's the position they take. They would not have a clue! Don't talk about backflips — god help us! Sorry, I was wrong: it's yes, no and maybe — that's what it is!

Honourable members interjecting.

The SPEAKER — Order! The Premier will speak through the Chair.

Mr BRACKS — I was very pleased with the cooperation shown by participants at the summit, including their preparedness to get in and discuss issues at that level before getting into a bargaining period. I welcomed the comment that the 36-hour week was off the agenda. Government members will do everything they can to get a sensible and positive outcome that enhances the productivity of the Victorian manufacturing industry — as distinct from the hopeless federal industrial relations system that the opposition supports, which does not work and needs reform. I put this challenge — —

Ms Asher interjected.

Mr BRACKS — Sorry? I could not hear the question.

The SPEAKER — Order! The Premier should ignore interjections.

Mr BRACKS — If the government wants anything at all from the opposition, it wants it to talk sense to the federal workplace relations minister about the reforms Victoria needs to achieve a proper settlement of the dispute. That includes a strong conciliation and arbitration system and a government that works as an honest broker to settle the disputes. Instead of doing nothing, the opposition should talk sense to its federal counterpart.

Workcover: common-law rights

Mr MILDENHALL (Footscray) — My question is addressed to the Premier.

Honourable members interjecting.

The SPEAKER — Order! There is far too much interjection. I am having difficulty hearing the honourable member for Footscray.

Mr MILDENHALL — I refer the Premier to the government's commitment to restore the common-law rights of seriously injured workers. Will the Premier inform the house of the details of the government's decision to go forward and deliver on the promises.

Mr BRACKS (Premier) — It is a proud day for government members. Not long ago legislation was

brought in to restore the powers and rights of the Auditor-General; today the caucus adopted a bill — it will be introduced to the house on Thursday — to bring back common-law rights for seriously injured workers in Victoria. It is with enormous pride as the government moves through its mandate and the mandate — —

Honourable members interjecting.

Mr BRACKS — The mandate goes back further than the Mitcham by-election in which it was a key issue — along with the issue of the Auditor-General; to the 1999 general election in which it was a key plank of Labor Party policy; to the Frankston East by-election; and to the Burwood by-election. If the vacillators have their way and block the bill, no doubt it will go on to Benalla as well. The Labor Party will campaign there, and if the opposition wants to block the legislation, the government will campaign on the matter.

The Leader of the National Party supports the government on the matter. He knows and understands that the common-law rights should be restored. This morning the opposition leader could not work out what to do on the matter. He said he wants to wait and see the bill. Why did the Deputy Leader of the Opposition say she would oppose it instead of waiting for the bill? Why did the shadow Minister for Workcover, the honourable member for Box Hill, say he would oppose it instead of waiting to see the bill? It is disingenuous — either you have a position or you do not.

The government will retrospectively introduce legislation to restore common-law rights to seriously injured workers to the date the government came to office — that is, 20 October. The bill will introduce several changes. It meets the policy commitment the Labor Party went to the election on — —

Mr Cooper interjected.

Mr BRACKS — You're not going to be here very long! The honourable member for Mornington was part of a government which voted down the common-law rights of seriously injured workers!

Mr Cooper interjected.

Mr BRACKS — He said 'Absolutely'. He is crying crocodile tears! He said, 'What about the 5000 workers from 1997?' What about them? He does not care! It is his legislation that stopped this. It is an absolute disgrace. I do not know how he can sit there! Look at Tweedledum and Tweedledumber! They should go!

The SPEAKER — Order! The Premier should refrain from using those terms.

Mr Cooper — Hopeless incompetent! That's what you are.

The SPEAKER — Order! The honourable member for Mornington will cease interjecting.

Mr BRACKS — The commitments made today honour every election plank and commitment of the Labor Party. The government is restoring the common-law rights of seriously injured workers; and fully funding the scheme so that workers can have security and certainty — the scheme will be in a full-funding ratio. The government inherited a scheme that was only partially funded — it was less than 100 per cent funded. The new scheme will remain the second-lowest premium of any state in Australia and therefore be competitive. Half of the premium increase, from an average 1.9 per cent to 2.18 per cent, goes to the black hole — the legacy left by the previous government to fully fund the scheme in the future.

I am also pleased to announce that, although there is no retrospectivity before 20 October 1999, the government will take action to ensure proper support is given to the 5000 workers left hanging and unaccounted for by the previous Kennett government. In 1997 when the common-law rights were knocked off about 5000 workers were left with no access to common law up till 20 October.

The government will introduce a system where in some cases injured workers' payments will be converted by consent to lump sums. The system will assist and support injured workers not in a position to return to work; provide active case management to ensure a better return to work; and put significant effort into each case left by the previous government. In cases of negligence, Workcover will bring action under the Sentencing Act. The government will meet its mandate and commitments to have a fully funded scheme, to have competitive premiums and to restore common-law rights to seriously injured workers. I am proud to stand here as a Labor Premier and say, 'The government has restored rights in a financially responsible way that supports business and industry in Victoria. The challenge is to the vacillating opposition to say exactly where it stands on the issue.

Snowy River

Mr RYAN (Leader of the National Party) — I ask the Premier: when a deadline for agreement was set by the government for 1 April, why has it failed to agree

with New South Wales on the amount of water to be made available to the Snowy River?

Mr BRACKS (Premier) — I welcome the question from the Leader of the National Party. I know of his interest in the matter and the interest of National Party members in water and water conservation and in ensuring a proper and sensible future arrangement which meets the needs of irrigators and environmentalists to have the Snowy River flowing again. That will be a magnificent legacy for this house and this Parliament!

The government has been actively and consistently negotiating with the New South Wales government on the matter. Negotiations have taken place between Minister Della Bosca from New South Wales and Minister Broad from Victoria, who have had regular meetings. I will answer this openly and frankly for the Leader of the National Party, because it is a sensible question.

Although the timetable has slipped there has been enormous progress on the New South Wales position. New South Wales has gone from a position where it would not have identified any water savings to be put back into the Snowy from Jindabyne Dam to a position where it will match and equal the Victorian government on any savings Victoria makes.

Dr Napthine — We are getting three to one.

Mr BRACKS — If you just settle down, I will tell you the full story. It is extraordinary — the Leader of the National Party wants the information and the Leader of the Opposition couldn't care less.

This goes to the very heart of the question from the Leader of the National Party: the reason the government has delayed this matter further is that it is not satisfied or happy with the outcome. The government wants to take it further. Because 75 per cent of the water taken out of the Snowy goes to New South Wales, the government believes it should bear 75 per cent of the burden. The government has been actively negotiating over and above the New South Wales position, and I am very pleased to indicate to the house that I went to Sydney on Friday and met with Treasurer Egan and the Premier, Mr Carr. I can report to the house that significant progress was made in moving — —

Honourable members interjecting.

Mr BRACKS — Unbelievable! A sensible question was asked, and the ridiculous opposition leader couldn't give a damn about this issue!

I can report to the house that significant progress was made on advancing New South Wales over and above the position we had previously got it to. When the Labor Party came to office the previous government had no understandings or agreements with or support from the New South Wales government. The government has moved this on to 50 per cent, and it has been moved on further following my discussions last Friday. The New South Wales government has accepted responsibility for approaching the 75 per cent the government wants. That is a significant gain; that is very important.

I am very pleased this issue has been worked through properly with cooperation and patience to ensure that we protect irrigators on the one hand and ensure a sound environmental outcome on the other.

It is interesting to note that the federal environment minister, Senator Hill, at one stage was saying, very inappropriately, that somehow the push from New South Wales and Victoria — particularly Victoria — to get water savings in the Snowy was somehow going to affect the Murray–Darling Basin. That was absolutely outrageous and wrong, and the minister knew it. I am very pleased he backed off that and has now contradicted his own statements. I am also hopeful that we can work with the federal government to have it do its share as well, and I will seek cooperation from the Leaders of the National Party and others in that regard.

The government will do its bit, probably even more, New South Wales will do its bit, and we are moving along. We need the federal government to be genuine about this and the legacy it will leave behind for all generations to come by having the Snowy flowing again. Members of the opposition should use their influence with their coalition partners. They used their influence previously to have Senator Hill set himself up with an outrageous statement — they should tell him to work with us. We will work with him to get a good outcome on this issue. I am very pleased with the progress to date.

Workcover: common-law rights

Mr LENDERS (Dandenong North) — I refer the Minister for Workcover to the government's commitment to provide a fairer scheme for injured workers and ask: will the minister inform the house of the details of the government's decision to improve benefits for injured workers?

Mr CAMERON (Minister for Workcover) — The Bracks government is committed to ensuring that seriously injured workers have common-law rights.

Today the government has announced the details of the package to be introduced to Parliament. There will be two gateways to ensure workers have common-law rights: firstly, a worker who is 30 per cent whole-person impaired will be eligible to seek damages for his or her injuries as a result of the accident that occurred at their workplace; and, secondly, a worker will also be able to apply under a narrative test. That will mean more equity in the system, but there is a great deal more.

Early in its term the government said it wanted to restore common-law rights, and to give effect to that express commitment the new scheme will be backdated to 20 October last.

Opposition members interjecting.

Mr CAMERON — They are in disarray — look at this: the Deputy Leader of the Liberal Party has a totally different view to the Leader of the National Party.

Honourable members interjecting.

Mr CAMERON — We look forward to your support.

This legislation has to get through both houses of Parliament, and the opposition has a different view on this matter every day of the week. On my calculations, Tuesday afternoon and Thursday morning are the best, and we will probably have to time the vote so that we can make sure we can get it through!

Additional improvements will also be made to the scheme. For workers on weekly payments regular overtime will be included rather than the base salary rate for the first 26 weeks. Some 85 per cent of workers get back to work within 26 weeks so that will advantage the vast majority of injured workers. In addition, various industry agreements include make-up pay, so for those employers it will mean there will be less make-up pay during that 26-week period. Employers will certainly benefit from that initiative.

Improvements will be made with regard to statutory non-economic lost benefits — that is, section 98 benefits — and in the vast majority of cases there will be an improvement of a flat amount of $5000.

The scheme is fair and affordable and was supported by Victorians at the election. The government looks forward to its carriage through both houses of Parliament.

Attorney-General: conduct

Dr NAPTHINE (Leader of the Opposition) — Does the Premier stand behind his Attorney-General's statements last Thursday about members of Parliament attempting to influence courts and tribunals?

Mr BRACKS (Premier) — I always stand by my Attorney-General. He is a great contributor. He has pursued the rights of Victorians in his legislative framework. He has absolute integrity and I support him absolutely.

Honourable members interjecting.

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

Hospitals: additional beds

Ms BARKER (Oakleigh) — I refer the Minister for Health to the government's commitment to improve health services for all Victorians. Will the minister inform the house of the allocation of new beds in Victorian hospitals?

Mr THWAITES (Minister for Health) — I am pleased to announce the allocation of 360 new beds to relieve the problems faced by hospitals in their emergency departments and to reduce waiting times. The honourable member for Oakleigh will be delighted with the extra 30 beds allocated to the Monash Medical Centre. Many honourable members will be pleased to learn that those beds will be allocated in a way different from that of the previous government. How long is it since a government has announced that it is adding beds to the system? We had seven years of cuts. For the first time in seven years, the government is actually adding beds.

The honourable member for Ivanhoe will be pleased that there will be an extra 60 beds at the Austin and Repatriation Medical Centre. An extra 20 beds will be allocated to the Dandenong Hospital and an extra 25 beds to the Frankston Hospital — and honourable members know about the severe problems that hospital has had. An extra 45 beds will be allocated to St Vincent's Hospital; an extra 45 beds to the Royal Melbourne Hospital; and an extra 14 beds to the Western Hospital.

Mr Honeywood interjected.

Mr THWAITES — I advise the honourable member for Warrandyte that there will be an extra seven beds at the Maroondah Hospital. The honourable

member seems to be complaining about it — he is obviously opposed to it. Under the previous government all we saw were cuts. I can recall the former government cutting seven beds at Maroondah. We are proud to be putting in an extra seven beds.

The government is also pleased to announce that 60 beds will go to regional Victoria, including 11 beds to Ballarat, 11 beds to Geelong, and 5 beds to Bendigo. The allocation of beds will be across the system, including the Latrobe Regional Hospital.

Honourable members interjecting.

Mr THWAITES — West Wimmera is getting an extra five beds. The honourable member for Wimmera cares about his area and seems happy about it, even if the rest of the opposition does not.

It is a proud day for the government. For the first time in seven years a Victorian government is putting new beds into the system. It is not taking beds out; it is improving the system. That is a major change for our hospitals.

Local government: allowances

Ms BURKE (Prahran) — Given that today on 3AW the Premier ruled out any increase in allowances for municipal councillors, will the Minister for Local Government now — —

Honourable members interjecting.

Ms BURKE — Supported in the house today by the Minister for the Finance! Will the minister now abandon the Peter McMullin review of mayoral and councillor allowances that he launched in February?

Mr CAMERON (Minister for Local Government) — The government is awaiting the outcome of the review of allowances that was established a couple of months ago.

Honourable members interjecting.

Mr CAMERON — The government is not saying they will go up or go down.

Dr Napthine — On a point of order, Mr Speaker, obviously the minister did not get his instructions from the Premier's media unit before answering the question.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order immediately. There is no point of order.

Mr CAMERON — Mr Speaker, you will be aware that the government is not saying — and at no point has it said — that there will be increases. It will wait until it gets the review.

Casino: bidding process

Mr LANGUILLER (Sunshine) — I refer the Minister for Gaming to the government's release of the casino documents after seven years of cover-up and I ask: will the minister inform the house whether those documents support the opposition's contention that the tender process was 'pristine'.

Mr PANDAZOPOULOS (Minister for Gaming) — This is a story that has to be told. After seven years of cover-up and after many FOI applications to the previous government by the former opposition and the media, the Bracks government has done the right thing and on Monday released all the relevant documents that were part of the bidding process. The release of those documents fulfils a commitment that we made in opposition to release documents relating to the Kennett government that were in the public interest. That is exactly what we have done.

The Bracks government wants the public to know what happened and to have the opportunity to view those documents. The documents are all available at the Public Record Office Victoria which is where they should have been placed many years ago. The documents reveal that the relationship the previous government was involved in was totally inappropriate.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The honourable member for Doncaster will cease interjecting in that fashion. His interjections are far too loud.

Mr PANDAZOPOULOS — They are sensitive little petals, are they not!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc will also cease interjecting. I will not warn him again.

Mr PANDAZOPOULOS — When it was in government the opposition hid the documents for almost seven years, yet its members now have the audacity to say they contain nothing. In this morning's media the former minister, now the shadow Minister

for Gaming, referred to the process as pristine. Tell that to the losing bidders! What do the documents reveal?

Honourable members interjecting.

The SPEAKER — Order! The opposition benches — particularly the honourable member for Warrandyte — should come to order. The Chair is having difficulty hearing the minister's answer.

Mr PANDAZOPOULOS — The former Premier told the house he did not speak to the bidders. However, as reported by the *Age* yesterday and as clearly shown in the documents of the casino tapes, Lloyd Williams stated, 'With another hat on I can readily discuss this'. While wearing his TAB hat he could readily discuss the issue with ministers. However, the documents do not show which ministers spoke to Lloyd Williams.

Honourable members interjecting.

The SPEAKER — Order! There is too much noise coming from the opposition benches, particularly from the honourable member for Polwarth. The Chair will not warn him again.

Mr PANDAZOPOULOS — The documents reveal that Lloyd Williams said that while wearing another hat he could approach ministers in a capacity other than as a bidder. The government has made all the documents available. To correct the record, the only gap to be filled depends on the opposition being honest and telling the house which ministers spoke to Lloyd Williams.

Honourable members interjecting.

The SPEAKER — Order! Will the house come to order. The Chair will not hesitate to use sessional order 10 to bring the house back to order.

Mr PANDAZOPOULOS — The documents also reveal that a lifeline was thrown to the Lloyd Williams bid by a last-minute change in the former government's gaming policy. It developed policy on the run to suit the needs of its mates. History demonstrates that through its own actions the former government did not generate confidence in the bidding process. As an example, the former commercial manager of the Casino Control Authority — —

Honourable members interjecting.

Mr Perton — On a point of order, Mr Speaker, your own guidelines require ministers to be succinct in their answers. The Minister for Gaming is using question time to make a ministerial statement. The opposition is prepared to accommodate him if he makes a ministerial statement so the issue of the government's promise to hold an open inquiry can be debated in the house.

Honourable members interjecting.

The SPEAKER — Order! There is no point of order. I remind the Minister for Gaming that he must be succinct in his answer. However, I point out that the minister has been speaking for only 4 minutes, with a substantial amount of that time being wasted on interruptions. The house is wasting its own question time.

Mr PANDAZOPOULOS — It seems that after every sentence there is an interruption! The opposition does not want to listen to what happened. The former commercial manager of the Casino Control Authority, Mr Tony Jolly, said he believed that the Melbourne Casino Ltd bid was leaked and that the role of the government was anything but hands off. Mr Vyril Vella also expressed concerns that MCL's financial offer was leaked to Crown. There is a stench about the process.

Although the opposition still says the process was pristine, the documents show it was not. The former government misled the house while its members sat idly by. The business community requires confidence in the government. The release of the documents will assure business that it can have confidence in the Bracks government, which will not shift the goal posts in the middle of bids for government projects. The audit commission will recommend the establishment of protocols and processes for future projects. The government will continue to be open and transparent, and for future contracts the simple criterion will be that the best bidder wins.

Although the documents show an inappropriate level of dealing by the former government with Lloyd Williams, a royal commission is not warranted.

Honourable members interjecting.

The SPEAKER — Order! The Chair is aware that both the question and the minister's answer are important. The level of noise is too high for all honourable members to hear. The house should quieten down.

Mr PANDAZOPOULOS — There will not be a royal commission. Although the documents show an inappropriate level of contact between the former government and Lloyd Williams, a royal commission costing possibly tens of millions of dollars is not warranted. The public will have access to those

documents and will make its own decision. Apart from the cost — —

Dr Napthine interjected.

Mr PANDAZOPOULOS — It also is not warranted because all the government wanted to do was to correct the record and put it in the public arena. The events in question happened nearly seven years ago. There are now new owners of the casino who have completed the proper process with the Victorian Casino and Gaming Authority and there is no need to continue to focus on that. However, one thing needs to be done: opposition members and former ministers should apologise to correct the record of their involvement and explain how they were involved in this grubby process.

Attorney-General: conduct

Dr DEAN (Berwick) — I refer the Premier to a letter dated 16 June 1999 written directly to the coroner by a member of Parliament requesting that the coroner accept a private briefing from the United Firefighters Union, which the Solicitor-General found to be ill-advised and obviously undesirable. In view of his previous answer, will the Premier now sack the author of the letter — the Attorney-General?

Mr Perton interjected.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order! I will not warn the honourable member for Doncaster again about interjecting.

Mr BRACKS (Premier) — There is only one action required in this house in terms of sacking — that is, that the opposition leader stand up and take action against the honourable member for Malvern for his action in the house last week.

Information technology: Multi-Service Express

Mr TREZISE (Geelong) — I refer the Minister for State and Regional Development to the need for access to government services online, particularly in regional Victoria. Will the minister advise the house what improvements the government is making to provide Victorians with the best online government services in the world?

Mr BRUMBY (Minister for State and Regional Development) — I am delighted to advise that last Friday in Seymour, together with the honourable member for Seymour, I launched Multi-Service Express, which is the Bracks government's Internet doorway to online government and private sector services 24 hours a day, 7 days a week, 365 days of the year.

The beauty of Multi-Service Express is firstly, it is free, secondly, it is available through a single Internet window, and thirdly, it is a world first. The Bracks government is taking its services to the people. Victoria is not only the first state in Australia to offer the one-touch service, it is the first in the world to offer so many services online at the touch of a single button.

Opposition members interjecting.

Mr BRUMBY — Opposition members interject about this. Victoria has never before had a single Internet doorway access, where with one click of the mouse, one touch of the computer, a person can access Multi-Service Express and then the 92 services — —

An opposition member interjected.

Mr BRUMBY — No, you didn't have that before. People can access the 92 services that are available across the state. They can do things such as obtain a senior citizens card, enrol to vote, update driver licence details, pay bills, notify electricity companies of a change of address and access Victorian certificate of education results. Never before have these 92 services been available at one touch. All people have to do is key in the address www.vic.gov.au and they will be into the system — —

An Honourable Member — What is it?

Mr BRUMBY — www.vic.gov.au.

The SPEAKER — Order! I ask the minister to respect the Chair when he is on his feet and taking a point of order, as I was about to do from the honourable member for Doncaster.

Mr Perton — On a point of order, Mr Speaker, on the question of relevance, the honourable member for Geelong asked a question about new developments in electronic service delivery. The minister has been reciting a list of the Kennett–Stockdale achievements in this area and I ask you to bring him back to answering the question — that is, what new developments have occurred in electronic service delivery other than a rebadging of the name.

The SPEAKER — Order! There is no point of order. The minister was being relevant in answering the question asked by the honourable member for Geelong about technological improvements. I will continue to hear him.

Mr BRUMBY — There is a second Internet address I forgot to advise the house of — www.victor.gone!

Opposition members interjecting.

Questions interrupted.

SUSPENSION OF MEMBERS

The SPEAKER — Order! It is clear to the Chair that the honourable members for Mordialloc and Doncaster are continuing to disrupt the proceedings of the house and are being disorderly. Under sessional order 10, I ask them to leave the chamber for half an hour.

Honourable members for Mordialloc and Doncaster withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Information technology: Multi-Service Express

Questions resumed.

Mr BRUMBY (Minister for State and Regional Development) — There are 92 services online available to Victorians. I launched the service in Seymour because the initiative is taking government to the people and it is important for those in regional and rural Victoria to have access to such services.

There are now 3500 public access sites across the state. The Bracks government has been significantly increasing the number of those sites since its election, and the world's best service is now being offered across regional Victoria for free.

I want to make one final point: access to the Internet is the responsibility of the federal Howard government. The Bracks government can offer the world's best Internet service but people's capacity to use it across regional Victoria depends on the bandwidth provided. The report of the national bandwidth inquiry was released last week in federal Parliament and was a particularly damning report on the Howard government and the lack — —

Mr Rowe — On a point of order, Mr Speaker, it is obvious that the minister is now debating the question. He is not discussing state government issues or policies; he is discussing a federal government report and is therefore debating the question.

The SPEAKER — Order! I uphold the point of order and ask the minister to come back to answering the question and concluding his answer.

Mr BRUMBY — The capacity of the government to provide the services and for Victorians to access them is limited by the bandwidth provided across regional Victoria. The question I was asked addresses that matter. The Bracks government can provide the best services in the world but if the federal Howard government does not provide — —

Mr Ryan — On a further point of order, Mr Speaker, your ruling is patently being flouted by the minister: you have already clearly ruled that he should not debate the question, and I ask you to bring him back to the question.

Mr BRUMBY — On the point of order, Mr Speaker, I was asked about the need for access to government services online, particularly in regional Victoria. The Bracks government is providing those services online; the constraint to Victorians accessing them is the provision of bandwidth. That is the question I was answering, but I wish to respond to the point of order. This is a positive story for regional Victoria, and the Leader of the National Party is attempting to protect the federal Howard and Anderson government over the fact that it has not provided sufficient bandwidth. I would be happy to conclude the answer if there were not so many interjections!

The SPEAKER — Order! I am not prepared to uphold the point of order. The minister is entitled to provide information in response to a question. However, he may not debate the merits or otherwise of any specific points of his answer.

Mr BRUMBY — The opposition hates good news. I conclude with a quote from the findings of the national bandwidth inquiry:

> … evidence suggests that there are problems with making data services available in a timely and affordable manner, particularly outside the CBDs of Sydney, Melbourne or Brisbane.
>
> … some rural and remote routes do not currently have sufficient capacity or it is often not provided in a timely manner.

That is a key issue. I ask the opposition not only to show bipartisan support for the Multi-Service Express but also to join the Bracks government in lobbying the federal government to expand the provision of bandwidth across the state of Victoria. I ask it to agree with the government that it is no solution simply to sell off Telstra and that what is needed is a clear

commitment from the Howard government to expand the capacity and provision of bandwidth facilities in regional Victoria.

PERSONAL EXPLANATION

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — Mr Speaker, I refer to my response to a matter raised by the honourable member for Hawthorn in the adjournment debate on 6 April concerning Lavin Australia Pty Ltd. My department has since confirmed that an administrator was in fact appointed to administer the affairs of the company on 1 March. The handover of student records occurred on 3 April, after negotiations between my department and the administrator. Those negotiations were undertaken to facilitate the completion of training.

NOTICES OF MOTION

The SPEAKER — Order! Are there any notices? Are there any papers pursuant to statute?

Honourable members interjecting.

Dr Napthine — Mr Speaker, on a point of order, I believe you called for the next item of business, which is papers pursuant to statute. The ministers missed the call for notices of motion because they were obviously asleep at the wheel, as is the government. As you called for papers pursuant to statute, it would be inappropriate to go back to ask for any notices of motion. The ministers have missed the call.

Mr Bracks — On the point of order, Mr Speaker, the minister was on his feet and approaching the table. I would have thought the opposition would accept that for the sake of the smooth running of the house it would be appropriate to allow ministers to give notice of legislation today. I submit the point of order is petty and minor. The minister was on his feet, ready to approach the table, and you started to call him when the Leader of the Opposition raised his point of order.

Mr McArthur — On the point of order, Mr Speaker, it is clearly the responsibility of members to draw the attention of the Chair to their wish to speak by rising in their places. That has been a tradition of this place from time immemorial. I ask you, Sir, to cast your mind back to an adjournment debate only a few weeks ago, when the question 'That the house do now adjourn' was put and the house adjourned straightaway because the Chair did not see any member rising to his or her feet. No consideration was given then to giving members who were not quick enough to rise in their places the opportunity to contribute to the adjournment debate.

I put it to you that this is a matter of consistency. The ministers were asleep in their seats and missed your call, which you made very clearly. I heard it, as did other members of the house; the ministers had the opportunity to respond. You then called the subsequent item of business. It is reasonable and consistent for you, Sir, to continue with that item of business and not backtrack.

Mr Batchelor — Mr Speaker, upon your asking for notices of motion, the Minister for Environment and Conservation stood in her place waiting to be called, to be followed by the Minister for Workcover.

Honourable members interjecting.

The SPEAKER — Order!

Mr Batchelor — Ministers understand the procedure for giving notices of motion. They know that, in the instance where more than one minister is seeking to give notice, they are to wait until they are called.

Today a number of ministers will be seeking to attract your attention, Mr Speaker. The Minister for Environment and Conservation was on her feet and the Minister for Workcover was making his way to the table before you called for papers pursuant to statute. I suggest, Mr Speaker, that you are entitled to allow those ministers to proceed to give notice.

The SPEAKER — Order! On the point of order, I bring to the house's attention standing order 47, which states:

> No notice of motion shall be received after the House shall have proceeded to the business of the day as set down in the Notice Paper.

As the house had not proceeded to the next item of business on the notice paper, it is appropriate that notices be brought on.

Notices of motion given.

PAPERS

Laid on table by Clerk:

> *Audit Act 1994* — Report of the Auditor-General on Test calls made to non-emergency ambulance telephone lines, April 2000 — Ordered to be printed

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases by the:

Whittlesea Showgrounds and Recreation Reserves Committee of Management Incorporated

Swan Hill Rural City Council

Financial Management Act 1994 — Report from the Minister for Environment and Conservation that she had received the 1998–99 Annual report for the Goulburn Valley Regional Waste Management Group

Planning and Environment Act 1987:

Notice of approval of the new Ararat Planning Scheme

Notice of approval of the amendment to the Kingston Planning Scheme — No. C5

Statutory Rules under the following Acts:

Architects Act 1991 — SR No. 25

Melbourne City Link Act 1995 — SR No. 24

Police Regulation Act 1958 — SR No. 23

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No. 24.

AUDITOR-GENERAL

Ambulance test calls

The SPEAKER — Order! I desire to make a statement about the report of the Auditor-General on test calls made to non-emergency ambulance telephone lines, which has just been tabled.

I am advised that the report contains some references to matters that are covered by the terms of reference of the Metropolitan Ambulance Service royal commission. Consideration must therefore be given as to how the sub judice rule might be applied in relation to matters referred to in this report which might be raised in the house.

The sub judice convention is a restriction on debate which the house imposes upon itself so that the proceedings before a court will not be prejudiced. The application of the convention is at all times subject to the discretion of the Chair, which will always have regard to the ability of members to raise matters of concern.

While the application of the sub judice rule is well documented in relation to proceedings before the courts, the convention has also been applied in respect of royal commissions. However, the extent to which the rule should apply to royal commissions is not quite as clear.

The application of the sub judice rule in relation to royal commissions is well summarised in *House of Representatives Practice*, third edition, p. 484, as follows:

> Although it is clear that royal commissions do not exercise judicial authority, and that persons involved in royal commissions are not on trial in a legal sense, the proceedings have a quasi-judicial character. The findings of a royal commission can have very great significance for individuals, and the view has been taken that in some circumstances the sub judice convention should be applied to royal commissions.

House of Representatives Practice goes on to make reference to how the rule has been applied in recent times:

> The contemporary view is that a general prohibition of discussion of the proceedings of a royal commission is too broad and restricts the house unduly. It is necessary for the Chair to consider the nature of the inquiry. Where the proceedings are concerned with issues of fact or findings relating to the propriety of the actions of specific persons the house should be restrained in its references. Where, however, the proceedings before a royal commission are intended to produce advice as to future policy or legislation they assume a national interest and importance, and restraint of comment in the house cannot be justified.

As the royal commission is continuing and the terms of reference deal with the activities of individuals, the Chair then needs to determine a balance between the need to preserve the integrity of the royal commission and to allow discussion on matters in the public interest.

In this instance I believe the overriding principle must be to ensure that the operations of the royal commission are not prejudiced. I therefore advise members that they may canvass the general issues raised in the report during debate in the house but members should refrain from discussing matters that are specifically before the royal commission, unless it can be clearly demonstrated that such discussion would be in the public interest.

Mr President will be making the same statement relating to this report in the Legislative Council.

ROYAL ASSENT

Message read advising royal assent to:

First Home Owner Grant Bill

National Taxation Reform (Consequential Provisions) Bill

APPROPRIATION MESSAGE

Message read recommending appropriation for Chinese Medicine Registration Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

> That, pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 13 April 2000:
>
> Prostitution Control (Planning) Bill
>
> Flora and Fauna Guarantee (Amendment) Bill
>
> Renewable Energy Authority Victoria (Amendment) Bill
>
> Corporations (Victoria) (Amendment) Bill
>
> Prevention of Cruelty to Animals (Amendment) Bill

Mr McARTHUR (Monbulk) — The opposition will not be opposing the government business program. Nevertheless, I have some comments to make about the program and the management of the house in view of some statements made by the Leader of the House, the Attorney-General and other members of the government when they were in opposition that reflect on their behaviour now that they have changed sides in the house.

It is useful to remember that members of the Labor Party complained long and hard for many years about the use of the guillotine at 4.00 p.m. or 4.30 p.m. on a Thursday afternoon. In the previous Parliament it used to be 4.30 p.m., and it is now 4.00 p.m. In the last Parliament every time the government business program resulted in the use of the guillotine the Labor Party, through its key spokesmen, complained loudly about it and described it as a denial of democracy, a frustrating of the democratic process, a usurping of the powers of the Parliament, or one of a range of similar expressions. They also referred to it as gagging debate and restricting the public's right to know.

For the benefit of honourable members I advise the house that on Thursday, 25 November last year, the first guillotine was applied by this government to debate on the Essential Services (Year 2000) Bill. Further occasions on which the guillotine has been applied are: Thursday, 2 December last year, the Regional Infrastructure Development Fund Bill; Thursday, 9 December, the Melbourne Sports and Aquatic Centre (Amendment) Bill and Legislative Council amendments to the Regional Infrastructure Development Fund Bill; Thursday, 16 December, the Rail Corporations and Transport Acts (Miscellaneous Amendments) Bill; Thursday, 2 March 2000, the Courts and Tribunals Legislation (Amendment) Bill, the Domestic Building Contracts (Amendment) Bill and the Melbourne City Link (Amendment) Bill; Wednesday, 22 March, the Financial Management (Financial Responsibility) Bill; and Thursday, 6 April, the Education Acts (Amendment) Bill, the Administration and Probate (Dust Diseases) Bill and the Road Safety (Amendment) Bill. Debate on all of those bills was guillotined.

In that short period 12 bills were guillotined. It is worth noting that all of those bills were either agreed to by both sides of the house or not opposed by the opposition. However, although the opposition decided it would not oppose the bills, it wished to put forward amendments to some of them or to make some criticisms or comments.

The other thing worth noting is that despite its frequent use of the guillotine in the management of the house during the past six months, the government pretends it wants to have full and free debate on legislation. Last week debate on three bills was guillotined. The opposition was keen to go into committee on those bills — and so was the government, because it had amendments to two of them. The government clearly wished to go into committee on those two bills so it could explain why the amendments were needed. One set of amendments was stolen from the honourable member for Warrandyte by the Minister for Education. They were his amendments, but she appropriated them and introduced them in her name.

Mr Batchelor interjected.

Mr McARTHUR — As I said, the opposition wished to take those bills to the committee stage, and so did the government, but the process was frustrated by the government putting up speaker after speaker and extending the allocated time for speaker's that was informally agreed to between the parties prior to the debate. As a result there was no time available for the bills to be considered in committee. The Leader of the House did not even provide a second-reading response on his own bill.

Mr Batchelor — Because I was talking to you.

Mr McARTHUR — The Leader of the House said he was talking to me. He was talking to me as the time for the adjournment at 10.00 p.m. was approaching on

Tuesday night, and I suggested to him in those discussions that the sitting should be continued a little longer to allow time for a second-reading response and for the bill to go into the committee stage. He refused to extend the sitting time that night, so the debate was cut off to comply with the compulsory 10.00 p.m. adjournment. The bill was never relisted by the government, except at the bottom of the government business program.

The opposition would like bills to go into the committee stage to allow for full and frank debate, which is what the government loudly proclaims — —

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

Motion agreed to.

MEMBERS STATEMENTS

Attorney-General: conduct

Dr DEAN (Berwick) — Today we have witnessed the two-faced approach of the government, particularly the Attorney-General. On Thursday last week we witnessed an attack on a member of the opposition because he sent a letter addressed to the registrar of the Victorian Civil and Administrative Tribunal on behalf of his constituents. He was berated by the Attorney-General, but today we have seen that the Attorney-General has engaged in conduct far worse than that. This is not just a case of Robert Hulls throwing stones through his own glass house, it is clear that he has driven a bulldozer right through it!

On the one hand, on Thursday the claim concerned a member of Parliament who had not written to the judge but to the Registrar of the Victorian Civil and Administrative Tribunal. The member of Parliament was writing on behalf of his constituents as an objector and had no legal training. On the other hand, the Attorney-General, when attempting to seek a favour on behalf of a trade union, sent a letter directly to the coroner in the middle of an inquiry on bushfires and signed it 'Robert Hulls, shadow Attorney-General'. Worst of all, as shadow Attorney-General he purportedly has legal training. That is a gross breach of the code of ethical conduct that should be followed by any lawyer, let alone the first law officer of the state. There is no way out; he must be sacked.

Cancer After Care Group Geelong

Mr TREZISE (Geelong) — I wish to take this opportunity to recognise the work of the Cancer After Care Group Geelong. The organisation is made up of volunteers, most of whom have in some way been touched by the effects of cancer; either they or their loved ones have contracted the disease.

Over the past 22 years the group has contributed enormously to the Geelong community through the provision of cancer treatment and equipment for the Geelong Hospital. During that time the group has directly contributed more than $1 million for the supply of vital equipment, and it has promised a further $500 000 to purchase brachytherapy equipment when the Andrew Love Centre is extended. In addition to that contribution to the Geelong community, the group also provides ongoing support, advice and education to families dealing with cancer.

I wish the group all the best for its upcoming birthday and thank its members for their significant contribution to the Geelong community over many years.

Australian institute for depression

Ms McCALL (Frankston) — I wish to place on record my support for Dr Wooldridge appointing the former Premier, Jeffrey Kennett, as head of the new Australian institute for depression.

Those of us on this side of the house are aware of the commitment of the former Premier to this issue. I would also like to take the opportunity as a woman member of Parliament to distance myself from the remarks made outside the chamber by another woman member of Parliament, the honourable member for Gippsland West.

I believe it is incumbent on all of us, particularly on the women members of Parliament given that we are in the minority, to behave professionally and in a way that is appropriate for our roles. It is difficult for women to be elected to Parliament and to retain their seats, and it is inappropriate to show petty vindictiveness and spiteful attitudes or to engage in personality clashes with individuals outside the Parliament in a way that clouds our judgment and is a disservice to the people we are elected to serve.

Gas: Yallourn North supply

Mr MAXFIELD (Narracan) — Yallourn North is a great town in my electorate, small in size but a wonderful place to live. Unfortunately it is missing out

on natural gas, even though the gas pipeline runs past the town.

This week I will table a petition from the residents of Yallourn North calling on the Shire of La Trobe and the government to assist in supplying natural gas to the town. Given the increase of up to 50 per cent in the price of bottled liquid petroleum gas, many residents, especially those on lower incomes, find the cost of hot water, cooking and household heating during winter very high. I thank the many residents who took part in the survey on natural gas use, which showed there is a strong demand for natural gas.

I record my appreciation of the efforts of Ray Brown, Ann Lovison and the business people of Yallourn North in helping Chris Devers and me conduct the survey. The information we gained will be a great help as we lobby to have Yallourn North connected to the natural gas pipeline. The petition was signed by 312 residents, which is a large number for a small town.

The information we obtained from the survey of approximately 30 per cent of houses shows that 63 per cent use bottled gas, of which 91 per cent would convert to natural gas if it was available. The survey also found that 83 per cent of householders without bottled gas would consider converting to natural gas, bearing in mind the resulting expense.

As somebody who lives out of town, I appreciate people's need for natural gas. As I heat my own house with wood fires and electricity, I am aware that for those who are older and unable to collect wood — —

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

Rail: Mildura service

Mr SAVAGE (Mildura) — I bring to the attention of the house the results of the Mildura passenger train survey. In February I circulated 22 000 copies of a circular that asked a series of questions of the community I represent. Of the 4896 surveys that were sent back, 98 per cent showed the respondents were in favour of the return of a passenger service. There is even better news than that: 10 437 people have said they would use the service regularly if the service were returned. That is proof positive that it is time for the return of a passenger service to and from Mildura after a seven-year absence.

I direct the attention of the Minister for Transport to the fact that there is significant community support for the return of the service. Given that services in the metropolitan area receive a significant subsidy from the taxpayer — some $800 million a year — the residents of Mildura could be said to deserve the return of their service.

Ballan autumn festival

Mr HOWARD (Ballarat East) — I am pleased to represent a vibrant electorate in which community events regularly take place. The event I direct to the attention of honourable members is the Ballan autumn festival, which was held recently. In particular, I refer to the community concert in the Ballan Mechanics Institute Hall, which I was pleased to attend. That entertaining concert, which filled the hall with Ballan residents, was organised by the Ballan Primary School and involved students from that and other schools in the region in dances and musical performance. It also involved some parents playing the cello and bagpipes. Other members of the adult community, including the Ballan Lionesses, performed an amusing slow-motion tribute to the Olympics. The finale was a rousing performance of bagpipes accompanied by side drums.

I congratulate the members of the Ballan community on staging a terrific community event, which all who attended very much enjoyed. I also congratulate the principal of the Ballan Primary School, Lyn Featherstone, and everyone else from the school who was involved. I wish them well in holding future Ballan autumn festivals, and I trust such community events will continue to be well supported.

Southern Health Care Network

Mrs PEULICH (Bentleigh) — Given the near completion of the ministerial review of health care networks, I call on the Minister for Health and the Bracks Labor government to resist playing politics with the health agenda by imposing changes on the Southern Health Care Network. The proposed changes are not supported by local stakeholders and local communities, who fear they will put the Sandringham accident and emergency service at risk of closure, especially if that campus is excised from the Southern Health Care Network and realigned with the Inner Health Care Network.

The Sandringham accident and emergency service is a vital part of the Southern Health Care Network. It serves local communities, including those in the Bentleigh electorate, which has the third-highest number of residents over 65 years of age in the state. Its closure in either the short or medium term would erode the availability of health services to people in surrounding communities, including those who at present can if necessary be treated at the accident and

emergency department of the Monash Medical Centre's Clayton campus.

When in opposition members of the Bracks Labor government promised as part of their 1999 health policy to ensure community participation in health policy planning and delivery. If the Minister for Health asked the opinion of people in the electorates of Bentleigh, Sandringham, Mordialloc and Oakleigh, he would be told that they want to keep the Sandringham casualty department and to stop the deterioration in patient services.

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

Crown Championship International Dancing 2000

Mr LANGUILLER (Sunshine) — It takes two to tango, and tango, cha-cha-cha and waltz they did at the Crown Championship International Dancing 2000 on 26 March! That leading international dance event was organised by the Federal Association of Teachers of Dancing, and I had the pleasure of representing the Premier at the official opening, which was held in Melbourne.

The championship was a full-day event, with the grand finals held at night.

An opposition member interjected.

Mr LANGUILLER — Indeed I did. The event, which showcased the talents of 700 leading Australian international competitors, was watched by more than 2500 people. The championship events covered a range of dance styles, from jazz and funk to dancesport. It also included Latin, ballroom and new vogue competition dancing, which the government now recognises as a sport.

I commend the organisation, and in particular its head, Mr Don McRobert, on the spectacular event. I congratulate all the competitors, particularly the winners of the professional standard dancesport championship, the Chinese professional champions, Qi Zhi Feng and Zhang Zeng; and the winners of the professional Latin American championship, Neal and Nicole Byrnes from Sydney.

Vichealth Centre for Tobacco Control

Mr WILSON (Bennettswood) — I congratulate the Victorian Health Promotion Foundation on its initiative in establishing the Vichealth Centre for Tobacco Control. The centre, which has been established with funding of $500 000 per annum for five years from Vichealth, is a consortium of the Anti-Cancer Council of Victoria, the University of Melbourne Centre for Public Policy, and Monash University's Institute of Public Health and Health Services Research.

Honourable members will be well aware of the tragic health consequences and broader economic costs associated with cigarette smoking. Under the leadership of Vichealth, which has enjoyed bipartisan support since its inception, Victoria has led the battle against tobacco-related diseases. Although the state is renowned for the successes it has achieved, the battle is far from over. I congratulate the board of Vichealth and its chief executive office, Dr Rob Moodie, on this initiative. In launching this important centre, Dr Moodie correctly reminded us that:

> It is imperative that we stem the epidemic of tobacco-caused diseases, and this centre will help see tobacco control moved forward into the 21st century. The centre helps fill the need for research on broader sociopolitical and policy factors associated with tobacco use and on how we can work to change public policy to advance tobacco control.

I wish the centre well in its research and its deliberations.

Lyndale Secondary College

Mr LENDERS (Dandenong North) — I direct the attention of the house to the good work done by the Lyndale Secondary College, which is in my electorate. Last week, at the invitation of the principal, Mr Ian Mitchell, I had the privilege of being a guest at the school assembly, where I addressed the student body and presented badges of office to the lead students — the college captains, Rebecca Little, Scott Miller, Amanda Henwood and Scott Lovell; the college vice-captains; the student representative councillors; and the scholarship winners. After the presentation there was a morning tea in the staffroom.

It was a privilege to attend the college and speak to the large number of students gathered in the Hugh McCrae Hall. Lyndale Secondary College, which is a leader in the area, takes enormous pride in the progress and academic and social achievements of its students. The leaders of the school community are elected to their positions of responsibility after a fairly onerous selection process. I am confident they will lead the way and that the school will produce a great number of community leaders. I commend the activities of Lyndale Secondary School to the house.

Wangaratta: financial counsellor

Mr JASPER (Murray Valley) — I bring to the attention of the house and the government the need for the appointment of a full-time financial counsellor to service the Rural City of Wangaratta. Over recent years the financial counselling service has been provided through the Upper Murray family care facilities at Wangaratta. However, this has been on the basis of one day per week being provided for the financial counsellor based in the Rural City of Wodonga.

The financial counsellor, Mr Allan Gurney, has provided the service over an extended time. Late last year representations were made to me by Mr Gurney and others highlighting the increasing workload and the need for a full-time financial counsellor to service the Rural City of Wangaratta. Extensive representation to the government has now been made on the subject, particularly to the Minister for Health. Country people face specific difficulties, and the need for financial counselling has increased dramatically in recent years. I am disappointed that I have not received any response from the government for my request, recognising that financial counsellors are provided across many parts of country Victoria. I seek an urgent and positive response from the government to the critical need for a financial counsellor to be appointed to the Rural City of Wangaratta on a full-time basis.

PROSTITUTION CONTROL (PLANNING) BILL

Second reading

Debate resumed from 21 March; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Dr DEAN (Berwick) — Although it is small the bill makes a dramatic change to the Prostitution Control Act. Aspects of it are retrospective, and legislation with elements of retrospectivity should be treated cautiously and carefully. The bill amends the Prostitution Control Act, and it is important to understand the basis of the act introduced by the previous government in 1994.

It is easy to romanticise the life of prostitutes. I recall a film called *Pretty Woman* that showed how the life of a prostitute could be exciting and dazzling. My understanding of the life of a prostitute and the prostitution industry is the opposite: there is little romance about it. Many people are involved in the industry as a consequence of a connection with drugs and they have had horrific lives.

The previous government regulated the industry in a way it had never been regulated before, and introduced the process of licensing. The process of licensing and control by the government arose because legislation called the Prostitution Regulation Act 1986 was introduced by the then Cain government. It was heavily disputed in both houses and amendments seeking to increase and tighten the regulations were moved in the upper house by the then coalition opposition.

The story is important because we hear from the government how it treats the house with respect. In 1986, to get the bill through the upper house the then Cain government agreed to the amendments proffered by the opposition. The bill was duly passed in the upper house. The Cain government proclaimed only the parts of the bill it had initiated and not those agreed to by amendment in the upper house. The process was prostituted to the point where the act was passed but the Governor was not advised to proclaim the amendments agreed to in the upper house. The amendments were left languishing; they were not put into law until the 1994 act was passed. That is a nasty piece of history in relation to the Cain government and to the operation of the house. Let us hope it is never repeated.

As a consequence of the amendments to the 1986 act not being proclaimed, a range of things happened in relation to the Prostitution Regulation Act that caused the community great concern. Planning authorities were vetting potential brothel owners because the licensing system did not have a control board. Planners complained bitterly about their involvement in vetting criminal records and other duties not appropriate to planners. The rate of organised crime within the brothel industry increased enormously.

When the 1994 act came in grave concern was felt about the operation of brothels by organised crime. Escort agencies flourished because they did not need a licence to operate and were a quick and easy way for prostitutes to engage in the industry. More sadly, it allowed pimps, those making money from the earnings of prostitutes, to prosper. Many of them were part of organised crime.

By 1994 the location of brothels had become a huge planning question. Because the Prostitution Regulation Act did not implement the amendments proposed and because it was not a highly regulatory act, brothels were popping up all over the place in residential suburbs. Some honourable members will recall that it was a time when there was enormous debate about where brothels should be allowed to operate.

Some way to control brothels was needed. The first thing the then Attorney-General, Jan Wade, did was to impose a moratorium so that no more licences would be granted — everything was frozen and she conducted an immediate review. The review was not going to take a long time; it was one of those reviews for which the previous Attorney-General became famous — that is, it was a hard-hitting review where expert people were required to bring back a report quickly, which they did.

The review recognised the trick the Cain government had exercised in the upper house in 1986 of not proclaiming amendments and agreed that had led to a disintegration of the industry. It unanimously recommended that tougher controls were immediately required, that complete regulation of the industry was required, that offences in relation to fostering prostitution and so on should be introduced, and that there should be legislation in relation to paedophilia and the prostitution industry. It drew particular attention to the prostitution tours that were taking place at that time and the need for some offences to be introduced.

Subsequently the Prostitution Control Act of 1994 was born. It set out a structure that for the first time in this state included proper control of the prostitution industry and allowed it to operate in a way that reduced major concerns about health, wellbeing and victimisation. Provisions covering the capacity to inspect premises and so on were introduced. The Prostitution Control Board was set up under the act and was required to look into matters of health, control, licensing and all issues central to the operation of a safe industry. The purpose of the board is well set out in the 1994 act. It is important to note that acts introduced by the previous government — I hope this government follows the same path — were set out so that people involved in the industry in question and who were not lawyers could understand them. Section 4 states:

> The objects of this act are —
>
> (a) to seek to protect children from sexual exploitation and coercion;
>
> (b) to lessen the impact on the community and community amenities of the carrying on of prostitution-related activities;
>
> (c) to seek to ensure that criminals are not involved in the prostitution industry;
>
> (d) to seek to ensure that brothels are not located in residential areas or in areas frequented by children;
>
> (da) to seek to ensure that no one person has at any one time an interest in more than one brothel licence or permit;
>
> (e) to maximise the protection of prostitutes and their clients from health risks;
>
> (f) to maximise the protection of prostitutes from violence and exploitation;
>
> (g) to ensure that brothels are accessible to law enforcement officers, health workers and other social service providers;
>
> (h) to promote the welfare and occupational health and safety of prostitutes.

A refreshing breeze blew through the prostitution industry with the introduction of the 1994 act and the removal of the problems and difficulties that had arisen as a consequence of that ill-founded piece of legislation, the Prostitution Regulation Act 1986.

The act had two major parts: firstly, the setting up of a control board which could oversee the whole industry and undertake proactive support; and, secondly, a licensing system. A lot of argument took place about whether there should be a licensing system. Many people argued that a licensing system in the prostitution industry is an impediment to what they do and to their lives and is over-regulatory. The fact is that the industry is renowned for criminal intervention and health issues that affect prostitutes. Consequently, licensing was the obvious and logical way to go.

Licensing provides a level of control because the owner of a brothel must pass certain tests to obtain a licence. He or she can be investigated to a high degree and certain controls are placed on the person. Once a person has a licence the licence can be inspected and the licence-holder is obliged to live up to the terms of the licence. If that is not done the licence can be removed. Therefore, although licensing is a strong form of regulation, in this case it was an appropriate form of regulation. Even those persons in the industry who were concerned about licensing at the time now see that, although there are still problems in the industry, it is a much cleaner and straightforward industry than it was and those involved are far better protected than they were.

Some specific matters in the act are important to note on the way through to this latest amendment of it. There were special offences in relation to living off the earnings of prostitutes. In other words, the act focused attention not just on the prostitutes themselves but on those who were fostering prostitution and profiting from it, those who incited prostitutes to break the regulations and laws, and those who breached their licences. They came in for penalties that were even higher than those applying to the prostitutes.

The act approaches street prostitution in a direct way. If prostitution is licensed so it can be carried on in a brothel under licence and legally, one then has the

wherewithal and the right to attack street prostitution and ensure prostitution gets off the streets and into regulated licensed brothels. That is what the act did both for the client and the prostitute. Street prostitution is an offence not only for the street prostitute, who puts herself and the community at far greater risk in carrying out her trade on the street, but also for those who encourage that behaviour.

Provisions were also introduced to deal with those who were offensive to prostitutes — for example, hoons in cars who harass prostitutes either on the streets, even if they are illegally on the streets, or going to and from their brothel or place of work. The act clamped down on those people who simply aggravate and place the lives and wellbeing of prostitutes in danger.

There was also a clampdown on advertising. A new and important change was a restriction on liquor being available in brothels. If a person goes to a brothel for that service, liquor should not be involved in the industry. Again, it leads to attacks on prostitutes and a breakdown in civil behaviour in an industry that is renowned for those sorts of problems.

The act went into great detail in setting out the procedures to be followed for any person wishing to obtain a licence. Many people said the licensee or approved manager tests were too strict or too harsh. I suggest there cannot be too strict or too harsh a scrutiny on those who run or manage brothels.

At last some attention was paid to the notion of an associate. While in the past a licensed brothel owner or manager had a licence and was approved, he or she may well have had an associate — a person associated with him or her who was really running the business and was really the manager. That person may have had a criminal record and certainly would not have passed the suitability test. Although it was extremely difficult to define what an associate was, because it could be a person associated financially, by marriage or in some other way, the then Attorney-General had the courage to face up to that issue and to legislate on who was or was not an associate to try to ensure the industry remained clean.

Sections 37 and 38 set out all the requirements a person must meet to be considered a suitable person to run a brothel. It is clear that what I have just said about the test being strict really is true, and it should remain that way. Section 37, which sets out circumstances in which the authority must refuse a licence application, contains strict provisions to ensure those people who have a criminal record are not involved in the licence or management of brothels.

Section 38 sets out matters to be considered in determining the suitability of an applicant. It is clear that a great amount of work was done to ensure that people who run brothels run them in a clean, straightforward and objective way. They have to be of good repute, honest and have integrity; they must make their reports appropriately; their financial resources are inspected; and whether the applicant has sufficient business ability to establish and maintain a successful business has to be taken into account, as does the applicant having in place arrangements to ensure the safety of people who are in the brothel premises and so forth. It is refreshing to see how the legislation has been arranged.

To get the flavour of the provisions, it is important to note that great trouble was taken to establish a framework that enables those responsible for checking on brothels to see that they are operating appropriately.

That brings me to another concern about powers of entry. Under the act that was introduced in 1994 a member of the police force above a certain rank — I think it is inspector — may enter a brothel without a warrant. At face value, entering any premises without a warrant is a major challenge to civil rights. Some people argue that it should not be possible for an inspector, or any member of the police force, to enter any premises without first having gained a warrant. However, the logic is that if a person has entered the industry and applied for a licence, as part of the terms of the licence he or she agrees that the operation can be inspected immediately by a police officer of the rank of inspector or above to ensure compliance with the licence. The person involved does not just occupy a house or a building; he or she is running a brothel and has obtained a licence.

As a consequence of the privilege of obtaining a licence there are certain things to which that person must agree. One is that his or her premises can be entered into without a warrant at any time so that an inspection of what he or she is doing can be carried out — for example, a warrant is required if an officer of inspector rank or above wishes to go onto a premise that does not have a licence but is suspected of being a brothel. One may argue that that is a bit contrary: a warrant is required even though police are inspecting an illegal brothel. The difference is that until you know that that premise is operating as a brothel, it is just a house or a place which belongs to someone and in which someone is entitled to live without interference. A warrant is required in those circumstances — although a place can be entered without a warrant, so long as the police notify a magistrate, it is an emergency and it complies with the requirements of an emergency as defined.

There is one drawback in the licence requirements, which relates to a business that is operated by people from the same family or people who are clearly not involved in the industry except on a personal basis. The act allows that if there are two people, and no more than two people, operating a brothel, and so long as they are operating it in a restricted area, they can operate without a licence. That was one of the concerns of the previous act because they could operate in non-restricted areas, so long as they complied with the definition of a restricted area — and I will refer to that shortly. That is a wise step back from an otherwise regimented and highly regulatory regime.

Only one owner per brothel is a central point of the legislation. It is incredibly hard to ensure that the requirements of that provision are complied with. However, at least it is there and there are powers available for those who have the capacity in the Office of Fair Trading and Business Affairs and the Victoria Police to inspect brothels and to go through people's backgrounds. At least now that the rule is there we have the capacity and the power to try to ensure that it is adhered to. Why is the provision there? Because it is singularly the most powerful deterrent against organised crime operating in the brothel industry.

The Prostitution Control Act provides that people of the type described in section 37 cannot operate brothels and ensures as well as legislation can that organised crime stays out of the brothel industry.

The amendment deals with planning controls. Because of the open nature of the earlier Prostitution Regulation Act enacted by the Cain government the planners themselves had to police it and that could not be done. A control body and others apart from planners were needed but the planning requirements were not strict enough. As a consequence the restricted area was introduced. The government of the day received much flak and shed much blood, sweat and tears over the definition of 'restricted area', which provided that a brothel could not be within 100 metres of a dwelling place or within 200 metres of a church, school or recreational facility where children were involved. A brothel could be conducted in small towns but not in rural areas or farming zones. A six-room limit also applied.

Those controls are stringent. However, residents in residential areas have a right to occupy their homes without nocturnal businesses operating next door making normal residential life a disaster. I will not enter into the moral arguments, but from a planning point of view it is inappropriate that a registered, licensed brothel where people come and go at all times throughout the night should be conducted next to someone's home. Although the industry has improved, unsavoury characters still attempt to become involved and it is unfair on residents that that activity takes place outside their front gates.

The regulations were tough but appropriate and related to planning, although people may see the issue as moralistic if they wish. No major difficulty has existed with people who operate brothels fitting in with the planning notion that they simply operate in non-restricted areas. Some exemptions apply, but that is the general rule.

Why is the Prostitution Control (Planning) Bill before the house? The answer is simple. Those hard-fought and hard-won planning controls are in jeopardy because the courts have ruled that on a proper reading of part 4 of the Prostitution Control Act they will not apply to applications for extensions of permits granted before the legislation was enacted.

If that is the case any alterations from, as an example, 6 to 10 rooms or a change of location into a residential area, would not be subject to the planning controls of the 1994 act. It is one thing to argue that the planning controls are inappropriate, but it is another to say they are appropriate since they were passed by legislation and then to find they cannot be implemented because of a legal technicality. That situation must be remedied immediately.

The issue becomes worse. The government has had legal opinion that suggests that applications for planning permits under the Planning and Environment Act — applied for both before and after the enactment of the Prostitution Control Act — will not be subject to the planning controls contained in part 4 of the act. I have not seen the opinion but if that is correct unless something is done quickly the whole of part 4 will be nullatory and of no effect.

I return now to where I started. If retrospective legislation is to be introduced parliamentarians should be clear about what they are doing. Some honourable members — I am one of them — view as highly suspect retrospective legislation that changes people's rights. Retrospective legislation is dangerous if people's actions are based on the law as it stands and Parliament then enacts legislation that makes those actions unlawful. Because the legislation will apply to permits applied for in the future its retrospectivity goes only to the original application of the permit to conduct a brothel in 1994 when everybody thought they knew what the law was.

People who obtained permits then or have done so since were clear about the intention of the law in part 4. They cannot come back and say, 'Oh no, I didn't know anything about that'. A legal technicality arose. The public policy and social justice considerations are on the side of correcting the error rather than saying, 'You can have the benefit of the error because that was the law at the time and there will not be any correction to it unless it is done in the future'.

I make it absolutely clear that in supporting this legislation the Liberal Party is in no way suggesting retrospective legislation is a good thing. However, there are exceptions to the rule. In some situations retrospective legislation is necessary to correct an error because the justice of the situation and public policy considerations demand it.

Mr ROBINSON (Mitcham) — I am pleased to contribute to the debate on the Prostitution Control (Planning) Bill. I will refer to some of the wide-ranging comments of the honourable member for Berwick, whose contribution was in keeping with the contributions of members of the upper house in debate on the bill.

It is not ingenuous to try to portray the history of parliamentary action on this front from either side as based solely on moral righteousness. It might be fair for the honourable member for Berwick to raise some questions about the way the Cain government dealt with prostitution control and the regulation of brothels in the 1980s, but it is equally appropriate for government members to suggest it should not have taken until the 1980s to deal with the issues as thoroughly as was attempted at that time in Victoria.

The honourable member for Berwick put it to the house that past Liberal governments had dealt more effectively with these contentious issues than Labor governments had. I strongly dispute that assertion. When I was growing up — my recollection goes back to the early 1970s — the problems with prostitution and brothels were legion. For years the Bolte government, and in its early stages the Hamer government, turned a blind eye to what went on throughout Victoria. It does no-one any credit to suggest that all the fault in the management of these difficult issues lies on this side and that none lies on the other side.

Any examination of newspaper reports on prostitution back to the 1970s will reveal frequent references to drugs and standover men. I recall newspaper accounts of gang warfare over control of massage parlours, as they were then known. There was a Wild West mentality. As an institution Parliament cannot hold its head high in reflecting on how long it took to pass legislation dealing with some of the far less desirable elements of prostitution and its associated activities.

There is no going back for the government once a collective will emerges to deal with these issues, which are at the less desirable end of human behaviour. Since the early efforts late in the Hamer government's time in office, and through the changes made under the Cain and Kennett governments, successive steps have been taken to regulate the industry. There are no easy fixes when dealing with behaviour that is in many instances considered to be undesirable. Although some of the people and activities associated with the industry have been less than desirable there is no going back because it is the role of the government to regulate the industry.

There are some parallels with the problem of drug abuse. At a later stage Parliament and the community will have the opportunity to look at ways in which the government might involve itself in that field in an unprecedented way — and once it does, there will be no going back. The government is taking proactive steps in these fields in the long-term interests of the community.

In his contribution to the debate on the bill in the upper house, Dr Ross, a member for Higinbotham Province and member of the opposition was more generously disposed than some of his colleagues to the efforts of the Cain government in trying to deal with prostitution. He is to be congratulated for the generosity of spirit he displayed in his contribution. The government would welcome a bipartisan position on the legislation, and I gather from the contribution of the honourable member for Berwick and those of opposition members in the upper house that that is effectively what is being offered.

Naturally enough, the debate in the other place was wide ranging, as is to be expected. The bill sends a clear message to people involved in the industry that tighter controls should and will apply.

Brothels and prostitution are legitimate businesses, but they stretch the tolerance of many in the community. From time to time all honourable members are confronted by constituents who have genuine concerns that any government tolerance of those activities is not a step in the right direction. Government cannot automatically make the world a better place. It must deal with the world as it finds it and do the best it can. In that sense, regulation is a desirable course of action.

Other concerns raised by constituents revolve around the ethics of paying for sex. It is not something I have much experience of.

Mr Dixon interjected.

Mr ROBINSON — Just the paying part — in fact, absolutely no experience!

Ms Asher interjected.

Mr ROBINSON — I thank the Deputy Leader of the Opposition for inviting me to clarify the position. I have absolutely zero experience. My wife is coming in to Parliament tonight, and I will mention that to her before we sit down to dinner!

Studies show that a large number of people choose to pay for sex, a fact which causes unease through many parts of the community. Dealing with those facts challenges the government. Prostitution is a longstanding practice; it is said to be the world's oldest profession.

Ms Asher interjected.

Mr ROBINSON — The Deputy Leader of the Opposition will get her turn and she can come clean and make her confessions to the Parliament!

An Honourable Member — What's the second oldest?

Mr ROBINSON — I am not sure what the second oldest is. It could be ours. Who knows?

Ms McCall — It's spying!

Mr ROBINSON — I would like to think that ours is slightly more honourable than the other, but that is in the eye of the beholder.

Government must deal with this side of human behaviour and make difficult judgments at times. Not too long ago an issue arose about the propriety of a football club — I do not think it was an AFL club; it might have been a VFL club — accepting an offer from a brothel to advertise on its jumpers. It caused an outcry and forced people to think about the prostitution industry which, while having a right to operate in a regulated way, still affronts many people's sense of morality and ethics.

The prostitution industry is its own worst enemies at times, and that is one of the reasons why many people do not hold it in high regard. For many years the industry was associated with drugs, standover tactics, pimps, corruption and payments to police officers.

In more recent times, the industry has been associated with incidents of illegal immigration. There have been a number of disturbing reports about depraved individuals enslaving women from Asian countries and forcing them to work in illegal brothels. That practice brings no credit on anyone in the industry, and it needs to be cracked down on very harshly.

At other times people have been confronted with reports of child prostitution. In February the *Age* published an article about a brothel madam who escaped a jail term. I will not mention her name, but the article states in part that she:

> … walked free from the Melbourne Magistrates Court yesterday, despite pleading guilty to a charge of child prostitution.

The report also states that she claimed she had been naive.

She can consider herself fortunate to have been treated as she was. Such people bring great discredit on the industry. In large part they are responsible for people throughout the state not having a high opinion of the way the businesses are conducted.

The bill seeks to correct an unsatisfactory situation that has led to people who operate brothels under the 1994 principal act finding a way to increase from 6 to as many as 20 the number of rooms brothels can have. That has arisen as a result of a 1995 decision by the Supreme Court, which was appealed against. After listening to the contribution of the honourable member for Berwick, honourable members might reflect on why, if the regulatory attempts by the previous government were as outstanding as he claimed, the anomaly arose. I suspect that if more attention had been paid to the legislation introduced in the mid-1990s, some of the judgments of the Supreme Court might have been avoided. It is unfortunate that the court interpreted the legislation as it did — although it was of course free to do so.

The decision has effectively given brothel operators the opportunity of expanding their operations and increasing their revenue. I suspect that some brothel operators will not be pleased with what Parliament is doing by introducing the bill. I notice that not long ago the media reported that people in the industry were awaiting the green light from the government. The 1997 report of a committee comprising members of the government, the police and the community said that the 6-room limit on brothels should be raised to 20. So the expectation may well have been building in the industry that the extension would be given the green light. I will be pleased to vote decisively against it.

Many people in the Mitcham electorate would argue strongly that constraining the growth in the size of brothels is a good move and that governments should be doing just that and not shying away from it. For a long time Parliament has chosen to regulate the industry — and there are good reasons for doing so. This Parliament understands, as successive parliaments have, that an unregulated industry cannot be policed. If the industry is not regulated, it invites more criminal activity — including corruption and the exploitation of individuals, particularly young people — than would otherwise be the case.

On that point, I note that South Australia, where prostitution is still illegal, continues to have problems with its prostitution laws. Prostitution also remains illegal in Tasmania; Victoria, along with the Northern Territory, has a licensing system; and New South Wales, the ACT and Queensland have derivations of that arrangement. A report in the *Australian* of 20 January states:

> Prostitution laws are almost certain to be reformed in South Australia after police yesterday dropped more than 150 prostitution-related charges and labelled current laws deficient.

The choice for government seems clear. It can regulate and crack down on the industry's activities by ensuring the regulations are adhered to, or it can attempt to ignore the problem — as appears to have happened in South Australia — and as a consequence endure all manner of regulatory and policing difficulties. I hope Parliament will support the bill. I also hope the government will continue to police the industry vigorously and crack down on illegal brothels in particular.

One of the first inquiries my office received after I was elected as the member for Mitcham was about an alleged illegal brothel in the electorate. Keen as I was to get out and about and do what I could to assist the electorate, on that occasion I chose not to be too investigative, preferring instead to pass the matter on to the local council. Illegal brothels are a big and continuing problem for councils. At the time my local council advised me that proving the existence of an illegal brothel was difficult and expensive and meant spending a considerable time in court. There is an ongoing trade in illegal brothels, and the police must exercise considerable skill in policing them. I am sure the Minister for Police and Emergency Services is only too well aware of the drain on resources associated with that policing role.

The new government is not afraid to police the underground sex industry. A report in the *Herald Sun* of 19 January is headed 'Police blitz on illegal brothels', and that sort of action is welcome.

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

Ms McCALL (Frankston) — As a member who, along with other opposition members, is not opposing the Prostitution Control (Planning) Bill, I will take the house through the history of female prostitution in Australia, the history of brothels in my electorate and the purpose of the bill.

Firstly, I will talk about female prostitution. Prostitution per se is described as the great moral argument of the 20th century. It is acknowledged that members of Parliament are to some extent the moral guardians of public behaviour. I remind members of this chamber that the history of female prostitution in Australia is lengthy. Those of us who are migrants are perhaps not pleased to say that prostitution came to Australia with migrants — that is, on the convict ships.

I will read a small passage from a document which I downloaded from the Internet, and which I commend, on the history of female prostitution in this country. The 1994 copyright is held by Raelene Frances:

> The fact that 12 per cent of convict women were recorded as prostitutes before leaving Britain no doubt predisposed them to continue their former occupation in the colony … Other conditions in the penal settlements —

that is, apart from the ratio of males to females —

> encouraged widespread prostitution.
>
> In the early years of the settlement no provision was made for housing for female convicts and a woman's best chance of accommodation was through striking up a liaison with some man. Those who could not or would not attach themselves to one man found the temporary bartering of sex for accommodation just as effective.

Clearly nothing much has changed!

The history of female prostitution in Australia goes back, therefore, to the beginnings of white settlement, and records exist of sailors who visited the Northern Territory and bartered with local indigenous women even earlier in our history. The women were bartering for items of interest the sailors might have been carrying. While there was no exchange of money, those activities conformed to the fee-for-service arrangement that is so common, particularly in Australia.

One of the reasons prostitution became the issue it did in Victoria towards the end of the last century was the growth in urban life. Limited job opportunities — although as a feminist I hate to use that expression in

that context in this chamber — became available for women. A number of women preferred working in a factory; but the range of occupations open to women was very narrow, and all jobs paid about half the male rate for similar occupations. For young women living at home, that was just barely enough to make it all worth while.

For those reasons prostitution became attractive to many such women — like outwork in the clothing industry, it offered them the chance to work from home. Frances states:

> The increasing work opportunities in shops and offices offered slightly higher status but usually not much more in the way of remuneration. Even if a woman —

a woman prostitute, that is —

> took only one paying customer a day, at the going rate of two shillings and sixpence for a short time (at the bottom end of the market) she would earn more in a week than as a skilled tailoress or a lady typist. In times of economic depression the gap between respectable and unrespectable earnings was even wider … Given these economic realities, it is hardly surprising that there was always a ready supply of women to meet the demands for commercial sex in Australia's colonial cities. No doubt there were also women drawn to the prostitute's lifestyle for its own sake, as offering a more enjoyable and freer way of earning a living than other kinds of feminine work.

I draw the attention of honourable members to some interesting literature written in Victoria at about that time. Some honourable members may have read Fergus Hume's *The Mystery of the Hansom Cab* and his subsequent book *Madame Midas*. Both books say a lot about life in Victoria in the late 1890s — probably not the cleanest or most desirable environment to live in, but interesting all the same.

The connections between this Parliament and brothels and prostitution have also been less than distinguished. I refer honourable members to a fascinating document to be found in the parliamentary library called *Who Stole the Mace?*. It puts an interesting slant on the history of this Parliament. In about 1892 the mace — not the one you see in the house today — disappeared. Alfred Lomax of the Criminal Investigation Branch post office section revealed that during the course of investigations, according to rumour, innuendo and local newspapers:

> … it was an open secret in police circles that the mace had been spirited away from the Speaker's chambers by 'two whores' and a parliamentarian, and taken to a well-known brothel near Parliament House. It was, he said, a practical joke that had gone wrong.

The history of this Parliament is fascinating — and yet we are still debating issues about prostitution even in 2000!

My particular interest in the bill, as was the case with the Prostitution Control Act of 1994 and the amending legislation passed in 1999, springs from the fact that there is a brothel in my electorate; and I am not ashamed to say with a clear conscience that I have visited it. I did so in the interests of women's health and women's rights and as a response to the concern held by my electors about its location and management. I studiously avoided writing down any registration numbers from cars in the car park outside.

Two other brothels have recently opened in the electorate of Frankston East. I drove past them the other day to check where they were and whether they were complying with the regulations.

The brothel in my electorate is called Palace Playmates, and I commend the management of that establishment. When I visited it I was impressed by the manner in which it was managed. The women in the brothel received training in personal hygiene, personal health and related matters. However, I am still worried about the location, because it is a bit too close to a primary school and a railway station.

Of the two brothels that opened recently in the electorate of Frankston East one is called New Horizons and the other is called the Presidential Suite — one hopes the manager of that one is not called Clinton.

Concern about brothels in my electorate is associated with concern about another aspect of the sex industry — escort agencies and tabletop dancing. That is an argument for another day. The issue focuses on whether the provision of sexual services referred to in the bill should embrace all sexual services, including tabletop dancing, escorting and so on. Based on the history of prostitution in Australia and around the world, I am concerned about whether we are specifically addressing the issues of feminism, women's rights and women's health. I agree that it is better for prostitution to be regulated rather than non-regulated.

One of the issues that arose as a result of the UK experience towards the end of the last century was that the streets of London were unsafe because there was little regulation of the industry. Incidents, such as the Jack the Ripper murders, arose as a result of that lack of regulation and concerns were raised at that time about whether the increase in prostitution was a reaction to

the notion of sexual restraint within marriage, which was upheld by a stringent, highly moral community. In the year 2000 prostitution serves a number of other purposes.

So long as women's health regulations are observed, the industry is regulated to address the issues raised by the honourable member for Mitcham about sex slavery and under-age usage, and the operators are made to operate as honestly as is possible in such an industry, I have no difficulty with prostitution being legal. I would prefer it to be legal than to be made illegal and driven underground, because many other problems would be likely to arise as a result of that.

The honourable member for Mitcham referred to brothels and other prostitution establishments such as massage parlours. It is interesting to note the changes in history. I am told my electorate had a nice massage parlour well before I came to live there. It is now a privately owned art gallery. The progress from its original usage to its more modern one provides hope.

The purpose of the bill is to implement planning regulations. It corrects a loophole, which was probably inadvertent, in the 1994 and 1999 acts. As I have said before, not everything is perfect the first time around. If the community and society are to move forward it is incumbent on us to ensure that the legislation moves forward as well. I am pleased we have discovered the loophole and taken steps to close it. I encourage the same level of caution shown by the honourable member for Berwick about any legislation that includes retrospective provisions. I understand the rationale behind the bill, but I think we have to be careful that retrospectivity does not become a way of patching up the past rather than tidying up for the future.

I wish the bill a speedy passage. The opposition does not oppose it. I am aware that the operators in the industry in my electorate are supportive of the provisions of the bill because as honest operators they believe they comply with them. The history of the whole issue is interesting; the topic has been raised twice in the house since my election in 1996. Given the history of prostitution in Australia, I suspect the issue will never go away.

Ms DUNCAN (Gisborne) — I commend the honourable member for Frankston for her thorough research of the prostitution industry and for her visit to her local brothels. This would be one of the few times when it would be an advantage to be a female member of Parliament — I do not know whether male members of Parliament would get away with a visit to a brothel on the grounds of research.

I gives me much pleasure to speak on the Prostitution Control (Planning) Bill. As has been said earlier, prostitution is probably the oldest industry in the world. I was told today that the second oldest industry is spying. That is news to me. I wonder about spying on prostitutes!

The history of civilisation shows that society has either turned a blind eye to prostitution or has sought to stamp it out. The method often used to stamp it out was simply to harass the prostitutes rather than the customers. The approach adopted was to give prostitutes a hard time so they would move elsewhere. In most areas that approach failed: the industry continued to develop and flourish and the people working in the industry continued to be exploited. I suspect that exploitation continues today.

As a society we finally accepted that something had to be done. A number of speakers on the bill in both this house and the other place have outlined an interesting history of prostitution and the legislation dealing with the industry. Society has come full circle from trying to stamp it out and turning a blind eye to it to the position we are in today: accepting that it exists and seeking to regulate it in a non-moral way by simply treating it as a business and applying to it the same planning controls as are applied to other businesses that may be offensive in some people's minds.

The bill does nothing to radically change the debate about prostitution. The laws on prostitution have been changed a number of times, and the bill simply closes a loophole in the legislation.

The bill results from the 1995 Supreme Court judgment in *Beaufonte v. The City of Yarra and Others*. The main finding of the court was that the principal act does not apply to applications to modify existing permits but applies only to the granting of permits for new brothels. That was clearly not the intention of the principal legislation the Kennett government introduced in 1994. The bill's simple purpose is to close the loophole that permits an increase in brothel numbers without any limitation on their placement.

The effect of the Beaufonte decision has been that brothels operating under permits granted before 14 June 1995 can continue to operate without reference to the Prostitution Control Act and can expand well beyond the six-room limit the act imposes. The government has received legal advice that the principal act does not constrain the amending of permits granted after part 4 of the act came into operation. The bill is therefore required to ensure the intention of the act is put into effect.

While preparing my speech on the bill I found some extraordinary figures that not only reveal how large the industry is but highlight the need for strict legislative controls over it. An article in the *Herald Sun* of 19 January states that:

> Up to 20 000 men a week are estimated to visit the 84 legal, licensed brothels in Victoria.

I was stunned by that figure. The article also reports that turnover in the sex industry is estimated to be more than $350 million a year.

Mr Smith — How much?

Ms DUNCAN — More than $350 million a year.

Ms Asher — It's bigger than the grand prix!

Ms DUNCAN — It's much bigger than the grand prix. One of the articles talks about the grand prix weekend being a big industry winner. The local brothels are unable to keep up with demand, which is a bit of a worry.

Not only does the industry turn over up to $350 million a year, it is also growing.

Honourable members interjecting.

Ms DUNCAN — I note the laughter from the backbench. An article in the *Herald Sun* of 16 March quotes sex industry representatives as claiming that demand is growing and that the grand prix weekend is a boom time for the industry.

Although society accepts the existence of prostitution and brothels and has done so for many years, the terminology used to describe them over that time has changed. Once brothels were referred to as massage parlours; at least people now accept them for what they are and refer to them as such. That suggests the community has grown up and accepts prostitution as part of the rich fabric of society.

Debate on the sex industry has raged for many years. It is both interesting and pleasing that the bill has bipartisan support and that both sides of the house acknowledge the need to close the loophole.

An opposition member interjected.

Ms DUNCAN — I assume that when the honourable member says he supports it he means that he is not opposing it. I assume the honourable member supports the closing of a loophole in legislation introduced by his government.

Government members accept that the change is necessary. As the honourable member for Mitcham said, the change will cause some anguish in the industry. I understand there was an expectation in the industry that amendments would allow the number of rooms in brothels to increase to 20, but that will not happen at this stage. The bill maintains the status quo by ensuring that the original legislation is adhered to.

While the bill may cause some anguish in the industry, the community accepts and supports it. I commend the bill to the house.

Mrs FYFFE (Evelyn) — I do not oppose the Prostitution Control (Planning) Bill. As has been said, it is minor legislation that is reactive rather than proactive. I urge the government not only to close the loophole revealed by the Supreme Court by restricting the number of rooms in brothels to six but also to examine the industry with a view to improving the lot of those who work in it.

I am pleased to remind the house that it was the Hamer Liberal government that in the early 1970s pioneered the control of brothels in an attempt to apply some agreed standards to their location. Because of the community standards of the time and the reluctance of the government of the day, the word 'brothels' was rarely mentioned. Instead, they were referred to as massage parlours.

In an attempt to treat brothels in the same way as any other business, in 1975 the then government proposed planning scheme amendments to restrict their operation to industrial and commercial areas. That attempt to hide them away from public view by tucking them down back streets proved impracticable. The then government found it difficult to effectively regulate the growing sex industry.

All honourable members must realise that prostitution is one of the oldest industries in our civilisation. It is a growth industry and will continue to exist, no matter how much governments legislate against it.

Prostitution laws should not be tough so much as wise. The more complicated and restricting governments make the operation of brothels, the more they will encourage illegal facilities. Brothels must be accessible to people who need to visit them, whether it be because of social or physical disadvantages. My own circle of friends includes a mother who has regularly taken her severely disabled son to a brothel. Another friend of mine has a son who is mentally disabled. He regularly takes his son to a brothel. Both those parents see that as a way of helping their children meet their needs without

their threatening anyone else in society. They believe that if their children — they are young adults now — could not visit brothels, they would seek sexual relief elsewhere, which, as honourable members can imagine, could cause tremendous problems for the rest of the community.

Apart from physically and mentally handicapped people who need the services of brothels there are those who are reluctant to form relationships with persons of the opposite sex — or indeed the same sex, given that there are now male and female brothels. Those people visit brothels to obtain sexual relief as part of a business relationship. They do so because they want to remain distant from and not form close emotional relationships with other human beings.

With this subject one has to be careful about the wording. Sex is a natural earthy occurrence and is often referred to in that way in the language of the outside world.

When I first came to Australia many years ago I worked at Winlaton, a youth training centre for girls in need of care and protection. Young girls were brought into the home for working as prostitutes, stealing or other offences, or because the police thought they were safer with us. As a result of overcrowding one of the dilemmas facing us in allocating rooms was whether to put a newly arrived girl in with a professional thief or a prostitute. It was a difficult decision which still confronts many administrators of remand and youth training centres. The friendships formed on first coming into the homes often continue outside. The majority of girls preferred to share a cell with a prostitute because they knew that outside there would always be a home as prostitutes were also paid to recruit extra workers. They offered friendship, food, clothing, shelter and the gradual progression of life onto the streets.

Drugs also add to the growth of the industry. It is hard to determine whether drugs come before commencing work in the industry or after. Some sex workers who are on drugs see the work as a way of funding their addiction. Others go into prostitution because it allows them to support a family, often alone, and the hours fit in with looking after children. To cope with the occupation they often then turn to drugs.

Prostitutes used to be called ladies of the night but that does not apply to the sex workers of today. It is often said in a quite humorous way, ‘The rush hour is coming’, because it is lunchtime. Australia used to have the 6 o’clock swill. I do not know the terminology for the after-work rush hour in Victoria’s brothels, but it is the peak time of operation.

The bill limits the number of rooms in brothels but does not limit the number of people using the rooms. I am not sure how to do that — perhaps it could be done by limiting the size of the room. The car parking area of a hotel in my electorate had a number of small rooms attached, each containing a single bed and one chair. The door could just be opened. Part of me is wondering whether the bill should stipulate the size of the room because I am told the occupation can involve more than two people at a time. There is a higher turnover and a larger number of operatives in the room than the majority of people in the house might think. It is difficult to find the politically correct terminology to describe the industry.

Some people try to glamorise the industry. A quote from Betty MacDonald, an American, is:

> I can feel for her because, although I have never been an Alaskan prostitute dancing on the bar in a spangled dress, I still get very bored with washing and ironing and dishwashing and cooking day after relentless day.

She compares the glamour and excitement of prostitution with the routine repetitiveness of housework. In case anyone misunderstands, prostitution is a repetitive, boring job for those who have worked in it for a long time. They probably prefer to do something else.

Some sex providers have worked as professionals for a number of years; some are in it for a short time; some go into it for a few months to meet certain commitments or acquire money for an overseas trip or a luxury item; some are in it for 25 or 30 years. There is a gamut of people to protect through legislation without making it so onerous that there will be more illegal brothels than currently exist.

There are many illegal brothels. The legal ones are in the minority. In nearly every town and suburb homes are used by one or two women working together, advertising their services or getting business by word of mouth. In small country towns advertising is not needed: information is spread by word of mouth.

Again referring to professionals I met during my work with the Salvation Army and in the community — I thought I should add that, in case members were concerned about my knowledge of the prostitution industry — it is said that enthusiastic amateurs are destroying the profession. Some people would like to see legislation introduced to control the more enthusiastic amateurs who work for only one half day or an evening a week. The industry is being made vulnerable.

Prostitution has always been referred to humorously by comedians. Over the years many jokes have been made about it, some quite sarcastic. In talking about the amateurs Alexander Woollcott said, 'Prostitution, like acting, is being ruined by amateurs'.

I was thinking about that, and I guess one would have to be an actor to be a prostitute, because one would really have to pretend on the day or night, or whenever.

Opposition members interjecting.

Mrs FYFFE — Yes. I am sorry, it is important — —

The ACTING SPEAKER (Ms Davies) — Order! I suggest the honourable member stick closely to the bill.

Mrs FYFFE — I will. The legislation dealing with inspections is very important because there were problems when police could not enter houses without having a council representative with them.

As all honourable members know from the advertisements in the newspapers, the escort agency business is growing. 'Escort agency' is often another term for prostitution. Many escort agencies are registered on a confidential register, but the prostitutes who work for them do not have the same protection as workers in brothels and are exposed to aggressive people. Prostitutes working for escort agencies do not know their clients, just as streetwalkers do not know their clients, and so ways must be found to protect them without making it more difficult for them, because it is a necessary service.

The honourable member for Gisborne said she was amazed by the size of the industry and the fact that there are 20 000 clients per week. My research tells me there are actually 60 000 clients per week with a total turnover of $360 million. It is a huge business. I have heard prostitution referred to as being bigger than the grand prix. I hope we are getting taxes from the prostitution business. I do not know how the goods and services tax will apply; that will be the concern of the accountants. I suppose brothel owners should be concerned about how the goods and services tax is recorded on the books. That may be a problem that the accountants who work for the brothels will have to work out.

Although there is lightness and humour in the debate while I am speaking, the proliferation of illegal brothels is alarming. There are criminal components in the industry which make it a very dangerous industry in which to work. Even though the Parliament has tried to control the ownership of brothels by introducing legislation, there is no doubt in anyone's mind that a large number of people with criminal intentions run brothels and use them to launder money. Brothels are open seven days a week, including public holidays. One cannot assume that their busiest time is late at night — it is actually during the day, which fits in with a lot of mothers who work in the industry. I suppose the majority of people have the idea — —

The ACTING SPEAKER (Ms Davies) — Order! I remind the Leader of the National Party that he is not supposed to walk between the Chair and the member speaking. Even when he has successfully distracted the attention of the Chair, it is still not acceptable!

Mrs FYFFE — As I said, the majority of members of the public have no idea what life is like in a brothel or what life is like for a streetwalker. The people who work in this business come from all walks of life. One must not always think it is only those from desperate situations who work in the industry.

We need to get more prostitutes off the streets and into brothels, where it is safer for them because they are provided with more protection by their co-workers and the people on the doors. They must also be protected from those who benefit from the industry — that is, the minders who may force them to work more hours than they desire and take clients they do not want to take.

As mentioned earlier, the proliferation of illegal immigrants being forced to work in brothels for very long hours over long periods in order to pay back debts must be stopped. They are often introduced to the industry through the forced administration of drugs, which can result in addiction and they are then on the roundabout of needing to work as prostitutes to satisfy their desire for drugs. It is a different world that cannot be treated as a normal business operation.

I refer members of the government to an interesting paper entitled 'Safe sex industry' written by Kevin Jones from Workplace Safety Services Victoria, published in the February 2000 *Occupational Health and Safety* magazine. If the government is seeking ideas on which way to go when introducing legislation his ideas are proactive. Among many things, he talks about the inappropriate storage of chemicals, smoking in the vicinity of chemicals, emergency evaluation procedures, slippery floors, narrow and steep stairwells and so on — the usual occupational health and safety matters that apply in any business.

In formulating the 1984 act, the Kennett government acknowledged the demand for sexual services. The reality is that there will always be a high demand for

such services in the community. There is no point in the government putting its head in the sand. The choices are either to regulate the industry or allow it to self-regulate, which then opens the door to criminal activity, health problems and wide drugs usage. As I said at the beginning, over-regulation could drive the brothels underground and more illegal brothels would commence operation. Criminal activity is tied to brothels, and that problem must be addressed.

I do not oppose the bill. I encourage the government to consider how to make the industry safer for its workers and easier for members of the community to accept brothels in their area.

Mr STENSHOLT (Burwood) — I support the Prostitution Control (Planning) Bill. The bill provides for a minor amendment to close a loophole in the principal act and is clearly of universal interest. Its aim is to limit the impact of prostitution on the community and the local environment in line with the intent of the Prostitution Control Act, which regulates the industry.

As has been pointed out by previous speakers, prostitution is now a highly regulated industry. I understand from various figures — they probably keep changing — there are 51 licensed brothel operators in Victoria, 31 licensed escort services, and 66 licensed operators that provide both services. Licensed operators obviously come under the Prostitution Control Act and presumably they will be paying goods and services tax after 1 July. Currently, 13 brothels have more than 6 rooms, one of which has 18 rooms. The bill deals with brothel size in terms of the number of rooms in the brothel.

The bill refers to part 4 of the Prostitution Control Act, in particular section 74 which deals with the restriction on granting of permits. A number of restrictions are listed including:

> The responsible authority must refuse to grant a permit for a use or development of land for the purposes of the operation of a brothel if —

it is within an area zoned as residential; within 100 metres of a residence, unless it is within the central business district of Melbourne; within 200 metres from a church, school, kindergarten, hospital, children's services centre, or any other facility or place frequented by children for recreational or cultural purposes.

Many citizens want brothels to be kept well away from shopping centres, be they large or smaller suburban shopping centres. Section 74(1)(d) states:

> unless there exists special circumstances as set out in the guidelines issued by the Minister administering the Planning and Environment Act 1987, more than 6 rooms in the proposed brothel are to be used for the purposes of prostitution.

It puts a cap on the number of rooms and a limit on the exercise of prostitution within the licensed premises.

The genesis of the amending bill comes from a Supreme Court judgment of 9 October 1995 in the case of *Beaufonte v. The City of Yarra and Others* — they seem to have such extraordinary names! — which has been referred to by previous speakers. An appeal was made against a decision by the appropriate authority concerning a brothel in Collingwood which was 20 metres from a residence. However, it had commenced operation in 1989, and in 1995, which was prior to the new act coming into force, it received a permit to extend for six years. The court considered the application of section 74 and whether it applied to the brothel's operations before the act commenced operation on 14 June 1995.

In its judgment the court found that nothing in part 4 of the Prostitution Control Act revealed an intention on the part of the legislature that an application to modify an existing permit was affected by section 74. In other words, the court said there was a loophole in the act. On further advice, it seemed the loophole applied to the number of rooms and to existing brothels being able to apply for a planning permit, including existing brothels with six rooms. Merely by obtaining an amendment to their current permit they could expand well beyond the six-room limit.

The bill seeks to ensure the integrity of the original intent of the act — namely, to put a cap on the size and location of brothels in Victoria, which is an important aspect. I am sure that move is widely welcomed by my constituents.

The act and the amending bill continue the appropriate regulation of the prostitution industry. Honourable members have heard about the size of the industry. I have mentioned the number of brothels. We have also heard about the economic value of the industry, at least the licensed aspect, which is worth around $350 million to $360 million a year, and the regulation of it under the principal act. The amending bill, if passed, will ensure that brothels are well away from residential areas, especially from schools, churches, kindergartens and other areas frequented by children.

A number of honourable members have said that the bill will ensure brothels are operated with high health standards. That is particularly an issue with the incidence of hepatitis and HIV/AIDS. Also, in their operation brothels must ensure that sex industry

workers are not maltreated. Honourable members have read in the newspapers about illegal migrants working in the sex industry; indeed, such articles have appeared in newspapers this year. There have even been prosecutions through the courts of under-age sex workers. Clearly, the act regulating the health and occupational safety of the workers is extremely important, because the objects of the act include maximising the protection of sex workers from violence and exploitation and promoting their welfare and occupational health and safety.

An unregulated or self-regulated industry can quickly be taken over by criminal elements, or the workers in it can be the subject of illicit control, whether it be by pimps, drugs, and so on. The act and the amending bill provide suitable support and control over the industry so that it can continue to flourish in the way it is meant to under the act.

I note various newspaper reports earlier this year commented on the police being active in implementing the provisions of the principal act, both in ensuring licensed brothels are properly run and located as well as ensuring that illegal brothels are closed down. I refer to an article reported in the *Herald Sun* of 19 January titled 'Police blitz on illegal brothels'. The aim of the blitz, known as Operation Punch, was to blitz and close down about 100 illegal brothels in the suburbs.

I was concerned not only to read the article but to see the photograph of an illegal brothel in Glen Iris, which forms part of my electorate. However, I was pleased to read the comments of Detective Superintendent Gary Jamieson about the powers given to police to deal with illegal brothels. Rather than being on the police, the onus is on the owners of the premises to prove they have no knowledge of a brothel operating on the premises.

The police see the act as providing a strong disincentive to operate an illegal brothel insofar as it carries a penalty of five years jail and a fine of $60 000. It is also an offence to be found in an illegal brothel.

I share the concerns of the police and members of the Municipal Association of Victoria about illegal brothels becoming a problem in local shopping centres. Cr Brad Mathieson stated he did not favour illegal brothels as they attracted the criminal element and other unsavoury persons and drug dealing often occurred in the vicinity. I support the proper licensing of brothels, which includes keeping them away from shopping centres and other public places. They should be conducted according to both the strict guidelines in the principal act and the amendments in the Prostitution Control (Planning) Bill.

I know my constituents will be delighted when the bill is enacted and will support the closing of illegal brothels in shopping centres. Earlier in the year there was some expectation in the industry that a review of the legislation might see an increase in the size of brothels. However, for the sake of good order and the health and safety of the workers and their clients, the bill reinforces the intent of the act by putting a cap on the number of rooms and ensuring that the industry is properly regulated. I commend the bill to the house.

Mr SMITH (Glen Waverley) — I also speak on the bill as a local member. The contributions of earlier speakers have been mature — light hearted though such an issue may be treated at times. As local members we have a responsibility to keep an eye on what is happening in our electorates.

As the lead speaker said, the opposition does not oppose the bill, although it is wary of some aspects, including retrospectivity. The debate on the bill, which deals with planning issues, has been wide ranging. Registered licensed brothels have attracted the attention of Parliament since I was first elected to this place in 1985, the same year in which the report on prostitution by Professor Marcia Neave was published. The first bill on prostitution introduced by the Cain government followed the publication of that report.

The former Liberal Attorney-General, Jan Wade, later introduced the Prostitution Control Bill, which contained provisions designed to protect the community. Arguments were raised that the provisions protected the industry — and that was important — but the main purpose was the protection of the community.

A few years ago I received several telephone calls from residents of houses in a street near my office, who complained about a brothel in which illegal immigrants worked and which was being run by an unsavoury person known to police. When I contacted the police to see how they were handling the issue, I found that although they were aware of what was happening they were finding it incredibly difficult to prosecute the operator. The house was placed under surveillance, as a result of which police found the provision requiring that brothels not be located less than 100 metres from a house or 200 metres from a school or church was not being observed. However, as the police said, even with the powers they had been given it was not as easy as it seemed to prosecute the operator.

The residents supplied information about the establishment, including the comings and goings that occurred every night. The police were preparing their case when we thought of a great idea: we wondered whether the tax department might be interested in the brothel operator.

Once the department of internal revenue was aware of the situation it was amazing how quickly matters came to a head. The establishment closed down within four days of it having been brought to the department's attention, to the delight of all the residents in the area. Later, some of them rang me and said that they did not know what I had done, but that the situation had been resolved. My advice to other honourable members is that the income tax department is another tool that can be used when police activities are not proceeding as quickly as they possibly could.

In the case involved in the story mentioned earlier apparently the fellow had been running three or four establishments, one of which was in my electorate. Once the police included observation of those establishments in their day-to-day routines the residents became far more comfortable in going about their normal lives. I do not think there are any establishments in my electorate at the moment because we are vigilant.

The aim of the bill is to limit the impact of prostitution in the community. I indicated to the former Attorney-General that I would have doubled the minimum distances from houses, churches and schools provided in the original bill. Most residents would agree with me on that issue, but it is not as easy to achieve as it sounds.

One of the biggest problems in the industry is gutter crawling in areas such as St Kilda. A good friend of mine who resides there asked me during the time of the Kennett government, 'What are you going to do about the girls in this area?'. Although the police are vigilant, because of the level of resources available to them they are able to respond only at particular times. However, police resourcing is probably a bigger problem and the quicker prostitutes are off the streets the better.

It reminds me of a legendary story that I heard when I was a police rounds reporter with the Sydney *Sun* some years ago. Tillie Divine was one of the best known madams in Sydney. She ran brothels and street girls in the inner Sydney city area in the 1930s and during and after the Second World War. It is possible she was able to give testamentary benefits as a result of her business because apparently she gave her daughter the south side of Pitt Street with no strings attached as a 21st birthday gift.

Mr Richardson — G-strings?

Mr SMITH — I think we might leave that one for another time. Although it has its amusing aspects, the problem of kerb crawlers — the name given to unfortunate individuals who drive around trying to pick up girls from the streets — is probably one of the hardest for the police to address.

There is also the other legendary story involving members of the British commonwealth occupation forces (BCOF) in Japan after the Second World War. The forces were under the command of Lieutenant General Horace Robertson, an Australian known as Red Robbie Robertson. He was not a communist but had red hair. One day Red Robbie was showing around Dorothy Drain, a famous *Women's Weekly* columnist. He was telling her about the benefits of the regimental brothels he had set up because the incidence of venereal disease (VD) had been extraordinarily high. She returned to Australia and wrote a story about the regimental brothels with incredible rigour and a fair amount of spite. As a result the Prime Minister of the day sent a signal back to the commander of the BCOF telling him that he must close down the brothels. The sequel to the story was that the incidence of VD skyrocketed to its previous level.

Throughout time the subject of prostitution has had to be addressed, and this debate is yet another occasion. The churches take a moralistic view and would like to see prostitution even further restricted. I hope that because the bill seeks to limit the number of beds in a brothel to six the churches will feel more kindly disposed to accept that parliamentarians are trying to curb the trade and prevent it from getting out of control, and are addressing the health aspects in particular. As the honourable member for Burwood said, the health issues involve not only HIV and hepatitis C but also the traditional venereal diseases, which despite advances in medical science have not been eliminated.

It is to the Parliament's credit that these issues arise from time to time. If Parliament failed to address the problems the forces of evil would have free rein with their wicked ways and would be flouting the law. Parliament should give every encouragement to the police to rigorously enforce the law. Unless that message is sent out and everything possible is done to help curb the excesses in society the criminal element will take over, the drug industry will proliferate and the result will be a community that does not care.

Many members have focused on moral attitudes. Even though that is not necessarily the point of the bill, those attitudes must be kept in mind because they are what

we want for our community and for our children. I urge the minister to look even more carefully at the distances that brothels are set from residential areas, churches and schools so that those distances can be increased as a means of putting brothels out of the sight of children.

It seems eminently sensible that industrial areas are used for purposes such as prostitution. From my perusal of the daily newspapers, which is part of my training, it would seem that there has not been the imagined problems with brothels set up within the city itself. It must be that they are being properly run and supervised.

I urge the parliamentary committee responsible for the legislation to take note of community concerns. Many people in the community are terribly worried about the effects of the prostitution industry on children and are concerned about the economic lures that draw people into the industry. Workers in the prostitution industry do not necessarily come from the deprived areas of society; they can come from any level of society. It is a profession which has traditionally been scoffed at by society but, like spying, it is one of the oldest professions in the world.

I have just finished reading a book entitled *Sarum* by Edward Rutherfurd which is a history of Salisbury to the present time. One section is devoted to prostitution and how the churches — which in former days required compulsory attendance — were able to discipline their parishioners. However, even then clever people plying the trade of prostitution were able to get around the harsh laws of the time. The young lady in the story started her prostitution business in a very humble way. When the right man came along, she convinced him of the desirability of holy wedlock with her and, as a result, one of the great dynasties was started. The book used fictitious names but it is easy to guess to which family it refers. It is interesting that those things occur in all societies and from the humblest of beginnings.

The house has before it some minor amendments to the act which will ensure that the six-bed limit is enforced. Had the judge who made the relevant ruling considered it from a moral viewpoint as well, perhaps we would not now be debating this necessary legislation.

Far be it from me to advise judges, but from time to time it has been suggested that some of our judges should undertake courses in what is morally best for our society. If the judge had considered that, the result might have been different and the government might not have needed to introduce the legislation. One of the deciding factors in appointments to the United States Supreme Court is the views the prospective judges have on the morals of their society and the effect their decisions will have on the rules that are made as a consequence.

I do not oppose the bill, which has a certain amount of merit. Any legislation that helps to control prostitution in Victoria is to be commended.

Mr LANGUILLER (Sunshine) — I support the Prostitution Control (Planning) Bill, and I am delighted that it has the backing of all parties. All honourable members have moral values that come into play when they debate bills such as this. Prostitution is not an easy subject to discuss, and its consideration requires the level of maturity that previous speakers have displayed. Their contributions show that opposition and government members can put aside their differences and get on with ensuring that, on behalf of the people they represent, the sex industry is managed in the best possible way.

As the Minister for Police and Emergency Services said in his second-reading speech, the bill:

> … will ensure a legislative framework that limits the impact of prostitution on the community and environment. In particular, the bill will close a loophole that permits brothels to increase their room numbers without consideration of important limitations on the placement and expansion of brothels.

Although we have a long way to go, we have come a long way, too. I welcome the commitment displayed by governments over the years. One of the roles of government is to intervene and regulate when the need arises. If any issue requires intervention and regulation to protect the wellbeing of the community, this is one of them — and Parliament must protect the community. The bill clearly says that brothels should be located at an appropriate distance from child-care centres, schools, churches, hospitals and so on. It demonstrates that, along with the current government, governments of all persuasions have been committed to striking the right balance between protecting the rights of the business sector — that is, the sex workers and the prostitution industry — and protecting the community.

Given the contributions made by previous speakers, particularly the wide-ranging speech of the opposition spokesman, it is clear that another subject needs to be dealt with — that is, the protection of sex workers. I am delighted that over the years regulation and intervention have distanced sex workers from the criminal element. I have seen what happens in other states and countries where the industry is not as regulated as it is here and where governments have not intervened as governments in this state have. We must be mindful of the rights and entitlements of sex workers. They are

involved in a business and are entitled to be safe from the criminal element. By intervening in and regulating the industry, governments have achieved a number of outcomes, one of which is the protection of sex workers. I am delighted that the research conducted since the introduction of the principal legislation confirms that the industry has distanced itself from the criminal element.

I also put on the record a number of matters relating to community attitudes. In the process of researching my contribution to the debate I found a report commissioned in 1993 by a former member for Melbourne, Neil Cole.

Mr McArthur interjected.

Mr LANGUILLER — Indeed, he was a very good member, and he was particularly honest about this subject. I am happy the honourable member interjected with positive remarks about Neil Cole. In the research he conducted under the auspices of Melbourne University, the former honourable member for Melbourne asked respondents how acceptable they found the registering and licensing of brothels. Of the total sample, 34.9 per cent found it very acceptable, 50.9 per cent found it acceptable, and 12.4 per cent found it either unacceptable or very unacceptable.

It is important to put the results of the survey on the record because they show that over the years the community has come a long way in its attitude to the prostitution industry. One of the reasons for that is the mainly bipartisan support for the bills introduced in this Parliament. However, I am told that in the past some of the recommendations of Professor Neave, who was commissioned to review aspects of prostitution, were not taken on board by the opposition parties in the upper house.

The bill compels any government of any persuasion, including the current government, to keep its eyes and ears open, because there is an ongoing job to be done on the matters referred to in the bill. The business of prostitution must be managed. As the dynamics of the city change, and as communities change, governments must be continually mindful of and committed to reviewing the planning matters relating to brothels to ensure that we do not move too far away from the community safety principles in the original legislation. In addition, we must be continually mindful of and vigilant about the maintenance of the precincts in which the sex industry is located — that is, the brothels.

Those are important issues, and local and state government must be continually mindful of them because they go to the heart of community safety and the safety sex workers are entitled to.

There must be continual review of and improvement in health education and the methods of applying health standards to prostitution and sex workers. We have come a long way in improving health in the industry. I acknowledge the contribution made by a number of organisations, particularly the Prostitutes Collective of Victoria. That organisation was officially formed in September 1983. Its members succeeded at that difficult time in grouping themselves within a very difficult industry, and they articulated the concerns of the industry well. They also put forward the concerns of the community at large and recognised how important it was to get the workers in the industry together and have them understand that organising themselves was to their own benefit and for their own protection. The big issue at the time was the link between sex workers, criminal elements and drugs.

The emergence of AIDS was a turning point, both for the community and for governments. They recognised the need to move rapidly into intervention and regulation in the industry to safeguard the community from significant and dramatic problems associated with that illness. Dr Penington, who at the time chaired the National AIDS Council, made a significant contribution and assisted in the process of regulating the industry and intervening for the better. We have come a long way!

There was a time when we called brothels massage parlours. The assumption was that prostitution per se did not necessarily occur in those places, that commercial transactions — money in exchange for sex — did not necessarily take place. That assumption was a reflection of community and government attitudes of the time. I am happy that we have moved away from that era of open prejudice and have begun to recognise that governments need to work with and manage the sex industry. The 1994 act was a part of that, and we are moving steadily towards the full recognition that the sex industry, like drugs, is a public health issue.

I commend Dr Penington and others like him who through the reports they have provided us with have enabled us to get our act together in relation to the industry.

Several honourable members have made useful contributions to the debate. All of the contributions have, at least in the main, been productive and useful, and I for one have certainly learnt a lot from them about developments in the sector.

One important matter that we must continue to address as servants of the public — and that is, after all, what we were elected to be — is the fundamental question of why some people get involved in the sex industry, plus the intertwining dialectic of why some people use sex workers.

I commend the honourable member for Evelyn on her honesty in tackling an issue not yet openly tackled by the community. Her comments went to the heart of the question of why people become involved in the sex industry.

It seems to me that some of the reasons are socioeconomic. For a number of years now there have been significant levels of unemployment, including structural and cultural unemployment, leading some people into the sex industry. All governments, including this one, have a responsibility to intervene in and regulate the industry while not losing sight of the broader questions, including the reasons for individuals in our community moving into prostitution.

Other cultural issues include the problem of children growing up in an environment in which they become too closely associated with people who condone and encourage prostitution. We need to keep that problem in mind and take steps to assist the community to protect its children. The government must play a role in protecting children who are associated in one way or another with the sex industry.

The other side of the coin is that prostitution is, in the end, a sector in which women are terribly exploited. Honourable members hope, of course, that women can avoid moving in that direction.

Drugs are also an associated issue. I am not competent to offer judgments in that area of the debate. For example, I am not sure which comes first, the drugs or the prostitution. Some women may feel they need illicit drugs to be able to continue working in the industry. That problem must be monitored and policed closely. Society has a greater chance of managing prostitution and policing the drugs associated with it by having a tightly regulated industry.

We should not lose sight of the fact that the sex industry involves many occupational health and safety issues — for example, those involving building maintenance and hours of work — that need to be addressed together with industrial relations issues, such as the employee-employer relationship. Prostitutes have the same rights as other workers, and we need to protect those rights and ensure that the community and Parliament do not overlook those industrial relations and occupational health and safety issues. We need to be mindful of the occupational and rehabilitation issues associated with the industry and deal with them in a way that does not place a value judgment on the profession. I am sure the community, and particularly the government, will not avoid its responsibility to protect the rights of the industry workers.

Victoria should be proud of the fact that it has come a long way in dealing with the sex industry, which becomes particularly apparent when the Victorian experience is compared to that of many other nations around the world. Victoria has tackled the issue in a responsible and mature way, and I am confident that many other nations look to Victoria's management of the industry when they are trying to minimise the problems associated with the industry.

I wish to commend the contribution of Professor Marcia Neave. Her first report led Victoria and the world, and brought about this important bill. I also wish to commend the contribution of Dr Penington. In my humble view those two individuals have done a great deal to help workers in the sex industry in this state.

I commend the bill to the house. It advances the policy objectives of the Prostitution Control Act.

Mr THOMPSON (Sandringham) — On being invited to contribute to the debate on the Prostitution Control (Planning) Bill I perused both the bill and the second-reading speech. It is clear that the intention of the bill is finite: to give effect to the original wording of the Prostitution Control Act 1994, which imposed a six-room limit on licensed brothels. In a case that involved a challenge to the provision dealing with that limit a Supreme Court judge said the act covered only prospective cases and did not cover cases where permits had been granted prior to the introduction of the act. The bill gives retrospective effect to the original intention of the principal act.

In both second-reading speeches it was said that Parliament considers it appropriate to limit the impact of prostitution by regulating the industry so that people are not adversely affected by illegal operations, the use of imported sex workers or by being exposed to contagious diseases, which can impact significantly on people's lives in ensuing years.

A number of years ago I was invited to attend a committee meeting at a housing ministry estate in my electorate. The community worker who was the principal tenant in charge of the committee was keen to build a strong community on the estate and was doing a good job. At that time she was undertaking literacy

classes at the Council of Adult Education, which taught older people how to read. My office undertook much work with the people of that estate, and a number of years later I received a copy of her autobiography, which she wrote when she was in her 50s, shortly after learning to read. In her autobiography she described her meetings with local members of Parliament and the Governor-General and recounted her earlier life, which included a period working as a prostitute. It is interesting that that sort of work has been part and parcel of community life for a long time.

The parliamentary library has various encyclopedias and books that provide a good overview of the different societal attitudes to prostitution, ranging from the views held in southern India, western Africa and the ancient world of the Mediterranean to the more constrained approach of Western society during the past 150 years. The *Encyclopedia Britannica* states that:

> International cooperation to stamp out the traffic in women for the purpose of prostitution was begun in 1899. In 1921 the League of Nations established the Committee on the Traffic in Women and Children, and in 1949 the United Nations General Assembly adopted a convention for the suppression of prostitution.

A brief review of court cases conducted in Victoria in the past few years indicates that some difficulties have been experienced in law enforcement. According to the *Age* of 6 June 1998 a brothel proprietor was charged with operating more rooms than the brothel was licensed for. In another article appearing in the *Herald Sun* on 19 January — not all that long ago — mention is made of illegal workers dominating the sex industry:

> Detective Senior Sergeant Clemence said the owners of illegal brothels usually leased vacant shops in suburban strip shopping centres.
>
> They advertise in local newspapers as relaxation therapy centres, which were sparsely furnished and usually staffed by one or two girls.

Mention is made of significant turnover in their takings, nevertheless.

A serious aspect of the conduct of brothels is child prostitution. An article appearing in the *Age* of 16 September 1999 under the headline 'Brothel owner banned after child sex charges' reports that children were induced or forced to take part in prostitution in a brothel. People as young as 15 years of age were alleged to have been employed at that establishment. The *Age* of 11 February this year reported on another case in which a brothel owner was involved in child prostitution, drug trafficking and a range of other prostitution offences. An article in the *Herald Sun* of 1 December 1999 suggested that young Thai women were contracted to a Melbourne hotel owner who headed an international prostitution ring.

All those practices and breaches of the law in the sex industry have been conducted in a regulated environment. However, the Victorian legislature has held the view that a regulated industry should provide greater safeguards and levels of safety both for those who patronise brothels and for those who work within them.

Today's *Age* carries the story of a First World War veteran who spent time in Gallipoli and was involved in a number of Australian campaigns in Europe as a pharmacist. In his memoirs, published today, he noted that following the time spent by Australian soldiers in Cairo there was an increase in the number of cases of venereal disease reported to him.

In my legal career I had occasion to act on behalf of a number of people who encountered difficulties in relation to prostitutes and prostitution. In the middle 1980s a young lady contacted me about her concerns about a Melbourne brothel owner who she alleged was involved in the distribution of drugs through the brothel. She feared for her safety if the information she conveyed to me was reported to the police. On another occasion a taxidriver, who described himself as 'an information service on wheels', had driven down Blanche Street, St Kilda, where a police patrol was in operation, and it was alleged that he had offered money in return for sex. His account was that he thought the lady on the street was asking for directions and, as an information service on wheels, he was just endeavouring to provide that information to her.

An honourable member interjected.

Mr THOMPSON — I have been asked whether the taxidriver was successful in avoiding prosecution. The answer is that he was well represented and was successful in not being prosecuted.

A number of applications to establish brothels throughout Victorian electorates have resulted in appeals. I recall an application that was lodged to operate a brothel in a fine Victorian building in Dandenong Road, Oakleigh. As a consequence of concerns held by neighbours in an adjoining street who thought patrons might seek to park their motor vehicles outside their homes, and by several local school principals who did not want their students walking by the premises, the applicant was unsuccessful when the matter was determined by the Administrative Appeals Tribunal.

On another occasion in a light industrial part of Huntingdale a motor vehicle repairer was surprised to note that the property adjoining his premises was being established as a brothel. In that case the operation was successfully established.

In my electorate an illegal brothel was operating behind a shopfront in a suburban strip shopping centre in Highett. As a result of concerns expressed to the local council regarding the nature of the activities being conducted close to housing and in proximity to children travelling to and from school, the council was able to intervene because the establishment did not have a permit.

A serious aspect of the industry is highlighted by the circumstances in which a constituent who saw me perhaps four or five years ago had been sexually assaulted by a taxidriver. The matter caused that person and her family great distress.

It is difficult to strike a balance between the competing values and needs within society. The honourable member for Evelyn raised a number of those concerns and drew them to the attention of the house.

I noted at the outset of my remarks that the bill gives effect to the original intent of the Prostitution Control Act — that is, it limits the ambit of operations within a brothel by limiting the number of rooms in which the activities can be conducted. That reflects the finite nature of the bill.

Many social issues have been considered by former inquiries into prostitution and many varying views are held in the wider community; however, I have confined my remarks to the general context of the bill.

Mr SAVAGE (Mildura) — I rise — rather quickly, and much to the dismay of the honourable member for Dromana — to support the bill. I am in favour of strict controls in the prostitution industry, but I find it hard to accept that it is an industry that can be effectively controlled. Many indicators in society suggest that prostitution is an industry that is up to its armpits in syringes, drugs, exploitation and the like. I have listened with some disbelief to previous speakers who think the industry can be effectively controlled and rid of all those elements.

One of the problems with the industry is that as well as those that are legal hundreds of illegal brothels operate. Persons who are owners of brothels, by the very nature of their industry, are not honest people of good repute who possess integrity. How could a brothel owner be of good repute? That is an oxymoron. The act specifies the qualifications that an applicant must possess to be a brothel owner.

Exploitation is the part of the industry that concerns me the most. A recent article from the *Age* highlights exploitation in the industry. The owner or manager of a licensed brothel was charged with exploitation of a minor by encouraging a 16-year-old to take part in prostitution. Another identity involved in the lawful brothel was a notorious Melbourne criminal. The owner was given a moderate penalty — a suspended sentence — on the basis of her unfortunate marital problems and the fact that she was brought up in Croatia.

The use of excuses such as upbringing or marital problems or being interfered with as a child for inflicting bad behaviour on others is difficult to understand. People have to be responsible for their own actions. Here is an example of a legitimate brothel exploiting children and introducing them to drugs. It cannot get much worse that that — juveniles under the age of 15!

Honourable members should read the newspapers from the past 12 months if they are in doubt that the industry is out of control. The newspaper articles read like a script for a sleazy porno movie: schoolgirls are sold into virtual slavery and illegal immigrants are exploited. The numerous allegations relate to both licensed and illegal brothels.

How do we know if organised crime is involved in brothels? They do not have family trees to determine the connections. The primary owners and managers may not have criminal records, but the problem of association is impossible to police. For example, Mildura has the only country permit for a brothel and the identity of the primary owner cannot be known or ascertained. The applicant is from a legal firm, but the actual owner is not named. The community has the right to access that information.

Another issue in the industry that concerns me is the grizzling of licensed owners about the illegal operations of other brothels — another example of irony.

I am bitterly disappointed with the legislation — not the bill but the fact that local government in country areas still does not have an appropriate measure of control. Councils in towns of 20 000 people or more cannot refuse an application for a brothel other than on vague planning grounds. I hope the issue will be addressed.

Tighter controls on brothels are essential, and I support the bill. It is necessary to be realistic when looking at the issue and not be deluded into believing it is possible

to control the industry. Let us be practical and do what is possible without imagining the industry is under control. I commend the bill to the house.

Ms ALLAN (Bendigo East) — Like the honourable member for Mildura and many members who have spoken before me, I am also pleased to speak on the bill. It has been interesting to hear some comments on the bill. In particular I commend the honourable member for Evelyn for finding such an interesting quote about actors and prostitutes and what appears to be a common link. As the honourable member for Berwick mentioned, sometimes Hollywood actors try to make their lives imitate art, with little success.

The bill impacts on an occupation that is often vilified and forced to operate illegally and on occasions causes community outrage. The industry is part of society and is the oldest profession. For the many professional women choosing to follow its calling it is dangerous. While the bill makes only minor amendments to the principal act, the more prostitution is discussed, the greater its impact on community, police and legislators, and the better regulated the profession will become.

I acknowledge the remarks of the honourable member for Mildura that the industry can never be totally regulated and controlled. However, the more it is regulated, the more account is taken of the negative impact on women who are physically abused as they go about their jobs. The environment must be made safer for the women in this occupation. While talking about the bill it is important to reflect on the culture that makes up prostitution.

The bill closes a loophole which allows a brothel to increase its number of rooms without consideration of the impact on the community and the surrounding environment. In Bendigo, a situation arose with a similar profession — lap dancing. A proposal came up in Bendigo to open a lap-dancing venue in a former hotel. The existing legislation allowed premises with an existing liquor licence, by extension, to operate as a tabletop dancing venue without going before the state government or the council to seek approval. Neither the council nor community members had an opportunity to oppose it in terms of the effect on the amenity of the town, the desirability of the location or its suitability for Bendigo. Citizens of Bendigo had no opportunity to participate in the discussion.

At the time there was great media speculation on the issue, and I was part of a community campaign that involved church groups, community health workers, the Salvation Army and many concerned members of the broader community.

A community group was formed and we had a meeting with the then Minister for Planning, the Honourable Robert Maclellan, and exchanged a number of letters with the then Attorney-General, the Honourable Jan Wade. In some instances it was fortuitous because a statewide review was being undertaken by the then Attorney-General into the sex industry and we were able to contribute to that review. The Attorney-General subsequently closed the loophole that enabled lap dancing venues to operate under existing liquor licences. I acknowledge the former Attorney-General's work in that regard. I am sure there will be an opportunity for members of Parliament to talk further about the lap dancing industry.

In drawing that example and discussing other loopholes connected with the sex industry, it is important that we as legislators constantly review and revise the law. The legislation introduces a new section to the Prostitution Control Act by inserting new section 75A, which gives the Victorian Civil and Administrative Tribunal the opportunity to consider applications or requests about the use or development of land for the purposes of the operation of a brothel. That will provide community members with the opportunity to have an input about the potential impact the opening or expansion of a brothel might have on their community.

In his second-reading speech the minister referred to the desirable containment of prostitution and how expanding brothels beyond a six-room limit is at odds with that position. As I mentioned with respect to the lap dancing industry, it is undesirable for a brothel to be able to expand its operations via a permit as a result of a gap in the original legislation.

The prostitution profession is not limited to notorious areas of Melbourne. I am sure many honourable members are aware that there are brothels, some not altogether legal, operating in country Victoria. The honourable member for Mildura referred to one in his electorate. Although there are no registered brothels in Bendigo there are a couple of well-known illegal establishments. The legislation will impact on communities in country Victoria.

I welcome the changes contained in the bill. It is very similar to the community campaign I was involved in two years ago in Bendigo which resulted in a loophole in the lap dancing legislation being closed. I commend the bill to the house.

Mr DIXON (Dromana) — I wish to make a short contribution to the debate on the Prostitution Control (Planning) Bill, which the opposition does not oppose.

Considering the title of the bill, not much mention has been made this afternoon of the planning aspects.

A brothel is an industry like many other industries in society: certain planning rules and regulations place certain industries and businesses in various areas of our suburbs, cities and country towns. We must be especially aware of the proximity of brothels to schools and residential areas because the vast majority of people living in our suburbs and towns do not think prostitution is the sort of industry they want in their face all the time, especially so far as children are concerned. Brothels should not be within sight of schools or along the paths taken by children to schools. They certainly reduce the residential amenity of our suburbs.

Another planning aspect to consider is the proliferation of brothels in some areas. Planning authorities must have control of where brothels are sited because there should not be a whole lot in one area as that would bring with it the inherent problems of people hanging around and traffic problems. It is not conducive to the amenity of the suburb, and if an industry such as prostitution is to be legal it must be spread out across the community.

Brothels should operate in certain areas only; for example, they seem to be situated in the more industrial areas, which is a suitable place for them. The location in certain areas of suburbs or towns of other industries is controlled because of traffic or the noise they may generate or simply because of the physical aspects of a factory or premises. The prostitution industry should also be subject to planning rules. Most of the planning rules are in place, but the bill limits the size of brothels, and that closes a very significant loophole which, if left unattended, would result in the operation of huge brothels. That is no good, especially in a planning sense, for the local area. Most people would view six rooms as more than adequate for that type of business.

In my electorate of Dromana there are no legal brothels and, so far as I am aware, there are no illegal brothels, but I may be challenged on that. I live in and represent an electorate with the oldest population in Victoria — it is a fairly conservative electorate. I know my constituents would not want a brothel in the area.

In the neighbouring electorate of Mornington, which is also controlled by the Mornington Peninsula Shire Council, a number of attempts have been made to place a brothel in Hastings. Those attempts have been well and truly put down by the council and the local community — they do not want a brothel in their town. I will watch that situation with interest.

The bill is another step along the road to controlling the prostitution industry. I agree with the honourable member for Mildura that the industry can never be totally controlled. The bill is subsequent to the great work done by the previous Attorney-General, the Honourable Jan Wade. With those remarks, I rest my case.

Mr NARDELLA (Melton) — I support the Prostitution Control (Planning) Bill which is a continuance of the reforms recommended in Professor Marcia Neave's report of the mid-1980s. Society has certainly come a long way, and that can be seen through the development of, for instance, things like the Sexpo and the mainstreaming of advertisements for Goldfingers Men's Club and the Men's Gallery.

The six-room limit is appropriate as it keeps brothels small and more community based. The needs of the state will be covered much better as a result.

Parliament must be concerned about the harm minimisation strategies and policies it puts in place. It must continue to be vigilant about the message of safe sex and the use of condoms in legal brothels. The protection of prostitutes, women and men, is of the utmost concern for the government and for the opposition. I agree with the honourable member for Mildura that under-age prostitution should be shut down. Illegal brothels, under-age prostitution and sex slavery are abhorrent and there will be no argument from this side of the house against their closure.

Parliament must also deal with street prostitution. One of the issues we need to face in the future is how to deal with and regulate women and men who work the streets and also protect the local residents where street prostitution predominantly occurs — which in Melbourne is mainly around the St Kilda area.

We also need to deal with options for prostitutes to leave the industry. We need to work with the Prostitutes Collective of Victoria and other community workers to ensure options and support are available if prostitutes want to leave and gain other skills and work in other industries.

One of the interesting aspects of prostitution and the goods and services tax is if by 1 July a prostitute has not got an Australian business number, or ABN, the client can withhold 48.5 per cent of his or her payment! On that basis, I support the bill.

Ms PIKE (Minister for Housing) — It has been an interesting debate on the Prostitution Control (Planning) Bill this afternoon. The contributions from both sides have identified that there is ongoing community

concern to ensure that prostitution is well regulated and that people who engage in the industry are protected. I thank the honourable members for Berwick, Mitcham, Frankston, Gisborne, Evelyn, Burwood, Glen Waverley, Sunshine, Sandringham, Mildura, Bendigo East, Dromana and Melton for their contributions, which have all been well researched and have added to our understanding and knowledge of the issue. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Sitting suspended 6.30 p.m. until 8.03 p.m.

FLORA AND FAUNA GUARANTEE (AMENDMENT) BILL

Second reading

Debate resumed from 21 March; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr PERTON (Doncaster) — The Flora and Fauna Guarantee Act proclaimed in 1988 was intended to provide the main legal framework for the protection of Victoria's biodiversity, native plants and animals, ecological communities on land and water and for a major program of state government and community action.

The bipartisan legislation was inspired by the United States of America Endangered Species Act. When first proposed it was heralded as pioneering Australian conservation legislation. Its primary purpose was to provide legal controls over habitat management for individual threatened species and ecologically threatened and threatening processes. It also aimed to guarantee not only the survival of species but for species and communities to evolve and flourish in the wild.

The web site produced by the former government at www.nre.vic.gov.au ensured that the processes, the details of the legislation, and the flora and fauna to be protected were accessible to the public. I pay tribute to the former Minister for Conservation and Land Management, the Honourable Marie Tehan, who took great pride in building the web site.

A key part of the original legislation is the listing process that is set out on the government web site. It states:

> Under the act, species, ecological communities and potentially threatening processes can be listed by the Governor in Council after being recommended by the responsible government minister. Any person or organisation can nominate an item for listing. Guidelines —

which are, again, set out by hotlink —

> are available. The nomination which must include scientific evidence, is assessed by an independent scientific advisory committee. The committee makes a preliminary recommendation which is advertised and public comments are invited. After public comments are taken into account the committee makes a final recommendation to the minister. If this is accepted it is published in the newspapers.

At this time 141 plant species, 128 animal species and 23 ecological communities are listed on schedules as being threatened under the act and 22 processes are listed as potentially threatening.

The next fundamental part of the act is the schedules dealt with by the bill. They are also set out on the web site and include a list of threatened taxa and communities of flora and fauna. Schedule 3 contains a list of potentially threatening processes.

A further major part of the act involved the preparation of Victoria's biodiversity strategy on which the former minister's department and others did much work. The work provided a good base for what the government must now do to properly implement the legislation. Another key part of the legislation is the action statements.

It might be worth while mentioning again a good web site that sets out the action statements. In relation to plants, for instance, although the Audas spider orchid is not well known in the community the web site I mentioned earlier provides a diagrammatic representation and description of the orchid, including its distribution, its conservation status and the reasons for that status. The objectives are listed as follows:

> To protect existing plants and encourage regeneration.
>
> To maintain habitat in an undisturbed condition so that the natural ecological processes continue to operate.
>
> To develop successful propagation techniques so that additional wild populations can be established if the need arises.

The action statement sets out a long and elaborate process and seeks to address means by which the state and the community can increase the numbers and distribution of the species to both ensure its protection

and enhance the biodiversity of Victoria. The bill provides for critical habitat determinations, public authority management agreements, interim conservation orders and the provision of powers which together with the Wildlife Act and the Fisheries Act can be used to control the use of or damage to protected native flora and fauna.

Mr Acting Speaker, you were a member of this Parliament in 1988. At that time the community set out a number of reservations and the broad ecosystem protection approach was strongly criticised by some industry groups, because the guarantee requires conservation objectives to be met and to hold a higher priority than mere economic or social objectives. In particular, industry groups have voiced criticisms of the protection of ecological communities and subspecies, and the identification of threatening processes. The Public Land Council made a detailed submission outlining a variety of proposals for amendments to reassert the economic rights of those affected by the act.

There was also criticism both ways in relation to the rights of third parties. On the one hand there was industry criticism of the opportunity for the public to make nominations and therefore provide possible delays of development approvals of up to three years while an item was assessed. On the other hand many environmental groups also believed there should be third party rights to enforce the objectives of the act, similar to the third party rights available to objectors to planning developments. There was also some criticism from members of the National Party, because some rural people saw the legislation as a threat to their livelihoods. Finally, environmental groups argued that the lack of legal protections for listed items on private land meant that the guarantee could be compromised too easily in favour of developers.

The views of those in the community who believe that the rights provided by the act are too broad have probably continued. On the other hand there are people in the conservation movement who do not think that the legislation goes far enough. These are interesting questions.

At the end of the term in office of the previous coalition government there were 280 taxa and species, 23 communities and 22 processes listed, as well as 100 action statements in existence and some 30 or 40 in preparation. It was a substantial achievement as part of the former government's efforts to protect parks and the environment.

In respect of this bill, while the opposition will not oppose the amendments they are an indictment on a substantial lack of vision and imagination by the government. The debate in the other place canvassed these provisions in substantial detail.

Mr Lenders interjected.

Mr PERTON — The honourable member for Dandenong North interjects and suggests that the opposition should support the bill.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster will ignore interjections. They are disorderly.

Mr PERTON — The Liberal Party has substantial reservations about the way the government intends to proceed with its administration of flora and fauna. Early indications of the minister's performance are either that the amendments do not go far enough or that her administration of the act is seriously lacking. All the bill does is change the word 'schedule' to 'list'. It is a shocking indictment of the administration of the minister and her commitment to the portfolio that five months into the government's period in office she is introducing her first bill and that the bill essentially does no more than convert a schedule to a list.

Mr Doyle interjected.

Mr PERTON — The honourable member for Malvern rightly asks, 'Where is the Minister for Environment and Conservation on her first bill?'.

Opposition members interjecting.

Mr PERTON — They were good questions from the honourable members for Dromana and Wantirna. They rightly asked, 'Did the minister sign off?'. This is not the minister's legislation, it was drafted by the previous government. It is a piece of coalition legislation that seeks to correct a defect of drafting.

For the sake of the honourable member for Gisborne, who in her electorate is known as the member for the Regional Forest Agreement, Woodchips and Clear Felling — —

Ms Duncan — By whom?

Mr PERTON — The honourable member asks, 'By whom?'. That title is given to her by the conservation groups she betrayed. The honourable member for Gisborne pokes her head up. She should not forget that — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster will continue without assistance. He will address his remarks through the Chair.

Mr PERTON — The honourable member for Gisborne has a very short memory. She stood in the streets of Gisborne and Woodend and got signatures on a petition calling for no regional forest agreements, no woodchipping and no clear felling. People remember that you did that and that you betrayed them. At the next election the honourable member for Gisborne and her Labor Party supporters will be reminded of her betrayal of a community.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster will use the proper form of address.

Mr PERTON — It is a relief to the opposition that the seat of Gisborne will be such easy meat at the next election. Should the honourable member for Gisborne speak in this debate she will be acting in a most hypocritical fashion.

Ms Beattie — On a point of order, Mr Acting Speaker, I seek your guidance. This diatribe on the regional forest agreement (RFA) does not seem to have anything to do with the current bill.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster is making a passing reference.

Ms Campbell — On a point of order, Mr Acting Speaker, the honourable member for Doncaster is casting aspersions on the honourable member for Gisborne, and I ask him to withdraw.

Mr PERTON — On the point of order, Mr Acting Speaker, the minister shows her lack of experience in the house. Firstly, neither of the points of order — —

Ms Campbell — The only one who is hypocritical is you.

Mr PERTON — A very thin-skinned minister. The Minister for Community Services has just complained about unparliamentary language and by way of interjection referred to me as hypocritical. The minister is quite out of place in suggesting that any language I used was unparliamentary and, according to the forms of the house, if I had referred to an honourable member inappropriately it would be up to that member to take objection. This very thin-skinned and incompetent minister who has shown herself to be — —

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster should stick to his point of order.

Mr PERTON — I ask you to rule against her.

The ACTING SPEAKER (Mr Seitz) — Order! I do not uphold the point of order. The honourable member who feels offended and aggrieved must raise the point of order herself and ask for the words to be withdrawn.

Ms Duncan — Mr Acting Speaker, I find the comments objectionable, and the honourable member for Doncaster is misleading the house in his representation of my campaign on the RFA. I ask him to withdraw those statements as well.

The ACTING SPEAKER (Mr Seitz) — Order! As to the claim that the honourable member for Gisborne has been misrepresented, she will have time to refute those matters in debate. It is only if unparliamentary words have been used or a member has been personally offended that a misrepresentation can be dealt with by way of personal explanation. There is no point of order.

Mr PERTON — Before returning to the bill I will compare the record of the Labor Party with that of the Liberal Party in Victoria. The best record in conservation and the protection of wild animals and places is held by the Liberal government. Indeed, the shining lights in this state on conservation and environment matters were the Hamer and Fraser governments. The national parks legislation and the system of national parks as they exist today were set up under the leadership of Sir Rupert Hamer. However, Sir Rupert was not the first Liberal to be involved in the conservation movement. Historical records show that the great Liberal Prime Minister Alfred Deakin, formerly a member of this chamber, dealt with conservation issues as early as 1908 and invoked customs law to help protect native species.

Shortly after his election Sir Rupert Hamer said:

> We will be less materialistic and more interested in things of the spirit. All other development and growth is negated if we destroy the surroundings in which we live.

A couple of years later in an article that appeared in the then *Herald* of 15 November 1974, Sir Rupert said:

> We have an obligation to preserve the natural heritage, and we are moving ahead as fast as possible in this area.

He went on to say:

> Then there are conservation organisations geared to protecting wildlife and fauna — as well as the environment

> against pollution. The picture emerging is one of increasing conservation and increasing number of reserves set aside for people to enjoy.

Recently the *Age* paid tribute to Sir Rupert Hamer, applauding the fact that he had founded the Environment Protection Authority (EPA) and set up the commission that recommended increasing the number of national parks and forest reserves.

It is interesting to consider some recent publications on the heritage left to the United States by President Teddy Roosevelt. Sir Rupert Hamer had the same substantial impact on environmental policy in Victoria as President Roosevelt had on the American consciousness of the environment in the early part of the 20th century. As they were being impacted on by business interests, President Roosevelt moved to protect America's natural resources through the application of scientific management techniques. From many of his speeches and subsequent writings it is clear that he believed humans are stewards of the environment and must take the longer view and not use up resources — because if we use them up now they will not be here for our children. As he said in 1912:

> This country belongs to the people who inhabit it. Its resources, its business, its institutions and its laws should be utilised, maintained or altered in whatever manner will best promote the general interest.

President Roosevelt looked on the countryside as most people did in his time — that is, as an economic resource that could be improved on. But he was also romantically attached to it and attributed to it a capacity to inspire and teach. Certainly his heritage of national parks draws a lot on the protection of wild animals and other things that inspire the community. The Victorian Liberal Party has a proud record in conservation and environment. As I said, the EPA stands as a tribute to the state Liberal Party's efforts in the area.

I note that the Minister for Environment and Conservation has entered the chamber. Her commitment to the EPA is nowhere as strong as that of previous Liberal governments. Her recent creation of a so-called flying squad of secret police seems to be at odds with the fact that she has a working party considering the treatment of hazardous wastes. It seems extraordinary to me as the shadow minister that an organisation that for a quarter of a century has been held in high regard by both sides of politics and by industry, unions and conservationists should have its work undermined by a minister who acts in such a pre-emptory way. The Environment Protection Authority, a fine organisation that has been well managed in a bipartisan way for 25 years, has a proud history of working with communities to enhance their environment.

The Minister for Post Compulsory Education, Training and Employment, who is also the member for Altona, has often spoken to me of the fine work the EPA does with the community in Altona by giving business the incentive to do the right thing. It organises forums in which the community and business get together and decide on the appropriate action for what could otherwise be a hazardous industry. Yet through her precipitate action in establishing what can be described only as the secret police of the EPA — she has referred to it as a flying squad — the Minister for Environment and Conservation has undermined the work of the community in environment protection, not just in a bipartisan political sense but in bringing together business, unions, interest groups and others. I hope the Minister for Post Compulsory Education, Training and Employment will join the debate at some stage and share her thoughts on government, community and environmental agencies working together.

I have been referring to the Liberal Party's record of achievement in conservation and protecting the environment. Federal Liberal governments have introduced the Antarctic Treaty Act of 1960, abolished whaling at Albany, proclaimed the Great Barrier Reef Marine Park, prevented sand mining on Fraser Island, and proclaimed the Kakadu and Uluru national parks.

In the five months during which I have been shadow minister for conservation and environment I have had the pleasure of meeting with many conservation and environment groups in Victoria, most of whom are doing fine work. Already many of their members are having to work in opposition to and are feeling betrayed by the government. My role as shadow minister includes listening to members of local communities and members of environment and conservation groups. To the extent that they disagreed with the actions of the former government, I must listen to and understand their views and ensure our policies take them into account.

I also understand that many people in the conservation movement regret the demise of the former Kennett government. For instance, the Wilderness Society will remember the great contribution the former minister, the Honourable Marie Tehan, made to the establishment of additional wilderness areas in the state. Those things are sorely missed by the community. The previous government gave coastal groups a lot of support, but the minister has given them no indication of the direction her government will take and has instead caused great confusion.

The honourable member for Bellarine, who is a fine representative of his constituency, has tried to guide his community through the issues raised by the development of his area. Queenscliff is becoming a popular tourist destination as well as a place to which increasing numbers of people are coming to live, many of them commuting to and from Geelong each day. He has tried to help his constituents deal with the changes caused by developments in recreation and tourism while addressing the important environmental and conservation aspects of the area. However, in his case the minister came in over the top of a planning process. Did she discuss it with the local member or the local community? No, she did not. She acted in the manner for which she is becoming notorious both within government and outside — that is, precipitately, without sufficient evidence.

Mr Lenders — On a point of order, Mr Acting Speaker, I draw your attention to standing order 99. The honourable member for Doncaster is well and truly straying from the subject matter of the bill.

The ACTING SPEAKER (Mr Seitz) — Order! I uphold the point of order and ask the honourable member for Doncaster to come back to the bill.

Mr PERTON — Mr Acting Speaker, I shall comply with your ruling as well as your previous rulings and those of other Speakers that say that the lead speaker for the opposition party can canvass a wide range of issues relating to legislation.

Honourable members interjecting.

Mr PERTON — I am glad to see the honourable members for Tullamarine and Carrum in the house.

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

Mr PERTON — It is such a pleasure to have them contributing to the debate. I am sure they had a lot of input into the bill. I have never had a kiss blown to me in the chamber, but the member for Tullamarine is showing a great deal more affection for me than I knew she had. I am pleased she is in the house!

The extraordinary thing about the bill is that it is the previous government's legislation. It was not generated as a result of any policy deliberation but because parliamentary counsel raised a technical issue. After five months, all the minister can do is introduce a technical piece of legislation. If flora and fauna and the environment are in the sort of danger the minister described when she was the opposition spokesman, one would have thought that in the last sessional period and this more legislation that delivered on modern concepts such as biodiversity would have been forthcoming and that the minister's second-reading speech would have made more reference to developments at the federal level.

It is no surprise, however, because in the October 1999 address to the Parliament by the Governor, Sir James Gobbo, environmental issues took up only three paragraphs. Regardless of whether that is a function of the minister's laziness in her submission of draft comments for the Governor's speech or the surprise felt by the government at its election, the speech was shallow indeed in its commitment to the environment. In his speech the Governor said:

> The government's environmental agenda will make Victoria a better place to live.

Mr Cameron interjected.

Mr PERTON — The inane interjections from the honourable member for Bendigo West are quite extraordinary. I have never heard of anyone being required in this house to quote from memory. I look forward to the honourable member for Bendigo West doing it himself.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster will use the proper form of address.

Mr PERTON — I refer to the Minister for Local Government, and I acknowledge that it hurts.

I return to the Governor's speech:

> The government's environmental agenda will make Victoria a better place to live. It will build the principles of ecologically sustainable development into the process of decision making across the whole of government and strengthen environmental monitoring and reporting requirements.

The opposition will certainly hold the government to that very high standard if that is what it is going to do.

Ms Duncan interjected.

Mr PERTON — I take up the interjection of the honourable member for Gisborne. She is very helpful in debates, but she is an example of what I hope I will never be in my environmental work.

Between 1992 and 1999 the previous government extended national parks and reserves, including and the Yarra Ranges, Terrick Terrick and Chiltern. French Island and Lake Eildon national parks were created and box ironbark forests and woodlands were protected. Two new state parks were added and thousands of

hectares of new open space was created in existing parks.

The previous government established the Good Neighbour program to eradicate pest plants and feral animals in parks and on other public land. In matters of conservation and environment it is important to have the support of the farming community — people who live in the areas where most of the threatened species, the subject of this bill, dwell. Many of the environmental problems in this country can be traced back to the efforts of our early settlers to introduce European styles of agriculture and European treatment of forests and the like.

Mr Steggall interjected.

Mr PERTON — As the honourable member for Swan Hill says, they did it very well. Farmers and farming communities have seen the increasing problems of salinity, deforestation and the like, and the communities themselves have changed, too.

As a member of the partnership team travelling in rural Victoria over many years I have enjoyed seeing the rural communities taking up the Landcare program. There is no greater tribute to the volunteer capacity of Australians, and Victorians in particular, than the work done in Landcare for the environment, and farmers are vital to that work.

In establishing the Good Neighbour program to eradicate pest plants and feral animals on public land the previous government took away from rural communities the sense of anger, hurt and anxiety. A lot more work is still to be done in this area.

I would be pleased to hear the minister, either in her summing up or in committee debates, say what she will be doing to extend and continue the Good Neighbour program, which is well supported. There is no doubt that in Victoria, as in the rest of Australia, pest animals and pests plants remain a substantial problem. A recent estimate by a United States scientific organisation is that the cost of weeds to Australia is approximately $15 billion a year. Indeed, in today's *Herald Sun* an article reports on the role of domestic and feral cats and the damage done by them to our endangered flora and fauna. It will be interesting to hear the minister, after six months in office, give her views on the program.

The previous government introduced a renewed and comprehensive capital works program for beach renourishment, boating facilities, sewer upgrades and pollution control to improve water quality along the Victorian coastline. Some 25 000 hectares were added to Victoria's parks, and in 1997 Parks Victoria was created as a single agency with a dedicated focus on the protection and management of Victoria's outstanding network of national wilderness, state and regional parks, and bays and sanctuaries.

One would have thought that Parks Victoria would be seen as crucial to the management of flora and fauna, since it has control and management of some of the most important parts of the state.

I note that the honourable member for Polwarth is in the house. Only last week the honourable member and I visited the terrific and well-managed Otways National Park.

Ms Lindell interjected.

Mr PERTON — The national and state parks that exist across the state are a great tribute to the management of Parks Victoria, which was established by the last government.

Ms Lindell interjected.

The ACTING SPEAKER (Mr Seitz) — Order! I ask the honourable member for Doncaster not to invite the house to participate. He should be able to debate without assistance.

Mr PERTON — Thank you, Mr Acting Speaker. Perhaps if the honourable member for Carrum complied with your rulings it would not be necessary to do so. I refer in passing to the interjection from the honourable member for Carrum, who, at her most churlish, dismissed the work of Parks Victoria. That is typical of a person such as she — an ideological hack, preselected for her ability to stack branches — —

Mr Lenders — She was unopposed!

Mr PERTON — It is hardly likely that she would understand the work of Parks Victoria.

The ACTING SPEAKER (Mr Seitz) — Order! Can the honourable member explain to me what that has got to do with the bill? I ask the honourable member for Doncaster to come back to the bill. I have allowed the honourable member some leeway, but I ask him now to come back to the bill.

Mr PERTON — I am grateful to you, Mr Acting Speaker.

Parks Victoria has been a world-leading agency. Agencies from the United States of America, New Zealand and Europe have come to Parks Victoria to get advice and see how parks can be well managed and how remote parks can be protected. The honourable

member for Polwarth and I saw how well the Otways National Park was managed. That park is reasonably remote, but it attracts a large number of tourists, it is well protected and has lower-than-average numbers of pest animals and plants.

We learnt from the rangers who work for Parks Victoria that one of the great things about the agency is that it has enabled rangers to move from low-visitation, remote parks with very high conservation values and many rare flora and fauna to parks that attract high visitor numbers. Parks Victoria has enabled rangers who are able to identify pest species to move from remote parks to metropolitan parks to enable them to be better run. At the same time it has brought rangers from metropolitan parks to the more remote parks to assist with modern techniques of visitor management. An issue around the world is that an increase in tourism has meant that visitation numbers need to be controlled and well regulated in park environments. For instance, programs that ensure that everything brought into parks is later taken out are very important.

I know the honourable member for Bayswater is a committed bushwalker. The honourable member for Dromana spends much time travelling around the state and working on conservation and environment issues. He and others have the seen the work of Parks Victoria close at hand.

Given what the minister did on Sunday the bill means nothing. In a quiet news period she put out a press release saying that the fine service run by Parks Victoria would be split into a national parks service and a metropolitan parks service. There is no logical reason for doing that. The service has worked well in the past, and breaking it up into two services will mean that it does not have the management flexibility that allows rangers to move around, which will limit their career opportunities. It will mean that the skills and talents that are required to administer the bill will not be so readily transferable.

Mr Dixon interjected.

Mr PERTON — As the honourable member for Dromana said, it will mean a duplication of administration. The bill brought before the house by the minister is a load of nonsense given her actions at the weekend. The press release must have been released quietly, because I did not see anything about it in the *Herald Sun*, the *Age* or the *Australian*. The honourable member for Dandenong North may be able to enlighten me about that — has he seen it anywhere?

Mr Lenders — No.

Mr PERTON — No. The press release was produced on a Sunday in the hope that it would not see the light of day.

Mr Lenders — On a point of order, Mr Acting Speaker, I draw your attention to standing order 99, which states that no member shall digress from the subject matter of any question under discussion. The honourable member for Doncaster has strayed a long way from the bill, yet again, and I urge you to counsel him.

Mr PERTON — On the point of order, Mr Acting Speaker, this bill is called the Flora and Fauna Guarantee (Amendment) Bill. The honourable member for Dandenong North has probably not read the bill — he seems to have only a virgin white copy of the standing orders, which he has obviously been reading for entertainment. I inform him, through you, Mr Acting Speaker, that this is the Flora and Fauna Guarantee (Amendment) Bill. The principal act provides for the protection of threatened species, most of which exist in the state and national parks of Victoria. The state and national parks of Victoria are administered by Parks Victoria, and if no member of this house were able to talk about Parks Victoria in the context of a flora and fauna guarantee bill the debate would be nonsense.

The ACTING SPEAKER (Mr Seitz) — Order! I do not uphold the point of order. The honourable member for Doncaster is the lead speaker for the opposition in the debate, and I have given him plenty of leeway to express his view. However, if he strays from the bill again, I will have to ask him to return to it.

Mr PERTON — As I said, it is extraordinary that the first and only piece of legislation brought before the house by the minister shows she has a complete dearth of new ideas or initiatives. That fact has been recognised by the media. In an article on the regional forest agreement process in the *Age* of 2 March the expert environmental writer, Claire Miller, states:

> … Garbutt cannot pretend the situation is merely an unfortunate hangover from past regimes for which she bears no responsibility. She has been in office for more than four months, time enough to turn any ship if the captain is in command. Four months ago the minister had time and plenty of community goodwill to help do the job of reforming Victoria's forest management system. Now, unfortunately, she has neither …

More importantly, in the context of this bill I will refer to the minister's lack of action to protect one of the rarest birds in Victoria, the red-tailed black cockatoo. Last month it became known that 80 trees had been illegally felled on private land near Horsham in western

Victoria, despite their being clearly identified as important nesting sites. The red-tailed black cockatoo is currently listed as endangered under both the commonwealth Endangered Species Protection Act and the Victorian flora and fauna guarantee legislation. A 1989 study of the species in western Victoria revealed that large, dead trees with hollows, on private land, are important to the survival of the species.

Allowing the destruction of that habitat was a mammoth bungle on the department's part. In January a planning permit was issued to allow the removal of trees on the site, a condition of which was the protection of the identified nest trees. An inspection of the site by specialist biologists revealed that all the important nest trees have been cleared. That has been allowed by a minister who stated in her pre-election policy that the principal issue for many species is loss of habitat and who claimed that under the Kennett government the procedures outlined in the act had ground to a halt. She promised to ensure the survival of threatened species by adopting the dual strategy of targeting programs to enable threatened species to recover their numbers and protecting natural habitat!

It is remarkable that the bill relates to the aspect of environment policy to which the Minister for Environment and Conservation claimed to be most committed. Timbercorp, the company that owned the land, was staggered that on each of the three occasions on which it sought advice from the Department of Natural Resources and Environment on the trees that needed to be protected, it was referred back to the local council.

Although I have full confidence in the ability of local councils to manage their own affairs, I would have thought that, if the minister had any commitment whatsoever to flora and fauna protection and to the legislation, she would have made sure her department took responsibility for identifying the trees that needed to be protected. The trees have been destroyed, with no apology from the minister — in fact, with anything but an apology.

The federal Minister for the Environment, Senator Robert Hill, has written to the minister on two occasions asking for an explanation. Minister Hill has rightly pointed out that under the Natural Heritage Fund money has been made available to Victoria for the protection of various species. Minister Garbutt has not bothered to write back. She is the same minister who, when asked back in December by the honourable member for Monbulk whether she had replied to a letter from her South Australian counterpart, said she had written back to the minister but who later had to apologise for having misled the house!

Mr Acting Speaker, you do not have to take my word for this. Crikey.com, for instance, has said she has some 750 pieces of correspondence on her desk.

Mr Dixon — It has grown!

Mr PERTON — As the honourable member for Dromana rightly points out, the good information is that the number has grown and that some 2000 documents are awaiting the minister's signature. The minister's good advisers on flora and fauna are sitting in the advisers' box. I have no doubt they are embarrassed by her lack of performance on the question of the red-tailed black cockatoo — and by her lack of action, full stop!

However, to make matters worse, having presided over the destruction of the most important breeding area in the state for the red-tailed black cockatoo, the minister was asked by Environment Victoria and the federal minister to intervene in another land clearing matter involving the destruction of some 250 stringy bark trees. I raised that matter in the Parliament last week, only to have the minister give me the learned response that because some pasture was growing under the stringy bark trees she therefore had no responsibility to protect one of the most important breeding areas of one of the rarest birds in the state.

What nonsense the bill is if the minister charged with the responsibility of administering the act not only allows the destruction of one important breeding site of a rare and endangered species but then washes her hands of any responsibility at all to protect another.

Ms Davies interjected.

Mr PERTON — I hear shrill cockatoo-like interjections from the honourable member for Gippsland West. I always thought she wanted to improve the standards of the house, but her interjections suggest that is not the case.

The actions of the Minister for Environment and Conservation in failing to protect the red-tailed black cockatoo give the opposition and the community no cause for confidence in her ability to administer the Flora and Fauna Guarantee Act and call into question the need to introduce the amendments in the bill.

By contrast, in 1998 under the former Liberal government the former Minister for Conservation and Land Management, the Honourable Marie Tehan, produced a landmark strategy for the conservation of

biodiversity in Victoria called 'Victoria's biodiversity — directions in management'. The strategy — —

Ms Davies interjected.

Mr PERTON — Are you still screeching?

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster will address the Chair and ignore interruptions.

Ms Davies interjected.

Mr PERTON — Mr Acting Speaker, you might hold the honourable member for Gippsland West to the standards she claims to endorse.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster will address the Chair and look at the Chair when he is speaking to it.

Mr PERTON — The strategy represents a national benchmark for biodiversity conservation and management. I suggest the minister or her advisers, if they are not too busy attending all the opposition briefings, visit the web site for which she now has responsibility and read it.

While there is no denying that the Flora and Fauna Guarantee Bill was landmark legislation when it was introduced in 1988 to bipartisan support, other states have now moved on as part of the new global trend in environmental management. The biodiversity report prepared by the former government is an example of that new trend.

The Liberal–National Party coalition strategy encouraged Victorians to better understand and appreciate their rich and diverse flora and fauna and ecosystems. The strategy is a key step in the flora and fauna guarantee program, showing how to achieve the Flora and Fauna Guarantee Act objectives of conserving and preventing threats to native species, communities and gene pools, and encouraging community involvement through the establishment of links with biogeographical regions.

The debate gives the minister an opportunity to endorse that strategy and to go beyond the 1980s legislation and look at ways of improving the listing process by establishing links with biogeographical regions as proposed in the landmark report on Victoria's biodiversity.

The coalition parties have lost the election. Being in opposition is a good opportunity to free oneself from the shackles of bureaucracy and to revisit legislation and practices with a fresh mind. My discussions with conservationists and environmentalists across the state — whether in the Otways or in the electorates of the honourable members for Gippsland West or Gippsland East — have been beneficial. People are willing to contribute their ideas on conservation and environment.

Ms Davies interjected.

Mr PERTON — Mr Acting Speaker, I would resist responding to interjections if only the honourable member for Gippsland West would continue to maintain her silence. However, she cannot control herself.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster is being extremely rude to the Chair by turning his back to the Chair while speaking. I ask the honourable member to face the Chair.

Mr PERTON — I am trying to wind up the debate. If you want to protect the honourable member for Gippsland West in her unruly behaviour, it is your right do so, Mr Acting Speaker.

I am saying that in preparing for government opposition members are talking to the community. That is not what the minister is doing.

Mr Robinson interjected.

Mr PERTON — The honourable member for Mitcham laughs. However, while talking with various groups over recent weeks, whether it be in Woodend, Mount Macedon, Gisborne or in the Otways, it has been clear to me that the minister has not been consulting with them.

In her signature of the regional forest agreement (RFA) the minister pulled off a remarkable trifecta. She betrayed the industry and the timber towns so well represented by members like the honourable member for Polwarth and the honourable members representing Gippsland and Warrnambool for the National Party and the Liberal Party. The communities have been betrayed. At the same time the conservation and environment movement has been betrayed in the selection of reserves and the permission for timber felling in the reserves over the period of the agreement. To hold the government to account and to ensure the best policies when the opposition is returned to government those groups are ready to work with the opposition.

My colleagues of both the Liberal Party and the National Party look forward to continuing to work hard to protect the wild animals and places that Victorians hold dear — the Otways National Park, the parks around Mildura and Gippsland East, Wilsons Promontory and Phillip Island. Victorians hold national and state parks close to their hearts. They want wild animals — particularly threatened species — protected. If the minister proceeds as she did in the case of the red-tailed black cockatoo, the opposition parties will have a lot of work when returned to government to ensure that the protection of threatened flora and fauna continues under the next coalition government.

Mr HOWARD (Ballarat East) — In speaking to the Flora and Fauna Guarantee Bill I will explain some of the detail in the bill and why it has been brought forward. The bill brings the act into line with current parliamentary practice by inserting schedules that can be added to by Governor in Council orders. It therefore rectifies anomalies in the existing act.

The bill strengthens the ability of the government to ensure the protection of endangered taxa and habitats. For the benefit of those who do not understand it I point out that the word 'taxa' means 'groupings, classifications of plants or animals, flora or fauna as either species, subspecies, genera or other groupings'. Taxa are listed in the bill and identify species, subspecies and habitats as endangered.

The aim of the bill is to provide for a smooth and speedy addition to the schedules by Governor in Council orders. The existing legislation led to a slower introduction of changes to endangered species listings, often causing greater danger to those species.

Under the proposed legislation the listing of threatened flora and fauna will occur more smoothly. The bill includes a brief introduction specifying the changes I have outlined, but the major part of the bill comprises the three schedules. The first schedule is a brief listing of the species the government will exclude, including human disease organisms. The second schedule lists species and taxa identified as endangered and thus in need of protection, including nearly 300 species of plants and animals. The third schedule lists processes which if implemented can cause danger to many habitats identified as important and in need of protection.

I encourage honourable members to look through the lists. The government has an important task and the minister is working aggressively to ensure opportunities to protect flora, fauna and habitats across the state are maximised. The legislation assists in doing that.

It is important to remind members that a significant list of nearly 300 taxa is before us. It is a quirk of fate that Australia has been inhabited by white people for little more than 200 years. They did not understand the fragility of the environment, and great damage has been caused to the habitats in that time.

As a former teacher of environmental studies I worked hard to impress on my students how fortunate Australia is to have such a broad range of naturally occurring flora and fauna. We have the only monotremes to be found anywhere in the world, the platypus and the echidna; a broad range of rare marsupials found only in Australia; a unique set of organisms among vertebrates and invertebrates; and a unique set of flora that needs protection. Australians need to understand the environment.

Sadly, in just 200 years since the arrival of the white race, many species have become extinct or threatened with extinction because white people have not understood the circumstances in which the environment is changing and the damage that can be brought about.

What are some of the things that have happened since the arrival of white man to cause those changes? There has been extensive clearing of our native forests for agriculture and forestry purposes and to build towns and cities. Numerous non-indigenous species, whether they be plants or animals for agricultural and domestic purposes, were introduced simply to remind European settlers of their former European surroundings. Many non-indigenous animals were released innocently by European settlers in the belief they would be a pleasant addition to our Australian environment, but they quickly bred and overtook the natural species. The rabbit is a classic example, as are rats and mice and domestic cats and goats that have since gone feral. Those animals have caused damage to the natural Australian environment.

Mr Perton interjected.

Mr HOWARD — It is a shame the honourable member for Doncaster is interjecting at this time. He addressed the house for a long time in presenting a dreary diatribe that did not really relate to the bill. He would be well advised to listen and perhaps learn something about this matter. It might save him having to go to www.otways to find out a bit more about the environment!

The early inhabitants of this country and of Victoria caused much damage to our environment. Not only did they introduce many species that have since overrun our native species but they also developed cities and

introduced industrialisation. Urbanisation has caused pollution and has had many other effects which have reduced the amount of natural habitat and endangered many of our species.

Many of our fauna species in particular were hunted in early days, some to extinction, either because people were seeking their fur or meat or because they thought they were pests.

I have always been pleased to educate my students about a whole range of environmental issues. Victorians are gradually becoming more aware that they need to respect our environment and that unless they do so we will not have in the future many of the species that exist today.

Fortunately, people are becoming more aware of our environment and more appreciative of those native species of flora and fauna that are unique to our country. People already understand that a number of those species have become extinct — the most well known being the thylacine — the Tasmanian tiger. Unfortunately it became extinct partly because it was hunted and partly because of environmental changes. Numerous other species have become extinct, or are believed to have become extinct, including the *Chaeropus ecaudatus*, the pig-footed bandicoot, the *Conilurus albipes*, the white-footed rabbit-rat; *Lagorchestes laporides*, the Eastern hare wallaby and *Leporillus apicalis*, which is the lesser stick-nest rat. All those species have become endangered to the point of extinction since the arrival of white man. Many more have become extinct — we have lost them already.

The aim of the bill is to ensure that we put an end to the extinction of any other species, ensure they are protected and ensure that their habitat will grow so that those species can come back in greater numbers in future. When a species is identified as being endangered a clear management plan goes along with that. They are listed both in typed form and also on the web site for anybody to look at. One example of a species that is of much interest to many people is the Leadbeater's possum which was thought to be extinct in 1960 — it had not been sighted for many years. In 1961 there were a couple of sightings in the Marysville area, and since that time there have been more sightings in that region. It was then put on the endangered species list, and a full management action plan was put in place to protect it. Action plans have been put in place to ensure that the nearly 300 taxa that are listed are protected. That is part of the management plan.

Other aspects of the management plan that are tied into the act relate to further studies to evaluate the specific habitat requirements, how the numbers are changing for those species and the wider conservation issues of what happens when Leadbeater's possums are found on private forest land. The plan ensures that the owners of the private forests understand the particular circumstances required to protect the Leadbeater's possum and that the owners are provided with support to ensure the continuation of the Leadbeater's possum communities in those areas.

Obviously the action plan also provides for community education, which is vital to all aspects of environment protection. The government will be looking to support that in the years to come.

Community education is vitally important so that communities can understand what they can do to protect Leadbeater's possums and have a greater appreciation of endangered species. Although I have been speaking mostly about mammals and marsupials, the bill does not relate only to mammals; it also refers to numerous amphibians, fish and birds that have become endangered.

I am pleased to support the bill because it ensures we raise to a higher profile concerns related to endangered species and the protection of flora and fauna. It will provide the community with a better understanding of those issues. The bill particularly ensures that the concerns raised in the community about species that are becoming endangered can be processed more quickly. Under the legislation the process for ensuring that they are protected will allow for about six main steps to take place. If people believe a species of plant or animal is likely to be endangered they can nominate that species.

A Scientific Advisory Committee will be established to consider those species and make recommendations. The committee will embark on public consultation, which may take up to 30 days, to enable it to gain more information to satisfy its members fully that they are investigating an endangered species and to establish the means by which that species can best be protected. The Scientific Advisory Committee will then report back to the minister who has up to 30 days to consider the recommendation. If the minister is satisfied with that recommendation it can go on to the Governor in Council, which can then add the species to the schedule. The process will be much more secure in a legislative sense and a much speedier way of ensuring endangered species are put on the list and are given the protection that the Flora and Fauna Guarantee Act provides for them.

The bill will ensure Victoria is at the forefront of protecting endangered species in a range of ways. It is

based on sound and safe legislation and can be added to quickly and efficiently when any other species is found to be endangered.

As the lists are updated they will continue to be made fully available to the public either at Department of Natural Resources and Environment offices or on the DNRE web site. Victorians will be able to access the web site or go to DNRE offices and see the lists in hard copy format. Victorians will learn more about species identified as endangered and about the processes which should not be carried out — for example, alteration to the natural flora regimes of rivers and streams, and a whole range of other issues.

Mr Perton interjected.

Mr HOWARD — I encourage the honourable member for Doncaster to take time to read the lists himself and become familiar with them, because the diatribe we heard from him earlier showed he has not studied the lists or the legislation closely. Perhaps the honourable member may need to be added to the endangered list when it comes to his preselection and his role in future governments, which will become more limited.

The bill shows that the government is moving in the right direction to ensure that flora and fauna are guaranteed in Victoria. In his contribution the honourable member for Doncaster was critical — as he is known to be — and did not present any positive policy guidelines about the regional forest agreements. He did not suggest any positive policy guidelines on how he would protect plants and animals. His speech was negative, which is disappointing. If the honourable member wants to get off the endangered list he should do a little more work and discover a little more about how to provide positive policy ideas to support both flora and fauna guarantee areas that Victorians can contrast with the government's policies.

I am confident that Victorians believe the government is moving in a much more positive direction on environmental issues. They are confident in the Bracks government providing a great contrast to the former government. Those who have a genuine interest in the environment will continue to support the Bracks government.

Mr DIXON (Dromana) — I will make only a brief contribution because I know a number of other opposition members have a deep interest in conservation and wish to contribute to the debate. The opposition will not oppose the Flora and Fauna Guarantee (Amendment) Bill. The bill brings the original act into line with current parliamentary practice. I am a member of the Scrutiny of Acts and Regulations Committee and its numerous subcommittees, and the act is a good example of where subordinate legislation overrides the original act. It is a bit like the tail wagging the dog. The bill transfers control of the legislation back to the primary act and the schedules will be changed into lists. That is not a huge task.

The bill provides for the regular updating of endangered flora and fauna lists, which is important not only for the education of the wider community, whether it be landowners, farmers, conservationists, developers, and those who just have an interest in conservation and want to know what plants and animals are endangered, but also for the future education of our children. If the information is not readily available to children when they are researching for school projects, they will not learn about the endangered flora and fauna of our state and start to make those links and build up important conservation concepts at an early age. I applaud that aspect of the bill.

The honourable member for Doncaster rightly pointed out the long and full record of the former government in its contribution to conservation in Victoria. There has been no better example of that than in my electorate of Dromana. I refer to the large extension to the Mornington Peninsula National Park that was made by the former government. The honourable member for Doncaster mentioned a number of national parks and state parks that were established or extended by the former government.

The Mornington Peninsula National Park covers the long coastal strip from Port Nepean to Cape Schanck and also the bushy areas from Greens Point to Arthurs Seat. It is an important tourist precinct and an area that harbours and protects some fragile flora and fauna. The national park is close to many residential areas and Parks Victoria is doing a wonderful job managing that — for example, the local community and friends working with Parks Victoria have aided in the protection of the hooded plover, which is a rare bird.

There is only one small nesting site for the bird on the Mornington Peninsula. Unfortunately, the bird builds its nest on the ground, so it is open to being trampled on. The nests are easily got at by foxes, dogs and even human beings who stray off the tracks. Through Parks Victoria grants, the education of the community and the great work of the friends of the hooded plover, fences have been built around the site and it is good to see the numbers now coming back. There is a long way to go but it is another example of the local community

working together with Parks Victoria to assist endangered species.

As the honourable member for Doncaster said earlier, Parks Victoria has played a vital part in the conservation and protection of Victoria's flora and fauna through its parks network. The rangers on the Mornington Peninsula are great educationalists. They work very hard escorting tourists about the national park, conducting rock pool rambles and supervising many other activities. However, they do not know what the future holds. Will the national park become a metropolitan park or a country park? The diversity referred to by the honourable member for Doncaster, as well as the opportunity to better utilise the rangers' skills, will be lost. I pay tribute to their great work.

Mr Perton — The Minister for Environment and Conservation got the policy wrong.

Mr DIXON — The former government protected the flora and fauna in my electorate by banning dogs from national parks. The move was unpopular with some people, but it has gone a long way towards the protection of Victoria's flora and fauna. Mud Island and the South Channel Fort have been included in the parks system. The islands in Port Phillip Bay — one man-made and one natural — are important nesting sites for the terns and gannets. The silver gull also nests on Mud Island, but that is not an endangered species.

Probably the most popular and far-reaching protective measure introduced by the former government was the regulations relating to people's interactions with dolphins. Regulations governing the swim-with-the-dolphins tours, which include the distances people must keep, whether they be in private or chartered boats, are now set in concrete. The number of tourist operators is increasing — but luckily, so are dolphin numbers. However, the dolphins have been under strain due to the proliferation of tourists in the bay, and the regulations have worked well during their first summer in operation. One operator has already been fined in the courts, which shows that the regulations have teeth.

Mr Perton — It is the same with the Otways.

Mr DIXON — I pay tribute to the honourable member for Doncaster. As the shadow minister for conservation and environment he does not sit in his office in Doncaster. Rather, he travels across Victoria examining conservation issues. I have travelled with him on some occasions. Last week, for example, we visited the Otway National Park.

A government member interjected.

Mr DIXON — Opposition members went there; they know how important the park is. We visited the lighthouse at sunset and were delighted to see two pods of fin whales, the second-largest species of whale. They are an endangered species, yet they were swimming in Victorian waters two months earlier than they would normally be seen. It was wonderful.

A government member interjected.

Mr DIXON — There were no beached whales; they were all swimming. The former government's regulations have gone a long way towards protecting Victoria's endangered flora and fauna, including the seabeds of our marine parks. The banning of scallop dredging was both popular and practical. Given the extent of the dredging, scallops were in danger of becoming an endangered species. Stopping the practice has allowed the fragile ecosystem on the seabeds to recover. Divers have told me how incredible it is to see the seabed in Port Phillip Bay flourishing. Vulnerable species of seaweed and the marine creatures that live on them and form part of the food chain have recovered. I look back with pride on the former Kennett government's performance in conservation.

The Bracks government has a hard act to follow. The bill takes one tiny step by changing a schedule to a list, although I suppose it is one of the Minister for Environment and Conservation's biggest achievements. Victorians may be lucky enough to see the bill signed off! I received a telephone call from a member of one of the Labor Party branches who requested that I ask the minister to acknowledge its letters. Although an answer was not expected, an acknowledgment was hoped for.

Although the bill is only a small step, I hope it will lead to better things for the conservation of Victoria's flora and fauna.

Mr INGRAM (Gippsland East) — I support the Flora and Fauna Guarantee (Amendment) Bill, which amends the listing process in the Flora and Fauna Guarantee Act. Currently, the list of organisms that are not to be conserved — that is, the excluded list — as well as the list of threatened taxa and communities and the list of threatening processes appear in schedules 1, 2 and 3 of the Flora and Fauna Guarantee Act and can be amended only by an order of the Governor in Council that is passed by Parliament.

The change in the bill is necessary to bring the act into line with current parliamentary practice, which is that primary legislation should not be amended by subordinate legislation. The bill is about an

administrative issue, not a policy issue. It contains several consequential amendments and two transitional clauses that are related to its main purpose. An additional purpose is to clarify the time period in which the minister should respond.

Mr Perton — Imagine all the things that can happen.

Mr INGRAM — I assume the opposition is not opposing the amendments in the bill. The principal act was passed in 1988, and the associated flora and fauna regulations were made in 1991. The act has not been amended since that time.

The act includes provisions on the role and composition of the Scientific Advisory Committee; the preparation of a flora and fauna strategy; the listing of excluded species, threatened species, threatened communities and potentially threatened processes; the preparation of action statements and management plans for listed items; the determination of critical habitat; and the application of interim conservation orders. It also takes into consideration the removal of native species; the trading in, moving of or processing of protected flora and fauna; and ties in the Wildlife Act and the Fisheries Act.

The bill adds definitions of 'Excluded List', 'Processes List' and 'Threatened List' and substitutes proposed new schedules 1 to 3 of the bill for schedules 1 to 3 of the principal act. Proposed new schedule 1 provides that only organisms which present a serious threat to human welfare are not protected. Proposed new schedules 2 and 3 list threatened species and potentially threatening processes. The bill specifies a 30-day time limit in respect of recommendations of the Scientific Advisory Committee. The minister has 30 days from the date a recommendation is received to decide whether or not to accept it. Clause 10 amends section 67(c) of the principal act to ensure lists are available for inspection. The bill also contains a number of transitional clauses.

I welcome the comments of the honourable member for Doncaster on the natural assets in my electorate of Gippsland East. In addition to abundant native flora and fauna, the area also contains some of Victoria's greatest national parks. They are Croajingolong National Park, which is recognised both in Australia and throughout the world, the Alpine National Park, the Snowy River National Park and the Errinundra National Park. These parks hold a bank of biodiversity that is second to none in Australia.

Mr Perton — They are well administered by Parks Victoria, aren't they?

Mr INGRAM — I think Parks Victoria could probably do slightly better than it does currently. It is probably an issue — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Doncaster would help the Chair if he did not assist the honourable member for Gippsland East.

Mr INGRAM — Australia's biodiversity is extremely important. Victoria has a responsibility to protect and maintain its flora and fauna, and its national parks. Some 75 per cent of the Shire of East Gippsland, which comprises 10 per cent of Victoria, is either national park or state forest. Honourable members can deplore the fact that species have been lost — I have mentioned this in contributions in the grievance debate — and that other species are at risk of extinction, but until governments allocate the resources necessary to protect parks and reserves and eliminate potentially threatening processes, including the removal of introduced flora and fauna, nothing will be achieved.

The amendments in the bill are mainly administrative. They deal with the potentially threatening processes of which I have spoken previously — namely, the predation of native wildlife by the introduced red fox, the predation of native wildlife by cats and the invasion of native vegetation by environmental weeds. These processes pose a serious threat to the environmental and biodiversity values of my region and there is a need for the allocation of adequate resources to provide protection.

Other potentially threatening processes that I have a particular interest in relate to rivers. Among the processes listed in schedule 3 of the principal act are an increase in sediment input into Victorian rivers and streams due to human activities, the alteration to the natural flow regimes of rivers and streams, the introduction of live fish into waters outside their natural range within a Victorian river catchment after 1770, the alteration to the natural temperature regimes of rivers and streams and the introduction of exotic organisms into Victorian marine waters. All of those potentially threatening processes have a serious impact on aquatic life forms, particularly native fish and frogs.

It is necessary to question the level of commitment to the act by previous governments, and probably by the present government, given that Victorian fisheries allow or participate in the stocking of introduced fish into Victoria's rivers. In 1999 the Victorian fisheries

web site showed that 731 572 salmonoids were stocked into Victorian waterways. As I mentioned earlier, the introduction of live fish into waters outside their natural range is a potentially threatening process. One of the major threats to all Victoria's native fish and frogs is the introduction of fish such as salmonoids, carp and red fin into our rivers and streams.

Mr Perton — What are your views on trout?

Mr INGRAM — We should recognise that trout is an introduced species and there are many areas in Victoria where introduced fish that pose a risk to the populations of native fish should not be allowed.

Mr Perton interjected.

Mr INGRAM — We should identify where we should be putting them.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Gippsland East will ignore the interjections of the honourable member for Doncaster. I ask the honourable member for Doncaster to refrain from interjecting.

Mr INGRAM — I support the amendments to the Flora and Fauna Guarantee Act. However, the real reasons for the decline of many of Victoria's native species will not be addressed properly until the reasons for their decline are addressed. I support the bill.

Mr DELAHUNTY (Wimmera) — I am not opposed to the Flora and Fauna Guarantee (Amendment) Bill. I represent the electorate of Wimmera, which is the largest electorate in the state.

An Honourable Member — Just!

Mr DELAHUNTY — It is 38 square kilometres bigger than East Gippsland. It is a diverse area stretching from the breathtaking Grampians National Park across the fertile plains of the Wimmera to the unique panorama of the Little Desert National Park. It is interesting to note that the area has significant tourism potential. Unfortunately, because of the lack of rain over the past three years there is not much water in the lakes and waterways or the Wimmera River. Some commendable environmental projects are being developed and implemented in the Wimmera area, including the development of wetlands.

When I was a member of the former Horsham Rural City Council it initiated a wetlands project along the Wimmera River. It would be well worth any honourable members interested in that area visiting the project and having a look at it. The shires of Hindmarsh and Yarriambiack are among some of the councils with smaller populations that are doing a lot of work in biolink corridors with the support of the National Heritage Trust.

The second-reading speech states the purpose of the bill as amending the Flora and Fauna Guarantee Act, which was established as a legal and administrative framework to promote the conservation of Victoria's native flora and fauna. All honourable members would support that. The bill provides for threatened flora and fauna to continue to be protected under the Flora and Fauna Guarantee Act 1988, and the bill will not diminish the status of the items listed under the act.

I am concerned that the responsible minister will be the only person able to amend the list after considering recommendations from the Scientific Advisory Committee. I hope the minister consults more broadly than she did when she withdrew the permits for the control of plague proportions of corellas in the Wimmera area! The decision of the responsible minister will continue to be advertised statewide and in regional newspapers — in large print I hope — and in the *Victorian Government Gazette*. Honourable members will monitor that process.

I have researched the act, which was proclaimed in 1988 with the intention of providing the main legal framework for the protection of Victoria's biodiversity, our native plants and animals and our ecological communities on land and in the water and for major programs for state government and community action. I was pleased when the previous government established Parks Victoria with a specific focus on those areas. It did a commendable job. It still has a lot more work to do, but Parks Victoria is heading in the right direction.

The act has been the subject of criticism. Members of the broad ecosystem approach were strongly criticised by some industry groups and some saw the legislation as a threat to their livelihoods. That is where any government legislation needs to find a balance. We always want to protect our flora and fauna and our native vegetation, but we must realise that those needs must be balanced with people's ability to create wealth and food products and to export them around the world. Some 80 per cent of Australia's agricultural products are exported, so it is important for the country's gross domestic product that a balance is found.

I commend the previous government for its performance in the area of environment and conservation. It should be proud if its achievements — 280 taxa and species, 23 communities and 22 processes have been listed. There are also 100 action statements

in existence with 30 to 40 in preparation. That is a pretty good scorecard for the previous government; one that the Labor government will have to live up to.

I take the opportunity of raising for the attention of the house the concerns of many western Victorians, who were extremely surprised a fortnight ago when, without any consultation, the Minister for Environment and Conservation removed the option of using poison under a strict permit system to control corellas. The issue is a sensitive one. Farmers in the communities with whom I have worked are also mindful of the concerns of the broader community about the problem of plague corellas.

About three weeks ago I walked along the Wimmera River with people from the catchment authority who are concerned about the impact the corellas are having along the river. They are driving away many of the bird species that have their natural habitat in the area. The crop damage alone could cost the rural community many millions of dollars. It is of major consequence not only to the state but, importantly, to the people of the Wimmera whom I represent. It is unfair to remove that option, particularly when farmers, local councils, tourism operators and, as I am informed, the Minister for Agriculture were not consulted.

As I said last week, it is a city-centric decision that fails to address the problems faced by rural Victorians. Rural people — not the people in Melbourne who often make the decisions — always bear the burden of city-centric decisions. Melbourne people often have no idea of how much damage wild birds can do. I repeat my request of a couple of weeks ago that the minister reconsider her decision.

I am also well aware that under the previous government the Environment and Natural Resources Committee undertook a major inquiry into Victoria's native flora and fauna, with a particular reference to identify the potential for their utilisation. Secondly, it considered how to assess the economic and environmental sustainability of that potential. Thirdly, it examined and reported on the statutory and other controls over the utilisation of native flora and fauna.

I am informed that the committee's report contains some 30 recommendations. The new committee is waiting to hear from the minister what the government will do with the recommendations. Not to proceed would be a grave injustice not only to the members of the former committee but also to the people who put a lot of effort into preparing submissions and attending hearings to express their views on the future of our native flora and fauna. I ask the minister to give the new Environment and Natural Resources Committee some guidance on what she will do with the 30 recommendations of the former committee.

Victoria needs policies that identify how we can improve our understanding of the state's natural resources and how landholders and regional communities can manage them to protect the environment and create new business opportunities. To achieve the best long-term social, economic and environmental benefits for Victoria, we need healthy ecosystems and catchments in which the integrity of the soil, the water and the flora and fauna is maintained and enhanced. We need innovative and competitive industries. That will not be achieved unless we have self-sustaining and proactive communities that are committed to the ecologically sustainable management of the natural resources in their region.

As I said, in the short time it has been operating Parks Victoria has done an exceptionally good job with the state's flora and fauna, and I hope that that continues. Parks Victoria must continue to manage, maintain and conserve the biodiversity of Victoria's flora and fauna reserves. It is important to maintain the reserves in the area I represent — that is, those in the state parks in the Grampians, around Mount Arapiles and in the Little Desert. It is important that Parks Victoria has the resources to oversee the management of state parks and reserves. They must be protected and conserved for their natural heritage.

We also need expert scientific advice. At the end of the day, members of this chamber are not experts in the field. The government must make available the necessary resources to provide the expert scientific advice that is required to protect and enhance the state's parks and reserves and assist local communities to conserve the state's biodiversity and manage its flora and fauna.

The government must introduce initiatives to prevent and where possible reverse land degradation, including salinity, on which a great debate is being conducted right across Victoria. Those problems need to be addressed in government policies, and the opposition will be pushing the government in that regard.

Mr Steggall — Hard.

Mr DELAHUNTY — As the honourable member for Swan Hill says, the opposition will be pushing hard on that matter. We also need initiatives to improve water quality and effluent disposal. That impacts not only on our native flora and fauna but also on rural communities. Some towns, particularly Minyip, which

is in my electorate, have environmental concerns about effluent. Again I ask the minister to meet a deputation from the Shire of Yarriambiack to discuss a matter that is important to that rural community. Why should the township of Minyip not have waste water facilities the equal of those in major centres right across Victoria? Why should it not have the first-class facilities that are available in other towns?

Mr Howard — On a point of order, Mr Acting Speaker, standing order 99 requires members' speeches to be relevant. The honourable member for Wimmera is getting well off the subject of the bill.

Mr Perton — On the point of order, Mr Acting Speaker, the honourable member who has raised the point of order also seems to have a virgin copy of the standing orders. It appears that over dinner, and perhaps after a little wine and some coffee and port, he and the honourable member for Dandenong North have read standing order 99. They seem to think it is a formula to see them through the rest of their political lives. The honourable member for Ballarat East referred to precisely the same matters to which the honourable member for Wimmera is referring. There was no challenge to his being in order, and I put it to you, Mr Acting Speaker, that the honourable member for Wimmera is precisely on point in talking about the protection of flora and fauna.

The ACTING SPEAKER (Mr Lupton) — Order! There is no point of order. As the honourable member for Doncaster said, so far the debate has been wide ranging. The contribution of the member for Ballarat East was wide ranging. There is definitely no point of order.

Mr DELAHUNTY — I thank the member for Ballarat East for listening to the debate, because as the parliamentary secretary he should prod his minister to address some of the issues that have been raised.

As I said, as part of the process we must rehabilitate our waterways and improve the quality of our water, which in turn will have an impact on biodiversity and our flora and fauna.

I know other honourable members want to contribute to the debate. Over the past decade, particularly under the previous government, Victorians have learnt a great deal about and made considerable progress in dealing with the environment. However, all honourable members will agree that problems with salinity, acid soils, pests and weeds still affect large areas of Victoria. The protection of our native plants and the quality of our water supply are major concerns. The government and the opposition need to find new approaches to and new ways of protecting, maintaining and enhancing our natural resources.

Ms BEATTIE (Tullamarine) — I am pleased to support the Flora and Fauna Guarantee (Amendment) Bill, which amends the Flora and Fauna Guarantee Act. I do not often agree with the honourable member for Doncaster, but I agree with his praise of the former Premier, Sir Rupert Hamer, for his support for conservation and environmental and heritage issues. Perhaps that interest is why Sir Rupert chose to become the patron of the Trades Hall Restoration Appeal. I congratulate him on his commitment to heritage values and the environment in this state.

The bill provides a legal and administrative structure for the promotion and enhancement of the conservation of Victoria's native flora and fauna and provides procedures for the management of potentially threatening diseases. As an enthusiastic member of the Scrutiny of Acts and Regulations Committee, of which the honourable member for Dromana is also a member, I understand the desire to bring the act into line with the current parliamentary practice that primary legislation should not be amended by subordinate legislation, which is what the bill does.

It contains a listing process that is entirely under the control of the Governor in Council and provides for the maintenance of a register through the Governor in Council. The Scientific Advisory Committee will review nominations that fall under the act and advise the minister, who will then make recommendations to the Governor in Council.

The substantive legislation has a number of key elements: the listing of threatened or endangered species; the preparation of both management and action plans to protect listed items; the determination of critical habitat, a process by which the geographic location and circumstances of threatened species may be dealt with; the application of interim conservation orders, which are measures designed to take urgent action to protect species; the preparation of a longer term flora and fauna guarantee strategy that will apply in both a local and a statewide context; and the enshrining of the important role of the Scientific Advisory Committee.

Schedule 2 lists the taxa and communities of flora and fauna that are listed as threatened, of which currently there are about 280 taxa and 23 communities. Clause 7 will amend section 10 of the principal act to provide for the Governor in Council, on the recommendation of the minister and by order in council in the *Government*

Gazette, to specify on a list any taxon or community of flora or fauna that is threatened and to amend or repeal such list.

Proposed section 10(2) will allow for the adoption of the same process, rather than the amendment to schedule 3 which currently applies, for adding, varying or repealing potentially threatening processes from a list.

The list of taxa is quite long — there are about 280 of them, ranging from the dwarf lantern-bush to the jumping-jack wattle, the maiden's wattle, the needle wattle, the death adder, the small ant-blue butterfly, the filmy maidenhair, the pink-tailed worm-lizard, the great egret, the blue whale, the silver perch, the bush thick-knee, the charming spider-orchid and the limestone spider-orchid, to name but a few. They are indeed rare and wonderful species that deserve to be protected.

I note that other honourable members in their contributions to the debate have collectively produced a *Who's Who* of national parks. The honourable member for Dromana said he had the finest national or state park, and the honourable member for Wimmera stated that his was the best, but they are both wrong because I have the best one — the historic Woodlands Park, in my electorate. It is the home of the eastern barred bandicoot, which was on the knife edge of extinction until saved under a previous Labor government. That colony of eastern barred bandicoots, I am happy to report, has not only been saved but is flourishing at Woodlands, right out near the airport. I invite all honourable members to come out and visit the historic park and view the eastern barred bandicoots being tagged. They will learn how endangered species can be rehabilitated.

The ACTING SPEAKER (Mr Lupton) — Order! There is too much audible conversation in the Chamber.

Ms BEATTIE — Thank you, Mr Acting Speaker. I am sorry if they missed my invitation to visit the historic Woodlands Park. They should come out and see those little eastern barred bandicoots being tagged. Perhaps we could all go on a nocturnal walk and see them doing what comes naturally to eastern barred bandicoots.

Many other speakers want to talk on the proposed legislation. For the reasons I have outlined I support the bill. It maintains the sound processes available under the Flora and Fauna Guarantee Act for conserving Victoria's flora and fauna, while correcting a deficiency in the act in relation to the amendments made by subordinate legislation. For those reasons I commend the bill to the house and wish it a speedy passage.

Mr THOMPSON (Sandringham) — The technical aspects of the bill have been well covered by earlier contributors. I merely draw the attention of the house to the *Aprasia aurita* and the *Pomatostomus temporalis* — the legless lizard and the grey-crowned babbler.

They represent some interesting species. I refer to a fundamental point made at the National Coastal Conference by Don Argus, the former banking head — economic sustainability and industrial development can go hand in hand, but they are not necessarily companions. He outlined some outstanding work undertaken by BHP Australia in a number of projects on the Minerva oilfield and the North West Shelf.

The bill makes some technical amendments to the Flora and Fauna Guarantee Act that relate to procedures arising out of the use of what might be termed Henry VIII clauses, which are inappropriately applied — that is, where the head statute is varied or amended by a subordinate instrument.

Another point made by Don Argus at the conference concerns the importance of communities working together. Professor John Wamsley of the sanctuary in Warrawong in South Australia, who recently embarked on a program in the You Yangs, made the point that it is imperative that conservation issues not be governed by broad motherhood statements but rather be outcome-focused and outcome-assessed. That has been one of his objectives in Warrawong, and it is one of the objectives for the You Yangs project being developed by Sanctuaries Ltd, which is part of a public float.

New ideas are very important. Great initiatives often start as small ideas that are nurtured. Professor Wamsley, with the support of David Bellamy, has made some outstanding contributions by way of new approaches and techniques for the protection of threatened species.

Michael Norris and Moira Longden are two people in my electorate who have done some outstanding work in observing the ornithological patterns and breeding habitats of bird species in my electorate, the numbers of which have been threatened.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Richardson) — Order! Under sessional orders the time for the adjournment of the house has arrived.

National Livestock Reporting Service

Mr RYAN (Leader of the National Party) — It is a delight to raise with the Minister for Agriculture an issue of considerable significance to rural communities. It concerns the funding for the National Livestock Reporting Service.

I understand the minister has advised the Victorian Farmers Federation of his intention to cut the funding for that important service. Until 1997 the service was supplied at a cost of $450 000. After being outsourced to the New South Wales meat industry authority it was provided at a cost of $270 000. Under the former government, the Department of Natural Resources and Environment contributed approximately 40 per cent of the cost, about $110 000 a year, under a three-year contract.

The minister has now indicated that at the end of the term of the contract there will be no more Victorian government support for that important service. Some $50 000 will be provided between 1 May 2000 and 30 April 2001 to assist the restructure of industry support, but all funding will then cease and the industry will have to provide the full cost in the future. That will have serious consequences. The abolition of the funding could result in the service ceasing or saleyard market reports decreasing and the quality of the service declining. It could also result in additional fees being charged to saleyards, thereby increasing costs so that every producer would face higher yard dues. That would result in an obvious disincentive to use the saleyard system and would lead to Victorian producers being at a competitive disadvantage compared to those in New South Wales and South Australia.

The service is used by all producers and stock agents and the majority of processors, as well as mainstream rural press and regional radio stations. The $110 000 a year currently provided is not much, and on behalf of all country Victorians, particularly those involved in rural enterprise, I ask the minister to review the decision. That important service does much to assist those folk in the pursuit of their respective activities. The minister should review the decision to avoid this important service being cut. A cut in funding would mean yet another blow for country Victorians who have been promised so much by the government.

Dinjerra Primary School

Mr MILDENHALL (Footscray) — I raise for the attention of the Minister for Education the plight of the Dinjerra Primary School, which is located in South Road, Braybrook. It is one of two primary schools that serve a community the Australian Bureau of Statistics described as having employment, health and housing services equivalent to those of an outback Aboriginal settlement and identified as one of the poorest and most disadvantaged communities in Victoria.

Recently I inspected the school in the company of the regional education director. In 1996 as the shadow Minister for Education I referred to the school as the worst in the state. At that time I drew attention to the abysmal condition of the school after having peered through smashed windows and noticed suspended sections of the ceiling and smashed sections of the toilet blocks. The school had and still has rotted gutters, holes in the lino and woefully inadequate facilities.

The Kennett government closed the two neighbouring primary schools, both of which were excellent schools in better condition than Dinjerra. However, Dinjerra Primary School now has fewer students than it had prior to the closure of its neighbouring schools. Finally, after three years of an absolute perversion of the physical resources management system, the school was allocated approximately $250 000, but the work was suspended because of the desperate need for a comprehensive upgrade.

Under the new government the school, which recently appointed a new principal, has a chance for a new life and the opportunity to provide reasonable education opportunities for a poor and disadvantaged community. I ask the minister to give urgent and intense attention to the physical and programming needs of the school. It is in desperate need of help after having been ignored for the past seven years. The school is attended by a great group of students who do their very best under extremely trying circumstances. The administration under a compassionate minister can at last respond to the needs of a deserving school.

Southern Health Care Network

Mrs PEULICH (Bentleigh) — I ask the Minister for Health to respond to a number of concerns that have been raised with me and other local members about the ministerial review of health care networks and its likely impact on the provision of health services in the Southern Health Care Network, especially the Monash Medical Centre and the Sandringham and District Memorial Hospital.

It appears that the Minister for Health, in order to satisfy a political beast he has created — that is, the expectation that some changes to health networks, whether efficient and effective or not, will occur — is likely to excise Sandringham hospital from the Southern Health Care Network merely to be seen to be doing something.

The political beast the Minister for Health has created will lead to the unpicking of a successful partnership that has provided the Southern Health Care Network with additional flexibility to respond to the growing health needs of the local catchment area. The minister is hell-bent on trying to scale down the network, irrespective of the cost of unpicking its partnerships and relationships, thereby diminishing accessibility to health services in the area.

Of particular concern are the threat to the Sandringham accident and emergency service that I raised this morning in a members statement and the future of the Sandringham hospital, with its long and proud history of serving the local community, if it is forced into a shotgun marriage with the Alfred Hospital.

The Sandringham hospital serves my electorate and a number of surrounding electorates very well. Those electorates have higher numbers of older people than most Victorian electorates. The Bentleigh electorate has the third-highest number of residents aged over 65, and Sandringham has the second-highest number.

Also of concern are waiting lists. What will happen to the many people on waiting lists, in particular the 600 orthopaedic patients waiting for surgery, if the rearranged marriage is to occur? I am informed that a 20 per cent increase in waiting lists would occur at the Monash Medical Centre should the Sandringham hospital be taken out of the network. That would be an outrageous outcome for the people of not only the Bentleigh electorate but also the electorates of Oakleigh and Clayton and the many other electorates that are served well by the Monash Medical Centre.

An Opposition Member — They don't care!

Mrs PEULICH — The government obviously does not care that it will be detrimental to the accessibility and quality of health services in those areas.

The casualty department at the Sandringham hospital has to be kept. The message I have been asked to convey to the Minister for Health is: keep your hands off Sandy, keep your hands off the Southern Health Care Network, and don't fiddle just for the sake of being seen to be doing something!

Police: Preston station

Mr LEIGHTON (Preston) — I refer the Minister for Police and Emergency Services to the physical condition of the Preston police station. I draw his attention to a state Australian Labor Party election commitment made last September to rebuild the Preston police station at a cost of $3.5 million and call on the minister to now implement that commitment as a matter of urgency.

The only way to describe the physical condition of the Preston police station is as a physical disgrace unfit for habitation by either police officers or offenders. Last Friday I again visited the station and inspected the police cells. They are, to say the least, archaic. Having been through a number of prisons across Australia and New Zealand and the old J ward at the facility for the criminally insane at Ararat, I am in a position to describe the cells as archaic.

I should also point out that under the previous Kennett government the Preston police station was substantially understaffed. At the beginning of each day the station would receive calls to send officers to Reservoir and Heidelberg. The minister will recall that when he visited the station during the election campaign half a dozen police cars were parked there because there were no police officers to drive them.

When the Kennett government was elected in 1992 it tore up a contract to rebuild the station. Ever since then the Preston station has sat at the top of the Victoria Police building priority list. However, on each subsequent occasion when the station was considered for upgrade the Kennett government decided against it on the basis of electoral considerations, not on the basis of need.

I am asking the minister to make a decision based on merit and need. On that basis the Preston police station would be rebuilt as a matter of priority. The minister is welcome to come to Preston and revisit the police station for at least the third time. One of the things that needs to be considered in particular is not only what can be done about the police cells but also what can be done about their relationship to the courthouse, because there are concerns about the transporting of prisoners and offenders to court. If the minister comes to Preston he will see just how antiquated the police cells are — they are a 19th century facility!

Water: rural infrastructure

Mr McARTHUR (Monbulk) — I refer the Minister for Environment and Conservation — who was in the

chamber a little earlier but who seems to have scuttled out now that the adjournment debate has started — to her failure to make any decision about the small-town sewerage schemes that have been discussed across the length and breadth of rural and regional Victoria.

By way of background, in case the minister does not understand the importance of the project, I point out that the water and sewage treatment systems of a large number of small Victorian communities were well below par. They had either water supply systems that were below world health standards or sewerage systems that did not meet Environment Protection Authority standards.

In 1998 the former government announced a water reform program into which it injected $450 million — the largest infrastructure project undertaken in rural and regional Victoria, including the Snowy hydro system built in the 1950s. Of the $450 million, $410 million went to urban areas across regional and rural Victoria. A large number of the towns that received funding discussed for a long time the design and implementation of their sewage treatment facilities. Many were successfully implemented, although in some areas there was significant resistance or opposition to the water reform program. Nonetheless, the program also received significant support across regional and rural Victoria.

In the lead-up to the election the Labor Party took political advantage over the areas of opposition and announced three elements in its policy: firstly, that it would abolish the practice of charging customers directly for infrastructure costs and either provide a grant or move to a supply charge system; secondly, that it would provide hardship grants to residents; and thirdly, that it would provide $4 million additional capital funding, including $500 000 this year and $1 million next year. Nothing has been seen of that.

In November last year the minister announced a review into the issue. She received the report of the review panel about two months ago and it is languishing among the 2000 other documents on her desk waiting for her signature. She has made no decision.

The residents of the small towns need an answer; they are awaiting a decision and demand that the minister make a decision. The water authorities across regional and rural Victoria are calling on the minister to make a decision, and the department wants a decision. The only person not wanting a decision is the minister. She should make up her mind!

Warley Hospital

Ms DAVIES (Gippsland West) — I raise a matter for the attention of the Minister for Health concerning the provision of accident and emergency services at Warley Hospital, a private not-for-profit bush nursing hospital. I ask the minister to find ways of offering sufficient support to the hospital to enable it to continue to provide its valuable 24-hour accident and emergency service.

The nearest public hospital is in Wonthaggi — —

The ACTING SPEAKER (Mr Richardson) — Order! I am sorry to interrupt the member but I require clarification. Is the matter directed to the Minister for Police and Emergency Services or to the Minister for Health?

Ms DAVIES — It is directed to the Minister for Health and concerns the provision of 24-hour accident and emergency services at Warley Hospital.

The ACTING SPEAKER (Mr Richardson) — Is it the Minister for Health?

Ms DAVIES — Yes, I said ‘the Minister for Health’.

The nearest public hospital is 45 minutes away on an often congested road. Phillip Island is an important tourist destination. Many major events are held at the raceway there, including the Australian Motorcycle Grand Prix and the World Superbike Championship, as well as many other events involving motorbikes and fast cars. Participants often require medical attention.

The area also has a high proportion of elderly retired citizens, and only 24 per cent of them have private medical insurance — a significantly lower figure than the national average. Phillip Island also has some of the most popular surf beaches in the state. Those are four special reasons why Phillip Island needs a 24-hour accident and emergency service.

Last year Warley Hospital treated 2300 patients in its accident and emergency service, and over 50 per cent of them were visitors. On the March long weekend 65 patients were treated. The hospital does not have sufficient staff or financial resources to enable it to continually subsidise the service from normal ward staff, and doctors are reluctant to work on call for too many hours per week.

Warley Hospital is a community based not-for-profit hospital offering a valuable service to the local community and the many visitors to the island. I ask the

minister to find additional ways to support the hospital to enable it to keep the 24-hour on-call accident and emergency service running.

Housing: applications

Mr LUPTON (Knox) — I raise a matter for the attention of the Minister for Housing. I refer to a 69-year-old lady who came to my office today, who is a pensioner suffering from cancer. My constituent lives with her daughter in private accommodation but has applied for public housing under application no. 659959 because the home she currently lives in will be sold.

The doctor treating her supplied a letter indicating that she was too ill to meet the private rental test of obtaining five quotes from private individuals so the degree of rental assistance to be provided can be determined. The lady agreed to supply the letter to the Ringwood branch of the Office of Housing and visited the office to determine whether that would be sufficient or whether she would have to go through the process of visiting the five estate agents.

The attendant serving her at the Ringwood office made no attempt to assist her, knew nothing about the case, and refused to do anything about the matter. As a result, the lady and her elderly brother spent a day looking at private accommodation to get the five rental property quotes. The brother is no longer able to take time off work to assist, so the lady came to my office to ask for assistance.

A staff member in my office rang the office at Ringwood and was told that no case could be discussed without the applicant's written consent — a decision brought down by the minister and the government. The attendant supplied a form to be completed and returned before my office can assist this lady.

The government is talking about honest, accountable and open government, yet a 69-year-old pensioner with cancer comes to my office for assistance and I cannot assist her. In the past seven and a half years we have been able to talk to the officers of the department. In this case we cannot assist unless the person fills out the form and takes it to Ringwood, and then perhaps the department officers will assist us.

I ask the minister to review the situation so that people are not disadvantaged by the gag placed on departmental officers and members of the Victorian Parliament can assist people who come to us — particularly those like my constituent, a person who is elderly and ill and requires assistance.

Mary Beck Preschool

Mr MAXFIELD (Narracan) — I raise a matter for the attention of the Minister for Community Services. I have visited many excellent preschools in my electorate over the past few months. I have taken a personal interest in this area because I believe the first few years of a child's growth are extremely important. If one examines the policies of the Labor government one sees why it strongly supports the early development of our children.

As a result of my visits I have developed a good relationship with many preschools in the electorate of Narracan, particularly the Mary Beck Preschool in Neerim South, which is an excellent preschool that has first-rate staff and fantastic parent support. It is working hard to follow the policies implemented by the government to increase the preschool participation rate in the electorate.

I was very fortunate when visiting the Mary Beck Preschool a few days ago to receive an excellent briefing about what it is doing and how it is trying to grow preschool education in my electorate. There are two issues the preschool would like me to raise with the minister. The first — —

Opposition members interjecting.

Mr MAXFIELD — Obviously honourable members opposite do not care about preschools. Why they don't like — —

The ACTING SPEAKER (Mr Richardson) — Order! The house will come to order!

Mr MAXFIELD — Thank you, Mr Acting Speaker. I need to talk about the important matter of preschool education. There are two issues. The first is that a new group is starting in the next term and I want the minister to advise whether pro rata funding will be available for that preschool group. The second issue relates to the health card rebate, which was introduced by the minister before Christmas. My concern is that at the moment the rebate is paid on a six-monthly basis, and that will cause problems where the preschool starts new groups at the beginning of the second term.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member may raise only one issue.

Mr MAXFIELD — Mr Acting Speaker, I was trying to raise the issue that parents with young children need preschool funding, and if the group starts at the normal time of the year funding is needed for that part

of the year — not six monthly but every three months. It is vital that preschool education be given very high priority. It is sad that members on the other side of the house seem to dislike preschools so much; they are not interested in learning what the government is doing to increase participation rates in preschool education in this state.

The ACTING SPEAKER (Mr Richardson) — Order! To my great regret, I inform the honourable member that his time has expired.

Wangaratta showgrounds

Mr JASPER (Murray Valley) — I raise for the attention of the Minister for State and Regional Development an application from the Rural City of Wangaratta for an allocation under the rural communities development program.

The Rural City of Wangaratta has lodged an application to spend approximately $115 000 to upgrade the facilities at the Wangaratta showgrounds in preparation for the Olympic torch relay, which will arrive in Wangaratta on the evening of Saturday, 12 August. The council wants to upgrade the facilities at the showgrounds so that this rural city can be better presented when the Olympic torch arrives at the Wangaratta showgrounds. It is proposed to upgrade the lighting and the seating and surrounding facilities, particularly the grandstand, so that the city can present a great picture when the torch arrives.

The application is for $50 000 to be provided under the state government program. The balance will be found by the management committee and other users of the showgrounds facilities. I should also add that we were pleased to welcome the minister to Wangaratta recently when he opened facilities developed by the Wangaratta Rotary Club. The minister also inspected other facilities for which funding applications have been made. I particularly seek the minister's assistance on this occasion regarding the application lodged by the Rural City of Wangaratta. The application has been assessed by Business Victoria at Wangaratta, and I understand it has the support of that organisation.

Local funding will be provided, with the support of the Rural City of Wangaratta, and we seek the support of the minister to enable us to get early approval for government funding in the lead time running up to the torch relay — as I said, the torch will arrive in Wangaratta in the evening of Saturday, 12 August — so that the upgrade program can be finished in time to present the best picture of the completion of the torch relay that evening in the Rural City of Wangaratta.

Housing: Pines estate

Mr VINEY (Frankston East) — I raise with the Minister for Housing a matter concerning the Pines estate in my electorate, which was developed about 35 years ago as low-income housing for both public rental and private purchase. The estate includes a number of schools and other infrastructure developments to support the community.

Unfortunately, under the Kennett government too much of that infrastructure was lost, and there is considerable concern in the community about the demolition of housing in the area over the past few years by the Office of Housing. Regrettably many of the blocks have remained vacant, which has meant a loss of families on the estate.

I seek from the minister information about the action being taken to replace this lost housing. I also seek her advice regarding the replacement of older, poor-quality stock. Much of the stock is old and in poor condition and is no longer suitable for the needs of families. There has been a multiplier effect of the downgrading of the housing stock that has had some serious impacts on local schools. Twenty families lost from the Pines because of those vacant blocks has meant the loss of more than 50 children from the Pines Forest Primary School and the Monterey Primary School. I know that this community is greatly appreciative of the new commitment to the Pines — —

The ACTING SPEAKER (Mr Richardson) — Order! I suggest the honourable member should ask that the minister do something about it, rather than merely ask questions.

Mr VINEY — I have. I have asked for the minister to advise on the actions the government is taking to replace that stock.

The two key points are the replacement of the lost stock and the upgrading of existing stock that is now out of date. I know the community appreciates the renewed commitment to the Pines after the election of the Bracks government, and I seek the early attention of the minister to the renewal of housing stock in the Pines.

Mr Perton — On a point of order, Mr Acting Speaker, matters that have been raised by two government members — namely, the honourable members for Narracan and Frankston East — have clearly been in the form of questions rather than requests for action.

The rules are clear that the adjournment debate is an opportunity for a member of Parliament to ask a

minister for action by the department under his or her responsibility. This appears to be a new ruse. Both honourable members have asked for advice for themselves and not for the provision of advice to the community. In both cases they have flouted the rules of the adjournment debate, and I ask that both matters be ruled out of order.

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

Responses

Mr HAMILTON (Minister for Agriculture) — The Leader of the National Party raised the National Livestock Reporting Service. This week the Department of Natural Resources and Environment announced it would be reducing its funding in line with what has happened in other states. As the Leader of the National Party said, South Australia and New South Wales have reduced their funding to zero, and Queensland, the other participant in the organisation, pays $10 000 a year. The government has indicated to the industry that, because of a number of other pressing matters, it will reduce its contribution from the end of next year. It may be a little embarrassing to the Leader and the Deputy Leader of the National Party to learn that the recommendation for the reduction was made by the previous Minister for Agriculture and Resources. The government is implementing a decision made by the previous minister who happens to be the former Leader of the National Party.

The government understands the importance of the service and how well it is used, especially by farmers in country Victoria. I am negotiating with the industry to see if we can agree to money that has been allocated for other services being sensibly and properly transferred so that the service will not disappear. We want to ensure the service is there. However, we need to ensure that the reasons it is there are understood by the industry. If a pot of money has to be reallocated from somewhere else, we will do it. I assure the house that the service will not disappear. However, the government wants to ensure that all honourable members understand that the recommendation was made by the National Party. It is jolly good news that it is thinking about changing its name back to the Country Party!

Ms DELAHUNTY (Minister for Education) — I am pleased to respond to the honourable member for Footscray who raised the tragic state of Dinjerra Primary School, which is in his electorate. He described it quite accurately. After seven years of devastation under the Kennett government it is one of the poorest and most disadvantaged schools in the state. Honourable members should hang their heads in shame to think that at the beginning of the new millennium schools have been left to wither as this primary school has.

In 1996 the honourable member for Footscray drew attention to the plight of the school, which was caused by the Kennett government taking a machete to many schools, particularly in the west and the north of Melbourne and some schools in the outer regional areas. The Kennett government amalgamated three schools, two of which were in much better physical condition than this school. It amalgamated the schools and gave a cruel and empty promise that more funding would be provided for Dinjerra Primary School. The school received nothing from the Kennett government except empty promises and a door slammed in its face. As the honourable member for Footscray described, there are smashed windows, rotting walls and empty useless downpipes — insulting, inadequate facilities not just for the staff but also for the students who need to learn in them.

The Bracks government is bent on the renaissance of education in Victoria. This will be a test of its resolve. Not only does the government have to clean up the mess of the seven years, but it must urgently revive the learning environment for students. For no reason, apart from not being in the right area, the school has been punished by the former Kennett government.

Honourable members interjecting.

The ACTING SPEAKER (Mr Richardson) — Order! I ask the house to calm down.

Ms DELAHUNTY — In less than six months the Bracks government has given Dinjerra some of the money that should have been given to those students in the seven years of the Kennett government. The government will not allow the amalgamate-and-forget philosophy. The Bracks government has increased the special learning needs funding to Dinjerra by $11 500, which takes the special learning needs index funding for the school from $50 000 to $61 500. The school also received extra money under the successful and much-loved primary schools prep to grade 2 class size initiatives of around $10 000.

The government has also — and this goes to the heart of the honourable member's question about what the government will do to improve the physical learning environment of the school — provided $250 000 in urgent, desperately needed maintenance funds. However, we will not stop there. I have asked for an

immediate and urgent briefing on the physical state of Dinjerra Primary School. I assure the honourable member that according to the priorities and the urgency of the school's needs, the government will provide what is required to give those students a safe, supportive and consistent learning environment. They will not be treated as second-class citizens; they will not be turned away from; they will have an environment in which they can learn.

Mr THWAITES (Minister for Health) — The honourable member for Bentleigh raised the Sandringham and District Memorial Hospital and the network review panel investigation.

Mr Leigh interjected.

Mr THWAITES — The honourable member for Mordialloc talks about dumping the hospital, as did the honourable member for Bentleigh. The Sandringham hospital has and will continue to have a proud history.

I compare that to the history of the Mordialloc hospital. The honourable member for Bentleigh was nowhere to be seen when that hospital was closed by the former government. When in government the opposition had every chance to stand up for hospitals, including Mordialloc, and it did nothing for seven years. Honourable members opposite are hypocrites to complain now.

It is odd that the honourable member for Bentleigh seems to be pre-empting the review and impliedly criticising the panel members. Although she claimed the review was my decision, I cannot take full credit. Everybody in the health care system realised that the existing network was unwieldy. The Metropolitan Hospital Planning Board established by the former government also said it was unwieldy and the networks were too large. The government has established an expert review panel to advise on the appropriate aggregation of hospitals.

Mrs Peulich — It will be your decision.

Mr THWAITES — It will be, but it will be a decision based on the recommendations of experts, almost all of whom the former government used and supported. People such as Professor Stephen Duckett, Stan Capp — —

Opposition members interjecting.

Mr THWAITES — The opposition laughs but Stephen Duckett was head of acute health under the former government, Stan Capp was appointed as head of the Geelong Hospital under the former government, and Ella Lowe was the director of nursing services at the Peninsula hospital.

Mrs Peulich — On a point of order, Mr Acting Speaker, in the Labor Party health policy of 1999 the former shadow Minister for Health and the present Minister for Health promised full community participation in the planning and delivery of health services. He obviously has not extended that opportunity to the catchment area served by the Sandringham and District Memorial Hospital and the Monash Medical Centre.

The ACTING SPEAKER (Mr Richardson) — Order! I understand the passion of the honourable member for Bentleigh, but her point of order is not valid.

Mr THWAITES — I am concerned by the comments of the honourable member for Bentleigh. I should have thought if she were concerned about her community she would have made a submission to the Duckett review. Has the honourable member made such a submission? She has not. She admits she has not made a submission to the review panel yet she talks about lack of consultation. If she were genuine she would have made a submission, as many others have done.

People hold different views on the issues. Some support the aggregation of the Alfred, Caulfield and Sandringham hospitals and others support the retention of Sandringham hospital in the existing Southern Health Care Network. There are good reasons to link the world-class Alfred Hospital and its world-class facilities with Sandringham hospital, which has a high reputation, will retain that reputation and will continue to operate in the future, unlike the Mordialloc hospital, which was closed by the opposition when in government. Former government members cannot understand that Victoria finally has a government that puts resources — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Richardson) — Order! The minister has probably made his point. He still must deal with an issue raised by the honourable member for Gippsland West, and the house would be pleased if he started on that.

Mr THWAITES — I will do so, Mr Acting Speaker. I conclude by saying that the honourable member for Bentleigh should have looked after the interests of her constituents by putting in a submission.

Mrs Peulich interjected.

Mr THWAITES — The honourable member for Bentleigh interjects about a 20 per cent increase she claims will occur in the waiting list of the Monash Medical Centre. Firstly, she has given no proof of that, and secondly, she should examine the waiting list statistics under the former government. She will find they increased by more than 200 per cent. For the honourable member to complain about an increase of 20 per cent is hypocritical in the extreme. No evidence of that exists.

An aggregation of the Alfred and Sandringham hospitals may well lead to a decrease in waiting lists because of the good arrangement that community hospital now has and the good arrangement the Monash Medical Centre will be able to make with the Moorabbin hospital. I should have thought the honourable member for Bentleigh would show some interest in the Moorabbin hospital, but she shows no interest in that hospital at all.

By contrast, the honourable member for Gippsland West, who raises serious issues and stands up for her community in this place, raised an issue concerning the Warley Hospital, a bush nursing hospital in her electorate. The government is committed to a viable bush nursing hospital sector. That is why the Bracks government stood up for the Walwa, Chiltern and Yackandandah hospitals, which was never done by the former government.

In the federal Parliament the coalition has been marked by its failure to do anything for those hospitals. Warley performs an excellent service for the local community.

Honourable members interjecting.

Ms Davies — On a point of order, Mr Acting Speaker, I seek your guidance. I am interested in the response of the Minister for Health to my question. However, I am having difficulty hearing it because of the gabble. Is there a way to keep honourable members a little quieter?

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

Mr THWAITES — The Warley Hospital provides an excellent service to the local community and to the broader population that visits the island during the motorbike races and for its other attractions. I am pleased the government is providing some $49 000 to Warley to assist it with its emergency stabilisation services. In addition to $68 000 in capital assistance grants to help with improved occupational health and safety and airconditioning, funds have also been provided for the hospital's accreditation.

There are concerns about the hospital's ability to maintain its accident emergency service. As in many country areas this is a complex issue, because it involves not only resources for the hospital but also the roles in the community generally of the doctors. I am awaiting receipt of advice in relation to bush nursing hospitals more generally, with a view to a planned way forward for them, to assist in the examination of what is occurring at Warley. I will also look into the honourable member's query in relation to medical staff on-call arrangements and pass that information on to her once it is to hand.

Ms PIKE (Minister for Housing) — The honourable member for Knox raised a very distressing issue concerning a 69-year-old woman who is suffering from cancer and is applying for public housing. I understand the woman is too sick to go through the normal application process and is therefore seeking a priority listing. She is having to visit real estate agent after real estate agent to pass the private rental test.

I remind the honourable member for Knox that the private rental test is part of the test procedure for access into public housing that was instituted by the previous government when it segmented the waiting list. It is a very dehumanising process. Private rental applicants have to be rejected by five real estate agents. I remind the house that the previous shadow Minister for Housing did some investigation on the process and found that many unscrupulous real estate agents were charging for a letter of rejection. Not only were vulnerable members of the community being forced to undergo a dehumanising test where they had to be rejected by people time and again, they were having to pay for the privilege. That is the system the Bracks government has inherited and that is why it is reviewing the segmented waiting list.

I assure the honourable member for Knox that in future that kind of process will not be followed, because it is not appropriate. Some of the most vulnerable members of the community are at risk of becoming homeless. Not only is the government reviewing the process, but I will personally follow up the case. I will speak to the honourable member for Knox and get advice on the application at hand.

Mr Lupton — On a point of order, Mr Acting Speaker, what I was really concerned about and was trying to get through to the minister was that previously members of Parliament were able to go to the department and seek assistance. In this particular case — —

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member for Knox is not raising a point of order. He is providing a further explanation. That is not a point of order.

Ms PIKE — The honourable member for Frankston East raised the issue of the future of the Pines estate. He is a dedicated advocate of public housing and has worked in the area over many years. I have appreciated his assistance. He knows, as do other honourable members, that good housing policy has a profound impact on the life of the community, and a good policy on the Pines estate will enhance the social and economic aspirations of its residents.

Because the government believes strongly in public housing it is injecting new money into it. For the first time since the late 1980s new money has gone into public housing over and above the funds from the Commonwealth–State Housing Agreement. That is how committed the government is. It is not just talking about it; it is putting in the dollars and expanding public housing.

In expanding public housing — the expansion will touch all areas throughout Victoria — the government is not just putting in new public housing but is also providing new employment. The government estimates that about 1800 new jobs will flow directly and 3000 will flow indirectly from the provision of new public housing, which is on top of the normal Commonwealth–State Housing Agreement.

At the Pines public housing estate in Frankston North, 55 new public housing properties will be built. Demolition is currently under way, and a whole new mix of people on the waiting list in that area will be catered for, including families and older people. There will be single accommodation and even some special purpose-built facilities for people with disabilities. It is an on-the-ground commitment to improving the quality of public housing in the Pines estate, to ensuring there is a good social mix in that area and to meeting people's social needs. As time goes on I look forward to advising the honourable member of further progress.

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for Narracan for raising the important issue of the development of children through the preschool experience. I agree with him that children's development is enhanced by the care and education provided by preschools.

I place on record the excellent work of the Mary Beck Preschool in Neerim South. The honourable member has taken me to that preschool and I was impressed with the enthusiasm of the committee, the strong community support and the dedicated staff. I congratulate them on trying to increase the participation rate among the children of Neerim South and surrounds. It is encouraging to know that the hard work of the members of the preschool is showing dividends and they are enrolling children who previously were not accessing preschool.

I inform the honourable member for Narracan and other honourable members who have conscientious preschools in their electorates which are increasing their participation rate beyond the census date for preschools that they will be eligible for the per capita funding and the health care card fee subsidy, which the Bracks government is very proud to have increased this year. The extra funds are necessary because any preschools that are conscientious and recruit extra children and put in place a new program for term 2 need to be financially viable. They must receive the per capita funding plus the health care card component for those enrolled at the beginning of term 2.

I congratulate the Mary Beck Preschool and those involved in the wonderful work that is going on in Neerim South. I intend to work with members such as the honourable member for Narracan who are keen to increase the participation rate. I am delighted to inform the house that this year the Bracks government, preschool committees of management, preschool staff and local government have combined to increase the participation rate by 3.8 per cent, and honourable members who are keen to see the preschool participation rate increased will have my full support.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Preston raised for my attention the condition of the Preston police station, in particular the abysmal condition of the cells. Having visited quite a few police stations over the years as both the shadow minister and now the Minister for Police and Emergency Services, I can say without fear of contradiction that the Preston police station is without doubt the worst police station I have visited. I hasten to add that that is a reflection not on the excellent officers who work there but on the building and facilities they are expected to endure. The officers are expected to work in an area with no more than a foot between desks — and that is no exaggeration — and they have to go to one end of the room to put a floppy disk into a computer and then to the other end to get a print-out from a dot matrix printer.

Last week the Attorney-General visited the police station, which I think he described as Dickensian. I would go further than that and say it is antediluvian — I will not be outdone by the Attorney-General. It is appalling that in this day and age policemen and women, who are highly professional people, are expected to work in such conditions.

The honourable member for Preston is correct: in 1992 a contract was entered into that would have replaced the Preston police station, among a number of others. One of the first acts of the former Kennett government was to pour a large amount of public money into buying out those contracts. Year after year it issued a priority list — each year a new priority list came out — of capital works for the Victoria Police. Preston was always at the top or second from the top of the list, but nothing was ever done. Police stations were built here and there, without police officers to put in them. The occasional station the former government built was either not on the priority list or at the bottom of it. Did it deal with the ones at the top? Absolutely not!

The honourable member for Preston has been concerned about the issue for some time, and I commend him for his perseverance. The government came to office with a commitment to build a new police station at Preston, and it regards that as a high priority. It will be dealt with on the basis of merit and need — and I regard the need for a new station in the area as great.

I will certainly take on board the concerns expressed by the honourable member and try to ensure that Preston is afforded the appropriate priority as part of the government's commitment to building police stations. Preston will certainly be given a new police station over the term of the government, and I would like to see that happen sooner rather than later.

I also assure the honourable member that, unlike the previous government, the current government will provide adequate numbers of police officers to put in the new police station. The government is not inclined to construct buildings with signs out the front saying 'police station' but without the police officers to staff them. Preston will have a new police station, which will be adequately staffed.

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Monbulk raised for the attention of the Minister for Environment and Conservation a matter about rural water supplies and sewerage. He also referred to the policies of the current government and the former government. I will refer the matter he raised to her for her response.

The honourable member for Murray Valley raised for my attention a matter regarding the Wangaratta showgrounds. He made the point that on 12 August the Olympic torch relay will pass through Wangaratta in the run-up to the Olympics. The city has applied to upgrade the lighting, surrounds and general facilities of the Wangaratta showgrounds, including the grandstand. The honourable member has made it clear that he and the council — —

Mr Steggall interjected.

Mr BRUMBY — I am deeply disturbed about the precedent it might set! The honourable member for Murray Valley has made the point that the council and the local community want the showgrounds to look a picture when the torch relay goes through there on the Saturday night. They want it to be the best facility possible and to reflect well on the Rural City of Wangaratta.

The honourable member said the application has been lodged under the Rural Development Scheme, which I administer, seeking a grant of $50 000 from the state government towards the total cost of $115 000. The honourable member for Murray Valley was kind enough to mention my recent visit, when I opened the Rotary park and announced funding for the upgrading of the tennis courts at Whitfield.

I understand the application has been lodged and is being considered by my department. I will expedite the application. He has certainly made a strong case, and if the funds are available I will look very favourably on the application.

The ACTING SPEAKER (Mr Richardson) — Order! The house stands adjourned until next day.

House adjourned 11.08 p.m.

Wednesday, 12 April 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

PETITION

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

Gas: Yallourn North supply

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

The humble petition of Yallourn North residents sheweth that there is a great demand for the supply of natural gas to our community.

Your petitioners therefore pray that the La Trobe shire and the state government work on a joint venture to supply natural gas to our township.

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

By Mr MAXFIELD (Narracan) (283 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Statutory Rule under the *Children and Young Persons Act 1989* — SR No 26.

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 26.

JURIES BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered next day.

MEMBERS STATEMENTS

Minister for Environment and Conservation: correspondence

Mr McARTHUR (Monbulk) — The house is entitled to be informed about the deplorable performance of the Minister for Environment and Conservation. The minister has 2000 documents sitting on her desk awaiting signature. The minister should have got the message by now that she has mail!

On 16 December 1999 in this house I advised the minister that there was a letter on her desk from the South Australian minister awaiting a response. At the time she denied it, but on 29 February she made a personal explanation advising members that she had misled the house, because she did have the letter. Now she has two letters on her desk from the federal minister concerning red-tailed black cockatoos. She cannot find those letters either. The minister has the report from the committee reviewing small-town sewerage schemes on her desk, but she cannot find it.

The minister has 2000 pieces of correspondence awaiting signature. She does not even open her email. She features on the Labor shame file for her appalling performance. She gets a mention on crikey.com.au because she cannot open her letters. She gets lost in national parks, and now she cannot find the way to her office.

Minister, you've got mail!

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

Parliament: access for hearing impaired

Ms CAMPBELL (Minister for Community Services) — I have just used Auslan sign language to say that I am happy to be here, but deaf people cannot understand our speeches unless signing is used.

Recently I attended the Deaf and Hearing-impaired Info Expo, titled 'Education, Employment and More', which was jointly coordinated by Nanne Stubbs from the Victorian Federation of the Parents of Hearing Impaired Children and VSDC, an organisation that provides services for deaf children. The expo included three events that were aimed to ensure that deaf or hearing-impaired people and their families and friends were informed of a range of services.

As signing interpreters conveyed my opening words at the expo I was struck by the fact that when deaf or hearing-impaired people visit Parliament they face a sea of silence. I draw to the attention of the house the need for signing to take place in this place. Auslan is a language used by deaf people in Victoria and throughout Australia. There are 30 000 Auslan users. It is important for Parliament to be accessible to people who are deaf or hearing impaired. Technologies such as hearing loops should be used in this place to ensure that people who are not totally deaf are able to understand what is said — —

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

Nursing homes: privatisation

Mrs SHARDEY (Caulfield) — I refer to the misrepresentation of facts by the Minister for Aged Care concerning the transfer of state-owned nursing home beds to the private and voluntary sector.

The facts are that the $1.7 million so-called good deal in annual state funding being paid to Moran and other nursing home owners is the same amount the government has to pay regardless of whether the homes remain in public hospitals or not because the commonwealth legislation allows for a reduced level of funding to homes that have historically been in state hands, a difference known as the standard aggregated module or SAM discount.

The private and voluntary sector organisations that now operate in nine nursing homes as a result of the previous government's program have contributed $35 million in capital funding to provide older Victorians with high-quality accommodation so they do not have to continue living in large wards in old buildings within public hospital grounds. State nursing homes receive about $14 million in state funds to make up the difference between commonwealth funding to state-run nursing homes and the higher rate the commonwealth pays to all other nursing homes. The state has a bill of only $1.7 million annually for the provision of nine new nursing homes for 485 older Victorians, instead of approximately $2.8 million which it paid previously.

The claim of the minister that the previous government was to privatise another 3000 beds is simply not true.

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

Stella Kariofyllidis

Mr CARLI (Coburg) — I wish to congratulate Cr Stella Kariofyllidis on her election as mayor of the City of Moreland. Cr Kariofyllidis is Greek born and migrated to Australia at the age of 14. She is the first female mayor of the City of Moreland, but more importantly is the first woman of Greek–Australian background to be elected mayor of any city in Australia. That is an important milestone. It is indicative of the importance of people from diverse backgrounds and communities being in public life.

Cr Kariofyllidis is the second overseas-born councillor to be elected in the five mayoralties of the City of Moreland. The other was Cr Anthony Helou, who is also a fine councillor and who led the fight by the City of Moreland against Hansonism and intolerance. That era led to the coining of what has now become very much the motto of the City of Moreland, 'One community — proudly diverse'. I congratulate Crs Stella Kariofyllidis and Anthony Helou on the important part they have played in the community through their leadership and by encouraging the diverse communities to participate in public life. The importance of — —

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

Water: rural infrastructure

Mr STEGGALL (Swan Hill) — I join with the honourable member for Monbulk in expressing my disgust at the lack of action and decision making by the Minister for Environment and Conservation.

The implementation of some 270 water and waste water schemes in small country towns across Victoria has been held up following the last election. There were three ways in which charges were able to be made for these schemes: firstly, up-front payments; secondly, 40 quarterly payments; and thirdly, by arrangement between the authority and the person concerned. The minister has stopped all those options, and I draw to her attention correspondence addressed to her, some of which concerns, for example, Boort, where proposed major horticultural and other developments totalling some $66 million will not proceed without the installation of sewerage systems. The developments, which include a supermarket complex, are currently proceeding on the basis that sewerage systems will be installed.

Not all properties in the township of Boort are able to meet the current Environment Protection Authority standard of containing all waste water within the property. Many households currently discharge grey water into the streets, where it stagnates, becomes odorous and is eventually discharged outside the town, thereby having an adverse effect on the environment.

The minister made much political capital during the election out of the payment for these schemes, and I ask that she now make — —

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

Forest: Trentham coupes

Ms DUNCAN (Gisborne) — Members will recall that approximately three weeks ago I presented a petition in Parliament on behalf of the people of Trentham. Approximately 40 people and two powerful owls made the trip to present the petition to me on the steps of Parliament. The petitioners said:

> We, the undersigned citizens of Victoria, respectfully request that the Victorian government immediately cease logging operations planned for the three coupes located close to the Trentham township.

They also made submissions to the independent panel arguing the importance of these coupes, not just for the protection they afforded the powerful owl but also for the tourism values they provide for the economy of Trentham.

In the initial draft regional forest agreement (RFA), 125 hectares around Trentham was reserved. As a result of the submissions, the petition and a great deal of hard work by the government and by me, 500 hectares has been set aside around Trentham. That is three times the area in the RFA consultation paper and will provide full protection to the Trentham powerful owls, in addition to the other areas that have been set aside for their protection. I congratulate the individuals and groups involved on their efforts in this process, and we all agree it is a fantastic outcome.

I advise the honourable member for Doncaster, who claims to speak on behalf of the people of Gisborne, that he should be better informed before he speaks on matters he obviously knows very little about. Claims that he speaks to conservation groups in my area are amusing. It is not what I am told by the groups. The catchcry on conservation at the last state election was, 'For goodness' sake, put the Liberals last'. Some groups are not happy — —

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

Youth Files Theatre Group

Mr MAUGHAN (Rodney) — I wish to congratulate all associated with an innovative project called Youth Files Theatre Group. The group was formed by young people at the Rushworth P–12 College, some of whom were having difficulties with the traditional education environment and were at risk of not completing their education.

Under the direction of the student welfare coordinator, Bronwyn Rose, and director, Jennifer Neild, the students set about producing a performance based on their own experiences of isolation, boredom, drug and alcohol issues, problems with the law and sexual abuse.

The dramatisation that emerged has received critical acclaim in Victoria, South Australia and New South Wales. The group received a Local Government and the Arts leadership award and members of the group were keynote speakers at the Goulburn North East student welfare conference. They also received the Campaspe shire's Community Group of the Year award. More importantly, there has been a remarkable change in the young people. They are now confident, self-assured and willing to build on and extend their skills, and in most cases to continue with their education.

The group has recently been invited to attend the Fifth International Playwrights Conference in Athens in October and to present their play in Bangkok as part of the Makhampton Youth Theatre 20th anniversary celebrations.

I pay tribute to all involved in this innovative and highly successful project, and I seek support to enable the group to visit Athens and Bangkok later this year.

Home-opoly

Ms ALLAN (Bendigo East) — As honourable members are aware this is Housing Week. I am pleased to inform the house that I am participating in one of the many activities to mark Housing Week in my electorate of Bendigo East. Along with local councillors, Bendigo identities and members of the community I will be playing Home-opoly, which is a life-sized board game created by housing agencies in the Loddon Mallee region. Playing Home-opoly involves rolling a dice and trying to land on the right squares to solve your housing problems. It will give the players an inside look into the issues and problems people without proper housing face daily.

Lack of adequate, safe and secure housing is an issue faced by many people in our community. On census night 1996, an estimated 105 000 Australians identified themselves as homeless. Many of those people live in country areas. Approximately 6000 people are seen by housing services in the Loddon Mallee region each year, but that is only a small percentage of the people who are homeless in our community.

This Friday I will have the opportunity to experience some of the difficulties people in our community face in trying to find housing. We will be playing Home-opoly at 12.30 p.m. at the Bendigo Marketplace. I acknowledge the work done by the Loddon Mallee SAAP Network, EASE and the other agencies in Bendigo in bringing this important issue — —

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

Gas: Colac supply

Mr MULDER (Polwarth) — Last Thursday in Colac TXU announced that natural gas would be connected to the city. Negotiations for the supply of natural gas for Colac have been under way since 1993. The former Treasurer, Alan Stockdale, and the former honourable member for Polwarth, Ian Smith, secured natural gas for Colac with connection to be completed by June next year.

Throughout the 1990s state and local government, along with the business sector, set about laying a solid foundation for the Colac region and were able to attract industry even though the area is not connected to natural gas. Natural gas will ensure that the current level of investment in the region continues to grow.

Recent investments completed, currently under way or committed for the region include: CRF Meats food processing plant, $10 million; Barongarook Gardens aged care development, $10 million; Mercy Health aged care development, $14 million; TXU natural gas connection, $4 million; Pearsons Engineering manufacturers, $1 million; Colac–Otway Performing Arts Centre, $5 million; and Regal Cream's relocation of its dairy division from Melbourne to Colac. Negotiations are currently under way for another multimillion-dollar industry for the city.

I formally recognise the efforts of the former mayor of the Shire of Colac–Otway, Helen Paatsch, and her councillors, and particularly the CEO of the shire, Glenn Patterson, and Mr Rob Davis, the shire's manager of strategic development, for the manner in which they have marketed the region to potential investors.

All that is now required is for the government to commit to the redevelopment of Colac's health services and the upgrade — —

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

Powerhouse Neighbourhood Centre

Mr STENSHOLT (Burwood) — I pay tribute to the Powerhouse Neighbourhood Centre, which I visited last Monday at a housing estate in Ashwood. The centre serves the communities of Ashwood, Chadstone and Jordanville, and today the George Hess Room at the Powerhouse centre will be dedicated in honour of one of the long-term public tenants in the area. I also pay tribute to Sandra Grant, another great public tenant nominated for the Francis Pennington award this year.

MANDATORY SENTENCING

The SPEAKER — Order! I have accepted a statement from the honourable member for Richmond proposing the following matter of public importance for discussion:

> That this house debates a matter of public importance being the damage to the reputation of Victoria's legal system caused by mandatory sentencing laws and the impact those laws have on juveniles, particularly from indigenous communities.

Mr WYNNE (Richmond) — It is important for a number of reasons that the house debate this matter of public importance. I hope members on both sides will address the issue of mandatory sentencing with the same seriousness they displayed during last week's debate, which resulted in the house expressing bipartisan support for the motion on the stolen generations. In the same way as the house recognised the wrongs done to Aboriginal and Torres Strait Islander people by the misguided policies of previous administrations, which resulted in the forced removal of indigenous children from their families, kinship groups and communities, honourable members should also take a public stand against contemporary policies that inflict moral, social and ethical wrongs on Aboriginals, in particular young Aboriginals, who are the most vulnerable in our society.

Mandatory sentencing is fundamentally wrong. It casts a shadow across our legal system and diminishes us as a community. If honourable members reach into their hearts and examine their consciences they will agree that a policy that locks up young people, and Aboriginal young people in particular, and gives the courts no discretion in sentencing is fundamentally flawed. Such a policy leads to an endless spiral of criminality and, tragically, death.

I refer in passing to some disturbing statistics I have drawn from the Australian Institute of Criminology that highlight the critical nature of the contemporary issue we are discussing. I refer to the *Australian Deaths in Custody and Custody-related Police Operation 1997–98* report published by the Australian Institute of Criminology, which states:

> A total of 99 people were reported to have died during the year ended 30 June 1998. Twenty-three of these deaths occurred in police custody or custody-related police operations and 76 in prison custody.

Of those 99 deaths, 17 were of Aboriginal and Torres Strait Islander people.

The report further states that:

> More people died in Australian prisons in 1997–98 than in any other 12-month period over the last 18 years.
>
> …
>
> In recent years the number of Aboriginal and Torres Strait Islander people in Australia's prisons has continued to increase, as has their level of over-representation in both police and prison custody. It needs to be emphasised, yet again, that Aboriginal people are heavily over-represented in the number of custodial deaths compared with their number in the community. Nationally, Aboriginal adults represent only 1.4 per cent of the adult population but this year —

that is, 1997–98 —

> more than 17 per cent of all custodial deaths were of Aboriginal people.

That cannot be tolerated in this state, because mandatory sentencing inherently discriminates against offenders who by any measure are the most disadvantaged in our community. It is right and proper for the Victorian Parliament to stand up and repudiate that policy. It is incumbent upon us as parliamentarians to voice our deep concerns clearly and unequivocally.

In doing so, we should heed the sobering words of the late Senator Neville Bonner, a most distinguished federal parliamentarian, as reported in the 1988 interim report of the Muirhead inquiry into Aboriginal deaths in custody:

> I quite categorically state that my race is psychologically scarred, and such a condition is a direct result of our dispossession of our traditional lands, the destruction of our culture and the erosion of our customs. This has sapped our dignity and self-respect, and until such time as justice has been achieved in this area we will continue to crowd Australia's prisons.

What has changed since 1988?

The matter before the house goes to an incredibly challenging social question. The commonwealth government's acquiescence to the Northern Territory government diminishes Australia's international reputation as a fair-minded country. The reputation of Victoria's legal system and those of the other states, territories and the commonwealth, are judged by nations around the world in light of the Northern Territory's inhumane mandatory sentencing laws.

The mark of a civilised society is the way it treats its indigenous and young people. When the commonwealth government criticised the United Nations report on Australia's treatment of Aborigines, it elevated its reputation as a violator of human rights — and it did so on behalf of all Australians.

Chris Sidoti, Australia's Human Rights Commissioner, said:

> By pressuring the United Nations to water down its report on the Northern Territory and Western Australia laws, Australia has adopted tactics of some of the world's worst human rights abusers.

When the international press reports on the repressive sentencing regime of the Northern Territory and the commonwealth's response to it, the international community does not differentiate between the Northern Territory and Victoria.

The Victorian government has repeatedly condemned the laws in the Northern Territory that permit mandatory sentencing. As a matter of legal principle Victoria continues to call on the Northern Territory and commonwealth governments to abolish mandatory sentencing.

You will be well aware, Mr Speaker, as will the house, of the vigorous representations made by the Attorney-General at a recent meeting in Melbourne of commonwealth and state attorneys-general. He rightly led the charge on behalf of Victoria, putting a powerful case that mandatory sentencing in the Northern Territory needs to be repudiated and abolished. The house should applaud the leadership of the Attorney-General in taking up the matter in the appropriate forums.

The efforts of our Attorney-General, together with those of a number of other attorneys-general, in making significant public representations on the matter have resulted in a serious review by both the commonwealth and the Northern Territory of mandatory sentencing laws — although in my view, not serious enough. Other speakers will take up that issue.

The Victorian government echoes the comments of the Social Justice Commissioner, Bill Jonas, who said:

> The passage of overriding legislation by the commonwealth would send a clear message to the states and territories that they do not have unfettered power to introduce laws that further disadvantage indigenous Australians. Mandatory sentencing laws are the antithesis of social justice.

The New South Wales Chief Judge, James Wood, has said that mandatory sentencing risks:

> … presenting a face of justice which is not so much blind, but one that is cruel, ignorant and dismissive of the international treaty obligations which this country has adopted.

Judge Wood called on judges to:

> … listen to their consciences and their faith and take a stand against the unjust laws and policies of the secular state.

So Victoria should take a principled stand on the issue and condemn the Northern Territory for its appalling, harsh and unfair mandatory sentencing laws.

The deal between the Prime Minister and the Chief Minister of the Northern Territory, Denis Burke, is a sham. It absolutely fails to deal with the discriminatory and inhuman effects of mandatory sentencing. The government submits that nothing has changed.

Mandatory sentencing has a disproportionate effect on socially disadvantaged people. It is a tragic reality that in the Northern Territory many Aboriginal people are the most disadvantaged and as a consequence experience the highest rates of incarceration.

Aborigines make up 25 per cent of the population in the Northern Territory and 75 per cent of the jailed population. The total incarceration rate is three times the national average and three times the rate in Victoria.

The fate of Aboriginal people entering the justice system was the subject of the Muirhead Royal Commission into Aboriginal Deaths in Custody. The commission recommended that state governments that have not already done so should legislate to enforce the principle that imprisonment should be utilised only as a sanction of last resort. Why did the commission make this recommendation? Because Aboriginal people entering prison often die. Instead of making incarceration a matter of last resort the Burke government makes it an option of early resort.

The consequences for Aboriginal people are immense. Significant numbers of Aboriginal people in the Northern Territory live in remote communities. In those communities mandatory sentencing has the effect of removing family members to jails in Darwin and Alice Springs. Predominantly, men are removed from their families and communities for long periods of time.

The removal has significant adverse consequences for the cultural education of young men. Mandatory sentencing contributes to the erosion of cultural maintenance and practice in Aboriginal communities.

In this regime Aborigines sentenced to jail are sent to cities far removed from their communities. When the jails in Darwin are full, Aboriginal people are sent to Alice Springs. Families and friends cannot visit them. Do we need to ask why such a high rate of Aborigines commit suicide in prison? Distance, isolation and severity of punishment are the recipe for despair and, ultimately — tragically — death.

One of the key reasons for Aboriginal people being locked up is drunkenness. The Attorney-General has given a reference to the Drugs and Crime Prevention Committee to address this significant social issue. I look forward to the opportunity for the committee to conduct a thorough inquiry into the fundamental question of Aboriginal incarceration.

What of the commitment of the former government to addressing Aboriginal justice questions? The former government has made no annual report on its progress on the implementation of the Muirhead recommendations since 1996–97.

However, the government is developing a comprehensive whole-of-government response titled the *Victorian Aboriginal Justice Agreement*. Significantly, it will be signed off by the Aboriginal and Torres Strait Islander Commission (ATSIC) and regional councils. Central to the strategy will be diversionary programs. The government response will be revealed over the next few months. Victorians must stand together with Aboriginal communities and repudiate the unfair and unjust law so dramatically and disproportionately impacting on Aboriginal communities. I commend the motion to the house.

Honourable Members — Hear, hear!

Dr DEAN (Berwick) — The opposition and I support any genuine attempts to convince states with mandatory incarceration legislation that they should remove it from their statute books and use alternative methods of sentencing. Let us be clear what is being discussed — not mandatory reporting or mandatory sentencing, but mandatory incarceration. The Attorney-General would not say mandatory sentencing is being discussed, or the .05 laws would have to be removed. We are talking about mandatory incarceration — loss of liberty on the automatic determination of an offence.

The opposition supports genuine attempts to change the position of the states but abhors the use of important social issues as an opportunity to score political points or headlines. I give the Attorney-General the benefit of the doubt: this is a misguided approach to achieving his goal rather than a cynical political exercise. The Attorney-General has been grabbing headlines on the issue for some time. The question is whether grabbing headlines was done for political purposes or whether it has helped achieve the objectives of both the opposition and the government. He has certainly got the headlines, but at what cost?

A couple of weeks ago, before the Standing Committee of Attorneys-General (SCAG) arrived in Victoria to discuss the issue, influence each other and have sensible dialogue, what did the Attorney-General do to help dialogue, promote cooperation and change minds, as has to occur in the Northern Territory? He stood in the Parliament before the attorneys-general arrived in the state and said that Denis Burke shows a frightening ignorance of the separation of powers under the Westminster system and should be asking himself now whether he is fit to be Attorney-General in the Northern Territory. That was the conciliatory message before his arrival at SCAG.

What did the Attorney-General say about the Western Australian Attorney-General and the Northern Territory position before they arrived at the meeting? He said he would not go down the racist, immoral, unethical, mandatory sentencing path those attorneys-general had gone down. The comment certainly got a headline, with the scoreline reading headlines, one; the ability to change the minds of the two gentlemen concerned in reasoned debate, zero. If a person genuinely wanted to change the minds of those two gentlemen, why insult them before they arrived to have discussions?

When the two gentlemen arrived at the meeting, what did the Attorney-General do? He placed a series of motions on the agenda. Was that an attempt to get dialogue and consensus among his fellow attorneys-general? Absolutely not! The motions he set down were a reflection of what he said in this Parliament. He insulted them in the meeting they were participating in while he was purporting to try to get them to change their minds. What was the effect? Another score for the headlines and one for motions totally rejected and replaced by a resolution that each Attorney-General would note the position of the other. The Victorian Attorney-General failed absolutely to make any change in the attitudes of those two attorneys-general.

The Prime Minister then went to the Northern Territory to engage in discussions. The Victorian Attorney-General offered no discussions, consultations, pleadings or suggestions of options, but the Prime Minister went to the Northern Territory or wherever he met with the Chief Minister — it may have been in Canberra — and had a discussion with Mr Burke. He came out not with the result we would have liked but with a step forward — that is, $5 million to try to divert away from that process those young people who would otherwise be caught in it. That must be a win for those young people. It certainly is not a panacea — I wish more could have been achieved — but it is a step forward.

What was the approach of the Victorian Attorney-General? He abused the Prime Minister and said in the press that he actually made things worse. That is a patently untrue statement, and resulted in a score of headlines, one; Victoria's relevance in changing the minds of the Northern Territory and Western Australia, zero.

This motion has been moved in the Victorian Parliament, but everyone knows that its connection with this state is extremely tenuous. Members of the opposition are happy to debate it because we are always happy to state that we regard mandatory sentencing as totally inappropriate. What does the government claim is the connection between mandatory sentencing in the Northern Territory and Western Australia and the Victorian legal system? They say it is the fact that United Nations representatives are so silly that they will not know that Victoria does not have mandatory incarceration, that the Northern Territory and Western Australia do and that somehow they will therefore think worse of Victoria. Any reasonable person would probably think they would be saying that Victoria has done the right thing compared with those two other jurisdictions. It is incorrect to assume that UN representatives look at Australia and do not see that it is a federation made up of states and territories and do not look to see what each jurisdiction doing.

What a ridiculous and tenuous connection on which to put this motion forward! Why has it been moved? My prediction is: headlines, one; change in Western Australia and Northern Territory, zero. What could the Victorian Attorney-General be doing instead of insulting the Northern Territory and Western Australia attorneys-general and grabbing headlines for political kudos? For a start, he could be having cooperative discussions. Australia is, we hope, a cooperative federation. He could be having cooperative discussions with Mr Foss, Mr Burke and Mr Williams — but none of that!

The Victorian Attorney-General says it is a waste of time. In other words, he will not even attempt to make an objective argument to those attorneys-general involved, who are not politicians first and foremost, as distinct from this Attorney-General, but are first and foremost attorneys-general. The Victorian Attorney-General will not try to persuade them to use their legal background and understanding to change their minds.

The Western Australian opposition led by Dr Gallop voted for mandatory sentencing. Dr Gallop has said time and again — the news clippings are there if honourable members wish to look at them — that

Western Australia supports mandatory sentencing. What has happened? The executive of the Labor Party — the branches in Western Australia — have moved a motion supporting the federal opposition leader, Mr Beazley. The Western Australian branches of the Labor Party are against mandatory sentencing while the Attorney-General's Labor colleague in Western Australia says he is for it.

Mr Hulls interjected.

Dr DEAN — The Attorney-General said by interjection that we will never change the minds of Mr Foss, Mr Burke or Mr Williams. Could not the Attorney-General change the mind of his own colleague in Western Australia?

An Honourable Member — Waste of time!

Dr DEAN — 'Waste of time'? Is that the answer when his own colleague has a position with which he disagrees?

Honourable members interjecting.

Dr DEAN — I am sure there are all sorts of connections in the Labor Party this Attorney-General could use, but that will not happen because, although in this case it would score a headline, it would be a bad headline for the Labor Party. Is this Attorney-General all about politics or is he genuinely trying to change the lot of the people in Western Australia and the Northern Territory who are subject to mandatory sentencing laws?'.

What else has the Attorney-General done? He has called for intervention by the federal government. One of the first duties of a parliamentarian in Victoria is to look after the interests of Victorians. What happens when one calls for intervention against other states by the federal government? When the federal government next wants to intervene in Victoria and the Attorney-General says, 'Don't intervene in our state', guess what he will be told by the federal government? 'You can't have your cake and eat it too. You have said you agree with federal intervention. Don't you tell us we can't intervene in an issue such as safe injecting houses'. If the Attorney-General moved a law on euthanasia, the federal Attorney-General may want to intervene. The Attorney-General has denied his chance to fight that intervention. With his double-edged sword he may have sliced the faces of the Northern Territory and Western Australia, but the other side of the sword has cut deep into his own constituency.

Australia is a federation and we operate independently as part of that federation. Victoria, as does every other state, has a right to operate its own criminal laws in its own independent way. The Attorney-General should be trying to change the position in the Northern Territory and Western Australia without creating the possibility of bringing down the heavy hand of federal intervention on Victoria in the future. It may be that the Attorney-General has a federal perspective and is more a federal politician than a state politician. He was a federal politician and perhaps he has not yet made the transition to understanding that his obligation is to Victorians and not to the federal government. On that basis Victoria is now at risk.

There is one further matter that exposes the hypocrisy of the government and the Attorney-General. Between 1997 and 1999 the Aboriginal justice plan was prepared in conjunction with the Aboriginal community, the Aboriginal Justice Advisory Committee (AJAC) and the Aboriginal Torres Strait Islander Commission (ATSIC). The Aboriginal community agreed to operate on the plan, which was two years in the making because when an Aboriginal justice plan is put together one has to ensure the Aboriginal community agrees with it and owns it.

The former government went from one end of Victoria to the other talking to Aboriginal communities. They agreed with the plan to divide Victoria into regions, to set up committees within each region, to have a coordinator in each region, and to put into place best practice to try to lower the level of Aboriginal incarceration in Victoria. That Aboriginal justice plan was ready to go. It was agreed to by ATSIC, which said it would fund part of it, agreed to by the Aboriginal community, by AJAC, and by all the ministers of the time who signed off on the agreement. What has happened to the plan? The plan was developed in partnership with the Aboriginal community; it was not a Kennett plan but an Aboriginal plan. Absolutely nothing has happened to that report.

For seven months the report has remained on the Attorney-General's desk gathering dust, yet he looks to the Northern Territory and Western Australia and says, 'I will fight for the Aboriginal people in those states', while he does nothing in his own state. That is absolute hypocrisy. The Attorney-General needs to do something about the Aboriginal justice plan and fix up Victoria, which has a one to four imprisonment rate against Aboriginals. The Attorney-General should do something.

Mr HULLS (Attorney-General) — I am proud to have been personally criticised by the shadow Attorney-General because I have been loud and passionate about mandatory sentencing. I am more than

happy to wear that criticism. Mandatory sentencing is on the agenda in Victoria because the former Kennett government and the former parliamentary secretary were happy to allow mandatory sentencing to be the norm in the Northern Territory and Western Australia. Not once was there ever a word from the former parliamentary secretary about mandatory sentencing. Now that he is in opposition, all he does is criticise me because I stand up against mandatory sentencing. The fact is one does what is right in this game. If you have passion and believe in something, you yell loud from the rooftops about it.

Mandatory sentencing is not a states' rights issue. It is a human rights issue. The dirty, grubby deal that has been done by John Howard and Denis Burke only entrenches mandatory sentencing. It does not go near fixing the problem. Not only does the deal entrench mandatory sentencing, but it rewards the Northern Territory to the tune of $5 million for having mandatory incarceration. The federal government said to the Northern Territory, 'Look, you have mandatory sentencing, guess what we will do? We will reward you by giving you $5 million'.

What about the Victorian Aboriginal young people who need money for diversionary programs? What about young Victorians who are desperately in need of federal assistance? We cannot get it in Victoria. However, the Prime Minister says to the Northern Territory, 'Good on you for having mandatory sentencing, here is $5 million'. The former parliamentary secretary is more than happy for the Northern Territory to be rewarded. The $5 million is nothing more than a bribe that will entrench mandatory sentencing in the Northern Territory.

If racism is a crime, John Howard and Denis Burke have aided and abetted in the commission of a crime. It is as simple as that — they have aided and abetted in the commission of the crime of racism. The dirty, filthy, underhanded political deal entrenches and enshrines mandatory sentencing and racism as the norm in the Northern Territory.

I was happy to put mandatory sentencing on the agenda of the Standing Committee of Attorneys-General. The shadow Attorney-General would say it should never have been put on the agenda. When I put mandatory sentencing on the agenda I was accused by the Northern Territory and the Western Australian attorneys-general of being rude for having done so. I am more than happy to be branded rude if it means standing up for what I believe in. Mandatory sentencing is wrong, it is unethical, it is immoral and it is racist.

In the Northern Territory mandatory sentencing is no more than a substitute for social policy. It locks up young people who the Northern Territory would rather ignore. At one stage the federal Liberal Party looked as though it was going to show a bit of spine. I know the federal member for Kooyong, Petro Georgiou, told a meeting of Liberal MPs that he would vote against mandatory sentencing.

Honourable members interjecting.

The ACTING SPEAKER (Mr Phillips) — Order! Interjections are disorderly. Although the Chair welcomes a stimulating debate, the Chair may have heard comments that could be deemed as disorderly. Interjections by honourable members out of their place are also disorderly. When honourable members are referring to other honourable members they should refer to them by their correct titles. The Attorney-General does not need any support in getting into the debate. The more opposition members interject, the more the Attorney-General's volume increases, because he is not put off from what he is saying.

Although the Chair has no difficulty hearing the Attorney-General, the volume sometimes reaches the point where it is too loud. The Attorney-General listened to the shadow Attorney-General without interruption, and I request that the same courtesy be shown to the Attorney-General.

Mr HULLS — Thank you, Mr Acting Speaker. As I said, the federal member for Kooyong is reported in his local press of 10 April as stating that he:

> … told a meeting of Liberal MPs he would vote against the government and support a private member's bill seeking to outlaw the Northern Territory's mandatory sentencing laws for juveniles.

The Victorian government welcomed that statement. However, Mr Georgiou now appears to have backed down. He believes the grubby compromise and the tinkering around the edges of the agreement entered into between the Prime Minister and the Chief Minister, Denis Burke, now has mandatory sentencing off the agenda.

Mandatory sentencing in the Northern Territory requires that a person under the age of 17 who is charged with a second or third property offence receive a term of imprisonment of 18 days. For a third offence the magistrate has no option but to jail that young person for 28 days.

The pathetic tinkering by the Prime Minister and Denis Burke still means that young people under the age of 18 will be subject to mandatory incarceration. The deal has

not changed anything. All it has done is raise the age limit of those who appear in adult courts from 17 to 18. Big deal! The Victorian government is called on to do the same thing. It has appointed a committee to examine the operation of the Children's Court, and I will make an announcement when I open the new Children's Court on Friday. Victoria has no mandatory sentencing laws.

The tinkering does not solve the problem of mandatory incarceration. Unfortunately, in the Northern Territory people over 18 years are still subjected to mandatory incarceration. For a first property offence the sentence is a minimum of 14 days jail; for a second, the minimum is 90 days jail, and for a third offence, the minimum is 12 months jail. Judicial discretion is taken away. I should have thought any fair-minded Australian Attorney-General would vehemently oppose the taking away of a judge's discretion. Not, it appears, Denis Burke or John Howard.

The jailing of young people in the Northern Territory has a huge effect on their lives. Once a young man has reached a certain age he can no longer be initiated. Young men who miss out on initiation because they are incarcerated are not entitled to the respect and standing in their community that initiated men receive. They then fall between two worlds — black and white — and fit within neither. A lifetime of exclusion is a high price to pay for the theft of some pencils.

As a matter of principle, and despite what the shadow Attorney-General may think, the Bracks government is obliged and will continue to be vigilant in its efforts to persuade the Howard government to do the right and just thing by intervening to overturn those flawed and offensive laws. The Bracks government will continue to condemn both the Northern Territory and Western Australian governments. As Victoria's chief law officer I will continue to use every means available to me to point out to Denis Burke, Peter Voss and John Howard that mandatory sentencing is racist, immoral and unethical and must be overturned.

Regardless of what the shadow Attorney-General says, the fight will continue because the Bracks government believes in and is passionate about the issue.

Dr NAPTHINE (Leader of the Opposition) — The Victorian Liberal Party is opposed to mandatory incarceration, and its view on that has been known for many years. Various jurisdictions and lobby groups argued in favour of mandatory incarceration during the former Kennett coalition government's term of office from 1992 to 1999, but the former government did not go down that track. I again make it clear that the Victorian Liberal Party is opposed to mandatory incarceration.

The disappointing thing about this morning's debate is that it is more about politics than about substance. It is not about the real issue of establishing a better system for dealing with juvenile offenders or offenders from indigenous backgrounds. Rather than trying to enhance the reputation of the Victorian juvenile justice system, the Attorney-General has used the debate on the issue in a crass political way.

Although the Attorney-General criticised both the Northern Territory and Western Australia governments, he did not refer to the stand of the Western Australian Labor Party on the issue. I refer to an article that was published in the *Australian* of 29 March under the heading 'Concern for votes is mandatory principle'. Similarly, the Attorney-General's concern is for votes rather than for dealing with the substance of the issue.

It is grossly disappointing for Victorians that the government is not concerned about the substance of the issue — it is more concerned about the rhetoric and the votes.

The article is about a different concern for votes, this time involving the Labor Party in Western Australia. It states:

> Labor enthusiastically supported mandatory sentencing before the last election.

It further states:

> Support for mandatory sentencing is more about neutralisation than principle which is why Gallop will ignore the … party's concerns.

I further refer to an article published in the *Kalgoorlie Miner* of 29 March. Under the headline 'Gallop stands firm on issue of mandatory sentencing', it states:

> The West Australian Labor leader Geoff Gallop said yesterday the parliamentary party would not alter its pro-mandatory sentencing stance, despite a vote by the party's state executive rejecting the position.
>
> …
>
> Mr Beazley wants the commonwealth to override WA's mandatory sentencing laws, but Dr Gallop has consistently said the laws reflect the community's desire, and the federal government has no place in what is a state matter.

I would be interested to hear the Attorney-General's comments on Dr Gallop's stance on pro-mandatory sentencing and on his view that the federal government should not get involved in these issues.

An article published in the *West Australian* of 26 March states:

> Dr Gallop, in a speech bordering on hectoring —

it sounds like he is a great mate of the Attorney-General's; hectoring is a strong suit of the Labor Party —

> told Labor delegates that the parliamentary wing of the party had supported mandatory sentencing for serious repeat offenders since 1992.

I repeat: the Labor Party in Western Australia has supported mandatory sentencing since 1992 and has said it will not change its stance in the lead-up to the next state election. Clearly the Labor Party as represented by the government and the Attorney-General has its own views on mandatory sentencing and I challenge government speakers who follow me in the debate to say where they stand with respect to the position of Dr Gallop on the issue.

The matter of public importance statement being debated refers to the reputation of Victoria's legal system. I will make a few remarks on Victoria's reputation with regard to the juvenile justice system because the statement refers to juveniles in particular.

I am proud that under the previous government Victoria achieved a lower rate of juvenile incarceration than any other state. The Attorney-General would do well to refer to that when talking about the reputation of Victoria's juvenile justice system. Victoria has the unique situation in which offenders who are over 17 but under 21 years of age and who go before the adult courts can be sentenced to the juvenile justice system if it is in the interests of the offender — when it is more likely the offender will be rehabilitated in that system and it is considered he or she would be vulnerable if placed in the adult prison system. Victorians should be proud of that unique system, which was enhanced by the previous government, and the current government should support it.

I mentioned last week that when the previous government came to power in 1992 young Aboriginal offenders were grossly overrepresented in the juvenile justice system — 33 times greater than the white Victorian population. The level of overrepresentation was reduced to 12 times greater than the white population — a significant reduction — through the positive programs of the previous coalition government under which it worked with the Aboriginal community across Victoria, but it is still too high and further work needs to be done.

The Attorney-General talks about how he can further enhance the reputation of Victoria's juvenile justice system. He should say why for six months he has been sitting on the report carried out by the honourable member for Berwick for the former government with regard to the indigenous community and the justice system, including the juvenile justice system.

Dr Dean — And accepted by the Aboriginal community.

Dr NAPTHINE — Yes, it was done in conjunction with the Aboriginal community.

I turn to deal with the state of facilities in the juvenile justice system. Between 1982 and 1992 Victoria had a Labor government that espoused social justice principles. It was high on rhetoric but low on substance and action, as is the current government. It did nothing to improve physical facilities in the juvenile justice system. Victoria had juvenile offenders living in the most appalling conditions in the old bluestone Turana buildings and other facilities at Parkville and Malmsbury that were an absolute and utter disgrace. If anything damaged Victoria's reputation in juvenile justice it was the primitive and subhuman conditions the former Labor government allowed to develop.

By contrast, between 1992 and 1999 the coalition government built a new Melbourne juvenile justice centre for 14-to-16-year-olds, a new Malmsbury centre for the 17-to-21-year-olds and a new Parkville juvenile justice centre. The former government rebuilt the infrastructure of the juvenile justice system at a cost of well over $40 million to improve the conditions and opportunities for young offenders.

The previous coalition government did not just build new physical facilities. It also provided a range of positive programs such as Handbrake Turn; the male adolescent program for positive sexuality, which is a world leader; peer support; Turning the Tide, a program for drug offenders; and other TAFE, education and work programs. Victorians had a juvenile justice system of which they could be proud.

The matter of public importance statement refers to the reputation of Victoria's system. That reputation was enhanced by the actions of the previous coalition government and I challenge the present government to build on that success rather than — —

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

Ms CAMPBELL (Minister for Community Services) — I am delighted to speak on this matter of

public importance and support the motion before the house. I am sure the house is convinced that it is neither in the public interest nor in the interests of young people to have mandatory sentencing laws in any Australian state or territory. The laws have a significant impact on juveniles, particularly those from indigenous communities. The mandatory sentencing of juveniles to custodial orders is a fundamentally flawed and racist law. It replaces good social policy with a quick fix with short-term gains and long-term negative consequences. It removes judicial discretion and is immoral and unethical.

Mandatory sentencing gives unfettered power to the legislature and removes judicial discretion. That flaw must be highlighted throughout Australia and internationally. The Northern Territory Parliament has accepted an unconscionable position. It is wrong for the legislature to ensure that people are incarcerated; it is immoral, and it is essential that Victorians speak up against it.

Dr Dean — You think that is immoral?

Ms CAMPBELL — I will speak up anywhere — —

Honourable members interjecting.

Ms CAMPBELL — I will speak up anywhere in this nation about the inappropriateness — —

Dr Dean interjected.

Ms CAMPBELL — I said anywhere. Are you not able to hear? I will put the case at any forum. I will put it to the shadow Attorney-General, I will put it to the Leader of the Opposition, I will put it to anyone in the Labor Party. It is important that members of this Parliament speak out about the importance of good social policy, and I am happy to do that.

The judiciary, particularly the magistrates in the Northern Territory, have signalled loud and clear that the separation of powers has been totally compromised by the imposition of mandatory sentencing to custodial facilities. I point to Mr Ian Gray, currently a Victorian barrister but formerly the Northern Territory's Chief Magistrate. When the laws were presented to the Northern Territory community Mr Gray outlined to anybody who was prepared to listen that they were fundamentally wrong and that he was prepared to argue the point conscientiously and consistently. He said it was important that magistrates had discretion in sentencing and that the law should provide them with that independence, something that is denied in the Northern Territory. Mr Gray stated:

> What is evil about the regime is that there are no options. It becomes an automatic decision; you press a button.

It was commendable that Mr Gray saw it as his duty to outline his concerns to the Parliament and the community. Unfortunately he was unable to convince the then Attorney-General, now Chief Minister, Denis Burke. Ultimately Mr Gray believed it was unconscionable to apply the law and resigned from his position. He wanted to continue to advocate a change to the law.

I support Mr Gray and a number of other eminent members of the judiciary who have spoken out against the mandatory sentencing law. The New South Wales Chief Justice, James Spigelman, said:

> The continued existence of sentencing discretion is an essential component of the fairness of our criminal justice system … No judge of my acquaintance is prepared to tolerate becoming an instrument of injustice.

The New South Wales Chief Judge at Common Law, James Wood, said that mandatory sentencing risks:

> … presenting a face of justice which is not so much blind, but one that is cruel, ignorant and dismissive of the international treaty obligations which this country has adopted.

I refer to our international treaty obligations, particularly in relation to social justice. I also refer to some of the visionary work undertaken in Australia and the lessons we have learnt from it, from which the international community could benefit. The Australian community has spoken out on a number of occasions about social justice issues. Some excellent and groundbreaking work has been done by the Human Rights and Equal Opportunity Commission, which has focused on a consideration of good sentencing legislation and practice and good social policy.

An article in the *Australian* of 7 April quotes Bill Jonas, the Aboriginal and Torres Strait Islander Social Justice Commissioner, as calling on the federal coalition to send a stern message to all the states and territories that have mandatory custodial sentencing laws. The Human Rights and Equal Opportunity Commission and the Aboriginal and Torres Strait Islander Social Justice Commission have implored the community to ensure that everyone, young person and adult alike, who appears before a court receives an appropriate sentence. The article quotes Mr Jonas as stating in his annual report on social justice that:

> Western Australia and the Northern Territory should repeal mandatory sentencing provisions.

He also states that mandatory sentencing laws are the antithesis of good social justice policy.

I note for the record the importance of Victoria continuing to provide a strong juvenile justice program with a three-pronged approach that focuses on the rehabilitation of young offenders, community safety, and a consciousness of the importance of good post-release programs.

The lesson the Northern Territory could learn from the Victorian experience is that juvenile crime is a social problem that has many causes and effects. Socioeconomic disadvantage, poor educational attainment, family breakdown, sexual abuse, violence, family drug abuse, marginalisation, unemployment and a history of failure all combine to lead many vulnerable young people into offending behaviour. It is obvious that, particularly in the Northern Territory, the Aboriginal community is disproportionately over-represented in the criminal justice and jail system. It is important that the national community speak strongly to the Northern Territory and any other state or territory that wants to impose mandatory sentencing and emphasise that the focus should be on the causes of social dislocation, not on mandatory sentencing.

The ACTING SPEAKER (Mr Phillips) — Order! Before I call the honourable member for Evelyn, I advise the house that the honourable member for Mildura will be slotted in between speakers. Therefore, the honourable members who are listed to speak will move back one.

Mrs FYFFE (Evelyn) — Last night when I heard what the topic of the matter of public importance was to be, I considered it important.

I am pleased to be able to speak on the damage done to our legal system by mandatory sentencing laws and on the negative impact those laws have on juveniles, particularly from indigenous communities. Last week the house debated a motion on the stolen generations of Aboriginal and Torres Strait Islanders. I was proud to be a member of Parliament as I listened to members of both sides talking seriously and constructively about the stolen generations.

When I got home at a quarter past 12 last night, I set my alarm for 5.30 a.m. I wanted to rise early so I could return to Parliament to research this important topic. After listening to the comments of the Attorney-General and observing his behaviour, I am appalled. I thought the government was serious about the matter, but it seems to me the Attorney-General is jealous of the fact that the federal government has given the Northern Territory government $5 million to assist with the problem.

The matter of public importance refers to juveniles particularly from indigenous communities, which therefore recognises that white people are also affected by mandatory sentencing laws. I admit that the majority of those affected by mandatory sentencing appear to be of Aboriginal descent, but the laws apply to both black and white people.

I am opposed to mandatory incarceration, but I point out that although Victoria's legal system has a very good reputation, we still have problems that we must work through. We still have a disproportionate number of indigenous people in our jail system. The subject of the matter of public importance implies that the mandatory sentencing laws in Western Australia and the Northern Territory have an impact on the reputation of Victoria's legal system. Although I acknowledge that the intent of the debate is to focus on mandatory sentencing as it affects juveniles in Western Australia and the Northern Territory — and I do not wish to trivialise that — I point out that Victoria has mandatory sentencing laws for offences such as exceeding the speed limit and driving with a blood-alcohol reading over .05.

Mandatory sentencing is a complex issue, as is evidenced by the passionate and varied opinions expressed on the matter. The parliamentary leader of the Western Australian Labor Party supports mandatory sentencing but, as referred to by other speakers, his state party does not.

There are always two sides to every argument. We must approach debates with a balanced point of view. The mandatory sentencing laws in the Northern Territory and Western Australia were introduced in response to community concern and anger about a perceived rapid increase in the frequency of property offences. All laws introduced into parliaments must come from the people. They must address the needs, desires and requests of the people who vote for us. It is within our power to introduce legislation in response to their demands. That is what the governments of the Northern Territory and Western Australia have done, in a sincere desire to handle a problem that was getting out of hand.

In his second-reading speech on the mandatory sentencing legislation, Mr Reed, the Deputy Chief Minister of the Northern Territory, said:

> The legislation was introduced at a time when there was considerable concern in the community about the level of break and enters, property damage and theft. There was also a great deal of dissatisfaction in the community about the perceived leniency of the courts when sentencing for these offences.

Anyone who has had his or her home broken into, as I have, will know that often what is taken is not of great monetary or sentimental value. But the damage done to both your personal possessions and your emotional state can be excessive, given that a stranger has entered a place which is sacrosanct and which you have developed lovingly over many years.

When we read media reports of people being sentenced for things like stealing a tin of biscuits, we all consider that to be outrageous. They should not be sentenced. What we are not told, however, is what happened during that break-in, how many other break-ins have happened that the offender is suspected of but has not been convicted of, or how the personal liberties of the victim were infringed. A young offender in the Northern Territory could also be facing a hundred outstanding property offences; that would not be unusual.

Years ago, when I was growing up, a young person getting out of hand could be taken by the ear by the local community police officer, given a tongue-lashing and dragged home. The father of the house would then follow through with suitable punishment, and the offender would be made to apologise to the person whose property was damaged. Most often that would put the offender back on the straight and narrow.

The intention of this motion, however, is to condemn a government — two governments — for handling a situation that is of concern to the majority of their constituents. In his second-reading speech the Northern Territory minister said:

> What this bill does is add an element of flexibility for second-stage offenders by providing that a juvenile sentenced by a court for a second property offence or offences may now be referred to a diversionary program.

I commend the Prime Minister for the grant he has given to the Northern Territory to help expand those diversionary programs.

While there may be a variety of diversionary programs designed for specific groups and locations, it is intended that the first program will be based on victim-offender conferencing. However, before being accepted into a program the offender will be required to admit his or her guilt, accept responsibility for his or her actions and agree to participate in the program. I think that is a highly commendable course of action, and I doubt that any honourable member in this house could criticise it.

Under the victim-offender conferencing program the offender must meet the victim, apologise, listen to the victim's account of the damage caused by the offence and reach agreement about appropriate restitution for the victim. That might take many forms and might include monetary payments or providing a service such as mowing the victim's lawn for an agreed number of weeks or months.

The aim of the diversionary programs is to give 15 and 16-year-old offenders one last chance before they face certain jail. While giving that chance to offenders this bill also provides an opportunity to make amends to the victim and to society in general.

Victim-offender conferencing is not an easy option; indeed, experience with similar programs elsewhere indicates that juveniles find participation in such programs difficult. Many juvenile offenders have never before considered either the consequences of their actions or the effects their actions may have on others.

The Attorney-General was disparaging of the agreement between the Prime Minister and the government of the Northern Territory, even though diversionary programs are essential for proper handling of problems encountered in the Northern Territory. It is sad that the Attorney-General is treating the issue as a political football and an opportunity for populist behaviour. People who live in glass houses should not throw stones. Let us get our own house in order before we so rapidly and disparagingly condemn other governments.

These issues arise in our community, not just in the Northern Territory and Western Australia. In Healesville in the electorate of Seymour and adjacent to my electorate I was approached recently by two highly respected elders of the local Aboriginal community. They were concerned that their children were being differentiated from other children by the police in their approach to criminal activities. A young boy had been apprehended while shoplifting in a supermarket. The local police sergeant said he would not attend because if he did he would be accused of racism. The Aboriginal elder said to me, 'Christine, how are our children going to fit into society if they are going to be treated differently?'.

I urge honourable members to think carefully about what is being done in such situations.

Mr STENSHOLT (Burwood) — I rise to speak on this matter of grave public importance, mandatory sentencing — or mandatory jail as you could call it in common parlance. It is an issue governments and law reformers need to address immediately.

Recently I attended the Australian and Commonwealth Law Reform Conference in Perth, Western Australia, as

a member of the Law Reform Committee of this Parliament. Many delegates from all over Australia and overseas participated in the conference and, as can be imagined, mandatory sentencing was very topical. I took the opportunity to talk with the local press and the Australian Broadcasting Corporation about mandatory sentencing and issued a press release. I said then, and I say again, that mandatory sentencing is unjust and inhumane.

The automatic sentencing regimes of the Northern Territory and Western Australia run counter to one of the great traditions of common law: discretion in sentencing for judges and magistrates. Mandatory sentencing is wrong in all its various forms, including three strikes and you are out and the absolutely unjust laws of the Northern Territory which openly discriminate against Aborigines and Torres Strait Islanders.

Honourable members will have read in the newspapers about the extraordinary and appalling sentences handed down to juveniles and young men and women for trivial offences such as stealing towels, taking food from an ex-husband's house to feed his children because there was no food left for them or stealing biscuits and cordial. Jail sentences have been handed down automatically for all of those offences while other people have walked free from corporate crime involving millions of dollars.

Today's newspaper reports on another case of automatic sentencing in the Northern Territory. A window worth $100 was broken and the offender, quite happy to pay for it, turned up in court with the deposit — but no, automaticity took over and he got three months jail for a second offence.

For too long there has been mistreatment and misunderstanding of Aboriginal communities in Western Australia and the Northern Territory. My own views on the matter were formed when, as a student, I went walkabout with Pat Dodson for several months. We visited Darwin, Melville Island, Katherine, Tennant Creek, Halls Creek, Wyndham, Broome, Port Hedland and other local communities. It certainly left a deep impression on me. The injustice, mistreatment, the pushing of Aboriginal communities beyond a mile from the towns, the way the police treated Aborigines, the redneck attitude, the way they were looked down on and the hope they would go away strengthened my resolve to take a stand on human rights.

If honourable members think I am passionate about the issue of mandatory sentencing, they are right. I do not like to see people going to jail for trivial offences. I do not like to see the discretion taken away from judges and magistrates when sentencing people. Those close communities are different from Melbourne or Darwin, because everyone knows what is going on and people tend to confess to minor crimes. However, the automaticity of penalties means those people are taken away from their communities, and it is no wonder the suicide rate in the jails is so high.

The laws are discriminatory, but they are indiscriminate in the way they are applied. They are unjust, and in many ways they are racist. The federal member who represents part of my electorate, Petro Georgiou, has had the guts to stand up to the wishy-washy stance of the federal Liberal leader, John Howard. This week's edition of *Progress Press* features Petro's and my views on the issue of mandatory sentencing. The article outlines his views on the issue, which have already been referred to by the Attorney-General, and also reports on my belief that the Western Australian and Northern Territory governments should abolish mandatory sentencing or the federal government should override it.

Mr Howard's recent compromise is a case of insincerity and poor long-term public policy. The compromise ensures that the laws do not apply to juveniles, but it is merely a euphemistic change. The additional funds for diversionary programs will be useful, but the way those programs will be set up is a worry. To avoid falling into the same trap Victoria needs to pay attention to how it is done. The programs will work only if magistrates have the discretion to oversee how the programs are run and implemented rather than the power being given to the police, which is the suggestion currently being put forward.

I agree with the Attorney-General that the Prime Minister's action is insufficient. It does not change the real issue of mandatory sentencing and mandatory jailing. That comment has also been made in the newspapers. The cartoon that appeared in one of the newspapers yesterday showed Little Johnny Howard as the so-called hunter over the buffalo of the Northern Territory saying with a wink, wink, 'Is it all right to get up yet?'. The responsible Northern Territory Chief Minister is saying, 'It is a win situation for me, because it means no change'. In effect he was saying, 'It means we can go on with the indiscriminate jailing of young men and women, the taking away of Aboriginal men and women from their children and their local communities and putting them into jails, whether for 14 days, 3 months or even, in some cases, a year'. That has occurred for trivial offences. It is not just; it takes away human rights, and to a large extent it is un-Australian.

I am proud to be Victorian. Victoria does not have those sorts of laws. Victoria has a long tradition of strong justice, equality and access before the law. I am horrified as an international lawyer that Australia has been so severely criticised by the United Nations for having those sorts of laws. It is an affront to me that Australia can ignore international covenants on human rights. It is an affront to have a Prime Minister who can thumb his nose at international obligations.

Australia has signed the covenant on civil and political rights. I read it last night to refresh my memory. It is interesting that it states that people should have interpretation. Money for that purpose is now being supplied, but it was not being supplied before. Australia signed those covenants and for many years we were leaders on the Human Rights Committee. I am not sure what Justice Elizabeth Evatt thinks about it, given that she has been Australia's representative on the Human Rights Committee since 1992.

Australia had an extraordinarily proud record on the Human Rights Committee, but it no longer has that reputation. It has lost its reputation because of the wishy-washy Prime Minister ignoring the committee and even threatening not to go to meetings. It is an absolute disgrace. Unfortunately, it brings opprobrium on Victoria and the rest of Australia. Like others, I have concerns about the damage to our legal system both in Victoria and around Australia.

I applaud the efforts of the Attorney-General in standing up and making it clear where Victoria stands on this important issue concerning justice and human rights. I appreciate the positive views put forward by the opposition. However, I do not appreciate the point that their views seem to be a little bit mixed and frayed around the edges. I urge opposition members and their state and federal colleagues to walk with us, with Aboriginal communities and with Aboriginal leaders such as Pat and Mick Dodson to put an end to such indiscriminate and discriminatory sentencing regimes. I commend the motion to the house.

Mr THOMPSON (Sandringham) — The question I put to the house is whether it has been mandatory sentencing that has led to the loss of the lives of Aboriginal and non-Aboriginal people in custody in Australia.

Two constituents wrote to me two months ago expressing their concerns abut their son, who had been incarcerated at the Frankston police station, and they sent the same letter to the Attorney-General. In their correspondence they say they were shocked that they were not able to visit their son or that he was not able to return the telephone calls they made to him. He is 19 years old. Their letter states:

> It was our understanding that his time in the Frankston lockup would be for a few days only as buildings were not designed for long-stay use. Being just three days short of Christmas Day we were led to believe that he would be transferred to the Melbourne assessment prison before Christmas, thus enabling us to visit him. According to the police, this was the practice in previous years. This did not happen. In fact it was not until the evening of Wednesday, the 5th of January 2000, some 17 days later, that he was eventually transferred to the Melbourne assessment prison.

The parents went on to note:

> We found the whole experience dehumanising. In some ways, not only had he been given a life sentence, we felt that emotionally speaking we had also. We were sympathetic to the police on duty each time we visited as they appeared to be left between a rock and a hard place. To be fair to them they were only enforcing the law. However, the reality is that prisoners stay much, much longer than originally planned and to this end correctional facilities including the Frankston police station need to provide appropriate accommodation and facilities for prisoners that enable their families to visit.
>
> Nineteen days passed before we could speak with our son at the Melbourne assessment prison.

Nineteen days passed before a person — only 19 years old — who was being held in a Victorian police station was able to receive a visit from his parents. The parents went on to say:

> Such insight certainly sheds new light on his stealing behaviour. Mind you, we fully support his being punished for his crimes. He admits his wrongdoing, is prepared for his punishment and has no desire to reoffend again. His treatment at the Frankston facility, however —

during the tenure of the current Attorney-General —

> further confounds his perception of justice. Please consider all of the above issues. We look forward to your response.

The issues of juvenile justice and mandatory sentencing will not necessarily be resolved in a tub-thumping environment. Some time ago a journalist asked whether the death of the young Aboriginal boy in the Northern Territory was a consequence of his mandatory sentence or of a breakdown in his life in the community and the immediate world around him.

Is it not possible that, irrespective of mandatory sentencing, at some point youngsters in Victoria, the Northern Territory or Western Australia could end up with custodial sentences as a result of judges appropriately exercising their sentencing discretion, balancing the issues of retribution, reform and deterrence? Such youngsters would not necessarily be detained in circumstances such as those in the Frankston lockup, but they would be deprived of their

liberty. Although there is a custodial element in the Victorian juvenile justice system — for example, in detention centres such as Baltara, Turana and even Malmsbury — there is perhaps not the same rigorous environment that exists elsewhere.

Earlier the Leader of the Opposition told the house of the achievements of the former coalition government in upgrading youth detention centres and developing a range of worthy educational and training options with a view to providing quality lifestyle outcomes for the youngsters who fall into the criminal justice system.

I note in today's *Herald Sun* an editorial comment to the effect that the issue of mandatory sentencing has been hijacked by those wishing to represent it as racist, which according to the writer it is not. Whether the issue is racist or not is irrelevant to the present debate, which must focus on the life outcomes of individuals who are subjected to the penal system, whether at the Frankston lockup, in the Northern Territory, or in Western Australia.

I support the remarks of the previous speaker about outstanding Aboriginal role models such as Pat and Mick Dodson, who have contributed wisely and strongly to the resolution of Aboriginal issues in Australia. The Aboriginal and the wider Australian communities must endeavour to work together to find a way through the issues and not turn them into purely political exercises.

Mr SAVAGE (Mildura) — I do not agree with the wording of the matter of public importance (MPI). This is the Parliament of Victoria, and whether or not the Northern Territory government has mandatory sentencing has little relevance to the state of Victoria. The powers of this house are limited to things that can be done within the state, as is the case with the Northern Territory Parliament, whose powers are limited to what it can do within the Territory.

The wording of the MPI is flawed in the sense that it refers to the damage done to indigenous communities in this state on the basis that the mandatory sentencing laws in the Northern Territory have some impact on them. I cannot see any connection between the two. This is the second occasion on which the Parliament has become emotionally charged in debating issues that have no relevance to the state of Victoria.

Victoria has mandatory sentencing — for example, mandatory penalties are prescribed in the legislation applying to drivers with blood alcohol levels over .05. A person who commits murder is sentenced to life imprisonment — that is a mandatory sentence.

I understand the reasons for the passionate views expressed by honourable members on both sides of the house. I recall the inaugural speech of the Attorney-General in 1996, when he made certain references to his time as a lawyer with the Aboriginal legal service at Mount Isa in Queensland. I remember those comments better than the maiden speeches of anyone else in the house. Coming from a different perspective, they had a significant impact on me, and I learnt a lot about what his role entailed.

When in my previous career I was in charge of a police station I became involved in a pilot program called the Bacchus Program, under which we diverted Aboriginal offenders who were brought in for drunkenness and other minor offences to a sobering-up centre to minimise the amount of time they spent in custody. That program is still working and has been very successful.

My sister was in charge of the health service at Hermannsburg, a place I have visited, so I have some insight into the deprivation and disadvantages that some Aboriginal communities and some Aboriginals experience. But I come back to the fundamental problem with the MPI, which is that the issue does not have any relevance to the state of Victoria. How would we feel if other state legislatures dictated to us on Victorian issues? I think we would feel rather unhappy about it! We have to take stock of where we are going on this issue.

There is an element of propaganda about the mandatory sentencing debate. If you look at the laws that have been enacted in the Northern Territory you will see that they are explicit and do not refer to 'one strike and you are out'. If you are an adult in the Northern Territory, the first sentence for a property offence is a minimum 14 days jail, and in special circumstances the court does not have to impose a mandatory sentence. In Western Australia, an adult being sentenced for a third or subsequent offence of burglary will receive a mandatory sentence, so the situation is not as clear-cut as it would appear from some of the comments made by honourable members.

The Northern Territory law will be amended to provide that a person will be treated as an adult from 18 years of age rather than 17 years. Police officers will be required to divert cases of minor offences at the pre-charge stage, and with more serious offences they will have the discretion to divert offenders and, on the successful completion of a program, not to pursue the charges.

Northern Territory residents have twice the chance of being robbed and three times the chance of being

bashed than Victorians. The laws reflect the needs of the Northern Territory people.

It is disappointing that no member of the house has acknowledged that the laws were made for the Northern Territory. No-one has acknowledged the rights of the Northern Territory people. It is a dangerous path. What is the next issue to be picked up? I understand why many feel passionately about the issue, but stock has to be taken of what is being said.

A previous speaker mentioned the Human Rights Committee report. Looking at the membership of the Committee on the Elimination of Racial Discrimination (CERD) one has to ask why these people are criticising Australia. I have looked at the membership list of the committee: the members include a lawyer from Romania; a lawyer from Guinea; a diplomat from Cuba; a South African; a senior consultant from India; a Russian; a former Pakistan foreign secretary; and — it gets worse — people from Ecuador, Argentina and China. Does anybody remember the events at Tiananmen Square a few years ago? Yet the Australian people are being dictated to by these people saying that ours is a racist community. Australia has to say, 'This is not on'. Australia's track record may not be perfect, but compared to some of the countries I have mentioned Australia shines and does not deserve to be censured.

A democracy reflects on the needs and views of others and does not dictate to or hijack the legitimate democratic processes of others. We might disagree with others but must not try to dictate to them. From reading the newspapers over the past three or four months it is difficult to find balance on the issue. Taking a certain line could permanently categorise a person. The purpose of this Parliament needs reflection.

In a final comment I point out that the community is concerned about crime and punishment and safety. If crime is committed an appropriate penalty should be imposed.

A few weeks ago a constituent complained that his son was severely assaulted by a person wielding a billiard cue. The offender was charged with causing grievous bodily harm with a weapon and received a fine of $1700, despite two days before the assault having received a suspended sentence. There is an imbalance between the respective needs of the victim, the community and the perpetrator. The needs of Victoria should be focused on. It does not bring credit to anyone to indulge in personal and private views using the Parliament as a vehicle in this way.

Ms McCALL (Frankston) — I endorse much of what the honourable member for Mildura has said. It seems peculiar that an issue for the Northern Territory and Western Australia should be debated in the context of Victoria's legal system. I am disappointed that again the Attorney-General does not think it important enough to be in the chamber to listen to the debate. One can only hope he is sitting in his office with his ear glued to the speaker.

The attitude of the Attorney-General on the issue is personally distasteful to me. One can feel strongly about particular issues but I strongly believe it is not appropriate to meddle unnecessarily and intemperately in the affairs of the rest of Australia.

Australia is a federation of states and territories. In 1901 the forefathers dramatically wrote about and defended that system. They declared the rights of states and territories to dictate their own future and laws. It is appropriate for the federal government to say it is not for it to interfere to the extent of overturning laws. The issue of euthanasia, however, presents a conflict of whether laws should be overturned or introduced.

The Attorney-General should be looking at Victoria's backyard — to issues relating to law and order and juvenile justice. The Leader of the Opposition spoke at some length on the progress made in relation to juvenile justice and to deaths in custody. I commend the previous government for its action. I condemn the current government for its inaction.

Victoria must get its own house in order and identify issues in its own backyard. The honourable member for Sandringham talked about the lockup in Frankston — an area I know well; the overflowing of Victorian prisons; and the reluctance of the current Minister for Police and Emergency Services to undertake a police review, promised in the run-up to the state election, about the overflow of prisons.

I am bitterly opposed to mandatory incarceration. Mandatory sentencing on matters of .05 blood alcohol content and so on already exists in Victoria. If mandatory incarceration legislation appeared in Victoria bipartisan support would avoid it. The negative impact is from those who feel it appropriate to wash Australia's dirty linen in the international arena.

What reason was given by the Northern Territory for introducing mandatory sentencing? I shall quote from a number of articles on this issue. An article in the *Age* of 19 February states, inter alia:

> Calls for tougher sentencing had long been a feature of the Territory's politician landscape. Territory crime rates were

> significantly higher than the national average. Lurid coverage of crime was a staple for the local tabloid. … In a jurisdiction with a population of less than 200 000, politicians are keenly attuned to the concerns of their tiny, 3000-member electorates.

Wouldn't we all like a 3000-member electorate!

> And crime was a big issue.

The then Chief Minister, Mr Stone, is quoted as saying:

> … he intended to implement a 1994 campaign promise of mandatory imprisonment for property offenders.

In other words, he wanted to get tough on crime. If we relate that back to Victoria, one of the things the Labor Party — the current government — was very quick to discuss prior to the last state election was the fact that Victorians wanted the government to get tough on crime — the people wanted everybody to get tough on crime. The problem is that, regrettably, the introduction of mandatory incarceration and mandatory jail terms in the Northern Territory does not appear to have been a deterrent to crime.

An article in the *Age* of 29 February by Petro Georgiou states:

> In Alice Springs, unlawful entry and criminal property damage have risen by 20 per cent since mandatory sentencing started.

We may or may not criticise the right of the Northern Territory to introduce mandatory sentencing and mandatory incarceration laws, but the reasons behind its introduction were probably reasonable. The difficulty is that it does not appear to have had the desired effect. It is not up to Victoria to dictate what should be done in the Northern Territory; it is up to Northern Territorians to say that the elected government had the right to introduce the laws. I do not believe it is appropriate for Victorians, to debate an issue that belongs in either the Western Australian or Northern Territory parliaments.

I shall quote from the second-reading speech on the amendment to the Sentencing Act made on 11 April by Mr Reed, the Northern Territory's Deputy Chief Minister:

> Mandatory sentencing has been in operation for more than two years. It is now appropriate to finetune the regime and ensure that it is operating in the way the government intends. One of the most difficult problems with the present mandatory sentencing regime has been its application to offenders who have been found guilty of multiple offences. It is not uncommon for property offenders to face more than one charge. In fact, some offenders, particularly young offenders, may have accumulated a large number of charges on different informations, complaints, or indictments, and involving many occasions, before appearing before the court for sentence.

To those Victorians who make moral judgments mandatory incarceration may not seem appropriate, but it is not inappropriate if the Northern Territory has decided that it is appropriate for the Northern Territory.

In his passionate fight on behalf of territories and states other than his own, the Attorney-General has brought Victoria's legal system into disrepute. He was very quick to raise the question in this house last week about the actions of the honourable member for Malvern in defending his constituents. I found it most interesting that in his former role as shadow Attorney-General he wrote to the coroner.

Will Victoria's reputation be improved by the passionate screaming and ranting and ravings of the Attorney-General, or will that bring Victoria into disrepute along with the interference by a state or federal government in the government of a state or territory? As a defender of federation there is no question in my mind that the moves made by the Prime Minister to try to come to some reasonable resolution to this matter is the appropriate way to go. It is not appropriate for those of us who do not live in the Northern Territory or Western Australia to impose a form of government and an attitude when we are probably not in possession of all the facts.

Mr MAXFIELD (Narracan) — Mandatory sentencing: what shame it casts on our democratic country! How can we be a fair and decent society when we lock up our indigenous and young people? The Howard government must hang its head in shame. It must show leadership on this issue; it must show compassion; it must show decency. It has a responsibility to all citizens of Australia. The Howard government does not just represent people in Canberra, it represents the entire nation — from Broome to Hobart and all the places in between.

Australia cannot pretend it is a collection of little sovereign countries all over the place. Federation took place a long time ago in a building not far from here. The federal Parliament sat in this chamber for some time. We cannot ignore the fact that Australia is a federation, and a proud nation — although slightly tarnished at the moment in international eyes.

I call on members opposite to condemn the members of the Howard government for what they have done on this issue or, more accurately, their inaction on this issue. They should stop engaging in shady deals to save their own skin. Why is Alexander Downer, the Minister for Foreign Affairs, trying to nobble international

reports? The effect of that on Australia's international reputation concerns me greatly. For example, an article in the *Herald Sun* of 18 March refers to a United Nations report and states:

> Australia was in the same basket as China, Burma and Malaysia in attempting to 'nobble' a United Nations report into mandatory sentencing, human rights commissioner Chris Sidoti said yesterday.

What shame and damnation for our country to be equated with countries such as Burma! The article continues:

> But the most damning sections of the report were excised from its final version, allegedly following intense diplomatic pressure from the Howard government in Geneva and New York.

It is a tragedy that our foreign affairs minister shows such disregard for our international relations. The Minister for Foreign Affairs admitted that Australian officials had been in contact with United Nations officials before the official report was published. Fortunately, some members of federal Parliament who have pride, credibility and responsibility are chasing Downer to find out why he is causing such shame to our international reputation. The article continues:

> Opposition foreign affairs spokesman Laurie Brereton labelled the episode shameful and contemptible.
>
> 'That damning findings by UN officials were abandoned following intense lobbying by Australian diplomats represents a new low point under John Howard and Alexander Downer', Mr Brereton said.

So there are some decent people in federal Parliament who understand our international obligations and responsibilities.

Is there justice in mandatory sentencing laws? I say, no, no, no. How can judges uphold justice when confronted with unjust laws? It is wrong to stop judges considering offences on their merits and using their discretion and experience to deal with the people who come before them for a whole range of reasons. Some are habitual criminals but others have committed an offence for sheer economic circumstances. Tragic situations befall some people — for example, a mother who is desperately trying to clothe or feed her children may make some bad decisions. We know about the Aboriginal child who was jailed for stealing a biscuit. It is a sad society that cannot take some time to find out why the problem occurred and address the underlying cause.

Mandatory sentencing is just applying bandaids to the problem. It is not addressing the problem or dealing with the issue behind crime in our community. Crime is not being dealt with properly. More people are being locked up on the pretence that by locking them up they are out of sight and out of mind. It is a tragic view.

I was brought up to believe in Australia's democratic institutions and the separation of powers. Joh Bjelke-Petersen, a former Premier of Queensland, had no idea what the separation of powers was about. The corruption that came from that attitude permeated through Queensland society causing immense shame and damage to that state. The National Party should be aware of the problems that caused.

Mandatory sentencing blurs the line of the separation of powers. When a person goes before a court under mandatory sentencing, it is not the judge sentencing him or her, it is the Parliament. We must cherish and hold dear the separation of the judiciary from the Parliament because what happened in Queensland is evidence of the failure to honour the separation of powers. I hope all opposition members understand the separation of powers. I know government members certainly do.

Ian Gray was the Chief Magistrate of the Northern Territory when the government introduced the new laws. He raised serious concerns about the introduction of such laws in the Northern Territory. An article in the *Sydney Morning Herald* of 14 March reports that:

> Last year, one Northern Territory magistrate reportedly told the Northern Territory Criminal Lawyers Association that he turned a blind eye to covert deals, such as swapping charges, to avoid the mandatory sentencing laws. Such deals may achieve a more compassionate result but such hidden justice is neither accountable nor transparent.

Why are judges in the Northern Territory enabling underhanded deals to get around what they perceive to be bad laws that they are forced to administer? What a shocking position to find ourselves in today. The article further states:

> 'What is evil about the regime is that there are no options. It becomes an automatic decision; you press a button'. Gray saw it as his duty to oppose the proposals.

That was the Northern Territory Chief Magistrate, who on a daily basis has to deal with those accused of committing crimes. What do other judges around the country say? New South Wales Chief Justice Spigelman is reported as saying:

> The continued existence of sentencing discretion is an essential component of the fairness of our criminal justice system … No judge of my acquaintance is prepared to tolerate becoming an instrument of injustice.

The New South Wales Chief Judge at Common Law, James Wood, says mandatory sentencing risks:

> … presenting a face of justice which is not so much blind, but one that is cruel, ignorant and dismissive of the international treaty obligations which this country has adopted.

I congratulate the Attorney-General, Rob Hulls, on standing up strongly for an issue in which he firmly believes. Rob Hulls is a man of immense principle and probably one of the best attorneys-general the state has ever seen. His attitude certainly shows that he is a man of fine principles.

What about the deal done over the past few days between John Howard and Denis Burke on mandatory sentencing? Is it a sham? Has the deal changed anything other than saved John Howard's skin when members of his party were threatening to cross the floor? Has he done a sleazy deal or has he shown truth and honesty? Does the deal do anything about the discriminatory and inhumane effects of mandatory sentencing? No, it does not. The deal was about saving his own skin and not about looking after our indigenous youth who are subjected to mandatory sentencing. The Prime Minister was happy to do a deal to save his own skin and protect his government, but sadly he is not willing to look after the youth and indigenous people who are affected by this major problem.

In Victoria we hear echoes of the comments of Social Justice Commissioner Bill Jonas when he said:

> The passage of overriding legislation by the commonwealth would send a clear message to the states and territories that they do not have unfettered powers to introduce laws that further disadvantage indigenous Australians. Mandatory sentencing laws are the antithesis of social justice.

We are not just individual states or territories. As a society we have an obligation to carry on in a manner that reflects on us all, not just on individual states. I do not regard myself as a Victorian first; I regard myself as a citizen of this fantastic country of Australia. We are all citizens of Australia. I have a great loyalty to Victoria — it is a wonderful state — but I am concerned about the stain this places on our country.

Mr McINTOSH (Kew) — I refer to comments made by the honourable member for Narracan and remind him — and it may be that I am just an old barrister who is a little concerned about some of the irrelevancies he was talking about — that we are a federation and have sovereign power to legislate on certain things depending on the interpretation of the constitution. The provision of criminal legislation is the purview of the states: it was always intended to be and always will be the purview of the states. Unless we have some form of constitutional reform we should support the sovereign power of the states to legislate on criminal activity in their own jurisdictions.

The importance of that is paramount when one examines mandatory sentencing. Through constitutional history, in England, Victoria and Australia, mandatory sentencing has not been completely unknown to the common law. As the honourable member for Mildura said, once upon a time in this state — up until the early 1980s — there was a mandatory death penalty for a conviction for the crime of murder. Mandatory life imprisonment has only recently been altered in Victoria. There is now full discretionary power over the charge of murder, so no longer is a person inevitably sentenced to death or life imprisonment.

Mandatory sentencing has taken hold in a number of areas, such as speeding offences and other minor summary offences. However, this jurisdiction has led the way on indictable offences with the abolition of any form of mandatory sentencing that leads to incarceration.

What is wrong with mandatory sentencing? Because of my background I am morally and philosophically opposed to it for many reasons. Mandatory sentencing is wrong because it does not prevent crime. A recent report issued by the Australian Institute of Forensic Science states that while there is an argument for mandatory sentencing it exists only at the margins and that on balance the deterrent allegedly provided by mandatory sentencing does not work.

The Northern Territory has the power to legislate on crime. Unlike Western Australia it is not a state and remains subservient to the commonwealth government. An appalling, unstoppable precedent would be set if the commonwealth started legislating to invoke international treaties as a justification for altering the law.

It is far better to go through the political process to change an issue with which one disagrees. Although it does not necessarily make it right, I understand there is overwhelming popular support for mandatory sentencing in both the Northern Territory and Western Australia. I will bet my bottom dollar that an overwhelming number of Victorians would like to see the reintroduction of the death penalty for certain murder cases. I am opposed to the reintroduction of the death penalty at any stage.

The cost effectiveness of mandatory sentencing is also questioned. In my humble opinion moneys spent on jails, cells and caring for prisoners would be better spent on education, counselling, early intervention and diversionary programs for which the commonwealth has now committed $5 million in the Northern

Territory. Those programs provide for a more efficient and effective allocation of funds.

Perhaps for a lawyer the most interesting aspect of mandatory sentencing is that it removes a fundamental thread that has existed in the common law and been adopted in Australia with acclamation — that is, the discretion provided to judges. That discretion has been repeatedly exercised in both criminal and civil areas. One has the ability to attend court to apply for an injunction in a civil case or the opportunity of putting a plea before a judge for offences including murder and receiving a bond in certain circumstances. The individual application of the law and what is right and just is taken into account in assessing those circumstances. Mandatory sentencing impinges on judicial discretion.

Earlier speakers have referred to the United Nations committee on the elimination of all forms of racial discrimination. In the Northern Territory and Western Australia mandatory sentencing applies to indigenous Australians in far greater proportion than it does to non-indigenous Australians, and it is that which the committee finds offensive. That aspect goes to the nub of Victoria's reputation.

Although the Attorney-General is not in the house to hear speakers from both sides, he has said that mandatory sentencing offends him and has labelled it as both racist and discriminatory. However, figures from his department show that the Victorian criminal justice system provides an incarceration rate for non-indigenous Australians that is 13 times less than for indigenous Australians. To reverse the figures, indigenous Australians are incarcerated at a rate 13 times higher than non-indigenous Australians. In Western Australia that figure is 21 times. Those figures are incredible.

If discrimination exists in the Northern Territory criminal justice system — not just the mandatory nature of the sentence but its application — that application also applies in Victoria. If the Attorney-General decries the Northern Territory and Western Australian criminal justice systems as being discriminatory and racist, he fails to see that Victoria also has a large plank in its eye. Let he who is without sin cast the first stone. The Attorney-General cannot hold his head high and say with pride that he has given conscious thought to the issue.

The rhetoric is unbelievable and I find his bleating about the issue offensive. For seven months a well-researched, well-discussed and well-documented Aboriginal justice plan commissioned by the former Attorney-General has remained on his shelf. The very plan agreed to by the community, Aboriginal groups, the Department of Justice and the Attorney-General to deal with the problem of lowering Victoria's incarceration rate from 13 to a decent figure has just remained on his shelf.

It is the way criminal justice is applied that is offensive. The Attorney-General should look at what is happening in Victoria instead of throwing stones all over the place. Instead of acting like a bull in a china shop he should do something about the way criminal justice is applied in this state. Until he does so he will not be entitled to be known as the chief law officer of Victoria.

Ms DELAHUNTY (Minister for Education) — I rise with a heavy heart to join the debate on mandatory sentencing laws, the impact they are having on Victoria's legal system and the reputation of Australia in the eyes of both Australians and others around the world. Many honourable members have joined the debate with tremendous good will, and I will challenge a couple of points raised in that spirit.

Human rights do not stop at the River Murray. Regardless of the judicial or political systems by which our states and territories are circumscribed it is hoped that all Australians share agreed moral and civic values and concur on human rights agreements, and that those values are not proscribed by any arbitrary state boundaries.

This is not a constitutional argument, as the honourable member for Kew would have it, but a moral argument. It is a moral argument about laws that diminish us all because they breach human rights and because they are a mean, nasty and an unproductive quick fix for a law-and-order problem that is a symbol of social schisms that many in our society want to turn their backs on. Legislators, whether in this state or any other, cannot turn their backs on those social problems and pretend that a judicial answer which breaches basic judicial traditions will solve them.

Honourable members have heard that the Northern Territory and Western Australia have crude and, if I may say so, craven laws to deal with a law-and-order problem. They have also heard that since the introduction of mandatory jailing — let us not gild the lily, because this is about jailing kids for stealing crayons — there has been an increase in crime in the Northern Territory of up to 20 per cent. If there were to be a solution for the law-and-order problem in the Northern Territory — it does exist, as the honourable member for Mildura pointed out — the laws we are debating would not be it. They are not solving the

problem the Northern Territory government and other supporters of such crude and craven laws would have us believe is the reason for their existence.

The debate is not about law and order but about governments and citizens turning their backs on problems which exist in society and which have been caused throughout Australia's history by its citizens refusing to face the fact that in the past they stole the land and children of indigenous Australians and that in two Australian jurisdictions they are stealing their rights now by jailing children for stealing crayons and cordial.

The situation diminishes us all as citizens of a supposedly civilised society and of the world. It diminishes us all whether we live in Victoria, the Northern Territory or elsewhere. Like other honourable members I am embarrassed and ashamed that the Human Rights Commissioner for Australia, Chris Sidoti, would have to say that by the action of the federal government in trying to water down its report on the laws in the Northern Territory and Western Australia, Australia has adopted the tactics of some of the worst human rights abusers in the world. As Australians we should hang our heads in shame.

I return to the central point. This can be approached as a legal issue or as a constitutional issue, but that would miss the point. For Australia's indigenous population the death in custody of a young Aboriginal boy last month in the Northern Territory is nothing new. In the 1980s some 100 Koori Australians lost their lives in the same circumstances in jails. In the 1990s a further 147 Koori Australians lost their lives in bleak prisons and detention centres around Australia. In the past 20 years Australian authorities have had their attention drawn repeatedly to the fact that Koori Australians are vastly overrepresented in the criminal justice system. It is known they are overrepresented because indigenous Australians continue to suffer the economic and social disadvantages and the discrimination that they have suffered since white man first came to the continent.

In 1991 the Royal Commission into Aboriginal Deaths in Custody made a series of recommendations to all state, territory and federal governments. A major recommendation was that imprisonment or detention should be a sanction of last resort. That has been ignored in the passing of the relevant laws in the Northern Territory and Western Australia. Other recommendations were that diversionary programs, such as cautioning and family conferencing, must be introduced to keep offenders out of the formal court system; that non-custodial sentencing options must be looked at before the consideration of imprisonment or detention is reached; and finally, that laws and policies on sentencing must be developed in consultation with local communities.

Australia is a signatory to the international covenant on civil and political rights. Australians cannot walk away from that fact and pretend it did not happen or that it happened in another generation. Because it signed the covenant Australia is responsible for it and must adhere to it. Central to that principle when it is applied in the area of juvenile justice is that society must look after the best interests of the child. To throw a child into prison for stealing crayons, cordial or food is not looking after the child's best interests. The spectrum of recent judicial decisions is ludicrous and shameful.

All honourable members would be aware of the incisive cartoon that appeared in the newspapers some weeks ago portraying the image of Alan Bond walking out of prison in Western Australia while in the corner was the cartoon character of a young black boy being incarcerated for stealing a crayon. That is why this issue is not a constitutional issue; it is a moral issue.

Today, members of the Koori community who live in my electorate, the mayor of Darebin, Cr Tim Laurence, and the chairperson of the Darebin Aboriginal Reconciliation Working Party, Mr Reg Blow, are holding a press conference to say publicly that the federal government has neglected its international obligations and has turned its back on Aboriginal Australians by not expressing its sorrow over the stolen generation and not intervening with its moral force to remove this blight on our judicial system.

The press conference will also highlight what occurred at the reconciliation convention in May 1997, when a quarter of the Aboriginal delegates turned their backs in silent protest on the Prime Minister, who was ranting and raving at the podium about a 10-point plan while studiously ignoring the fact that as the leader of the federal government and Prime Minister of this country he had a moral and legal responsibility to ensure that Australians adhered to their moral obligations.

We have stolen their land; we have stolen their children. We should not now steal their human rights.

Mr RYAN (Leader of the National Party) — I make it very clear from the outset that I am opposed to mandatory sentencing and everything that travels with it. It does nothing to add to the operation of law in any jurisdiction; rather, it detracts from the operation of law as society should properly apply it.

Having made that position clear, I am uncertain how this matter has made its way before the house today — that is, trying to establish the nexus between the basic

position of opposing mandatory sentencing and Victoria's legal system. Across the broad spectrum of politics in the state there is unanimous opposition to mandatory sentencing. The present legal system does not accommodate mandatory sentencing as part of its fabric; and equally, in its law-making capacity the Parliament is unanimously against mandatory sentencing.

One is inevitably led to the conclusion that members of the government, particularly the Attorney-General, are using the floor of the house to develop a political issue that is not otherwise an issue in Victoria. This debate is being used to further the intentions of the Attorney-General, as was exhibited during the course of the recent conference of attorneys-general. He wants to push the barrow on behalf of the Labor Party in an environment where he knows full well that there is a united view across the Victorian Parliament against the notion of mandatory sentencing.

In many respects what the Attorney-General is doing is fine, because I understand the tactic that is being employed. It is one that governments of all persuasions have used — that is, having generalist debates to make their cases in what they consider to be a populist fashion. It is unfortunate that that method is being adopted in a debate on an issue that is crucial to the nation and to society. It is unsavoury for the Attorney-General and the government to use the issue for their own purposes.

The concept of juveniles being subject to mandatory sentencing is, as I said, repugnant to me. On the contrary, I am a great believer in judicial discretion. In the years that I practised law I always believed the courts are best placed to make judgments about the individuals who come before them and to deal with their cases on their merits. It seems to me to be a contradiction in basic judicial terms to say an individual cannot be dealt with that on that basis.

I appreciate that in other areas of law there have been many instances of absolute statutory liability. The courts adopt mandatory positions on traffic infringements — for example, drink-driving, speeding fines and such matters — based on a statutory structure that endorses the application of laws on a basis other than the merits of the case. But to have that apply to juveniles in the criminal justice system is repugnant. Juveniles who come before the courts, particularly juveniles from indigenous communities, should be able to have their cases dealt with on their merits.

As the debate has unfolded honourable members have heard various stories of how different people in different jurisdictions have mandatory terms of imprisonment imposed on them simply because the statute under which they are sentenced is based on the notion of three strikes and you are in. The people who are subject to the process therefore find themselves imprisoned for the most minor of offences that would otherwise attract minimal condemnation. I reiterate that that is a complete misapprehension of how our laws ought properly function.

Under governments of all persuasions the Victorian community has taken an extremely responsible attitude to the issue, which comes up from time to time. Bearing in mind those who have generated the debate, I understand that the leader of the Western Australia Labor Party supports mandatory sentencing because it is considered to be popular in the community in which the laws apply. Having the debate in that context demonstrates once again the fickle nature of politics — and of the government. That does not detract from the fact that the community has consistently said to governments of all persuasions that mandatory sentencing ought not be part of our judicial system.

The issue has arisen nationally because of its application to indigenous communities. I endorse the comments of other speakers about the necessity to ensure that laws apply fairly to all members of our community. When you consider the figures you see the impact that laws such as this have on indigenous societies. It is wrong, and it should not be countenanced. That is why I say that not only the judicial system but the community at large function best if the courts have available to them a sentencing regime that gives them the flexibility to deal with individual issues in a manner they consider appropriate in the circumstances. Imprisoning someone because of a statutory regime that is unrelated to the offence the court is dealing with at the time is the wrong way to go.

I also recognise that there are different views about the matter in different parts of the nation. But we are members of the Legislative Assembly of Victoria, and we are debating this matter of public importance on behalf of the Victorian community. We are doing that in the context of the community having repeatedly told governments of whatever political persuasion that mandatory sentencing should not be part of the structure of our society. It is to the great credit of Victorians that such is the case. For my part I certainly hope that situation continues. I am pleased to say that despite the words proposed by the honourable member for Richmond there is, as I understand it, no move in the Victorian community to countenance any other option than that which currently prevails under Victorian law.

I support the concept contained in the matter of public importance. However, I regret that an issue so vital to the way our society functions has been used and misused by the government and the Attorney-General for their own grubby ends.

The SPEAKER — Order! The honourable member for Frankston East has 7 minutes.

Mr VINEY (Frankston East) — I am proud to support the intent of the matter of public importance proposed by the honourable member for Richmond. I condemn on a series of grounds the mandatory sentencing laws in the Northern Territory and the failure of the commonwealth government to act to have them removed.

I am surprised by the suggestion by the Leader of the National Party that this is a political tactic on the government's part, given that mandatory sentencing and the Prime Minister's failure to do anything about it are part of the most cynical political exercise seen in Australia for many years. As was noted in last weekend's *Age*, the Prime Minister's behaviour reflects what is described in America as classic dog-whistle politics. The Prime Minister is sending out a message to people who can hear only the sound of the dog whistle.

Those American-style push-polling tactics are typical of the degrading, grubby political tactics of the other side. The Prime Minister's dog-whistle politics introduced into Australia by mandatory sentencing on the one hand gives the community the impression that the policy is not supported but on the other hand fails to acknowledge that the policy is degrading the country's judicial system.

The Leader of the National Party has suggested that the matter is not relevant because there is no proposal to have such laws introduced in Victoria. He misses the point that Victoria's justice system is diminished by the fact that mandatory sentencing has had a terrible impact on the reputation of Australia's judicial system. The mandatory sentencing laws in the Northern Territory fly in the face of good social policy. What is the point of having a justice system which has no flexibility and in which judges and magistrates are suggesting that the judiciary needs to take a stand against the laws?

In my experience there has scarcely been an instance of a judiciary in Australia standing up against a set of laws imposed by a legislature, but that is what is happening in the Northern Territory now, because the laws of that territory have brought its judiciary to that point.

I lived in the Northern Territory for about a year in the 1980s and worked in Darwin. I worked for about six months on a key project to set up an Aboriginal youth outreach program. That project expressed the kind of policy that mandatory sentencing completely ignores. We used a 24-seater bus to visit young Aboriginal people in their communities and take them to safe venues. Too many of them were living in unreasonable and unsafe environments, often homeless, often without adequate safety supports. Mandatory sentencing uses a blunt instrument to beat such young people. The young people I saw are typical of those being beaten into submission by that blunt instrument.

Mandatory sentencing is the creation of a lazy, inconsiderate government that cannot be bothered to establish decent social policies to look after the most disadvantaged in the community. It stands condemned not only by this and other parliaments in this country but, more importantly, by the international community. It is a cowardly, lazy policy.

I said at the outset that this debate is a response to the dog-whistle politics of the Prime Minister. Having spent quite a bit of my time working in the Northern Territory with young Aboriginal people — —

The SPEAKER — Order! The honourable member for Tullamarine and the Minister for Finance will not cross between the Speaker and the Chair.

Honourable members interjecting.

Mr VINEY — I am prepared to say — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr VINEY — This is an important issue. The Leader of the Opposition interjects because he does not want to listen to what I have to say. I wish to say what the Prime Minister is not prepared to say to the indigenous people of Australia — namely, 'I am sorry'. The Prime Minister has refused to say those words. I am sorry for what has happened to the indigenous people of Australia, and I am ashamed of what has happened with mandatory sentencing.

The situation with mandatory sentencing is no different from the matters we used to discuss as kids. We used to laugh about convicts being sent to this country for stealing a loaf of bread, now we see young aboriginals locked up for stealing a packet of biscuits.

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

Debate interrupted pursuant to sessional orders.

RESIGNATION OF MEMBER

Mr McNAMARA (Benalla) (*By leave*) — Mr Speaker, parliamentary colleagues, I have had the privilege of serving this Parliament for 18 years, a rare privilege that we share. It creates great opportunities for us all to serve our community, as well as giving us some unique memories.

In that 18-year period I have had 11 years as Leader of the National Party and 7 years as Deputy Premier. No-one outside politics can fully understand the sorts of things you do in this job or the experiences you have. Some experiences are good, some bad, but all are memorable.

I have decided today to formally tender my resignation as the member for Benalla. I look forward to spending more time with my wife, Merryl, and my family. I also look forward to doing a number of things outside politics.

I hope good genes flow strongly through our family. My father is 95 and still runs a real estate business — although he did give up running auctions when he turned 90! At the age of 50 I am looking forward to further challenges.

I thank my wife, Merryl, and the family for the great support they have given me in this job. None of us could carry on the role of a member of Parliament without the support of our spouses. It is particularly hard on the spouses of members in rural electorates who have office-bearing positions and have to base themselves in Melbourne. Other members of their families have to carry on handling all the jobs at home, not just the jobs they would normally do but the member's jobs as well.

As party leader over an 11-year period I averaged about one night a week at home. That emerged when we went through the diaries recently. I am looking forward to changing that. Perhaps I will be able to advise honourable members in a few months' time whether Merryl also sees that change as a benefit.

I acknowledge Jan Gales, my personal assistant and secretary for 11 years. Jan organised me and made sure I got to appointments on time, or at least as close to time as possible. I appreciate her support over that period.

I thank the constituents of the electorate of Benalla. The boundaries have changed marginally over the years, but it has always been a fantastic area to represent. I appreciate the support they have given me in every election since the first one I contested back in 1982.

At times you get frustrated and angry with people in this job. Early in the piece I was given some advice that no doubt applies to any walk of life: you can be cranky with someone in a debate in the house or on an issue that does not go the right way — maybe even with one of your colleagues — but if you are still cranky the following day the problem is not with the other person but with you.

One of the great things I have appreciated about my time in Parliament is that I have made many friends, I hope within my party but also among my Liberal colleagues, with whom I had the opportunity of sharing a coalition for nine years, and in the Labor Party. Sometimes making friends involved meeting people through parliamentary committees. In the early days I was on the Budget and Expenditure Review Committee for six and a half years. Later I had an issue with the chairman of that committee, a former honourable member for Essendon, when he developed a taste for cheese! The members we have met and the friendships we have made will carry us through our lives in the future.

We can all be overly sensitive at times. In the 18 years of my time at Parliament I have been insulted by people who may be said to be experts, but I have never requested an apology for anything said about me. Members must get on with the business and carry on with their roles.

In north-eastern Victorian — a couple of my colleagues share the representation of that area with me — the economy is probably stronger than in any other area of country Victoria. The rate of unemployment in the Benalla electorate is down to 4.8 per cent, which is probably about two-thirds of what it is in metropolitan areas. It is possible to achieve an even lower rate. One municipality, the Shire of Alpine, claims to have the lowest rate of unemployment of any municipality in Victoria — it is between 3 and 3.5 per cent. That level of employment is based on good, sound agricultural industries, but also on some terrific tourism development.

I represent an area that consists of towns such as Bright that were better known 20 or 30 years ago as tobacco towns; others that were better known as cattlemen or timber towns, such as Mansfield; and other places, including Marysville and my home town, Nagambie. I know over the next few weeks, particularly over the Easter period, it will be a struggle for the candidates in the coming by-election to identify which people are locals and which are tourists, because the tourists will outnumber the locals by about 5 to 1 in many of those townships. The increase in tourism has been

tremendous for those rural economies because it has meant a diversity of employment.

Tourism development is at a good stage in Victoria. In the coalition's first term in government I had the privilege of being the Minister for Tourism. More domestic tourists now holiday in Victoria than Queensland. My electorate has tourist attractions such as those recommended by the Victorian Winery Tourism Council, which I suppose I have some small interest in. Some 2.5 million tourists come from within and outside Victoria to visit the wineries in the country. That is exceeded only by the number of visitors to the Melbourne Cricket Ground during the football season, which we put down under the heading of a religious festival, so the number of winery tourists is significant.

The Benalla electorate has great tourism diversity — the snowfields of Mount Buller, Mount Hotham and Lake Mountain near Marysville, and the various wineries, national parks, waterways and the other attractions around them. We need to try to build on the strong base that already exists in that part of Victoria.

The area also has a significant number of producers for world food export markets. The fact that over the past six or seven years the area experienced growth in food exports from $2 billion to $4.5 billion means we are on target to achieve the aim of $12 billion. I compliment the government on taking up the challenge of increasing food exports to that amount.

Victoria is probably in as good a financial position as we are ever likely to see it in. About six or seven years ago Victoria had a debt of about $32 billion; it is now back to $5 billion. I would like to be coming into government now! If one compares the annual deficit of $2.5 billion before the former coalition government came to office with the current surplus of more than $1.8 billion, one sees that this is a great time to be in government.

Some great things can still be achieved for Victoria. We cannot get the State Bank back — that is gone — but we can do other things and look at other opportunities to create a better community.

I am particularly fortunate to have had the opportunity of representing my community for 18 years, to have been selected as leader of my party for 11 years and to have had the extraordinary privilege of being Deputy Premier of Victoria for 7 years. During that time Victoria experienced some of the most dramatic changes it has ever seen. Many issues were addressed and there were many reforms during that period. Victoria is in the strongest economic position of any state of Australia over the past 50 years. The challenge for us all as parliamentarians is to ensure that Victoria stays at the forefront and that it continues to lead the charge.

I gave an undertaking to my party that I would step down when I found a candidate for my electorate who I believed would make a strong contribution to Parliament. Bill Sykes is such a candidate. He is now in the position to tackle the challenges ahead of him: being elected at the by-election and representing a constituency in Parliament.

I advise you, Mr Speaker, that I will formally tender my resignation towards the end of government business today. I have many fond memories of my time here. The secretary of the St Patrick's Day society, Tony Sheehan, and I look forward to joining members of both sides of the house on 17 March 2001. We have had some memorable evenings — some more memorable than others. Most honourable members have been able to recover from those evenings.

An Honourable Member — The ones we can remember.

Mr McNAMARA — Yes, the ones we can remember. We look forward to continuing that association in the future.

As I said, the period I have spent in the Parliament has been interesting, and I look forward to the challenges life will offer me in the future.

I again thank honourable members for their forbearance in giving me the opportunity to make this statement. I wish honourable members all the best in the future. Thank you.

Honourable Members — Hear, hear!

ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

> That I have leave to bring in a bill to amend the Environment Protection Act 1970, the Alpine Resorts (Management) Act 1997, the Magistrates' Court Act 1989 and the Environment Protection (Amendment) Act 1999 and for other purposes

Mr PERTON (Doncaster) — I ask the minister to give the house an explanation of the content of the bill.

Ms GARBUTT (Minister for Environment and Conservation) (*By leave*) — The main content of the bill concerns enforcement and penalties involved in environmental issues.

Motion agreed to.

Read first time.

EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Equal Opportunity Act 1995 to prohibit discrimination on the basis of gender identity or sexual orientation and for other purposes.

Read first time.

ACCIDENT COMPENSATION (COMMON LAW AND BENEFITS) BILL

Introduction and first reading

Mr CAMERON (Minister for Workcover) introduced a bill to amend the Accident Compensation Act 1985 to restore common-law actions for damages with effect from 20 October 1999, to increase compensation for non-economic loss and to make miscellaneous amendments to that act, to amend the Dangerous Goods Act 1985, the Transport Accident Act 1986, the Accident Compensation (Workcover Insurance) Act 1993 and the Extractive Industries Development Act 1995 and for other purposes.

Read first time.

NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL

Introduction and first reading

Mr BRUMBY (Minister for Finance) — I move:

That I have leave to bring in a bill to make further amendments to state legislation as a consequence of national taxation reform and for other purposes.

Ms ASHER (Brighton) — Mr Speaker, the notice paper does not indicate which acts the Minister for Finance seeks to amend. Can he advise the house which acts the bill seeks to amend?

Mr BRUMBY (Minister for Finance) (*By leave*) — A number of acts are amended by the bill. I understand the acts are identified in the documentation provided to the house.

The SPEAKER — Order! The words that appear on the notice paper as the long title of the bill are provided by parliamentary counsel and are acceptable.

Mr McArthur — On a point of order, Mr Speaker, the request made by the Deputy Leader of the Liberal Party is simple and reasonable. The bill the minister has given notice of apparently amends a number of acts of Parliament. All the Deputy Leader has asked is that the Minister for Finance tell the house which acts the bill amends. Given that he is the minister in charge of the bill, I would have thought that would be a simple request to answer.

The minister has carriage of the bill, which comes within his finance portfolio responsibilities. If he is unable to advise the shadow Treasurer and Deputy Leader of the Liberal Party what acts of Parliament are being amended by the bill, I wonder what on earth he is doing. The request was a simple one, and the minister should be in a position to tell honourable members what legislation is being amended by the bill so they can at least start to prepare for debate on it, as there will be a very short time for preparation. Perhaps the minister could assist honourable members to prepare for the debate.

The SPEAKER — Order! I am prepared to rule on the point of order and will hear no further submissions on it. The procedures of the house allow for a member to require a minister to provide a brief description of the bill being proposed. The Deputy Leader of the Opposition took that opportunity and the minister provided a brief description. There is no point of order.

Motion agreed to.

Read first time.

PLANNING AND ENVIRONMENT (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Planning) — I move:

That I have leave to bring in a bill to amend the Planning and Environment Act 1987, the Building Act 1993, the Prostitution Control Act 1994, the Residential Tenancies Act 1997 and the Subdivision Act 1988 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to give the house a brief explanation of the bill.

Mr THWAITES (Minister for Planning) (*By leave*) — The bill makes a number of amendments in order to make building permits more consistent with planning permits. It will introduce a number of changes to increase penalties for breaches of planning legislation. It makes statutory law revisions in relation to the Residential Tenancies Act and the Subdivision Act and also increases penalties in the Prostitution Control Act.

Mr McArthur — On a point of order, Mr Speaker, the opposition welcomes that brief explanation, which was provided as it should be by the minister, which is in direct contrast with the actions of the Minister for Finance, who was unable to do so.

The SPEAKER — Order! There is no point of order.

Motion agreed to.

Read first time.

RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL

Second reading

Debate resumed from 15 March; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr PERTON (Doncaster) — The Renewable Energy Authority (Amendment) Bill is a minor bill — extraordinary in a time when greenhouse gases and environmental issues are so much in the minds of business and industry and the responsibility of the Victorian populace under the Kyoto accord and to future generations is so much at the forefront of international and national politics.

The bill merely changes the name Renewable Energy Authority Victoria to Sustainable Energy Authority Victoria. My colleague the shadow minister for natural resources and energy, the Honourable Philip Davis in another place, said of the bill:

> It is interesting to observe that the more things change, the more they stay the same. The initial legislation, the predecessor to the principal act, constituted a body entitled the Victorian Solar Energy Council. That legislation, the Victorian Solar Energy Act 1980, was repealed in 1990, and the Renewable Energy Authority Victoria Act was implemented. Renewable Energy Authority Victoria subsequently took the business name Energy Efficiency Victoria to present itself publicly as a trading entity.

Policy in this area ought to be bipartisan and political parties ought to work together. It is a sad reflection on the state of Labor Party politics that its most impressive act is a change of name. The honourable member for Seymour is in the house sharing the disappointment — he made stronger commitments to his constituents.

The former Liberal government was committed to the reduction of greenhouse gas emissions following its assessment of the available scientific evidence that the greenhouse effect is important. The government produced material for the benefit of the public explaining why the government thought it an issue. A guide published in the *Herald Sun* last year states:

> There has been much discussion and debate in the past few years about the greenhouse effect and the ways it can impact on the earth's climate. While the full impact of climate change on the planet is still being investigated, there is no doubt that the concentration of greenhouse gases in the atmosphere is increasing.

The article went on to indicate that the largest proportion came from stationary energy and the second-largest proportion came from transport industries.

From its findings the Kennett government indicated to the community that most of the greenhouse gases in Victoria are emitted from the production of energy-generating electricity, petroleum refining and the direct use of fuels in industry, commerce and homes. The second greatest source was from transport motor vehicles, rail, air travel, shipping, industry, iron and steel, aluminium, food and beverage production and waste — that is landfill emissions and waste water treatments.

In this area the Kennett government was regarded as a national leader. The previous Premier said:

> Although the impact of climate change is still uncertain, the costs of increased global warming are potentially high. So it is important for everyone to work together and take action to manage greenhouse gas emissions and reduce the risks of climate change.

Yesterday in my address to the house on the Flora and Fauna Guarantee Bill I made it clear that the previous Liberal government and the coalition government that followed it were strong in this area of policy — much stronger than the Labor Party has ever been. I referred to the fact that former Liberal Premier Dick Hamer established the Environment Protection Authority (EPA), which has done so much to ensure that air quality in Victoria is good and remains better than that

in most other parts of the country and other parts of the world.

The 1999 election policy of the Kennett government was built upon the August 1998 action plan entitled 'Victoria's greenhouse action — responding to a global warning'. The document stated the then government's commitment to addressing climate change issues; outlined initiatives that contributed to Victoria's action; set priority areas for future investment; and identified funding for a number of initiatives.

In its election policy manifesto the coalition government also committed an additional $2 million per year to Energy Efficiency Victoria, which doubled its existing budget.

The federal government praised the former coalition government's commitment to the reduction of greenhouse gases, as evidenced by the former government's Energy Smart Business program. In 1998 that program had more than 300 companies as members, all committed to implementing energy management strategies within their business operations.

As I have travelled around the state and met with businesses to discuss these issues it has been very interesting to see the commitment of major industry in Victoria to reaching a satisfactory solution to the greenhouse problem. There is a genuine commitment by companies such as BP, for instance, which has international and national programs for better quality fuel, to reduce the emissions from motor vehicles and truck transports. Yesterday I met with the RACV, which is working with its members and the community to ensure that cleaner fuels are produced and that drivers are encouraged to have their cars tuned.

One of the very important things the government must do in this state is acknowledge that government is not the answer to the greenhouse gas emissions problem. I know it is a function of the Labor philosophy to think government is the answer. I will not go as far as Ronald Reagan and say that government is the problem, but in this instance government can do very little because the most avoidable greenhouse gas emissions in this state actually occur as a result of the activities of ordinary citizens, whether it is those romantics in our community who enjoy log fires, those people who use motor vehicles that are larger than they need or even those engaged in modern architecture who create large buildings with large windows without providing appropriate curtains or drapes to ensure that heat and energy are not wasted overnight.

The Kennett government's policy on the reduction of greenhouse gases was very much based on the leadership and forward thinking of Sir Rupert Hamer and his Liberal government of the 1970s, which introduced the Solar Energy Council Act. Having gone back through the records — 23 years is probably a long time in anyone's memory — I found that as early as March 1977 the Hamer government was offering to help finance solar energy research at the Australian National University, with Sir Rupert saying the government would do everything within its power to develop alternative energy sources and resources.

In May 1977 Sir Rupert Hamer announced the members and terms of reference of the new Victorian Solar Energy Research Committee, which was set up to review all solar energy research being carried out in Australia and Victoria particularly and to advise the state government on the best way to support the most promising lines of research. The committee was also to act as the official government body for publicising the use of solar energy by the public and industry. An article in the *Age* of 2 May 1977 states that Premier Hamer recognised that solar power:

> … cannot be the whole answer, but properly harnessed it might be able to meet between 5 and 10 per cent of our energy needs.

In December 1978 Sir Rupert spoke at the Energy Today seminar sponsored by the then Gas and Fuel Corporation. That seminar was part of the corporation's Energy Management Week. He also announced that $370 000 of taxpayer funds was to be spent on solar energy projects and was reported in the *Sun* of 20 December 1978 as saying:

> In a continent like ours we ought to devote more time to solar energy.

Dick Hamer became known as an energy-saving Premier who identified the potential of non-traditional sources of power. In 1978 he announced that the expense of running government car fleets would be reduced by introducing more four-cylinder cars. A small car directive was issued in June 1979 ordering that one in three government cars have small four-cylinder engines. That was reported in the *Sun* of 20 December 1978.

To conclude on the contribution of Sir Rupert Hamer in this area of policy — I note that the honourable member for Tullamarine, who paid tribute last night to Premier Hamer's contribution in this area of policy, is present in the chamber — in 1979 he opened the state government-sponsored Solar Energy Today conference at Melbourne University saying that Australia would

need an industry greater than that now producing cars for sun power to supply 10 per cent of energy needs. He identified that Victoria, despite its size, with coal, oil and natural gas reserves could not afford to be complacent about energy. That was reported in the *Herald* of 19 February 1979.

It is not just my assertion that the Kennett government was very good in this area of policy; the cabinet secretary, the Honourable Gavin Jennings in the other place, has gone on the public record as saying that the outgoing government served Victoria well and that the Renewable Energy Authority had its virtues and played a significant role as a proponent of efficient energy use and in promoting the development of renewable energy technology in this state. He went on to say that, under the Kennett government, if left to its own devices one would anticipate that the initiatives undertaken by Energy Efficiency Victoria would lead to a reduction of 2.6 million tonnes of carbon dioxide emissions over the next 10 years and that that contribution should not be ignored in the context of the debate but should be acknowledged and applauded. I thank the cabinet secretary for his applause for the previous government's work.

The cabinet secretary also said the Labor government recognises the initiatives of the outgoing Kennett government. He mentioned that in August 1998 the former government responded to the global warming issue by releasing Victoria's greenhouse response action plan, which acknowledged that the Kyoto target was fair but challenging.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.04 p.m.

QUESTIONS WITHOUT NOTICE

Industrial relations: 36-hour week

Dr NAPTHINE (Leader of the Opposition) — Can the Treasurer advise the house of estimates provided to him by his department of the additional cost to Victorian taxpayers on government construction projects after the implementation of the 36-hour week?

Mr BRACKS (Treasurer) — I can advise the Leader of the Opposition that the Property Council, among others, has done an assessment of the recent agreement signed by the Master Builders Association, major contractors and the unions involved, and it estimates the increased cost will be about 5 per cent a year up to 2003, which leaves the building costs of Victoria lower than New South Wales and gives us a competitive edge.

Ballarat: war memorial

Ms OVERINGTON (Ballarat West) — I refer the Premier to the fact that more than 30 000 Australians have been prisoners of war, from the Boer War to the Korean War, from Europe to South-East Asia. Will the Premier inform the house what action the government is taking to recognise Australia's prisoners of war?

Mr BRACKS (Premier) — Australians owe a great debt to those who served our country in times of war. From the Boer War to the Korean War, from Europe to South-East Asia, and in varying degrees of humanity more than 30 000 Australian men and women were incarcerated in prisoner of war camps. Almost one-third of those Australian men and women paid the ultimate price for their service to our country.

The honourable member for Ballarat West has led a campaign to establish in Ballarat an Australian memorial to prisoners of war. I congratulate her on that campaign. Such a memorial does not exist anywhere in Australia.

Mr Honeywood interjected.

Mr BRACKS — Of course it does. I did not include every war. I said 'South-East Asia'.

Last month, with the honourable member for Ballarat West, Mr Caligari and other local people who are pushing for this memorial Australia-wide, I visited Ballarat and the proposed site of the memorial paying tribute to Australian prisoners of war. Regional Victorians have made a great contribution to Australian defence forces and their efforts abroad ever since the Boer War, and many have suffered the fate of being incarcerated as prisoners of war during that time. An Australian memorial in Ballarat would be a fitting tribute to Australian prisoners of war and recognise the role of regional Australians in those campaigns overseas.

I announce today that the Victorian government will commit $50 000 to the proposed national prisoners of war memorial in Ballarat — one for all Australians. I have also written to other premiers and chief ministers of territories asking them to contribute an equal amount to the Australian prisoners of war memorial in Ballarat. An appeal to help fund the $2 million project also has the support of the commander of the Interfet forces in East Timor, Major-General Peter Cosgrove, and the Returned and Services League.

It is proposed that the memorial will comprise a 130-metre walkway in Ballarat's Botanic Gardens with a granite wall carrying the names of all Australian prisoners of war. It is also proposed to have paving stones cut in the shape of railway sleepers to represent the infamous Burma–Thailand Railway. The memorial will not only commemorate Australian prisoners of war but also serve as a place of contemplation for the friends, families and descendants of those who were incarcerated during those wars.

I thank the honourable member for Ballarat West for her leadership and promotion of the memorial. I am pleased to say the government will contribute to the memorial and will seek the support of other states and the wider public to make sure it is a reality.

Education: funding

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to the fact that her department has now received sign-off from the economic review subcommittee of cabinet, of which she unfortunately is not a member. Will the minister advise the house what education programs will be cut due to the $50 million reduction in her budget?

Ms DELAHUNTY (Minister for Education) — I can give the honourable member for Warrandyte some examples of what will be cut. One area will be in the number of consultancies that were awarded under the former government, of which the honourable member for Warrandyte was a member and senior education minister.

Under the former government Dr Kevin Donnelly received consultancies amounting to $500 000. Did any of those consultancies go to tender, as is required by the law? None of those consultancies went to tender.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster!

Ms DELAHUNTY — Consultancies will be cut as part of the Bracks Labor government's belief in accountable, transparent government. Government money will go into classrooms, not consultancies.

GST: government services

Mr LENDERS (Dandenong North) — I refer the Minister for Finance to the former government's deal with the Howard government to introduce the goods and services tax, and I ask what the impact of the GST will be on the price of Victorian government goods and services and general government fees and charges?

Mr BRUMBY (Minister for Finance) — As honourable members are aware, the Howard government's goods and services tax (GST) will impact significantly on a range of prices across the community affecting churches, schools and community groups, and it will impact significantly on government goods and services. While everybody is aware that the Bracks government is obliged to support the intergovernmental agreement on tax reform, it does not support the GST — but it must honour the agreement.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier and the Leader of the Opposition should not interject across the table.

Mr BRUMBY — In answer to the question asked by the honourable member for Dandenong North, the Bracks government is committed to fully protecting the state's budgetary position in order to maintain the government's service delivery capacity and to minimise the price impacts of the federal government's GST. Embedded tax savings will be extracted from suppliers and passed on to consumers wherever possible. However, there are no general government savings available for 2000–01 because of the intergovernmental agreement and the requirement to claw back $100 million of embedded tax savings and pay that sum to the Howard government.

The payment to the Howard government of $100 million in embedded tax savings means that the price of all government goods and services will increase by the full 10 per cent.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk!

Mr BRUMBY — The second aspect concerns the prices charged by government business enterprises. I am pleased to say that because the cost-embedded tax savings can be passed back to consumers the price increase may not be the full 10 per cent but may vary by up to 10 per cent.

One such increase concerns Transport Accident Commission (TAC) premiums, which as a result of the GST have to rise. The policy the government has taken is to minimise that increase. I am pleased to say that it will not be an increase of 10 per cent; however, because of the Howard government's GST there will be an

increase in premiums from 1 July of 5 per cent. Other states have already increased premiums — South Australia by 5 per cent from November 1999, and Tasmania by 5 per cent from December 1999 — which shows the extent to which the Bracks government will go to minimise the impact on consumers.

It means that because of the Howard government's goods and services tax there will be a 5 per cent increase from 1 July plus automatic indexation because of inflation of about 2.5 per cent. So because of John Howard's GST third-party premiums will increase by about $20 from 1 July this year. When you think of the impact of TAC premiums on country people in particular, it is no surprise that today the Liberal Party has announced it will not run a candidate in Benalla. Earlier we heard a speech by the former Leader of the National Party, who announced he is retiring from Parliament. Perhaps it is no surprise that the Liberal Party has announced it is not running a candidate in Benalla — —

Honourable members interjecting.

Mr BRUMBY — Why doesn't the Liberal Party want to represent rural Victoria? It is running scared. I never thought I would see the day — —

Mr Perton — On a point of order, Mr Speaker, based on earlier rulings of yours the minister's answer needs to be relevant to the question, and he should not debate the question. I ask you to bring him back to answering the question, which is about a narrow issue concerning the effect of the goods and services tax on government services.

The SPEAKER — Order! I uphold the point of order. The minister was beginning to debate the question and I ask him to come back to answering it.

Mr BRUMBY — I have been talking about the impact of Mr Howard's GST on things such as TAC premiums, what that will mean for regional Victoria and why it is no wonder that the Liberal Party has decided not to run in Benalla. Why does the Liberal Party not want to represent regional Victoria — —

Mr Perton — On a point of order, Mr Speaker, the minister is clearly disregarding your ruling. I ask you to either call him to order or sit him down immediately.

The SPEAKER — Order! There is no point of order. The Speaker is the ultimate arbiter of when the minister should be called back to order or sat down. I ask the minister to provide an answer and not to debate the question.

Mr BRUMBY — The government still has with the federal Treasurer applications under section 81 for exemptions, but it has not had an answer on those applications. The reality is that the government's position as outlined in today's policy is designed to minimise the impact on consumers. However, because of Mr Howard's GST unfortunately TAC premiums will increase by 5 per cent from 1 July.

The Liberal Party says it supports the bush, but it does not want to run in Benalla. It is like Hansie Cronje — —

Honourable members interjecting.

The SPEAKER — Order! The Chair will not be in a position to call the minister back to answer the question if that level of noise persists. The minister had hardly an opportunity to utter half a sentence.

Mr BRUMBY — The Liberal Party's decision not to run is a bit like — —

Mr McArthur — On a point of order, Mr Speaker, this is now the third time the minister has strayed from the issue in the question and you have already ruled that he should be relevant to the question and not debate the issue. It is the duty of the Chair to uphold the traditions of the place.

The SPEAKER — Order! I have already upheld that point of order and have stated that I will call the minister back to answer the question. However, as I indicated in my previous ruling, the Chair is not in a position to do that when hardly half a sentence has been uttered by the minister. I call the minister, but I warn him that should he stray into debating the question I will pull him up.

Mr BRUMBY — If you imagine a motorist in Benalla from 1 July 2001 — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Polwarth shall cease interjecting. He is far too loud for this chamber.

Mr BRUMBY — It could be in Benalla, Mansfield, Euroa, Bright or Mount Buller — wherever that motorist is, his or her compulsory third-party premium is going to rise by $20 next July because of the GST introduced by the Liberal–National party government. The extraordinary thing is that in this environment you would think that the Liberal Party would be out there running a candidate in Benalla. For it to say that it will

not run is a bit like Hansie Cronje saying he wants cricket to be clean.

Honourable members interjecting.

The SPEAKER — Order! Besides calling the minister back to answer the question, I remind him of his obligation under sessional orders to also be succinct. Some 10 minutes have elapsed since he commenced his answer, and even allowing for the numerous interruptions I ask him to conclude.

A Government Member — He has!

The SPEAKER — Order! The minister has concluded his answer.

Gas: eastern pipeline

Mr INGRAM (Gippsland East) — I refer the Minister for Environment and Conservation to Duke Energy's eastern gas pipeline project and its decision to use a cofferdam and open cut on the Brodribb River. Will the minister instruct the land and water management authorities to compel Duke Energy to underbore the river crossing to reduce the risk of serious environmental damage?

Ms GARBUTT (Minister for Environment and Conservation) — I can assure all honourable members that protection of the state's rivers and waterways is high on the government's priorities. That is demonstrated by the government's commitment to increase environmental flows in the Snowy River to 28 per cent. It also has a major commitment to a catchment and river restoration program, and I am working towards implementing that now. The government has also promised to implement the Gippsland Lakes action plan to further protect those waterways and has abolished the catchment management levy in the recognition that the health of the state's rivers is the responsibility of not only rural and regional property owners but all Victorians.

The commitment to the protection of our local waterways is also reflected in the implementation of the East Gippsland pipeline development. Work is under way on four major river crossings in Gippsland, and they are proceeding in accordance with the licence issued by the Southern Rural Water Authority. The normal method of river crossing is to dig a trench and bury the pipe. The licence conditions apply to protect the bed and the banks of the river. The alternate option, as the honourable member pointed out, is to bore under the river to minimise the impact. That was tried on the Mitchell River but proved unsuccessful and had to be abandoned when sandstone was struck.

I have asked the department to arrange to transfer the responsibility for issuing licences for works on waterways from the rural water authorities to the catchment management authorities (CMAs). The protection of our waterways is a fundamental aim of the CMAs, and the licensing functions now sit logically with them. The issue can be further considered following that move.

Drugs: Geelong rehabilitation services

Mr TREZISE (Geelong) — Will the Minister for Health inform the house of the latest action by the government to meet the need for more drug treatment and rehabilitation services for young people in Geelong?

Mr THWAITES (Minister for Health) — The Bracks government has a four-pronged strategy to tackle the drug issue.

Opposition members interjecting.

Mr THWAITES — The opposition thinks this is hilarious, but it is probably the most serious social issue the community faces.

The first strategy is to prevent drug abuse. The government is introducing a range of programs in schools and the community to stop young people getting into drugs. The second is about saving lives, and that is being examined by the Penington committee in the context of reducing the terrible death toll from heroin. The third strategy is about effective policing, and that is the reason the government is boosting police numbers and resources so as to better clamp down on the drug trade. The fourth and very important strategy is to get lives back on track. That means more rehabilitation facilities and detoxification services. Many people, young people in particular, want to get off drugs but they cannot because the services are not available for them.

The government must face facts: this situation applies not only in the city but in a number of regional areas as well. Unfortunately the previous government ignored the problems in regional areas.

Opposition members interjecting.

Mr THWAITES — You won't even run in regional areas.

Opposition members interjecting.

Mr THWAITES — The previous government ignored regional areas. I visited the rehabilitation centre

in Geelong which was defunded and subsequently closed by the previous government. The opposition does not have a good reputation in regional areas. That is why the Liberal Party has signed its statement of surrender today, saying that although it would prefer to run a candidate in the Benalla by-election it has decided it will not.

Mr Ryan — On a point of order, Mr Speaker, in a bipartisan sense the opposition accepts the minister's statement that this is a very serious issue for the Victorian community. I ask you, Sir, to tell the minister not to debate the point but to stick to it.

The SPEAKER — Order! I am not prepared to uphold the point of order at this stage as the minister was just straying from answering the question. However, if he does go down the track of debating the question I will not hesitate to call him back to answering it.

Mr THWAITES — I am very happy to announce today that the Bracks government will fund a new youth residential withdrawal service for Geelong. It will provide a place for young people to withdraw from drugs and enable them to have the necessary time out away from peer groups who may be using heroin or other serious drugs. A drug-free domestic home environment will be staffed around the clock by professional staff to ensure that young people get the best treatment and opportunity to rehabilitate themselves. The average length of stay will be about 10 days. Very importantly, at the end of that time there will be a follow-up service and counselling so that the young people who have been through the withdrawal process do not lapse back into drug-taking behaviour.

The local drug reference group in the Geelong area, made up of representatives of the police, local government and non-government organisations, together with the local Labor members, has been assiduous in developing a plan to reduce the terrible harm drugs are causing and coming up with recommendations such as the residential withdrawal service. I congratulate the honourable member for Geelong, who has been working very hard on the issue and who I am sure will make a real contribution to addressing this serious social issue in Geelong.

Arts: funding

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for the Arts whether it is a fact that the government is refusing to make additional contributions to Victoria's major performing arts organisations, as recommended by the Nugent inquiry, hence jeopardising significant extra federal government funding and the ongoing viability of those organisations.

Ms DELAHUNTY (Minister for the Arts) — I thank the honourable member for her question, which I believe is the first question in six months of government that has been asked by the shadow Minister for the Arts.

Opposition Members — You got it!

Ms DELAHUNTY — Thank you. It is a serious matter.

Members will recall that last year the federal government decided to launch an inquiry into the financial health of the major performing arts companies in this country. After extensive consultations a report was delivered to the federal government which made recommendations about two matters: firstly, an agreement that support from the community, corporate sector and government is necessary if we want a flourishing and sustainable performing arts sector; and secondly, it advised the federal government on a funding model involving millions of dollars from the federal government and contributions from various states according to the classification of our major performing arts companies.

While brief consultations were undertaken with Helen Nugent, the chair of the inquiry, it was basically a federal government inquiry. The Victorian government was invited to make submissions and be part of the consultations, which it was. However, when the report was delivered to the federal government many states considered there were errors in it. I am pleased to report to the house today — —

Mr Honeywood interjected.

Ms DELAHUNTY — Given the interjection, I ask whether anyone on the opposition side of the house believes the Melbourne Theatre Company, for example, should be devalued in terms of its relativities with the Sydney Theatre Company. Is the member for Warrandyte saying the Melbourne Theatre Company is a lesser company than the Sydney Theatre Company? That is what the interjection implied. You accept that, do you? You downgrade the Melbourne Theatre Company — they would like to know that.

Honourable members interjecting.

Ms DELAHUNTY — Don't turn it up. I would also argue, as we have exceptionally — —

Honourable members interjecting.

Ms DELAHUNTY — Don't tempt me!

The other error the government considers was made in the Nugent inquiry was to advise that Victoria should lose its second orchestra. Does anyone on the opposition side of the house support the abolition of the second orchestra in this state? That is what the Nugent report recommended.

I am very pleased to report to the house that as a result of extensive negotiations between Senator Richard Alston and ourselves, we have made — —

Mr Ryan interjected.

Ms DELAHUNTY — No, Peter McGauran wasn't within a bull's roar of this. He's still trying to find the Melbourne Theatre Company; he doesn't know where it is!

Honourable members interjecting.

Ms DELAHUNTY — I am very pleased to announce that as a result of those negotiations the federal government has agreed that such a hostile merger between the State Orchestra of Victoria and the Melbourne Symphony Orchestra would involve the loss of a second orchestra in this state. We have achieved an agreement I believe would be supported by all members of this house — that is, we should not lose our second orchestra.

Honourable members interjecting.

Ms DELAHUNTY — We have also had agreement from the federal minister that the Melbourne Theatre Company will not be downgraded. That is a significant achievement, and I look forward to completing those negotiations when the federal minister deigns to call us all back to the culture ministers meeting which, as honourable members know, was cancelled at 5 minutes to midnight.

Drugs: schools strategy

Mr SEITZ (Keilor) — As a former teacher, I am concerned about the report in the media today about drugs in our schools. I ask the Minister for Education to inform the house of government plans to tackle the scourge of drugs in our schools.

Ms DELAHUNTY (Minister for Education) — We are all horrified at the notion of heroin being used in our schools. But it would be pointless to put our heads in the sand and pretend that without clever strategies we can stop it at the school fence.

The government will have a comprehensive, four-pronged drug education program, as outlined by the Deputy Premier. The first prong relates to prevention — education and prevention are absolutely the key to stopping this scourge. The government is committed to a series of strategies, the most important of which is establishing individual school drug education, prevention and early intervention and harm minimisation strategies.

The government is supporting the development of individual school action plans — that is, agreed action plans to ensure that drug education programs are available to all students. The plans must be tailored to the particular needs of the student demographic in each school. Clearly that will vary from school to school and region to region. The government wants a student welfare approach that addresses the student welfare needs of young people. It wants a role for and the involvement of the whole school community and the local community service providers, and it particularly wants the parents to be involved in the strategies.

I commend the previous government for the work it put into the number of programs it began, particularly Turning the Tide. It is a shame the previous government pulled out so many welfare coordinators and guidance officers that the continuation of the programs in some schools was put in jeopardy.

The education department is about to launch a new teacher resource kit to support teachers in schools. Known as Get Wise, it involves a principal's guide, a student welfare action manual, classroom activities and extensive advice on communication with parents.

The house will also be aware that the government has committed significant resources to the welfare area, in particular to student welfare coordinators in secondary schools and to school nurses, which was announced by the Deputy Premier a couple of weeks ago.

Honourable members may be interested to hear about a couple of research projects the Department of Education, Employment and Training is undertaking to ensure we have the best advice and the best strategies to be found either here or overseas. One new project, due to begin later this year, deals with responding to the needs of our young people following episodes of illicit drug use. The aim of the program is to develop models appropriate to school settings to support, retain and reintegrate young people, particularly 14 to 18-year-olds, who wish to return to school despite the fact that they have been involved with heroin or other illicit drugs. The program extends the Changing Tracks

program, which was a trial begun in Springvale that targeted 20 young people in that area.

Ms Asher interjected.

Ms DELAHUNTY — Are you interested in drug education or are you not? Are you serious about drugs — —

Honourable members interjecting.

The SPEAKER — Order! The minister will ignore interjections, and the Deputy Leader of the Opposition will desist.

Ms DELAHUNTY — The Leader of the National Party has called upon honourable members on this side of the house to be serious about drugs. I hope that call extends also to the Deputy Leader of the Liberal Party. The drugs issue is a scourge and needs a bipartisan approach. I trust that, on this issue at least, the house can agree.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order, and I ask the Deputy Leader of the Opposition and the Leader of the National Party to cease interjecting across the table in that manner. I ask the minister to desist from taking up interjections and to conclude her answer.

Ms DELAHUNTY — Thank you, Mr Speaker. The second research project I wish to refer honourable members to is known as the Start program — a program for student transition and resilience. It is being trialled in over 120 Victorian schools and is based on a collaborative project by La Trobe University and the Department of Education, Employment and Training.

In addition, I report to the house that we now have agreement across the school sectors — government, independent and Catholic — to share information, particularly about parent-student communication, on dealing with illicit drugs such as heroin.

Finally, I report to the house that the number of students expelled from schools for drug-related incidents has dropped over the past three years, despite what we read in the *Herald Sun*. In 1997, 39 students were expelled; in 1998 it was 27; and in 1999 it was 21. We are making progress, but we need bipartisan support; and, whatever happens in the by-election, I hope we get it.

Food: genetic modification

Mr STEGGALL (Swan Hill) — I refer the Minister for Agriculture to a statement made by him at the Minyip Victorian Farmers Federation meeting earlier this week to the effect that he would allow local municipalities the right to ban the research into and production of genetically modified (GM) food crops — like a GM-free zone, I guess. Is that government policy, or is it another statement made off the top of his head?

Honourable members interjecting.

Mr Hamilton — I ask the honourable member to repeat the last part of his question. I simply did not hear it over the interjections of the rabble opposite.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the National Party, repeating his question.

Mr STEGGALL — My question was to the Minister for Agriculture — at least he got that bit right! I referred to the statement made by him at the Minyip VFF meeting earlier this week that he would allow local municipalities the right to ban research into and production of genetically modified food crops. I asked if that was government policy or another statement made by him off the top of his head.

Mr HAMILTON (Minister for Agriculture) — I thank the honourable member for repeating his question, despite the sting in the tail, which was beneath him. It is no wonder the Liberals will not be standing a candidate in Benalla!

Mr Brumby interjected.

The SPEAKER — Order! I ask the Minister for State and Regional Development to desist.

Mr HAMILTON — The government has a policy of encouraging genetic-free zones in Victoria.

Honourable members interjecting.

The SPEAKER — Order! The opposition benches will come to order. The honourable member for Bentleigh!

Mr HAMILTON — I did not say Liberal-free zones.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order to allow the minister to answer the question.

Mr HAMILTON — There will be GM-free zones in Victoria; that is government policy. However, as I have indicated, although perhaps not clearly enough, the policy can be implemented only with the cooperation of local government authorities. That is the only reasonable approach to take that will offer farmers in Victoria the opportunity to participate in programs involving genetically modified organisms, to have an opportunity to continue their involvement in conventional crop development, and to engage in the development of organic farming.

The government is about giving farmers a choice; it is about working cooperatively with the industry; and it is also very much about working cooperatively with local government. If that cooperation does not occur, our farmers will be denied choice. The implication of the question asked by the honourable member is that he would continue with the thrash and bash program of the previous government, which did not involve consultation and cooperation.

Housing: frail aged

Mrs MADDIGAN (Essendon) — I ask the Minister for Housing to inform the house what steps the government is taking to improve support for aged public housing tenants and frail aged people who are homeless or living in insecure accommodation.

Ms PIKE (Minister for Housing) — I thank the honourable member for Essendon for her question, which is timely because it is Housing Week.

Throughout Victoria, both in metropolitan areas and in rural communities such as Benalla, events are being organised to celebrate Housing Week. Housing Week is about valuing the contribution that people living in public housing make to society. We all know good housing policy is fundamental to social cohesion. That is exactly why the Bracks government is committed to public housing and why it is strengthening the support for public housing.

I am pleased to announce that the government is providing desperately needed new assistance for frail older people living in public and community housing and for homeless people. The government has a whole raft of new initiatives that will mean that an additional $6.4 million will be provided for new aged care outreach health and support services. These people are some of the most vulnerable people in our community.

Members on both sides of the house would agree that it is an indictment of society that some older people who are coming to the end of their lives find themselves either in insecure accommodation or, even worse, homeless. They are the forgotten people. For many years they have been put in the too-hard basket.

The funding of $6.4 million will provide 31 outreach workers and new health and aged care support services across Victoria to reach more than 1500 homeless older people. The money will assist frail older people living in public or insecure housing, and it will provide case-managed packages to 200 older people who are living in high-rise buildings and about 950 older people who do not have access to the health and support services they need.

In making this announcement I wish to acknowledge the positive recommendations of the ministerial task force on support services for tenants in low-cost accommodation, which was chaired by the shadow Minister for Health when he was parliamentary secretary. It is disappointing that after the task force did that extremely well-researched and valuable work and identified the plight of disadvantaged older Victorian citizens in its report, the previous government ignored the problem, put it on the back burner and did nothing practical to assist those people.

The initiatives I am announcing will assist 4000 older people across Victoria, which demonstrates the determination of the government to ensure that we do better for older Victorians, particularly those with a long history of recurring homelessness or those who are disadvantaged, in poor health or marginalised.

Mrs Peulich — On a point of order, Mr Speaker, I listened carefully to the minister. I am flicking through the program of events for Housing Week issued by the department. I ask the minister to tell me which particular event is being scheduled for Benalla, because I am unable to find it.

The SPEAKER — Order!

Mrs Peulich interjected.

The SPEAKER — Order! If the honourable member for Bentleigh does not cease interjecting she will find herself on the receiving end of sessional order 10. There is no point of order. The minister has finished her answer.

RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL

Second reading

Debate resumed.

Mr PERTON (Doncaster) — Before the suspension of the sitting I had set out the proud history of the Hamer Liberal government in conservation matters.

Ms Allan interjected.

The SPEAKER — Order! The honourable member for Bendigo East is being disorderly.

Mr PERTON — The honourable member for Bendigo East says that was yesterday's topic. The Hamer government's record in every area of conservation is still the best in the state. If the honourable member for Bendigo East needs verification of that she should talk to the honourable member for Tullamarine. Perhaps she could also talk to the cabinet secretary, the Honourable Gavin Jennings in the other place, who in a speech praising the Kennett government's record in this area said that as a result of its initiatives Energy Efficiency Victoria — —

Honourable members interjecting.

The SPEAKER — Order! There is far too much audible conversation coming from the government benches.

Mr PERTON — Mr Jennings said that the work of the previous government through Renewable Energy Authority Victoria would have led to:

> … a reduction of 2.6 million tonnes of carbon dioxide emissions over the next 10 years and that contribution should not be ignored in the context of this debate. It should be acknowledged and applauded.

Mr Jennings also said:

> It is also worthy of note that the incoming Labor government recognises the initiatives of the outgoing [Kennett] government. In August 1998 the former [Kennett] government responded to the global warming issue by releasing Victoria's greenhouse response action plan, which acknowledged that the Kyoto target was a fair but challenging one.
>
> The response identified a number of initiatives that were supported financially by the former government in a significant way. Some $15 million was spent each year on initiatives to reduce greenhouse emissions, to enhance greenhouse sinks and to plan for the future.

I will continue to quote Mr Jennings for the benefit of the honourable member for Bendigo East because some members of the Labor Party recognise the fine work done for the environment by the former coalition government.

Mr Jennings went on to say:

> Three initiatives were funded under that scheme. The first was Replanting Victoria 2020, which aimed to better understand and extend Victoria's greenhouse sink capacity and consisted of four components: a revegetation program, establishing plantations, reforestation and carbon tracking. The Energy Smart Business Cascade program spread the message of energy efficiency throughout the business supply chain. The Greenpower Accreditation and Facilitation program monitored the purchase and delivery of green power by energy providers. That accreditation scheme aimed to build consumer confidence in available green power products.

Ms Overington — Eyes up!

Mr PERTON — That interjection comes from an honourable member who could not even find the time to represent her constituents by meeting the head of state and who told lies to her community. If you are going to interject in this debate, start by showing a demonstrable record of achievement for your constituents!

Ms Overington — You are reading.

Mr PERTON — Of course I am reading — I am quoting from your cabinet secretary.

The DEPUTY SPEAKER — Order! I remind the honourable member for Doncaster that he must address the Chair, a requirement of which he is well aware, and I ask him to return to the bill.

Mr PERTON — Thank you, Madam Deputy Speaker. I look forward to you appropriately disciplining the honourable member for Ballarat West as well.

The Honourable Gavin Jennings, the Bracks government's cabinet secretary in the other place, went on to say the following:

> The Bracks Labor government wants to go on record congratulating the outgoing government on its foresight and initiative in making those commitments and undertakings. The best estimation is that those measures plus other measures implemented under those programs have the capacity to save the globe 2.6 million tonnes of carbon dioxide emissions over the next 10 years.

The cabinet secretary made it clear that the Bracks government will work to continue the fine record of achievement of the Kennett government. It is pleasing that some members of the team — I see the adviser in the advisers' box — who worked on this area of policy under the previous government have retained their

positions. The opposition will keep a close watch on the government to ensure that the members of the talented team who worked on those matters for the previous government continue to work in the area.

As I was saying before the suspension of the sitting, it is no good the government getting this area of policy right unless the community works with it. For instance, the honourable member for Bellarine has been very strong in working with his community in this area.

Last year the Kennett government published some useful information for the community's benefit. The government publication headed 'Reducing the greenhouse effect in Victoria — a partnership — greenhouse action you can take', which appeared in the *Herald Sun* of 16 June 1999, had some good suggestions on the roles that individuals can play to help the environment. For example, it said there are many ways in which people can make better use of the fuel and electricity they use for heating their homes.

The simple suggestions included having shorter showers — householders can save up to half a kilogram of greenhouse gas emissions per minute by taking shortened showers; waiting until you have a full load before using the washing machine; and buying energy-efficient appliances, which includes looking for the high energy ratings which can save up to $300 a year per household and up to 2000 kilograms of greenhouse gas emissions. Other simple suggestions included sealing out drafts and limiting heat flows through roofs; finding out more about green power from electricity retailers; installing energy efficient lighting; something as simple as turning off lights or appliances when they are not being used — something I am sure you do, Madam Deputy Speaker, in your household; and ensuring that when building a home you take advice from organisations such as Energy Efficiency Victoria.

Other energy-saving suggestions in the *Herald Sun* publication related to waste management. For example, it stated that decaying food and garden waste can generate more than 3 tonnes of greenhouse gases each year. The personal contribution that household members can make by recycling and composting is dramatic. My area of Doncaster, for instance, has a three-bin system, which means that around 90 per cent of households undertake appropriate recycling.

All honourable members have seen people in supermarkets buying products with environmentally friendly packaging or taking their own containers for refills. One interesting idea is to buy second-hand items and not demand new products unless it is necessary. Another is to set up a worm farm to deal with your organic waste, thereby reducing damaging emissions and gaining a few million pets. Through the honourable member for Bayswater I recently met representatives from an innovative eastern suburbs company that is producing self-composting toilets that rely on worms to break down the waste, which ensures that household discharge helps the community rather than hinders it.

Alan Duke, the director of that firm, proudly told me just a few weeks ago that the city of Brunswick has established a project using self-composting worm-powered toilets. If those of us who live in the suburbs start to use waste water appropriately, our personal contributions to savings in greenhouse gas emissions will be significant.

The honourable member for Glen Waverley, who has a strong commitment to this area of policy, said that as often as possible he does not use his car and catches the train to Parliament. The average family spends $4700 on travel and generates 6 tonnes of greenhouse gas emissions each year mainly because of car travel. Simple suggestions such as walking, cycling, skating, catching a tram or train or using a car pool need to be made to the community. All of us look at our friends and notice that not many of them catch public transport — Melburnians and Victorians in general are reliant on motor vehicles, often through personal choice rather than need. The impact of the greenhouse effect and the Kyoto accord on personal lives, workplaces and agricultural practices must be communicated to the public.

The honourable member for Seymour is nodding. He lives in a community that has been dramatically affected by the compliance requirements for Victoria under the Kyoto accord, and the community must be informed that compliance is not just to be left to government, employers and the farming community, but there is a personal responsibility on each of us to comply with the accord.

In today's debate there is no need to go through all of the work a citizen can do. As indicated by the Honourable Gavin Jennings, now a member of the other house, the Kennett government introduced some good programs in schools. For instance, the Energy Smart Schools program was introduced to help reduce schools' operating costs and to improve conditions for schools and for the environment. Donburn Primary School in my electorate has set up a recycling and composting area in the school grounds so the children can understand and contribute to reduction in greenhouse gases. Most schools participate in activities like Clean Up Australia Day that are important because

they benefit the environment in general and enable us to fulfil our responsibilities to reduce greenhouse gases. On behalf of the Bracks government the Honourable Gavin Jennings congratulated the Kennett government for its work in this area.

I would like to touch on five areas: the first is Greenpower, which gives consumers the option to purchase electricity from renewable sources such as solar, wind, hydro or biomass — a popular program, though not widely taken up. However, in a recent consumer survey undertaken in 1999 by Energy Efficiency Victoria it was found that 9 in 10 consumers want to do more to conserve energy and reduce greenhouse gas emissions. Greenpower presents an opportunity to do that.

Another program is Replanting Victoria 2020, which is about building on Victoria's other programs and developing new ways to extend vegetation cover across Victoria through revegetation, reafforestation, plantations and carbon tracking. For instance, last year the Kennett government announced it would spend $9 million over the next three years on Replanting Victoria 2020 to increase the area of carbon sinks and to gain more knowledge about them. The then government committed nearly $600 000 in the Corangamite region as part of the program and the funding went towards a number of revegetation projects including the Woady Yaloak Landcare group; the Corangamite Catchment Management Authority for the Geelong boulevard project; the You Yangs to Brisbane Ranges corridor and the Otways biolink. As always, the honourable members representing the Otways area are strong in their representations.

Industry is also playing a significant role. Alcoa Australia, although based in Western Australia, is supporting the Woady Yaloak Landcare community with time and resources. Edison Mission Energy, the owner and operator of the Loy Yang B power station, has pledged $1 million for a five-year Landcare program in Gippsland to reverse land degradation, support greenhouse-related research and expand carbon sink capacity.

The area of policy is dynamic as a result of the activity of the former Victorian coalition government. In her closing remarks the Minister for Environment and Conservation should commit herself to continuing the work of the previous government.

In the private sector there is also interesting and dynamic change. Those members who have travelled in rural Victoria this year will have talked to people who have been approached by Japanese or American companies seeking to purchase or rent land or take options on forests or land in anticipation of being able to buy carbon credits to reduce the impact on manufacturing industries under the Kyoto accord obligations.

There will be some interesting challenges as forests are locked away and agricultural land is converted to timber growing. Wherever you drive in Victoria the blue tint of the blue gum plantations can be seen. What will happen to rural communities as farming families leave and the relatively less labour-intensive tree farms replace more intensive activities? The honourable members for Seymour, Polwarth and other electorates — —

Mr Spry interjected.

Mr PERTON — The honourable member for Bellarine rightly points out there will be dramatic impacts on communities. As the number of children in rural schools falls the Victorian government will face the same change as every other Australian state government faces in supporting rural communities with falling populations as a result of changing land use.

There is also the possibility of an open international trading market in carbon emission credits. The weak Australian dollar is caused by the strongly held prejudice and perception of European and American financial markets that Australia is a resource-based economy. Will that mean polluters in Japan, the United States of America and the like will be keen to buy carbon emission credits in Victoria, and in Australia in general?

The honourable member for Ballarat faces challenges in future. For instance, what will happen if carbon-emitting manufacturing enterprises in Ballarat and elsewhere discover that their right to discharge carbon emissions is a valuable commodity that will be purchased by companies in Japan and the United States?

I am pleased the Honourable Gavin Jennings in the other place has dedicated himself to a bipartisan approach to this matter because, with disrespect to the minister, I do not think she is capable of dealing with the issues. Both sides of the house working together may be better equipped to deal with them.

Lots of innovative Victorians are working in this area. Recently I was invited to a seminar sponsored by McKean and Park, a firm of commercial lawyers who work in the financial sector preparing Victoria and Australia for this new trading regime. Recently Ross Blair, a consultant with McKean and Park, wrote

to me making some very valuable points which I shall share with the house:

> In order to have trees growing in 2008 which comply with the requirements necessary for carbon sinks, it will be necessary to plant these trees within the spring season of this and the next two years. Bearing in mind that seedlings and land have to be acquired, the likelihood is that there are only two planting seasons left …

That is a very significant issue for the community. Mr Blair went on to say:

> … as we have argued for a substantial time, a properly structured greenhouse emissions market will have the capacity to enable us, without additional cost, to tackle almost all the environmental problems which currently beset this state;

He goes on to make the point that:

> …the commencing date for the 'glide path' period to 1 January 2008 —

at which point our Kyoto obligations click in —

> is rapidly approaching. The implementation of an emissions licensing regime will be extremely difficult …

He and his firm are trying to work with those people in the financial market to develop a positive aspect which will be beneficial in the introduction process. He believes the Victorian community needs to work towards a carbon credits emission pertinence market of international trading significance. He is certainly working towards the development of that industry in Victoria at the earliest possible date.

I commit myself and the opposition to being prepared to work with the government on this question. It is my view that a properly briefed and resourced all-party committee would be best equipped to work to do that.

Mr Spry — There is some urgency about it, too.

Mr PERTON — Indeed. As the honourable member for Bellarine rightly points out, there is some urgency in the matter with only two planting seasons potentially available to pick up the 2008 period. It requires tripartisan work. The Allen report presented to the Victorian government points out there will be substantial impacts on both manufacturing and agriculture and on almost every aspect of the economy.

The bill and this area of policy need to be seen within the strategic framework for advancing Australia's greenhouse response. As most honourable members are aware, Australia is a party to the United Nations framework convention on climate change and took an active part in negotiating the Kyoto protocol, which it signed on 29 April 1998. The national greenhouse strategy is the primary mechanism through which Australia's international commitments are to be met. The strategy, which was developed by all Australian governments, commonwealth, state and territory, and which extends the program of action launched as part of the 1992 national greenhouse response, maintains a comprehensive approach to tackling greenhouse issues. The range of actions it encompasses reflects the wide-ranging causes of the enhanced greenhouse effect and the pervasive nature of its potential impacts on all aspects of Australian life and the economy.

The strategy has three fronts: firstly, to improve the awareness and understanding of greenhouse issues; secondly, to limit the growth of greenhouse emissions and enhance the greenhouse sink capacity; and thirdly, to develop adaptation responses. Governments have identified the limitation of Australia's net greenhouse gas emissions consistent with the Kyoto protocol as the most important area for action.

The strategy provides for monitoring of progress, especially in relation to the Kyoto emission target, and for review in the light of that monitoring and other changes and circumstances. The first review is scheduled for 2002.

Although Australia contributes only just over 1 per cent of total greenhouse emissions, its per capita emissions are among the highest in the world — and substantial growth in emissions is projected. That point is made clear by Clair Miller, the environmental reporter, in an article in the *Age* of 4 November 1999, in which it is suggested that:

> Australia has overtaken the United States as the world's worst greenhouse gas polluter …

That is according to an analysis of United Nations statistics. It continues:

> A spokesman for Senator Hill said Australia had always been one of the world's highest producers of greenhouse gases because of its reliance on coal-fired power. Other countries relied more on nuclear power.

That is a difficult issue for the community. The community as a whole probably has a great deal of resistance to the notion of nuclear power plants; there has never been a push by any government to move down the nuclear track.

However, as Victorians we have to face the fact that coal-fired production of power is among the most difficult aspects of Victoria complying with the Kyoto accord. That is one of the reasons it was such a good idea that the Victorian government adopted the strategy of divesting itself of the production of electricity.

Mr Howard interjected.

Mr PERTON — I am glad the honourable member for Ballarat East interjected on that point. If the honourable member for Ballarat East says that he would prefer the taxpayer to bear the burden of the adjustment of our electricity industry in accordance with the Kyoto accord — —

Mr Howard interjected.

Mr PERTON — It utterly confounds belief that the honourable member, who claims to have some economic expertise, wit and intelligence, would want to leave the taxpayer at risk of substantial monetary loss. It just shows that socialism is not dead. We all thought that the falling of the Berlin Wall and the end of the Soviet Union had brought about the end of socialism, but it obviously lives on in a little bastion in Ballarat!

Ms Lindell — On a point of order, Madam Deputy Speaker, the fall of the Berlin Wall has little to with the bill. I ask you to direct the honourable member for Doncaster back to the bill.

Mr PERTON — On the point of order, Madam Deputy Speaker, debate in the house would become dull if one were not allowed to respond on the subject matter of the interjection. It was a passing reference, and I intend to continue talking about the national greenhouse strategy.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. I believe the honourable member for Doncaster was making a brief passing reference and will now return to the bill.

Mr PERTON — Thank you, Madam Deputy Speaker, and it is a pleasure to have you in the chair as always.

Work on the national greenhouse strategy commenced in late 1996 with strong cooperation between the federal government and the Kennett government. The national greenhouse strategy recognises that the existing initiatives by individual state and territory governments and local councils to reduce greenhouse gas emissions form a substantial part of Australia's overall effort.

The national greenhouse strategy document, which I had thought I had with me, states that significant examples of that work include the Kennett government's Energy Smart Business program, which, as I have already stated, in 1998 had more than 300 member companies, all committed to implementing energy management strategies in their business operations. The strategy includes eight modules, which I shall not elaborate on at length. There is a substantial document somewhere in the chamber that runs to a couple of hundred pages. For honourable members who are interested I point out that it is a good read because it puts into context where we are up to and what we need to do.

The eight modules are: module 1 — profiling Australia's greenhouse gas emissions; module 2 — understanding and communicating climate change and its impacts; module 3 — partnerships for greenhouse action: governments, industry and the community; module 4 — efficient and sustainable energy use and supply; module 5 — efficient transport and sustainable urban planning; module 6 — greenhouse sinks and sustainable land management; module 7 — greenhouse best practice: industrial processes and waste management; module 8 — adaptation to climate change.

Briefly, for the benefit of honourable members and to put this into the context of the Kyoto accord, the first conference of parties to the United Nations Framework Convention on Climate Change (FCCC) in 1995 set in train the negotiations to establish a protocol that would:

> … strengthen the commitments of developed companies for the post-2000 period; and
>
> advance the implementation by all countries of their commitments under the FCCC.

As a result of the final protocol, developed countries as a whole will strive to reduce their greenhouse gas emissions from 1990 levels by at least 5 per cent by 2008–12. In recognition of the fact that developed countries have different economic circumstances and differing capacities and costs in reducing emissions, each developed country has a specific differentiated target. Australia's requirement is to limit its greenhouse gas emissions in the target period to no more than 8 per cent above 1990 levels.

That recognises Australia's unique position as a developed country that has a substantial resource base. I know there was a lot of controversy about the negotiations, but even the limits we have signed up to will lead to dramatic costs for business, agriculture and manufacturing. There still remains a substantial risk of loss of jobs in the Victorian community if we are to reach those international obligations. Some of the simple solutions that have been suggested to me involve substantial losses of jobs.

When one goes back to the GATT negotiations one sees that there was always the view that there should

have been a special category of countries, including Australia and a couple of the more advanced South American economies, where essentially there were OECD level incomes and GDPs but the countries were essentially resource exporters. One of the fair aspects of the lower requirement for Australia is the reality that we do not use nuclear power for our energy resources. Were we to head down that track, there would be all the requirements for safe holding of the wastes and the risks involved. That is not politically acceptable in Australia.

The targets under the Kyoto protocol encompass all the major greenhouse gases and the range of sources and significant sinks. Therefore, the protocol allows Australia to include emissions from land clearing in the calculation of its target. This arrangement provides scope for cost-effective mitigation action by ensuring that all avenues for reducing emissions can be pursued.

The behaviour of the Labor government in Queensland in this area is sad. That government, with its short-term sectional political interests, is encouraging land clearing. While we in Victoria have gone about the business of helping Australia to meet its obligations, it seems that the Labor Party's friends in Queensland are doing everything in their power to ensure Australia has difficulty meeting its international obligations. I call upon the minister and the Premier to take some action to get the Queensland government to take a realistic approach in the national interest.

Winding up on Kyoto, of interest is the contribution by the federal Minister for the Environment, Senator Robert Hill, to the Kyoto debate:

> Australia accepts the balance of scientific evidence which suggests that human activity is accelerating the increase in the earth's average temperature, thus enhancing the natural greenhouse effect and causing the climate to change.

Senator Robert Hill is continuing to review and refine the federal government's greenhouse strategy. I would be interested in the minister letting us know in her response to the second-reading debate what role her ministerial council on greenhouse gases is taking and what contribution she has made. I invite her to do that because she has not been forthcoming about the work she should be doing on that front. I ask her to be open and transparent in that area.

In May 1999 the Prime Minister indicated that upon the passage of the Environment Protection and Biodiversity Conservation Act (EPBCA) the government would commence a process of consultation with the states on the issue of applying a greenhouse trigger in relation to new projects that were major emitters of greenhouse gases. In December 1999 the commonwealth government released a consultation paper on the topic 'Possible application of a greenhouse trigger under the EPBCA'. That is important for state policy because the act passed by the commonwealth Parliament will commence in July 2000.

Introducing a greenhouse trigger in the framework of the EPBCA would mean recognising greenhouse gas emissions as a matter of national environmental significance for the purposes of that act. A greenhouse trigger would provide another measure for addressing Australia's international responsibilities on climate change. In particular, the significance of identifying greenhouse emissions as a matter of national environmental significance in the EPBCA is that projects that were major emitters of greenhouse gases would trigger the requirement for assessment and approval.

Lastly, in the area of applicable law that regulates the state's activities and our activities as Victorians is the attitude of the United States of America. In August 1997 the United States senate voted 95 to nil against US participation in an international carbon withdrawal regime unless there were guarantees that US competitiveness would not be compromised and unless all nations were included in the regime. On 12 November 1998 Vice-President Al Gore made the following statement on the signing of the Kyoto protocol:

> Our signing today of the Kyoto protocol reaffirms America's commitment to meeting our most profound environmental challenge — global climate change. US leadership was instrumental in achieving a strong and realistic agreement in Kyoto — one that couples ambitious environmental targets with flexible market mechanisms to meet those goals at the lowest possible cost. At the close of the Kyoto conference, President Clinton and I made clear his intention to sign this historic accord. In the 11 months since Kyoto, the evidence of global warming has grown only stronger, and so has our resolve … We hope to achieve progress in refining the market-based tools agreed to in Kyoto, and in securing the meaningful participation of key developing countries.

The commonwealth government has indicated it will not formally ratify the treaty until the United States has done so. Australia contributes some 1 per cent to international greenhouse gases and there seems to be little sense in turning the economy upside down when the largest emitters of carbon dioxide do not sign up.

There are critics of that approach. In the *Australian Financial Review* of 11 April reference was made to the Lavoisier group in Melbourne, which argued that the desire to limit the emission of carbon dioxide and other so-called greenhouse gases is predicated on assumptions and not necessarily on scientific fact. Both

the minister and I received invitations from the Lavoisier group and I understand it is conducting a seminar at the end of May. Listening to arguments from both sides is a worthwhile exercise.

The Lavoisier group states that the assumption relating to global temperature rising has been subject to vigorous challenge from a number of eminent atmospheric scientists. The group argues that global atmospheric temperatures have dramatically declined since October 1998. It also questions the belief in Canberra that the introduction of an emissions permit trading regime will result in only minor economic dislocation. The group further argues that the science behind global warming policy is far less certain than has been asserted.

The Lavoisier group is a significant group with significant scientists working for it. My instinct is that only a small minority of scientists takes that approach. For example, I learnt from talking to a Commonwealth Scientific and Industrial Research Organisation economist the other day that he believed that was very much minority thinking. However, in a democracy where considerable disruption will follow those issues it is important to take account of all arguments.

As I said, Victorians have been very strong in their support of environmental matters since the 1970s under the leadership of Sir Rupert Hamer. Recently the Australian Bureau of Statistics published a document entitled *Environmental Issues — People's Views and Practices*. That substantial document is available from the library. The report is interesting in that when people were asked to identify the social issue most important to them 30 per cent said health; 26 per cent, crime; 17 per cent, education; and 13 per cent, unemployment. Environmental problems were nominated as the most important social issue by only 9 per cent of respondents. A similar figure applies in the United States.

The study asked those who did not indicate environmental problems as the issue most important to them whether they were concerned about environmental problems. That survey resulted in 69 per cent of people indicating they had environmental concerns. The figure is down from 75 per cent in 1992 but roughly consistent with the figures recorded by the Australian Bureau of Statistics in the mid to late 1990s.

In February I met with representatives of the American national parks association in Washington DC who indicated they had the same results. When pressed, people acknowledged they had environmental concerns but those concerns were not at the top of their thinking. Those results illustrate to government and those with the scientific material who understand the depth of the challenge that a considerable need exists to educate the community on the importance of good environmental activity.

Returning to those figures, 43 per cent of people questioned in the survey felt that over the past 10 years the quality of the environment had declined. That was far higher than earlier reports and I am not sure what it demonstrates because the Cain–Kirner, Hawke–Keating, Howard and Kennett governments respectively have done much work on environmental issues. Obviously international press coverage indicates to people that the quality of the environment is declining by raising a consciousness of the greenhouse effect on a number of environmental disasters. The survey shows that pollution continues to be the environmental problem of greatest concern for Australians, with 29 per cent of people reporting it as their major concern.

The study is also interesting in the context of the bill. The survey studied energy conservation measures and found that just over half Australian households reported that their dwellings had some form of insulation. The Victorian figures indicate that some 70 per cent of Victorian households have roof and ceiling insulation and 22 per cent have wall insulation — the highest of any state or territory other than the Australian Capital Territory. Over a long period Victorian builders, architects, town planners, state and local governments and individual citizens have taken a responsible attitude to insulation.

Victorians were asked in the survey why they installed insulation. Some 80 per cent said it was to achieve comfort, 13.2 per cent said it was to save on energy bills, and sadly only 3 per cent said it was to reduce energy use. It may have been just a matter of what people considered to be the issue off the top of their heads when asked and that if they had had explained to them its importance for the environment the answers might have been different. However, those figures are of concern.

Mr Spry — That's because 93 per cent regard it as inexhaustible.

Mr PERTON — Indeed, what the honourable member for Bellarine said is true. In the survey green power was defined as electricity generated from renewable energy sources such as solar, wind, biomass, wave and hydro power. About 3 per cent of households nationally were connected to a green power electricity scheme. It is interesting to note — it is a great challenge for the new government — that of those not connected

the majority — 79 per cent — were not aware of any green power schemes offered by electricity companies. That is why the Kennett government, working with the electricity producers, made sure the figures were highlighted to citizens and the option to take up green power was included with their electricity bills. Like me, Madam Deputy Speaker, you would have received pamphlets on the issue during the past year.

Victoria has been ahead of the pack in its use of gas. The ABS figures show that over 70 per cent of Victorian households obtain their room heating and some 65 per cent heat their water for household use from gas rather than electricity.

Mr Spry — They still don't in Portarlington.

Mr PERTON — The honourable member for Bellarine is following me in this debate. I hope he will make a strong point of the fact that he has been a supporter of gas to his community and that his community has been betrayed by the Labor government, because the extension of the gas supply was ready to go under the previous government. It is an appalling situation.

A lot of work has been done in the Latrobe Valley. I know that the Gippsland upper house Liberal members are strongly involved in working on the issue and that a number of companies are looking to oversee the manufacture of wind-generated turbines and the implementation of wind-generated electricity in Gippsland. For instance, a couple of weeks ago Stanwell Corporation announced it would lodge a planning application with the Shire of South Gippsland in its bid to get wind-farm turbines turning. Local government in the area is very supportive, as are the local Liberal members.

Energy conservation is an important policy area. As I said earlier, it is sad that the government's major contribution is to spend tens of thousands of dollars on introducing a bill to change the term 'renewable energy' to 'sustainable energy'. It is disappointing because it will not result in any electricity initiatives or other action.

I have a number of questions for the Minister for Environment and Conservation. I notice that the Attorney-General is at the table. I would be grateful if he would pass them on for the minister to answer. In regard to the removal of the research function the question which was raised in the upper house and which remains unanswered concerns the fact that the bill enables Sustainable Energy Authority Victoria to lend or grant up to $25 000 per annum without ministerial consent.

Also missing from the bill — this was also pointed out in the upper house — is a clear audit process to monitor the efficacy of the way the programs are proposed to be introduced by the government through the authority. As the shadow minister in the other place said, to a large extent investing in the renewable energy sector involves risk because it concerns developing technologies. It is important to have an open and transparent review and audit process to ensure that grants and loans are made only in cases of proven technologies and where the risk to the taxpayer will be minimal or of benefit to the community. I would love to hear the government's response on that.

There is also a need for an answer from the government on the future of the existing board. The opposition presumes the government intends to spill the board on 1 July. It would be appropriate for the members of the board to be reappointed given the comments of the cabinet secretary on the efficacy of its programs.

In conclusion there is no doubt that there are reasons to be concerned about the greenhouse effect. A press release from the Bureau of Meteorology dated 5 January states that the 1990s were Australia's warmest decade in the 90 years for which high-quality records are available. Dr John Zillman, the Director of Meteorology, says that the Australian annual mean temperature during the 1990s was on average one-third of a degree Celsius higher than the average for 1961 to 1990, making the 1990s the warmest decade since the 1910s. During the last decade there were six record hot years, each hotter than the other. While it may be coincidence — it may be caused by other random factors — there is a strong suspicion that it is caused in some part by the greenhouse effect.

Both state and federal governments must provide ongoing support for research into greenhouse emissions and global warming. That is vitally important not just for our quality of life today but for that of our children and grandchildren. I praise the federal government, particularly the Minister for Environment and Heritage, Senator Robert Hill, for its initiatives and leadership. I hope the Labor government takes the lead from the Honourable Gavin Jennings, follows the Liberal Party's example and shows real leadership and initiative in this area of policy.

Mr HOWARD (Ballarat East) — I am pleased to speak in support of the Renewable Energy Authority Victoria (Amendment) Bill. It demonstrates that the Bracks government has a significant position on the

environment. It made many promises during the election about environmental protection, greenhouse emissions and the need for Victoria to reduce those emissions and support alternative energy uses wherever possible.

The bill establishes a new authority, the Sustainable Energy Authority Victoria, which is a new name for the old authority. The change will achieve a couple of things. It is not just a name change; it is about sending a significant message to Victorians and showing significant leadership in the areas I have outlined. It indicates the Labor government's commitment to the reform of Energy Efficiency Victoria and establishing sustainable energy certainty for the state.

The Sustainable Energy Authority Victoria will provide a comprehensive strategy for greenhouse gas reductions and the development of renewable energy systems. The objective of the new authority is to facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits. The authority will also address the need to reduce greenhouse emissions.

Particularly over the past 20 years, people have become aware of and concerned about greenhouse emissions. Honourable members would be aware that the Framework Convention for Climate Change (FCCC) led to two significant international conventions taking place. The first was in Rio de Janeiro in 1992, which was the first time leaders and organisations from across the world involved with environmental concerns came to talk about what needed to be done to address the issues.

Five years later in 1997 there was a follow-up meeting in Kyoto. The honourable member for Doncaster spoke about some of the issues raised at the Kyoto convention. Australia, among many other nations, became a signatory to the accord signed in Kyoto, which commits it to reducing carbon dioxide emissions.

In order to reduce carbon dioxide emissions, the amount of fossil fuels being burnt must be reduced. The combustion of fossil fuels has expanded exponentially since the turn of the 20th century. The requirement to burn fossil fuels to provide for our energy needs must be slowed.

One of the major by-products of the combustion of fossil fuels is carbon dioxide. Given its thermal properties, any increase in the level of CO_2 results in more heat being released into the atmosphere. The result of that may be not only to raise global temperatures but also to melt the polar ice caps in the Artic and Antarctic circles. That would have a devastating effect, raising the sea level and changing coastlines around the world. We must address the matter seriously, reduce the build-up of carbon dioxide in the air and not add to global warming.

As well as reducing the amount of fossil fuels that are burned, a number of other things can be done, as has occurred in Australia and around the world. One thing to consider is the other end of the system that for centuries has been kept in balance. Although carbon dioxide is released by the burning of fossil fuels and as part of the respiratory process of all plants and animals, plants are also an important solution to the problem. As part of their growth, plants carry out photosynthesis, by which they take carbon dioxide out of the air and convert it to plant growth, or food, with oxygen as the other by-product. It is vital to ensure the maintenance of a considerable plant population. Not only that, a significant replanting program should be implemented to ensure that carbon dioxide is taken out of the air and recycled as oxygen. That process provides a sink for greenhouse gases.

Part of the work of the renamed Sustainable Energy Authority Victoria will be to consider ways of promoting reforestation and extending the growth of plant materials so that some of the carbon dioxide gases that are being released into the environment can be absorbed.

To help reduce the amount of fossil fuels that are being burned we must find alternative, renewable sources of energy, for which there are many easily attainable sources and one of which is solar energy. Over the years much research has been done on using solar energy to heat water and generate electricity. Solar-heated water is not yet the standard in Australia, even though it should be. Only some people are using solar energy to heat water, although it is viable to do so. Research into using solar energy to generate electricity and heat water should be promoted.

Recently I was pleased to attend a function held by the Earthworker group. Earlier I was wearing a jacket with an Earthworker badge on it, but unfortunately over the past hour the temperature in the house has risen and I have had to take my jacket off. I would not like to blame the honourable member for Doncaster for adding to the hot air and the greenhouse effect in this chamber through his extended speech!

The Earthworker group involves members of the Electrical Trades Union and other union organisations working together with industry to promote renewable energy resources. Late last year I was pleased to attend

a promotion of Earthworker in Swanston Street. A plan was announced to use wind power to establish a significant electricity generation source in Gippsland. I was pleased to support that project of the Earthworker group, which the government also supports. Speakers at the meeting highlighted a number of other ways in which renewable energy can be added to the electricity grid, and that also needs to be promoted.

As well as solar and wind power, methane is a source of renewable energy. Just to the north-west of Ballarat there is a significant piggery, which, as a means of controlling its effluent problem, is producing fertiliser and converting methane into electricity. That large piggery produces enough electricity for a city of 40 000 people. It is surprising what can be done when one considers alternative energy uses. The methane is produced by treating the effluent from pigs. In years to come we could consider treating human effluent, which has become a problem, to create electricity for the grid.

Around the state attempts have been made to tap into the methane that is produced in many municipal garbage tips. As the waste is broken down, methane is created, which can be used to generate electricity to add to the grid. Part of the work of the new Sustainable Energy Authority Victoria will be to further promote the many renewable energy projects that are being developed.

When comparing the work done by the current government with that done by the former government, I note that the honourable member for Doncaster said the former Kennett government had done many wonderful things for renewable energy. I point out that Renewable Energy Authority Victoria was established in 1990 by the former Labor government. In 1992, when the Kennett government inherited it, the REAV had an annual budget of $3.6 million. Year by year over the next seven years the government that the honourable member for Doncaster said was committed to the environment reduced the authority's budget.

That is horrendous. The honourable member for Doncaster can say what a wonderful job he thinks the Kennett government did, but it reduced the budget by nearly half in four short years from nearly $3.7 million to $1.9 million. That process continued for six of the seven years of the Kennett government. Even in 1999 the annual budget was still below the level inherited from the previous Labor government — that is, it was still below $3.4 million. Only in the last year of the Kennett government, when it woke up to the fact that an election was coming, did it finally do something about renewable energy. Former government members thought to themselves, 'Perhaps we should respond to Kyoto and bump up the budget for Energy Victoria', and they increased it to over $5 million. Still, that was commendable.

What did the new government do? Did it say that $5 million a year was appropriate? No, the Bracks government, as the bill demonstrates, acted on its strong commitment to renewable energy and to keeping faith with the people of Victoria. It arranged for an increase of more than $17.5 million over four years in the Sustainable Energy Authority Victoria (SEAV) budget to almost double its income.

This government stands alongside former Labor governments in a proud tradition of support for renewable energy, and it will commit significant amounts to a range of environmental programs in addition to the $17.5 million commitment to SEAV over the next four years. Labor governments have been far more committed to environmental issues than Liberal governments. The figures I have just presented on the SEAV budget are a prime example of that commitment.

It is a shame the honourable member for Doncaster was so negative. He gave a lot of information about the past, but as shadow minister for conservation and environment he showed honourable members almost nothing about his vision for the future of renewable energy. A few thoughts did emerge, to give him credit, but not much in the way of policy. Most of his presentation was negative.

The government plans to give significant support to environmental programs across the state. The legislation is part of a concerted effort to reduce greenhouse emissions and work with the federal government to meet the commitment it made at Kyoto.

Mr Steggall interjected.

Mr HOWARD — Yes, there is some doubt about the way the federal government and the federal minister, Senator Robert Hill, responded to the Kyoto protocol. They appeared to agree, but not to a reduction in greenhouse emissions. Rather, they seem to have agreed to limit the increase in emissions over the next 12 years to 8 per cent. Many Australians are disappointed by that position; but if that is the agreement Australia actually signs the Victorian government will work closely with the federal government to ensure that greenhouse emissions are reduced. The new arrangements for the SEAV will make that possible.

The legislation will also enable support to be provided for other activities associated with fostering renewable

energy projects. It will allow the authority to make grants to organisations and groups in the community and to support them in innovative projects to introduce more renewable energy sources and reduce the effects of greenhouse gas emissions.

Up to now, Energy Efficiency Victoria has had only one office, in Melbourne. More recently, however, it has started to branch out into regional Victoria. There is now an office in Geelong, and that trend will continue. I will not divulge any further information about that at the moment because the highly competent Minister for Energy and Resources in another place, the Honourable Candy Broad, will be making specific announcements in the near future about the opening of further EEV offices in regional Victoria. I am looking forward to that and to welcoming the minister back into regional Victoria to make her announcements.

I am disappointed that the honourable member for Doncaster has said the former government, by selling off its electricity and gas assets, did a wonderful thing and increased the state's ability to reduce greenhouse gas emissions. That attitude reveals the difference between the Bracks Labor government and the former government. This government shows leadership and responsibility. It does not sell off assets to multinational companies based in other countries who feel little requirement to develop alternative energy sources. If the utilities had still been in government hands the government could have applied better controls.

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

Mr SPRY (Bellarine) — I rise with enthusiasm to speak on the Renewable Energy Authority Victoria (Amendment) Bill and to reflect the concerns of many people in all parts of my electorate including Point Lonsdale, Queenscliff, Ocean Grove, Portarlington and other areas.

The opposition, as the honourable member for Doncaster has said, will not oppose the bill. I make the point, however, that it is disappointing that the government has not taken the opportunity to give substance to its pre-election rhetoric on the matter.

The bill is essentially window-dressing with little body in it. It provides only for a change of name and a drip-feed trickle of additional funding. In essence it provides little hope for people who are genuinely concerned about greenhouse gases and related issues.

In 1980 legislation was introduced by the Hamer Liberal government to address the emerging issue of greenhouse gases. That should not be forgotten, despite what the honourable member for Ballarat East said earlier. The legislation was the Victorian Solar Energy Council Act, which established the council to investigate alternative methods and sources of energy generation to the traditional fossil fuels. Over the years the focus gradually changed to reflect the community's greater concern about pollution and such downstream impacts as the possible consequences of global warming. That was highlighted by some of the statistics referred to by the honourable member for Doncaster in his eloquent contribution to the debate. The honourable member has a fine record of genuine concern for the environment, which is always reflected in his contributions to debates on the subject.

The efforts of the former coalition government in accelerating forest plantation programs in Victoria should be applauded. As a result of those efforts so-called carbon sinks were developed to reduce the levels of carbon dioxide in the atmosphere in accordance with the Kyoto agreement referred to earlier by the honourable member for Ballarat East.

In my electorate of Bellarine, small though it may be, there is already evidence of two or three plantations being developed by forward-thinking farmers. They are taking advantage of the dual opportunity to not only meet the demand for blue gum woodchips but also gain the benefits of the carbon sink initiatives.

To reduce overall energy usage the Kennett government continued to support the work of Energy Efficiency Victoria (EEV). In the past decade or so that organisation has had a significant impact on raising awareness of the relevant issues. This morning I had the pleasure of visiting the head office of Energy Efficiency Victoria at 215 Spring Street, Melbourne, where I saw it has a staff of 40 dedicated people.

Despite the claim made by the honourable member for Ballarat East that the Kennett government did not put enough effort into promoting the issue, I would have thought providing 40 people dedicated to encouraging Victorians to become more aware of the benefits of alternative energy and energy-saving devices was a significant demonstration of the commitment of the former government to the issue.

The programs the people at EEV are promoting range from energy-saving initiatives to the Green Power initiative, all of which are legacies of the drive of the former coalition government. The honourable member for Doncaster touched on the Green Power initiative earlier, and it is worth reflecting on it. I will quote from a brochure given to me this morning by Iain Buckland,

the manager of the initiative at Energy Efficiency Victoria. It states:

> Green Power is electricity generated from clean, renewable energy sources …
>
> When you buy Green Power from your electricity supplier, renewable energy is purchased on your behalf. It is distributed to your home through the grid, in the usual way.
>
> By agreeing to pay a small additional charge on your electricity bill, you are replacing conventional electricity with clean, renewable energy.

I believe the price of renewable energy is slightly higher than the price of standard power. The price of standard electricity is something of the order of 12 cents per kilowatt hour. If a person takes the opportunity of demonstrating his or her commitment to limiting the greenhouse effect and saving power he or she will be required to pay something of the order of 15 to 16 cents per kilowatt hour. That reflects the fact that through the Green Power initiative Victorians are making a sacrifice in their drive to use energy-efficient power sources.

As the honourable member for Ballarat East said, an EEV centre has opened in Geelong. From the brochures given to me this morning my understanding is that an office will open in Bendigo. I will pre-empt what I presume the honourable member for Ballarat East was about to say — an office will open in Ballarat shortly. I hate to steal his thunder.

Mr Steggall — None in Tresco?

Mr SPRY — None in Tresco. There are many areas in Victoria where an office is yet to be opened, and there is no indication that any office will open in those areas. There is no office in Carrum, either.

Mr Hulls — None in Benalla.

Mr SPRY — There is no hope of one opening in Niddrie. The fact that offices are opening throughout regional Victoria is an indication that both this government and the previous government have been keen to promote the concept of energy efficiency in Victoria.

Only 6 per cent of Victoria's power comes in the form of renewable energy. That includes hydro-electricity, solar power, wind power and biomass and wave-generated energy. Victoria was and still is cooperating with the federal government in a program to increase the usage of renewable energy from 6 per cent to 8 per cent of total consumption. That federal government program is known as the 'plus 2 per cent' policy. It requires Victoria's electricity retailers and some of its bigger consumers to buy at least 2 per cent of their power needs from renewable energy sources.

One of those sources of renewable energy is the wind generator at Breamlea, which is in the electorate of my colleague, the honourable member for South Barwon. I am sure the honourable member is proud of that fact. That old demonstration wind-power generator has been a feature of the Breamlea landscape for some time. It was owned by the former State Electricity Commission, which sold it to a company called Alternative Technology Association. It feeds the energy generated by wind power into the electricity grid.

I am also aware of a biomass energy generator which, although it does not feed into the grid, provides other benefits in the form of fuel for combustion engines. That generator is on a property of Dr Brian Barrett at Tylden, which is in the electorate of the honourable member for Gisborne — although she may not know much about it. I know a little about it because my brother, Jonathon Spry, manages the property for Dr Barrett and is heavily involved in the whole process. It involves recycling fat, most of it from fast food outlets in the city, and not only refining it and producing fuel suitable for some combustion engines but also using the waste product to make compost.

It is also informative to reflect on the fact that Australia's greenhouse emissions per capita are among the highest in the world, which is not a good record. The average Australian family is responsible — indirectly, admittedly — for producing about 20 tonnes of greenhouse gases per annum. That is a startling figure. I use the word 'indirectly' advisedly, because the generation of power by conventional means results in the release of vast amounts of carbon dioxide into the atmosphere. But when you translate the total into use per family, you arrive at the figure of about 20 tonnes, which, as I said, is staggering.

Greenhouse gas emissions can be reduced in many ways. The Energy Efficiency Victoria office at 215 Spring Street has a number of interesting brochures detailing those initiatives, and I have a couple with me this afternoon. I recommend that honourable members visit the office and read about the options that are available.

One detailed brochure headed 'Energy efficient house design' suggests that the most effective way of cutting back on household energy use is through the correct orientation of the building. I live in an old house in Queenscliff that was built back in 1863. In those days — —

Mr Hulls — It must be worth a fortune!

Mr SPRY — It is probably worth a dollar or two. I have never bothered to assess its value — I am very comfortable just living there.

Mr Doyle — How much did it cost you when you built it?

Mr SPRY — I assure the honourable member for Malvern that although I may be wise, I'm not that old!

In earlier days most houses were orientated to the south. The people who came out to Australia from the colder climes of England and other parts of the British Isles found our climate insufferable, so they tried to cool down their environment by building houses that faced south. Nowadays we tend to build houses that face north. We add on verandahs and adopt other heat minimisation initiatives that keep out the heat in the middle of summer and allow in enough heat and light in the middle of winter to reduce the use of energy.

Another brochure headed 'How to save on your energy bills' talks about home insulation and has all sorts of useful hints on the best lighting to use. For example, it recommends the use of compact fluorescent lighting in lieu of incandescent lighting. Victorians would be well advised to read the brochures produced by Energy Efficiency Victoria so they can learn how to reduce their overall household expenditure.

I repeat that the opposition does not oppose the bill. However, it is distinctly unimpressed by the government's lack of drive in seeking effective solutions to reduce the potentially disastrous level of greenhouse gas emissions. The bill gives the government an opportunity to confront the greenhouse gas problem and make a real difference. I am disappointed that the government is not taking full advantage of that opportunity.

Ms LINDELL (Carrum) — It gives me great pleasure to support the Renewable Energy Authority Victoria (Amendment) Bill, which amends the Renewable Energy Authority Victoria Act to change the name of the authority to Sustainable Energy Authority Victoria. In doing so, it fulfils an election commitment of the Bracks government to reform Energy Efficiency Victoria and to set up a sustainable energy authority charged with developing a comprehensive strategy for reducing greenhouse gas emissions and developing renewable energy systems.

The changes in the bill include those necessary to allow for changes in the name, objectives and functions of Energy Efficiency Victoria to reflect its reformed roles and responsibilities. The bill also provides for changes in the authority's financial delegations to bring it into line with equivalent departmental approvals. The maximum amount of expenditure that can be allocated without ministerial approval will be increased from $100 000 to $250 000. The bill also empowers the authority to provide funding of up to $25 000 in one year through a grants system without the consent of the minister.

The bill gives a clear signal to the community that the Bracks government is serious about enhancing Victoria's capacity to increase its energy efficiency and develop and use renewable sources of energy. Despite the view of the honourable member for Bellarine that the former Kennett government strongly supported Renewable Energy Authority Victoria, funding for the organisation was reduced every year it was in office.

Clause 5 provides new objectives and functions for the authority by replacing sections 5 and 6 of the Renewable Energy Authority Victoria Act. Proposed new section 5 states:

> The objectives of the authority are to facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits for the Victorian community and to contribute to the reduction of greenhouse gas emissions.

This is an important bill. The response to the challenge posed by global warming, which is caused by greenhouse gas emissions, must be led by governments and underpinned throughout industry and the broader community by forward-looking policy objectives. The consequences of global warming for our continent cannot be overstated. The Bureau of Meteorology recently advised that the 1990s was Australia's warmest decade. On average, the mean temperature during the 1990s was almost 1 degree higher than the mean for the years from 1961 to 1990. Five of the years in the 1990s were in turn the warmest on record.

The 1990s had the highest mean temperatures worldwide since instrumental records began in the 1960s, according to the World Meteorological Organisation. The need for action to reduce greenhouse gas emissions internationally has grown over the past 15 years. At the recent World Economic Forum at Davos in Switzerland it was agreed that climate change was the greatest challenge facing the world at the beginning of the new millennium.

The bill signals to industry and the broader community that the intention of the government is to lead Victoria towards a sustainable energy future. Current government policy as outlined in the Greener Cities and

the Brighter Ideas election policies includes a commitment to set emission reduction targets and pursue a comprehensive strategy to achieve them. A Victorian greenhouse strategy will be developed during the year to meet the commitment.

The new Sustainable Energy Authority Victoria (SEAV) will drive reductions in greenhouse emissions to enhance Australia's ability to meet its international obligations with regard to greenhouse emissions as agreed under the Kyoto protocol. Under the protocol, between 2008 and 2012 Australia will be required to limit its emissions to 8 per cent above 1990 levels. Australia's target is considered fair and equitable, reflecting its unique economic and trade circumstances. It is recognised that meeting the target will be a challenge requiring action by all governments, business and industry and the community. It is why the bill is before us today.

A commitment to open and consultative government is the hallmark of the government. The recently released report on greenhouse gas emissions trading — known as the Allen report — is freely available on the Internet. Although he is no longer in the chamber, the honourable member for Doncaster might be interested to know that the address on the web is www.vic.gov.au/greenhouse/emissions.html. I believe the honourable member was having trouble finding the report. If he is still interested he will find it is located at that address.

A summary of the Allen report has been sent to more than 120 industry and environmental representatives involved in the consultation and forming part of the study, as well as to other state and territory governments and, of course, the commonwealth government.

The report, commissioned by the previous government, examines the economic impact of domestic emissions trading and will add to the national debate on greenhouse gases. Its findings will be considered by the new SEAV over the coming months in the development of a comprehensive greenhouse emissions reduction strategy. The report shows significant opportunities for additional reductions, including energy efficiency and establishing carbon sinks via tree planting in most sectors, as outlined by the honourable member for Bellarine.

The establishment of SEAV makes sound environmental and economic sense. Programs such as Energy Efficiency Victoria's Energy Smart Business Cascade program and the Environment Protection Authority's Cleaner Production Partnerships are delivering economic and environmental gains to businesses in partnership with government through reduction in carbon dioxide emissions by increased energy efficiency. The new SEAV stimulates the development of renewable energy and there will be new employment opportunities in regional Victoria, particularly in areas like Benalla — which members on this side of the house are interested in but which the Liberal Party appears to have no interest in at all.

Up to 50 jobs will be created during the construction stages of the proposed Codrington wind power project, exemplifying the important economic benefits that can be derived by reducing greenhouse gas emissions.

Honourable members interjecting.

Ms LINDELL — I think the honourable member for Doncaster could give us some insight into wind power.

Establishing the SEAV is a major initiative of the government. As I said, it is government policy to reform Energy Efficiency Victoria (EEV) and establish the SEAV as part of a comprehensive strategy for greenhouse gas reduction and the development of renewable energy options.

The election policy of the government states that the SEAV will develop greater consumer awareness of the benefits of sound environment products and establish environmental guidelines for electricity retailers, including annual reporting of greenhouse gas emissions and setting greenhouse gas emission benchmarks apportioned according to market share.

The authority will require electricity retailers to produce greenhouse gas strategies to achieve a reduction in per capita greenhouse gas emissions. It will support the development of carbon trading, which can generate significant additional funds for the planting of new forests paid for by industries that emit greenhouse gases.

It will require all energy companies to disclose as part of their billing information the amount of greenhouse gas produced in supplying energy. Consumers will be advised of the source of their energy — coal, gas, hydro or green power — and the amount of greenhouse gas pollution associated with their own energy use.

It will establish a greenhouse rating scheme for commercial buildings. It will assist government departments to identify and harness cost-effective opportunities for improving energy efficiency, with a target of reducing energy use in Victorian government buildings by 15 per cent by 2005. The authority will

upgrade the Energy Smart Business program to help companies reach world-class standards in energy use, which will reduce costs, improve productivity, and cut greenhouse emissions. It will introduce an Energy Smart Homes program in conjunction with local councils which will implement improved energy efficiency standards for new homes and renovations.

The authority will expand the Green Power program to facilitate the generation of electricity from renewable sources and to stimulate economic growth and jobs in those industries. It will facilitate the further development and use of co-generation in Victorian work places. It will set a target for the consumption of green power and help meet Victoria's greenhouse gas reduction responsibilities by conserving energy use in the development of facilities for the 2006 Commonwealth Games. I emphasise that the establishment of Sustainable Energy Authority Victoria will make significant contributions to the Victorian economy and the government's efforts to reduce greenhouse gas emissions. I commend the bill to the house.

Mr PLOWMAN (Benambra) — It gives me great pleasure to join in the debate on the Renewable Energy Authority Victoria (Amendment) Bill. Although the bill is short and in one way simply shifts the deck chairs by changing the name of Renewable Energy Authority Victoria to Sustainable Energy Authority Victoria — it changes just one word — it fundamentally increases the opportunity for energy interests in Victoria to work on and fund different renewable energy projects right across the state.

The main aim of the bill is to not only provide for the better use of energy but also to ensure a reduction in greenhouse gas emissions by introducing renewable energy systems. If effective action can be taken to reduce the emission of greenhouse gases such as carbon dioxide by reducing our use of combustible fossil fuels, the increased funding of $17.5 million over the next four years, in addition to the existing budget allocation of approximately $5 million, will be money well spent.

The honourable member for Carrum said the previous government presided over a continuous reduction of funding in the renewable energy area. That reduction was in public funding because there was an increase of private funding. That makes good sense. I am sorry the honourable member for Carrum is not listening. I suggest it makes good sense. If you can get private investment in an area like this, why put in extra public funds? The honourable member for Carrum explained that 40 people are permanently employed by the authority, which indicates a commendable commitment by the former government and tends to overturn any concern about a reduction in funds. One can always count the dollars going into something but one really needs to see the outcomes.

Mr Hamilton interjected.

Mr PLOWMAN — I would like to see recorded in *Hansard* the interjection by the Minister for Agriculture that the former government was actually quite good.

Honourable members interjecting.

Mr PLOWMAN — That is what I heard, anyway. I am quite sure that is the way *Hansard* will record your remarks.

I want to touch on two points in the bill. Clause 6 allows the authority to lend or grant up to $25 000 to a person or a body in one year without the consent of the minister. I do not know why it is necessary to do that without the consent of the minister, but the bill gives that freedom to the authority, which shows some respect for the integrity of the authority. Clause 6 also increases from $100 000 to $250 000 the authority's limit for entering into agreements without the consent of the minister. I imagine those agreements would be along the lines of trying to encourage development in the renewable energy industry. I will touch on those two matters later.

One of the authority's most important functions is to monitor and evaluate research and development on energy efficiency and renewable energy. I note that during the debate in the upper house a suggestion was made that the bill did not provide an opportunity for the work undertaken by the new Sustainable Energy Authority to be monitored and also for its effectiveness to be determined. That is an important function of the authority that I will refer to later in my speech.

Proposed new section 26 states:

> The members of the Renewable Energy Authority Victoria cease to hold office immediately before the Renewable Energy Authority Victoria (Amendment) Act 2000 comes into operation.

That is disappointing because it appears to be an opportunity for the incoming government to replace all the existing members of the board and authority. As I said before, the authority has done an enormous amount to generate a better understanding in the community of why renewable energy has to be considered, funded and assisted. Yet it appears as if the days of the board members are numbered. I ask the government to give due cognisance to those board members when it replaces the board as proposed by the bill.

Earlier I said I would refer to a few examples of how I believe renewable energy can be promoted and developed in practical terms. As is my wont, I will refer to how this can happen in country areas. Honourable members heard about the public field where the government wants to try to reduce the energy usage in public buildings and so on — and that is highly commendable. However, it is the smaller proposals that make a lot of difference, many of which will be trialled and utilised in country areas.

In a week an expo at Tallangatta will highlight renewable energy, as it has done over the past few expos. It is a dairy expo, but it considers all aspects of the industry. It includes the need to encourage, develop, and seek initiatives in the renewable energy area. I refer to a small development of a guesthouse bed-and-breakfast operation at Waterfall Creek in the Tallangatta Valley. The owners built their premises in an isolated area and were faced with a cost of about $15 000 to $20 000 to bring power to their establishment. Instead, they have harnessed the water power from a stream and generate all their electricity 24 hours a day, 12 months of the year, and are doing it for a little more in initial capital cost than if they had brought the power to their farm via Eastern Energy. Not only does it give renewable energy at virtually a nil recurrent rate, but it interests city people who come up to stay at the guesthouse to look at it and see how energy can be sourced on site. Many city people are not aware of the value of water. Some even believe milk comes from a carton. When they visit the country they get a shock when they see milk does not come from a carton or a bottle. More importantly, they see how energy can be generated within a sustainable unit on the Waterfall Creek site.

Mr Doyle — We are just simple city folk.

Mr PLOWMAN — There are plenty of simple folk in all parts of the community who get pleasure in the simple application of renewable energy. Those sorts of examples need to be encouraged.

I refer to the provision of the bill which allows the authority to lend or grant up to $25 000 to a person. The Tallangatta expo is considering running a competition to seek renewable energy initiatives. A grant given to that body to promote such a competition right across country Victoria — because it is aimed at country Victoria — would be an excellent way of spending public funds to develop initiatives from all sorts of areas.

Other examples of renewable energy initiatives include solar panels to run electric fences because it is much more costly to take the power to the fences than to set up a solar panel. Instead of building a cattle grid, a farmer in my electorate has developed a solar panel self-operating gate. The gate is operated by the approach of a vehicle and is cheaper, more efficient and can be used for livestock, where a cattle grid cannot. Those sorts of initiatives will enable us to examine renewable energy through totally different eyes. All those aspects are worth looking at in country Victoria.

Another example of where solar panels are ideal is in isolated areas where road lighting is needed in a bad spot, at an intersection, or in particularly fogbound and isolated areas. There are many instances where solar panel lighting in those dangerous spots on country roads is the most practical and economic way to provide lighting.

Mr Hamilton — Even in telephone boxes.

Mr PLOWMAN — Yes, even in telephone boxes. As the Minister for Agriculture points out, some Telstra advertisements alert us to what is available and possible.

North-east Victoria contains many such opportunities for the use of renewable energy. It is not a windy area but the opportunity for wind power generation is available. There are all sorts of opportunities for water power generation on a small scale. When co-generation of electricity was available in Victoria a generator was installed at Mulwala, an increased generation capacity was put on two of the other major dams on the Murray system, and a new wall across the Hume Weir at the narrows at Tallangatta was considered to generate capacity. However, country Victoria just missed out on that opportunity which would have been a wonderful way of servicing that area with an increased generation of green power.

Some 38 per cent of the water that runs into the Murray–Darling Basin is generated from the small area of north-east Victoria. That constitutes a lot of power and a lot of opportunities. It is an area that the government certainly should be considering. Windmills have always been used as a source of energy for water pumping, and more frequently in the wind-free areas solar panels are replacing windmills. We have to be open to new ideas.

When you are faced with a hot water cylinder that either rusts out, starts leaking or degenerates — and I will not use the agricultural colloquialism — why not consider replacing it with solar power? For only a small additional cost it is probably a good means of not only

demonstrating how we can individually use renewable energy but also how we can do it at an affordable rate.

Another function of the authority will be to monitor and evaluate research and development. I hope the Sustainable Energy Authority will look outside the bounds of Victoria because the Albury campus of the Charles Sturt University at Thurgoona has established a whole university complex where every building is designed on an energy sustainable basis. I know the Minister for Agriculture will be interested in that because of his enduring interest in tertiary education.

No airconditioning is required. The complex has circulating water, which cools during the night. The water is held in a pond, and when the building temperature reaches a certain level it is automatically circulated, which means the building stays cool during the heat of the day. The functioning of the window shutters is determined by temperature and the direction of the sun. They are automatically tilted to deflect the sun and exclude the light as the building becomes hotter.

The complex, which has a large student population, has a totally contained sewerage system using the self-composting toilets referred to by the honourable member for Doncaster. The buildings utilise all the water that falls on the campus. The water that falls from the roof is used for drinking, and the grey water is used on the gardens. A ponding system does not allow any water to leave the campus. When complexes such as hospitals and educational facilities are being built, I hope the authority will look across the border to the Charles Sturt University and see it as an example for designers and builders to follow.

I refer to the funding grants of up to $250 000 provided for in clause 6. Projects such as the Charles Sturt University complex should be funded and allowed to develop by making use of commercial opportunities — and again, they should be seen as examples for others to follow.

I now turn to a project being undertaken in the Upper Murray by Upper Murray Business Incorporated that involves the biomass generation of forest waste. Bob Barker has been working on the project since 1998. He initially looked at residual roundwood as a resource, but he is now looking at all forest residue, including sawdust from the timber mills in the north-east. Forest residue is produced by both hardwoods and softwoods. The system, called pyrolysis, breaks down the wood residue through burning into three separate units — phenols; alcohol, which is used for pharmaceutical products; and cellulose, which is used for paper making.

The commonwealth biomass taskforce and Melbourne University are heavily involved in the project. They are looking at a pilot program that will use 21 000 tonnes of forestry waste a year. The pilot project is almost certain to develop into a bigger proposal that will have a significant effect on greenhouse gas emissions in north-eastern Victoria.

Country Victoria will lead the way in many areas, from smaller projects generating power through water to larger ones generating power through biomass generation.

Mr CARLI (Coburg) — I am pleased to support the Renewable Energy Authority Victoria (Amendment) Bill. I have had hands-on experience with renewable energy going back to the early 1980s, when I was a project officer with the former Brunswick Electricity Supply. That company not only provided electricity to Brunswick residents but also examined ways of reducing their energy use. That meant informing people about energy efficiency, which involved hands-on issues such as converting their homes to maximise energy efficiency, ensuring that council buildings were energy efficient, and creating a local technology park using renewable energy wind power, solar cells and other forms of energy, not only for educational purposes but also to generate electricity to put back into the grid.

Coming straight from university, I was fortunate to be employed in an innovative organisation that saw itself as playing a proactive role in renewable and sustainable energy matters. The company was a leader in those days. Later I will speak about the attempts by the City of Moreland to continue that tradition of forward thinking on energy conservation and renewable energy.

The name change from Renewable Energy Authority Victoria to Sustainable Energy Authority Victoria is important. That was brought home to me several weeks ago when I attended a presentation of Daimler–Chrysler's Nebus, which was brought from Germany.

Nebus is an important project involving electrically powered vehicles. Energy cells in the vehicle use hydrogen and oxygen from the air to produce water and electricity to drive it. As a result no greenhouse gases such as carbon dioxide, nitrogen oxides and sulphur oxides are produced. The pollutants produced by diesel motors are not present. It is impressive that Daimler–Chrysler is developing a bus system at the

same time as it is developing a car system based on air and hydrogen — renewable energy sources.

The issue that really came home to me was that if you want sustainability you have to work out how the hydrogen you use is produced. At the moment most hydrogen is produced during the cracking process in the production of petrol and diesel. That is not sustainable, because although hydrogen is renewable and available, when it is produced in that form it produces greenhouse gases at an earlier stage than happens while the vehicle is being driven.

The engineers from Daimler–Chrysler were interested in the production of hydrogen that did not involve greenhouse gases, whether from hydro-electricity, which they favoured, or some other sustainable method. The issue was not so much the renewable energy source but sustainability. Sustainability has to be looked at as a cradle-to-grave process. Although the Nebus project is impressive in what it can mean in reducing pollution in cities and improving personal amenity in the form of a quieter ride and so on, there is a need to get the cradle-to-grave process right and look at the creation of renewable energy.

A series of emerging technologies coming on stream will prove important in the move towards the production of more sustainable energy. It is a difficult issue for Victoria, not only because its dependence on brown coal is important to the economy, but also because it produces greenhouse gases and coal is not a renewable source. The solution lies in developing alternatives.

The aim of the Sustainable Energy Authority will be to encourage development of sustainable alternatives, make sustainable energy marketable and build up related industries. It will also be important to ensure that energy retailers purchase alternative electricity. There is currently a debate on the issue of whether a quota should be introduced to force retailers to purchase alternative electricity to help drive the alternative industry and investment in it, which is needed desperately.

The message in the bill is that the authority will be important in driving change and innovation. At the last election Labor flagged a series of initiatives to drive awareness among consumers. Labor wants to provide guidelines to ensure greenhouse targets are met and people are aware of what is happening — that is, where and how electricity is being produced and the consequences of its production.

The authority will have important tasks in Victoria. It will assist the state to meet the commitments Australia made in the Kyoto agreement, in the discussions at the Rio summit and in other environmental forums over the past few years. Victoria is facing major environmental consequences as a result of global warming and pollution due to the use of particular fuels. A government authority is needed to drive change and innovation, carry out monitoring and evaluate research. Those functions are well expressed in the amendment, and I support that.

I am aware of the power exercised by the power retailers, their great desire to sell more electricity and the difficulties that are faced in going down a path of renewable energy. I own a property in central Victoria with some other people. We introduced solar panels and our solar system worked effectively. However, in choosing our power source we had to decide between what then was the State Electricity Commission and the choices other property owners were making. It was a difficult decision to make at that time. Initially it was not an economical decision to choose solar panels, but in the eight or nine years since there has been a real boom in the use of solar panels in central Victoria and an awareness that they are a good, renewable resource.

The price has also dropped. With improvements in technology have come increases in production and demand and a noticeable reduction in the costs of the systems. I was made aware of that when someone stole our inverter. When we replaced it we found a better product at probably a quarter of what we paid eight or nine years ago. The cost of installing a solar system has gone down in the past decade and the technology is better.

There is a need to drive the technology, drive the industry, create the demand and create alternatives. It is the government's role to provide incentives and demonstration packages, to demonstrate that its own buildings are energy efficient in their design and to ensure that consumer goods are rated so that consumers know how much electricity the items they purchase will use. The government will put energy up front.

So far as consumers are concerned a heap of benefits are available, not only a lowering of energy costs but also environmental benefits, which often are not apparent initially.

People's awareness of the long-term effects and consequences on the environment by our irresponsible use of non-renewable energy, particularly hydrocarbons, is increasing. Previous speakers have mentioned the increase in summer temperatures which

may be a consequence of global warming, and that is making people aware of what is happening. That creates an opportunity for governments to show leadership and provide incentives for the use of non-renewable energy.

It is in that context that I refer to the City of Moreland. In the early 1980s Brunswick Electricity Supply, which was an innovator in Victoria and possibly worldwide but which, as I said, no longer exists, initiated some important steps relating to renewable energy. When the supply of electricity was privatised, the energy component of Brunswick Electricity Supply was taken over by Citipower. It is fortunate that it has kept that important resource going, particularly as an educational tool.

The City of Moreland decided to continue the tradition of being an effective voice for renewable and sustainable energy. It used part of the money raised from the sale of Brunswick Electricity Supply to set up a fund to promote and develop renewable energy. Local government money is in great demand, and the City of Moreland is to be commended for putting several million dollars into the project over the long term. It is helping to build a culture of innovation.

With the Minister for Local Government I attended the opening of the renovated municipal buildings in Coburg. The renovations were done with complete thought for energy efficiency in terms of design and architecture. The council built a pergola with solar panels which produce electricity for the building. The panels help to maximise heating and cooling using the sun and air. It is a credit to the council that it decided to use the principal civic building as an example of good energy design.

The City of Moreland also made a conscious decision to purchase some of its electricity from renewable energy sources — I am sure it would buy all of its electricity from those sources if it could. People living in the area know the council does that and it has a symbolic aspect which should not be underestimated. It follows the tradition of the Brunswick Electricity Supply selling solar panels to its customers who were able to pay for them on their electricity accounts. The electricity generated by the panels over and above that used by the customers was deducted from the final bills. It was another way to raise people's awareness but it also had a very practical application.

Now the City of Moreland has a tradition, which I have been part of and supported for close on 20 years. It has considered local government as a major vehicle for improving the use of renewable energy and driving the process of environmental consciousness.

The new Sustainable Energy Victoria Authority will also have that role. Clause 6 sets out the functions of the authority, which include providing advice and information to consumers about the efficient use of energy, particularly renewable energy; the practical implementation of energy-efficient measures in all parts of the economy; encouraging the viability of the renewable energy industry; monitoring and evaluating research; and informing Parliament about the possible directions we can take.

It is not enough for the state government to do the work alone. It needs to be taken up by responsible companies, consumers as a whole and local government. If we are really serious about meeting the targets set for us in the Kyoto agreement we need to rally around our commitment and do better than the commitment, although we can argue about the target set for Australia and the basis on which it was set.

The City of Moreland also monitors the planting of trees. In the past year it has planted 15 000 trees and this year it intends to plant the same number. It considers its role as a planter of trees in an urban area as improving the habitat for humans and animals and forming part of its commitment to environmental sustainability. If one local government body can do it, all of them should be doing it, as should companies and individuals. It is not the responsibility of one sector of society to search for and try to achieve sustainability; everyone must do that. The authority has a strategic leadership role but it cannot achieve its goal without the cooperation of many other forces in the society.

As I said, I am pleased to support the bill. It is important to focus on sustainability. The example of the Nebus from Daimler–Chrysler highlights what can be done. It is great to be able to just add hydrogen to air and drive buses, without any pollution or greenhouse gases. The big issue is how we get hydrogen. It is not a sustainable prospect to simply use brown coal or crack hydrocarbons in a petrochemical plant to get the hydrogen.

An honourable member interjected.

Mr CARLI — Building the buses is an issue as well. To be fair, when people at a company such as Daimler–Chrysler talk about cradle-to-grave projects, they include the production and recycling of the buses. It is to the credit of the commitment of the Germans to the environment that they can build a product such as a bus and make each component recyclable and ensure

that they monitor the lifespan of the vehicles. I was very impressed when the engineers at Daimler–Chrysler said that they use the same approach to fuel. They said it is not about just hydrogen and oxygen; they acknowledge the need to follow the process back to determine how the hydrogen is produced and that that is crucial to their ability to produce a better, environmentally friendly vehicle.

We can learn a lot from the Germans. They show a level of thought in their engineering and the cycle of production that still has not quite penetrated Australia. That will no doubt be a function of the authority, certainly in the energy area.

Mr VOGELS (Warrnambool) — I wish to contribute to the debate on the Renewable Energy Authority Victoria (Amendment) Bill, which provides for the establishment of the Sustainable Energy Authority Victoria. There is no doubt we need to be looking at alternative forms of energy. Up to now the cost of green power, as it is called, has been beyond what the end users — that is, the consumers — can afford to pay. Current energy costs for a megawatt hour were outlined in the *Australian* of 6 January. They are: hydropower, $50 to $100; wind power, $70 to $100; solar power, $150 to $250; wave power, $100 to $200; forestry, $60 to $130; crop waste, $70 to $130; and landfill gas, $50 to $90. They must be compared with coal-fired power, which costs $10 to $30 per megawatt hour.

I have had some personal experience in the use of solar power. Television reception at my house at Scotts Creek was non-existent because of the terrain. My house is in a beautiful valley that does not lend itself to TV reception or even using mobile phones. However, on top of the hill behind the house, about a kilometre away, the reception is perfect. We decided to put an aerial up there and beam a signal down to the house, all of which is quite possible. However, we needed about 1 watt of power to run a transformer. At a cost of nearly $1000 we purchased a solar panel that in theory would keep a 12-volt battery charged all the time to enable it all to happen. It proved a dismal failure, as that expensive solar panel could not keep even that tiny bit of power going for 24 hours a day without our having to regularly recharge the battery. I have told the story to show that we have a long way to go before green power becomes viable.

An article in the *Ecologist* of March–April 1999 headed ‘Making progress towards a fossil free energy future’ states:

> Modern cars, after a century of devoted engineering refinement, use only 1 per cent of their renewable energy to move the driver. An ordinary light bulb converts only 3 per cent of the power-plant fuel into light. The entire US economy is only about 2 per cent energy efficient compared with what the laws of physics permit.

South-western Victoria is leading the way in the search for renewable energy resources. By the end of this year Victoria’s first commercial wind farm could be producing enough electricity for more than 15 000 homes. The $30 million 14-turbine wind farm at Codrington, just west of Port Fairy, would save up to 80 000 tonnes of greenhouse emissions by replacing coal-fired power in the south-west.

In an article in the *Herald Sun* of 18 July 1999 Felicity Dargan states that waves off the Portland coast will be used to generate power in a project its designers believe will revolutionise the electricity industry. The article goes on:

> Group managing director Michael Slonim said federal government funding had been received for the trial, which would start before the year’s end.
>
> ‘The unit will produce 20 kilowatts of power, enough to power 20 homes’, he said.
>
> ‘Wave energy is not a new concept. People have tried for decades to harness the energy of the ocean’.
>
> ‘They have invested millions of dollars, cut into cliff faces and built huge offshore platforms’.
>
> ‘Our system of converting wave power into electricity is simple, low cost and non-polluting. It is also modular, so each unit is self-contained, meaning you add more as you need them’.

I have a photograph of a unit with me now. We have a long way to go — but we must keep trying.

Phillip Hopkins, in an article in the *Age* of 13 March, writes about a company that has received $750 000 to start immediately on a study of the feasibility of using biomass fuels, including wood residues from softwood plantations, in the green triangle region. The green triangle region is also in the south-west of Victoria. Biomass is the name given to a variety of organic materials produced with the energy of the sun and can include a range of products from wood and wood waste to grasses, grains and seeds, agricultural waste, food processing waste, and paper and cardboard.

South-west Victoria is also leading the way in forestry. A key assumption in the scenario is that forestry ecosystems will return to net carbon sinks rather than the net emissions that are occurring today.

Background work on fossil fuels as energy sources suggests that a coordinated international effort could halt net tropical deforestation by shortly after 2025; but

significant policy intervention would be needed to make that a reality. Such a campaign would also require broad exceptions for local people on certain measures, sympathetic approaches to reforestation by commercial plantation owners and strict policing.

The federal government has pledged $65 million to be spent on finding renewable energy resources so that by 2010 an additional 2 per cent of electricity will be provided by green power. That is to be commended.

I support the bill because it builds on the efforts of the previous state government and the federal government to facilitate the use of energy efficiency and the development and use of renewable energy. I commend it to the house.

Ms BEATTIE (Tullamarine) — I am pleased and excited to join the debate on the Renewable Energy Authority Victoria (Amendment) Bill.

The bill does more than simply change the name of the Renewable Energy Authority Victoria (REAV) to the Sustainable Energy Authority Victoria (SEAV). It provides extra funding and demonstrates the commitment of the Bracks Labor government to making a difference to the impact of greenhouse gas emissions on the environment. That is of importance not only to people in Victoria but to everyone in Australia and the rest of the world.

Australia's response to global warming follows the worldwide trend. The five-year period from 1995 to 1999 was the warmest on record, and all honourable members will understand the need for international action. Until 1998 there was a lack of commitment to measures to counter global warming. Interest was renewed, however, after the Kyoto conventions and protocols emerged and the need for a national greenhouse gas strategy became obvious. The former state government failed dismally in responding adequately to that enormous problem.

We are the custodians of the planet, and its future is in our hands. The Bracks Labor government will put more resources into the SEAV to provide for a range of initiatives designed to achieve greater energy efficiency across every state sector. Those initiatives will not only reduce greenhouse gas emissions and the amount of energy used by householders, businesses and authorities, it will facilitate the development of new sources of renewable energy as alternatives to the fossil fuels on which Victoria relies so heavily. There is a sense of urgency in the government's commitment to renewable energy sources, so the SEAV will focus on facilitation rather than research.

The government is committed to the future of Victoria and will play a strong leadership role. Projects have already begun so that, with education, Victorians will modify their thinking and behaviour in energy use. Rather than simply sprinkling government money on the problem, we must look at the systems that are the root of the problem and become strategic as well as determined in our efforts.

The opposition should wholeheartedly support the leadership role taken by the Bracks Labor government. Sustainable energy should be above politics. Honourable members of the opposition who have suggested that the bill is mere tokenism should understand how the government will, with the assistance of the SEAV, deal with greenhouse gas emissions in the coming years. It must and will make consumers aware of the benefits of sound environmental products and their use.

Much work has been done at both the industry and the retail level on energy-efficient appliances. The REAV, in its annual report, asserts that it has provided approximately 300 000 people with information about energy-efficient appliances. I hope that is translating into sales.

We cannot underestimate the importance of identifying and enlisting the commitment of key nations — particularly the United States of America, which has the largest economy in the world and must come to terms with the issues.

In my previous employment I worked closely with a group whose genesis was in the union movement — particularly the Electrical Trades Union, often ridiculed and vilified in this house by the opposition — called Earth Worker. That group helped to facilitate the development and manufacture of a wind turbine in the Latrobe Valley. The project has the potential to generate both economic growth and jobs for the Latrobe Valley and demonstrates the willingness of the union movement to use its influence for the benefit of the environment and the economy. That movement can also play a role in educating its members in sustainable energy use.

I wish to reinforce the commitments made in the Bracks government election policy. I will refer to a couple of key points, but I will not dwell on them, Mr Acting Speaker, because I know other members wish to speak in the debate. One of the key points of the policy is:

> Labor will establish a power industry planning unit which will urgently review the need for future power station development, gas supplies and the opportunity for

> coordinated energy conservation programs funded by distribution companies.
>
> …
>
> Labor will promote renewable and non-greenhouse producing energy sources.

The policy also states that the strategy will include 'support for energy efficient transport and urban planning options'.

We should compare those progressive policies with the statements made by my predecessor when he talked about the water shortage — water is one resource that we should certainly try to conserve, because it is one of the world's most precious resources. When talking about water he said he was not a water expert. That is obvious. He also said:

> I do know, however, that it doesn't matter how big your dams are or how big your pipeline is — the bottom line is if it doesn't rain it doesn't rain.

I suggest that following the recent Liberal Party conference he is an expert on waste, because he was consigned to the political scrap heap.

It gives me great pleasure to support the bill. Victoria can now go forward with enthusiasm and with a commitment to renewable energy. The Bracks government has taken a leadership role on this issue, and all individuals can contribute to safeguarding our world environment. I support the bill and commend it to the house.

Mr MAUGHAN (Rodney) — I am pleased to contribute to the debate on the Renewable Energy Authority Victoria (Amendment) Bill. The opposition has declared that it will not oppose the bill.

I am one of the 75 per cent of Victorians who want to find out more about how to protect the environment by reducing greenhouse gas emissions. We all share a responsibility in achieving that objective.

Essentially, the bill is about three things: energy efficiency, renewable energy and reducing greenhouse gases. Those aims are set out in clause 5, which states:

> The objectives of the Authority are to facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits for the Victorian community and to contribute to the reduction of greenhouse gas emissions.

I support all those important objectives, as do most people in the house and in the wider community.

Firstly, I wish to speak on the reduction of greenhouse gases. Other speakers in the debate have talked about the contribution to global warming of greenhouse gases from the discharge from power stations and other activities, so I will not go into that issue in any detail, except to say that we can all make a contribution by reducing our use of electricity, gas and other energy sources. We can do that in our homes simply by using efficient light bulbs that reduce energy usage by up to 75 per cent, by insulating our homes and by other measures to reduce our dependence on energy and thus reduce the generation of greenhouse gases.

We can also reduce our dependence on energy by looking at the design of homes and industrial buildings, installing insulation and taking other measures. I recall a good friend of mine in Tongala who some 20 years ago set out to design a home that was energy efficient by taking account of the prevailing winds and the direction of the sun and installing insulation. He was able to achieve a significant reduction in the use of power in that home merely by good design. We must be more cognisant of the need for good design. For example, we should get rid of large areas of glass. Most people like large areas of glass because they provide views, but they also provide poor insulation in the home: they let the heat out and the sun in. We need to take all those sorts of things into account when designing homes and other buildings.

We can also reduce greenhouse gas emissions by changing the way we drive our motor vehicles. If we rip, tear and bust and accelerate unnecessarily — —

Mr Hamilton — Only the young drivers.

Mr MAUGHAN — I hope only the young drivers do that, but I am afraid members of the older age group could also be far more efficient in the way they drive.

I have a friend who runs a large commercial trucking company. He reads his tachographs almost every morning as he eats his cornflakes. He knows the cost in fuel per day of every kilometre per hour over 100 kilometres per hour travelled by his drivers in large vehicles pulling loads of 35 tonnes or more. He receives an economic benefit by minimising excessive speed, but the extra fuel that is used generates greenhouse gases that add to global warming. By ensuring that commercial vehicles operate at reasonable speeds we will reduce the emission of greenhouse gases.

We can also do something to soak up greenhouse gases by planting trees. I wish to pay tribute to the many Landcare groups throughout Australia. The Landcare movement has taken off, and the groups are doing a marvellous job in continuing to plant trees.

There are many examples of tree planting programs in my electorate, but it is a particular pleasure to drive through the Colbinabbin and Corop areas and see the revegetation that is taking place at the top of the Mount Camel range, where private landowners who are part of the local Landcare group have planted large numbers of trees.

Donna and James Wilkins of Turrumbarry needed to remove about 100 trees from their large commercial dairy farm to install a large overhead sprinkler irrigation system; however, in return for that loss they planted 19 000 trees. Together with all the other trees that have been planted in the area, those trees, which are now about 4 feet high, will in time make a significant contribution to the environment by soaking up some of those greenhouse gases that will inevitably be generated.

The bill is also about encouraging the use of alternative renewable energy sources. In Australia, which has so much sunshine, far more effort needs to be put into solar energy research to establish how to more efficiently use the huge amount of energy that is available to our continent every day of the year.

Australia has led the world in the development of solar panels, which are now used extensively to power remote pumps. For example, Telstra uses solar panels to power its telephone exchanges in country Victoria, the Goulburn–Murray Rural Water Authority uses solar panels to power remote control irrigation control and monitoring devices in northern Victoria, and so the list goes on. The use of solar power is increasing as the technology becomes more sophisticated and more efficient.

Solar-powered domestic hot water services are more expensive than electricity-powered units, but they are more efficient over a long period. Governments can and should encourage the manufacturers of solar-powered hot water services. I speak from experience, because there was an excellent manufacturer of commercial solar hot water services in Kyabram, which is in my electorate. The manufacturer was not able to produce them efficiently in Victoria, so he went to Deniliquin, where he had similar sorts of problems — not because the units were no good but because of consumer resistance to their high cost when compared with the cost of electricity-powered units.

If the community and the government are fair dinkum about trying to reduce the level of greenhouse gases and use the abundant solar power that is available to us all, consideration should be given to subsidising the production of solar hot water services and the like, at least in the initial stages. The technology is available, and they would be used much more widely than they are currently if the cost were more competitive.

As the honourable member for Benambra said, windmills have been used for many years in the farming community, where they are still an important means of pumping water. However, they could be used more efficiently. As honourable members know, in various parts of Australia where the wind blows strongly wind farms are generating electricity that goes into the grid. Sustainable Energy Authority Victoria could do something to encourage further research on and the development of electricity generation using wind power.

The house has not heard much about water power during the debate, but I well remember the hydraulic rams, which used the power generated by water falling down a stream to pump water or generate electricity. More could be done to use water as an alternative power source.

Methane is another important source of alternative power, and two things should be done about that. The first is to reduce the level of methane gas emitted from decaying vegetable material. The methane gas emitted from tips can be tapped into to generate heat, electricity and other forms of energy. That is being done in various parts of Victoria and Australia, and it will increase as time goes on.

The second thing that needs to be done relates to our grazing animals. I have not yet heard anyone mention the huge contribution those animals make to the level of greenhouse gases as they belch carbon monoxide into the atmosphere. They also emit quite a lot of carbon monoxide out the other end, but we cannot do much about that! Much research is currently being done on feeding cattle certain supplements that will reduce their emissions of greenhouse gas through a chemical reaction in the rumen. Sustainable Energy Authority Victoria could encourage significant research such as that into reducing greenhouse gas emissions from grazing animals.

More can be done about generating methane gas from the many waste products out there in the community. I have taken an interest in the subject, because I well remember that in the 1970s a fellow by the name of Coulthard had a pilot plant at Toomuc Valley Road at Pakenham, where he developed a methane gas digester that used the waste from a piggery. Although it was a small-scale development it was nonetheless important, and he went on to win the Lysaght Inventor of the Year award. He subsequently moved to Cranbourne, after

which he built a number of those plants around Australia and South-East Asia. Unfortunately, they were not highly successful. The digesters needed continuous flows of effluent to operate efficiently, so they were not able to cope with the shock loads that came from the piggeries, one in the morning when they were cleaned out and another later in the day. However, the idea was sound.

As I say, I have been interested in the idea for a long time, and in 1986 I gained a Churchill Fellowship that enabled me to undertake a study tour of the United States, Canada and the United Kingdom. One of the things I looked at during the study tour was the generation of methane gas by those digesters. Although I discovered that the technology was well advanced, I did not find one that you could put on a farm, put waste material into and be sure that methane gas would come out the other end.

The technology has now been developed even further. A group at Melbourne University has been working on developing a methane gas digester. A great deal of that work has been done at the school of agriculture, and in particular at the Mount Derrimut research station. As a result, a methane gas generator is now operating successfully on a large commercial piggery at Windermere, just out of Ballarat. It is run by Mr Melville Charles, who has been interested in the idea for many years. The methane gas that is produced not only warms the piggery but is used to generate electricity, which is put into the electricity grid. The effluent also produces a valuable fertiliser, which is used on the rest of the farm. That is an example of how technology has been used to turn a waste material — in this case, piggery effluent — into a useful resource.

I heard one honourable member suggest that the same sort of technology could be used with human effluent. Of course it can: we simply have to get our minds around using it for that purpose. I am sure that, rather than wasting it as we now do, in time we will use human effluent to produce methane gas and turn what is now regarded as waste that needs to be disposed of into a resource from which we can generate electricity for the national grid. There is much that can be done.

My only other point on alternative energy sources relates to ethanol, a fuel in which I have some interest. Much work has been done on producing ethanol, an alternate power source that can be used instead of petroleum-based fuels. In the United States of America an increasing proportion of light aircraft now have motors exclusively powered by ethanol, not by petroleum-based fuels.

Ethanol can be made out of any biomass. In the United States it tends to be made of maize or sorghum or any other cereal grain — anything with bulk. It can be made from residues from timber milling or the dairy industry. At Swinburne University work has been done on the technology of turning biomass into ethanol. In time the work will be of great value. As fossil fuels become scarcer — they are finite and are being used at a rapid rate — alternative energy sources will be desperately needed. The technique is there to do that. The research at Swinburne University has now gone to a comparable university in the United States, the University of Baylor in Texas, which has a relationship with Swinburne. Two of the top researchers from Swinburne, Monty Suffern and Suzi Wizeman, have left Victoria and gone to Baylor University because of the lack of financial support to continue with the work on ethanol.

It is not all bad news: about four years ago the former Minister for Industry, Science and Technology, the Honourable Mark Birrell, was instrumental in providing funding to bring Professor Max Shauck, one of the leading researchers from the Baylor University, to the Avalon airshow to demonstrate the benefits of using ethanol to power light aircraft. Apart from being a professor of chemical engineering Professor Shauck is also a world renowned stunt pilot. He came here with a stunt plane and performed aerobatics at the Avalon airshow to demonstrate that ethanol can be used as an alternative fuel for light aircraft. If we want to do something about developing alternative energy sources the work is going on in Victoria at Swinburne University and the research should be encouraged in our own backyard.

The proposed legislation is important. The community should look at using alternative energy sources to reduce greenhouse emissions and ensure the energy available is used in the most efficient way possible. The opposition is not opposing the bill and I wish it a speedy passage through the house.

Mr ROBINSON (Mitcham) — I support the bill; it is a good piece of legislation. I am indebted to the honourable member for Bellarine for his earlier remarks about the wind generator at Breamlea. Over the summer break I spent a few days there, and I believe it is a delightful part of the world. The wind generator, located a kilometre or two from the township, is a local landmark.

I am struck by the comparison between the wind generator and the honourable member for South Barwon, in whose electorate Breamlea is located. The wind generator produces enough electricity to power 17 homes through the course of a year. One of its side

effects is a loud thumping noise which has the effect of scaring cattle. It is one of the consequences of wind generation that must be dealt with, as country members would appreciate more than most. The honourable member for South Barwon, who lives or holidays nearby in Breamlea, also emits loud booming noises on a repetitious basis. He would also scare cattle. The difference is that he produces very little of value compared to the wind generator at Breamlea. Nevertheless — —

Mr Perton — On a point of order, Mr Acting Speaker; I love an amusing speech more than anyone but I ask the honourable member for Mitcham to get either a new joke writer or a new script writer. A speech on wind generation is in order and in accordance with the provisions of the bill. A speech that constantly makes reference to the honourable member for Bellarine and his speaking on behalf of his constituency is not relevant to the bill.

If the honourable member wants to make passing reference to the honourable member for Bellarine and indicate he has holidayed in his electorate, we would all enjoy that and have a laugh where appropriate, as would the honourable member for Bellarine.

I ask you, Sir, to bring the honourable member to order. Get him to talk about wind generation or get him to sit down.

Mr ROBINSON — On the point of order, I note the comments from the honourable member for Doncaster, who has failed to follow my speech. I talked about the comments of the honourable member for Bellarine, who referred to the honourable member for South Barwon. I am sorry the honourable member for Doncaster does not know the difference between members on his own side.

The ACTING SPEAKER (Mr Lupton) — Order! That has nothing to do with the price of fish. The member for Doncaster raised a point of order in reference to comments on the member for Bellarine. I uphold the point of order and ask the honourable member for Mitcham to come back to the bill.

Mr ROBINSON — I am happy to leave the wind generator at Breamlea at that point.

The legislation is welcome and is a refreshing step in the right direction in the state and around the world to develop sustainable power generation. The bill helps return Victoria to the forefront of ongoing debate. It helps, in small part, to address Australia's lagging role in this area.

We all like to think that as a state and as a nation we are at the forefront of developed countries in helping emerging technologies and in dealing with the damage caused by greenhouse gas emissions. We rightly feel a tinge of embarrassment when the rest of the world chides us about our lack of performance. Over the past few years, Australia has been singled out by other countries for its failure to agree to pursue greenhouse gas reduction targets. That has not done credit to the country or to the state.

Greenhouse gas emission targets have been the subject of extensive discussion and agreement by different nations around the world from time to time — something to which members of this Parliament and, indeed, the federal Parliament need to aspire. In a very small way the bill helps us to get back on the right track.

The bill redresses some of the imbalance that has been allowed to develop in Victoria on the sustainable energy front. Some time ago — I think in 1998 — I posed a question on notice to the then Treasurer about the apparent failure of the then government to insist that the recently privatised electricity distribution companies in the state satisfy greenhouse gas strategies as part of the conditions of their establishment. The question was prompted by the apparent desire of the New South Wales government to insist that its electricity companies pursue such a course of action, but in Victoria no such requirement was placed on electricity distributors. That was disappointing. The then Treasurer did not respond to my question on notice and the absence of greenhouse gas emission strategies for electricity companies was allowed to continue. I would like to think this bill signals to players in the electricity industry, as well as others, that Victoria's new government is far more serious about seeing such plans and strategies adopted.

A number of speakers have referred to the statistical evidence which supports the drive for greater sustainability in energy generation. The issue of greenhouse gas emission has been referred to repeatedly. I note from a recent publication of *Energy Efficiency Victoria News* a simple statistic that the average personal computer necessitates the generation of 620 kilograms of greenhouse pollution per year, which is the equivalent of driving a car 1000 kilometres. Most people would be staggered to learn that it requires that amount of greenhouse gas generation and emission to power a single computer. When one multiplies that over the computers and other electrical equipment in operation in households today, including the rising use of sophisticated air

conditioning, one starts to understand very quickly the enormous output of greenhouse gases from this state.

In her second-reading speech the Minister for Environment and Conservation referred to the good work of Energy Efficiency Victoria — a sentiment I endorse. I for one hope that work will continue and will develop. I note one of the recent features in the latest *Energy Efficiency Victoria News* referred to a rebate being administered by Energy Efficiency Victoria for photovoltaic power systems which people are able to install in their houses. In the instance cited the rebate is $5280 on a system costing $17 500.

The article details the decision of Sophie Fraser of Castlemaine to become the first home owner in Victoria to benefit from the new rebate to the extent where she is unlikely to have to pay a power bill ever again on her home. That is a great program. It is hoped that more people will take up the rebate which is administered in Victoria but is made possible through federal government funding. Nevertheless, it signals the way governments can take a lead and encourage people to consider the way their homes and premises are powered and the implications of that for the environment and to choose a more sustainable form of energy production.

I conclude with the observation that any move towards developing and enhancing renewable energy sources in this state will have a disproportionate effect — it will have a greater benefit in regional and rural areas. Most of the job growth attached to the development of sustainable forms of power will benefit people outside the metropolitan area. That is a great thing. We know that for many years the economic prosperity of Victoria has been owed more to people in the country than to people in the city.

Over the years that has tended to be forgotten. However, in years to come, as sustainable power generation becomes more the practice than the exception, it will be country Victorians who will be again showing the way. I am pleased to support the bill and hope it enjoys the support of all honourable members.

Mr SMITH (Glen Waverley) — I am always prepared to take part in a debate where speakers have raised contentious issues. The Renewable Energy Authority Victoria (Amendment) Bill could not be called contentious; it could not be called much at all. It contains two name changes and a whole lot of words. During the debate I have heard government speakers firing cheap shots at the opposition. Anything that will get a discussion going about renewable energy and sustainable energy is good. One wants to see economies of scale and economies in particular areas. I will support an argument if it is for the betterment of our way of life.

The opposition does not oppose the bill, although it has many reservations. The lead opposition speaker, the honourable member for Doncaster, said during his contribution to the debate that the bill provides for many grants to be made — knowing the way the Labor Party gives away grants they will be made without any audit. The government will be the feel-good government.

During our lifetime we have all seen a change in attitude to the environment. The one I always remember is the change in driving up and down the Hume Freeway. When I first began driving up and down the Hume about 40 years ago there was one helluva mess on either side of the road. Driving up and down the freeway now makes one feel a great deal of pleasure. People take care of their rubbish. If they have junk to throw out they do not throw it out of their cars but take it to the next service station, where they buy the next load of whatever junk food they eat. People are thinking about what to do with their rubbish. That message started to be drawn to people's attention during the time of the Hamer government in Victoria where awareness programs were introduced in schools.

If my family is driving anywhere, my young eight-year-old is careful to ensure that everything is put into little bags. At first this practice was a bit irritating, but in the end one becomes enthusiastic about it. It has become a way of thinking. The Hume Freeway is a good litmus test and to see it today is a pleasure. Occasionally one will see the odd yobbos driving along chucking out bottles, and one hopes they will be picked up for that or some other offence they are no doubt committing.

We are all keen to see savings in electricity and despite the savings on our electricity bills, if it helps the greenhouse effect we will be in favour of it. My water bill was delivered yesterday, and I was pleased to see it was lower than the last one. I usually do not say anything, apart from congratulating those who usually waste water on now seeing the light. However, when one thinks about it, the extra water is probably used on the garden during the hot weather. Obviously one has to use water. It is a resource many honourable members have spoken about.

In the past few years I have realised the value of compost bins. Previously I was in the habit of doing the gardening and putting the rubbish in the big bin and getting rid of it. Tree branches and the like cannot be

put into the bin, but much of our garden rubbish now goes into the compost, together with kitchen waste such as the remains of vegetables and fruit. In the end we magically have jolly good compost for the gardens. That program was probably started by the Hamer government, introduced in schools and advertised on television. I am pleased to support those types of measures. It saves me having to buy extra compost.

Other theories have been proposed. We have not got the full answer on the greenhouse effect because, as many of us know, since the ice age there have been many heating up effects which we call greenhouse heating. That has happened naturally. I have just read a book called *London* by Edward Rutherfurd which relates the history of the United Kingdom from the ice age. It is interesting to note that there were considerable warming effects over the centuries prior to the industrialisation in the 18th and 19th centuries.

We are told we are the victims of the non-thoughtful use of resources such as petroleum and coal, and the way in which our society has developed. At the same time no thought was given to how we wasted those resources and the effect on the planet. Perhaps that wastage has increased the heating up of the world compared to what it was in the 1700s and 1800s. However, scientists are not 100 per cent sure that the heating would not have occurred anyway, or if it has been helped along by the misuse of resources.

I refer to the recent cleaning of the outside of Parliament House. If the building had been cleaned in the 1920s or 1930s, with all the coal gas that was burnt by the electricity authorities, the building would have got dirty quickly again. However, it has not; it has stayed clean. London is another place where I have seen a similar example. When I was in London three years ago I got the shock of my life to see buildings such as Buckingham Palace, Westminster Abbey and the Houses of Parliament clean. What a difference it made from my earlier visit some years before. People were saying the buildings have not got dirty again, which means there is not the same amount of pollutants in the air. The white stone buildings would be the first buildings to show the effects of air pollution. From an aesthetic viewpoint there has been an improvement.

We need to get the message about improving our use of fossil fuels across to the public. The programs that have been introduced into schools are doing a jolly good job. The message is important to make our world a better place to live. As honourable members have mentioned, research into wind power, water power and the like will lead to cheaper natural resources as responsible members of the community pursue their use. In turn, that will probably give us a better and cleaner society in which to live.

Government members have fired some cheap shots at the opposition. The Honourable Gavin Jennings, a member for Melbourne in another place, said the former coalition government had done a good job so far as he was concerned, and he has obviously read up and would not be making such comments if it was not true. However, the honourable member for Tullamarine fired some cheap shots at Bernie Finn, the former member for Tullamarine, as did the honourable member for Mitcham. That is all part of politics. However, I cannot see where such speeches will be used. No self-respecting journalist would use such rubbish.

Government members should be giving a positive message to people about their future plans for organisations that are trying to lead the way in renewable energy programs. Victorians need to be given a better understanding of such plans and a general feeling of joie de vivre. That should be the message the government is pushing rather than having cheap shots at the opposition for what it did or did not do when in government. That is a lot of hogwash. Parliament should be ensuring that the education programs continue and that the process of awarding grants is accountable so people can see that they are awarded to research organisations whose work will help increase their standard of living and enable them to lead better lives.

In my opinion the greenhouse effect would probably have happened anyway. There is much research to say it has been aided and abetted by society not taking care of resources. However, one should not become depressed. How we explain why Victoria has had three or four of the hottest summers on record and how that is overcome is the measure of how cleverly resources are used. Let us have a positive debate rather than the negative speeches of government members. While the opposition does not oppose the bill it supports anything that will produce a more positive attitude than that shown by the government.

Mr HARDMAN (Seymour) — I am pleased to make a positive contribution to the debate. The purpose of the bill is to change the name of the Renewable Energy Authority Victoria to the Sustainable Energy Authority Victoria. The bill recognises that many good initiatives have been planned. However, the government must move on and reduce greenhouse gas emissions, global warming and climate change. The bill will assist the government to produce a better future for everyone in the long term.

My constituents in the Seymour electorate have a great interest in renewable energy. I recently visited friends who are building a mud brick house. They eventually hope to live without traditional power connections. They sacrifice many of life's comforts to live that way. We ate our evening meal by the light of a gas lantern because the solar panels are not yet operating. They are concerned that the goods and services tax will increase the price of solar panels but they are keen to take advantage of the $5000 rebate to enable them to purchase a bigger and better solar system so that they have less reliance on generators.

In country Victoria people speak about the importance of public transport and in future years the government must address the challenge of providing an effective and efficient public transport system. Some areas in the Seymour electorate are poorly serviced by public transport. The government is trying to improve public transport with the provision of bus services from Heathcote to Bendigo and other routes. Residents in the Hume corridor can use public transport to commute to the city. I use public transport to travel to Parliament House and again as I travel about the city during sitting weeks. A problem occurs for commuters because the trains cease running at around 6.30 p.m.

The bill addresses global warming and climate change. Greenhouse gases include carbon dioxide, methane and nitrous oxide that trap heat and help keep the surface of the earth warm. The scientific evidence suggests that the concentration of greenhouse gases in the atmosphere has significantly increased since the industrial revolution and is continuing to increase. It is of concern that for five separate years in the 1990s Victoria has had record temperatures.

The bill recognises that the community's role is to bring about sustainable energy use. The government must set an example and be a good role model on how to conserve energy.

It must do that not just through legislation but also through the way it conducts business. Previous speakers have mentioned the impact of cars, for example. I recall that former Premier Hamer introduced a one-to-three ratio in the purchasing of four cylinder cars. Perhaps the government should consider running larger cars on gas instead of petrol. Perhaps the government should be looking at ways of reducing the amount of energy used in public buildings and the amount of waste in government departments.

Industry plays a major role in energy efficiency. Today it is possible to buy a refrigerator based on its energy rating. People of my generation and those who are younger would be aware through education programs run in schools of the importance of greenhouse emissions and the need to care for the environment. Individuals can assist in the process through careful waste management and sensible recycling practices, such as composting.

I have listed some good things but obviously Victoria has environmental problems because it uses brown coal to generate most of its electric power. Most drivers travel alone rather than with others because it is more convenient. A lot of energy is wasted when people leave unnecessary lights burning in their homes. As a society we are building more freeways and tollways instead of public transport networks. The Bracks government is positively improving the situation through the development of new, high-speed rail links between regional centres and Melbourne.

The bill facilitates energy efficiency and the development of renewable energy. The key focus of the Renewable Energy Authority Victoria was research. The bill provides for the Sustainable Energy Authority Victoria to focus in addition on contributing to a reduction in greenhouse gas emissions as a major policy objective. I commend the bill to the house.

Mr JASPER (Murray Valley) — I join the debate on the Renewable Energy Authority Victoria (Amendment) Bill and note the comments made in the second-reading speech concerning the establishment of Sustainable Energy Authority Victoria. It states, in part, that the objective of the authority will be:

> … to 'facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits for the Victorian economy and contribute to the reduction of greenhouse gas emissions'.

There is no doubt there is a greater recognition by Victorians and Australians of the need to be conscious of the greenhouse effects across the continent and to reduce the production of greenhouse gases.

The honourable member for Seymour spoke about trains in country Victoria. I have been a champion of the retention of trains in the country for many years. Honourable members who have been in this place for some time will remember that in the early 1990s there was an attempt to remove all trains in country Victoria and return to other forms of transport, such as buses. That would have increased greenhouse gas emissions and I am delighted that trains have been retained. I am particularly pleased at the prospect of a more efficient service and extension of the rail network servicing country areas. I applaud the actions being taken by the

new government to extend the public transport services in country Victoria.

I recall in the 1980s there was pressure from the government of the day to promote the development of solar-generated electricity to replace electricity generated in the Latrobe Valley. The government sought to have a city or town take up the development of solar energy as a project. There was a bit of competition to see who would be awarded the new project. I pressed for the selection of the then City of Wangaratta but the former City of Shepparton won the challenge, and throughout the 1980s it was known as the solar city. It is unfortunate it was not developed to the greatest extent possible at that time because Shepparton could by now have had all its power generated by solar energy and would not have to rely on traditional power sources.

Many individuals, companies and organisations are examining alternative forms of generating energy supply and reducing their reliance on electricity provided by the five electricity companies that operate in Victoria. The move to develop hydro-electric power is not new. Such proposals have been in the pipeline and over a long period of time have been developed in Australia and throughout the world. Hydro-electric power is currently being produced both on the upper reaches of the Kiewa River in north-eastern Victoria and using the flows out of the dams and reservoirs in country areas.

I particularly highlight the production of hydro-electricity in the Snowy Mountains area. There is a lot of talk about the increase in the flow for the Snowy River, and there is no doubt that if government is looking to increase the flow down the Snowy River it should look at harnessing the flow into the hydro-electric scheme.

I understand that every 1 per cent of water diverted from the Snowy Mountains hydro-electric scheme represents a loss of production equivalent to approximately $250 million in hydro-electric power. I repeat it again for the house to get the picture quite clearly: every 1 per cent of water that goes down into the Snowy Mountains hydro-electric system produces about $250 million in hydro-electric power generation. If that were to be diverted down through the Snowy River it would mean a loss of hydro-electricity production unless there were some method of harnessing that water before it was delivered to the Snowy River. The government should take on board that issue.

As a country member of Parliament I strongly support the City Link development on the basis that it will hook up all the freeways around Melbourne and ensure more efficient movement of transport. Those who criticise City Link and the charges it imposes should take account of the reduction in the greenhouse effect because of the reduced need for public transport to use a system which results in slow movement through the city. In particular trucks which use diesel energy will benefit from the reduction in travel time afforded by City Link, and that will also reduce greenhouse effects.

Eco-recycling also contributes to the reduction of the greenhouse effect. Municipalities and everyone involved in recycling recognise that a lot of the rubbish generated by people in their general living which ordinarily might be thrown out as rubbish must be reused. Recycling is an important program in the elimination of the greenhouse effect.

The encouragement of the planting of trees on farms across country Victoria is making an important contribution to the reduction of the greenhouse effect over the long term. Farmers are often criticised for what they do and how they operate, but the farming community in my electorate of Murray Valley is very much aware of its responsibility to look at recycling and energy reduction in all its forms and to replace trees — often by tens of thousands — that may have been removed.

The bill is important, but it is also important that the government understands that it must strongly support energy alternatives and reduce the greenhouse effect through financial support. I will be interested to see how the bill proceeds and whether it is possible to get back to promoting solar energy, the production of further hydro-electricity and wind power. I mention wind power because it is being developed in south-western Victoria by a company called Pacific Hydro Limited, which presently has investments in New Zealand. One of its alternative sources for energy production is using the wind to generate electricity. It is an important avenue that should be developed and considered in the context of the bill.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr SEITZ (Keilor) — I support the Renewable Energy Authority Victoria (Amendment) Bill. I am pleased that the opposition is also supporting the bill because it deserves that support. Renewable energy should be of interest to all of us. I hope the debate on the bill and the change in the name of the authority will be part of an education process that helps the community to realise not only that the non-renewable

fossil fuels we use to generate energy are being depleted at a rapid rate but that as a society we are contributing to the greenhouse effect. Australia's small population is responsible for emitting a large amount of carbon dioxide into the atmosphere, which is of some concern. So far we have had the luxury of using cheap fossil fuels, and for many years governments and authorities have encouraged us to have all-electric homes. Nobody told us about the smoke and pollution and other damage being caused by the coal-fired electricity generators in the Yallourn Valley.

I am pleased that the minister has introduced the bill to further develop and strengthen the renamed Renewable Energy Authority Victoria so it can address the relevant issues.

People in this country have a responsibility to educate future generations. Firstly, we must emphasise the need to conserve non-renewable energy sources and explain the consequences associated with burning fossil fuels, including the greenhouse effect. Secondly, we must further promote and expand the use of renewable energy sources. In particular, wind farms and solar energy should be made affordable and state instrumentalities and the commercial world should be encouraged to use them.

Recently I had the pleasure of visiting a hobby farm. Instead of spending some $15 000 on having power poles erected and electricity cables linked to their house, my friends have installed a solar energy plant. State and federal governments should give farmers more encouragement to use solar energy, the cost of which, given the developments in technology, is competitive with the cost of other energy sources. Solar energy produces clean and renewable power for the farm house I visited. My friends use a washing machine, a television set, an electric iron — all the usual household appliances — as they would if the farm were connected to a conventional power supply.

We often hear that certain areas of the state or the country are not suitable for producing solar energy. My sister, who lives in outback Western Australia, says that although it is okay for heating water, solar energy is no good for anything else where she lives. The hobby farm that my friends live on is at Little River. If solar energy is suitable for use there — they have no shortage of electricity throughout the whole year — it can be recommended for use elsewhere.

My friends say that if governments promoted the use of solar energy, many other hobby farmers in the area would use it. Much of the nearby acreage has been sold off, and those allotments do not have reticulated water, gas, electricity or other services. Solar energy can provide all the power they need. My friends are living on the farm permanently because they have retired. It is not a weekend place, so it cannot be said that they need electricity only two days of the week. They have all the usual comforts of a home connected to a mains power supply, which is a significant step for people using renewable energy.

That sort of message should be brought home to young people who are building homes, as they are in my electorate. Even if they used solar power to meet only a fraction of their needs, such as heating water and heating their homes in winter, electricity production would be reduced by many kilowatts. A number of issues can be addressed simply and easily. The development of solar power in Australia is well advanced. However, it does not seem that the advances in technology have been taken far enough. Past governments have not encouraged inventors to develop their ideas and make them economically viable. As honourable members know, inventions are often taken overseas, where they are sold, patented, put into mass production and made available to people at an economically viable price.

The bill is a step in the right direction. Even if only small savings are made in the use of fossil fuels, which in turn will reduce the level of carbon dioxide emissions, society in general and this part of the world in particular will have gone a long way towards reducing the greenhouse effect.

I wish the bill a speedy passage and congratulate the minister on bringing it in so quickly. It will further develop our response to an important factor in our lives.

Mr LUPTON (Knox) — I rise to make a brief contribution to the debate on the Renewable Energy Authority Victoria (Amendment) Bill. One of the important aspects of the bill is that it changes the name of the authority from the Renewable Energy Authority Victoria to the Sustainable Energy Authority Victoria. That change has a lot of connotations.

Dick Hamer was probably the first Victorian Premier to realise the importance of greenhouse gas emissions and their effects on the environment. When he introduced the organisation called Keep Australia Beautiful under the leadership of Dame Phyllis Frost a lot of people thought it was a bit strange or yuppie — although the word 'yuppie' was not yet around. Things have developed a lot since then. We now realise that Australia, indeed the whole world, must be concerned with the effects on the environment of global warming.

Increases in greenhouse emissions have occurred largely because of changes in our lifestyle and have, in turn, changed the way we live because they have changed our climate. Airconditioning is common in Australian houses and almost mandatory in our cars, and there are computers everywhere. Almost everything we do adds further to greenhouse emissions and in turn increases global warming. I read recently that the breaking off of an immense Antarctic Ocean iceberg comparable in size to Tasmania has been attributed to global warming; and indeed it is true that our atmosphere is getting progressively warmer.

This chamber, for example, is uncomfortably hot, and has been since Christmas. Jokes have been made about all the hot air generated in the house, but greenhouse emissions are no doubt a better explanation. Who knows what the real reason is? It is certainly very uncomfortable in here.

It is only in the past decade and a half that ordinary people around the world have become concerned about greenhouse emissions and global warming. There is no doubt they have had a dramatic effect on our climate. The constant burning of rainforest overseas must be affecting the climate in those countries and is probably having a flow-on effect all around the earth's environment. It will eventually have an effect on us, too.

When I was working for the State Electricity Commission it was considered great publicity to publish photographs of Yallourn, Morwell and Hazelwood power stations with enormous clouds of smoke billowing out of the smokestacks. The more smoke they produced, the harder the power stations were thought to be working. It was not until the early 1980s that people started to realise the damaging effects the smoke was having on the atmosphere. Publicity photos taken by the SEC in more recent times showed no smoke at all coming out of smokestacks; and smokestack emissions are now controlled in such a way that they are virtually invisible. When I worked at the Newport power station video monitors were mounted on the chimneys to enable the emissions to be continually monitored and controlled because the detrimental effect on the surrounding area had been understood.

Australia has a lot to answer for. It has persistently lagged behind world best practice in control of greenhouse gas emissions. Australians have put up a lot of arguments about looking after employment and so on, but the damage done is permanent or long term. If we do not look ahead to future generations we will be in a big mess.

The bill provides for expenditure of $17.5 million over four years on top of the existing $5 million a year. That is very good; but it is imperative that the government commit itself further to greenhouse reductions, energy efficiencies and renewable energy sources.

Renewable energy is energy such as solar power, water power and wind power that does not come from hydrocarbons. We do not have any control over those renewable sources — unless we stuff up the environment really badly. Solar energy and wind energy, and wind farms in particular, can be affected by the way we as legislators and as a community control damage to the environment.

The more comfortable our lifestyle becomes, the more we damage the environment, and a lot of that damage is permanent. The honourable member for Rodney spoke of programs in his electorate designed to turn the effects of greenhouse gas emissions around. In my electorate too large-scale planting of trees is under way. That is another way of reducing greenhouse emissions.

I say again that I am very concerned about the destruction of rainforests overseas. That destruction must have a serious detrimental effect on those countries and, in turn, on the world as a whole. Destruction of rainforest is a short-sighted approach governed by the pursuit of a quick buck.

The bill is quite small. It changes the name of an organisation and takes some steps towards looking after future generations. We must change our lifestyles, however, and that is going to be difficult.

The honourable member for Mitcham commented on the use of computers and discussed the amount of greenhouse emissions from computers going into the environment. The figures he quoted are quite startling.

When one considers the number of computers in this place and throughout business in Victoria one realises that the figures he quoted multiplied by thousands and thousands will cause an enormous problem.

An article about energy use I read recently says that the electricity or fuel used to heat water in your home can generate up to 5 tonnes of greenhouse gas emissions and cost up to $400 a year and that heating your home can generate up to 15 tonnes of greenhouse gas emissions and cost around $1000 a year.

Most people in this place would think they were hard done by if they had cold water or no heating in their houses. When I was a kid no-one had central heating in their homes. We were lucky if we had a radiator, which of course was powered by electricity and throwing

emissions into the air. The fact is that we were burning fossil fuel to run a radiator that provided inadequate heating. Now we heat the whole of a 12 or 18 or 20-square house despite the fact that the people live in only one-quarter of it. We are not giving useful thought to our future, and we are not conserving energy. The more we go about upgrading our lifestyles the more we will continue to damage the atmosphere. Anything that will reduce greenhouse emissions will be good for Australia and the rest of the world.

Greenhouse gas emission targets need to be achieved at a national level. Although the target for 2012 is that greenhouse gas emissions should not exceed 109 per cent of the 1990 levels, the amount of emissions already exceeds that level nationally. That is an absolute disgrace. The fact that we are not looking to future generations is an indictment of our society. We should be taking a good, hard look at ourselves and trying to reduce greenhouse gas emissions to a sustainable level to avoid creating a problem for my kids, my grandchildren and your grandchildren, Mr Acting Speaker.

The bill is a step in the right direction. I hope additional funding and a change in the thoughts of the members of the government in Canberra will improve the control of greenhouse emissions so that we can live in a more comfortable society in the future.

Mr LONEY (Geelong North) — I welcome the opportunity to make a few remarks about the Renewable Energy Authority Victoria (Amendment) Bill, which I regard as important. I am pleased that as part of the government's policies a renewed focus on renewable energy and greenhouse emissions has come to Victoria.

The matters now being considered in the house are very important. To date, I have been disappointed by the comments of opposition members. They have missed the point of the bill, but I will refer to that later. Firstly, I wish to comment on what will be achieved by the bill and what has been initiated by the government in its few short months in office.

The return of shopfronts to advise people on energy efficiency is a welcome move. Some months ago the first regional office opened in Geelong and is now operating. It has been tremendously well set up and is a great office that provides valuable advice. I visited the office when we were making purchases for our home and benefited from its good advice. It provides a service to both the consumers of appliances and architects and builders about the best way to go about building houses to make them energy efficient. The return of such offices to Victoria is welcome, because previously we saw a downgrading of the availability of that sort of advice to the general community.

The lead speaker for the opposition and other opposition members have completely missed the mark when speaking on the bill. Although they, particularly the lead speaker, pride themselves on having expert and current knowledge of information technology, the debate has shown an appalling ignorance of energy technology.

The general thrust of the debate has centred around the old furphy that renewable and sustainable energy is about the future. It is not; it is with us right now. It is available in Australia and throughout the rest of the world at a reasonable price. I will refer to some of the actions undertaken by other countries later. It is a pity that the lead speaker for the opposition and other opposition members are ignorant of such matters.

Many things are going on in energy efficiency around the world, but Victoria has been held back because of the general attitude of the previous government. Under the previous government energy policy did not address energy issues; it merely addressed the sale of the energy industry in Victoria. The application of renewable energies has been galloping ahead around the rest of the world. For example, in the European Union it has been mandated that a million photo voltaic cells must be in place in residential areas by the end of 2005.

They have looked at that source of energy replacement and said that rather than being a cost disadvantage it will be a great achievement and produce many benefits for the European Community. Among the benefits of adopting that new technology and using the energy source is the estimate that as a result of those 1 million photovoltaic cells being installed more than 900 000 new jobs will be created over and above the jobs that will be lost in the traditional sectors of energy production.

They are the sorts of things we could have been doing in Victoria if we had been at the forefront of the developments in technology instead of unfortunately lagging behind — and that is not the only area in which that is happening. Honourable members have heard a lot of talk about greenhouse gases throughout the debate. The Howard government went to Kyoto and argued that this country be allowed to increase its greenhouse gas emissions. Australia was held up to ridicule by the rest of the world as a result of the actions of the lead speaker's party.

The greenhouse effect gives rise to many issues, but Victoria has been left behind in the debate on how best to address them. I will give the house a state-by-state comparison of progress in the area. Although Victoria has neglected to address the need for a carbon trading regime, over the past few years New South Wales has charged ahead to the point where it has created a market for carbon trading. Western Australia and other states are also charging ahead of us, yet the house has heard no mention of that in the debate. Victoria's record on greenhouse issues puts it behind the rest of the international community and a large part of Australia. That should be addressed immediately.

However, Victoria is leading the world in some areas — for example, in the development of ceramic cell technology. Victoria needs to push ahead with research and development in areas such as that. I hope the government will address those issues over the course of its term, because there are great benefits to be had. However, we cannot disregard the fact that organisations like Siemens, which wishes to invest and build factories in Australia to develop new technology, disregarded Victoria because of the former government's lack of interest and decided instead to set up in New South Wales.

Victoria has been left behind, and the bill marks the start of restoring the state to its rightful position. However, there is a long way to go and a lot of rebuilding to be done. The government is about redressing the neglect the state has suffered, and the bill will be a major instrument to that end. Although this is a bill of great substance, it is also symbolic of the difference in attitude between two governments — one that wants to get on with tackling greenhouse problems, establishing renewable sources of energy and carbon trading regimes, and one that for seven years neglected those things.

Mr MULDER (Polwarth) — The Renewable Energy Authority Victoria (Amendment) Bill provides for the establishment of Sustainable Energy Authority Victoria by amending the Renewable Energy Authority of Victoria Act. The government claims it is an important step in implementing its commitment to reforming Energy Efficiency Victoria and establishing a sustainable energy authority that pursues a comprehensive strategy of reducing greenhouse gas emissions and developing renewable energy systems.

The aim of the bill is to ensure that Victoria's energy is used efficiently and that the state reduces its greenhouse gas emissions. Honourable members would have to go a long way before they found a Victorian who is not committed to reducing greenhouse gases. Recently, I was delighted to take both the Minister for Environment and Conservation and the shadow minister on a tour through my electorate to view the Otways and the magnificent environment in that part of Victoria. Given what this wonderful state has to offer, it is commendable that the government is prepared to support a fund that will assist research and development into the reduction of greenhouse gas emissions, which affect every Victorian.

Global warming and weather pattern changes are of concern to all Victorians. We are constantly hearing about parts of the ice shelf in the Artic and Antarctic breaking away to form icebergs, sea levels rising and patterns of dry weather in parts of the state. We are concerned about the impact those things will have on our day-to-day lives.

It has been stated that up to 75 per cent of the jobs created by the identification and generation of renewable energy resources will be located in rural and regional Victoria. It is therefore understandable that rural and regional Victorians would embrace the opportunity to work in an industry that has the ability to limit the production of greenhouse gases and protect the environment. Unfortunately, the problem that currently faces some of the state's more environmentally friendly energy resources is the cost factor.

Over a number of years wind, wave, and solar energy generation has proved expensive, which puts those sources of energy out of the reach of most Victorians and makes it difficult for either the government or the private sector to develop them. However, one renewable source of energy which affects a great many people in rural and regional Victoria and which has not been discussed at length in the debate is wood. A wood merchant in my area cuts the sugar gum plantations on a number of properties. Sugar gums have shorter regrowth periods than other species and provide shelter for stock. Not many people see sugar gum plantations as a source of renewable energy. However, the many uses to which the sugar gums can be put mean they are important to rural and regional Victoria.

I note the government's commitment to establish another wind farm in the south-west of the state. Wind farms, as honourable members know, provide environmentally friendly sources of energy. However, they are expensive, and planning issues often arise when applications are made to establish wind farms given their impact on the surrounding landscape. Some people find that wind farms do not add to the overall appeal of the landscape and are somewhat reluctant to accept their presence.

However, as members of the community and as politicians we must support such developments, which provide sources of energy that produce little if any greenhouse gases. The production of electricity using the energy generated by the waves along our coastline is also being considered. That will be the cause of significant debate. I am not sure how the Minister for Environment and Conservation will go when faced with a marine park on the one hand and a wave energy farm alongside it on the other.

Ms Garbutt interjected.

Mr MULDER — If it is in the Otways we would have a good look at it. I would be happy to tour the Otways with the minister and the shadow minister, whom I recently accompanied on a visit to that beautiful part of world, along with some other members of the Environment and Natural Resources Committee. You do not have to scratch too far to find where my allegiances lie in that part of the world!

Members of the committee also looked at the use of solar energy, which early on in the piece was cast as the saviour of our fossil fuel-based industries. Some people argued that it would replace coal as a source of power. The honourable member for Warrnambool, who is a colleague of mine and a great local member, has made 17 speeches since he was elected to Parliament, which is a fantastic effort for a new member. The honourable member for Warrnambool spoke about his attempts to use solar energy to improve television reception and about having to continually recharge a 12-volt battery because the available solar energy did not meet the requirements.

One of the major issues being considered in the bill is renewable energies. Before looking at that issue, strategies for better use of current resources need examining. From my apartment at night I look out and all I see is lights burning across the city. Heavens above! What is being done about better and correct use of existing resources?

Recently a Japanese exchange student who stayed at my house asked, 'How do you get home at night with no lights on?'. She could not understand that the stars shine brightly where I live.

The use of current resources needs to be looked at closely. We are looking at renewing resources but no-one is speaking about using existing resources. We must start to look at that now.

An honourable member interjected.

Mr MULDER — I know government members cannot see in the dark, but a torch and a candle might help them on their way. Give them a chance, as they are new at the job.

How much could you save in a normal household? The area where I live is currently experiencing a dry period; two 10 000-gallon water tanks are three-quarters full and people around us are getting water carted in. It is the old story: the lights go off when they are not needed; the dishwasher is used only when full; and the kids have 2-minute showers — I tell them, 'Any longer and I will come and pull you out'. Management of water resources must be considered.

Members have spoken about the use of airconditioners. Has anyone thought of installing a ceiling fan in the house to circulate air and not worrying about whether the temperature was 21 degrees or 22 degrees every minute of one's life? If people lived that way, with natural fresh air and natural cooling in the home, we could forget about the flu vaccine!

The establishment of the authority is positive in that it might identify some renewable energy resources and it might contribute to Victorians holding their heads high because of their contribution to the reduction of greenhouse gases. I commend the bill to the house.

Ms GARBUTT (Minister for Environment and Conservation) — I thank all honourable members for their contributions. It seems that we are in furious agreement over the bill and it is supported by all sides of the house.

The debate, however, masks hypocrisy or just ignorance on the part of the opposition. The honourable member for Geelong North spoiled the party by pointing out a few home truths such as the fact that under the previous government Victoria was left behind in this area.

New South Wales took the running with the establishment of the Sustainable Energy Development Authority, the creation of jobs, the reduction of greenhouse emissions and the involvement in carbon trading markets. Victoria is now playing catch-up. No wonder the opposition is seeking bipartisan agreement — it wants to raise its credibility. For seven years it did nothing — —

Honourable members interjecting.

Ms GARBUTT — Look at a few key facts. With great fanfare and many glossy magazines the previous government, as was its wont, promised $15 million a year for its greenhouse action program. In last year's

budget it delivered $5.5 million — announced as a great achievement instead of a broken promise. In fact it was welshing on its promises.

A report from the parliamentary Public Accounts and Estimates Committee commenting on the record of the previous government noted that only the then Department of Justice had done anything about the national greenhouse strategy requirements but:

> … other departments and agencies have made little or no progress. The committee notes that at present there is no whole-of-government approach in Victoria.

So the previous government was letting us down — claiming something and delivering nothing!

The greatest opportunity for the government was the sell-off of the SEC. At that stage it would have been easy to build in a requirement that the new owners invest in alternative energy, sustainable energy options and so on. What did the previous government do? Nothing of the sort. It sold the facilities and did nothing at all about alternative energy, about sustainable energy options or anything else the opposition members are now coming in with hands on hearts claiming that they support. What did it deliver? Absolutely nothing. Victoria is still trying to catch up.

Mr Perton interjected.

Ms GARBUTT — Look in the mirror!

The shadow minister has asked me what presentations I am making on greenhouse emissions. How am I presenting the policy to ministerial conferences? I am not the minister in charge of greenhouse matters in the government! The opposition has not even noticed it is the Minister for Energy and Resources. He should have had a clue because the bill was introduced in the upper house where the lead minister is — —

Mr Perton interjected.

Ms GARBUTT — I could call a point of order and request the withdrawal of unparliamentary language but I will not. Don't tempt me!

The ACTING SPEAKER (Mr Savage) — Order! I ask the honourable member for Doncaster to refrain from interjecting across the table.

Ms GARBUTT — So the shadow minister has — —

Mr Perton interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Doncaster is defying the Chair. He will remain silent.

Ms GARBUTT — Not only has the shadow minister the wrong policy but he has the wrong minister.

I shall address some of the issues raised during the debate. One issue concerns a perceived downgrading of the research and development function of the current act. Now is the time for action. The old research and development function has produced the technologies in renewable energies; we must now implement them. Victoria has had seven years of doing nothing: this government is determined to take action. The government will deliver, unlike the previous government.

The second comment was about the ability of the authority to offer grants without ministerial approval. The authority will report to the Parliament. If the opposition were alert, that would be a good, accountable procedure. The government can say without fear of contradiction that it is an open and accountable procedure. The shadow minister can have a look.

The third comment worth noting was about board members and how only two of the existing board members will remain when the new authority comes into operation. It is appropriate for a new authority to have new members. It will be a transparent and open process, something that has not been seen in this place for seven years.

A further comment was that it is a small bill. The government has a major commitment in this area that it will implement, in stark contrast to the previous government. This important bill implements a major promise by the Bracks government to establish the Sustainable Energy Authority Victoria which will tackle greenhouse emissions and act as an important job creator. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr PERTON (Doncaster) — I ask the minister about the cost of changing the business name of the authority from Renewable Energy Authority Victoria to

Sustainable Energy Authority Victoria. The committee would be grateful if the minister could provide an assessment of the cost.

Ms GARBUTT (Minister for Environment and Conservation) — The change in name to Sustainable Energy Authority Victoria, for which there is a budget allocation of $17.5 million over four years, is important. That substantial allocation — much more than the previous government ever allocated — will tackle Victoria's greenhouse gas emissions and create jobs. If there is a minor detail about how much a change of name costs I can happily provide that to the honourable member for Doncaster at a later stage. There are more than sufficient funds to produce both those outcomes — far more than the previous government ever allocated, or even promised.

Clause agreed to.

Clause 2

Mr PERTON (Doncaster) — I ask the minister why the bill comes into operation on 1 July 2000.

Ms GARBUTT (Minister for Environment and Conservation) — The commencement date will allow time to appoint new members to the authority and links the legislative establishment of the Sustainable Energy Authority Victoria with the start of the 2000–01 financial year.

Mr PERTON (Doncaster) — I ask the minister what open and transparent process will be undertaken in order to select and appoint the new members of the authority. What advertising will the government do?

Ms GARBUTT (Minister for Environment and Conservation) — It will be an open and transparent process, which will involve public advertising. I understand why the shadow minister is asking this question — there have been no open and transparent processes for the past seven years. He does not know how to do it. The government will certainly show him!

Clause agreed to; clauses 3 and 4 agreed to.

Clause 5

Mr PERTON (Doncaster) — The minister indicated that the research and development function has been taken away from the authority. Will she outline the practical effect of the changes to the functions of the authority?

Ms GARBUTT (Minister for Environment and Conservation) — The greater focus of the authority will be on the facilitation of energy efficiency and the development and use of renewable energy rather than research into those issues, which was a key objective of the 1990 act. We have moved on 10 years since then.

Clause agreed to.

Clause 6

Mr PERTON (Doncaster) — I note the minister's comments in her closing speech on the second-reading debate about the power in the authority to lend or grant more than $25 000 to a person or body in any period of 12 months. Will the list of persons and/or bodies who are given those grants be provided to the Parliament, or will it be provided in the annual report? What criteria will be set for the authority to lend that money to any person or body? The same questions apply in precise terms to the larger amount of money referred to in proposed new subclause (b).

Ms GARBUTT (Minister for Environment and Conservation) — I advise the committee that the authority will be reporting in an annual report to Parliament, while matters of that sort will be covered.

Mr LONEY (Geelong North) — Will the arrangements put in place for those funds be more transparent than the arrangements and ministerial practices that were in place when the previous government transferred the Herman Research Laboratories to the private sector?

Ms GARBUTT (Minister for Environment and Conservation) — The answer is a hearty yes. I suppose we have all got our L-plates on because the previous government made no such comment. It was a secretive government out of which honourable members and the public could not get any information. It was simply a closed shop. It ruled from the top and believed nobody else should have any information. That is why it is now in opposition.

Mr PERTON (Doncaster) — Does the minister's previous answer mean that there is an undertaking to the committee that all loans and grants to people and bodies under that clause will be provided to honourable members in the annual report?

Ms GARBUTT (Minister for Environment and Conservation) — The grants or loans will relate to the objectives and the functions of the authority, which will be reported in the annual report.

Clause agreed to; clauses 7 to 9 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

CORPORATIONS (VICTORIA) (AMENDMENT) BILL

Second reading

Debate resumed from 15 March; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

The ACTING SPEAKER (Mr Savage) — Order! I am advised that as the required statement of intention has been made pursuant to section 85 of the Constitution Act the second reading of this bill requires to be passed by an absolute majority.

Dr DEAN (Berwick) — I do not anticipate that my colleagues from both sides of the house will come flooding in to listen to this debate. It is not what I would call one of the most exciting bills, but it is important. The only people who would say this is an enjoyable bill would be lawyers, and only half of them would want to get involved in the nitty-gritty.

However, the bill gives me the opportunity to raise, as I do frequently in this house, my favourite topic, which is the difference between competitive and cooperative federalism and the way this country can and should operate if the Council of Australian Governments is operating well and on a permanent basis, and if there is cooperation between all the premiers and the Prime Minister on national issues. When dealing with such legislation we can see that when a federation operates properly, and cooperation is the name of the game, enormous strides can be made. Over time one of the shining examples of how this country has matured and federalism has operated in a cooperative way is this legislation and the entire Corporations Law.

I regret to say I am old enough to remember uniform companies law, as it was then known, which was legislation individual to each state and at the time was considered modern legislation because it was uniform. To show just how modern we were as a nation and how much of a federation we were, the catch phrase of the day was that we had uniform legislation. Basically, that meant each state enacted its own law and it could change it according to its own desires. However, each state tried to agree with the other members of the federation to produce similar legislation.

As we have progressed and as Australia has had to struggle in the international market, as competition has forced it to be as efficient as possible as a nation and not just as separate states, new processes have been invented to bring us closer together as one nation. The Corporations Law is a great example of that.

All the ministers concerned with corporation law got together and said, 'Why don't we have one template act that can be enacted by the commonwealth? Why don't we all agree that, even though it is a state matter rather than a commonwealth matter, whenever the commonwealth act is amended it automatically becomes a nationwide amendment to state legislation?'. Thus the corporations code was given birth.

When I was practising in company law it was called the Corporations Code of Victoria. Lawyers were proud of the code because the law they practised was based on it. It was refined again and became the commonwealth Corporations Act. The legislation had the same title in every state, the only difference being that the name of the state that owned the legislation appeared in the title in brackets.

That is how far we have come. To all intents and purposes the commonwealth enacts legislation that covers the entire country. Many people find that confusing, and understandably so. Because a change to the commonwealth act affects every state, they ask why the state acts are not described as commonwealth legislation? The reason is that under the constitution the state rather than the commonwealth has that particular power. Each state must divest the rights it has to the commonwealth to enable it to make the enactments. People may say they have read the constitution — —

Mr Robinson interjected.

Dr DEAN — I am sure you have; I am sure everyone has. I have no doubt that as soon as the honourable member for Mitcham and others go home at night the first thing they think of is having a little read of their commonwealth constitutions before they go to sleep!

Mr Lenders — Especially section 51.

Dr DEAN — Section 51 is a real hit. I like to go over that again and again. The section contains a subsection on corporation law. You might say to yourself, 'Surely the commonwealth has a corporations power. Why is it going through the routine of ensuring the states all agree when effectively it is state legislation? Why doesn't it enact its own legislation and say, "To hell with it."?'.

I see the Minister for Education is leaving the chamber. I have lost my audience already. The minister laughed

when I said the Corporations Act was an act for lawyers! The High Court has interpreted the corporations power as not giving the commonwealth nuts-and-bolts powers over corporations. However, it gives the commonwealth external power over the activities of corporations. As an example, the Trade Practices Act, which is a commonwealth act, relies on the corporations power for its bite. However, control over the internal operations of a company and matters of that sort are not part of the federal government's jurisdiction.

I know it sounds complicated. It is one of those things about federation and the splitting of powers that the average person finds difficult to understand. I was going to say 'the average lay person', as though lawyers were here and everyone else was there. That is not so. These days everyone else is here and lawyers are there! However, those people who do not have a running knowledge of the law would say, 'This is crazy. Why should we go through this routine?'.

One of the great things about federation is that by cooperating the various jurisdictions have found a way around the problem, saying in effect, 'The states have this power and the commonwealth does not. Of course the commonwealth should exercise the powers that cover the nation. Therefore the states will give it to them by way of agreement'. That is an example of another agreement that works well.

For most people who read it the Corporations (Victoria) (Amendment) Bill is gobbledegook. However, the bill must be enacted because under section 7 of Victoria's act the commonwealth is given permission to enact a new provision in the Corporations Act that will affect everyone. When the commonwealth uses that power it must do so in each state's jurisdiction.

Victoria has a special provision called section 85 of the Constitution Act, which means that if a government wants to alter the jurisdiction of the Supreme Court it must go through a certain routine. A government must first give notice, setting out why it wants to make the alteration. That must then be noted by the Presiding Officer, because altering the jurisdiction of the Supreme Court is an important step. Governments must go through that little ceremony so that everyone is aware that the Supreme Court's jurisdiction is being altered.

Other states do not have that provision. The difficulty in this case is that in wanting to amend the Corporations Law the commonwealth government introduced a bill that automatically made alterations in every state. However, when it came to Victoria it involved a change in the Supreme Court's jurisdiction. The commonwealth ran up against section 85, which says that a government can do so only if it goes through that special routine — and it had not done so.

The Victorian government must now rectify the situation by enacting the Corporations (Victoria) (Amendment) Bill, which gives the appropriate section 85 notice to enable the commonwealth act to properly make the change. Everyone is now probably more confused than they were when I began, but at least I tried!

It should be acknowledged section 85 statements have become a wonderful political football. Speakers on both sides have on many occasions spoken about the use of the statements, arguing that it is the other side that has interfered the most with the jurisdiction of the Supreme Court.

At the moment the wonderful thing for the opposition parties is that they have got the ball in their court because on a proportional basis the number of section 85 statements that have been made to this time — —

The ACTING SPEAKER (Ms Davies) — Order! I remind the shadow Attorney-General that it is discourteous for him to keep turning away. I ask him to address his remarks through the Chair.

Dr DEAN — My apologies, Madam Acting Speaker, I certainly would not want to be discourteous to the Chair in any way. May I say it is much more pleasant to look in this direction than the other. I hope you will not mind if from time to time I glance at my colleagues because I like to get their response to what I am saying.

The government has found the need to enact more legislation affecting the jurisdiction of the Supreme Court than the former government did in the same period, so all that political stuff, if I may call it that, which was aimed at the Kennett government because supposedly it had no respect for the Supreme Court has now been reversed. However, the opposition does not consider this to be an unnecessary use of section 85. A change to the jurisdiction of the Supreme Court is needed to enable this reform to take place and a uniform agreement to be put in place, and it is happy for that to be done.

In short the changes in the bill will ensure a new generation of takeover litigation. Takeover litigation is the most expensive and complicated to come before any court because such enormous amounts of money are at stake and every tiny legal point is considered. Honourable members can be assured that because

corporation takeovers are complicated events, legislation dealing with them will also be complicated.

The legislation moves the system on from a situation where days, weeks and months are spent before a court, with all the procedures a court requires, arguing over takeover bids up to the time the takeover finishes. The legislation provides for what will happen up to the time the bid period ends and only after that will there be access to the courts. The existing corporations and securities panel will handle takeovers. It is a specialist panel that knows the takeovers area well. I am not suggesting that the commercial division of the Supreme Court does not have incredibly specialised and skilled — —

Mr Lenders interjected.

Dr DEAN — I wish I could hear the interjection, but I am so busy looking at you, Madam Acting Speaker, I cannot hear it as I should.

It is better for the panel to handle these matters because it will be more efficient, take less time and cost less money, and it is in the interests of Australia's emerging commercial competitiveness. If days and weeks and millions of dollars are spent fighting over takeovers Australia's position in the market will be lost. Corporations have to remain competitive and if they have to spend money fighting over whether or not there is going to be a merger they will end up having to add that to the cost of their products and services.

Mr Smith — What about Alan Fels?

Dr DEAN — He is a good man. The change is important. It was all agreed to by all attorneys-general. It was done through the fabulous Corporations Law cooperative process. However, there was a need to sort out the Victorian section 85 problem, and that has been done.

I will just raise one more point before I let everybody off the hook of having to go deeper into these complicated matters. Following the *re Wakim* decision — it has been a massive blow to cooperation — in which the High Court of Australia held that under the federal constitution it is not possible for the states to confer law on federal courts — even if they want to accept it they cannot — all law that was being decided on in federal courts on a federal basis, such as the Corporations Law, must be decided on in state courts, because the Corporations Act is now a state act. As honourable members can imagine, that has caused great trauma. This bill is an example of a change which it is hoped will relieve the Supreme Court of some of that burden by providing for matters to go the panel, and that is good.

As I have said in this house previously, bandaid legislation has been necessary to fix the problem caused by the decision in *re Wakim* so that decisions of federal courts in which those courts were exercising delegated state power will not be invalid. No-one knows whether it will work or not and there are many who say that it will not. A number of people think that a constitutional amendment is needed to remedy the situation. It is really sad to have a situation in which federal and state courts cannot cooperate because the constitution written by our forefathers at Federation says it cannot happen.

My solution, which I have explained previously but which has not yet got a run, is that the Federal Court and the supreme courts of the states should become one court. When I propose that solution everybody falls off his or her chair. That would be a fabulous step because the states could enable it to happen. Under the decision in *re Wakim* the federal government can give power to the states. A court would be set up by agreement. It would have state power and federal power would then be devolved on to it. The result would be a fabulous superior court, possibly called the Court of Australia, which would operate at that level, because currently the Federal Court and the Supreme Court operate on essentially the same level.

The other day I was contacted by a newspaper reporter who wanted to know whether I would comment on whether the salaries of Federal Court judges were slightly higher than those of Supreme Court judges.

The fact is that they are on an even basis and the only difference between them is state and federal powers. One has to ask whether the normal person walking along the street gives one iota —

An Honourable Member — A tinker's!

Dr DEAN — A tinker's — is that the right word? I think I can say that and get away with it. Do they give a tinker's whether the law they must face up to is a federal or a state law. It is a law and it goes to a court and why should they get caught up in this enormous jurisdictional problem. I think it would be a fabulous change; it would be very exciting. It would involve enormous cooperation and it would get over Wakim for ever. Enough of that as it is not what the bill is about, but I could not resist the opportunity! One day we might get a creative Attorney-General who would do such a thing. That would be wonderful.

An Honourable Member — The next coalition government.

Dr DEAN — It would take litigation in Australia into the new millennium — the big stride.

An Honourable Member — On the superhighway!

Dr DEAN — I don't think there is much hope of that.

The ACTING SPEAKER (Ms Davies) — Order! I suggest the honourable member come back to the bill.

Dr DEAN — This is a necessary piece of legislation. The opposition supports it and wishes it God speed.

Mr ROBINSON (Mitcham) — The Corporations Law of Victoria is an extraordinarily complex matter. I do not intend to delve into those complexities to the same extent as the honourable member for Berwick. He gave the house an excellent theoretical exposition on the bill. If there were gold medals in theoretical expositions, he would qualify for one!

The bill deals with important aspects of corporations law. The essential point is that, regardless of what station in life you occupy, if you delve into business activities which are within the province of corporations law you are bound to comply with the intentions and ethical standards that law attempts to achieve, and that is no easy matter. It means that people from all walks of life must comply with corporations law, whether they be running BHP or a family company operating a milk bar, or whether they be someone like John Elliott who is trying to explain what happened to $1.2 million with Water Wheel Holdings.

It is fitting that from time to time the government amends the corporations law. The bill is an important step in assisting the smooth transactions of businesses involved in takeovers, which are currently a very real feature of life in the corporate world. It seems that every day there is more and more discussion of takeovers at a higher and higher level. An article in the *Age* of 9 March focused on the prospective takeover of the Colonial State Bank by the Commonwealth Bank. It serves to illustrate the onus upon directors to ensure there is compliance with ethical standards during takeover periods. The article concerned the ongoing practice of Colonial to provide senior executives involved in its share plan with options. The report detailed the 7.7 million options which had been issued since mid-December when talks with the Commonwealth and other potential buyers were understood to have already commenced.

One of the concerns with such behaviour is that it defies belief in that the executives who were being rewarded with the options under that plan would not benefit enormously when news of the prospective takeover became public. Corporations are required to report discussions about mergers, and those discussions properly come into the public realm, but if options have been issued prior to that report in the knowledge that those discussions are taking place the likely result is that the valuation of those options and the share price of the company increases.

The ACTING SPEAKER (Ms Davies) — Order! I ask honourable members to keep the tone down a little. I am having trouble hearing the speaker. The honourable member for Mitcham, continuing — with a silent audience, please.

Mr ROBINSON — The lesson from the article in the *Age* about the Commonwealth Bank and Colonial is that corporate regulators and parliaments need to be vigilant in observing and responding to the behaviour of the corporate sector, especially when takeovers are involved.

The principal agency for monitoring and enforcing the Corporations Law is the Australian Securities and Investments Commission. It has a difficult time, although at times it is fair to say it does not make life easy for itself. Last year a local businessman in the Mitcham electorate contacted me. He was distressed to discover that someone totally unknown to him had fraudulently registered himself with ASIC as a director of his company and had then chosen fraudulently to alter the principal place of business of the company. My constituent was naturally distressed at finding that out through various avenues. It had happened some time previously and he requested that the commission investigate the matter and correct the record, properly indicating to the commission that he and his wife had never authorised the fraudulent activities.

While ASIC went about investigating the matter, a second bogus director replaced the first bogus director. That caused considerable further distress to the people involved. We made some inquiries on behalf of the constituent and discovered that on the day those individuals were pulling that scam they had also attempted the same fraudulent action on another four companies.

That raises all sorts of questions about how ASIC as the key regulator in the country manages its job. No-one doubts that it is not an easy job, but in that instance a legitimate director of a small business who had been in operation for a long time found that someone was effectively hijacking that business through manipulation of the company records, and it was taking

an inordinate time for the corporate regulator to respond.

Thankfully, the commission has responded, albeit slowly, to correct the difficulty. For the benefit of the house I comment on a couple of things the corporate regulator has done to try to prevent such fraudulent activity. Firstly, the regulator says that the new tax system bill in the federal Parliament, which introduces Australian business numbers (ABNs) to replace Australian company numbers (ACNs), will result in all businesses being required to apply for new numbers and that will act as a check on the identity of the directors on the record. That is one mechanism that will help to eradicate the practice.

Secondly, the regulator says that the federal corporate law economic reform program, known as CLERP 7, will involve a change of practice so that the current corporate register details immediately after any update will be forwarded to the pre-existing directors to ensure that they are aware of any changes. As a third step the regulator has advised that it either has established or will shortly be establishing a free company alert service through the Internet, which is a real-time facility from which anyone can make inquiries about company director details.

Those steps are to be welcomed. They will be of enormous benefit and will remove much of the present anxiety among genuine directors of companies who are concerned that under the pre-existing arrangements anyone could simply lodge paperwork and get himself or herself onto an official company register for purposes that can only be deemed to be highly questionable. That is a welcome move although, as I said, it is not before time.

The bill effectively assists in bringing into being what will be known as the Takeovers Panel, which will replace the court system as a refuge for legal disputes during takeovers. As I said, takeovers are now par for the course. Not too long ago we saw one involving AMP and GIO that was particularly messy.

Mr Lenders — And very expensive.

Mr ROBINSON — And very expensive, as the honourable member for Dandenong North points out.

AMP made an offer for GIO, the board of which resisted the offer and took legal action. The takeover succeeded but in a very inefficient manner, and subsequently AMP discovered, along with some members of the GIO board it might be said, that GIO's net value was far less than anyone had anticipated. More than $1 billion has been wiped off GIO's value and AMP's balance sheet as a result of that ill-timed and some might say ill-considered move.

The origins of the Takeovers Panel that will be accessible to companies by virtue of the bill go back some considerable time. I note an article in the *Age* of 11 May last year by Stephen Bartholomeusz, who I think all members will agree is a reasonably well-informed commentator on such matters. He refers to a decision by the federal government last Easter to formally bring into being an organisation known as the Takeovers Panel. A number of appointments to that panel were made, including Ross Adler, Elizabeth Alexander, Dennis Byrne and Brett Heading. Those appointments had been made to the earlier incarnation of that body and a number of new members were also appointed.

The problem for the federal government and the members who had been appointed to that panel was that they did not have much work from the time of their appointment. Stephen Bartholomeusz goes on to comment that the legislation that established the panel was not quite in place. It has taken considerable legislative action in the federal government and the various state parliaments to get around to formally enabling the panel to get up and running.

The government welcomes the passage of the bill and hopes it will enjoy the support of both sides of the house. As the honourable member for Berwick said, it will allow corporate activity in this country to be conducted in a far more civilised and efficient manner. I support the legislation.

Mrs FYFFE (Evelyn) — I rise to support the Corporations (Victoria) (Amendment) Bill. It arises from Victoria's obligations under the corporations agreement to ensure a consistent scheme for the regulation of corporations and securities throughout Australia.

Certainty and uniformity across Australia are important. We are a trading nation and over recent decades many countries have invested in our industries. It is essential for the future of this country that we continue to encourage those investments.

Takeovers and mergers can provide for better efficiencies and economies of scale resulting in the improved ability of corporations to compete in world markets. The purpose of the bill is to give effect to sections 659B and 659C of the commonwealth's Corporate Law Economic Reform Program (CLERP) Act so that a takeover bid for a corporation cannot be frustrated by proceedings in this state. The legislation

introduces a new level of responsibility and supervision in a complex area.

The CLERP legislation is a form of shield for directors. It provides a so-called business judgment rule so that directors will have the protection of the law even if a business decision results in a loss of funds for investors — providing, of course, the decision was honest, informed and rational.

The bill is small but, like all proposed legislation, important. Government must facilitate, not impede, the development of the state's economy.

An editorial in the *Australian Financial Review* of 13 March says:

> It is unfortunate when investors lose money in a float or other capital raising. But unless they can prove that somebody else was at fault, it is only fair that the losses should remain with the investors.
>
> Until now, the law has not worked that way. It has sometimes been possible to shift the losses associated with bad investments to the directors who signed off on the original offer document. All that was needed was a mistake in the prospectus, even if the mistake was not made by the directors.
>
> Such loss shifting can be legitimate if directors fail to act with good faith or if they intentionally mislead the investing public. But the mere fact that an investment goes bad is insufficient reason for the law to intervene. Investors should be just as free to lose money as they are to make money.
>
> If a company sets out with the best of intentions to raise capital and if the directors do everything that could reasonably be expected of them, the investment risk should remain with the investors …

Proposed section 56A will give effect to the intentions of the commonwealth and Victoria to standardise the Corporations Law provisions. Proposed section 56B addresses certain provisions of section 85 of the Constitution Act that will no longer be available to prevent the operation of legislation. It is necessary to ensure a holistic approach is adopted with legislation in support of the commonwealth's intentions. That good philosophical approach is taken in the bill.

The Corporations Law should be common across all Australian jurisdictions and should be clear, plain and easily implemented so that financial bids and takeovers cannot be frustrated by actions in jurisdictions such as the Victorian Supreme Court.

More cynical people than I would probably wonder why we are dealing with this legislation on its own and ponder why it was not included in an omnibus bill; in fact, the very cynical might be forgiven for thinking the Attorney-General is indulging in a little CV building.

In 1995, because of my need to understand changes being made to the responsibilities and liabilities of company directors at the time, I took the Australian Institute of Directors company directors' course. Before the new legislation came through many directors had been getting away with decisions that deliberately lost shareholders' funds. That is now not possible, and directors are held responsible. Being less than completely aware of the business of a company is no longer an excuse. Directors of companies must be completely aware of the financial affairs of the company and cannot use ignorance as an excuse. However, when an honest, well-informed decision is made and a mistake is still made in a prospectus leading to an investor losing money, it is important that the investor supports the risk — the same risk he or she takes in making money.

The bill is a small bill. It disturbs me that it was not part of an earlier omnibus bill and that we need to debate it tonight; it could have happened a lot more quickly. I support the bill and am pleased to have been given the time to speak on it.

Mr LENDERS (Dandenong North) — I rise to briefly speak on the Corporations (Victoria) (Amendment) Bill. The honourable member for Berwick in his succinct speech clearly outlined the complex and detailed nature of the bill and explained where it fits into the legislative framework. His speech reminded me of my days as a law student.

The long and the short of the bill is that it is a Victorian enactment of a code that has been in place for some time in all jurisdictions to deal with certain events, such as the Bell Resources–Elders joint takeover bid, which are now almost ancient history except for the participants in them, such as John Elliott. The importation of money that occurred during that takeover added more to Australia's foreign debt than most other imports and exports. The bill follows the regulatory regime that has been in place for a long time to deal with charlatans like John Elliott and to create a sensible regulatory environment for the Corporations Law.

The bill is a weighty tome of 158 words, and I hope I can keep my remarks to no more than that. A few points should be made when discussing this bill. The honourable member for Berwick has no problem with section 85 of the Constitution Act being invoked in the bill.

The only other comment I wish to make about takeovers, legislation and the regulation thereof is that the federal regulatory authority should be looking at the

current takeover occurring in Victoria: the National Party has taken over the Liberal Party's branch office in Benalla without as much as a whimper. Ultimately, the regulatory authority might need to go into the fine print to establish whether some insider trading has taken place. I imagine all will be revealed in due course. The meeting of the Liberal Party administrative committee on Friday would have been interesting, given that the Leader of the Liberal Party could not find the proxy and had to be touted for in a parliamentary bar to find a proxy for him. As I said, no doubt all will be revealed in the future by the relevant regulatory authority.

The bill deserves to be passed expeditiously. I believe my remarks have not gone much beyond 158 words.

Mr WILSON (Bennettswood) — As has been said by previous speakers on this side of the house, the opposition supports the Corporations (Victoria) (Amendment) Bill.

The bill is an enabling piece of legislation to give effect in Victoria to relevant sections of the commonwealth's Corporate Law Economic Reform Program Act, which I believe took effect on 13 March. The bill should not be considered to be part of the Bracks government's legislative program. It has nothing to do with the government's policy program; it is simply a must-do piece of legislation to keep Victoria in line with federal law. The necessary consultation between the commonwealth and state governments has taken place.

As the parliamentary session continues one wonders when we will finally see the Bracks government's legislative program — that is, when we will see legislation that was not initiated by the former Kennett government or legislation that merely involves housekeeping matters.

I presume all the states and territories have enacted provisions similar to section 7 of the Victorian Corporations Law. This side of the house recognises the need for uniformity in the Corporations Law throughout Australia. Opposition members are aware that the federal legislation and the enabling Victorian legislation has the support of the business community both in Victoria and throughout Australia, because it seeks uniformity in this important area.

The legislation complies with Victoria's obligations under the national approach to the Corporations Law and allows Victoria to have an effective and consistent scheme for the regulation of corporations and securities. I note that proposed section 56B provides that section 85 of the Constitution Act will not prevent the operation of the bill. I was not in this place during the previous two Parliaments, but I am aware that during that time the Labor Party bleated regularly about variations to section 85 being included in the legislation of the Kennett government. I have been told and have read that the Honourable Theo Theophanous in another place and the Attorney-General when he was in opposition bleated about it regularly.

I say to the Bracks Labor government: welcome to the reality of government! I am advised that since the government has come to office the reality has hit home, and about one-third of the legislation going through this Parliament has varied section 85 of the Constitution Act. That is another example of the gulf between the rhetoric of the Labor Party when in opposition and its actions when in government.

Mr McINTOSH (Kew) — The Corporations (Victoria) (Amendment) Bill includes a variation to section 85 of the Constitution Act because of an amendment made to the Corporations Law by the operation of the federal Corporate Law Economic Reform Program Act.

The bill is very much a belts-and-braces response. Despite the fact that pursuant to a corporate agreement between all of the states that a law passed by the commonwealth Parliament will also be the law of each state, the matter before us involves a thick act that contains a specific provision dealing with takeover panels.

Other honourable members have spoken about the takeover panels established under the commonwealth legislation. They were intended to prevent the circumvention of takeover bids by way of applications made in the Supreme Court for delaying purposes. Under part A the commonwealth act provides for takeover panels that will deal with all the takeover matters during the currency of a bid until the takeover is successful or the offer is withdrawn.

I refer to another aspect of the commonwealth Corporate Law Economic Reform Program (CLERP) Act. In his second-reading speech on the bill on 3 December 1998 the federal Minister for Financial Services and Regulation made a number of observations about corporate fundraising. He said:

> This bill will improve the fundraising provisions of the Corporations Law to facilitate more efficient capital raising by Australian businesses.

He went on to say that the bill would introduce:

> … short-form prospectuses for retail investors, with technical information contained in separate documents available on request.

He also said:

> It is also clear that uncertainty over liability for the content of prospectuses has added to the complexity and expense of fundraising and has detracted from the prime function of a prospectus to disclose relevant information to investors.

Importantly, he says:

> The government will clarify the potential liability of parties for prospectuses by providing that their liability is governed solely under the Corporations Law.

Under the previous operation of the Corporations Law directors' and promoters' responsibilities were clearly set out. However, provisions in the Trade Practices Act — section 52 among others — and the Fair Trading Act were also applicable. Aggrieved shareholders or persons relying on a prospectus could invoke the common law to take directors or promoters of fundraising to the Supreme Court. However, the intention of the legislation was clearly to exclude the common law, the Trade Practices Act and the Fair Trading Act from its operation.

The legislation was designed to exclude those forms of liability so that directors' liability for company prospectuses would be governed solely by the Corporations Law. The bill does not repeal any section; instead, it limits the ability of someone to bring a case to the Supreme Court.

I was given a copy of the Corporate Law Economic Reform Program Act, which was passed in November last year, only moments ago. As honourable members can see, it is a substantial tome.

Mr Wynne interjected.

Mr McINTOSH — No, I have not read the document. I apologise for not having read it to find the particular clause. However, I have been advised about it.

I will refer to an editorial on that matter that appeared in the *Australian Financial Review* of 13 March. My belief is that the provision relating to directors' liabilities being governed solely by the Corporations Law has now passed to the commonwealth Parliament. I ask the minister to clarify that aspect. Perhaps he has read the act.

The article in the *Australian Financial Review* states:

> This situation —

that is, the directors' liabilities for prospectuses —

> did not come about through government policy aimed at getting tough with directors. It arose because the process of offering investment products to the public has been governed by overlapping laws — the Corporations Law, the Trade Practices Act, and the states' fair trading acts.
>
> The Trade Practices Act was never designed to apply specifically to the process of raising capital. Nor were its state equivalents in the fair trading acts. The Trade Practices Act has an economy-wide goal of consumer protection and it achieves that by imposing strict liability on people who are best placed to prevent harmful products being offered to consumers. In its place, the Trade Practices Act is a good law.
>
> …
>
> Under CLERP, liability for misleading and deceptive conduct in capital raising will be dealt with exclusively by the Corporations Law, which determines how much information must be disclosed to investors and when directors should properly be safe from liability.

It is my hypothesis — and I have not seen the provision so I cannot guarantee it — that under the commonwealth act directors' liability is now solely governed by the Corporations Law, thereby excluding actions being brought under the Trade Practices Act, which is still in existence, the state Fair Trading Act, which is still in existence, and the common law.

That leads to the following conundrum: notwithstanding the corporations agreement between the states and the commonwealth, under which the law made in Canberra will be the law in Victoria, honourable members are debating an enabling bill, or a belts-and-braces bill. That is because under section 85, which is unique to Victoria, Parliament has to pass a special bill relating only to takeover panels and not the entire act passed by the commonwealth.

The minister may care to turn his mind to whether the bill goes far enough or whether we may have to come back in a few months to pass another bill relating to directors' liabilities as they are affected by the Corporations Law.

The bill is a classic variation of the jurisdiction of the Supreme Court. Section 85(5) of the Constitution Act states that:

> A provision of an act, other than a provision which directly repeals or directly amends any part of this section, is not to be taken to repeal, alter or vary this section unless —

and it goes through the formal process to be followed as part of a section 85 statement.

The bill tampers with the jurisdiction of the Supreme Court. Accordingly, the minister may like to turn his mind to whether we will be coming back in two or three months to take on board amendments to the Constitution Act.

Mr HAERMEYER (Minister for Police and Emergency Services) — I thank the honourable members for Berwick, Mitcham, Evelyn, Dandenong North, Bennettswood and Kew for their contributions to the debate on the bill. It is a short but important piece of legislation that ensures the national corporations legislation cannot be compromised by the Victorian act. The debate has been conducted in a good bipartisan spirit.

The matter raised by the honourable member for Kew at the end of the debate is not within the parameters of the legislation and he might take up the issue with the Minister for Small Business in another place. Again I thank all members for their contributions to the debate on the bill.

The ACTING SPEAKER (Ms Davies) — Order! 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 second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The time being 10.00 p.m. I am required by sessional orders to interrupt the business of the house.

Water: private rights

Mr STEGGALL (Swan Hill) — The issue I wish to raise is with the Minister for Environment and Conservation, and it concerns the rights over water in irrigation areas and the reforms introduced by the former government being continued by the current government. The problem arises from a change of land use in catchment areas from grazing to irrigated agricultural use.

There is a need to clarify who has the right to water in a waterway. For many years the definition of a waterway has been acceptable in Victoria. Now it is under challenge because of the new land use.

The process was begun some time ago with the Baxter report, followed by the Hill report on issues concerning waterways and later the Heeps report.

I call on the minister to release the reports to assist us to settle the issues of private rights in catchment areas. A division is developing among the community, the catchment authorities and the downhill farmers, and the issue of whether private water rights exist must be resolved. The opposition believes such rights exist and they fit under the cap, but the matter needs to be settled so that development and investment can continue.

It is an issue not only for the Murray–Goulburn catchment areas but also for the catchment areas of the Pyrenees–Glenelg–Wimmera district.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! There is too much audible conversation.

Mr STEGGALL — I ask the minister to release those reports so that honourable members in northern Victorian particularly and throughout western Victoria will be able to participate in the resolution of that issue. There is a genuine bipartisan desire to achieve an acceptable and proper outcome. The aims have been achieved with salinity plans, Landcare, and the Sharing the Murray procedures where we went through bulk entitlements on the Murray. I ask the minister to produce those reports so the process can take place with respect to private rights for water in our catchment areas.

Member for South Barwon: conduct

Mr LONEY (Geelong North) — I raise with the Minister for Local Government political interference in the internal affairs of a local council. Members of the government believe councils are a democratically elected, independent tier of government entitled to be respected as such. They are in control of their own destinies and determine their own procedures.

Unfortunately the previous government had a much different view. It had an authoritarian view of local government — that is, local government is subservient to state government; it should simply carry out the bidding of the state government of the day; it should do what it is told and keep quiet; effectively, it is there to be dictated to or sacked. Since the change in

government, some opposition members cannot get out of that mindset.

Recently the honourable member for South Barwon has on a number of occasions attempted to exert his influence over the City of Greater Geelong. In the lead-up to the mayoral elections the honourable member for South Barwon attempted to bully councillors into supporting his preferred mayoral candidate and tried to bully councillors into pulling out of the mayoral race. Articles appeared in the *Geelong Advertiser* under the headlines, 'MP tells councillor to get out of mayoral race', and 'Paterson hits out at mayoral favourite'. More recently he has attempted to dictate council procedures and practices. When he could not get his way he threatened the council with the minister. He forgot he was no longer in government!

The honourable member for South Barwon has called for action from the Minister for Local Government, and I support that call. I want the Minister for Local Government to take action against this blatant political interference in the affairs of local government in Geelong.

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

Eastern Freeway: Tullamarine link

Mr LEIGH (Mordialloc) — Last week at a gathering of the Property Council of Victoria the Minister for Transport said in answer to a question from the floor that he was seriously contemplating constructing the freeway underpass between the Tullamarine and Eastern freeways — the $700 million tunnel the Labor Party ridiculed when the opposition was in government. It was very interesting that in answer to a question the minister said the government will consider undertaking that project with the private sector. The opposition should not be surprised.

I seek clarification from the minister tonight. I will make this article, which appeared in the *Herald Sun* of 23 May 1992, available to the house. It says:

> The state government yesterday launched Melbourne's two biggest private road projects — the western bypass and Domain Tunnel.
>
> The manufacturing and industry development minister, Mr White, yesterday called for expressions of interest from the private sector to build and operate the freeways —

including the Domain Tunnel. Mr White said the work would begin:

> … and he revealed motorists could pay a toll, which would be collected in an unusual way —

that is, electronic devices! The concept originated with the Labor Party.

After some prompting, the Premier will open the Domain Tunnel on 16 April, which is terrific — and good work by the former coalition government. In answer to the Property Council of Victoria, the minister replied, 'Oh, I'm going to build it with the private sector'. I would be surprised if anyone is prepared to trust the Labor Party after the way it has behaved over the past few years!

There are two ways the minister can do this, and one is by shadow toll. Remembering that the 3-cent petrol levy collects a little under $200 million a year, if the minister is to do it that way he will not have any other money to spend on roads for some years, or is this about City Link being able to expand its operations to another tunnel that is tolled? The minister either told fibs to the property council or he is seriously contemplating the introduction of tolls.

One must remember that this is the minister who, in opposition, broke every law in the book to try to embarrass the government and wreck projects. He even went up on the Bolte Bridge, which resulted in the death of somebody the next day, which he obviously thought was a joke.

Honourable members interjecting.

Mr LEIGH — He thought it was a joke. He helped cause it. Let the minister answer: will he introduce a tolling mechanism on the new road? The opposition would be very interested to know whether this is the latest backflip by the Bracks Labor government and the three Independents who support it. I suspect the minister is now about to implement tolling projects for which he criticised the former government. I will be very interested in reading all his former speeches.

Linton Fire Trust

Mr TREZISE (Geelong) — I refer the Minister for Police and Emergency Services to the Linton fire trust fund. This house — especially members from the Geelong region — will never forget the five Geelong West Fire Brigade volunteers who tragically lost their lives at Linton in December 1998.

Following the tragedy, the community of Geelong and wider Victoria responded in unison in their support for the families of the firefighters — Armstrong, Davidson, Evans, Thomas and Vredeveldt. As part of the community support approximately $700 000 was raised for the families of the firefighters. At the present time almost half of the $700 000 remains in a trust fund and

is unable to be distributed to the families because of a federal tax deductibility issue.

The federal government, through its Taxation Laws Amendment Bill (No. 10), provides for taxation deductibility for donations made to the Linton Fire Trust. The trustees to this fund have legal advice that it would be imprudent to distribute the remainder of the trust fund until the federal Parliament passes the bill. Therefore, the only barrier to the families receiving the money now is the passage of the legislation by the federal government. Therefore, one would expect the federal government would at least ensure its passage is given priority. But, in what has been a disgraceful example of procrastination, the federal government has yet to pass the legislation. The federal government first listed the legislation for debate in October 1999.

Mr Perton — On a point of order, Madam Deputy Speaker, this is a serious and sensitive matter not only for the community of Geelong but for the whole community. It is shameful for the honourable member to turn this into a political diatribe.

The DEPUTY SPEAKER — Order! What is the point of order?

Mr Perton — It relates to a matter on the adjournment debate, Madam Deputy Speaker, if you will let me proceed. The adjournment debate is restricted to raising matters that are within the administrative jurisdiction of the minister. The honourable member is raising the failure of the federal Parliament to pass legislation. That is well beyond the scope of the adjournment debate and well beyond the administrative responsibility of the minister.

Mr Haermeyer — On the point of order, Madam Deputy Speaker, the honourable member for Geelong seems to be raising an issue about the Linton fires. Issues relating to the Country Fire Authority come under the auspices of my portfolio. The honourable member raises the lack of action on the part of the federal government in facilitating the disbursement of the funds raised for the families of the victims of that fire. It is not inappropriate for the honourable member to ask me to urge the federal government to speed its legislation along. It is not an inappropriate matter to raise on the adjournment debate.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. I understood the honourable member for Geelong to be asking the Minister for Police and Emergency Services to take action to try to ensure the money is disbursed.

Mr TREZISE — As I was saying, the federal government listed this for debate in October 1999. As late as last Wednesday it was also scheduled for debate and again dropped off the bills list. I ask the minister to contact the federal Treasurer, the minister responsible for the bill, forthwith and demand that the federal government debate the Taxation Laws Amendment Bill (No. 10) and give it immediate priority through the federal Parliament.

Ambulance services: Torquay

Mr PATERSON (South Barwon) — I raise with the Minister for Health the late arrival of an ambulance in Torquay. I also ask the minister to speed up a review being conducted by Rural Ambulance Victoria into ambulance services for the Surf Coast Shire and to ask for a permanent ambulance service to be located in Torquay.

On 22 February Mrs Dini De Vries called an ambulance for her injured husband, who had slipped on the porch and gravely injured himself. I have been advised by the Bureau of Emergency Services Telecommunications that they logged the call on 22 February at 8.32 p.m. As no ambulance had arrived, Mrs De Vries phoned again at 8.53 p.m. Again that call is logged with Telstra asking where the ambulance was. At 9.00 p.m. the ambulance finally arrived. The ambulance was the volunteer or casual ambulance stationed at Anglesea. There was a MICA ambulance available at Geelong but apparently the call as logged was considered to be a code 2 call and, therefore, the ambulance was called from Anglesea rather than from Geelong.

I ask the Minister for Health to investigate the appropriateness of that decision and, beyond that, to support the location of a permanent ambulance service in the Torquay area, with a view to locating it at the Surf Coast community health centre in Torquay.

Neighbourhood houses: Seymour

Mr HARDMAN (Seymour) — I ask the Minister for Community Services to investigate whether she can increase Department of Human Services allocated funds to neighbourhood houses in my electorate to assist those extremely valuable and grassroots community organisations to continue to do their fantastic work. In the Seymour electorate there are a number of community houses, including Kinglake, Wallan, Kilmore, Broadford, Pyalong, Heathcote, Avenel, Seymour, Yea and Healesville. All the neighbourhood and community houses do fantastic work in their communities. Much of this work is

voluntary and in some cases such as Avenel all the work done by community members is voluntary. Given this great work, which needs to be encouraged, I ask that some action be taken to financially support their necessary function in the community.

As the minister would be aware from her visit to my electorate a year ago, the neighbourhood house at Seymour does a fantastic job. One of its major contributions to the community is an adult literacy course at which it picks up a number of early school leavers. Broadford and Kinglake run forklift driving courses where local people are able to get a ticket to prove they have completed the course so they can obtain a job. Healesville Living and Learning Centre provides a comprehensive program which includes a number of personal development and information technology courses which teach people skills to help them get jobs. The Kinglake and district neighbourhood house also does wonderful work providing a number of courses. It also provides a place for new community members to get to know one another. Due to the lack of services in the community it provides advice on community issues such as advocacy.

I ask the minister to investigate the possibility of providing extra funding which would offer encouragement to the marvellous people who work in those establishments to continue to provide excellent cost-effective services to their communities.

SES: paging service

Mr MAUGHAN (Rodney) — I refer the Minister for Police and Emergency Services to the issue of pagers for State Emergency Service volunteers at Rochester. As the minister will be aware, Victorian SES volunteers provide vital services to the community in times of flood, fire, road accidents, drownings, storms and other emergencies. They spend a great deal of time training and fundraising to purchase vital equipment and vehicles.

They are charged with a wide area of responsibilities such as road accident and flood rescue, storm damage, ground search and rescue and drownings. To successfully carry out those responsibilities requires a fast, effective call-out system. The Rochester State Emergency Service is currently using the Telstra paging service. The purchase of pagers and the running costs are entirely met from the unit budget. I point out that it costs $9000 to keep the doors open and the government grant is $5770 per annum.

The Telstra service is satisfactory but it will close down on 30 June — that is, in less than three months. Unfortunately, none of the alternatives provides a satisfactory service. Other paging services are based on the unreliable CDMA system, which has poor reception in and around Rochester.

The SMS messaging technology in the current telephone network is unable to cope with simultaneous actuation of a number of mobile phones, and not all members own mobile phones. The operating procedures require that a response to a road accident call is made within 3 minutes and that the vehicle be on the road within 8 minutes. A simultaneous call-out of all members is vital.

As any call could be a life and death situation I ask the Minister for Police and Emergency Services for two things. Firstly, will he approach the commonwealth to see if it is possible to keep open the Telstra paging network for emergency services until a suitable alternative is available? Secondly, if that is not possible will he investigate the possibility of the Victorian government funding a statewide emergency call-out system, thus relieving the volunteer organisations of having to find the money in addition to their volunteer and fundraising work?

Dispute resolution centres

Mr WYNNE (Richmond) — I refer the attention of the Attorney-General to people's access to affordable justice. I remind the house of the continued advocacy by the Attorney-General of a return to a just and equitable level of legal aid funding and his advocacy for the continued autonomy and funding of community legal centres. I refer him to the dispute settlement centres, which are a key to delivering alternative dispute resolution services. Under the former government the role of the centres was significantly undermined and their activities curtailed.

Seven community-based centres were closed and in my view funding arrangements were substantially altered to their detriment. The centres are an important forum for a cheap and accessible form of dispute resolution rather than litigation with its concomitant cost and delay through the court system.

The centres play an important role in resolving neighbourhood disputes over fencing, between family members and between sporting clubs and organisations. I ask the Attorney-General to act to ensure that the community has continued access to low-cost dispute resolution mechanisms.

Newcomb and District Community Health Centre

Mr SPRY (Bellarine) — On behalf of my constituents in Newcomb, Whittington, St Albans, Moolap and Leopold I refer the Minister for Health to delays to progress on construction of the Newcomb and District Community Health Centre caused by militant industrial action which at worst will threaten completion and at best will delay completion for months. The project was a priority of the former government and as the local member I was closely involved. Therefore, the expectations of residents were justifiably high.

In June 1999 the *Doneraile Times* announced that Barwon Health had recently released its top-of-the-market concept plans for the new community health centre in Newcomb. The project was to go to tender in mid-July and was expected to cost some $3.9 million. A detailed list of the services to be provided included district nursing, adult dental and denture services, school dental services comprising a total of six chairs, and drug treatment services.

Despite uncertainty and delays when the Labor government came to power — and after a further eight months — the Minister for Health turned the first sod. An article in the *Geelong Advertiser* of 10 February reports the Minister for Health as having said:

> The key thing is this area in the past has had a shortfall of resources and we are keen to build up those services. Relating to drugs and alcohol there must be a greater range of services available.

Today the minister announced new detox beds for Geelong but I suggest that the Newcomb facility is of equal importance. Unfortunately, the builder of that facility is the meat in the sandwich and after a further delay he is reaching the stage where he doubts that the building will be completed on time if at all.

On behalf of anxious residents in my electorate I ask the Minister for Health to take action and use what his leader described in September 1999 as a mature relationship with the union movement to ensure that public works projects such as the Newcomb facility that are so vital to public health are not threatened any further by militant union action or Rambo tactics so that the beneficiaries — ordinary Victorians in need — are not disadvantaged as a consequence.

Chelsea Heights Community Centre

Ms LINDELL (Carrum) — I ask the Minister for Community Services to intervene in a matter concerning the plight of the Chelsea Heights Community Centre. I ask her to advise what action she is taking to ensure that the services and programs offered by the centre are enhanced.

Honourable members may be interested to know of the fine services provided by community centres and neighbourhood houses across Victoria. In my electorate the Chelsea Heights Community Centre offers a range of programs, including Take-A-Break occasional care, a seniors group, a play group, Tai Bo exercises for men and women, a walking group, St John Ambulance training, line dancing, children's art classes, a counselling service, resumé writing, floristry, massage and a whole range of individual art and craft courses. The centre is a mecca for the Chelsea Heights community.

At the moment there is no funding available for coordination of the activities offered to the community. I seek to know from the minister what action the Bracks government is taking to ensure that community agencies such as the Chelsea Heights Community Centre are supported in their vital roles.

Workcover: premiums

Mr CLARK (Box Hill) — I ask the Minister for Workcover to make public any economic impact assessments carried out by his government of the effect on jobs in Victoria of the government's proposal to raise Workcover premiums to 2.18 per cent.

In 1999 budget paper no. 2, chapter 8, the Department of Treasury and Finance estimated payroll tax cuts totalling $300 million would result in long-term additional jobs of 18 000. By similar reasoning it would seem to follow that an additional burden on payrolls of some $150 million, for example, through Workcover premium increases would result in the long-term loss of some 9000 jobs.

In those circumstances the public is entitled to know what assessment the government has carried out — —

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

Responses

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Geelong raised the issue of the disbursement of funds of about $700 000 that were raised to assist the families of the five courageous firefighters who died tragically during the Linton fires in late 1998.

The trustees of the fund have been advised it would not be prudent for them to disburse the funds until a piece of federal legislation known as the Taxation Laws (Amendment) Bill No. 10 has been carried. I understand they are acting on legal advice. That piece of legislation has been sitting on the table in the federal Parliament since October last year. That is an extremely unfortunate situation because whether the federal government knows it or not, it is holding up the disbursement of the money to the families who so richly deserve it.

The death of the firefighters touched everybody greatly and the community dug deeply to contribute to the funds. I commend the honourable member for Geelong for taking up this issue because it is important and needs a bit of a hurry along. Together with the honourable member for Geelong and most members of the community I want to see the money distributed to the people for whom it was intended as quickly as possible.

I will take up this issue as a matter of urgency tomorrow and urge the federal government to immediately debate and have carried the piece of federal tax legislation that is causing the hold-up in the disbursement of the funds.

The honourable member for Rodney raised a matter similar to one raised last week by the honourable member for Ballarat East, who raised it in the context of the Country Fire Authority's access to paging services for emergency responses. The honourable member for Rodney has raised a similar matter in the context of the State Emergency Service volunteers at Rochester. I thank him for raising the matter with me in advance because it is an important issue and has been of concern to the state's emergency services, particularly the SES and the CFA, both of which are predominantly volunteer services that rely on the paging network as part of their turnout mechanism.

When there is an emergency the central phone number — the 000 number or the emergency number in any given area — is called and immediately the pagers of the designated response units are activated. As the honourable member for Rodney has noted, in an emergency situation it is absolutely essential that that notification go out as quickly as possible because a delay of half a minute or a minute can be a life-and-death matter.

Telstra has traditionally provided that service with few complaints. Generally it has been a good service. It is a service that Telstra has advised will expire on 30 June. That is an unacceptable situation because it leaves Victoria's emergency services high and dry.

Telstra has referred the emergency services to Link Telecommunications Pty Ltd, which will continue to run a paging service. Emergency services advise me that that is an unacceptable alternative because, despite the fact that Telstra has recently announced an expanded coverage for Link, Link will still not cover all the areas currently serviced by the Telstra network. As I said, that will leave a lot of our rural communities in particular high and dry; communities that rely on the service of the State Emergency Service and the Country Fire Authority. Link provides fairly poor coverage in rural areas.

I have written to the federal communications minister asking him to intervene to ensure the extension of the service for at least another two years to enable alternatives to be put in place, or at least to enable Link to get its house in order to offer the same coverage in rural areas as Telstra currently does. The federal minister needs to intervene because Telstra is an organisation that has benefited from a large contribution from the public purse. It is a huge organisation that was built up by the taxpayer dollars that were poured into it. Telstra has a public service obligation which I would like the federal minister to ensure it exercises.

If that does not occur, the state government has already looked at alternatives, but they are fairly expensive because it may entail the setting up of a special in-house, statewide emergency call-out system for our emergency services. I have already raised the matter with the federal minister and I take on board the suggestions made by the honourable member for Rodney. This is an extremely important issue and I shall treat it accordingly.

Ms CAMPBELL (Minister for Community Services) — It is with pleasure that I am able to respond to the issues raised by the honourable members for Seymour and Carrum. One of the many groups within community services that was delighted with the election of the Bracks government was the neighbourhood house sector. For many years it had languished waiting for action by — —

Honourable members interjecting.

Ms CAMPBELL — The sector was waiting ever so patiently for the Minister for Community Services in the previous government to pull out the Spice report, which was considered to be another one of the locked documents in the Department of Human Services. The

Spice report was one of those which gathered a considerable amount of dust on the desk of the ex-minister. The fact is that the Labor Party in opposition listened, learnt and decided to lead once in government. It is now in government and delighted to be able to announce to neighbourhood houses additional funding based on what is required to fund the Neighbourhood House Coordination program.

The government has committed $6.5 million over the next four years to provide additional coordination hours for neighbourhood or community houses. The department currently funds 264 neighbourhood houses for between 10 and 40 hours per week of coordination activity. About half of those are funded at less than 20 hours per week and about two-thirds are funded at just 10 hours per week. A sizeable number of the other houses currently receive no funding at all.

It is important that the honourable members for Seymour and Carrum alert their neighbourhood houses to look at the newspapers this weekend for advertisements calling for submissions from neighbourhood houses for the additional funding that is available.

Mr Leigh — On a point of order, Madam Deputy Speaker, I seek clarification on whether the minister is referring to the fact that the other 68 community centres will get funding or whether it will be just the 2 in Labor electorates?

The DEPUTY SPEAKER — Order! There is no point of order.

Ms CAMPBELL — Of course there isn't, Madam Deputy Speaker. There never is when that member speaks!

The funds will be available throughout the state. I note that the honourable member for Swan Hill is keen to be part of the Bracks government's neighbourhood house funding. I alert him to the fact that his neighbourhood houses may care to enjoy the fruits offered by the Bracks Labor government, something that was unavailable when the previous government was in office.

The Department of Human Services (DHS) has worked closely with the Association of Neighbourhood Houses and Learning Centres (ANHLC), and we have recently established the neighbourhood advisory group to confirm the funding parameters. Letters will be sent to local councils to ensure that where they are contributing to neighbourhood houses — —

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! The member for Mordialloc.

Ms CAMPBELL — I am proud to announce that we are providing the funding initiative in conjunction with local councils. Where councils — —

Mr McArthur interjected.

The DEPUTY SPEAKER — Order! The member for Monbulk is out of his place, and I ask him to cease interjecting.

Ms CAMPBELL — Consideration will be given to those neighbourhood houses and community centres which have been funded by local councils, because in the past they have been shown to be successful as a result of that local government involvement.

There is also excellent news about the service agreement on the new financial arrangements, which is that there will be a three-year funding agreement. Many neighbourhood houses have part-time workers who work considerably longer than the time for which they are paid. The three-year funding agreement recognises the importance of their contributions and will provide some consistency for coordinators.

Also, the $500 000 available in the current financial year will be allocated to support the development of information technology training and the purchase of minor equipment such as faxes and modems, so that all neighbourhood houses can be networked and linked by the latest technology. Funds will be directed to areas that have not been networked by alternative sources of funding — such as through adult community and further education or commonwealth infrastructure grants — according to guidelines to be developed between DHS and the ANHLC.

I suggest that the Chelsea Heights community centre, whose programs were so eloquently described by the honourable member for Carrum, as well as the Wallan, Kilmore, Broadford, Pyalong, Heathcote, Avenel, Seymour, Yea, Kinglake and District and Healesville neighbourhood houses be alerted to the advertisements that will appear in this weekend's papers.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Swan Hill referred to the ability of farmers to construct farm dams on waterways. That eventually gets down to the definition of 'waterway', which has been a central issue. I am considering three reports: the original Baxter report of two years ago, the Bill Hill committee report, and the David Heeps report from the Wimmera. Clearly there is a need for further public consultation and the

consideration of possible options, for which I will be providing shortly.

Mr CAMERON (Minister for Local Government) — The honourable member for Geelong North raised an important matter concerning the City of Greater Geelong council. It appears the honourable member for South Barwon has been trying to dictate what happens with the council. Honourable members will appreciate that that is typical of the leftovers from the Kennett regime. They are great believers in dictatorship rather than in working in partnership with local councils.

The honourable member for Geelong North referred to some recent articles about the tenor of the approach taken by the honourable member for South Barwon. One of the articles that appeared in the *Geelong Advertiser* in late March is headed '"Bullying" in council concern'. The honourable member for South Barwon wanted to take up an issue because the council had decided to defer consideration of it on its own motion. One might ask whether it is for the local council — that is, the locally elected people — to determine when it deals with matters on its agenda or — —

Mr Leigh — On a point of order, Madam Deputy Speaker, I know that on a number of occasions you have referred to standing order 108 when a member of Parliament has been impugned in some way. I refer you to the standing order, which states that:

> … all imputations of improper motives and all personal reflections on members shall be deemed disorderly.

It seems to me that the honourable member for Geelong North got very close to that. It now appears — —

Mr Hulls interjected.

Mr Leigh — We'll get to you a little later, son, as you know.

Mr Batchelor interjected.

Mr Leigh — We'll get to you even later.

Mr Batchelor — You're the biggest slime bag around.

Mr Leigh — Nunagate! The man who cheats on votes calls me a slime. You are a crook!

Mr Batchelor interjected.

Mr Leigh — You'll be in jail before long, so don't worry about it!

The minister is impugning the honourable member for South Barwon. I direct your attention to that fact and ask you to ensure that the minister does not do so.

The DEPUTY SPEAKER — Order! I do not uphold the point of order, but the point is taken that the Minister for Local Government should be aware of standing order 108.

Mr CAMERON — I am sorry to disappoint the opposition, but the member for South Barwon even puts such things in writing. The *Geelong Advertiser* reports him as saying 'the minister should order the council to reconvene'. He followed that up with a letter in similar terms.

Madam Deputy Speaker, having been a member of a local council, you will know that under the Local Government Act the Minister for Local Government has limited powers and cannot order a council to reconvene or tell them what to discuss. His is the approach of someone who is left over from the Kennett regime, the members of which believed they could dictate what they wanted to councils, which would get the sack if they did not do what they were told. If he thinks the council should be sacked, he should have the guts to come out and say so bluntly. I can tell you, Madam Deputy Speaker, that that will not occur.

He has only recently woken up after seven years, which is probably why he is known in the Geelong area as Rip van Paterson. But many Liberals down there have already woken up, which I understand is why some Liberal forces appear to be mounting against him. They have looked at his performances in the past two elections and have noticed that his vote has been going down. They are worried that if the trend continues they will lose the seat. I understand that is why the honourable member for Bellarine is mounting a challenge against the honourable member for South Barwon. No doubt there will be — —

Mr Perton — On a point of order on the question of relevance, Madam Deputy Speaker, the matter raised by the honourable member for Geelong North related to comments made by the honourable member for South Barwon about a council and the request for action by the honourable member for Geelong North. Matters relating to party politics have nothing at all to do with it.

The DEPUTY SPEAKER — Order! I uphold the point of order and ask the minister to return to the matter raised.

Mr CAMERON — We want to make sure the councils in the Geelong area can go about their business.

The honourable member for Box Hill raised in a rather rapid manner a matter concerning Workcover.

A government member interjected.

Mr CAMERON — Yes, that was 'rapid' not 'rabid'. I hope Hansard has got that. The honourable member wants a crystal ball to be produced and rubbed and some predictions given. He gave the game away when he referred to an old report and some old predictions by the former government that premiums were going to go down and everything would be rosy. He is wrong, wrong, wrong! Those predictions were far from the mark. Indeed, in the past financial year there was a loss of $176 million — totally against every prediction the former government made.

I appreciate that the matter is sensitive for the honourable member for Box Hill because he was the parliamentary secretary in the last term of the Kennett government. No doubt he has his reputation to protect — a reputation that is in tatters. Just look at the balance sheet: 68 per cent of businesses in Victoria have payrolls of under $100 000.

Imagine, Madam Deputy Speaker, that you are a grocer and are paying the average premium rate. Your payroll is $100 000. Under the government's proposed changes the premium will go up by $237 — less than $2 a week for each person, and in return your workers will have access to common-law rights if they are seriously injured.

The honourable member for Box Hill can threaten to block the legislation, but he is wrong. He will come under pressure in his party. The National Party certainly agrees with Labor and, as we have seen today, the Liberal Party is now too scared to stand in Benalla. I can assume, therefore, that the Liberals support Labor's legislation.

Mr BATCHELOR (Minister for Transport) — I wish to respond to a policy matter raised by the honourable member for Mordialloc, but before doing so I have to say the outburst by the member for Mordialloc tonight was one of the most despicable outbursts I have ever heard.

Mr Leigh — On a point of order, Madam Deputy Speaker, he can't go around calling people names.

The DEPUTY SPEAKER — Order! There is no point of order.

Mr Hulls — Sit down, you sensitive little wuss!

The DEPUTY SPEAKER — Order! The Minister for Transport, continuing his response.

Mr BATCHELOR — During the honourable member for Mordialloc's adjournment contribution — —

Mr Leigh — I called you a crook.

Mr BATCHELOR — He went beyond all the bounds that are tolerable in this chamber. I have never asked him to withdraw or apologise for any of the filth that flows from his mouth — —

Mr Leigh — What did you do — —

Mr BATCHELOR — And I am not about to do so now.

Mr Leigh interjected.

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

Mr BATCHELOR — Tonight he has come into this house and tried to use the tragic death of a member of Melbourne's public to make cheap political points. The member for Mordialloc has come into this house and made false allegations against me.

Mr Leigh — You deserve it all.

Mr BATCHELOR — He said that I caused the death of an individual.

Mr Leigh interjected.

Mr BATCHELOR — That is absolutely false.

Mr Hulls — That is outrageous! Outrageous!

Mr BATCHELOR — It is outrageous. He did that when the Leader of the Opposition was in this chamber. The Leader of the Opposition was in here and did nothing to call him to order. He did nothing, so the Leader of the Opposition is part and parcel of this outrageous slur.

Mr Leigh interjected.

Mr BATCHELOR — There are occasions in this Parliament when the debate degenerates, and tonight I have seen it sink to depths it has never sunk to before.

Mr Leigh interjected.

Mr BATCHELOR — To take the tragic death of an individual — —

Mr Leigh — You broke the law.

Mr BATCHELOR — And to try to exploit that politically in this chamber, with no regard for what impact it might have on his grieving family and friends — —

Mr Leigh — You encouraged me.

Mr BATCHELOR — It defies belief. The fact that he can sit here tonight and interject when we try to bring some respect and decorum into this chamber just reveals what a tragic and isolated fool this man is.

An Opposition Member — Tell us about something important.

Mr BATCHELOR — In this house there is only one politician who dwells in the gutter. He wallows in slime and filth and is beneath contempt. Every morning when the member for Mordialloc looks in the mirror to shave he sees who that politician is.

He asked me a question arising from a report I made to the Property Council of Australia. I was asked a question that related to the Eastern Freeway. I was asked whether I should take the money set aside for the extension of the Eastern Freeway between Springvale Road and Ringwood and use it for other purposes. In particular the question made reference to building a connection at the city end, not the Ringwood end, by building a connection or extension to the Eastern Freeway.

The question was put in the context that the previous government had considered such a proposal — to build a tunnel that would connect the Eastern Freeway at the city end through to the Tullamarine Freeway.

There were negotiations and discussions with Transurban about how that would occur and the route it should take. At a property council luncheon I said the Bracks government had given a commitment to extend the Eastern Freeway at the Ringwood end and that it would honour that commitment. The government will not take money from the Ringwood end and divert it to other projects. The government gave a commitment to extend the Eastern Freeway from Springvale Road to Ringwood prior to the election, and it will do that.

It should be remembered that the previous Kennett government had no intention of doing that, because it did not include sufficient money in the forward budget estimates for that purpose. There is insufficient money in the forward budget estimates to do even the land route option. The previous government was prepared to try to mislead the electorate by making promises it knew it could not implement.

I advised the property council that the Bracks government would honour its election commitments, that the commitments are genuine and that the government would do everything it could to address the issues at the Ringwood end. The government also acknowledged that there was a genuine problem at the city end involving traffic congestion, particularly during the morning peak hour.

I told the property council that the problem affects both the drivers of commuter vehicles and the residents of inner Melbourne, who experience large numbers of vehicles coming off the Eastern Freeway. I predicted that the problem of traffic congestion and the impact it would have on city residents would get worse before it got better. The issue does not involve only the communities at the city end of the freeway — in Fitzroy and Collingwood — because cars also feed their way through East Melbourne, North Melbourne, Carlton, Parkville and other destinations in the west and north-west of Melbourne. Inner city residents have a basic right to expect that their residential precincts will not be used as traffic sewers, and the commuters using the freeway have a right to expect that expensive freeway work will deliver benefits to them and economic benefits to the community.

The residents of the inner suburbs and the commuters coming off the freeway have found that they have a problem in common, which deserves proper and thorough examination. The issue involves not only the increasing traffic congestion but also the need to improve public transport networks not just at the city end of the freeway but right throughout the inner suburbs. We need to take a commonsense and balanced approach to ensuring the mobility of the residents of our great city. We need to get daily commuters into public transport, but the public transport has to be there to do that.

We must ensure that the freeways work and that they also deliver benefits to the freight vehicle drivers and the commuters who are not travelling to central city destinations. Many drivers who come off the end of the Eastern Freeway wish to go places other than the central business district and those inner suburbs. We must consider where vehicles are going and how best we can provide the mobility and access they need.

The Labor Party has a policy commitment to examine those issues and to look for solutions, which is in stark

contrast to the policies of the Liberal Party both in government and in opposition. The government is looking at solutions that are based on an integrated, commonsense, balanced approach to dealing with all of the issues, not just one of them. Labor cares about the residents of both the inner suburbs and the outer suburbs. It cares about people's mobility and access so that they can move about this fine city.

The government wants to work with the residents through a consultative process to try to find solutions. It wants to work with the communities of the inner suburbs and the inner ring around the central business district. It wants to consult with both the workers in the central business district and the visitors to the area, and it wants to consult with the people commuting from the outer suburbs not only to the inner suburbs but also to other places. We need a balanced, integrated approach.

The government has given a commitment that it will look for the solutions through an extensive and thorough examination of all the issues. The issues are complex, and it will take some time to work through them. The local councils and local residents are interested in providing assistance.

Mr Leigh interjected.

Mr BATCHELOR — The only ones who will try to sabotage and undermine the process will be the members of the Liberal Party, led by the honourable member for Mordialloc.

Solutions will have to be provided in conjunction with the private sector, and that should come as no surprise. Modern governments do not have day-labour forces, and they do not build things; instead, they engage with the private sector, which carries out the works following the completion of an open and accountable tender process. Modern governments would not wish to do it any other way.

Mr Leigh interjected.

Mr BATCHELOR — The honourable member for Mordialloc prefers a different system, in which the government of the day directs the public infrastructure work on major projects to its mates. The government wants to work with the private sector to deliver contracts that are based on competition. There is nothing wrong with that.

Mr Leigh interjected.

Mr BATCHELOR — That is why the honourable member for Mordialloc objects. He hates a competitive private sector working with a Labor government. That combination will underpin the economic growth of the Victorian community. The Liberal Party finds that sort of dynamic cooperation abhorrent. It will be shocked by what the government will be able to achieve working with the private sector.

The government has given a commitment to look at the problems at the city end of the Eastern Freeway. It does not approach that task with any preconceived ideas, other than the knowledge that the problems in the area are worsening and that the only solution to them is an integrated, balanced approach, which the government will undertake to follow through on.

Mr HULLS (Attorney-General) — It has been a difficult day for opposition members, given the resignation of the honourable member for Benalla and the blue they are having over his seat. I have some good news for them: the government is expanding the alternative dispute resolution process in this state, which the honourable member for Richmond raised for my attention. As a result I am more than happy to give them some brochures to help them resolve the crisis in the opposition parties.

As part of the Bracks government's commitment to providing all Victorians with genuine access to justice, it is determined to enhance the alternative dispute resolution services provided throughout Victoria. An increase in the number and quality of alternative dispute mechanisms will not only reduce the burden on the courts but also give more people the opportunity to have their legal problems considered in a low-cost and informal environment.

To that end I have asked my department to undertake a comprehensive review of the current alternative dispute resolution mechanisms at all levels of the court system and to provide options for expanding community-based alternative dispute resolution services. The Dispute Settlement Centre of Victoria is a key agency in the delivery of those services. As the honourable member for Richmond said, under the previous government the role of the dispute settlement centre was undermined and its services were curtailed. Seven community-based centres were closed and funding arrangements for the dispute settlement centre were substantially altered, to its detriment.

One of the primary tasks of the review is to redefine the role of the dispute settlement centre, with particular emphasis on enhancing its educative and preventive responsibilities. The government believes that establishing strong ties with the community is of primary importance. The dispute settlement centre has recently published a new brochure that contains

information about alternative dispute resolution and the assistance the centre can provide in a range of areas. The government supports the widespread distribution of that brochure and recognises the commendable work the centre does.

The government believes the review will be important in expanding the dispute resolution process into the regional and remote parts of Victoria. It is the government's intention to establish comprehensive alternative dispute resolution services in those areas. The government will ensure there is community consultation on the introduction of those services.

It is important that any party to a dispute who is looking for a cheaper alternative to court litigation has access to the dispute resolution services which are currently available and which will be expanded under the Bracks government. That is why I recommend to the opposition parties that they get on board and use the dispute resolution centre to resolve the conflict that exists between them — 'Don't mention the war!' — over the Benalla by-election. The Liberal Party has been rolled by the National Party: it has waved the white flag and decided not to contest Benalla, showing a total lack of commitment to rural and regional Victoria.

I undertake to convey the issues raised by the honourable members for South Barwon and Bellarine to the Minister for Health, who will advise them accordingly.

The SPEAKER — Order! The house stands adjourned.

House adjourned 11.12 p.m.

Thursday, 13 April 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.37 a.m. and read the prayer.

RESIGNATION OF MEMBER

The SPEAKER — Order! On Wednesday, 12 April 2000, I received a letter from the honourable member for Benalla, the Honourable P. J. McNamara, MLA, which states:

> Following my earlier advice to the house today, I wish to formally tender my resignation as the member of the Legislative Assembly representing the seat of Benalla effective from today, 12 April 2000.
>
> I have had some wonderful times over the past 18 years in the Parliament and have made some good friends for which I am truly grateful.
>
> Thank you for the support you have given me since your appointment as Speaker. You are doing a terrific job and are to be commended. Congratulations and every best wish to you and members of the Parliament for the future.

Honourable Members — Hear, hear!

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates

Mr LONEY (Geelong North) presented report on reforms for scrutinising budget estimates, together with appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Gascor Holdings No 3 Pty Ltd — Financial Statements for the period 1 July 1998 to 31 March 1999

Melbourne City Link Act 1995:

Melbourne City Link Eleventh Amending Deed

City Link and Extension Projects Integration and Facilitation Agreement Fourth Amending Deed

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 23.

GOVERNOR'S SPEECH

Address-in-reply

The SPEAKER — I advise the house that the address-in-reply to the Governor's speech will be presented to His Excellency the Governor at Government House on Thursday, 27 April, at 11.00 a.m. I request that as many honourable members as possible accompany me to Government House. Limited transport will be available from the front steps of Parliament House at 10.25 a.m. on that day. Alternatively, honourable members may drive direct to Government House and wait in Government House Drive until 10.50 a.m. to form a cavalcade.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

> That the house, at its rising, adjourn until Tuesday, 2 May.

Motion agreed to.

MEMBERS STATEMENTS

FOI: opposition access

Ms ASHER (Brighton) — I refer to a document signed by the Attorney-General and entitled 'Freedom of information — a key to open and accountable government', which outlines that FOI laws should now be interpreted by departments and agencies in a manner that reflects a willingness to disclose information. The document is an absolute sham. When the opposition requested information regarding the Access Economics document it was denied access to 26 documents. It was also denied access to 37 briefing papers regarding tax reductions and to over half the documents applied for with respect to the government's mismanagement of the electricity crisis.

Victoria is supposed to have a new open, honest and accountable government, yet page after page of documents are exempted from FOI. Presumably I am charged a photocopying fee for even blank sheets of paper.

Mr Hulls interjected.

Ms ASHER — The Attorney-General says by interjection, 'You will be now'. He writes one thing and

says another. The government's FOI policy is a sham. There is no freedom of information in this state.

Anzac Day

Mr LIM (Clayton) — This Sunday, 16 April, I shall be attending my fifth annual Anzac service at the local Returned and Services League (RSL) club at Clayton. However, this year will be very different from the previous four years because I will be taking a number of local Asian community leaders to the very special function.

I have noted with concern in each of the past four years that I have been the only person of Asian background to attend the service. There was a perception in local Asian communities that the memorial service was reserved for members of the RSL and their families. Following advice from the RSL that Australians of any background are most welcome to attend and lay wreaths at the service, last week I issued a media release to all Asian media outlets urging all migrants, particularly Asian Australians, to attend their local Anzac service, and possibly the dawn service in the city.

I have encouraged especially young members of all ethnic communities to attend the service as a mark of respect to those heroes who have made the ultimate sacrifice for Australia, as well as for those servicemen and servicewomen who served with gallantly and distinction alongside the allied forces overseas.

I believe that by participating in and sharing this solemn and humbling national occasion ethnic Australians can be at the same time both proudly ethnic and fiercely Australian. Furthermore, I believe the participation will go a long way to promoting and consolidating harmonious community relations in this great country.

FYROM

Mr KOTSIRAS (Bulleen) — I condemn the Labor government for manipulating culturally diverse communities and making decisions simply to gain political mileage and win points.

The government has given a false impression that it supports the former Kennett government's policy directive on the 'Macedonian issue' and is awaiting the High Court's decision — the case is expected to be heard on 26 May — before deciding what to do next. Unfortunately it has come to my attention that the Labor government is using various communities as political footballs and is trying to play both sides in what is a complex and emotional dispute.

Honourable members interjecting.

The SPEAKER — Order! I have stopped the clock. Government benches will come to order. The honourable member for Bulleen is entitled to be heard. Restart the clock.

Mr KOTSIRAS — A publication entitled 'The impact of gaming on specific cultural groups' issued by the Victorian Casino and Gaming Authority states:

> Macedonia has casinos that are only accessible to the very rich.

This Labor government has failed to implement the directive that it claims to support. It has even failed to ensure that in this publication the VCGA refers to the country as FYROM, as recommended by the United Nations and agreed to by the Australian government.

However, it does not stop there. In a media release dated 4 April the Minister for Community Services refers to the language spoken by people from FYROM as 'Macedonian'. There is a clear distinction between the approach of the Labor government and that of the opposition: while the opposition takes action to ensure peace and harmony, the Labor government takes action simply to win votes, as was indicated in a letter from the honourable member for Keilor to the Premier. These facts prove that the Labor government has no commitment to and shows no leadership on this issue and that its approach is full of rhetoric and inconsistencies.

Peter Tobin

Ms OVERINGTON (Ballarat West) — I place on the public record the recent death of Peter Damien Tobin, OAM. Peter was a well-known identity in Ballarat who owned a successful funeral business, and who through his business touched the lives of many families, including my own.

Peter was a man of many visions. He was an original supporter of the Sovereign Hill Historical Park, where he served as chair for a number of years. I became better acquainted with Peter when we served together on the Eureka Centre committee, which honourable members would know is a celebration of Eureka in Ballarat. Peter had supported the concept for many years — in fact he was probably the catalyst that brought it all together. I am glad he lived to see it become a reality. He was only 59 years of age when he died, but he had such a passion for Ballarat — and I emphasise the word 'passion', because it was a real, raw passion. He certainly left his stamp on the city.

Peter belonged to many organisations. I suppose one of the unknown areas of Peter's life was that he also had a passion for the Returned and Services League and was part of the working party that went to Gallipoli and brought back to Australia the remains of the unknown soldier. Peter will be well remembered in Ballarat.

Powercor: Wimmera supply

Mr DELAHUNTY (Wimmera) — I refer to the concerns of residents and industries about the reliability of Powercor in the Wimmera district. The shires of Buloke, Hindmarsh, West Wimmera and Yarriambiack held a series of public meetings across the Wimmera during January to get the views of residents on the electricity service levels currently experienced and their expectations for the future. Five key issues were raised by the community: firstly, the reliability of the electricity supply; secondly, contact with Powercor; thirdly, price; fourthly, Powercor's involvement and presence in the community; and fifthly, the capability of the distribution system to enable economic development in the shires.

The overwhelming issue in the community was reliability of the electricity supply. From the community perspective reliability encompasses the frequency and duration of outages as well as the response time to fix a fault. People could not understand that statistically Powercor's performance has been improving over time because the statistics were not consistent with their perceptions or their experience of rural customers at the end of long feeder lines. This week the Office of the Regulator-General held a hearing in Horsham and the Regulator-General agreed that Powercor needs to improve the supply to the Wimmera.

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

Elspeth Chambers

Ms DELAHUNTY (Minister for Education) — I congratulate Elspeth Chambers, a local community activist in the electorate of Northcote, on her recent appointment as coordinator of the Alphington Self Help Exchange. It is an excellent appointment of a person who has given tremendous community support to women and environmental issues in Northcote. The Alphington Self Help Exchange has been running for 20 years and is jointly funded by the cities of Yarra and Darebin. Initially it began as an exercise club for young mothers and has expanded into a whole range of other activities. Elspeth will be perfect to lead the centre. A number of playgroups flourish at the centre including one run exclusively by fathers. More than 200 people use the centre for a variety of activities such as furniture restoration, yoga and family counselling. One-day workshops are held on subjects ranging from worm farming to appreciation of local indigenous plant species. Elspeth Chambers exemplifies the modern citizen who has devoted enormous time and effort to her local community. Her own involvement with the self-help exchange spans more than 16 years. It is people like Elspeth — —

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

Terang Golf Club

Mr VOGELS (Warrnambool) — I have approached the Minister for Sport and Recreation to ascertain whether the government can assist the Terang Golf Club in its hour of need. The golf club is an integral part of the township. Due to human error it has lost the use of half its greens for over 12 months. About a month ago the club employed a man on work experience through an employment agency. He was supposedly experienced in greenkeeping. However, he managed to poison and destroy 11 greens at the Terang Golf Club. It will cost approximately $5000 to replace each green and the club will be without a golf course for 12 months. This debacle will affect the local community heavily — for example, it will lose scheduled tournaments such as the Corangamite and District Golf Association pennant rounds. It will also affect tourism as the caravan park that is adjacent to the golf club is frequently used by tourists so that they can play at the golf course. The club would appreciate the minister's intervention in providing the assistance required to immediately carry out urgent repairs, either with a grant or some sort of emergency assistance.

Rob Cook

Ms BEATTIE (Tullamarine) — I pay tribute to one of Tullamarine's highly respected principals, Mr Rob Cook, of Gladstone Views Primary School. Rob is retiring after six years at Gladstone Views and 37 years of commitment to the education department and to Victorian children.

Throughout the years Rob has promoted and maintained an extremely high standard of academic achievement among his students and has fostered positive and successful working relationships with both staff and parents. His presence among the school community will be greatly missed, particularly by the

children for whom he has provided a safe and caring educational environment in which they have thrived.

Dissios Markos, the school council president, summed up the school community's feelings when he thanked Rob for his significant contribution to the great feeling and achievements at the school. I wish Rob all the best for the years ahead and may his retirement be as rewarding as his career. Rob is a pilot and shares my passion for flying. I wish Rob blue skies and happy landings.

Queenscliff: dredge maintenance

Mr SPRY (Bellarine) — I refer to Parks Victoria's ludicrous new protocols required of tenderers for maintenance work on the dredge at Queenscliff. The *Cormorant*, as it is known, operates almost continuously on the cut at Queenscliff to prevent silting at the entrance which would render the harbour useless and disrupt the pilot service, ferries and other commercial and recreational users at a huge cost to Victoria. A small, efficient and reputable family business has been performing regular maintenance works on the *Cormorant* for many years.

The new tendering protocols, even for relatively small jobs, require tenderers to provide detailed information that would make even Bruno Grollo pop his cork. It is fair enough to insist on competitive tendering, but what about a bit of commonsense from Parks Victoria — or is there something more sinister here? Does the responsible minister realise this heavy-handed action will inevitably lead to a significant increase in maintenance costs? Or does the government want to get rid of small, competitive, low-overhead businesses and return to the old days of union-dominated public works organisations and their unnecessary burden on taxpayers? I challenge the Premier to instruct the minister to stop this nonsense and give small business and their workers a fair go.

Leslie Norton

Mr SEITZ (Keilor) — I place on record my appreciation for Keilor resident, Dr Leslie Norton. Dr Norton is the owner of Overnewton Castle in Keilor. Overnewton Castle was built by Scotsman William Taylor in 1849. Mr Taylor arrived in Port Phillip in 1840 and had interests in two other runs before buying the Overnewton estate in 1849. The Overnewton Castle property in Keilor contains many historical buildings. Dr Norton, by his own personal expense and financial commitment, is maintaining, restoring and refurbishing Overnewton Castle. He is also a committed supporter of the Keilor Historical Society.

The DEPUTY SPEAKER — Order! The honourable member's time has expired, as has the time for members statements.

PLANNING AND ENVIRONMENT (AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Planning) — I move:

That this bill be now read a second time.

The planning and building industry in Victoria provides a substantial economic benefit to this state.

The government supports development and encourages a prosperous building industry that engages with the community. The government also sees that planning policies are important to the growth and development of the Victorian economy. Further, it recognises the enormous impact that planning processes and decisions have on the quality of life of all Victorians in their homes, neighbourhoods and communities.

Policy formulation in this area is therefore based on an understanding of the importance of land-use planning and the four general principles that are the pillars of this government's policies — namely, restoring democracy, better services, financial accountability, and growing all of Victoria.

With all this in mind, the government's pre-election policy committed to giving Victorians back their voice and influence over decisions that affect their lifestyles. This will provide greater certainty for individuals, communities and businesses and protect Victoria's standing as one of the most livable environments in the world.

The single most important reform that can be made to land-use planning is for all of the stakeholders to regain confidence and trust in the way that the system works.

On 13 December 1999, the *State Planning Agenda — A Sensible Balance* was launched outlining the direction, action and activities for planning in Victoria for the next year and beyond. It showed that the government was moving immediately to restore a sensible balance to planning in Victoria. This bill takes the next step.

Since coming to office the government has already honoured pre-election commitments by:

setting in place a consultative process to replace the *Good Design Guide* and Viccode 1 with a single new residential code that would apply to all housing;

introducing height controls around the bay;

holding an urban planning summit; and

setting clear limits for the exercise of ministerial powers of intervention by issuing a practice note on ministerial intervention in planning and heritage matters. This practice note will lead to open and accountable decisions on intervention. The planning minister will now publicly release reasons for intervening and provide an annual report to Parliament.

A number of other pre-election commitments, such as the introduction of tougher penalties for illegal demolition and breaches of planning law, require legislative amendment.

Central to the Planning and Environment (Amendment) Bill 2000 are new provisions for:

consistency between planning and building permits;

an improved process for approval of building permits for demolition;

tougher penalties for breaches of planning law; and

amendments of permits to take into account the law of the day — and not the law at the time of the original approval.

In introducing the bill, the government is showing its commitment to continually improving the planning and building systems by enhancing all parts of the process.

The bill amends both the Planning and Environment Act 1987 and the Building Act 1993. The bill also includes several technical amendments to the Residential Tenancies Act 1997 and Subdivision Act 1988.

I would like to turn first to the amendments to the Building Act.

Amendment to Building Act 1993

The bill amends the Building Act to provide:

a requirement for building surveyors to refer applications for a building permit for demolition to responsible authorities for their consent and report if the proposed demolition together with all other demolitions completed or permitted in the previous three years in respect of that building would cumulatively be equivalent to demolition of more than half the volume of the building;

that any required planning permit will have to be obtained before a building or demolition permit is granted;

a requirement for building surveyors to check relevant planning permits and other required planning approvals before issuing a building permit or demolition permit; and

for a building permit to be consistent with any relevant planning permit or other prescribed planning approvals for the site.

Consistency between building and planning permits

In the past there has been a concern that many building permits have been issued that are inconsistent with relevant planning permits. This causes problems for councils and neighbours in knowing which requirement prevails.

This amendment will more closely integrate the operation of building and planning systems by clearly requiring a building surveyor to check that the relevant planning permit or prescribed planning approval is consistent with the proposed building permit.

In determining whether the building work proposed in the application for a building permit is consistent with a planning permit, it is the intention of these amendments that in issuing a building permit a building surveyor should ensure that any building permit issued is consistent with the requirements of any planning permit, including conditions and endorsed plans for that permit in addition to any documents referred to in the planning permit that have a direct bearing on the proposed building permit.

The building surveyor's assessment of consistency between the building permit and the relevant planning permit should include:

the height, area, form and configuration of the proposed building work or any part of the building work;

the location of the proposed building on the land, including setbacks from boundaries;

the location of windows, doors and privacy screens; and

any conditions of the planning permit that have specific construction requirements or that require specification construction details.

Of course the quality of the planning permit conditions and endorsed plans play a significant role in achieving

consistency. All responsible authorities will need to pay careful attention to:

make sure that planning permit conditions are clearly written;

ensure that endorsed plans are adequately dimensioned;

be reasonable in their consideration of minor amendments which may need to be made;

keep planning and building registers up to date and easily accessible.

The cooperation of the development industry is also sought in improving the quality of planning permit applications, ensuring they are properly documented and completed, and that good practices are set and applied.

Process for approval of building permits for demolition

The *State Planning Agenda* delivered on 13 December 1999 announced the government's intention to introduce legislation in this autumn 2000 session of Parliament, to prevent demolition of a building before any relevant planning approval is obtained.

Under the existing legislative arrangements there is no provision to require building surveyors to seek advice of local councils on demolition. The previous minister recognised the need for council input and introduced a practice note suggesting that all applications for a building permit for demolition should be referred to councils as part of the process of deciding on special interest.

The problem with the practice note was that it did not have the force of law behind it. It also left the final decision on whether a building was of special interest as a matter to be determined by the building surveyor, and the views of councils on these matters had no formal status. This bill will clarify procedures for approval of demolition permits and make them effective in the eyes of the law. It will also remove the interpretation ambiguity as to what is of special interest.

The bill amends the Building Act to prevent a building surveyor from issuing a building permit for demolition without the report and consent of the relevant responsible authority, if the proposed demolition together with all other demolitions completed or permitted in the previous three years in respect of that building would cumulatively be equivalent to demolition of more than 50 per cent of the volume of the building.

The building surveyor should determine the volume of demolition proposed and original volume of the building.

It is the intention of this amendment that:

the volume of demolition proposed is to be calculated as an aggregate of demolitions undertaken under building permits issued in the previous three years that provided for the demolition of any part of the building in addition to the current application;

the original volume is to be calculated as the volume of the building at the date of the first building permit to be issued within the previous three years for the demolition of any part of the building.

This report and consent mechanism will enable responsible authorities to consider the proposed demolition within the framework of their planning schemes.

A responsible authority will be able to refuse its consent to an application for a building permit for demolition if a planning permit is required for demolition of the building but has not yet been granted. Responsible authorities will have 15 days to consider the building surveyor's request for report and consent.

Amendments outlined in the bill will strongly support and encourage councils to use heritage overlays as the appropriate mechanism to protect historic and significant buildings within their municipality from demolition without consideration by council.

The onus is on councils and their communities to ensure that buildings they regard as having historic or cultural value are appropriately protected through heritage studies and the planning scheme.

The requirement for the report and consent by responsible authorities will also in part replace an existing mechanism under building regulation 2.2(5). The current practice note will be withdrawn and completely revised.

In addition, section 28(1)(b) of the Building Act, which requires a building surveyor to make a judgment on whether a building is of special interest because of its design, appearance, location, use or environment, will also be repealed. It is considered more appropriate for such deliberations to be made by responsible authorities within the context of their planning schemes.

The bill also provides a safety net to prevent demolition of other important buildings that have, for whatever reason, not yet been provided with such protection, so

that they are not demolished without appropriate consideration of their significance.

Where an application for a building permit for demolition relates to a building that is not on the heritage register or scheduled under a heritage overlay but is nonetheless considered by council to have historic or cultural significance, the bill provides a mechanism to prevent demolition of such buildings until an assessment of their historic or cultural value has been made.

If, within the report and consent period — 15 business days — a planning authority applies to the Minister for Planning for an expedited amendment to the planning scheme under the Planning and Environment Act which would affect the land concerned, the application for a permit for demolition will be suspended.

Suspension of the application will enable the minister to consider whether the building is of such significance that the relevant planning scheme should be amended on an interim basis. The amendment would provide that a planning permit is required for the building's demolition. The minister may also consider whether the building should be protected through state heritage controls.

Such applications to the Minister for Planning for expedited planning scheme amendments will be considered within the context of the planning practice note on ministerial powers of intervention in planning and heritage matters.

The thrust of these amendments is that councils will be better informed on applications for building permits for substantial demolitions within their municipalities.

The amendments clearly recognise the important role of councils in identifying buildings of historic or cultural value, and that the appropriate mechanism for protection of such buildings is through either the heritage register under the Heritage Act or through heritage overlays under the relevant planning scheme.

To support these new procedures, the government will ensure that an education and information package is available to coincide with the proclamation of the amendments to the Building Act. Council, industry and community representatives will be invited to contribute to finalisation of guidelines, practice notes and other documents to accompany these amendments.

The government will be closely monitoring compliance with these new provisions. If needs be further action will be taken to ensure the spirit and intent of these provisions is fully met.

If illegal demolitions occur or these new demolition approval procedures are not complied with, penalties provided for under the relevant acts will apply.

The government seeks the cooperation of councils and the development industry in ensuring good practices are set and met, and the participation of councils and their communities in monitoring new demolition approvals procedures.

Amendment to Planning and Environment Act 1987

Planning penalties

In the *State Planning Agenda* the government committed to the introduction of tougher penalties for illegal demolition and breaches of planning law.

When the Planning and Environment Act was passed, penalties provided under the act were considered sufficient to show the seriousness with which breaches of planning law were viewed. However, over time and with the effect of inflation the deterrent effect has been greatly diminished. This bill is intended to significantly increase penalties under the act to reintroduce that deterrent effect. The increases will show just how seriously the government regards breaches of planning law.

For example, the maximum penalty for contravening a planning scheme, permit or agreement will be increased from $4000 for a first offence and $6000 for a second or subsequent offence to $120 000, with the distinction between first and second or subsequent offences being removed. Penalties remain to be determined by the Magistrates Court.

A further example is the penalty attached to the issue of a planning infringement notice, which is currently $100. The penalty is to be increased to an amount up to $500 for a natural person and $1000 for a body corporate for on-the-spot fines.

The bill will also remove the bar imposed on responsible authorities prosecuting an offence that is currently the subject of an application for an enforcement order, or an enforcement order which has been issued by the Victorian Civil and Administrative Tribunal (VCAT).

Amending planning permits

In the recent case of *Beaufonte v. The City of Yarra and Others* the Supreme Court held that a planning permit for a brothel could be amended without consideration of changes to the law that had taken place since the grant of the permit.

This decision may have wider consequences when a holder of a planning permit wants or needs to proceed in a way which is different to that authorised by the permit.

Depending on the circumstances, a permit-holder currently applies for a fresh permit or applies to amend the existing permit. Either way, the decision ought to be made having regard to any subsequent changes to the law. The bill ensures that the current planning scheme must be considered by responsible authorities and VCAT when deciding either an application for a new planning permit, or a request to amend a planning permit or plans, drawings or other documents approved under a permit.

In addition, the Minister for Consumer Affairs has recently introduced a bill to amend the Prostitution Control Act to close this loophole in relation to brothel permits.

Amendment to other acts

Prostitution Control Act 1994

Penalties are being increased for planning offences in relation to brothel permits under the Prostitution Control Act to bring them into line with penalties for offences under the Planning and Environment Act.

Residential Tenancies Act 1997

Currently the Building Act does not apply to movable dwellings situated in a caravan park. This amendment will apply part 12A of the Building Act to such moveable dwellings.

Subdivision Act 1988

The bill includes a technical amendment to the Subdivision Act to provide a head of power to enable certain matters to be included in regulations under that act. The matters to be included are relevant to the:

provision of services to members of a body corporate and occupiers of lots;

power of a body corporate to require owners to carry out repairs, maintenance and other works on the lot;

power of a body corporate to carry out work if the owner does not; and

disposition and investment on behalf of the body corporate of money held by the body corporate.

Restrictive covenants

Finally, I wish to comment on a pre-election commitment to improve the coordination of decision making for land burdened by restrictive covenants. This commitment was restated in the *State Planning Agenda*, along with a commitment to consult on this proposal prior to legislative change.

The bill before you today does not deal with this issue. Early consultation with stakeholders indicated that there are complex policy and technical issues involved and more time is needed to address them properly. The government aims to prepare a new bill for introduction later in these sittings which deals with this issue. It is then proposed to allow public comment before that bill is finalised in the spring sittings.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Mr THWAITES (Minister for Planning) — I move:

That the debate be adjourned for two weeks.

Mr CLARK (Box Hill) — On the question of time, Madam Deputy Speaker, I am sure the minister would agree that this is a detailed and complex bill. The opposition does not oppose the proposal that the debate be adjourned for two weeks, particularly having in mind the date on which the house is to resume after today. However, given that school holidays and the Easter period fall between today and the resumption of Parliament, it will be even more difficult for opposition members to carry out the necessary consultation on the bill in the intervening period — —

Mr Nardella interjected.

Mr CLARK — I request two things of the minister. Firstly, will he undertake that I and other opposition members interested in the bill will be briefed by officers of his department next week so that, as the honourable member for Melton suggests, we may be able to further consider the bill during part of the holiday period? Secondly, if during the course of our consultations with interested members of the public there proves to be a need to obtain further information on the content of the bill from the department, will the minister make the relevant officers available to respond to the opposition on queries that may arise?

Motion agreed to and debate adjourned until Thursday, 27 April.

ACCIDENT COMPENSATION (COMMON LAW AND BENEFITS) BILL

Second reading

Mr CAMERON (Minister for Workcover) — I move:

That this bill be now read a second time.

The purpose of this bill is to implement the Bracks government's election commitment to restore access to common-law damages for seriously injured workers to sue employers and recover damages. The government believes that the right of seriously injured workers to sue negligent employers is a fundamental right that should never have been removed. The government is committed to the restoration of common-law rights for seriously injured workers within the context of a fully funded and financially stable system which maintains competitive premiums. The government promised the restoration of common-law rights to seriously injured workers within its first 100 days of government. However, because of the need for detailed consideration of the best way to restore common-law and detailed actuarial costings this was not possible. This bill restores access to common-law damages from 20 October 1999, the date the Bracks government was sworn in. The bill also makes changes to statutory benefits and makes other changes to the Accident Compensation Act 1985.

In late November 1999 representatives from the various stakeholder groups were invited to form a working party whose role was to contribute to the development and evaluation of options for the restoration of common-law rights, for consideration by the government. During the course of proceedings the working party heard expert opinions on various aspects of the scheme and was provided with comprehensive information on its operations. The entire process was carried out in a transparent and consultative manner. An actuary was engaged to assist the working party assess the financial viability of options for restoring common law.

The report outlines the structure and financial position of the scheme, provides an overview of the common-law experience and comparison with other jurisdictions and details the costed options and recommendations. The actuarial report was published as an accompanying volume to the main report.

Although the working party was unable to agree on a recommended approach for the restoration of common-law access, the report received by the government put forward three central options reflecting the range of views expressed by members.

The entitlement of injured workers to obtain damages at common law was removed by the former government on 12 November 1997 under the Accident Compensation (Miscellaneous Amendment) Act 1997. Only workers injured prior to 12 November 1997 retained the right to seek common-law damages.

The former rights, which were removed, provided access to common law by a requirement that the compensable injury be a serious injury. The test of serious injury was satisfied by a worker having a 30 per cent or greater permanent impairment as a result of compensable injury assessed according to the American Medical Association *Guides to the Evaluation of Permanent Impairment*, second edition — the AMA *Guides*, second edition. On the 30 per cent test being satisfied a worker was deemed to have a serious injury and entitled to bring proceedings for common-law damages. A worker with a whole-person-impairment determination of less than 30 per cent had an entitlement to make an application to the Victorian Workcover Authority that the injury was a serious injury or alternatively make an application to the court seeking leave to bring proceedings on the basis that the injury satisfied the narrative test of serious injury. The narrative test examined the effects and consequences of the injury on the worker. The narrative test for serious injury in section 135A of the Accident Compensation Act 1985 contained a definition of 'serious injury', meaning:

(a) serious long-term impairment or loss of a body function; or

(b) permanent serious disfigurement; or

(c) severe long-term mental or severe long-term behavioural disturbance or disorder; or

(d) loss of a foetus.

The bill seeks to restore common-law rights for seriously injured workers who satisfy the former deeming test of 30 per cent or greater whole-person impairment which will now be assessed in accordance with the AMA *Guides*, fourth edition, and in the alternative, for workers who satisfy the narrative test of serious injury proposed by this bill. The government sees the deeming test to be the main gateway for access to common-law rights.

The previous narrative test for serious injury in section 135A of the Accident Compensation Act 1985 was identical to that which was first introduced in the

Transport Accident Act 1986. The former government had little information on which to base a reliable estimate of the cost and little understanding of what was meant by serious injury when the serious injury test was introduced to the Workcover scheme. The Parliament gave the courts little guidance as to what was meant by the concept of serious injury in 1986 when it was introduced into the Transport Accident Act or when it was introduced into the Accident Compensation Act in 1992. The courts were effectively left to develop the meaning of the narrative test of serious injury. The overall result was a rapid increase in the number of common-law claims over the actuarial estimate and abolition of access to common-law damages by the former government.

The commitment of this government to restore common-law rights to seriously injured workers has an equal commitment to ensure that the costs of the restoration of common-law rights are confined and the number of common-law claims and the cost of those claims can be actuarially measured in a reasonably predictable manner. In order to achieve the objectives of government in relation to the restoration of common-law rights, the former narrative test of serious injury has been altered in a number of respects: firstly, with the intention of defining the meaning of serious injury; and secondly, with the intention of excluding the economic-loss basis on which certain types of applications were successful such as those approved by the Court of Appeal *The State of Victoria v. Glover* (Court of Appeal Supreme Court of Victoria, unreported, 7 October 1998) and *Barlow & Anor v. Hollis* (Court of Appeal Supreme Court of Victoria, unreported, 17 March 2000).

The narrative serious injury test contained in the bill has been codified to broadly reflect the test established by the full court in *Humphries v. Poljak* (Full Court of the Supreme Court of Victoria 1992 2 VR at 129) as well as introducing a new loss of earning capacity consequence with a threshold of 40 per cent. Forty per cent is within the range of loss of earning capacity found by the full court in *Petkovski v. Galletti* (Full Court of the Supreme Court of Victoria 1994 1 VR 436) to be very considerable.

Consistent with *Humphries v. Poljak*, the code prescribes that the narrative test of serious injury will only be satisfied by reference to the consequences to the worker of any impairment or loss of a body function, disfigurement or mental or behavioural disturbance or disorder, as the case may be, with respect to pain and suffering and loss of earning capacity when judged by comparison with other cases in the range of possible impairments or losses of a body function, disfigurements or mental or behavioural disturbances or disorders, respectively. The process undertaken by the courts will be to determine the consequence of a particular impairment to the worker in order to determine whether that consequence is serious to the worker. The test to be applied is subjective in the sense that it is the effect of the injury which must be considered, but the determination must be objectively made by reference to the consequences judged by comparison with other cases in the range of possible impairments or losses of a body function, disfigurements or mental or behavioural disturbances or disorders. The two categories of consequences, pain and suffering and loss of earning capacity, must be considered separately in deciding whether an injury is serious.

In accordance with the test in *Humphries v. Poljak*, the impairment or loss of a body function or a disfigurement shall not be held to be serious unless the court finds the consequence is more than significant or marked and is, at least, very considerable.

The government considers that the adverb ‘very’ should be interpreted consistent with the dicta in the Court of Appeal decision in *Transport Accident Commission v. Dennis* 1998 1 VR 702 at 703:

> The adverb ‘very’ is important, for many disturbances are considerable in the sense that they are important or substantial, without being very considerable. An important or substantial impairment would not satisfy the requirement. To be very considerable an impairment must be more than that.

The definition of serious injury contains a new concept in respect of the qualifying period for a consequence of an impairment or loss of a body function, disfigurement or mental or behavioural disturbance or disorder to be found to be serious. Previously, it was a time period which satisfied the requirement of being long term. In *Humphries v. Poljak*, the majority of the full court did not express a view on the meaning of the phrase ‘long-term’. It said ‘long-term’ was not an expression likely to give rise to difficulty. The absence of guidance as to the meaning of long-term has, however, given rise to ambiguity in applications and this has been compounded by the medical and legal professions having a different approach to the meaning to be given to the term. The expression ‘long-term’ has been removed from the new test and the word ‘permanent’ has been inserted by way of substitution. This is intended to reflect the view of government that a serious consequence is one which is permanent, meaning indefinitely for the foreseeable future.

The test introduces a new concept of a 40 per cent threshold of loss of earning capacity. The provision of

this objective standard is within the range which the full court found in *Petkovski v. Galletti* 1994 1 VR 436 to be very considerable. There the full court considered a fact situation where the reduction in working hours was from about 40 to between 25 and 20. The full court said that such an interference with working capacity may fairly be regarded as a serious consequence. Prior to the decision in *Humphries v. Poljak*, the full court approved the dicta of Marks J. in *Ninkovic v. Pajvancek* 1991 2 VR 427 that 'disablement from work' was a serious consequence. *Petkovski v. Galletti* gave a meaning to the extent to which interference with working capacity was a serious consequence. The government regards the result in *Petkovski v. Galletti* to be the appropriate benchmark for serious injury in respect of loss of earning capacity and accordingly to reflect the commonsense appreciation of a measure of loss of earning capacity which should be determined as being a serious consequence. Since *Petkovski v. Galletti*, there have been two Court of Appeal decisions, *The State of Victoria v. Glover* and *Barlow & Anor v. Hollis*, where the court has upheld findings of a trial judge that a loss of flexibility of options in employment or loss of a career choice has been sufficient to satisfy the requirement of there being a serious economic loss consequence. Those decisions are not consistent with the policy of the government, and in order to ensure the measure of economic loss required to be found as a serious consequence is consistent with that found in *Humphries v. Poljak* and *Petkovski v. Galletti* the bill provides an objective criterion of a loss of earning capacity measured at the date of the hearing of the application as a loss of earning capacity of 40 per cent or more and also continuing to be a permanent loss of earning capacity of that degree.

The loss of earning capacity is to be measured by firstly comparing the worker's income from personal exertion or capacity to earn income on a before-injury and after-injury basis. The focus time period for determining the capacity to earn income on a before-injury basis is limited to three years before the injury and three years after the injury in order to remove open-ended inquiries which may have varying degrees of speculative judgment. The examination is one which is to fairly reflect the worker's earning capacity had the injury not occurred. Consistent with that understanding, in the three-year period prior to the injury, the court may have regard to the vagaries of the worker's pre-injury employment history and the impact of the worker's social, health and other factors on the capacity to work in that period. In respect of the three years after the injury, the earnings and/or capacity for earnings but for the injury will enable the court to have regard to the probable increases or decreases in earnings that may have occurred or the achievement of other employment opportunities within that time had the injury not occurred. The comparison is to be made on an examination of pre and post-injury gross income rather than net income. This will enable the analysis to have a simple basis of calculation and to avoid dispute as to a net income figure.

The three-year pre and post-injury period does not apply in the case of a worker referred to in section 5A(7) of the act or a worker under the age of 26 years at the date of injury. The government recognises that apprentices and workers undergoing training for the purpose of becoming qualified and in general terms workers under the age of 26 years should not be subject to a six-year period of inquiry of earnings or earning capacity. In the case of such workers, a court may have regard to the probable income from personal exertion which the worker would have earned but for the injury over the worker's probable earning life. This means the usual common-law position prevails.

The government recognises there is a tension between a worker's motivation to undertake rehabilitation and retraining and the opportunity to satisfy the economic loss threshold in the serious injury test by a worker not returning to employment or not undertaking rehabilitation and retraining. Accordingly the bill provides the following very important qualification on the loss of earning capacity threshold. The bill provides that a worker will not establish the loss of earning capacity threshold where the worker has or would have after rehabilitation or retraining and taking into account the worker's capacity for suitable employment after the injury, and where applicable, the reasonableness of the worker's attempts to participate in rehabilitation and retraining, a capacity for any employment including alternative or further or additional employment which, if exercised, would result in the worker earning more than 60 per cent of his or her gross pre-injury income. Suitable employment is defined in section 5 of the act and in relation to a worker means employment in work for which the worker is currently suited whether or not that work is available having regard to certain criteria.

As the issues of rehabilitation and retraining and capacity to undertake employment are seen by the government to be of critical importance to the success of being able to confine the costs of the scheme, the bill provides that for the purpose of proving a loss of earning capacity in a serious injury application, the worker bears the onus of proving any inability to be retrained or rehabilitated or to undertake suitable employment or undertake any employment including alternative employment or further or additional

employment. This provision is necessary to remove any ability to apply the decision of the full court in *Woodhead v. Barrow* (unreported, 3 September 1993).

Although the code provides an objective threshold of 40 per cent for loss of earning capacity which is expected to determine that issue in the majority of cases it is appreciated that there may be some cases where that threshold may have an unintended consequence. In order to meet that possibility the code retains the previous common-law requirement that the loss of earning capacity consequences still meet the standard of serious or severe. That test would still apply when a 40 per cent loss did not produce a loss in monetary terms which was serious or otherwise where the working life of a worker remaining after the hearing of the application or application for a certificate would not be long enough to warrant the 40 per cent loss of earning capacity in that case being serious or severe as the case may be.

The definition of serious injury maintains the previous distinction between the requirement of a serious impairment or loss of a body function or serious disfigurement and a severe mental or behavioural disturbance or disorder. The government recognises it is proper to maintain a higher threshold requirement for a mental or behavioural disturbance or disorder due to the degree of subjectivity involved in such a condition. The code does not define the meaning of the word 'severe'. The meaning of that word was considered by the Court of Appeal in *Mobilio v. Balliotis & Ors* 1998 3 VR 833. The Court of Appeal decided that the words 'serious' and 'severe' should not be equated and that the word 'severe' has a stronger meaning than the word 'serious'. The government accepts the correctness of that approach in respect of the determination of the consequences of pain and suffering. In the case of the consequences of the loss of earning capacity it will be sufficient to meet the 40 per cent loss of earning capacity test, subject to the common-law measure of severe or serious still being met.

In terms of what constitutes a mental or behavioural disturbance or disorder, the government considers that what is known as a functional overlay should never be sufficient to satisfy the serious injury test. To the extent there have been arguments put in various cases, the most recent being the Court of Appeal decision in *Abela v. Goodman Fielder Mills and Anor* (unreported, 16 February 2000) suggesting that a functional overlay may satisfy the requirement of a serious injury, the government says that such views are not consistent with the intentions of government in this proposal to restore common-law rights.

The code introduces a number of other modifications to the common law and seeks to remove issues in respect of which there has been ambiguity of interpretation or doubt. The psychological or psychiatric consequences of a physical injury and a physical injury are not to be combined. The former fall under paragraph (c) and the latter under paragraph (a) of the definition. In *Humphries v. Poljak*, the court said it would be anomalous to regard the consequences of mental disturbance or disorder to fall under paragraph (a) when the disturbance or disorder itself fell to be judged by whether they satisfied the criteria of paragraph (c). The government considers this distinction to be proper and should be maintained.

The assessment of serious injury is required to be made at the time the application is considered. In accordance with the assessment of permanent impairment under the AMA *Guides*, fourth edition, stabilisation must have occurred before an impairment determination can be made. This accords with the intention of government that an application for leave to bring proceedings cannot be made until an injury has stabilised. The bill provides that the determination of serious injury shall be made as at the date of the application. This is required to be consistent with the loss of earning capacity measurement being made at that date.

For the purposes of the application, court is defined to mean a court other than a Magistrates Court. The government recognises that the importance of a serious injury finding is one which requires such application should only be heard by a judge.

Section 135A(7) provides thresholds and caps which apply to the common-law claim in the trial of the action after leave to bring proceedings has been granted. In *Cropp v. TAC* 1998 3 VR 357, the Court of Appeal questioned whether the threshold amounts may be criteria of relevance to the determination of an assessment of serious injury. The government has chosen to maintain the previous threshold limits due to a recognition that there may be cases where unfairness would be created if the threshold was increased to a higher level. However, the government considers that by maintaining fairness in not increasing the former monetary thresholds, it is necessary to provide that the monetary threshold shall not be had regard to for the purposes of the serious injury application. The bill further provides that at the trial of an action before a jury, the fact that a worker has been granted a serious injury certificate or deemed to have a serious injury and the existence of the monetary thresholds and caps shall not be made known to the jury. The government considers such a provision to be consistent with the

serious injury thresholds not being an influence in a common-law trial.

The courts will be required to be satisfied that the evidence in support of the serious injury test has been met on the balance of probabilities. This has been included in the code in order to enshrine the standard of proof applied by the full court in *Humphries v. Poljak* and to ensure the lower standard of proof of a strongly arguable case is not introduced.

The bill introduces a new concept in relation to the worker having a limited entitlement to bring proceedings if, on the serious injury application, the court is not satisfied the worker has met both the pain and suffering and loss of earning capacity thresholds. If a worker satisfies the pain and suffering threshold but not the loss of earning capacity threshold, then the worker will be limited to an entitlement to bring common-law proceedings for the recovery of pain and suffering damages only. If, however, the worker satisfies the economic loss threshold, the worker will be entitled to bring proceedings for pain and suffering damages and economic loss damages.

The necessity for a worker to satisfy either the pain and suffering or the economic loss threshold and the importance of the decision itself creates a need for detailed reasons to be given by a court in respect of each category of the application partly to determine if there is a right of appeal. That need, together with the decision of the Court of Appeal in *Barlow & Anor v. Hollis* (unreported, 17 March 2000), has caused the government to consider it is appropriate to include a provision in the bill that the reasons given by the court in deciding an application shall not be summary reasons, but shall be as extensive and complete as the court would give on the trial of an action. The government considers this is an issue of importance due to the need to be able to have the benefit of judgments of the court in relation to issues of fact and opinion.

The bill also amends the appeal process. Following certain dicta of the full court which were subsequently adopted by the Court of Appeal an employer requires leave to appeal before being able to institute an appeal whereas a worker does not require leave. The government considers that this distinction is one which is not sustainable as a matter of fairness as between the parties and particularly because of the importance of the curial role of the Court of Appeal. To introduce a consistent position between the parties, the bill provides that leave to appeal shall not be required for any appeal to the Court of Appeal from a decision granting or refusing leave made on a serious injury application.

Finally, the bill requires the Court of Appeal to decide for itself whether an injury is a serious injury on the evidence and other material before the judge who heard the application. This effectively restores the task to be undertaken by a court of appeal to the principles established by *Humphries v. Poljak*. There the court followed the dicta of the majority as stated by the Full Court of the High Court in *Warren v. Coombes* (1979) 142CLR531 p.552, 'the duty of the appellate court is to decide the case — the facts as well as the law — for itself. In doing so it must recognise the advantages enjoyed by the judge who conducted the trial'.

Those workers who were injured between 12 November 1997 and 19 October 1999 and have serious injuries but are not eligible for common-law damages will be placed in an intensive case review program. Each identified claim will be reviewed to ensure that the previous claims management has:

supported and ensured services provided to claimants meet individual needs;

assessed all aspects of the claim and taken appropriate and timely action in accordance with the Accident Compensation Act 1985 and guidelines issued by the Victorian Workcover Authority;

explored in detail return to work options for claimants with a capacity to work;

facilitated claimant access to all statutory entitlements as offered by the Accident Compensation Act, particularly lump sum impairment benefits; and

considered potential claimant access to other non-Workcover statutory entitlements such as the Sentencing Act 1991, and possible commonwealth social security entitlements and advised the claimant of his or her possible entitlements.

It is intended that those workers assessed as having a whole person impairment of 30 per cent or more using the AMA *Guides*, fourth edition, who have been on weekly benefits for over 104 weeks and are assessed as having no current work capacity indefinitely, are to have the option to apply to the Victorian Workcover Authority for a settlement of their future weekly benefit. The Department of Treasury and Finance and the Victorian Workcover Authority have been asked to look at ways to achieve this outcome.

Consistent with the Common Law Working Party's terms of reference the working party considered and reported on a range of issues relating to statutory benefits. Although there was no unanimous

recommendation to increase statutory benefits there is in the government's view a strong case for increasing statutory lump sum benefits. This will assist those workers with lower levels of whole-person impairment who are potentially unable to access common law.

This bill therefore proposes to improve statutory benefits for those workers potentially unable to access common law. It is proposed to increase statutory lump sum benefits for those workers who have an assessed whole-person impairment of 30 per cent or less from 1 July 2000. The minimum payment will be increased from $5040 to $10 300 at 10 per cent whole-person impairment. The benefits above 10 per cent and up to 30 per cent whole-person impairment will be increased by $2060 per percentage point of impairment. Thereafter, the benefit structure will reflect the existing formula.

It is also proposed to increase weekly benefits to include regular overtime and shift allowances for the first 26 weeks of payments. If benefits are intended to compensate for economic loss caused by the injury, it is reasonable for a limited period of time to include regular overtime and shift allowances. It is intended the new benefit will be introduced from 1 September 2000 and will only apply to new claims on or after that date. This will give the Victorian Workcover Authority time to adjust its information technology systems to monitor and deliver this new benefit.

Also with regard to statutory lump sum benefits it is proposed to adopt the recommendations of the working party and review:

the effect on the level of statutory lump sum benefits paid and scheme cost of the translation from AMA *Guides*, second edition, and the table of maims to AMA *Guides*, fourth edition;

assessment of permanent back injuries and industrial asthma under the AMA *Guides*, fourth edition; and

the 30 per cent whole-person impairment threshold for payment of statutory lump sum benefits for psychiatric illnesses, and the guidelines for assessment of these claims.

These issues were discussed in the working party's report and I would refer members to chapter five of that report.

To provide more flexibility for the operation of the AMA *Guides*, fourth edition, it is proposed that the Accident Compensation Act be amended so that the AMA *Guides*, fourth edition, may be modified by regulation.

The average premium rate is to be increased to 2.18 per cent of wages. This will be sufficient to cover the scheme cost assessed by the actuary — engaged by the Department of Treasury and Finance to assist the working party — and after meeting the estimated unfunded liability and establishing a modest safety margin in the premium in early years. Once the unfunded liability is met, the safety margin, on current projections, will increase to just over 10 per cent. Experience over recent years has demonstrated the necessity for this.

A premium of 2.18 per cent represents a 15 per cent increase for employers. This increase in the first year will be applied equally across all employers and will in later years be subject to the experience rating formula adopted by the Victorian scheme as each employer's experience emerges. This increase must be seen in the context of the cost of compensation schemes around Australia. Victoria's scheme has been a lower cost scheme when compared to the schemes around Australia and these measures are intended to provide improved and equitable benefits for a broad range of injured workers. Even with increasing the average premium rate to 2.18 per cent of wages, the Victorian average premium rate will be at or below the Australian average and remains competitive.

The government is mindful of the impact on small business of premium increases. But the only real way to achieve premium reductions for small business is by reducing the number of workplace accidents. With this in mind the government is committed to providing better incentives to those small businesses which demonstrate a commitment to providing a safe and healthy environment for themselves and their employees.

In a broader context, the Victorian Workcover Authority will undertake a review of the experience-rated premium system which will include an examination of the impact on small businesses committed to safe and healthy workplaces. In addition, the Victorian Workcover Authority will provide improved service delivery and better access to information and training for all businesses but particularly small business.

The bill makes important changes to the process for managing both the assessments of claims for statutory lump sum damages and access to damages for common law. These changes include the timing of the impairment assessment and the role of medical panels in dispute resolution. These changes pick up one of the very important recommendations of the working party that the Victorian Workcover Authority have in place a

strong claims management process for common law. The changes also build on the Masel report, which amongst other recommendations highlighted the importance of appropriate claims management and streamlined assessment processes for both statutory benefit and common-law claims.

The bill requires that in future workers undergo a once-only whole-person impairment assessment to determine their entitlement for both statutory lump sum benefits and access to common law under the whole-person impairment test. The test will be undertaken no earlier that 12 months from the date of injury. Workers will initially be referred to an independent medical practitioner who will assess the level of impairment. If the assessment is not accepted by the worker the assessment will be referred to a medical panel. The decision by the medical panel will be final and binding on the courts.

If the worker wishes to pursue recovery of pain and suffering damages at common law, then his or her right to payment of any statutory non-economic loss compensation is suspended, pending the outcome of the common-law claim. If the worker fails to recover any pain and suffering damages, he or she may then access the statutory non-economic loss compensation. If the worker does receive a settlement offer, or an award, of pain and suffering damages, the worker would have the option of taking either the statutory non-economic loss compensation or the damages, but not both.

The worker's rights to weekly payments compensation and damages for economic loss are unaffected by this proposal.

The common-law pre-litigation process will only commence once the degree of impairment has been assessed and will be modified to dovetail with the new process. An essential aspect of these changes is that a worker will not be able to commence an application under the narrative serious injury test until the worker's level of impairment has been assessed.

Medical panels are currently responsible for providing opinions on a range of medical questions in relation to statutory benefits. It is proposed to extend the role of medical panels to provide opinions on medical questions associated with the narrative serious injury test.

As is currently the case, the decisions of medical panels will be final and binding. The value of the medical panels is that independent experts determine medical questions and the degree of whole-person impairment in a non-adversarial environment. As is currently the case the only appeal permitted will be on the basis that the medical panel has failed to afford procedural fairness or has breached other principles of administrative law.

Concerns have, however, been raised as to the operation of medical panels and whether or not they always afford procedural fairness. There have been a number of appeals on administrative law grounds.

To improve the operation of medical panels and to better enable them to take on their expanded role, the bill makes the following amendments:

the minister's power to issue guidelines will be amended to make it clear that one of the purposes of the guidelines is to ensure that medical panels accord procedural fairness to the persons affected by the opinion;

require the person referring the matter to the medical panels to provide a range of additional information over that which is currently provided — for example, a summary of agreed facts and facts that are in dispute;

while retaining the requirement that the court refers a medical question requested by a party to the court, give the court the right to refer the question in such form as it thinks appropriate;

enable the appointment of a deputy convenor of medical panels; and

provide consultants engaged to give expert advice to the medical panels, the protection from suit and from compulsion to give evidence, afforded to members of medical panels.

Finally, it is proposed to provide the Victorian Workcover Authority and self-insurers with a general power to refer medical questions for the opinion of a medical panel in the course of the claims management process as distinct from dispute resolution. It is proposed that the Victorian Workcover Authority or a self-insurer may make an application to the senior conciliation officer for the referral by a conciliation officer, with the consent of a worker, of a medical question relevant to a claim for compensation by the worker for the opinion of the medical panel.

These provisions dealing with medical panels take up a number of recommendations made by the working party in relation to the operation of medical panels. I should make clear, however, that this is an evolving area and further work is to be undertaken on the

appropriateness of certain questions being referred to medical panels and the method of their referral.

There are five further amendments that are necessary to correct anomalies or difficulties in relation to the run-off of the pre-1992 and pre-1997 common-law claims or are related to the restoration of common law. Each of the amendments implements in either full or part the recommendations of the working party.

The first of these amendments relates to correcting the anomaly as to time limitations that arises from what are known as the Rizza and Walker cases. As part of legislative changes in the spring of 1992, the right to access common law was closed off to all but those with a serious injury which arose either on or after 1 December 1992, or arose before that date but the incapacity arising from the injury did not become known until on or after that date. The inclusion of the latter category was intended principally as a safety net for workers who may fall victim to an insidious disease in the future which had been caused by employment before 1 December 1992.

For those injuries which arose prior to 1 December 1992 — and which did not come within the safety net category — the Accident Compensation Act put in place time limits on proceedings. Following the Supreme Court decision in Robart, the act was amended to impose a further time limit for these cases of 29 June 1994.

In the matters of *Rizza v. Fluor Daniel GTI (Aust.) Pty Ltd* and *Inline Courier Systems v. Walker*, the Court of Appeal ruled that the bar introduced in 1994 applied to common-law proceedings in respect of all injuries which occurred prior to 1 December 1992, including those which would otherwise have come within the safety net referred to above. Thus, unless proceedings in these cases had commenced prior to 29 June 1994, the safety net ceased to have any practical effect. This was not the intended effect of the bar.

This bill therefore amends the Accident Compensation Act to make it clear that the bar against commencing proceedings in respect of injuries occurring before 1 December 1992 does not apply in respect of those injuries which would qualify under the safety net.

The second of these amendments concerns the run-off of the pre-1997 common-law claims.

Workers injured prior to 12 November 1997 have until 31 December 2000 to issue a writ for common-law damages. The government is seeking to ensure that workers do not unfairly miss out on their rights in this context. Accordingly, the bill proposes that instead of requiring court proceedings to be commenced prior to 31 December 2000, subject to the operation of the Limitations of Actions Act, the plaintiff is required to have made his or her serious injury application to the Victorian Workcover Authority or self-insurer before 1 September 2000.

The next three amendments are consequential to the restoration of common law.

It is proposed that the Accident Compensation Act 1985 be amended so as to empower the courts, with the agreement of the plaintiff and the defendant, to order that all or part of an award of damages be paid by way of a structured settlement. Currently, an award of damages may only be made in the form of a lump sum. In certain cases, it may be to the benefit of a plaintiff if all or part of the amount were paid under other payment arrangements, including payments under an annuity purchased out of the amount.

It is proposed that the rules governing actions in respect of work-related injuries and deaths, arising out of transport accidents and other non-transport accident third-party actions, should broadly be the same as those which applied in respect of pre-12 November 1997 cases.

In the case of injuries arising out of a transport accident, while the worker's entitlements to no-fault compensation would continue under the Accident Compensation Act 1985, his or her right to recover common-law damages, and the processes for doing so, would be determined in accordance with the provisions of the Transport Accident Act 1986 and not the Accident Compensation Act 1985.

For other injuries where the worker may have a cause of action against a third party, any proceedings against the third party would be governed by the rules in the Accident Compensation Act 1985 — that is, the worker would be subject to the serious injury test and the thresholds and caps as to quantum. The exception to this are cases where the injury is deemed to be work-related and occurs away from the worker's fixed place of employment and where the employer is not a party to the proceedings. To coincide with the restoration of common law these amendments will be made retrospective to 20 October 1999.

The bill includes provisions which will set the party-party costs of originating motions and trials for common law at the applicable court scale less 20 per cent or such other fees as are determined by an order in council and published in the *Government Gazette*. This amendment is necessary to curtail the costs of the

scheme. In addition, the bill will give the Governor in Council a reserve power to set fees that may be recovered by a legal practitioner acting on behalf of a worker in respect of originating motions, damages trials and the pre-litigation process. The government intends this bill to increase benefits to workers and is concerned to ensure lawyers' costs are reasonable. These latter powers will only be exercised if there is evidence that solicitor-client fees increase unduly. The necessary systems will be put in place to monitor the level of solicitor-client fees.

The opportunity is also being taken to amend what is seen as an anomalous consequence of the former government's changes to the Sentencing Act in 1996.

The Accident Compensation Act 1985 and the Transport Accident Act 1986 are both intended to provide comprehensive schemes for compensating individuals who have suffered either workplace injuries and diseases, or injuries arising out of transport accidents. Within both schemes, the benefits are structured to address the main adverse impacts of such injuries and diseases.

An additional form of compensation currently exists under section 86 of the Sentencing Act 1991. A person who suffers loss of or damage to property or pain and suffering as a result of an offence, may apply to the court for an order that the offender pays compensation. This provision was extended to pain and suffering by the former government as part of that government's changes to crimes compensation in 1996.

In order for these compensation schemes to operate effectively, the government believes it is appropriate that compensation for such injuries is payable under one piece of legislation. Accordingly, this bill amends the Sentencing Act 1991 to exclude a person from entitlement to compensation for pain and suffering under section 86 where that person has or may have an entitlement to compensation under the Accident Compensation Act 1985 or the Transport Accident Act 1986 as the case may be and where the driver or employer is guilty of an offence under the Road Safety Act 1986 in the case of a driver, and the Dangerous Goods Act 1985, the Occupational Health and Safety Act 1985 or the Equipment (Public Safety) Act 1994 in the case of an employer. This amendment will apply from today, the date of the second-reading speech. In all other situations compensation for pain and suffering will still be available under the Sentencing Act.

The Supreme Court recently decided in *Bentley v. Furlan* (1993) VSC 481 that the Transport Accident Commission would not be liable to indemnify a driver for compensation under the Sentencing Act. The bill contains a clause to put beyond doubt that in respect of past cases or future cases where compensation for pain and suffering is awarded under the Sentencing Act, the Transport Accident Commission and the Victorian Workcover Authority are not liable to indemnify the offender for the payment of that compensation. Accordingly this amendment is to be retrospective to the date of the changes to the Sentencing Act.

This bill amends the Accident Compensation Act 1985 to enable the Victorian Workcover Authority the ability to recover from the Transport Accident Commission the full costs of compensation paid or payable under the act in respect of injuries or deaths arising out of a transport accident. It is intended that the Victorian Workcover Authority will appoint the Transport Accident Commission as an authorised agent to administer claims by workers that arise as a result of transport accidents.

This will require some minor consequential amendments to the Transport Accident Act which are included in the bill. In addition, if self-insurers wish to make full recovery under this provision from the Transport Accident Commission for workers injured in transport accidents they will need to appoint the Transport Accident Commission as their claims agent.

There are two further amendments which are not related to the restoration of common law.

The bill rectifies an unintended omission in the death benefits provisions of the act — sections 92A to 92C — introduced as part of the new benefits structure commenced in November 1997. Currently, if a deceased worker does not leave a dependent spouse, but does leave a dependent child — who is not an orphan — that child, and any other dependent children, while eligible to a pension, are not eligible to a share in the lump sum available under section 92A.

To remedy that omission a new provision will be included in section 92A. Where this situation arises, the dependent child or children will be entitled to such share of the overall lump sum provided for a death (currently $176 310) as the County Court considers is reasonable and appropriate.

Finally, it is proposed to amend the Dangerous Goods Act 1985 to allow appropriate officers of the Department of Natural Resources and Environment to, amongst other things, issue licences and to be appointed as inspectors under the Dangerous Goods Act 1985 for the purpose of enforcing the explosives regulations in mines and quarries. These regulations are presently

being rewritten as their sunset approaches. Consequential amendments to section 9 of the Dangerous Goods Act 1985 and section 56 of the Extractive Industries Development Act 1995 will also be necessary to avoid the risk of incompatible laws being passed.

In conclusion I make the following statements under section 85 of the Constitution Act 1975 of the reasons why sections 134AA, 134AB, 134AC, 134AD, 134AE, 134AG, 134A, 135AC and 138B of the Accident Compensation Act 1985, as inserted or amended by this bill, alter or vary section 85 of the Constitution Act 1975.

Clause 18, among other things, inserts new sections 134AA, 134AB, 134AC, 134AD and 134AE into the Accident Compensation Act 1985.

New sections 134AA and 134AB reinstate the right of an injured worker who is or may be entitled to compensation under the Accident Compensation Act 1985 in respect of an injury arising out of or in the course of or due to the nature of employment to recover damages in respect of the injury subject to limitations and conditions imposed by the sections as to date of injury, the application of the Transport Accident Act 1986, whether or not the injury is a serious injury within the meaning of section 134AB, the classes and amounts of damages which may be recovered, the discretion of the court to order costs and procedural requirements, including time limits.

The reason for imposing these limitations and conditions, which have the effect of limiting the jurisdiction of the Supreme Court, is that they are necessary in order to give effect to the government's policy objective of restoring access to damages for work-related injuries occurring on and after 20 October 1999 for seriously injured workers.

New section 134AC has the effect of permitting an appeal as of right to the Court of Appeal from a decision granting or refusing leave made on an application under new section 134AB(16)(b). Without this amendment, an appeal to the Court of Appeal from such a decision could only be made by leave of the Court of Appeal.

New section 134AD requires that, on the hearing of an appeal from a decision on an application under new section 134AB(16)(b), the Court of Appeal shall decide for itself whether the injury is a serious injury on the evidence and other material before the judge who heard the application and on any other evidence which the Court of Appeal may receive under any other act or rules of court.

New section 134AE requires that the reasons given by the court — which could be the Supreme Court — in deciding an application under new section 134AB(16)(b) shall not be summary reasons but shall be detailed reasons which are as extensive and complete as the court would give on the trial of an action.

The reason for these limitations of the jurisdiction of the Supreme Court is to ensure that decisions on applications for leave under section 134AB(16)(b), which are critical to the intended operation of the new common-law provisions, receive the appropriate level of judicial scrutiny.

Clause 19 inserts new section 134AG into the Accident Compensation Act 1985. This new section empowers the Governor in Council to, by order in council, make a legal costs order specifying the legal costs that may be recovered by a legal practitioner acting on behalf of a worker in respect of any claim, application or proceedings under new section 134AB and prescribing or specifying any matter or thing required to give effect to the legal costs order.

New section 134AG and any legal costs order made under that section will have full force and effect notwithstanding anything to the contrary in the Legal Practice Act 1996, the Supreme Court Act 1986 or the County Court Act 1958 or in any regulation, rules, order or other document made under any of those acts.

The reason for this limitation of the jurisdiction of the Supreme Court is that the government wishes to make provision for a more direct mechanism for regulating legal costs recoverable by a practitioner acting on behalf of workers in relation to the operation of the common-law provisions introduced by this bill.

Clause 21 amends section 134A(1) of the Accident Compensation Act 1985 so as to limit the preclusion from recovery of damages imposed by that provision to damages in respect of injuries arising out of or in the course of or due to the nature of employment on or after 12 November 1997 but before 20 October 1999.

This limitation of the jurisdiction of the Supreme Court is necessary to implement the government's decision to reintroduce access to damages for work-related injuries occurring on or after 20 October 1999.

Clause 22 substitutes a new section 135AC into the Accident Compensation Act 1985.

The existing section 135AC imposes certain time limits within which proceedings in accordance with section 135 or 135A of the act must be commenced. The new section imposes a less onerous time limit for those cases coming within paragraph (a) of the section.

The reason for this restriction of the jurisdiction of the Supreme Court is to provide for a well-defined but reasonable time frame for finalising the majority of actions for damages in respect of work-related injuries occurring prior to 12 November 1997.

Clause 26 inserts a new section 138B into the Accident Compensation Act 1985.

This new section operates to prevent a court (including the Supreme Court) from making an order for the payment of compensation for pain and suffering under section 86 of the Sentencing Act 1991 if the pain and suffering arises from an injury or death in respect of which the person concerned has or may have an entitlement to compensation under the Accident Compensation Act 1985 and the relevant offence is against the Dangerous Goods Act 1985, the Occupational Health and Safety Act 1985, the Equipment (Public Safety) Act 1994 or any regulations made under any of those acts.

The reason for this limitation of the jurisdiction of the Supreme Court is to give effect to government policy that, in the cases referred to, compensation for pain and suffering under the Sentencing Act should not be available.

I make the following statement under section 85 of the Constitution Act 1975 of the reason why section 107A of the Transport Accident Act 1986, as inserted by this bill, alters or varies section 85 of the Constitution Act 1975.

This new section operates to prevent a court (including the Supreme Court) from making an order for the payment of compensation for pain and suffering under section 86 of the Sentencing Act 1991 if the pain and suffering arises from an injury or death in respect of which the person concerned has or may have an entitlement to compensation under the Transport Accident Act 1986 and the relevant offence is against the Road Safety Act 1986 or any regulations made under that act.

The reason for this limitation of the jurisdiction of the Supreme Court is to give effect to government policy that, in the cases referred to, compensation for pain and suffering under the Sentencing Act should not be available.

The changes in the bill fulfil a key election commitment of the Bracks government. The changes in the bill are responsible and affordable. Containing the costs of the scheme is fundamental to the ability of the government to maintain the right to common-law action. The bill restores access to common-law rights for seriously injured workers.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Mr CAMERON (Minister for Workcover) — I move:

That the debate be adjourned for two weeks.

Mr CLARK (Box Hill) — Mr Acting Speaker, on the question of time, the minister's second-reading speech lasted for approximately an hour. The speech notes comprise 28 pages and indicate significant changes to the Accident Compensation Act, many of which are complex and detailed. I refer to some briefly to indicate the size and scope of the bill.

The second-reading speech raises the principal policy issue of the reintroduction of so-called common-law legal action. That raises at least two areas on which the public are entitled to extensive deliberation and debate. The first is the broad policy question of whether common-law actions are the best way to provide compensation to injured workers. The public is entitled to a debate that canvases in considerable detail the history and the past positions adopted by both sides of politics on this issue. The public is entitled to explore the reasons for the sudden change of approach of the Labor Party in 1997 and why it now flies in the face of longstanding Labor Party traditions. Those issues have not been canvassed to date and need to be explored before Parliament makes a decision on the legislation.

Many questions of detail arise in relation to common law. The minister has outlined a long and complex list of refinements, adjustments, restrictions and alterations to the rules that are to apply compared with what existed in 1997 in the conduct of so-called common-law legal actions. All injured parties, their representatives, the legal profession, the Trades Hall Council, employer organisations, individual employers and the public generally are entitled to have the complex new provisions explored in detail to see what impact they will have on the rights of all parties concerned — injured workers and employers — and on the way the system will operate.

What impact will the legislative package have on jobs and employment in Victoria? Last night during the

adjournment debate I asked the Minister for Workcover whether the government had conducted an economic assessment of the impact on future employment in the state and whether the proposed changes to Workcover would lead to the loss of jobs, and if so, how many jobs would be lost. The minister did not respond on that issue and gave no indication whether the package would have a significant impact on jobs in Victoria. It is a fundamental issue on which Parliament and the public are entitled to have answers. How can the opposition make responsible decisions on the legislation if key components such as the effect on employment, Victoria's competitive position and so on have not been addressed and there is no adequate information in the public arena.

A further issue raised by the bill is whether it will reopen opportunities or incentives for the making of unmeritorious claims for benefits. All honourable members are aware of the difficulties the previous Workcare scheme encountered in that regard, and the impact of that on premiums and unfunded liabilities. The threat of that re-occurring as a result of the legislation is something in which all Victorians have a great interest. It is a complex matter that will require time to investigate and obtain expert advice on.

The bill also introduces new restrictions on the ability of the legal profession to obtain remuneration under the Accident Compensation Act. That issue became public only when the government announced its package on Tuesday. Again it is something that requires detailed exploration. I am sure legal professionals will want to examine the proposal in detail and make representations to the government and the opposition as to the fairness and equity of the notion. More broadly, everyone connected with the workers compensation scheme will want to know what impact this system of fee regulation will have on the operation of the scheme.

The bill raises issues relating to the manner in which the increase in premiums will be implemented. The minister acknowledged in the second-reading speech that the average annual premium increase will be 15 per cent. There is no information that the opposition is aware of that explains the pattern of the premium increase. Is it to be a uniform, across-the-board increase so that all employer premiums will increase by 15 per cent?

Mr Hulls — On a point of order, Mr Acting Speaker, I am reluctant to interrupt the shadow minister, but this is a debate on the question of time, and the honourable member is now canvassing all aspects of the bill rather than addressing just the question of time. I ask you to bring him back to the question of time.

The ACTING SPEAKER (Mr Richardson) — Order! I do not uphold the point of order. I have been listening carefully to the honourable member for Box Hill. He has not been canvassing the merits or contents of the bill. He has been raising issues in support of the question of time. The honourable member is perfectly in order.

Mr CLARK — The question on which the public and the Parliament are entitled to further information in considering the legislation is what pattern of impact the premium increase will have. Is it to be a uniform increase across the board or are measures being put in place that will lead to differential impacts on different employers? The minister has cited some numerical examples, both in the house yesterday and in the public arena, but there is no comprehensive information that I am aware of that explains this aspect of the package.

The minister referred to the intensive-care review program. What benefits will that program deliver to injured workers who are eligible for the program and how will it be implemented in practice?

For the first time today the minister raised the issue of changing the relationship between the Transport Accident Commission and the Victorian Workcover Authority. There appears to be some potential for a transfer of funding responsibility between the commission and the authority. Again that is something on which the opposition and the public are entitled to full details. What will be the financial impact of what appears to be a potential shift in funding responsibilities between those two bodies?

The bill proposes the cashing out of the statutory benefits of workers who were injured between 12 November 1997 and 20 October 1999. That issue was referred to briefly by the minister in the second-reading speech. I would expect that the trade union movement will want to explore that issue in detail and find out how it will be implemented.

Mr Cameron interjected.

Mr CLARK — The minister says by way of interjection that it is not in the bill. However, the act is part of the package. If it is not in the bill people will want to know how that component of the government's package will implemented.

The second-reading speech raises policy implications regarding retrospectivity. The bill indicates the package will be backdated to 20 October. Should the package be

backdated further or is it appropriate for it to be backdated at all? These are issues that Parliament and many members of the public will want to consider.

The bill contained a large number of section 85 statements. On my count, nine separate sections of the bill in one way or another restrict the jurisdiction of the Supreme Court.

All members of the house will be aware of remarks made by government members when they were in opposition about the need for Parliament and the public to probe in detail the justification for section 85 statements. Certainly that needs to be done in this case because from all appearances a number of the section 85 statements are not what one could call formal or made for safeguarding purposes, but have a considerable substantive impact on the law.

For the first time the minister, in the second-reading speech, announced changes to arrangements for appeals to the Court of Appeal. As I understand his second-reading speech, the proposal is for all appeals against decisions relating to serious injury to be taken to the Court of Appeal as of right. If that is the case, many members of the legal profession and the public generally are entitled to know what impact that will have on the workload of the Court of Appeal and whether it is an appropriate way to deal with such matters.

The final issue I raise refers to proposed alterations to the Sentencing Act and the ability to apply for compensation orders under that act. Those orders will be curtailed and superseded by applications under the Accident Compensation Act, which will have significant impact in that area of the law. I am aware of at least one case concerning the right of an injured person to apply under the Sentencing Act that may be affected by the provision. It is a technical area, but one with serious consequences, and the opposition needs to obtain full details of what is proposed and of the ramifications so that it can consult widely.

For all those reasons the opposition will be faced with a demanding task in first assessing and later debating the bill when it returns to Parliament. The minister has moved the adjournment of debate on the bill for two weeks. Given the house's resolution earlier today about the adjournment of the house at the conclusion of today's proceedings, sittings of Parliament will resume on 2 May. Therefore the adjournment of the debate is in effect somewhat longer than two weeks.

The opposition proposes to apply itself intently to enable it to be in the best possible position to properly debate the bill, but to do so, given the Easter break and the school holidays — which may impact on some of the people with whom the opposition wishes to consult — it will need to start work on the bill quickly and proceed rapidly.

I have asked the minister to provide a briefing on the bill to interested opposition members next week. To be fair, the minister has not said no and has asked me to provide him with a written note, which I have emailed to him and his chief of staff. It would be helpful if the minister could give the house an undertaking that the opposition will be provided with a briefing as early as possible next week.

The opposition is prepared to work hard and be ready to debate the bill after 2 May. I ask the minister to reciprocate by giving the house an undertaking that he will expedite opposition briefings.

Mr COOPER (Mornington) — The honourable member for Box Hill has just told the house of the complexity of the legislation and has sought some assurances from the minister that he will oblige by arranging briefings so debate can resume in line with the adjournment motion moved by the minister.

Having set out all the reasons in detail, the honourable member for Box Hill sat down, presumably expecting that the minister would get to his feet and respond accordingly with a direct no or yes, or at least respond to the case put by the honourable member for Box Hill — —

Mr Cameron — On a point of order, Mr Acting Speaker, I moved the motion for the adjournment of debate. The proposition being put to the house is that I am entitled to speak a second time on my own motion.

The ACTING SPEAKER (Mr Richardson) — Order! There is no point of order. The statement made by the honourable member for Mornington was relevant to the question of time, and if the minister wished to respond he could have done so by leave. I am sure leave would be granted by the opposition for the minister to speak a second time.

Mr COOPER — As I was saying, one would have expected the minister to have sought leave to respond to the honourable member for Box Hill. It is important that all the facts be put before the house and that the opposition be given every opportunity to consult the community to ensure that the second-reading debate covers not only the complexities of the legislation but also its ramifications, as was well detailed by the honourable member for Box Hill.

Earlier the shadow minister sought some assurances from the Minister for Planning, but did not get them. Now it appears the government will not bother to respond with even a yes or a no — —

Mr Hulls — On a point of order, Mr Acting Speaker, I am reluctant to take a point of order, but I understand the current debate is about the question of time. The honourable member for Mornington now seems to be criticising the minister for not giving certain assurances on matters that do not relate to the question of time. I simply ask you to bring the honourable member for Mornington back to the question of time.

The ACTING SPEAKER (Mr Richardson) — Order! I do not uphold the point of order. All the remarks being made by the honourable member for Mornington relate to the question of time and the request by the honourable member for Box Hill of the minister that there be a response on the question of time. The Chair has only an informal indication that the minister may be about to seek leave to respond, so the honourable member for Mornington still has the call.

Mr COOPER — If my remarks prompt the minister to seek leave to make a statement in reply to the argument put by and the requests of the honourable member for Box Hill, I am more than happy to sit down and wait for the minister to seek that leave.

Mr CAMERON (Minister for Workcover) (*By leave*) — The normal arrangements will apply and the shadow minister will be briefed. I am more than happy for that arrangement to occur early next week.

Motion agreed to and debate adjourned until Thursday, 27 April.

EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Equal Opportunity Act 1995 to prohibit discrimination on the basis of sexual orientation or gender identity.

This bill implements two of the government's pre-election commitments designed to provide equal opportunity for all Victorians. The bill is the first step in a process of reform that will assist all Victorians to live free from unjustified discrimination. Throughout this year the government will review the Equal Opportunity Act to ensure that it allows Victorians to effectively combat unwarranted discrimination and provides for the existence of an equal opportunity commission that is truly independent of government. It is proposed to introduce any amendments that result from the review in the spring 2000 session of Parliament. The government is also reviewing other Victorian legislation to remove provisions that have the effect of discriminating against those in same-sex relationships.

Sexual orientation

The Equal Opportunity Act currently prohibits discrimination on the basis of a person's lawful sexual activity.

When the Equal Opportunity Act was enacted, the second-reading speech made it clear that the attribute of lawful sexual activity was intended to prohibit discrimination against homosexuals and lesbians. However, the use of the term 'lawful sexual activity' has been criticised as it is seen to focus on sexual practices to attract redress under the act. This is offensive to many homosexual, lesbian and bisexual Victorians who believe that it implies that they are more likely to be involved in immoral or unlawful sexual activity.

This bill prohibits discrimination against a person on the basis of his or her sexual orientation. This is defined to mean homosexuality — including lesbianism — bisexuality or heterosexuality.

The amendment is not intended to limit the current operation of the Equal Opportunity Act in any way but rather to ensure that people are fully protected from discrimination on the basis of their sexual orientation.

The attribute of lawful sexual activity will remain in the act. A person's lawful sexual activities, no matter what their sexual orientation is, are a private matter and should not form the basis of discrimination against that person.

Gender identity

This bill introduces the attribute of gender identity into the Equal Opportunity Act and extends the protection against discrimination afforded by the act to people whose gender identity does not match their physical sex at birth.

The umbrella term 'transgender' is commonly used to describe such people. The term 'transgender' describes a range of people such as those who have undergone

gender reassignment surgery, those who have not undergone surgery but seek to live as a member of the other sex and those who temporarily adopt the characteristics of the other sex such as cross-dressers.

The term 'gender identity' is used in the bill, however, because the amendment is designed to protect not only transgender people but also people born of indeterminate sex who seek to live as a member of a particular sex.

The Equal Opportunity Act currently does not prohibit discrimination on the basis of a person's gender identity. This undermines the objective of the act to eliminate, as far as possible, discrimination against people as there is much evidence to suggest that transgender people and people of indeterminate sex are subject to considerable discrimination in their public lives.

An estimated 95 per cent of people who make the transition from one sex to the other lose their job because of that transition. Those who do not lose their job are frequently subject to a decline in the quality of their working life when their employers and work colleagues become aware they are transgender. Many transgender people are also subject to constant negative reactions from service providers, accommodation providers and others as they go about their public life. Transgender people are also the victims of high levels of verbal and physical abuse and violence. This evidence emphasises the need for government to take action so that transgender people may fully participate in the community, free from discrimination.

The bill recognises that each person whose gender identity does not match their physical sex will deal with the issue in their own personal way over a period of time. This may range from a person occasionally dressing in a style usually associated with their non-birth sex to a person undergoing gender reassignment surgery if they are able to.

The bill contains a wide definition of gender identity. It is defined to include all people who identify as members of the sex they were not born by assuming characteristics of that sex whether by means of medical intervention, style of dressing or otherwise or by living or seeking to live as members of that sex. It also includes identification by a person of indeterminate sex as a member of a particular sex.

The bill amends section 66 of the Equal Opportunity Act to provide that it is not unlawful to exclude a person on the basis of their gender identity from participating in a competitive sporting activity in which the strength, stamina or physique of competitors is relevant.

New South Wales, South Australia, Tasmania, the Northern Territory and the Australian Capital Territory already prohibit discrimination against transgender people. The Western Australian Parliament has also recently passed legislation prohibiting this type of discrimination. The protection in the New South Wales legislation extends to people of indeterminate sex. This bill will provide long overdue protection from discrimination to transgender people and people born of indeterminate sex in Victoria. This is consistent with the objective of the Equal Opportunity Act to promote recognition and acceptance of everyone's right to equality of opportunity.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Mr HULLS (Attorney-General) — I move:

That the debate be adjourned for two weeks.

Dr DEAN (Berwick) — On the same bases put forward by the honourable member for Box Hill in relation to the previous bill, I too seek a briefing on the bill some time next week. I trust the Attorney-General will do his best to enable that to happen.

Mr HULLS (Attorney-General) (*By leave*) — This is a very important piece of legislation that I hope will have the support of all members of the house. However, without wishing to pre-empt that, I am more than happy to instruct my department to give at the earliest possible opportunity a thorough briefing to the shadow Attorney-General and any other opposition or independent member of the house who requires such a briefing.

Motion agreed to and debate adjourned until Thursday, 27 April.

ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That this bill be now read a second time.

This bill represents a major step in delivering the government's Greener Cities environmental policy commitments.

The Bracks government is committed to revitalising the Environment Protection Authority. In particular, the government is determined to strengthen the EPA so that it can carry out its fundamental responsibility to the community as an environmental watchdog.

The primary aim of the bill is to strengthen the Environment Protection Act by substantially increasing penalties and enhancing the enforcement capabilities of the EPA.

We have already provided EPA with an extra $4 million in funding which EPA is using to establish a specialist audit task force to improve its ability to investigate and catch environmental offenders in Victoria.

But increased enforcement resources on their own are not enough. The Environment Protection Act must contain adequate deterrents to potential environmental offenders.

Accordingly, this bill will raise the financial penalties for general environmental offences in Victoria by an order of magnitude. This bill will bring environmental penalties in Victoria into line with community values.

In implementing our environmental policy commitments, the Bracks government is taking a number of actions to support and encourage the majority of Victorian businesses which do the right thing. We are strongly committed to encouraging businesses which are striving to develop innovative and efficient ways of acting in an environmentally sustainable manner.

However, we also recognise that a small proportion will still, unfortunately, try to make short-term profits by taking environmental shortcuts. These people will fail to live up to the community's expectations for responsible environmental behaviour unless there is effective enforcement of environmental laws.

The key to ensuring that environmental laws provide effective deterrence is to have appropriately tough environmental penalties and visible and effective enforcement.

Recent comments by several Victorian magistrates have emphasised the fundamental deficiencies in the penalties awarded for significant environmental offences. Victoria's current environmental penalties do little to deter environmental offenders. There has been no increase in Victorian penalties since 1990. Victoria's penalties are now significantly lower than those of other states.

For example, a typical pollution offence in New South Wales attracts a maximum penalty of $250 000. In contrast, the maximum Victorian penalty for an equivalent offence is a mere $20 000. Victoria's penalties are so low that some polluters simply treat them as a standard cost of doing business. This illustrates how the Kennett government allowed Victoria's environmental penalties to fall behind the rest of Australia. This bill will redress these gross disparities in financial penalties.

In addition, the bill will also establish some innovative alternative penalty mechanisms. These alternative, non-financial penalties can also be used effectively as a deterrent mechanism. Similar alternative penalty mechanisms have been successfully adopted, for example, in trade practices regimes in other jurisdictions.

The bill will ensure that Victorian courts, as well as being able to impose much higher financial penalties, will also be able to apply alternative penalty mechanisms. This will include ordering the offender to publicise the offence and its consequences or to undertake a specified environmental project for the public benefit. The changes introduced by this bill will give Victorian courts the flexibility to impose such penalties.

The bill also includes a number of miscellaneous amendments which will further implement the government's environment policy.

The Bracks government is committed to improving waste management in Victoria. The bill will help achieve this in two ways. First, it will help drive waste recycling and reuse by extending the current landfill levy to cover all wastes going to landfill.

Second, the bill will require all regional waste management groups to produce annual business plans.

Regional waste management groups already develop comprehensive long-term regional plans for dealing with all aspects of waste management. The requirement to prepare an annual business plan will assist the groups to translate their long-term waste management frameworks into effective short-term actions.

These business plans will be submitted to me as Minister for Environment and Conservation. Ecorecycle Victoria will provide assistance to the groups in preparing their business plans, especially smaller regional groups. This process will allow the groups adequate time and support to prepare their plans. It will also help to ensure sound funding of the groups and their member councils.

Finally, the bill helps deliver the government's commitment to enable the EPA to operate as an effective environmental watchdog by enhancing the EPA's regulation-making powers.

The existing regulation making powers as set out in the act do not provide the necessary flexibility for the EPA to administer regulations sensibly to protect the environment. The bill will enable the EPA to, for example, develop regulations with flexibility to set tailored controls for hay-carting vehicles in rural Victoria rather than applying inappropriate general requirements for trucks.

The bill will also allow the EPA to develop regulations to meet the government's commitment prohibit the supply of solid fuel (wood) combustion heaters that do not meet Australian standard emission requirements. All Australian jurisdictions have agreed to these regulations to protect air quality and most have already implemented them.

The bill also contains some other miscellaneous amendments which will improve the administration of the Environment Protection Act.

In conclusion, the bill I have outlined for you today represents a clear example of the Bracks government's strong commitment to the environment, to a strong environmental watchdog and to delivering our environmental policy commitments.

The bill represents a critical step in re-establishing Victoria as an environmental leader and in giving legislative effect to some key commitments in our Greener Cities platform.

Once again, Victorians can be confident that polluters will pay in this state.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That the debate be adjourned for two weeks.

Mr PERTON (Doncaster) — Mr Acting Speaker, I would like the minister to provide an undertaking in the same terms as those given by the Attorney-General on the last bill — that is, that opposition members and members of my policy committee are given a full briefing next week. I ask the minister to make an appropriate time.

I have had problems with the minister in that every briefing and discussion with a public servant on every matter in this state, whether it is a backbencher wanting advice from a local water authority on a water or sewerage matter or some other issue, has to be observed by one of the minister's staff. The minister's staff are overstressed.

Ms Davies interjected.

Mr PERTON — I thought you claimed you wanted to improve the standards of Parliament. You are a among the worst.

The ACTING SPEAKER (Mr Phillips) — Order! The honourable member will address his remarks through the Chair.

Mr PERTON — Mr Acting Speaker, I am sorry I allowed myself to be interrupted by the apologist for the Labor Party who represents the seat of Gippsland West.

The minister has been difficult about providing briefings, and I ask her to give an undertaking that we will be able to get a briefing next week. The bill has not been widely circulated. As I understand it, a copy of some instructions on the bill have been circulated among a narrow class of people. The legislation is important to industries, state government agencies and citizens across the state. It amends not only the Environment Protection Act, but also, for example, the Alpine Resorts (Management) Act. The opposition will need to contact a wide range of parties to find out, firstly, whether they have been consulted, and secondly, what their attitudes to the bill are.

As the minister said, it is an important bill and one that requires due time. I find the minister's approach disappointing, given she has indicated the bill's importance and because since 1970 the area of the Environment Protection Act has been a matter of bipartisan policy. It is shocking to see a legal document, the second-reading speech, now turned into a political platform for a minister like this.

I put to the minister that if she wants these sorts of bills to be treated appropriately and if she wants the debate to be appropriately informed, she ought to provide an earlier briefing or suggest a longer adjournment period.

Mr PLOWMAN (Benambra) — I support the honourable member for Doncaster.

Mr Brumby — Mr Acting Speaker, on a point of order, correct me if I am wrong, but my understanding of the processes of the house is that the minister has

read the speech and the honourable member for Doncaster has moved that the debate be adjourned. There is no motion as to time before the house.

The ACTING SPEAKER (Mr Phillips) — Order! The question on time has not yet been put. The shadow minister moved that the debate be adjourned. The minister has moved a period of two weeks. The question from the Chair has not yet been put and carried by the house, so therefore there is an opportunity to debate the question of time.

Mr Brumby — Thank you, Mr Acting Speaker.

Mr PLOWMAN — The first issue I wish to raise briefly is that, as the Minister for State and Regional Development will know, in the Rural City of Wodonga there is an environmental problem with polluting the atmosphere. It is an issue that I would very much like to have the opportunity to discuss in light of the increase to match the equivalent penalty for the offence in New South Wales.

The second issue on which I would like to have a briefing is the change for hay-carting trucks. I would like to know whether that change also applies to grain-carting trucks, and I would therefore like the time requested by the honourable member for Doncaster to enable a briefing to take place.

Ms GARBUTT (Minister for Environment and Conservation) (*By leave*) — I am happy to facilitate a briefing next week for the shadow minister. I am sure the concerns of the honourable member for Benambra can be picked up at that time.

Motion agreed to and debate adjourned until Thursday, 27 April.

NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL

Second reading

Mr BRUMBY (Minister for Finance) — I move:

That this bill be now read a second time.

This bill is the second of two bills which implement the state's obligations under the Intergovernmental Agreement on the Reform of Commonwealth–State Relations, which was signed by the commonwealth and all states and territories in mid-1999. Like the first bill — the National Taxation Reform (Consequential Provisions) Bill — this bill also deals with some indirect impacts of the goods and services tax (GST) which the Victorian government believes must be addressed by legislative change.

The GST is a major new tax introduced by the Howard government and agreed to by the former Kennett government. While the Bracks government does not support the GST, it is obliged to honour the previous government's commitments under the Intergovernmental Agreement on the Reform of Commonwealth–State Relations. The first bill introduced several legislative changes which were required as a consequence of Victoria's obligations under the intergovernmental agreement, including:

payment of GST equivalents by state entities;

providing scope for increases in fees or charges set by statutory rules;

cessation of the liability for financial institutions duty and stamp duty on quoted marketable securities from 1 July 2001;

adjustments to Victoria's state gambling tax arrangements relating to Tattersalls and Tabcorp to take account of the impact of the GST on those gambling operators;

abolition of stamp duty on bookmakers' statements; and

the cessation of state off-road diesel subsidies.

The first bill also introduced legislative changes considered necessary to deal with indirect effects of the GST, including:

exclusion of the GST from amounts deemed to be wages liable for payroll tax when payable for work under a relevant contract or an employment agency contract;

moving the liability for stamp duty payable, upon the purchase of second-hand cars from registered dealers, from the dealers to the purchasers; and

excluding GST from the amounts upon which stamp duty will be calculated in the cases of rental agreements, cattle sales and pig sales.

The changes in the first bill relating to second-hand cars, rental agreements and cattle and pig sales were necessary to overcome instances of circular taxation. If the changes had not been made, stamp duty would have applied to GST-inclusive prices and GST would have applied to stamp duty-inclusive prices. This so-called circular taxation would have been unworkable.

It is reiterated that there will be no windfall gain to the government arising from the fact that stamp duties will apply to GST-inclusive prices from 1 July 2000 as a result of the abolition of the wholesale tax.

This second bill resulting from national tax reform, which is being read a second time today, introduces legislative changes to meet the following remaining obligations under the intergovernmental agreement:

adjustment to gambling legislation relating to the casino and interactive gaming which reflect the state's obligation to take account of the GST in state taxation arrangements affecting gambling operators; and

increases in a small number of statutory fees and charges which are necessary as a result of the GST.

This second bill also provides for legislative changes which are necessary to deal with indirect effects of the GST and as consequence of some measures taken in the first bill. These particular changes are:

amendments to the Accident Compensation Act 1985 so that any additional premiums, which are in effect penalties, imposed by the Victorian Workcover Authority will not be subject to GST;

exemption of the GST from investment requirements under section 6 of the Funerals (Pre-Paid Money) Act 1993;

adjustments to the Racing Act 1958 which are consequential upon the abolition of the stamp duty on bookmakers' statements and the government's desire for bookmakers to still generate a financial return to the racing industry, with the racing industry responsible for operating bookmaking development funds;

adjustments to lottery agents' commissions so that GST is excluded from the commissions, so as to avoid erosion of the state tax base and the minimum amount of lottery prizes; and

provisions for an adjustment of the Transport Accident Commission's (TAC's) premiums — transport accident charges — in 2000–01 to account for the impact of the GST on the TAC's costs, including benefits payable, and for a downward adjustment of the CPI-related increment in the TAC's transport accident charges in 2001–02 to account for the impact on the CPI of the GST.

I now turn to the particulars of the bill.

Part 1 establishes the purposes and commencement dates pertaining to this bill.

Part 2 is concerned with minor amendments to the Accident Compensation Act 1985**.** Additional premiums can be imposed by the Victorian Workcover Authority in the event of an employer not forwarding a claim for compensation to the authority in the time required under section 108 of that act, or not meeting its obligations to pay compensation under section 127 of that act. The amendments to the Accident Compensation Act 1985 proposed in this part provide for these additional premiums to be collected as penalties which would not be subject to GST.

Part 3 is concerned with amendments to the Funerals (Pre-Paid Money) Act 1993 so that funeral directors will be able to meet their obligation to remit GST in respect of prepaid funeral contracts not later than 21 days after the end of the tax period in which the prepaid funeral contract was entered into. The amendment to the act proposed in this part will preclude the amount of GST payable as being part of the money associated with prepaid funeral contracts which the funeral organiser is required to invest. This amendment will thus avoid a conflict between the funeral director's investment requirements and the funeral director's liability to meet his or her GST remittance from the prepayment.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING SPEAKER (Mr Phillips) — Order! I interrupt to welcome to the Victorian Parliament a delegation from Jiangsu Province led by the Vice-Governor of Jiangsu Province. I hope they have a pleasant stay.

NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL

Second reading

Debate resumed.

Mr BRUMBY (Minister for Finance) — Part 4 of the bill is concerned with the obligation that the state has under the intergovernmental agreement to take account of the impact of the GST on gambling operators. As described earlier, the first bill resulting from national tax reform amended tax arrangements for Tattersalls and Tabcorp. This second bill provides for

the introduction of a state tax credit system for the casino, whereby the casino will be given a credit, against its state tax liabilities, which is equivalent to the amount of GST that it has paid. All amendments for gambling operators are revenue neutral for the operators and government.

This part of the bill, in amending the Casino Control Act 1991, provides the assessment of a state tax credit in the case of approved betting competitions operated by the casino — of which there are none at the moment — as equivalent to the amount of GST paid with respect to such competitions. Part 4 of the bill also provides for the insertion in the Casino (Management Agreement) Act 1993 of the sixth deed of variation to the management agreement for the Melbourne Casino project. This deed has been signed by Crown Ltd and the Minister for Gaming, and clause 9 of the bill provides for it to be inserted as Schedule 7 to the Casino (Management Agreement) Act 1993. The deed provides state tax credits to offset the GST on all gambling activities at the casino other than approved betting competitions.

Part 4 of the bill also provides for the amounts paid to accredited representatives or operators — as commission upon the sale of lottery or soccer football pool tickets — to exclude the GST. The part also provides that the amount paid as commission should be as approved by the Treasurer. These measures are to protect the minimum amount of prizes that should be paid and to avoid erosion of the state tax base.

Part 5 of the bill provides for changes to the Racing Act 1958 which flow from the abolition of the stamp duty on bookmakers' statements that was provided for in the first national tax reform bill. These changes are to provide for the continuation of support by bookmakers of the racing industry and, in turn, for the racing industry to establish bookmaking development funds. Thus, steps are being taken to enhance the mutually supportive relationship between bookmaking and the racing industry. This part provides for the controlling bodies — the Victoria Racing Club, the Harness Racing Board and the Greyhound Racing Control Board — to impose a bookmaker's licence levy not exceeding 1 per cent of the bookmaker's betting turnover. The controlling bodies are to direct a proportion of money raised from the levy into the bookmaking development funds which will be used to finance initiatives for advancing the bookmaking profession. It is anticipated that the proportion of levy income distributed to the funds will be 10 per cent of collected levies and that funding decisions will be made in consultation with the profession's representative body — the Victorian Bookmakers Association. The Minister for Racing will be responsible for approving the levy rules and guidelines for the administration of the funds.

Part 6 of the bill relates to amendments of the Transport Accident Act 1986 to provide for the transport accident charge — that is, the TAC premium — to include the GST from 1 July 2000. The TAC premium will not, however, be increased by 10 per cent. In the year 2000–01, the TAC premium will be increased by 5 per cent. This takes into account the net impact on the TAC of the GST and the embedded cost savings which the TAC will obtain from the abolition of wholesale sales tax on 1 July 2000. This increase will be in addition to any indexation of the TAC premium in 2000–01 by the annual change in the CPI, which is already provided for in the Transport Accident Act 1986. Part 6 of the bill also provides for any CPI-related increase in the transport accident charge in 2001–02 to be calculated by excluding the estimated impact of the GST on the CPI in 2000–01, as determined by the Treasurer and notified in the *Government Gazette* before 1 July 2001.

Part 7 of the bill provides for increases in certain statutory fees and charges resulting from national tax reform. There are a few such instances — cemetery fees, the maximum levy payable by legal practitioners to the fidelity fund, the maximum fee which can be prescribed for lodging a dispute with the Legal Profession Tribunal and certain fees and charges provided for in the Trustees Companies Act 1984. This second bill of legislative amendments arising from national taxation reform is necessary to complete Victoria's commitments under the intergovernmental agreement and to make other consequential amendments.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 27 April.

PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL

Second reading

Debate resumed from 16 March; motion of Mr HAMILTON (Minister for Agriculture).

Mr STEGGALL (Swan Hill) — It is interesting that as the shadow Minister for Agriculture the first debate to which I shall contribute is on the Prevention of Cruelty to Animals (Amendment) Bill, which is better known as the Dogs in Utes Bill.

I have been involved in the agricultural business for most of my life. When the first bill was introduced, along with other members of the National Party I looked at it in horror. It proposed giving Parliament power over others to impose penalties on people travelling in utes with dogs in the back, which is a common practice in northern and western Victoria.

I have spent my working life on the land with a dog in the back of my ute no matter where I went. Even when I was Mayor of Swan Hill my dog was always in the back of the ute waiting for me to come back. Farmers have expressed concern about the bill because they regard their animals as working dogs. I shall leave the emotional matters to my colleagues.

The bill amends the principal act that was passed some years ago. It has been introduced because the definitions in the principal act did not allow for prevention of cruelty to dogs in utes. The legislation refers to trucks and does not make provision for anything under 4.5 tonnes.

Hence the legislation has returned to Parliament. Importantly, the bill also provides for the Governor in Council to make codes of conduct on the recommendation of the minister and so reduce some of the bureaucratic red tape associated with the making of codes in acts of Parliament. In leading the debate for the opposition I will speak about codes of practice, how they impact on the legislation and the advantage of using them — with the hint that in future legislation the minister might consider their use more frequently than has been the case. This morning a minister introduced regulations in an environment bill for the carting of hay on trucks. A code of practice for the carting of hay might be better than regulations in a bill. The code of practice concept is important.

The Prevention of Cruelty to Animals (Amendment) Bill sets an acceptable code of practice by giving protection to a farmer carrying an untethered dog on the back of a ute. The code of practice provides protection for those who need it. However, the bill would apply to an individual if it was seen that he or she was being cruel to an animal on the back of a trailer, truck or ute.

Travelling to Melbourne along the Tullamarine Freeway this week I noticed a vehicle carrying a bitch and pups untethered, but they were in a cage and protected and could not have jumped out. All the dogs were safe, and regardless of how the code of practice is eventually settled it would not apply.

A ‘code of practice’ is not really defined in legislation. The opposition regards it as a clear statement, sometimes given statutory force, about how an operation should be carried out efficiently, ethically or sustainably. The opposition considered international codes of practice and how other jurisdictions use them. They are used to define ethical and best management practice in a range of industries and occupational groups, including gaming, the health and fitness industry, the portrayal of violence on television, the building and construction industry, the code of forest practices for timber production, fire management on public land, and the police code of practice for sexual assault cases.

In Britain a range of codes are used for good agricultural practice for the protection of water, air, soil, agricultural use of sewage sludge and the safe use of pesticide on farms and holdings. That is how the code of practice concept can be used. Codes are also used to maintain the welfare of animals and provide minimum husbandry standards for the keeping of various animal species or for animals subject to procedures where welfare might be at risk.

In Canada codes are voluntary and intended for use as an educational tool developed for the care and handling of all farm species such as poultry, pigs, veal calves, ranched mink, ranched fox — which we do not use — dairy cattle, beef cattle, sheep, farmed deer, horses and transport of animals.

In Victoria only codes protecting the welfare of experimental animals are given legal status under the Prevention of Cruelty to Animals Act. Animal welfare codes of practice are formulated following a needs analysis, extensive consultation, preparation of a draft and distribution for comment and analysis of public comment.

Animal welfare codes of practice are generated in two ways. A code can be written nationally, receiving endorsement from the Standing Committee on Agriculture and Resource Management (SCARM) for commonwealth and state heads of department, or the Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ), and adopted in Victoria by the minister with input from his Animal Welfare Advisory Committee; or codes can be initiated in Victoria by the Animal Welfare Advisory Committee or the Department of Natural Resources and Environment following the process outlined in the act.

Under the current act the minister must seek the Governor’s approval to prepare a code. The current amendment will remove that step so the minister can go to the Governor seeking approval for an already approved code. The opposition has no problems with

that. The code, having been prepared, will still lay before both houses of Parliament for 14 days and come under the scrutiny of Parliament through that process.

The Department of Natural Resources and Environment lists 19 codes of practice relating specifically to animal welfare issues — and they are guidelines only. The Animal Welfare Act requires that the codes go through the official process of Governor in Council approval and gazetting.

Some of the codes of practice used in Victoria are codes of accepted farming practice for the welfare of cattle, deer, poultry, sheep, horses, and steel-jawed traps; codes of practice for the welfare of farm animals during transportation, for the tethering of animals, for the operation of wildlife shelters, for the public display and exhibition of animals, for the husbandry of captive emus, for the use of animals from municipal pounds, for the welfare of film animals, for the welfare of animals in hunting, for the management of companion animals in shelters, for the care and use of animals for scientific procedures — the one with the legal bounds, for boarding establishments; and others such as buying an animal from a pet shop, things you should know about dog training establishments, the accepted farming practice for the welfare of pigs, and — an interesting one — the code of practice for the intensive husbandry of rabbits.

Those are the methods by which governments can lay down an acceptable standard for those wanting to farm in those ways. The standard exists and is voluntary. Few of the 19 animal welfare codes are mandatory with one exception, the space required for caged laying hens. The exception has been inserted into a regulation and is therefore mandatory. At present it is under review by SCARM and a decision is expected in August. I hope there will be no silly decisions.

Country residents are nervous when it comes to the dominance of the metropolitan community on issues such as animal welfare associated with the operation and management of primary industry. It can be seen in a range of matters such as intensive agriculture, hunting and duck seasons. Country Victorians have different standards, expectations and concepts from those living in the city.

When country people hear that a review is to be conducted about caged laying hens their advice to all ministers is not to do anything stupid, because when it is followed properly the practice that exists today, is very good. Efforts should be directed towards ensuring that those persons who wish to participate in this industry do so properly, and one means of doing that is by the use of codes of practice.

The code of practice for feedlots incorporates the animal welfare code. While it is mandatory that feedlots must comply to get planning permission the code is not mandatory from an animal welfare point of view. People who want to go into intensive agriculture often run into mandatory planning laws while similar codes of practice applying to animal welfare are not mandatory. At the federal level there are 14 Australian model codes of practice for farmed animals. Those codes act as guidelines in the absence of state codes and are developed by the national animal welfare committee.

The third group of codes of practice are the voluntary codes. They are guidelines that can be used in various ways. The principal act uses the voluntary codes so that a person, for example, who carries a dog in the back of a utility in accordance with such a code will not be subject to claims of cruelty. Another code covers persons who want to carry out scientific procedures on animals. That can be done only if the process is carried out in accordance with the relevant code of practice and anything done outside the code is against the law.

The commonwealth codes cover many interesting subjects, including camels, the transport of pigs, feral livestock animals, sheep, farming of deer, cattle, farmed buffalo, intensive husbandry of rabbits, goats, animals at saleyards, farm cattle handling and the transport of horses. There are national guidelines for beef cattle feedlots and domestic poultry. The guidelines cover anyone who wants to engage in those types of operation.

From an animal welfare perspective the only code of practice with statutory force is the one governing experimental animals. It is a different story from a planning perspective. Codes of practice apart from those focusing on animal welfare cover a broad spectrum. There are mandatory codes that gain their power through being what are known as ‘incorporated documents’ in Victorian planning provisions. Compliance with such codes is essential in obtaining planning approval. Examples include the Code of Forest Practices for timber production, the Victorian code for cattle feedlots, the Code of Practice — Piggeries and the Apiary Code of Practice, which causes headaches from time to time in country areas with respect to parks and state parks. These incorporated documents can from time include local content on a regional base, so they are practical in those areas.

Another group of codes are those that offer best-practice guidelines, incorporating some legal requirements. For example, the code of practice for farm chemical spray application is an interesting code when people are worried about chemicals. There are particular rules in different parts of Victoria. For example, in my area there is a code of practice that provides that anyone spraying a wheat crop within about 10 or 15 kilometres — I am not sure of the distance — of a horticultural operation must do so before 1 August each year to make sure it does not impact on that operation.

A third group of codes offers guidelines for best management practice only and asserts industry standards. An example is the new viticulture code of practice. There is no requirement to comply with such voluntary codes, but once they are published they tend to put a floor under practices and the Environment Protection Authority (EPA) can use them as a reference point, and it does.

Councils should have regard to the fact that while some codes of practice are said to be merely guidelines, in reality they have much more de facto standing. The EPA's recommended buffer distances for industrial air emissions are examples of such guidelines. I am not aware of any operation that has complied with an appropriate code of practice that has lost its case at the Victorian Civil and Administrative Tribunal. The codes are a good guide and are accepted by the community.

However, the situation can get complex. For example, beekeeping is an as-of-right activity, but under the policy of the Department of Infrastructure a person will only obtain and keep an as-of-right permit if he or she follows the Apiary Code of Practice.

I now deal with some of the benefits of codes of practice. They tend to take the heat out of planning issues because they offer an objective standard of measurement against which to assess an individual operation. That is very good. Over time they actually lift the standard of an industry and present it as a good corporate citizen. People in the country have to work to achieve that good corporate citizenship in the same way as companies in the metropolitan area have to work o achieve their reputations.

Codes of practice are a reference point for the EPA to use in assessing complaints against industry by the public as they draw clear lines between good and bad practice. They offer the agricultural community the opportunity to accept the challenge of defining and implementing better farm practices rather than having better practices imposed by government because of public pressure. The codes may also offer an objective basis on which to assert the right to farm and will serve to handle food safety issues for farmers.

As Australia faces up to world marketplace food safety issues — the marketplace is a little nervous at the moment — the quality assurance programs operating in farming industries are providing the necessary food safety base. Food safety is the biggest issue concerning the world food exports. Australia is a food exporting nation and food safety plays a vital role. It could be said that if it were deemed necessary codes of practice could be used to ensure food safety on farms instead of having local councils or an independent authority acting as a policeman on the issue. A national debate is taking place on food safety and I am sure this Parliament will have more to say about that in the months ahead. I point out to government members that food safety is a key issue for the future of export operations and therefore for country areas. I ask them to consider the use and operation of codes of practice when considering that matter.

The drawbacks of codes of practice are that they may restrict innovation and stifle invention because they can lock farmers into prescribed patterns beyond which they do not look. The cost of compliance with codes can also create a financial burden for farmers. As an example, Farm Pride Foods put in a code of practice for the transport of eggs that unfortunately changed the way small farmers were able to transport eggs for the company. In looking at food safety requirements the company introduced a code of practice that was against the interests of small farmers, who were unable to gear up to meet the code. Those problems can be overcome if those involved sit down and work them out.

Another drawback of codes of practice is that agriculture is moving very quickly and it may be difficult to keep codes up to date. However, it is the responsibility of the government to make sure that happens. They can also spawn bureaucracies to check for compliance and update the codes. I am sure the Minister for Agriculture is aware of how bureaucracies can be spawned, particularly in his department. The enforcement of mandatory codes can create the perception among farmers that they are being overgoverned and over-regulated. A balance must be struck.

I have mentioned the right-to-farm issue. The establishment of a right-to-farm set of legislative proposals for Victoria was an issue I tried to progress through the last government — and I am pleased the minister has continued that progression. As we enter a more urban-dominated society, the encroachment of the

urban dweller into farming districts is creating an enormous headache in certain areas. Society needs to say yes, there is a right to farm in certain zoned areas and the right to farm needs to be protected. People moving to country Victoria to live will have to acknowledge that farming activity from time to time has some downsides. Perhaps that will stop some of the arguments in country Victoria about pumps working at night or at weekends, for example.

Mr Hamilton interjected.

Mr STEGGALL — Chook sheds are an interesting issue. The minister's example is a hard one. A range of right-to-farm issues exist that are not protected by any legislative base. I am sure codes of practice will make them acceptable. The broiler industry is a difficult one that has caused many pressures on the Mornington Peninsula and in areas close to Melbourne. Codes for the broiler industry need to be established.

I suggest if the minister looks closely at the codes of practice — particularly now that preparing a code will be far simpler — he will find there are ways through the three different types of codes. An outcomes-based code of practice should be implemented by working with the EPA and using commonsense, because the measurement that is being proposed by documents now before the minister is about process. The right messages need to be given about the broiler industry and the right standards need to be forced on people who wish to participate in the industry. There are ways and means of doing that.

I am not confident that society will solve that problem but I believe a result can be achieved with goodwill from the minister, the EPA and the Premier. During the term of the Kennett government the former Premier brought together the whole-of-government approach — for example, Food Victoria was successful because we used the whole-of-government approach which helped various ministers overcome pressures that were placed on them.

The right to farm is a vital issue to be determined in the future. I hope the government will make a series of amendments to the legislation during this calendar year. I know the minister is working towards that and the opposition is only too pleased to assist because agriculture needs the right-to-farm issue determined. Not all honourable members understand that enormous investment is being made in country areas. Agriculture is one of the fastest growing areas of our export industry. In certain areas the pressure on the right to farm gets to the nonsensical stage. Codes of practice are a way through the problem, and I hope it will soon be achieved. The bill will ensure that codes of practice will be more practical in their application.

The opposition does not oppose the legislation. The concepts that will be introduced are virtually the same as those proposed when the legislation was last before Parliament — except for the codes of practice provided in the bill. The previous legislation contained a definition of trucks that could not be upheld in the courts. I hope people will understand it is not illegal to have a dog on the back of a ute, but it can be against the law if a person travels in such a manner that an animal is treated in a cruel way. If the code of practice is not used as a protection for such activity, a person may be subject to action being taken against him or her for cruelty. I stress that not abiding by the code of practice is not in itself against the law. However, it exposes one to risk.

Codes of practice cover safety in a whole range of areas, such as food safety plans. The former government was trying to do the same thing. I hope the Bracks government is still trying. If a food safety plan is adhered to it will protect a small business or a restaurant. In the same way a person who is transporting a dog on the back of a ute within the rules set out in the codes of practice cannot be touched under the bill.

I trust the legislation will be passed so that a review of the uses of codes of practice in agriculture can occur and we can achieve some of the goals being sought by the industry. The amendments will help progress that process at a faster rate. The opposition does not oppose the bill and wishes it well.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Prevention of Cruelty to Animals (Amendment) Bill because the amendments proposed by the bill reflect the government's objective of ensuring that animal welfare is fully supported by legislative controls. The bill attempts to address two of the shortcomings identified in the act. The first relates to the means by which codes of practice can be gazetted. The honourable member for Swan Hill outlined in great detail a number of issues about codes of practice, including the way they will be applied by the bill and through other legislation.

The gazetting of codes of practice under the act has been a longer than necessary process. The minister, after being presented with an appropriate concept for a code of practice, seeks the approval of the Governor in Council. The minister prepares the code of practice but needs to go back to the Governor in Council for a second approval before the code can be gazetted after

being agreed to by Parliament. Under the new legislation the second Governor in Council approval will no longer be required. That will mean codes of practice can be gazetted much more speedily.

The codes of practice that are part of the act provide a high standard of animal care and husbandry. As the previous speaker said, the codes should ensure that they can be understood by the community, that they can be implemented in a practical manner, and that they can be enforced if people act recklessly and pose a threat to the welfare of animals.

It should be stressed that before codes of practice go to the Governor in Council and come before the Parliament they are subjected to a thorough consultative process. A welfare committee consisting of representatives of the Royal Society for the Prevention of Cruelty to Animals (RSPCA), the Australian and New Zealand Federation of Animal Societies, the Australian Veterinary Association, the Cat Protection Society, the Lost Dogs' Home, the Victorian Farmers Federation, the Municipal Association of Victoria, the Victoria Police Force and the Australian Veterinary Association provides advice to the minister on animal welfare issues.

The bill also provides for the safe restraint of dogs travelling on moving vehicles. The amendments to the principal act in 1995 appear to have been misworded. The intent of the code of practice was not reflected in the resultant legislation which provides that dogs travelling on the back of a truck, a standard utility with raised sides, a trailer or other form of moving vehicle, must be restrained by a leash or a cage. However, no similar requirement was specified for dogs travelling in flat-trayed utes of less than 4.5 tonnes. Clause 5 corrects that anomaly to ensure that dogs travelling on any vehicles are protected by the code of practice.

The honourable member for Rodney especially promoted several codes of practice because institutions such as the Australian Veterinary Association and the RSPCA identified a high incidence of injuries caused to dogs unsecured while travelling on moving vehicles. The code of practice enacted in 1995 addresses the problem. The bill attempts to clarify the issue and provide for the intent of the code to be brought into play.

The amendment is sensible and I am pleased that it has bipartisan support. I am also pleased that the minister has moved swiftly to identify problems in the act and moved to improve it.

Most honourable members would know that dogs regularly travel in or on vehicles, particularly in rural but also in urban areas. The dogs give the impression that they enjoy travelling. Many of them love to stick their noses out of the window or put their noses into the wind to feel the wind against their muzzles. The bill is not an attempt to stop that practice. It simply aims to ensure that animals travelling in a vehicle moving on the open road are restrained.

Dogs are not the only animals that travel on the road. From my own experience I know that goats love to travel. When I was an agriculture teacher in Kaniva I was responsible for the care of several goats. In school holidays I took them from Kaniva to my parents' property in Geelong. I had no trailer but I found that the goats enjoyed travelling on the back seat of my car. It was necessary to restrain them; otherwise they would chew my hair and create a safety problem! They were happy to be restrained and they could stand up when the car stopped at traffic lights and look about them.

Mr Richardson — What were their names?

Mr HOWARD — It was a long time ago, so I cannot remember. I am sure that honourable members, particularly those who represent rural electorates, know that dogs are useful in grazing pursuits. Recently I was pleased to attend the newly developed RSPCA facility at Ballarat. It was great to see that the society had upgraded its facilities for impounded dogs and cats. As part of the entertainment sheepdog trials were conducted. I am pleased to advise honourable members that none of the dogs was found guilty; they were all proven innocent! The interesting thing about the trials was that all who watched them found that well-trained dogs working with sheep could be inspiring. They understand and respond to messages from their owners and muster sheep or cattle as required.

During my years as an agriculture student and teacher of agriculture, and more recently as a small-time grazier, I have had numerous opportunities to watch dogs working with sheep and cattle. Many years ago I worked for a couple of months as a rouseabout on an attractive property in New Zealand. Its many steep hills made it impractical to use a vehicle for mustering sheep. Therefore, horses accompanied by dogs were used. It was a great experience to watch the dogs bringing the sheep down the hills and mustering them in their pens.

Rather than riding horses, many graziers now use the standard utility for mustering their stock. My property is some 35 hectares. Unfortunately, I do not own a ute nor do I have a dog because I am unable to live

regularly at the property. I do my own mustering by bicycle, which is a source of amusement to the surrounding farmers. My cattle do not respond as well to a bicycle bell as they would to a dog, but feeding hay at strategic times helps save me mustering the cattle.

My surrounding neighbours own larger properties and work with utes. It is inspiring to watch the dogs jumping off the utes and responding to the whistles of their owners and the calls, which in New Zealand were 'Get'n b'nd'!

The codes of practice do not restrict those activities. The legislation reflects an understanding of how farmers operate. It merely serves to remind them that if when travelling on the road at high speed while mustering sheep or cattle their animals must be restrained and if they are not farmers may be caught by the police and fined.

The amendment is sensible and I commend the bill to the house. I look forward to the codes of practice being formalised in the act and to the addition in the years to come of more codes as they are identified as appropriate.

Mr MAUGHAN (Rodney) — It is with a great deal of pleasure that I contribute to debate on the Prevention of Cruelty to Animals (Amendment) Bill. I do so for a range of reasons. I will spend a few minutes acquainting the house with the background to the bill and my longstanding interest in animal welfare.

Like many honourable members who have spoken previously, both here and in the other house, for most of my working life I have been involved in livestock production. I have been actively involved with the Victorian Farmers Federation, particularly with its pig producers group, of which I was chairman for some time, and at a national level with the Australian Pork Producers Federation and the Pig Research Council.

Honourable members have heard comments today about the Animal Welfare Advisory Committee (AWAC). I take a great deal of pride in having been a member of the predecessor to that committee — that is, the Minister for Agriculture's Animal Welfare Advisory Committee. As the honourable member for Ballarat East said, AWAC now represents a large group of people who are involved in animal welfare activities. I had the pleasure of representing on that original committee all Victorian livestock producers. Its work ultimately led to the establishment of codes of practice. I will speak more on that later.

Animal welfare matters exercise the minds of many people in our society. While the issue creates debate around the world, it is largely the countries with higher standards of living rather than some of the Third World countries that are concerned about animal welfare matters. The animal welfare debate is alive and well in countries like Canada, the United States of America, the United Kingdom, Australia and New Zealand.

It is interesting to note that the Royal Society for the Prevention of Cruelty to Animals (RSPCA) was formed in the United Kingdom to prevent cruelty to animals some time before a society was formed to prevent cruelty to children. That makes a commentary about the priorities people had in the United Kingdom at that time.

The RSPCA has played a constructive role on this issue. I pay tribute to the contributions of Dr Hugh Wirth, state and federal president of the RSPCA, and Mr Peter Barber, also of the Victorian RSPCA.

Dr Hugh Wirth and Professor Peter Singer were, with me and others, members of the original Animal Welfare Advisory Committee. The reason for what has been a constructive debate on animal welfare in Australia is that AWAC and its predecessor committee represented all the various animal welfare and production interests. The committee engaged in constructive dialogue, as opposed to what is happening in other parts of the world where there is confrontation, stand-off and conflict between some of the animal welfare interests on the one hand and the farming community on the other.

My interest in animal welfare was heightened when, in 1986, I happened to be at the right place at the right time and was awarded a Churchill Fellowship that enabled me to study animal welfare matters in the United Kingdom, Canada and the United States. It was an important award that enabled me to meet with many of the leading proponents on both sides of the debate in those countries. I learnt a great deal from that experience. I have been able to put information from some of the lessons I learnt and the meetings I attended back into the Australian context.

Another reason I am particularly interested in the bill is that in 1993 the then Minister for Agriculture, the Honourable Bill McGrath, invited me because of my background to review the Protection of Cruelty to Animals Act. I enjoyed that experience. The terms of reference of the review were widely advertised.

I received a large number of submissions — I have a number of them with me today — from organisations such as the RSPCA and the Australian and New Zealand Federation of Animal Societies (ANZFAS),

which is an umbrella group representing some 50 animal welfare organisations. Submissions were received from Professor Adrian Egan from Melbourne University; Tony St Clair of the Victorian Farmers Federation pastoral group; the Australian Professional Rodeo Association; the school of veterinary science at Melbourne University; the Victorian Quarter Horse Association; a range of veterinary surgeons; the faculty of science at Melbourne University; Animal Liberation and others.

Many strong submissions were made to that one-man committee because I was required to examine matters including the use of steel-jawed traps; whether fish and crustaceans should be included in the legislation, as they ultimately were; the use of horses in steeplechasing; increased penalties for cruelty to animals; the powers of inspectors; animal experimentation, and allowing dogs to ride on utes. The legislation dealing with that final reference, as my good friend and colleague the honourable member for Swan Hill pointed out, has become known at least in our part of the world as the Dogs on Utes Bill — —

Mr Hamilton interjected.

Mr MAUGHAN — It has wider connotations, I agree. But it is an important piece of legislation and it is a step in the right direction.

I pay tribute to Dr Peter Penson, who was then the director of the bureau of animal welfare within the Department of Agriculture. Dr Penson and his staff played an important role in that review, which lasted for some 18 months before the amending legislation was introduced in 1995.

The committee recommendations received widespread support because I had consulted widely, spoken with all the interest groups and spent a great deal of time on the review. The committee was able to achieve consensus on its recommendations, although some people at the extreme end of the animal welfare movement were not entirely happy with the recommendations while at the other end of the scale some people in the farming community also were not happy. However, on the whole, the recommendations were strongly supported by the RSPCA, the VFF and ANZFAS. The legislation was passed by the house in 1995.

The honourable member for Swan Hill touched on the fact that the legislation reaffirmed the importance of codes of practice. Again, I take some pride in the fact that many years earlier I was involved in the formulation of some of the first codes of practice for animal welfare in Victoria in the pig industry. The broiler industry may have beaten us to the post, both in Victoria and nationally. That occurred in the 1970s and 1980s, when codes of practice were introduced.

Mr Hamilton interjected.

Mr MAUGHAN — The codes of practice are most important because they do away with prescriptive things that are locked tight in legislation. Codes of practice are moving, living, dynamic documents that evolve and allow for innovation and flexibility and are more concerned about outcomes than about the way people achieve them. I am a passionate supporter of codes of practice because they can be changed. Most of the original codes have been modified and changed as knowledge and practices have changed. The codes of practice have an important educational role. I am pleased to see that the codes are being revised and changed.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

ALP: election commitments

Dr NAPTHINE (Leader of the Opposition) — Will the Premier confirm his election commitment that the operating surplus on the state budget will be used exclusively for the funding of infrastructure, retirement of state debt and reduction of public sector unfunded liabilities?

Mr BRACKS (Premier) — The Labor government stands by all its election policies and platforms.

Opposition members interjecting.

Mr BRACKS — Just keep still. We won't mention Benalla to you today!

The Leader of the Opposition like all members of Parliament will have to wait, but I am looking forward to the government's first budget on 2 May to make sure it delivers on the things it said it would do. It will be an exciting budget for Victoria.

Former Premier: book contract

Mr NARDELLA (Melton) — I refer the Minister for Finance to the government's audit review of government purchasing and contracts. Is he aware of any serious questionable contractual arrangements entered into by the previous government, and if so, what are the details of any such contracts?

Mr BRUMBY (Minister for Finance) — It is with regret that I have to advise the house that I have been informed of a seriously questionable contractual arrangement entered into by the former government. I can only describe the arrangement as bizarre and one which on the face of it represents a scandalous misuse of public funds.

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster shall cease interjecting.

Mr BRUMBY — In 1997 the former Premier personally commissioned and then signed a contract at taxpayer's expense with one Dr Malcolm J. Kennedy to write a book about the Kennett years.

Honourable members interjecting.

Mr BRUMBY — It is good — wait.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order.

Mr BRUMBY — The contract provided for a fixed project fee, which was payable in equal monthly instalments. It was kept secret from departmental and public scrutiny. Among other things the contract contained the extraordinary requirement that there be an editorial steering committee, consisting of the former Premier's chief of staff, Anna Cronin, Professor Geoffrey Blainey and retired minister Mr Don Hayward, who had direct editorial control over the content of the manuscript.

I am pleased to say, and I am sure the house will be interested to know, that the Bracks government has received from the author, Dr Malcolm J. Kennedy, a copy of the manuscript. As the public has paid for the manuscript, it was thought the public ought to have a right to know about its content. I will read briefly from that taxpayer-funded manuscript. I quote a passage on the former Premier:

> Premier Kennett was an outstanding leader. Full of ideas and energy, he drove his ministers but also inspired them to achieve all their policy objectives. The electrifying enthusiasm of the blitzkrieg parliamentary session generated a huge energy …

Former minister Don Hayward is referred to in the manuscript as Dapper Don.

Mr Holding interjected.

The SPEAKER — Order! The honourable member for Springvale!

Mr BRUMBY — On Don Hayward the manuscript states:

> His high-domed head suggests intelligence.

Honourable members interjecting.

Mr BRUMBY — There is more.

Honourable members interjecting.

The SPEAKER — Order! I ask the government benches to come to order to allow the minister to conclude his answer. I ask the minister to be succinct in the provision of his answer.

Mr BRUMBY — The former Treasurer, Alan Stockdale, gets a mention as follows:

> Alan Stockdale radiated energy — —

Mrs Peulich — On a point of order — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Community Services!

Mrs Peulich — The minister has certainly answered the question. Rather than providing ongoing comic relief, I suggest he put the text on the Net so we can all enjoy it.

The SPEAKER — Order! There is no point of order. The honourable minister, concluding his answer.

Mr BRUMBY — Just a couple of quotes. I know the house wants to hear them:

> Alan Stockdale radiated energy and relieves his serious demeanour with impish flashes of humour.

The SPEAKER — Order! The Chair has been lenient in allowing the minister to quote from a document to the extent he has. I ask him now to conclude his answer as he has been speaking for 7 minutes.

Honourable members interjecting.

The SPEAKER — Order! The Chair has just asked the minister to conclude his answer. He has been unable to do so, however, as a result of the constant interjections, particularly from the honourable member for Bentleigh. I ask her to cease interjecting.

Mr BRUMBY — This is a serious matter. In a moment I will inform the house of the costs of that little propaganda exercise to the taxpayers of Victoria. First, though, one serious conclusion from the text, if I may. This one is about the media:

> A primary objective was the use of mechanisms which forced the media — —

Mr Perton — On a point of order, Mr Speaker, the minister is clearly violating your last ruling. You instructed him clearly to stop quoting from the document. If he wants to do it as a ministerial statement, the opposition will gladly accommodate him. You should sit him down now.

The SPEAKER — Order! There is no point of order. The Chair has asked the minister to conclude his answer, but he has not yet been afforded an opportunity by the house to complete one sentence, let alone deliver his answer.

Opposition members interjecting.

The SPEAKER — Order! The honourable member for Doncaster will cease interjecting to allow for the conclusion of the answer.

Mr BRUMBY — It is a serious point: on the question of the media, the text, paid for by the taxpayers, states:

> A primary objective was the use of mechanisms which forced the media to behave within their own professional rules, and where this was not the case information would be restricted or denied.

The book is sloppy, sycophantic drivel, paid for by taxpayers. The question is, how much has the taxpayer paid?

Mr Bracks — Ten dollars!

Mr BRUMBY — Do I have $10?

Mr Thwaites — One hundred dollars!

Mr BRUMBY — One hundred dollars? Any more?

The SPEAKER — Order! As I indicated earlier, the minister is not being succinct. If he continues to answer the question in that manner I will sit him down. He is not being succinct but is posing rhetorical questions to the house.

Mr BRUMBY — Mr Speaker, I will tell the house what the taxpayers of Victoria paid for the piece of propaganda: they paid Dr Kennedy $100 000! Like any good piece of fiction — and that is what it is — there is a twist at the end. The contract also provides that, in addition to paying $100 000 of taxpayers' money, if the manuscript is not published by the government of Victoria a penalty payment must be made to Dr Kennedy of a further $20 000.

Honourable members interjecting.

Mr BRUMBY — The whole sordid episode has cost taxpayers $100 000. There has never been budgetary approval for the $100 000 — it has never appeared in the statements of the Department of Premier and Cabinet, and it has never appeared as a line item in the budget. It has been part of the secret state keeping it secret from the people of Victoria. The last point the house deserves to know — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr BRUMBY — The final payment — —

Honourable members interjecting.

The SPEAKER — Order! I once again ask the house to come to order. I ask the minister to conclude his answer forthwith; otherwise I will sit him down.

Mr BRUMBY — I will conclude by saying this. The last payment in the whole sordid exercise was made by the Premier's office last year in October on guess what day? 19 October — the day before the new government was sworn in and when the former Premier knew he was no longer the Premier of Victoria.

It is a disgrace, it is a scandalous misuse of taxpayers' money, and the government will have further to say on the matter and the involvement of other members with it.

Premier: staff contracts

Ms ASHER (Brighton) — In view of the fact that after six months in office ministerial staff have still not signed employment contracts, will the Premier place in the parliamentary library the details of the staffing, pay and conditions of his staff and ministerial staff when he finally gets around to formalising the arrangements?

Mr BRACKS (Premier) — The shadow Treasurer is wrong, as she often is in this house; those contracts have been signed.

Ms Asher interjected.

Mr BRACKS — Oh, come on. These contracts have been signed. They are — —

Honourable members interjecting.

Mr BRACKS — They are ridiculous comments. They are contracts between employees of ministerial offices — —

Dr Napthine interjected.

Mr BRACKS — You are unbelievable. I will say it again: Benalla, Benalla, Benalla.

The SPEAKER — Order! I ask the Premier to cease inviting interjections and I ask the Leader of the Opposition to cease providing them.

Mr BRACKS — The contracts have been signed. They are between the ministerial staff and the ministers. They are in the same — —

Dr Napthine interjected.

Mr BRACKS — You are an idiot. You are unbelievable.

The good news is that I understand the Leader of the Opposition is staying, and I am very pleased about that.

Former Premier: book contract

Ms DUNCAN (Gisborne) — I refer to the previous answer of the Minister for Finance and ask him to advise the house what action the government has taken in relation to the clause of the contract that compels the Victorian government to publish the manuscript at taxpayers' expense.

The SPEAKER — Order! Before calling the Minister for Finance I ask him to be succinct in his answer otherwise I will cease listening to him halfway through his answer. By succinctness the Chair means 4 to 6 minutes.

Mr BRUMBY (Minister for Finance) — As I have already advised the house, $100 000 has been paid by the taxpayers of Victoria for that manuscript. Under the penalty clause in the contract $20 000 must be paid if the manuscript is not published within a number of years.

The government has examined the most cost-effective means of bringing the contract to completion. I have it on good advice that a payment of $100 000 for the publication of a manuscript is quite an extraordinary figure — a figure that is normally reserved for an award-winning novelist or a writer with a substantial reputation as a successful international author.

A search of *Who's Who in Australia*, *Who's Who in Business* and the parliamentary library records has failed to find any reference to major works by Dr Kennedy. Dr Kennedy's work is rarely published. Most of his published articles appear in one journal, *Defender*, which is the national journal of the Australia Defence Association. In one of his contributions to *Defender* entitled 'The Vatican and the arms trade' Dr Kennedy attacks the Catholic Church for campaigning for arms reduction. He states:

> Even with the destruction of all — —

Mr McArthur — On a point of order, Mr Speaker, you have already cautioned the minister a number of times about two issues: the length of his replies and their relevance. I direct your attention, Mr Speaker, to the issue of relevance. The question in no way related to either the expertise or the work or publications of Dr Kennedy. It concerned what action the government would take to meet the terms of the contract. The minister should take that action — publish it and be damned!

Government members interjecting.

The SPEAKER — Order! I do not uphold the point of order. However, I ask the minister to come back to answering the question. As relevant as the information he was referring to is, and as desirable as he might find it for the house to hear it, he must refrain from quoting extensively from the publication.

Mr BRUMBY — The question of the worth of the work and the value for money for taxpayers is a key issue. As I have said, $100 000 would normally be paid to an award-winning international author, but — —

An honourable member interjected.

Mr BRUMBY — That is the question I have been asked. Would $100 000 be paid to someone who is essentially a nobody — someone whose one major challenge in life has been to write a piece of propaganda about the Kennett government?

In the article in the *Defender*, in which the author attacks the Catholic Church for its campaign for disarmament, he says that even with the destruction of all manufactured military or sporting weapons millions would be killed with basic agricultural implements.

Dr Dean — On a point of order, Mr Speaker, the house understands the minister's preoccupation with

the previous Premier and the minister's desire to grandstand, but you, Sir, have ruled that he must not continue to quote from the publication. Not only is the minister continuing to quote extracts about the background of the author, but he is not speaking to the question, which relates to the legal implications of the contract or the publication of the book. The minister is straying into new issues and is giving a long dissertation about the nature of the author and the contents of the book. Those issues are completely irrelevant to the question. It is time now that you, Mr Speaker, brought the minister back to the question.

The SPEAKER — Order! The honourable member for Gisborne asked a question relating to the action the government will take regarding the cost of the publication. The honourable member for Berwick has raised a point of order on the question of relevance. I ask the minister in providing his reply to demonstrate to the house the relevance of going down the track of quoting extensively from the publication. I ask the minister to answer the question regarding the cost of the publication.

Mr BRUMBY — The government has examined a number of options that will enable it to complete the contract in the most cost-effective way for Victorian taxpayers. It will attempt to sell the copyright of the manuscript to recoup some of the costs for Victorian taxpayers.

Mr Thwaites — Who would want to buy it?

Mr BRUMBY — Well, who would want to buy it! I am interested in the comments of members of the opposition. As a once-only opportunity the government will offer the manuscript for sale to the Liberal Party for $100 000. It is a once-only offer that will be open for 72 hours. If members of the Liberal Party believe it is money well spent they can put their money where their mouth is. Rather than abuse taxpayers' money they can cough up the $100 000 for the manuscript. You have 72 hours!

MAS: royal commission

Mr DOYLE (Malvern) — I direct my question to the Minister for Health. Given that independent legal advice from the chairman of the Metropolitan Ambulance Service confirming that the MAS should be legally represented at the royal commission arrived at the minister's office on 9 February, does the minister stand by his statement in the house on 1 March that he was not aware of that advice.

Mr THWAITES (Minister for Health) — I thank the member for his question, and I stand by my statement. The material he received included a letter from the department to the ambulance service informing it that all the documents that were sent were sent to the responsible minister, the Premier, who made the decision.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order, particularly the honourable member for Monbulk!

Rail: Ararat crash

Mr HELPER (Ripon) — I refer the Minister for Transport to the serious train incident in Ararat last year and I ask: will the minister inform the house of details of the investigation into this incident?

Mr BATCHELOR (Minister for Transport) — On 26 November last year a collision occurred in the Ararat freight yard when an Adelaide–Melbourne freight train ran into a stationary ballast train. The collision resulted in the driver and another crew member on the interstate freight train being seriously injured. As a result of the collision I directed my department to instigate an independent inquiry to determine all the facts surrounding the accident and what improvements may be necessary to make the system safe in Victoria.

This was the first time an independent inquiry had been undertaken, and it represents a new way forward for investigating rail incidents. The investigation was conducted by the Australian Transport Safety Bureau, and has now been completed. The report indicates that the accident was triggered by the unsafe and unauthorised actions of a Freight Australia employee, but it also indicates that the accident had its origins in a number of organisational and system deficiencies.

The Bracks government recognises the extreme importance of ensuring safety as a top priority within the state's transport system. I have therefore directed the department to prepare an action plan detailing how the government will implement each of the report's recommendations.

The report reveals that when the Victorian rail system was privatised by the Kennett government, no comprehensive documented guidelines on operational policies for rail safety existed. That was an extraordinarily negligent oversight by the previous government, and I will be demanding that all those issues be addressed by the department as a matter of urgency.

Action being examined includes: ensuring that all rail companies operating in Victoria undertake a structured review to identify safety risks and measures for their management of those risks; improved training procedures and logs for monitoring staff with access to safe working equipment; the standardisation of safe working procedures for rail operators both in Victoria and other states; and ensuring all rail operators provide safety awareness programs to their staff.

I will make a copy of this significant report available in the parliamentary library for members who are interested, and copies will be made available to the public through my office.

I reiterate that that is the first occasion on which an independent inquiry into a rail incident has been carried out under the new privatised arrangements. The inquiry complements and follows one carried out by the private operators themselves.

The report will address all the systemic issues that need to be addressed. The government will work through an action plan to ensure that the recommendations contained in the report are followed through and that the operation of the rail system in Victoria provides a sense of safety and security to all those who use it.

Aged care: nurse training

Mr BAILLIEU (Hawthorn) — Did the Minister for Post Compulsory Education, Training and Employment when in opposition personally assist in the drafting of a submission by Lavin Australia, a submission which she later, as minister, rejected — yes or no?

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I note with interest that the honourable member for Hawthorn has had enormous difficulty getting an opportunity to ask a question during questions without notice. I have worked out that the opposition has thus far had roughly 70 opportunities to ask questions in this sessional period, and the honourable member for Hawthorn has until now asked none. Given the question he has just asked, is it any wonder? He did take roughly six months to get into his office, so one would expect him to take a while to get a question up.

Mr Thwaites interjected.

Ms KOSKY — I think so — he has a key now! The honourable member for Hawthorn has taken the wrong approach to this issue because he has actually believed all the information that Lavin has provided him with. The honourable member for Warrandyte knew not to do that; unfortunately, the honourable member for Hawthorn has not taken that advice. The answer is no.

Docklands: Batmans Hill

Mr LEIGHTON (Preston) — I refer the Minister for Major Projects and Tourism to the Docklands development and ask him to inform the house of the level of business interest in the Batmans Hill precinct.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — I thank the honourable member for his ongoing interest in the economic development of the state — unlike the opposition, which wants to talk down the state at every opportunity.

On coming to office the government was concerned about the community's perceptions of the Docklands and wanted to correct them. The government thinks the development of the Docklands is a great opportunity for Victoria. The project will double the size of Melbourne's central business district and provide a world-standard waterfront. The state is lucky to have the project, and the government wants to make sure that it goes ahead.

The Docklands Authority was formed in 1991 under the previous Labor government to oversee the development of a long-term project over 15 to 20 years, similar to the way the south bank of the Yarra River was developed over a long period. Parcels of land are still being developed on the Southbank site, of which Victoria is very proud.

The Docklands site also provides immense opportunity for Victoria. I am pleased to announce that the Docklands has been given a big boost in confidence by the expressions of interest in both the Batmans Hill and Victoria Harbour precincts that have been received from developers. Forty-one expressions of interest have been received for the two sites — an unprecedented level of interest!

I am pleased to announce that of the 19 bidders for the Batmans Hill precinct the Docklands Authority has announced a short list of 13 consortiums. That indicates that there is a high level of confidence in Victoria's future, and it is certainly a confidence boost to know that developers are looking to their next major projects.

Honourable members interjecting.

Mr PANDAZOPOULOS — We are still getting interjections.

The SPEAKER — Order! The minister should ignore interjections.

Mr PANDAZOPOULOS — Thank you, Mr Speaker, but the interjections are relevant to the question and relate to the industry having confidence in Victoria's future. The industry and the government are planning for the future. All we hear in the house is opposition members criticising the Docklands project. All they know is that the future is bad for them — but it is good for Docklands.

Honourable members interjecting.

The SPEAKER — Order! Will the house come to order!

Mr PANDAZOPOULOS — The short-listed bidders will be given 10 weeks in which to develop a detailed proposal for either the whole or parts of the Batmans Hill precinct. The Docklands Authority will recommend to me the preferred bidders for developing the site. The project provides immense opportunities for Victorians.

The government is keen to work with the development industry to create something for the future in Victoria, and the only thing we need to give a boost to the project while the industry is looking to finance the development of this site is for the opposition to stop talking it down. We need the opposition to get behind the project and to provide the sort of bipartisan support we provided for Docklands when we were in opposition. This is one of Melbourne's — in fact Australia's — best sites for development for the future.

I congratulate the Docklands Authority on the unprecedented support from the development industry.

MAS: tender documents

Mr DOYLE (Malvern) — Is the Minister for Health now or has he ever been in possession of tender documents that he knew were stolen or illegally obtained from the Metropolitan Ambulance Service, a statutory authority under his responsibility as Minister for Health?

Mr THWAITES (Minister for Health) — Mr Speaker, the honourable member for Malvern is clearly scraping the bottom of the barrel because he knows the royal commission is beginning to get close to the Kennett government and beginning to get close to his activities.

The honourable member for Malvern is the person who told the house there would be a proper investigation into the allegations about phantom calls to Intergraph. What happened to that investigation? We now learn from the Auditor-General — —

Honourable members interjecting.

Mr THWAITES — Opposition members are now saying the matter is sub judice. You asked the question, and now you do not want to hear the answer! The former parliamentary secretary said there would be a proper investigation.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The Chair is having difficulty hearing the Minister for Health. The Chair recently made a statement to the house on sub judice matters, but it cannot make a judgment on what the minister is saying if it cannot hear what he is saying. I ask honourable members to quieten down.

Mr THWAITES — The Auditor-General indicated in his recent report to the house that far from there being any proper investigation the terms of reference did not even cover the allegations that were made. That is directly contrary to the misleading statement the honourable member made to the house. I say to the honourable member for Malvern that what he ought to do is have a good look at what is going on down there in the royal commission. The fact that has already come out — —

Mr Doyle — On a point of order, Mr Speaker, under standing order 99 and previous rulings on relevance, the matter is indeed serious. If the answer to the question is no, let the minister say so rather than waffling on about unrelated matters. I ask you, Sir, to direct him on relevance in what should be a very simple answer. If the answer is no, let him say so.

The SPEAKER — Order! I have repeatedly ruled, as have previous Speakers, that the Chair is not in a position to direct a minister to answer in a particular way. As long as the statements of the minister are relevant to the question asked, I will continue to hear him.

Mr THWAITES — It seems that the honourable member is prepared to raise a question about the royal commission but he does not want to hear the answer. The reason is that he is implicated as the former parliamentary secretary responsible for the area!

I am very proud that I worked over some years to raise concerns about Intergraph in the public area. I am proud that now Labor is in government it has called a royal commission to investigate the matters.

It seems that the person who is now designing the questions for the honourable member about the issue —

because the honourable member is quoting — is none other than Jack Firman.

Honourable members interjecting.

Mr THWAITES — The honourable member is now the house mouthpiece for Jack Firman. If the honourable member wants to use Jack Firman as the person who writes his questions to ask in this place, he is not worthy of being here.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc! The house will come to order, particularly the honourable member for Cranbourne, who has been persistently interjecting. I will not warn him again.

Parenting support services

Mr LIM (Clayton) — I ask the Minister for Community Services to advise the house about the government's commitment to the provision of parenting services.

Ms CAMPBELL (Minister for Community Services) — I am happy to announce today that the Bracks government will approve a new range of parenting support services. The government recognises the vital role parents play in providing safe and nurturing environments for children.

Parent support services form a crucial part of community services. The Labor government is committed to strengthening the platform of generalist early intervention and prevention services. It has therefore committed an additional $10 million over the next four years to the Victorian Maternal and Child Health Service to improve its capacity to respond to early parenting difficulties.

Parent support is required for the range of challenges children present to parents from birth to age 18 — and beyond, we could say, for those with children over 18.

The maternal and child health after-care advisory service provides help to parents of children in the 0-to-6 age group. Currently it operates only from 6.00 p.m. to midnight Monday to Friday and from midday to midnight on Saturdays, Sundays and public holidays. Those of us who are parents are fully aware that crises and support needs can arise at all times of the day and night.

Many parents would endorse the sentiments expressed by Karen Collier in an article on page 11 of today's *Herald Sun* headed, 'Mothers suffer the most stress', in which she made the point that being a full-time mother has been branded the world's most stressful job and that coping with children at home was rated harder than climbing the corporate ladder in a high-powered career.

Today the government is delighted to announce that mothers and fathers will no longer have to worry if there are family crises with their babies at times other than between 6.00 p.m. and midnight. There will now be a 24-hours-a-day, seven-days-a-week maternal and child health service, which is a wonderful initiative for families.

The second announcement is that Parentline, a telephone service for families with children 0 to 18 years of age, in future will be operated entirely by the Department of Human Services. It will be recurrently funded and will provide advice and counselling.

Honourable members may wonder why I make the point that Parentline will provide advice and counselling. In the past Parentline has been encouraged to refer families or post them a so-called tip sheet, but not provide advice and counselling. When parents telephone Parentline they should have the opportunity of receiving advice and counselling, and not have to wait for the postman to turn up with the relevant tip sheet. It takes some courage to ask for advice.

I will ensure that a recurrent budget line item will be maintained by the Department of Human Services to ensure that parents receive advice and counselling as required.

It is with pleasure that I announce both the services that will be co-located, with the advantage that at the point of contact the parent will be asked the relevant age of the child and instead of being referred from line to line a dedicated service will provide advice and counselling to parents as required regardless of the age of the child.

DISTINGUISHED VISITOR

The SPEAKER — Order! The Chair recognises a distinguished visitor to the gallery, Ms Annabel Young, a member of the New Zealand House of Representatives. I hope she found question time informative.

PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL

Second reading

Debate resumed.

Mr MAUGHAN (Rodney) — Before the suspension of the sitting I was telling the house about my pride in being involved with the review of the Prevention of Cruelty to Animals Act which resulted in the 1995 amendments to that act. The amendments currently being debated are set out in the bill, one of the purposes of which is to:

> … make further provision for the offence in relation to the carrying of dogs, while unrestrained, on certain vehicles on highways …

In essence it revolves around tightening up the definition of a ute. One aim of the bill was to include farm vehicles — the one-tonners with a flat top tray used by most farmers these days — which are not covered by the definition in the current legislation. The first part of the bill will amend and tighten the definition of ute; the second part will amend the method of making codes of practice.

Before the suspension of the sitting I was speaking about the evolution of codes of practice. The proposed changes are clearly set out in the minister's second-reading speech. Under the current legislation there is a four-step process to get a code of practice adopted: the first step is approval of the Governor in Council; the second is formulation of the code by the minister; the third involves the minister again seeking the approval of the Governor in Council; and the fourth is the tabling of the code in Parliament for the statutory period of 14 days. The amendments will simplify the process so the minister has to obtain permission from the Governor in Council, prepare the codes, and display them for the statutory 14 days. It shortens the process from the four-step bureaucratic process to two steps.

It is important to remind the house why the legislation was introduced. I have taken some ribbing about it and many people do not understand the reasons behind the introduction of the legislation. Before the 1995 amendments, more than 800 dogs were killed or injured each year falling from the backs of utilities and one-tonners. A survey by the Animal Welfare Advisory Council of 46 veterinary surgeons found that 46 rural veterinary practices treated about 600 dogs annually for injuries sustained from falling off utes and trucks. Forty-six veterinary surgeons treated 600 injured dogs. The survey found veterinarians in Horsham, Swan Hill, Wangaratta and Benalla each treated 40 to 50 dogs after falling off utes — a dog a week. Most of the injuries were caused by those one-tonners cornering too quickly and throwing dogs off the back of the vehicles. In many cases the injuries involved broken legs, broken thighs and head injuries. In some cases dogs had to be destroyed.

Another more comprehensive survey conducted by the Australian Veterinary Association surveyed 156 veterinary practitioners. The survey indicated that about 800 dogs had been treated following falls from trucks or trailers over the 12 months of the survey. Of those, an estimated 566 falls occurred in areas covered by rural practitioners. That says it all — 156 veterinarians treating more than 800 dogs. Clearly those figures do not cover all the dogs killed or injured after being thrown off the farm utes.

I refer to comments made by a colleague in the other place, the Honourable Jeanette Powell, who consulted her local veterinarian Dr Cathy Grant from the Shepparton Veterinary Clinic. The current figures indicate that injuries are fewer than before 1995 when the amendments were introduced. When working at Swan Hill Dr Grant treated 26 dogs a year — a dog a fortnight — injured by being thrown off the back of a ute or a truck. Many had broken legs, broken thighs, head injuries and in the worst cases had to be destroyed.

I read with a great deal of interest the comments of my very good friend and colleague in another place, the Honourable Barry Bishop. He delivered a lengthy and entertaining discourse on farm dogs. He talked about their skill, loyalty and close relationship with their owners, particularly in the farm environment. He talked about bonding and how invaluable a dog is to a farmer — part of the team. It was a very interesting speech, and I strongly suggest that honourable members who have not read it should do so.

I can relate to that. I often tell the story of how, when meeting a neighbour for the first time, he introduced himself as Bob and said, 'When you get to know me better, you will find that I'll deal in and buy and sell anything, with the exception of my wife and my dog'.

Ms Beattie — In that order?

Mr MAUGHAN — Yes, it was in that order. The point he was making was that the dog was something he would not part with. That was also the point being made by the Honourable Barry Bishop in his contribution in another place.

I too have owned working dogs. Barry Bishop talked about dogs by the name of Lass and Bob. The best dog I have ever owned was called Biddy. We were dairy

farming at the time and as soon we started getting the dairy ready — getting the cans and cleaning the vat — Biddy would be off to get the cows. I can remember one occasion when we must have been going out somewhere in the evening so we started to make early preparations by getting the dairy ready, cleaning the cans and so on — Biddy was off to get the cows at 2 o'clock in the afternoon. That example reinforces what Barry Bishop said — that dogs are intelligent and an important part of the team on a farm.

Mr Richardson — Was it an old Biddy?

Mr MAUGHAN — It was an old Biddy, but a good Biddy. Don't get me started on my old dog at the moment — it is actually my wife's dog — whose name is Murdoch. I no longer have a farm utility, but we do have an old Honda, which Murdoch regards as his car. He is very possessive about it. I, too, relate to and love dogs.

I am passionate about this legislation. There is a false impression that it applies to working dogs on farms or working cattle and sheep on the road. Comments have been made about that false impression, both privately and in the house. I want to clarify that dogs working on farms or dogs working sheep or cattle on roads are not covered by the legislation.

Section 15A(3) of the Prevention of Cruelty of Animals Act states:

> Sub-section 2 does not apply to a dog which is being used to assist in the movement of livestock.

Subsection 2 makes it an offence to have an unrestrained dog on the back of a utility or truck. So long as a dog is moving livestock on the farm or droving cattle or sheep along roads it is not subject to the provisions of the legislation.

The final matter I want to deal with is the notion that because farmers care for and love their dogs, as do other dog owners, they will not do anything to injure them, so the legislation is not necessary. I strongly disagree with that notion. I would compare that to the situation where although we all care for our family and friends we sometimes do stupid things on the road that kill and injure them. The road toll was not reduced until legislation was introduced to deal with seatbelts, drink-driving, speeding, and the like. The road toll was reduced from an horrific 1000-plus to 300 or 400. This legislation is necessary for the very same reasons — to make sure that we do look after our dogs.

An indicator of a civilised society is the way it treats its elderly, its disabled and its animals. As members of a civilised society we care for our animals. The amendments in the bill are a further step in the direction of better animal care. I welcome the bill and will not be opposing it.

Ms BEATTIE (Tullamarine) — It is with great enthusiasm that I join the debate on the Protection of Cruelty to Animals (Amendment) Bill. The contribution by the honourable member for Forest Hill, when he interjected about an old Biddy, was welcome. I, too, agree that you should have an old dog for a hard road.

I confess that I have not always been an expert on subjects addressed in bills which have come before the house and on which I have spoken. It is with delight that I join the debate as an expert. Modesty almost prevents me from claiming to be one of the pre-eminent experts on dogs in this house. As an owner-breeder and exhibitor of prize winning Irish Setters and Cavalier King Charles Spaniels I have some 20 years experience in studying animals and their behaviour patterns. I will now share some of my valuable knowledge with honourable members.

A recent survey of local councils indicated there are some 400 000 registered dogs in the metropolitan area. However, the actual number is much higher because many animals are unregistered. That illustrates the importance of dogs in society. The pet care industry — it is an industry — estimates that Australia has a population of more than 4 million dogs, and more than 40 per cent of Victorian households own at least one dog. The relationship between humans and canines is mutually advantageous: dogs depend on humans to provide food, water, shelter and love and in return humans are given unquestioned love, loyalty, support and companionship. It sounds better than some marital relationships! It is incumbent on society to treat animals in a humane way and to respect and care for them.

My preamble will lead directly to the bill. The characteristics that make up a dog — often referred to as breed characteristics — are a combination of both breeding and environment. When purchasing a dog one should insist on viewing at least the sire and dam, although one should endeavour to look at as many other relations of the puppy as possible. It is also wise to inspect dogs housed in the same kennel facility. A simple inspection will reveal whether the sire and dam are nervous or skittish animals.

Of course, if a dog is being purchased for show purposes it will need to fit the breed standard as nearly as possible. I see the honourable member for Gisborne is nodding. She, too, has a great interest in dogs, as do

the honourable members for Warrnambool and Polwarth. Anyone purchasing a dog for a particular purpose, such as hunting or working, will need to ensure it has come from stock that has fulfilled that purpose in the past.

As I said, my preamble in addressing the bill is necessary to show that a working dog needs to be treated differently from perhaps a chihuahua from Springvale. When transporting a chihuahua a small basket on the floor of the car may suffice, but a dog owner transporting an energetic working dog that is keen to do its owner's bidding must ensure it is securely tied in the moving vehicle.

When a dog is not in the cabin of a vehicle but on the tray of a ute or truck with sides it is important that it is tied securely because a sudden stop could put the dog onto the road or through the back window of the vehicle. If not securely tied the dog could fall sideways off the truck and strangle itself with its lead or be dragged along the road. Not only must the dog be secured, but it must be secured by a chain or rope of the correct length.

The type of dog that travels on the back of a truck is usually a fairly large working dog, muscly, keen and eager to work — not the sort of dog that would fit the lifestyle of a politician! One can imagine what accidents could occur if such a dog came off the back of a truck. Horrific accidents could occur from cars crashing into each other, perhaps the poor dog being run over, the driver of the car looking back to see what has happened — all sorts of things could occur.

I have not come into the house empty-handed for my contribution to the debate. I have consulted widely. Many things have been published about the treatment of dogs. Councils are now issuing excellent material to encourage responsible dog ownership. Hume City Council has issued guidelines on the registration of dangerous dogs, and dogs in public places. You can now take your dog to a park, exercise it off lead, and bags are provided for dog droppings. There is no need to transport dogs in a hapless and carefree way where they could come off the back of a truck.

As I said, I have come prepared. Apart from discussing the matter with the honourable member for Gisborne, I have consulted other experts. I have spoken to Mr Greg Browne, a friend of mine who is also a dog judge of some notoriety. He owns the world famous Eireannmada Kennels which has bred many working dogs such as Irish setters, English setters, Gordon setters, labradors, and Cavalier King Charles spaniels — although they are not great working dogs, they love sitting on couches. Mr Browne has also bred cats so he has a deep knowledge of animal behaviour and the requirements for transporting animals. He has a large kennel and often takes dogs to and from the airport, so he knows what is required when transporting dogs.

Mr Browne, who is also on the committee of the Victorian Canine Association, told me about the need to contain the dog and not let it run wild. His view is that the animal would be better in a crate or a cage securely fixed to the back of the utility or tray. I have also spoken to some farmers in my electorate. Although opposition members may think there are no farms in Tullamarine, there are farms at Bulla and Sunbury. I have consulted the farmers about their preferred methods of transporting their dogs. They told me that the best way of transporting would be in a cage securely tied to the back of the utility, and not tethering.

Responsible pet ownership and responsible transporting of dogs around Victoria should be encouraged. Victoria has taken a leading role in responsible pet ownership and the responsible transportation of animals. I will relate a story about a dog that was not transported properly. A friend of mine bought a prize-winning Irish setter from America. The dog spent 18 months in quarantine. When my friend was transporting it to a show the dog was not transported properly and was in — —

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Sunshine has breached the standing orders of the house on two occasions by walking in a line between the Chair and the member on his or her feet. I ask him to be mindful of those protocols and ensure he does not offend again.

Ms BEATTIE — The story I am relating is sadly a true story. The Irish setter was not used to the hot Australian conditions and was being transported around in an enclosed cage with no air circulating, and it died. Not only did she lose the ability to contribute to the future of Irish setters in Australia, she was also about $18 000 down the drain, as it is expensive to import dogs.

The bill is important. At first glance it is not a big bill and it seems that it should be rushed through the house. We should have a free and open debate on the bill, as has already occurred. The culture of responsible ownership of pets and farm animals should be encouraged. We should care, nurture and respect our animals. Their lives are in our hands and we should take care that their transportation is looked after. I have contributed to this debate using the expert advice of dog

people who are world-renowned experts. I commend the bill to the house and wish it a speedy passage. Finally, all pet owners and owners of working dogs should look after their dogs and treat them with the respect they deserve. I am sure they will support the bill.

Mr PLOWMAN (Benambra) — I support the comments of the honourable member for Tullamarine. It is incumbent on all dog owners, whether they have pets or working dogs, to maintain a level of support for those dogs and introduce a level of safety in the handling of dogs. I like some of the dog sayings that are relevant to politics such as, 'It's a dog's life'. It certainly is! Another is, 'It could have been won by the drover's dog'. We have heard that one before.

Mr Mulder interjected.

Mr PLOWMAN — There is that one, and the one referred to before, 'It's an old dog for a hard road'. I looked at the colour of my hair and thought that was appropriate. 'It's a bit like a dog's breakfast' refers to the current government, and 'the tail wagging the dog' represents the Independents in control of the government. If a dog is man's best friend you certainly would not want him in here, would you? There are many more dog expressions and anecdotes, which is the reason we love our dogs.

Mr Hamilton — They tell me there are no dogs in Benalla.

Mr PLOWMAN — After spending 38 years in Benalla and having bred dogs all my life, I would be surprised if there are not a few dogs in Benalla. It is the old dogs of the Labor Party, such as the Minister for Agriculture, who are inclined to distort — —

The ACTING SPEAKER (Mrs Peulich) — Order! Reflections on honourable members are disorderly.

Mr PLOWMAN — It was going to be a kindly mention, but I will leave it be.

I have owned working dogs all my life so I know that nothing can give one greater joy than getting up in the morning and letting the dog off the chain. Even the affection shown by a wife has nothing on the sheer adoration, tail wagging and jumping after the dog has been let off the chain. The dog is adoring because it can't wait to jump on the back of the ute. Working dogs have a real affinity with utes — it could be said that one was made for the other.

I was amused to read: 'Utes without dogs look distinctly odd. Splitting them up just does not sit right — they go together like real estate agents and Porsches, John Elliott and cigarettes, Carmen Lawrence and memory lapses'. I thought, 'That's a dog of an act' — so I won't mention it! Dogs have a special place in our lives. As I said, I have had great joy from owning working dogs.

Returning to the bill, the first part of the amendment addresses the unintended anomaly in the principal act, which does not include flat-tray utilities of less than 4.5 tonnes. The second part deals with the gazetting of the codes of practice. The current process is complicated and the amendment redresses that. The changes are sensible and I fully support them.

The honourable member for Swan Hill described how the codes of practice could apply to dogs on utes. He touched on the Environment Protection (Enforcement and Penalties) Bill which was second read today and concerns hay-carting trucks. His comments were about matters that are a far cry from what is commonly referred to as the dogs-on-utes legislation, but both bills are in part about the value of codes of practice.

Codes of practice are important for addressing all sorts of situations so that the best end result is achieved, as opposed to relying on legislation which invariably includes things that are not needed or excludes things that should be included. A code of practice reflects what people want done in a means that is acceptable to the community.

I confess my ignorance in still having difficulty in determining which code of practice or law takes precedence — whether it is the state or federal code or an overruling state or federal act. The honourable member for Swan Hill said that not one code of practice tested in the Victorian Civil and Administrative Tribunal has been overruled. Those decisions show that rather than specific legislation on an issue, the code of practice is a good way to install and apply a system that is acceptable to the community. I commend the freeing up of the method of establishing codes of practice.

I turn now to the issue of dogs falling off the backs of utes. I have had two experiences of having a dog falling off the back of a ute and suffering injury — in both cases it was a dislocated hip. On both occasions the dog was on the back of a ute while I was working sheep. In that situation the vehicle is being manoeuvred quickly and turned suddenly and the dog can fall off because it is not ready for the action. Unfortunately, that sort of thing will continue to happen because the legislation

will have no impact on how people treat their dogs when they are working sheep. The dog must be free.

In both the cases I have referred to the dog's hip was repaired. The dogs were out of action for a while but the injury was not life threatening. One dog had lost a leg in an earlier accident — he was a bit accident prone.

Mr Steggall — Three legs on the back of a ute with a crook driver!

Mr PLOWMAN — As the honourable member for Swan Hill interjects, three legs on the back of a ute with a crook driver! That doesn't give him a hell of a chance! People develop a great affection for and affinity with their dogs. That dog was a wonderful working dog and a great favourite of mine. I took him to the Veterinary Research Institute at Werribee, where they treated him for three weeks, got him back on to his three legs and he lived with me for another 11 years.

Mr Hamilton — It should have got a medal!

Mr PLOWMAN — I would have given that dog any number of medals for what it put up with. That story is an example of what can happen and will continue to happen even with the best intent. The beauty of the bill is that it tightens up the current legislation to cover all the vehicles that people are likely to travel in.

Although the two dogs I have referred to suffered dislocated hips, their injuries could be repaired. The main problems occur when a dog comes off a vehicle travelling at such a speed that the result is either the death of the dog or a serious injury that means the dog needs to be put down. As it addresses those circumstances, the bill is a sensible measure.

The legislation will not only reduce the number of cases where dogs come off utes but it is an educational tool. People recognise that the bill has been introduced for a good reason. It was suggested that each year between 600 and 800 dogs are treated by veterinarians for accident damage. A high percentage of them are not working dogs but big pets.

I have had labrador dogs for most of my life. If a labrador comes off the back of a ute travelling at speed the injury is usually serious. Pets are more likely to have problems than working dogs, which, by nature, have a fighting chance if they come off the back of a ute.

Dogs are a subject on which I could speak about indefinitely but I will not. I fully support the intent of the bill and am delighted to see it in the house.

Ms DUNCAN (Gisborne) — I have pleasure in speaking on the Prevention of Cruelty to Animals (Amendment) Bill, the purpose of which is to clarify the intention of the principal act and to prevent dogs on utes travelling unrestrained. The bill also changes the way codes of practice are made.

As honourable members know, a dog is also a woman's best friend. I own three dogs — Jock, Max and Dizzie — and a horse as well, but given that horses are too big to fit on the back of a ute they do not need to be restrained!

I am wondering if a dog must be a minimum size before it must be restrained when travelling on the back of a ute. My Max is very small and if she were not tethered she would simply blow away! She is much more an inside dog — a front-seat dog — and would not tolerate riding on the back. However, I do not have a ute so I need not worry — neither need my dogs!

The bill makes several improvements to the principal act. It inserts a new definition of tray, taking into account and recognising that it was intended that utes would be included in the coverage by the principal act.

Opinions sought by the Royal Society for the Prevention of Cruelty to Animals (RSPCA) from independent lawyers in 1996 concluded that under the Road Safety Act a utility is not a motor vehicle and it was likely that the current act could be challenged successfully in court — hence the need for the bill as the intention of the principal act was to include utes in its coverage.

In order to achieve that end, the bill inserts a new definition of 'tray' into section 15A(1). Clause 4 amends the principal act to simplify procedures prescribed in section 7 for making codes of practice; it allows the Governor in Council, on the minister's recommendation, to establish a code of practice which would be presented to Parliament for the statutory 14-day exposure period. It has been suggested that the amendment empowering the Governor in Council instead of the minister to establish a code of practice may minimise the opportunity for stakeholder consultation. The change is administrative and, under the principal act, the development of a code of practice must involve consultation with a wide range of stakeholders, anyway.

The animal welfare advisory committee prepares codes; as the peak animal welfare body in Victoria, its members represent the stakeholders, who include the RSPCA, the Victorian Farmers Federation, the

Australian Veterinary Association, the Lost Dogs Home and Cat Shelter, and similar organisations.

I am confident the new process will lead to a continuation of the broad consultation with those in the best position to know what they are talking about in the area of animal welfare. There is no doubt that the bill is important for those of us who love dogs dearly.

In 1994 the Australian Veterinary Association Victorian Division surveyed city and rural veterinarians about the prevalence of injuries to dogs falling from the backs of utes, trailers or trucks. The association received responses from 156 practitioners, including 65 from regional Victoria. The survey indicated that in the previous 12 months, 800 dogs — 566 of them in rural areas — had been treated for injuries arising from falls. I have no doubt the problem is more pronounced in but not exclusive to country areas.

I have seen posters in veterinary surgeries in regional Victoria — I have not noticed any in city surgeries — that depict blue heelers standing on the backs of utes. Why? I have not known anyone to use a blue heeler as a sheepdog.

Mr Steggall — It's a cattle dog.

Ms DUNCAN — Yes, I would have thought so. The problem is quite common in the city. People who travel around the city would have seen plenty of dogs on the backs of utes and working vehicles, surrounded by spare tyres, builders' boxes of tools and all manner of things. A dog can be injured not only because it has either not been tethered or not tethered properly but also because it may have been shoved onto the back of a ute with a load of other equipment.

I am reminded of a friend's dog that, sadly, passed away. Dear old Jake may still have been alive had this piece of legislation been in place 10 years ago — actually, that is not so because he would now have been 24 years of age if he were alive! Jake jumped off the back of a Toyota Hilux after spotting a cat — he hated cats. He showed good taste, I thought, in that regard! The bill, with its proposed enforcement provisions, will ensure dogs like Jake will no longer be able to jump off the backs of utes and chase cats or people. I commend the bill to the house.

Mr MULDER (Polwarth) — I will not touch on the technicalities of the Prevention of Cruelty to Animals (Amendment) Bill because honourable members who have spoken earlier have done a good job in that regard. I support the legislative amendment that protects one of man's best friends and addresses the importance of tethering a dog while it is being transported on the back of a ute. The principal act covers the use of a truck but its technicalities did not address the use of a utility, which is a major means of transport for many people.

There is no doubt about the importance of caring for animals on farms. People spend a lot of time with and invest money in animals or pets. Their tethering and protection while they are being transported is important. A good example is the effort taken by people who transport cattle and horses in floats. Some greyhound owners go to a good deal of trouble as they cart their dogs around the country in the most luxurious floats. It is important that through legislation the community protects working dogs that are the backbone of the working lives of most farmers who own cattle and sheep.

Having an untethered dog on the back of a ute is not only dangerous for the dog but also it becomes a hazard for motorists. For example, a motorist travelling behind a ute could cause a serious accident if the dog were to jump from the back of the ute into the motorist's path. In such an instance people talk about the cost of the dog's loss, but a dog wandering on a rural road can be dangerous to traffic, particularly at night. If the dog were lost, there would be ongoing costs to the farmer.

Years ago I used to wonder about newspaper advertisements that were worded, for example, 'Lost: one black and white collie somewhere between Colac and Gellibrand River; piece missing from one ear; hair missing from hindquarter; slightly lame; answers to Lucky'. Those sorts of advertisements appeared regularly. Earlier I heard honourable members talk about injuries to animals and statistics from country vets. I am pleased that the government has come on board through the bill to make sure working dogs are protected as they should be.

The practice of transporting untethered dogs on the backs of utes is common practice around farms, but is dangerous on open roads. Although the bill deals with the tethering of dogs on the backs of utes, it will not impact greatly on what happens on a farm on a day-to-day basis. A farmer has a tendency to crawl around his paddocks with his dog whose territory is the back of the ute while the dog jumps on and off the back of the ute to carry out his farm jobs.

It is incredible to see a working dog. In my early years — I think I was aged 12 — I started working on a sheep farm at Birregurra. The lady I worked for did not have a dog. I used to look at the neighbouring property to see the farmer working his dog. I thought then how great it would be if I had a dog. One day a dog turned up. Within three weeks I was hoping it would run away

because I thought it would take my job! Fortunately, the owner turned up, the dog disappeared with him and I got to stay on for quite some time.

I have read about the impact of dogs and cats on households and people's health. It has been reported that a person who has a dog or cat usually has a healthier lifestyle. It is interesting to walk through a nursing home and discover that even though you may be in a registered health facility, a dog may be wandering around. It adds a tremendous atmosphere for the residents because many would have left dogs in their homes when they moved into the nursing homes. The pets make great companions, particularly for the elderly in those situations.

I do not think anyone could possibly put a value on a good working dog. I have seen it happen in the past when a property in my electorate has been sold; the auctioneer may say, 'She's $3000 an acre, $700 a head for the cattle, the tractor's worth $10 000, the hay's worth this, something else is worth that, but hang on a minute — the dog's not included'. You wonder then whether the sale will fall through!

It is possible for a dog to replace two people on a farm. On a big farm a farmer would pay $30 000 a year for each labourer hired. A dog would not attract any Workcover premiums, superannuation, holiday pay or sick leave entitlements. It would never complain, and it is cheap and easy to maintain. It is hard to replace that type of value-added source of farming income.

It was good to hear the honourable member for Benambra talk about the feelings of going out with a dog and letting it off the chain, as it heads off on its daily work, as keen as mustard and as friendly as ever. No matter how long the day lasts, the dog keeps smiling.

I love to watch farm dogs — mainly kelpies, collies and blue heelers — at work. I have seen a blue heeler at work at Darryl Cannon's stables in Colac. It worked across the back of a horse float as young horses were being loaded; the dog was watching not only the horses but also their handlers. A dog can load a horse onto a float without injuring the handler, and that is its purpose. I think that fella would sell everything before he sold the dog.

I pay tribute to the Mulders' dogs, Milly and Penny. As fast as we breed them to make money, my wife gives them away to her patients as she travels around the district. I would like to think that I could make a quid out of them but I never will!

The bill protects some of our best friends, and I commend it to the house.

Mr MAXFIELD (Narracan) — Dogs are a part of rural life, not just as pets and companions but as working dogs on our farms and many dogs, especially in rural Victoria, travel on the back of utes. Not only do we have dogs as pets and working on farms, but many businesspeople in country areas, such as small traders and builders, often head off to work with their dog to keep them company. People enjoy spending time with their dogs — they are faithful companions and should be cherished in rural life. I endorse the bill.

Dogs, particularly working dogs, travel in the backs of utes, tray trucks, trailers and various cages. It is important to recognise the various uses to which dogs are put in their working life, including working on farms picking up cattle. Working dogs routinely round up sheep and cattle and in my area dogs are often used to bring in the dairy cattle at daily milking times. Dogs need to be able to jump in and out of utes as farmers head off to collect their sheep and round up their cattle and farmers do not need to restrain their dogs while they are doing that work. It is important that the bill reflects those needs and I am proud to say that it does.

The vast majority of farmers and other dog owners would never put their dogs at risk and they do the right thing to ensure the protection of their animals. Sadly, a few owners do not do the right thing. A 1994 survey of 150 veterinarians across Victoria — including 65 from rural Victoria — showed that 800 owners had to take their dogs to a vet following falls from trucks, utes and trailers. Of the 800 injuries, 556 occurred in rural areas. That figure is far too high and the bill is before house today to protect those animals.

Working dogs are an incredibly valuable resource. Many farmers will tell you that a dog can do the work of more than one man. If a dog is injured, the financial viability of the farm can be affected by the loss of that well-trained animal, so the avoidance of injury is critical. As I said, most farmers will do the right thing.

The bill provides that when dogs are working on farms they will not have to be restrained, but when a farmer goes into town the dog needs to be restrained — and most farmers already do that.

The other issue is the design of utes. Some people say that the high sides on most utes mean that dogs will not fall off but that it is important to restrain dogs travelling on utes with flat trays. The reality is that dogs can fall out of all sorts of vehicles, even utes with high sides. If the driver accelerates, brakes quickly or swerves to

avoid an animal or anything else on the road, the dog can unfortunately be thrown out, with very tragic consequences.

The bill requires local police and by-laws officers to implement the law in a sensible manner. I know that the police in rural areas will do that. The bill represents a good balance between protecting dogs and allowing farmers and working dogs to work on their farms.

Mr KILGOUR (Shepparton) — I am pleased to contribute to the Prevention of Cruelty to Animals (Amendment) Bill which is particularly important for country people. It gives a definition of a utility, unlike the legislation introduced by the previous government, which did not do that and therefore would not stand up in court. It is important to people in country areas that their dogs are looked after properly when travelling in the backs of utilities. The bill defines the difference between a truck and a utility in a way that will stand up in court.

Most farmers fully understand the value of their dogs. As I grew up in the Victorian country town of Katamatite I was privileged to see the famous Australian champion sheepdogs that belonged to a local stud. Mr Brendan — better known as Curley — O'Kane ran the Yarramine border collie sheepdog stud at Katamatite. Curley O'Kane's dogs included champions such as Lance and Lass and Whisky. Then came the dog with the best name in Katamatite — Yarramine Collingwood. Was it any wonder that Collingwood was an Australian champion sheepdog?

Curley O'Kane's dogs were good at their work. I remember being on his irrigation property, which was about 6 kilometres from his dry property. We would take the sheep, set them on the road and then go into Katamatite for lunch. When we went to the dry property after lunch the sheepdogs would have the sheep at the gate ready to be put into the paddock! There would be Yarramine Collingwood, who had beautiful Collingwood black and white fur, sitting in the middle of the road with his tongue hanging out, and virtually saying, 'There we are — put them into the paddock'.

Curley O'Kane fully understood the value of his dogs, and although he had a Zephyr utility with sides on it, he always had a cage for his dogs to make sure they were not tampered with and could not fall out as he was driving along the road. People like him have a full understanding of the value of dogs and they ensure that the government brings in legislation so that dogs are looked after. I commend the bill to the house.

Mr LANGUILLER (Sunshine) — I am pleased to put on record my views about this important measure, the Prevention of Cruelty to Animals (Amendment) Bill. I am particularly happy to hear members speaking warmly about dogs and about how much we care for them. I am sure that our feelings stretch to our parliamentary colleagues, friends and relatives.

The main intent of the bill is to ensure that there is no misunderstanding about what might constitute a utility, a car or a truck. The bill sends the clear message that whether one drives a ute, a tray truck or a trailer, any dogs travelling on the back must be properly and adequately restrained.

There are quite a number of dogs in my electorate of Sunshine, including bull terriers, German shepherds and blue heelers — and I have a blue heeler. In the main they are well looked after and well behaved. However, dogs must be restrained and honourable members must remind their constituents that if they do not restrain their dogs the legislation provides for fines to be imposed. I am confident that the law will be implemented to ensure that we protect our animals as well as we protect people.

It is estimated that across Australia in the past year about 5000 dogs have been injured due to falls from utilities, trucks and trailers, and that in the past five years up to 15 800 dogs have been injured in falls. That is a significant number of injuries and unfortunately many of the injured dogs have had to be put down.

Ultimately, the duty of care lies with dog owners, whose responsibility it is to ensure that animals are well looked after; but it is important that animals have freedoms and that their entitlements are met. Whether the dogs are female or male, they come high on the list of friends; they are our second-best friends.

Dogs must have freedom from hunger and thirst. They must have access to fresh water and a proper diet to maintain their good health and vigour. They must be free from discomfort. An appropriate environment, including shelter, must be provided. Dogs must have freedom from pain and injury. It is up to us to ensure we do everything we can to prevent injuries, to rapidly diagnose potential illnesses or conditions and to ensure treatment is available to dogs when required.

Dogs must also have freedom to engage in their normal behaviour. That is an important point. They have to be able to develop in themselves. They need to have sufficient space, proper facilities and the company of animals of their own kind. They must also have freedom from fear and distress.

In conclusion, I encourage all honourable members to read an interesting report on research conducted by Monash University and Melbourne University which clearly suggests it is good and positive to have relationships with animals and that both animals and human beings can benefit from that. I put on record that worthwhile recommendation and commend the bill to the house.

The ACTING SPEAKER (Mrs Peulich) — Order! In view of the opening comments of the honourable member for Sunshine, it is appropriate that the honourable member for Wimmera should be the next speaker.

Mr DELAHUNTY (Wimmera) — It is with a great deal of interest that I contribute to debate on the Prevention of Cruelty to Animals (Amendment) Bill, better known as the Dogs in Utes Bill or the Noel Maughan Bill. I am worried about the word 'in' because we are talking about dogs travelling on the outside of vehicles, not on the inside.

Many other speakers have spoken about the relevant technical data. I want to contribute to the debate something from my background. Farmers, builders and many other people in the Wimmera community are concerned about the welfare of their dogs. As a farmer's son and a former farmer, I will relate my comments to my experience.

On a farm a good dog is worth its weight in gold. My father is a great proponent of dogs being looked after properly. Watching a good dog working is a real treat. Honourable members should make a point of attending a sheepdog trial to see a good dog in action. Also, dogs-in-utes competitions are held in Warrnambool and other places.

An honourable member interjected.

Mr DELAHUNTY — A dogs-in-utes competition was held in St Arnaud. I wonder whether the Minister for Agriculture might have a little money in his discretionary account to sponsor some of those dogs-in-utes competitions.

Going back to my experience, over a long period my father was a great proponent of the welfare of dogs. He was protective of his dogs and keen to ensure when he was travelling along a road that a dog in his vehicle be tethered. He had a great love of red and black kelpies. His favourites were Rusty, Nigger, Jock and — his no. 1 dog — Jacko.

Mr Hamilton — He didn't play for Geelong, did he?

Mr DELAHUNTY — No, he did not. He was a good dog but he couldn't kick goals. My father still loves driving around the farm with his dogs and his family. That created a bit of a problem when one of his sons-in-law was in the ute, too. When his dog Jock was in the back my father would scream out, 'Jock, get away back there!'. His son-in-law was not sure whether my father was talking to him or to his dog. It was a bit of a problem because we were not sure — —

Ms Delahunty — On a point of order, Madam Acting Speaker, the rules of this place require that no member should cast aspersions on any other members or their spouses. I ask you to draw the honourable member for Wimmera back to the bill and to ask him not to cast aspersions on family connections, however entertaining they might be.

The ACTING SPEAKER (Mrs Peulich) — Order! There is no point of order, particularly as the Acting Speaker was distracted by the Clerks. I will not embark on resolving a family dispute!

Mr DELAHUNTY — That created some problems, as the dog Jock was around at about the same time as the future son-in-law was on the scene. My father and mother and the rest of the family were very sure of the dog called Jock — we knew he was faithful and obedient — but we were not sure of the new brother-in-law.

In conclusion, the welfare of dogs is important to our family and to all farmers and rural people. Members of our family often had to come home early from a function to feed or water the dog. We had to ensure it had had a run and had good housing for the night. My father was sometimes more fastidious about the dog than about his children, but my mother picked up in that area.

I was talking to my father this morning. He reminded me about an expensive sheepdog that was travelling in the back of a ute while tethered with a lead that was far too long. A person from Murtoa had bought the dog in Donald and, because the lead was too long, lost the dog. The honourable member for Rodney mentioned that over 800 dogs a year are killed in falls from the backs of utes. The bill is important in clarifying the minor problems that exist. I have no worries about supporting the bill.

Mr SMITH (Glen Waverley) — As a city member I have a great deal of pleasure in speaking on any bill that will stop cruelty to animals. All honourable members are in the business of preventing cruelty to animals, but this is the sort of bill that those in the Thought Police on

the other side of the house could have a great deal of fun enforcing. I only hope the Labor Party enforcement arm decides it will take the bill in the spirit in which it was meant to be taken — as an amendment to define a truck. That is the important provision of the bill.

As many members representing country electorates have said, a person with an overzealous clerk mentality would not want to be employed in implementing this measure, as has been seen on the other side from time to time — an area members opposite excel in. I caution the minister not to go overboard in the administration of the bill. The light-hearted spirit of debate this afternoon reflects the way in which the lead speaker for the opposition, the honourable member for Swan Hill, enunciated the opposition's attitude to the bill. Anything that will stop cruelty to animals and particularly to dogs I fully endorse, being a dog owner and, like other members, having had a great deal of fun with dogs.

Mr Richardson — What's the dog's name?

Mr SMITH — For the benefit of the honourable member for Forest Hill, the dog's name is Skip, an intelligent, good dog that is able to give us great pleasure. I ask the Minister for Agriculture to ensure the bill is implemented in an even-handed and fair manner.

The SPEAKER — Order! The minister has 35 seconds.

Mr HAMILTON (Minister for Agriculture) — It will take me longer than that to read out the names of the members who contributed to debate on the bill! I thank all honourable members for their contributions and the spirit in which their contributions were made. I wish this important bill a speedy passage.

Debate interrupted pursuant to sessional orders.

The SPEAKER — Order! The time appointed under sessional orders for me to interrupt the business of the house has arrived. I am required by the sessional orders to put the relevant questions.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

FLORA AND FAUNA GUARANTEE (AMENDMENT) BILL

Second reading

Debate resumed from 21 March; motion of Ms GARBUTT (Minister for Environment and Conservation).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion Mr HAMILTON (Minister for Agriculture).

ADJOURNMENT

Mr HAMILTON (Minister for Agriculture) — I move:

That the house do now adjourn.

Planning: Nillumbik scheme

Mr PHILLIPS (Eltham) — I direct to the attention of the Minister for Planning the new-format Nillumbik Planning Scheme. Can the minister assure the house that he will maintain the commitments given by the previous minister to a number of residents in the expectation that the independent panel would recommend certain actions?

I raise in particular the matter of Mr and Mrs Wozniak, who, like the hundreds of people who made submissions to an independent panel appointed last year for subdivisions or rezoning, seek to create a two-lot subdivision at 250 Christian Road, Cottles Bridge.

The panel made a number of recommendations to the Nillumbik Shire Council on amendments to its new planning scheme, one of which was that a two-lot subdivision be approved at 250 Christian Road, Cottles Bridge. The property is about 10 hectares in area and the intention of the applicants is to subdivide it into two lots of 4 hectares and 6½ hectares respectively, as the panel recommended. Four hectares is about 10 acres, so 6 hectares would be about 15 acres.

I ask the minister to continue with commitments given to Mr and Mrs Wozniak by the former Minister for Planning and Local Government, the Honourable Rob Maclellan, and supported by Nillumbik council officers and the independent panel. I ask also that when the

minister makes his final recommendations concerning the planning scheme he will ensure that the new scheme will enable Mr and Mrs Wozniak to continue their building project and keep commitments they have made to others.

I am aware that the panel recommended certain environmental conditions under section 173 of the Planning and Environment Act to do with cleaning up the creek and the land.

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

Police: Bacchus Marsh station

Ms DUNCAN (Gisborne) — I raise for the attention of the Minister for Police and Emergency Services a matter concerning the police station at Bacchus Marsh. Will the minister take action to meet the Bracks government's commitment to building a new police station in the town of Bacchus Marsh? Because of population increases the current station has become inadequate. The facility is no longer appropriate and the number of police officers stationed there is not sufficient to provide full police coverage to the town. The matter is of great concern to the community.

The number of break-ins and attempted break-ins that have occurred in the area during the past few months has again raised the issue of community safety in the minds of the community. The reduction in police numbers over the past few years has raised great concerns among people in communities such as Bacchus Marsh who, like residents of many other smaller towns, worry that if no police are available at their local stations they must rely on police from nearby towns.

At Bacchus Marsh, if there are no police at the local station police must come from Melton — although with the community policing changes they may need to come from even further away. That is unsatisfactory for a town such as Bacchus Marsh, which in the past 10 or so years has grown considerably.

No other towns with 24-hour police stations are situated between Melton and Ballarat. By way of example, I compare Bacchus Marsh with Kyneton, a town which is also in my electorate. Although Kyneton has a population of only 5000 people it has a 24-hour police station; Bacchus Marsh has a population of more than twice that, but does not have a 24-hour station.

A 24-hour police station in Bacchus Marsh would not be just a facility void of people; it would actually have staff in it. To staff the 24-hour police station 6 sergeants and 24 other officers would be required. Such a facility would be an excellent addition to the town, and I ask the Minister for Police and Emergency Services what action he is taking to meet his commitment to the people of Bacchus Marsh.

Regional Infrastructure Development Fund

Mr DIXON (Dromana) — I ask the Premier to clarify whether the Mornington Peninsula Shire Council will be eligible to receive funds from the Regional Infrastructure Development Fund. I raise the matter because it seems a contradiction has arisen between what has been said by the Premier and the statement that has been issued by the Minister for State and Regional Development about the Mornington Peninsula shire's eligibility for the fund.

The schedule to the recently enacted Regional Infrastructure Development Fund Act did not list Mornington Peninsula shire as one of the eligible shires. However, when the Premier visited my electorate about six weeks ago — —

Mr McArthur — How did he get there, incidentally?

Mr DIXON — By helicopter. He said publicly that he thought the Mornington Peninsula shire should be included in the fund and waxed lyrical about the great benefits it would bring to the shire. There were many witnesses to his comments, which are on the public record.

The contradiction was entrenched when the Regional Infrastructure Development Fund guidelines were finally issued a couple of weeks ago. The Mornington Peninsula shire is missing from the list of eligible shires contained in those guidelines. Just this week a local Labor Party identity in the area said the Premier should ensure that the guidelines are reprinted to include the Mornington Peninsula shire. I gave the Premier that opportunity six weeks ago when I wrote to him asking him to clarify the situation. I have received no answer from the Premier — not even an acknowledgment.

There is enormous interest in the fund as a result of my building up interest in it, as the Premier asked me publicly to do. I again ask the Premier to either reconfirm what he said publicly about the Mornington Peninsula shire's eligibility for the fund or acknowledge that he has made a mistake and has totally contradicted the Minister for State and Regional Development.

Operation DEFY

Ms ALLAN (Bendigo East) — I raise for the attention of the Minister for Transport a serious and important matter concerning my electorate of Bendigo East, and I ask him to investigate a commitment given by the former Premier to Operation DEFY — which stands for driver education for youth — during the last state election campaign.

Operation DEFY was formed last year as a direct result of a fatal motor vehicle accident in which four young Bendigo people lost their lives. The parents and friends of those young people formed an alliance with an existing organisation in Bendigo called CARDEC. Their aim was to establish a driving education centre to give young learner and probationary drivers skills to assist them when they become licensed drivers on our roads. Those skills may save the lives of young people on the roads like the four young people who tragically lost their lives last January.

Operation DEFY has received overwhelming support from the Bendigo community. Our community is close-knit, and the tragic loss of those four young people was felt deeply by many people in Bendigo. The City of Greater Bendigo has donated $500 000 for Operation DEFY to commence running programs, local motor car dealers have donated five cars and the Shell service station has donated fuel. Tens of thousands of dollars has been raised by the Bendigo community through collection tins and raffles.

The Minister for Transport is aware that I have written to him about the matter. Members of Operation DEFY approached the former government for funding. The former Premier, Jeff Kennett, flew into Bendigo two days before the state election and announced funding of $50 000 for Operation Defy. Unfortunately, that commitment was not funded by the former government, and I condemn the former Premier for using Operation DEFY as a political football and raising the hopes of that group only to leave them hanging when he was defeated. Representatives of the group came to see me because they were deeply concerned that they would not receive the $50 000 as promised and widely publicised through the media and because they believed they had been used.

I am pleased, as the member for Bendigo East, to be supporting the push for Operation DEFY to receive funding. I strongly believe it is a valuable program for young people in Bendigo and central Victoria and will go towards saving the lives of young motorists. I am sure many members of the house also believe that.

I ask the Minister for Transport to investigate the commitment given by the former Premier and to provide advice to me and the representatives of Operation DEFY about what funding the Bracks government may be able to provide for the group. Such a commitment would be funded, unlike that of the former Premier, who chose to blow in and blow out of Bendigo two days before the state election and used the issue as a political football.

Winchelsea: wool sports championships

Mr MULDER (Polwarth) — I refer the Minister for State and Regional Development to a matter concerning the wool industry in Victoria and I call for it to be supported. The wool industry in Victoria is undergoing a long-awaited rise in optimism about its outlook for the future. In particular, fine wool prices are at their best for many years.

The township of Winchelsea, which is in my electorate, has a can-do attitude. That small community continually astounds surrounding regions by its ability to support community services and functions. Wherever one looks around the township one sees a community handprint, especially in the area of aged care. Winchelsea is surrounded by woolgrowers, and the entrepreneurial township wishes to recognise the importance of and support the wool industry in Victoria.

The Eastern Reserve Development Committee, chaired by Daryl Leak, is seeking state government support for the development of the Australian wool sports championships. The unique team events at the championships will revolve around the five disciplines of the wool industry: shearing, wool classing, wool pressing, rouseabouting and sheepdog trials.

The Surf Coast Shire is supporting the Winchelsea community in the establishment of that major event. It is purchasing land adjacent to the existing oval to cater for the event and to centralise all Winchelsea's sporting activities.

The Winchelsea community believes the establishment of the Australian wool sports championships will provide ongoing financial support for the Eastern Reserve and will use the money raised for capital works and to maintain and improve the reserve as the need arises.

Winchelsea's sporting bodies have embraced the Australian wool sports championships and are prepared to unite and work voluntarily to make the event an annual drawcard for Winchelsea. From what I know of

Winchelsea the event will succeed, but it will need state government support.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Polwarth has 1 minute to ask the minister to do something.

Mr MULDER — I ask the minister to support the Winchelsea community and the Eastern Reserve by providing funds to assist them in getting that worthwhile project up and running. I urge the minister to make a grant to the Winchelsea community of $40 000 for the event.

Prior to the last election the Labor Party pledged to support communities throughout regional and rural Victoria. The Winchelsea community is anxious for the government to assist it on this occasion. This is an opportunity for the government to put its money where its mouth is. The people in my electorate believe this is the first test of the government's support for regional and rural Victoria, particularly small towns like Winchelsea. Winchelsea is part of the Surf Coast Shire, but the shire is committed to infrastructure works on the Great Ocean Road and townships like Winchelsea require additional assistance.

Road safety: Easter campaign

Mr SEITZ (Keilor) — I direct the attention of the Minister for Police and Emergency Services to a matter of great concern to the people of my electorate, especially as it is located between the Western and Calder highways. The school holidays have commenced and the Easter long weekend is approaching. Easter is a time when Victorians must take special care on the roads. The emergency services in my area are very stressed during the Easter break because of the number of road accidents that occur, often involving fatalities. I ask the minister what plans he has to educate the community about the dangers of driving during the coming period to ensure there are fewer road accidents and fatalities.

The main roads leading out of Melbourne will have increased traffic volumes during the Easter period and many people become impatient. It is likely there will be road rage incidents during the period. An education program is particularly important and effective prior to and during the Easter period. During the Royal Children's Hospital appeal on Good Friday child victims of road accidents are often shown on television and it touches our hearts.

I ask the minister to take action to promote the dangers of driving, especially during the Easter period, by advertising on television, on radio and in the print media, including in country areas. All honourable members know of the problems experienced when younger drivers go out raging on the long weekend. It is important to do everything possible to minimise the number of road fatalities, particularly in country areas. Many accidents involve young drivers who often assume that they are the only ones using the road and take the dangers that exist for granted.

Many drivers who live in metropolitan Melbourne are not familiar with narrow country roads. An accident often occurs when a driver swerves to avoid an oncoming vehicle and his or her car perhaps leaves the road and hits a tree. I implore everyone — the minister, the government and the opposition — to do everything they can during the Easter period to ensure there are fewer road accidents and fatalities.

Schools: Heany Park and Lysterfield

Mr LUPTON (Knox) — I raise for the attention of the Minister for Education the need for an additional school to assist children who attend the Rowville cluster of schools in my electorate. In 1998 the Heany Park Primary School approached me about its growing school population and its belief that it will be deprived of additional development opportunities. The development will be needed because of the number of vacant lots available in the area.

Bovis McLachlan Pty Ltd has produced a report on potential long-term school requirements in the area. The school council of Heany Park Primary School believes the report is offensive. The affected area has 3430 undeveloped lots. The primary school currently has 665 enrolments, with 94 in year 6 and a prep enrolment of 90 at the Liberty Avenue preschool. Lysterfield Primary School has a school population of 568, with 52 in year 6 and a prep enrolment of 78 at Murrindal preschool. The primary schools and preschools are close by each other.

Both schools are concerned that the sites on which they are built are below the size required for their respective school populations and that there is not sufficient room for them to erect additional buildings to satisfy expected increases in enrolments. In 2004 Lysterfield Primary School is expected to have a peak enrolment of 1018 students, yet the school has been told it was designed for no more than 450 children.

The Bovis report states:

> As all schools currently have an enrolment in excess of the proposed long-term enrolment, the existing five sites can readily accommodate students irrespective of topography and existing adjacent land uses. As all schools sites are

> recommended to be retained a detailed study of adjacent land use and topography is not considered necessary.

Somehow or other this mob — Bovis — has come up with the magical figure of 450. That will be the long-term enrolment, but nobody will define what long-term is.

The school communities are asking for a decision to be made on whether another school can be built in the area. The report was first requested during the time of the previous government, and it would appear that the figures provided and used by Bovis are old and out of date and that the conclusions reached are totally out of whack.

Two primary schools — Heany Park and Lysterfield — do not have enough land to accommodate the additional necessary but temporary classrooms.

Fox FM promotion

Mr NARDELLA (Melton) — I ask the Minister for Transport to take action to have Vicroads talk to radio station Fox FM about its special offers to motorists, which lead to traffic jams, especially at peak times.

Earlier in the week I received a number of complaints about a traffic jam that occurred last Friday during peak hour on the Western Highway at Deer Park. Fox FM ran a promotion at the Ampol service station at the corner of Robinsons Road and Western Highway which involved selling petrol at 15 cents a litre. While I welcome the station's special offer, I point out that the traffic jam caused by queuing cars was most unfortunate for the motorists, truck drivers and business people who were trying to carry out their ordinary business or just trying to get home.

The promotion caused severe congestion and disruption to traffic flows. The congestion blocked the highway in both directions — that is, towards Ballarat and towards Melbourne — and two police officers were forced to direct the traffic outside the service station. The police officers faced a losing battle. Cars travelling towards Ballarat were doing U-turns and driving back to the Ampol station, thereby causing dangerous situations. It was an absolute mess. Once cars were in this traffic jam they could not get out and could not use alternative routes. The confusion could have led to accidents or an emergency.

One constituent of mine, Mrs Marion Martin, eventually turned right from Station Road onto the Western Highway to get to her home, which was about 300 metres down the road, but to move that short distance took her one and a half hours. The traffic blocked not only Station Road and the Western Highway but would have affected the Western Ring Road as well. Had emergency services been required to attend an emergency in the region, they would have had difficulty getting through the massive traffic blockage.

Organisations such as Fox FM should notify Vicroads and the police of any planned promotions so community safety and traffic flows can be maintained. There is also a responsibility on the part of the radio station to ensure that similar massive disruptions do not occur during peak times as they may affect people in the community who are not interested in the station's advertising promotion.

Albury–Wodonga oncology centres

Mr PLOWMAN (Benambra) — I refer to the Minister for Health, and in his absence the Minister for Community Services, a matter concerning an oncology centre proposed to be built in the New South Wales city of Wagga Wagga. I am concerned because recently an oncology centre was established in Albury–Wodonga to meet radiotherapy needs in the catchment area of north-eastern Victoria and southern New South Wales, which includes Wagga Wagga.

In a letter dated 7 August 1998 the federal health minister, Dr Michael Wooldridge, advised the federal member for Indi of the outcome of an independent panel decision to grant funding to Wodonga for the building of the centre. The letter clearly states that the facility is for the Wagga Wagga and Albury–Wodonga region.

A further letter dated 6 August 1998 to Dr Jim Matar, the oncologist running the Wodonga centre, states that the centre would:

> … provide radiotherapy services to all patients in the Wagga Wagga and Albury–Wodonga areas.

I have referred to that correspondence to make it quite clear that when the radiotherapy centre was proposed for and built in Wodonga at great cost, both state and federal governments agreed that it should be for the total area and that another facility in Wagga Wagga would be inappropriate. The letter from Dr Wooldridge also states:

> I am writing to advise you of the outcome of applications for health program grant funding to assist in the establishment of a radiotherapy facility in the Wagga Wagga, Albury–Wodonga region.
>
> …
>
> … the department sought advice from a range of sources including state health authorities and the Royal Australasian College of Radiologists.

> Taking the above information into account, I am pleased to inform you that I have approved the application from East Melbourne radiation oncology centre (EMROC) for health program grant funding for the establishment of a radiotherapy facility in Wodonga, to be established at the Clyde Cameron Memorial Hospital.
>
> …
>
> The establishment of this radiotherapy facility in Wodonga will meet the patients' needs for access to this service in this fast-growing region of rural Australia.

I ask the minister to approach his New South Wales counterpart and point out not only that it is a waste of money to build two radiotherapy centres but also that if both centres are built neither will be viable. The East Melbourne radiation oncology centre provided about $5 million to build the centre in Wodonga — —

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

Parenting support services

Mr MAXFIELD (Narracan) — I raise with the Minister for Community Services — and a fine minister she is too — the issue of parenting support services, particularly in the Gippsland region. I am concerned about funding for regional parenting resource services, and I ask the minister whether she can act on the issue of ensuring funding to secure the future of parenting services across the state as well as in Gippsland.

That issue is close to my heart and to the hearts of many families and parents across the state. Parents need ongoing support. These days families are made up in many different ways and are under increasing strain from heavier workloads and longer working hours. The government needs to support families in as many ways as are humanly possible. Counselling is required in many family situations where people are under stress. Stress in a family can be caused by a family tragedy, by working through the difficulties of childhood, or by problem gambling resulting from the explosion of poker machines in many regions, which is having an enormous impact on Victorian families.

Unfortunately the Kennett government regarded families as economic units to be defined under economic rationalism — as if we could define our families in dollar terms. Our families are the foundation of our entire society. We work for and live through our families. The time has come to show increased support for families in the community. The government must ensure that families are backed and supported in every way possible.

I am keen to hear from the minister not only her views on the issue but also what she is going to do about it. It is comforting to know that Victoria has such an experienced and capable minister in charge of community services.

I will give some background to the issue. Many parenting support services currently operate in the state, including the Victorian Parenting Centre, regional parenting resource services, the Positive Parenting program, which includes family intervention services, and Parentline.

Those sorts of services are critical to providing support and backup for families. When I was elected to Parliament I personally pledged to support families in every way possible, because they are the backbone of communities and Victorian society. I look forward to continuing support of families and communities by the Bracks government.

Schools: Bentleigh

Mrs PEULICH (Bentleigh) — In the absence of the Minister for Education I raise for the attention of the Attorney-General a matter regarding outstanding physical resources management system (PRMS) funding for schools in the Bentleigh electorate.

Most of the schools with outstanding PRMS funding needs are in category 2 and fully expected that those needs would be met in the forthcoming budget. It is hoped the budget will be delivered as it has been over preceding years — that is, fairly and impartially, irrespective of in which electorate a school is located and with the sort of allocation to education that has been experienced in the past. I call on the minister to ensure that those two things are delivered, even though she did not make it onto the budgetary economic review committee.

Responses

Ms CAMPBELL (Minister for Community Services) — An amazing array of issues has been raised this evening, but the issue I will address first is the issue raised by the honourable member for Narracan. In question time today I announced that two wonderful services are to be expanded and delivered by the Department of Human Services on a recurrent basis.

The Parentline service will be available to parents throughout Victoria for counselling, advice and support at any hour of the day or night. Maternal and child health services will also now be available throughout Victoria 24 hours a day, seven days a week, because it

is important that parents receive help when they require it.

There is another component to the government's exciting parenting services initiative. Currently in Victoria there are nine regional parenting support services, one of which was referred to by the honourable member for Narracan. Gippsland Regional Parenting Resource Services operates in the Gippsland region and requires ongoing support and funding. I have received strong representations from the honourable members for Narracan and Morwell on this valuable service.

I am pleased to announce that funding for not only that service but other regional services will be extended until the end of the year, by which time a paper on the future direction of parenting services will be available for consideration.

The other wonderful initiative to assist parents is the continued support for the Victorian Parenting Centre. The service currently receives $400 000 annually to cover its core functions of research and evaluation, the training of professionals who work with parents and the coordination of parenting services. The nine regional parenting services, one of which is Gippsland regional parenting resource services, receive $1.62 million annually and provide an invaluable service. The current funding for the Victorian Parenting Centre was due to cease in September 2000 but will now continue through to June 2001.

I turn to the issues raised by other honourable members. I will pass on the matters raised to the relevant ministers. The honourable member for Eltham raised a planning issue regarding a Cottles Bridge site. He sought an assurance that commitments given by the previous minister will be supported by the present minister, and he asked that a two-lot subdivision in line with the independent panel recommendations — —

Mrs Peulich — On a point of order, Madam Acting Speaker, the convention of the house has been that most ministers are in attendance during the adjournment debate. Occasionally an individual minister may be away from the house because of other obligations, but it is appalling that only one minister is present to answer the concerns of so many opposition members who have made representations on behalf of their constituencies. It is absolutely shameful. The Labor government is shutting down democracy in Victoria.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Bentleigh has made her point. I suggest she cease interjecting in that tone of voice.

Ms CAMPBELL — On the point of order, Madam Acting Speaker, no standing order that refers to ministers being obliged to be in the house is available to any member. The honourable member made the point that it is a convention of the house, and wherever possible ministers will be in the house. There is no point of order.

Ms Asher — Further on the point of order, Madam Acting Speaker, it is a convention that ministers be present.

Ms CAMPBELL — It is not a standing order.

Ms Asher — It is a convention. I am happy to indicate to the house that for three and a half years I attended every single adjournment debate.

The ACTING SPEAKER (Ms Davies) — Order! There is no point of order. The fact that the convention exists is irrelevant in this situation.

Ms CAMPBELL — The point raised by the honourable member for Dromana was referred to the Premier. It related to the Regional Infrastructure Development Fund and the eligibility guidelines, which in the honourable member's view should have included the Mornington shire. I note that the honourable member is not in the house to hear this reply. However, I will pass the question on to the Premier. The honourable member said he had enormous interest in both the issue and the fund. It is a shame he is not still in the house!

The honourable member for Bendigo East raised a matter for the Minister for Transport relating to a commitment by the previous Premier. The story is one we have heard on many occasions, and it is absolutely shameful. The previous Premier went around Victoria making commitments to fund this or that organisation or pet project, but there was never a line item in the budget to fund it. I note it was said at question time that the Premier was able to fund one of his own pet projects to the tune of $120 000. However, he did not bother to allocate funds to Operation Defy, which has been organised by parents and friends of those deeply affected by the deaths of four young people in Bendigo. I will pass on the honourable member's concern to the Minister for Transport.

In raising a matter for the attention of the Minister for State and Regional Development the honourable member for Polwarth mentioned Winchelsea and its can-do attitude. Having met with the people of the

Winchelsea neighbourhood house, I can testify to the very can-do attitude of all those involved in it. I will pass on to the minister that the member for Polwarth is keen for state government funding to be allocated to support the Australian wool sports championships.

The honourable member for Benambra raised a matter for the attention of the Minister for Health about approaching the New South Wales government because, in his view, an oncology centre to be built in Wagga Wagga will make the Albury–Wodonga centre unviable. I shall pass on the matter to the minister.

Ms DELAHUNTY (Minister for Education) — The honourable member for Knox raised concerns about the Heany Park and Lysterfield primary schools and the school provision report which, as he would know, was initiated under the previous minister and government to assess the long-term requirements of a new primary school in the Rowville area.

A consultant report concluded there was sufficient capacity within the existing schools in that area to accommodate both medium and long-term enrolments as projected. I am advised that the long-term enrolments reflect the assessment of potential government primary school children when the area is fully developed and mature. Medium-term enrolments in the area will be a little higher than the longer term enrolments because the area has still not achieved that full development.

The consultant indicated there is sufficient capacity in the existing schools to accommodate all students. If any particular school, however, is under pressure or feels that it might be under pressure from the others, I shall recommend that the principal and the regional officer immediately convey that information to the department to develop a management plan so that the provision for all schools is catered for.

The honourable member for Bentleigh, in her usual vitriolic way, sadly lowered the tone of this place. It was not necessary.

Mr Leigh interjected.

Ms DELAHUNTY — That is a good point from the honourable member for Mordialloc. It is true that empty vessels make the most noise, and Geoff Leigh is certainly very noisy.

The honourable member's question related to the physical resources management system (PRMS) allocations. As the honourable member would know — I know she is watching the education portfolio closely and is delighted with the view of school communities about the change of government, the additional teachers and funds, and the valuing of public education — the government recently announced a program of $20 million in PRMS allocations so that schools identified through the PRMS audit will have the money they require to carry out maintenance.

I have asked the department to re-audit the maintenance requirements of every school in the state. It was about five years ago that a PRMS audit was conducted under the last government. The coalition did it once and left it because it was not a priority: it simply identified and forgot.

Mrs Peulich — On a point of order, Madam Acting Speaker, I am sure the minister would not inadvertently wish to mislead the house.

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member to specifically make her point of order.

Mrs Peulich — The minister should not mislead the house. She knows full well that PRMS was established only a few years ago.

The ACTING SPEAKER (Ms Davies) — Order! Will the honourable member for Bentleigh take her seat. I remind her that it is the custom and practice of the house that when the Chair rises the honourable member should take her seat.

The honourable member for Bentleigh should raise her point of order; otherwise, I will ask her to sit down and remain seated.

Mrs Peulich — I have raised my point of order. I said the minister is either inadvertently or deliberately misleading the house about the establishment of the PRMS program.

The ACTING SPEAKER (Ms Davies) — Order! There is no point of order.

Ms DELAHUNTY — What an astonishing performance! On every adjournment debate there is wild, vitriolic fire aimed in no particular direction.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Mordialloc will cease interjecting across the table.

Ms DELAHUNTY — I came into the chamber because it is my responsibility to answer questions from honourable members about their schools. All my ministerial colleagues and I take the responsibility

seriously. I remind the house that during the adjournment debate under the Kennett government, the opposition asked questions of empty government benches — the seats were absolutely empty. One minister would reluctantly sit at the table and glare at opposition members for having the temerity to ask questions related to their electorates.

The response was never as detailed as that provided by the Minister for Community Services. Former government ministers simply dismissed the rights and responsibilities of opposition members to ask relevant questions. Let's be fair and not revise history. The fact is ministers are here, available and anxious to answer questions. I expect members on the other side of the chamber to ask questions and leave aside the abuse.

In conclusion, I have asked the department to re-audit the maintenance requirements of every single school in the state, and it will be completed by the end of the year. The next maintenance program to be announced early next year through the Department of Education, Employment and Training will be based on the new audit data. The government has allocated more than $30 million over three years for maintenance, which I am confident will begin to redress the problems the honourable member for Bentleigh has raised.

The ACTING SPEAKER (Ms Davies) — Order! The honourable members for Gisborne and Keilor raised issues for the attention of the Minister for Police and Emergency Services. I ask the minister to also respond to the issue raised by the honourable member for Melton about traffic jams on the Western Highway. It was raised for the attention of the Minister for Transport, and the Minister for Community Services forgot to refer to it in her response.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Gisborne raised the issue of the Bacchus Marsh police station — an issue dear to her heart. She has been passionate, committed and persistent in pursuing the issue.

Bacchus Marsh police station was built for a small rural town on the outskirts of Melbourne. The township has since become a vast and sprawling satellite city — part of the greater Melbourne area. It has grown way beyond the size of the community the Bacchus Marsh police station was originally designed to serve. For that reason, on the urging of the then Labor candidate for Gisborne, the Labor Party committed to providing a new 24-hour police station to service the needs of the rapidly growing community of Bacchus Marsh. The commitment was made for the first term of the government.

The honourable member has indicated the need for a 24-hour police station is becoming desperate and the new facility should be built sooner rather than later. My assessment is that her comments are accurate. Labor has committed itself to a number of police stations repeatedly overlooked by the previous government. All of those commitments will be honoured during the government's four-year term.

At what stage they will be delivered during this four-year term of government is a matter of budgetary priority. I will take the honourable member's comments to the Treasurer and try to live up to her request to have the provision of the police station brought forward as a matter of urgency. The station will be built during this term, and unlike what happened under the previous government it will have police in it. The government builds police stations and puts police in them. It is not in the business of having pubs with no beer, like the previous government.

The current government will build over 20 new police stations during the course of this Parliament, and will also engage an additional 800 police officers — that is, over and above the number that previously existed. The previous government cut police numbers from over 10 300 to below 9500. The government will ensure that the police force is restored to full strength and that police stations have police in them. Building a police station without putting police in it is a little like building a church without a congregation. All honourable members remember the previous Minister for Police and Emergency Services proudly opening a number of country police stations and then locking their doors because there was nobody to inhabit them.

I assure the honourable member for Gisborne that the government will make a 24-hour police station in Bacchus Marsh a serious priority — it will be built. The government will also ensure that adequate numbers of police will be provided to ensure the growing and sprawling community will be looked after.

The honourable member for Keilor raised a road safety issue in his electorate. He has always taken a very strong interest in road safety issues. His electorate sits between the Western Highway and the Calder Highway — two highways which become extremely dangerous and which are heavily used during holiday periods. I can understand his concern. I assure the honourable member that this year the police will be mounting probably their biggest ever road safety effort. In a comprehensive crackdown speed cameras, radar

and patrols will focus on drink-driving and speeding, which are always problems during Easter.

The government would prefer that people heeded the drink-driving and don't speed messages because they concern the safety of not only individual drivers but also others in the community. Unfortunately, there are always people who think they are indestructible, carry on like hoons and drive in a dangerous manner. The police will be out with all of their resources to ensure that such people are prosecuted to the full extent of the law if they are caught speeding or drink-driving.

The State Emergency Service will again conduct Operation Coffee Break over the Easter break. I place on record my appreciation and commendation of the work done by the wonderful volunteers of the SES. They provide this community service at Easter and Christmas to offer respite to people who are driving for long periods. Easter and Christmas are times when people go on long trips and often do not take the appropriate rest breaks. A growing causes of serious road accidents is people falling asleep at the wheel. The SES will encourage drivers who are taking a coffee break to also take a power nap — take a 10 minute break — to refresh themselves so that they can continue their journey safely.

The SES volunteers will be out in force. I place on record my appreciation for the work done by SES volunteers over the Easter period. They are not paid for the job they do and the Victorian community owes them a debt of gratitude.

The honourable member for Melton raised a matter for the attention of the Minister for Transport. I will ensure that matter is passed on to the minister and is responded to promptly.

Motion agreed to.

House adjourned 4.56 p.m. until Tuesday, 2 May.

MEMBERS INDEX