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FIFTY-FIFTH PARLIAMENT

FIRST SESSION

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CONTENTS

TUESDAY, 16 SEPTEMBER 2003

CONDOLENCES
Hon. Michael John ... 1
Dr John Ross ... 7
Adjournment ... 17
BUSINESS OF THE HOUSE
Sessional orders ... 7
ROYAL ASSENT ... 17
CHILD EMPLOYMENT BILL
Introduction and first reading ... 17
Second reading ... 41
COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL
Introduction and first reading ... 17
Second reading ... 35
NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL
Introduction and first reading ... 17
Second reading ... 38
CONFISCATION (AMENDMENT) BILL
Introduction and first reading ... 18
Second reading ... 45
ALBURY-WODONGA AGREEMENT (REPEAL) BILL
Introduction and first reading ... 18
Second reading ... 39
QUESTIONS WITHOUT NOTICE
Wind farms: government policy ... 18
Real estate agents: practices ... 19
Mount Eliza Centre: future ... 20
Wind farms: public support ... 20
Electricity: generation capacity ... 21
Small business: Trade Practices Act inquiry ... 22
Gas: Bullarto and Trentham supply ... 23
Housing: waiting lists ... 24
Surf Coast: electoral review ... 25
Aboriginals: Council of Australian Governments trial ... 25
Supplementary questions
Wind farms: government policy ... 19
Mount Eliza Centre: future ... 20
Electricity: generation capacity ... 22
Gas: Bullarto and Trentham supply ... 24
Surf Coast: electoral review ... 25
QUESTIONS ON NOTICE
Answers ... 26
MEMBERS STATEMENTS
Foxes: control ... 27
Sorrento: settlement commemoration ... 27
Member for Western Province: Age article ... 27
Member for Silvan Province: activities ... 28
Planning: Bayside height controls ... 28
Youth Week ... 28
Brrr Theatre Group ... 28
Gerald Brown ... 29
Goulburn-Murray Water: drainage scheme ... 29
Tony Miller ... 29
O'Connell Family Centre ... 30
Students Parliament ... 30
St Kilda Pier kiosk ... 30
Gas: Bellarine Peninsula supply ... 31
Tour of Sunraysia ... 31
PETITION
Vagrancy Act: witchcraft ... 31
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE
Budget estimates ... 31
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE
Regulation review ... 32
Alert Digest No. 5 ... 32
Alert Digest No. 6 ... 33
PAPERS ... 33
COMMONWEALTH PARLIAMENTARY ASSOCIATION
Study tours ... 35
TRAVEL AGENTS (AMENDMENT) BILL
Second reading ... 51
Third reading ... 57
Remaining stages ... 57
HEALTH LEGISLATION (AMENDMENT) BILL
Second reading ... 57
ADJOURNMENT
Midland Highway: Peter Ross-Edwards Causeway ... 60
Point Nepean: future ... 60
Land tax: caravan parks ... 61
Argus Street–Warrigal Road, Cheltenham: safety ... 61
Bayside: administration ... 61
Emergency services: taxation status ... 61
Devilbend Reservoir: parkland ... 62
Police: Preston station ... 62
Lake Mulwala: management plan ... 63
Bayside Veterans Hockey Club ... 63
Our Forests, Our Future program ... 64
South Gippsland Highway–Pound Road, Narre Warren South: roundabout ... 64
Rail: Hampton station infringement ... 64
Weeds: control ... 65
Victorian and Murray Valley Vine Improvement Association: Crown land ... 65
Responses ... 66

WEDNESDAY, 17 SEPTEMBER 2003

ECONOMIC DEVELOPMENT COMMITTEE
Export opportunities for rural industries ... 69
PAPER ... 69
MEMBERS STATEMENTS
Weeds: control ... 70
Rainbow Day ... 70

CONTENTS

Westernport Highway, Lyndhurst: residential development ... 70
Wind farms: opposition policy ... 70
Kew Residential Services: site development ... 71
Fishing: trout releases ... 71
Member for Silvan Province: electorate office closure ... 71
Westgate Migrant Centre ... 72
Bushfires: fuel reduction ... 72
Margaret Heathorn ... 72
City Link: ABC broadcasts ... 73
Aerial Skiing World Championships ... 73
WIND FARMS: GOVERNMENT POLICY ... 73
ABSENCE OF MINISTER ... 102
QUESTIONS WITHOUT NOTICE
Wind farms: government policy ... 102, 105
Gippsland: coastal land subsidence ... 103
Albert Park: amateur sporting clubs ... 104
Commonwealth Games: athletic achievements ... 104
Local government: elections ... 106
Gippsland: asbestos-related diseases ... 107
Fuel: ethanol labelling ... 108
Commonwealth Games: athletes village ... 109
Dementia Awareness Week ... 109
Supplementary questions
Wind farms: government policy ... 103, 106
Albert Park: amateur sporting clubs ... 104
Gippsland: asbestos-related diseases ... 107
Commonwealth Games: athletes village ... 109
QUESTIONS ON NOTICE
Answers ... 110
HEALTH LEGISLATION (AMENDMENT) BILL
Second reading ... 110
Third reading ... 138
Remaining stages ... 138
AERODROME LANDING FEES BILL
Introduction and first reading ... 138
ALBURY-WODONGA AGREEMENT (REPEAL) BILL
Second reading ... 139
Third reading ... 147
Remaining stages ... 147
SUPERANNUATION ACTS (FAMILY LAW) BILL
Introduction and first reading ... 147
CHILD EMPLOYMENT BILL
Second reading ... 147
ADJOURNMENT
Libraries: funding ... 159
Alzheimer's disease: research ... 160
Moonee Valley: right of way ... 160
Crime: Ballarat ... 161
Community services: funding ... 161
Netball: Geelong ... 162
Rail: regional links ... 162
Lunar New Year Festival ... 163
Wind farms: government policy ... 163
Police: Ocean Grove station ... 163
Our Forests, Our Future program ... 164
Responses ... 164

THURSDAY, 18 SEPTEMBER 2003

BUSINESS OF THE HOUSE
Adjournment ... 167
PETITIONS
Collingwood Children's Farm ... 167
Kew Residential Services: site development ... 167
Melbourne 2030 strategy: urban growth boundary ... 167
Housing: loan schemes ... 167
Vagrancy Act: witchcraft ... 167
MEMBERS STATEMENTS
Member for Monbulk: conduct ... 167, 169
Moreland: home energy program ... 168
Victorian Parliamentary Friends of Tibet ... 170
Australian Football League : salary cap breaches ... 170
Access for All Abilities program: Darebin ... 171
Planning: Bayside height controls ... 172
Bendigo: speed limits ... 172
Ballarat: ABC radio station ... 172
Rural North West Health: funding ... 172
Australian flag: commemoration ... 173
EASTERN HEALTH
Annual report ... 174
AERODROME LANDING FEES BILL
Second reading ... 179
SUPERANNUATION ACTS (FAMILY LAW) BILL
Second reading ... 180
CHILD EMPLOYMENT BILL
Second reading ... 181, 210
ABSENCE OF MINISTER ... 201
QUESTIONS WITHOUT NOTICE
Wind farms: government policy ... 201
Public liability: government action ... 202
Wind farms: Nirranda ... 203
Adventure tourism: safety and environmental standards ... 205
Commonwealth Games: shooting venues ... 205
Energy: infrastructure security ... 206
Wind farms: Logans Beach, Warrnambool ... 207
Housing: asset management ... 208
Commonwealth Games: athletes village ... 208
Professional indemnity: availability ... 209
Supplementary questions
Wind farms: government policy ... 202
Public liability: government action ... 203
Wind farms: Nirranda ... 204
Commonwealth Games: shooting venues ... 206
Wind farms: Logans Beach, Warrnambool ... 207
Commonwealth Games: athletes village ... 209
QUESTIONS ON NOTICE
Answers ... 210

CONTENTS

CONFISCATION (AMENDMENT) BILL
Second reading 211
Third reading 222
Remaining stages 223
COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL
Second reading 223
Remaining stages 233
HUMAN SERVICES (COMPLEX NEEDS) BILL
Introduction and first reading 233
NON-EMERGENCY PATIENT TRANSPORT BILL
Introduction and first reading 233
SUPREME COURT (VEXATIOUS LITIGANTS) BILL
Introduction and first reading 233
VICTORIAN INDUSTRY PARTICIPATION POLICY BILL
Introduction and first reading 233
HERITAGE (AMENDMENT) BILL
Introduction and first reading 233
NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL
Second reading 233
Third reading 237
Remaining stages 237
ADJOURNMENT
Knox: Dandenong Ranges foothills policy 237
Schools: Vietnamese language tuition 238
Eastern Freeway: noise barriers 238
Frankston–Flinders and Mornington–Tyabb roads, Tyabb: safety 239
Police: Silvan Province 239
Youth employment scheme: future 239
Commonwealth Games: royal tennis 240
Women: safety strategy 240
Police: national memorial 240
Consumer affairs: Stuff magazine 241
Responses 241

QUESTIONS ON NOTICE 243

MEMBERS INDEX ..... **i**

Tuesday, 16 September 2003

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.00 p.m. and read the prayer.

The PRESIDENT — Order! At the start of this spring sitting the Parliament today acknowledges the land of the tribes and nations of the Aboriginal people of Victoria.

CONDOLENCES

Hon. Michael John

Mr LENDERS (Minister for Finance) — I move:

> That this house expresses its sincere sorrow at the death, on 6 June 2003, of the Honourable Michael John and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Bendigo East from 1985 to 1999 and as Minister for Community Services and Minister responsible for Aboriginal Affairs from 1992 to 1996.

It is with sadness that the house marks the passing of the Honourable Michael John, former Legislative Assembly member for Bendigo East and minister in the Kennett government, on 6 June this year.

Michael John was a well-respected member of this Parliament — well respected not only by the people he represented but also by people on both sides of politics.

Michael John was born in Wales on 29 April 1943. He migrated with his family to Australia and they settled in the Western District in 1956. He attended Halton High School, where it is understood he held the position of school prefect and Grange House captain. Whilst at high school he also established a reputation as a keen sportsman. Michael matriculated with first-class honours in modern history and was awarded a Myer scholarship and a commonwealth scholarship to the University of Melbourne. At university he studied politics and graduated with a bachelor of arts degree and a bachelor of laws degree in 1965.

Michael John established himself as a solicitor in general practice in Bendigo in 1965, was admitted to the Victorian bar in 1967 and maintained his legal practice in Bendigo for around 20 years.

It has to be noted here today that Michael John enjoyed a long and illustrious political career. During his time at university he developed a strong taste for ideas, debate and politics. His political ambitions culminated in April 1985 when he entered the Victorian Parliament as the member for Bendigo East.

In his first term in Parliament his colleagues recognised his talent, and he assumed the position of secretary to the shadow cabinet and became a member of the Parliament's House Committee. Between 1985 and 1992 he held a range of shadow portfolios, and in 1991 he was appointed shadow Minister for Community Services and shadow Minister responsible for Aboriginal Affairs. Recognition of the strength of his contribution was reaffirmed after the election of the Kennett government when he was made minister responsible for his two shadow portfolios.

Michael John was a local member who was in touch with the concerns of his electorate. He retired as a minister after the 1996 state election and stayed as a member of the Parliament until the 1999 election.

Michael had been an active member of the community, serving it in many ways prior to entering the Parliament. He was involved in a wide range of activities from school committees to fundraising for the Apex and Lions clubs as well as for hospitals. Michael's untimely death at the age of 60 years has saddened us all. Therefore it is appropriate that we acknowledge his great contribution to his electorate, to the Parliament and to the broader Victorian community.

On behalf of the government I extend condolences to Michael's family: his wife, Belinda; his daughters, Louise, Rebecca and Catherine; sons-in-law Mark and Martin; and his grandchildren, Henry, Lucy, Nicholas and Jessica.

Hon. PHILIP DAVIS (Gippsland) — I am honoured to second the condolence motion to recognise the life of the Honourable Michael John. Michael gave a lifetime of service to his local community and made a significant contribution to the state of Victoria. I had the privilege of serving with him between 1992 and 1999, but it was as a candidate for the Liberal Party leading up to the 1992 election that I first became acquainted with him in a close fashion. Michael was a prodigious worker and he was very willing to help new candidates. I found his assistance to me, both as a candidate and as a person, enormously valuable. I had the privilege of getting to know Michael quite well during our time together in Parliament.

Although Michael was a minister in the first Kennett administration and made a significant contribution in that capacity, he still had time to meet with and talk to members of the new, enlarged backbench, as it then was. During that period he earned my respect for his diligence in being available to his parliamentary colleagues. I believe he will be remembered as a passionate man with a huge commitment to Bendigo.

He served with great distinction, both as a member of Parliament and as an advocate for the Bendigo community.

Michael was born on 29 April 1943 in Swansea in Wales. Regrettably he passed away far too early in his span in June this year. He was the son of Bert John, a Welsh coalminer, and of Beryl John. His family migrated to Australia in 1956 on an assisted passage scheme and settled in Hamilton. Michael was committed to his family, and when his father died he took up a serious role in assisting in the small business, the local milk bar, which the family operated to assist his family in getting by.

Michael was an exceptionally good student. In the classroom he did very well and certainly achieved in sport as well as in leadership in his school, both as a school prefect and house captain. On matriculating Michael was awarded a commonwealth scholarship and a Myer scholarship, which enabled him to study for the degrees of bachelor of law and bachelor of arts in political science at Melbourne University.

Michael always liked a good argument. Those of us who came to know him well will recall vividly some long hours contemplating the meaning of life, which is perhaps one way of expressing it. Michael used his passion for a good argument to great effect by becoming very actively involved in debating. He honed his debating skills at Melbourne University where he co-founded the debating union. He was also in the A debating team.

After graduating Michael John joined the Bendigo law firm Hyett and Hyett, of which he became a partner. He was president of the Bendigo Law Association in 1973–74 and was a member of the council of the Law Institute of Victoria.

Michael's career took a new turn when he was preselected for the Liberal Party in 1984 and contested the 1985 election, successfully being elected to the newly created seat of Bendigo East, which he held for 14 years. Michael will be remembered by his parliamentary colleagues as a tireless worker for the community and for his diligent discharge of his ministerial and shadow ministerial responsibilities.

In reflecting on Michael and what typified his approach to parliamentary life I look to his maiden speech. If this house will bear with me for a moment I will read something which we should all take note of and remember. He said:

> I enter Parliament with a goal and a vision for a just, prosperous and free society. When I leave I hope I will have contributed to the welfare of our children and our children's children. I do not want change for the sake of change. I want change only where I know it will be for the better. I want our children to prize the rights of the individual over the rights of the state. My commitment is to traditional conservative values blended with new hope and new vision for Victoria.
>
> I seek a state where our children are encouraged to work and to be rewarded for their efforts; where they are encouraged to pursue excellence in all things; where they will grow up appreciating the value of individual initiative; and where they will acclaim the value of the free enterprise system as the best means to create the wealth in the state to pay for educational and welfare needs. I seek a state where all children regardless of their social, economic and racial backgrounds, receive a proper and a sound education. I see that as providing the social mobility that is so necessary in a just society.

Those of us who serve in this place should reflect on those remarks and how Michael John tried to apply them in his service in the Parliament. We should take note of the fact that they are pretty good guidelines for all of us. Michael maintained his commitment to those principles throughout his parliamentary career of 14 years.

He had responsibility in opposition for many portfolios, but it was his appointment to cabinet in 1992 which demonstrated the regard in which he was held by his parliamentary colleagues, and he discharged his duties as the Minister for Community Services and the Minister responsible for Aboriginal Affairs to great effect. He presided over these very challenging and difficult portfolios with understanding and did a significant amount of work for child protection, support of the disabled, preschools, programs for problem gamblers and Aboriginal justice and education. As a minister he was committed to making decisions that promoted policies which achieved better outcomes and real progress for Aboriginal people. And in 1996 Michael John was appointed chair of the Federal-State Relations Committee of the Parliament.

But Michael had a much larger life than just politics and parliamentary achievement. He was very engaged as an athlete. He competed at school at an elite level and as a finalist in the 1969 Stawell Gift, and he successfully competed in many other sprint finals around the state.

He certainly enjoyed the pleasure of racing both as an athlete himself and also as a spectator of horseracing, in which he was actively involved, serving in racing administration on the Bendigo Jockey Club committee. He was very engaged in all the activities involved with racing. He was also prodigious in his efforts to be involved in physical fitness, and in that sense he took up umpiring Australian Rules football for a period of time.

But the hallmark of Michael John in the sporting world was probably his engagement with soccer. In 1971 he and his friend David Wilkinson effectively created the Bendigo soccer league, which is still a very well-supported league today.

It is clear that Michael was instrumental in that football league's success, and he was honoured with a life membership for his enormous commitment of more than 30 years to soccer in Bendigo.

As if all of this were not enough he was busy being a commentator for Southern Cross television, calling athletics and cycling. As the Leader of the Government observed, Michael John was respected by all sides of politics, which was clearly evident at his state funeral on Friday, 13 June, this year at St Paul's Cathedral in Bendigo. Parliamentary colleagues from all sides were there to pay tribute to a man who was a problem solver and was committed to his community and to the future for young people and the underprivileged.

As I said earlier, Michael left us far too young at 60, but he certainly left behind a great legacy. On behalf of the parliamentary Liberal Party I offer my condolences to Michael John's family. He is survived by his wife, Belinda, his three daughters Louise, Catherine and Rebecca, and grandchildren Lucy, Nicholas, Henry and Jessica. We will all remember Michael John with affection.

Hon. P. R. HALL (Gippsland) — The National Party joins with the government and opposition in expressing its sincere sorrow at the passing of Michael John. We have already heard today that by any measure one would assess Michael John as being a hell of a nice fellow. That is certainly the impression I got during the time I knew Michael. Indeed, I had the privilege of serving in three Parliaments alongside Michael John, and throughout that time he extended me the utmost courtesy and respect as I think he did to all backbenchers and all people in this Parliament. I can recall when I first came to Parliament — at that time we were in separate parties; there was no coalition — Michael John came up and introduced himself to me. As a young person in this Parliament I felt it an honour to have Michael come and introduce himself and make me feel welcome in this place.

When he then went on to become the Minister for Community Services and Minister responsible for Aboriginal Affairs between 1992 and 1996 that courtesy continued, and Michael was always making himself available to meet with backbenchers, to talk through the issues and meet with them at our request. Sometimes it was simply to talk about a matter of our constituency; other times the request may have been to visit our electorate or it may have meant involving a deputation to come and meet with him. I cannot think of one occasion that Michael John did not find the time to honour all of those requests that I put to him, and I am sure other people were in exactly the same boat as I was. So by any measure Michael was a thoroughly decent person, a very capable politician and ultimately a minister of the Crown.

It has been said that Michael John had a very rich life, emigrating from Wales at a young age. He was educated at Hamilton High School and won scholarships that enabled him to complete a law degree at Melbourne University. As has been said, he practised law at Bendigo before being elected to Parliament in 1985 as the member for Bendigo East and then rose to become a minister.

Michael enjoyed fellowship, and part of the conversations that invariably we had with him involved sport because of his keen interest in it. As has also been said in this condolence motion Michael achieved excellence in the area of athletics and was a finalist in the 1969 Stawell Gift. I had the opportunity to speak to him about that and marvelled as his attaining that level in his chosen sport of athletics. He was also heavily involved in soccer in Bendigo, as the Leader of the Opposition said. He was also very keen on horse racing and was a member of his local racing clubs as well as other clubs in Melbourne.

Like all good members of Parliament Michael was a strident advocate for the area he represented in Bendigo and took every opportunity to ensure that the needs of his electorate were put before the Parliament.

Michael was a thoroughly decent chap and we in the National Party were saddened to learn of his passing — as has been said by the Leader of the Government and the Leader of the Opposition — far too early. On behalf of my colleagues in the National Party I wish to extend our sincere condolences to his wife, Belinda, his daughters Catherine, Louise and Rebecca, and to their extended families.

Hon. ANDREA COOTE (Monash) — On 13 June this year hundreds of people attended a state funeral at the Cathedral of St Paul in Bendigo. They were there to honour the life of the Honourable Michael John. The cathedral itself was full to overflowing with former colleagues, family, friends and members of the Bendigo community. Indeed the streets of Bendigo and the hall beside the cathedral were also full of people whose lives had been touched by Michael or who just wanted to come and pay their respects to a very fine man.

They were there to pay their respects to a man who, in his life, had earned a huge amount of respect. He earned respect when he arrived as an immigrant. As we have heard today, he became a house captain at his school in Hamilton. He earned respect through his academic work: he earned two scholarships when he matriculated from school, and went on to do law, and arts at Melbourne University.

He was a successful lawyer. He was a success on the athletic field, and we have heard about his success at the Stawell Gift — no mean feat in such a prestigious event.

He was a huge contributor to the community of Bendigo, and in his work he achieved success as a Minister for Community Services and Minister responsible for Aboriginal Affairs. He also earned huge success as a loving and dedicated husband, father and grandfather.

These people who knew Michael would know he was a man of humour, intellect and professionalism, but Michael was also a very humble man. I think he would have been absolutely overwhelmed to have known that he would be given the honour of a state funeral, that the streets of Bendigo would be closed on his behalf and that he would have a police escort. I think he would have been very humble and very overcome.

Michael's daughter, Louise Krol, read a poem at his funeral. It is entitled *What is Success*?. I will read it, because I think it is very pertinent to Michael and his life. It is attributed to Ralph Waldo Emerson:

> What is success?
> To laugh often and much;
> To win the respect of intelligent people
> And the affection of children;
> To earn the appreciation of honest critics
> And to endure the betrayal of false friends;
> To leave the world a bit better, whether by
> A healthy child, a garden patch
> Or a redeemed social condition;
> To know even one life has breathed easier
> Because you have lived.
> This is to have succeeded.

I had the honour and privilege of working in Michael John's ministerial office when he was the Minister for Community Services and the Minister responsible for Aboriginal Affairs, and I saw a number of issues Michael brought to a fruitful conclusion.

We have heard today about the changes he made, and I would like to reflect that at the time we were trying to make change we were a state that was trying to pull in the economic horns, and it was very difficult to achieve a number of profound changes in the area of community services. But Michael did in fact do that.

One of those challenges was in kindergartens. We had the backbench — not unlike the backbench we have here now — who were very gung-ho, very keen, and the very first time they were ever attacked it was not by militant unionists or anybody like that, they were attacked by kindergarten parents and small children. They were bombarded by letters, faxes, placards, small children, pitiful stories and local paper deputations as well. There was a lot of pressure, but Michael dealt with the cabinet — which was not easy to deal with at that stage because he was having to deal with community services and issues that were hard and challenging — and also with his backbench. He always had an open door for Kindergarten Parents Victoria, and he dealt very fairly and objectively with those people.

I would like to read from a speech that Michael gave in 1995 on the kindergarten issue. I think this summarises what he felt:

> It is the government's policy to ensure that all eligible children have the opportunity to attend kindergarten prior to attending school. The government is extremely proud of the remarkable success of kindergarten reforms over the past two and a half years …2300 more children are attending kindergarten than last year. Enrolments this year are up by 4.2 per cent.

We have the cheapest kindergarten system and the most affordable kindergarten fees in the whole of Australia. The average fee structure is about $5 a week in country Victoria and up to $10 a week in the city. Michael achieved those performances against quite significant odds, and he did it with patience, persistence and with dialogue — as we saw with Kindergarten Parents Victoria.

Another area he was very involved with was also contentious and difficult to deal with at times — that of child protection. He was profoundly affected by the death of young Daniel Valerio. I am sure many of you here will recall the tragic death of that toddler. Michael realised the challenges this problem presented and that someone needed to take responsibility for it. He felt it was up to the government to do that. He subsequently achieved significant success in that area. He said, in the other place, on 10 March 1993:

> The protection and welfare of Victorian children is of paramount importance to this government. It is determined to ensure that Victoria has in place a responsive, efficient and sensitive child protection system which operates in line with government objectives and community expectations.
>
> …

> That legislation will not stop child abuse, and no government can guarantee to prevent it. But we must act to minimise the tragedy of abuse. We must address how we, as a government and as a community, can effectively protect our children from abuse.

I think that was true success: to look at it and to put in place legislation so that we as a community did address that issue.

He was also active in the area of deinstitutionalisation of the intellectually impaired — a problem that presented huge challenges. Some of you may remember that there was an enormous public relations campaign. There was uncertainty on the part of the clients and their families and some heart-wrenching stories came to light. Michael had a vivid insight into disability issues. His wife, Belinda, had worked with the Peter Harcourt centre in Bendigo and knew first-hand what some of the issues facing those families were. This was reflected in the attitude that Michael had to this job. He was lucky enough to live long enough to see the success of many individuals in these state resource centres and community resource units, and he would have felt very proud to know that that was what he achieved.

Within Michael's own community he was also seen as a great success. He was a member of the Bendigo Jockey Club and he set up the Bendigo Soccer League. He was also involved with the St Luke's family care foundation and the Mount Alvernia Mercy Hospital. He was involved with moving the Bendigo stockyards from the centre of town and challenged former Premier Jeff Kennett to replace the stockyards with $29 million worth of new buildings and infrastructure, which he achieved.

One of the things he was particularly proud of, which happened after he left Parliament, was the building of an athletics track. He wanted it to be first rate and of world standard. At the time Jeff Kennett felt that a normal athletics track would be okay, but Michael fought for and achieved the building of a world-class track. He convinced Jeff Kennett to approve the track, and since that time there have been some excellent meetings in Bendigo. The Bendigo community has derived a lot of benefits from the track.

The athletics track was opened by the government, and Michael went along as an observer to see its opening. I must pay tribute to the government for recognising he was there and inviting him onto the dais. He was given the recognition he was due and praised by the government for the work he had put into initiating the building of this world-class athletics track. Michael was chuffed to have been invited to stand up and be recognised and it was one of the highlights of his life after Parliament.

Going back to the poem *What is Success?*, I think Michael would have considered that he did succeed in all he did. He did win the respect of intelligent people; he did leave the world a bit better by redeemed social conditions and he would have known that his work enabled many lives to be made easier. But Michael's greatest contribution has been his family. Together with his strong and supportive wife, Belinda, he raised three intelligent, compassionate, thoughtful and caring daughters who will, in their parents' tradition, make our community a better place. My thoughts are with Belinda, Louise, Cath, Rebecca and their families.

Hon. BILL FORWOOD (Templestowe) — I rise also to speak on the condolence motion for my friend, Michael John. At the outset I extend my condolences and deepest sympathy to Belinda, Louise, Catherine, Rebecca, and their families.

I first got to know Michael when I was working for the Liberal Party in the late 1980s and he was the member for Bendigo East. I got to know him better during the election campaign in 1988. He was an extraordinarily friendly man; he knew Bendigo like the back of his hand and was involved with it. He brought to his electorate an attitude of extraordinary energy and good humour. He was always on the go, he was always busy and he was always contributing. He rightly deserved the success that he got at the election in 1988, which, as many members would know, was very close.

He had already been recognised by his peers in this place and as the Leader of the Government has said, he became secretary of the shadow cabinet very early in his career. He had a sharp intellect and the capacity to persuade people by argument. He was well regarded in the Parliament in his early days, and that continued.

I got to know him better when we came into government in 1992. I have no idea why but he sought me out and asked me if I would go on his community services policy committee, which other members of this place served on at that time. I think it was partly because I had some experience with Aborigines, having come from the Northern Territory not long before.

In many ways Michael was a mentor to me in those early days in Parliament, and I was grateful for his friendship. I remember with real delight many of the discussions we had. He was bright and liked an argument. He was keen to have a discussion and keen to make a change. He was committed to making things better and he gave me some opportunities. In late 1994

he established a taskforce into intellectual disability services that was chaired by the Honourable Louise Asher, the member for Brighton in the other place, and I was a member of that taskforce. We spent a considerable time looking at intellectual disability services throughout the state. I travelled the state widely and got to know many people in that sector, who are still my friends today. I believe that we made a difference there in some small way.

When I was getting ready for this contribution I looked back at that report and came across a note that I had written in 1994 which says, 'Michael says he wants the funds to go to the clients, not the institutions or the bureaucracy'. That was an entirely appropriate comment because that was the way he was thinking then. I am not sure that we have yet got there, and I look forward to the discussions in relation to the state plan that is currently being developed. All of us would agree that the funds should go to the clients.

Michael was a man of great compassion, of huge energy and enthusiasm and a doer in so many fields — his local community in particular and also sport, as we have heard. But he was a listener and a thoughtful and considered man. He did not shirk from the hard tasks and we have already heard the story of Daniel Valerio. I know that when he was a shadow minister and the then government was looking at the issue of mandatory reporting, Michael was involved in conversations about whether it was deliverable at that time. It was not, but he had the capacity to change his own party and in 1993, very early on in the Liberal government, Michael was responsible for taking the change in policy through our party room which led to the introduction of mandatory reporting. Good on him, I say! At that time he was also actively involved with issues of domestic violence and women's refuges, again an area where he left a lasting legacy.

At his funeral his friend Ted Ellinghaus said that Michael would be:

> … remembered by those close to him as a man of significant achievement, profoundly committed to Bendigo, with a deep compassion for the underdog, an irrepressible sense of humour, an unquenchable zest for life and enormous personal warmth, generosity, gentleness and charm.

All of that is true. Rob Knowles spent 20 years in this place. His measure of a member of Parliament's success was their ability to influence change and their ability to change something that otherwise would not be changed. By that measure Michael was a great contributor not just to this Parliament but to the state of Victoria.

Hon. B. W. BISHOP (North Western) — I rise to make a small contribution to the condolence motion for Michael John. Like the Honourable Philip Davis, prior to entering politics I had only met Michael a few times, and mostly when I was director of the Australian Wheat Board. We met at various agricultural meetings held around the Bendigo area. However, I certainly got to know Michael and Belinda quite well when I was elected to North Western Province, and of course Michael held the seat of Bendigo East — one of the four lower house seats in North Western Province.

As many have said here today, Michael was a really strong advocate for Bendigo. He would fight tooth and nail for his area. It did not matter what the issue was, he would always be in there fighting.

In 1992, during the first term of the Kennett-McNamara government, Michael John was given the job of Minister for Community Services and Minister responsible for Aboriginal Affairs — a really tough call. I know very well that Michael agonised over the demands this portfolio placed on him, as he worked all over the state. It was a tough job, particularly when there were limited resources.

While not being from my party, Michael and Belinda were always most generous in their hospitality, whether at their home or at Michael's office, and on visits to Bendigo you were always made more than welcome.

The regard in which Michael was held was readily apparent on that very cold, windy day in Bendigo, at St Paul's Anglican Cathedral, where the funeral service was held. People from all walks of life were there, people whose lives Michael had touched during his time as a solicitor, a parliamentarian, a minister in the government and, more importantly, as a valued member of his community.

John Higgs and Ted Ellinghaus, who spoke at the funeral service, recognised attributes such as Michael's great love of his Bendigo Jockey Club and many other organisations in and around Bendigo.

He was a proper sort of bloke, was Michael. He was always well dressed, and he was a kind fella. A couple we know lived near Michael and Belinda, and one of them was very ill some time back. Michael never said much to me about it, but our friends reported that Michael and Belinda would keep a check on them, and I well remember being told that Michael would ask how the health of our friend was and would say that they should not hesitate to give him a call if he could do anything for them, regardless of how busy he was.

More and more of those stories are coming out. I remember hearing another one on the day of the funeral. I was chatting to Belinda at the get together after the funeral service, and a young fellow who had done some work with Michael came up to us. He made a point to Belinda about how good Michael had been to him not only during the time he worked with him but on a continuing basis ever since. I know very well that there are many more examples such as that throughout the community.

It has been recorded here today that Michael was a top athlete, a top sprinter, who did very well in the tough arena of that sport; but times do change, and I well remember one day here in the Parliament when Michael and I were skipping, if you could imagine it, fairly smartly up the stairs to the extent that we were both puffing a bit when we got to the top. He said to me, 'Bish, you know, I could once run a hundred metres in a handful of seconds, but now I'm puffing going up the stairs'. And I guess that comes to all of us.

I thank Michael for the job he did well, and I particularly thank him for his friendship and his friendly generosity as a political colleague. I extend the sympathy of my wife Brenda and myself to Belinda and the family.

The PRESIDENT — I wish to associate myself with the motion before the house. In reflecting on the life of the Honourable Michael John what is obvious is his deep commitment to the people of Bendigo, which he served in the electorate of Bendigo East from 1985 to 1999. He made an important contribution to the state of Victoria through his portfolio areas as Minister for Community Services and Minister responsible for Aboriginal Affairs from 1992 to 1996.

In particular his contribution to child protection was significant, and he played an important role in bringing mandatory reporting legislation through the Parliament. This remains a valuable improvement to children's protective services in Victoria.

I too attended the state funeral on 13 June of this year, and during the course of the service the minister indicated that there were people listening to the service at the side of the church. I thought he meant at the front of the church around the corner, but in fact it was not until I left to be an official pall bearer that I realised that the entire church hall, which ran the length of the church beside it, was full of people from Bendigo, which shows the community support Michael had both in his public life and in his community life.

It is a testimony to Michael for the work he did for the people of Victoria, Bendigo in particular. On behalf of all members I wish to express deepest sympathy to his wife, Belinda, and daughters Louise, Rebecca and Catherine.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

BUSINESS OF THE HOUSE

Sessional orders

Mr LENDERS (Minister for Finance) — By leave, I move:

> That sessional order 28(b) be suspended to the extent necessary to permit debate on the condolence motion for the late Dr John Ross to exceed the time allocated in the sessional order.

Motion agreed to.

CONDOLENCES

Dr John Ross

Mr LENDERS (Minister for Finance) — I move:

> That this house expresses its sincere sorrow at the death, on 6 September 2003, of Dr John William Gamaliel Ross and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Council for the Higinbotham Province from 1996 to 2002.

The house is aware that Dr John Ross, a former member for Higinbotham, died on 6 September. John Ross represented the people of the electorate of Higinbotham from May 1996 to November 2002.

I am pleased to lead the tribute from this side of the house to John Ross and his contribution to public life. John Ross was born in Melbourne on 17 October 1940. He attended Gardenvale and Ormond primary schools and then went on to Brighton Grammar from 1952 to 1958.

Following secondary school John Ross began his career as a technical officer specialising in industrial hygiene at the University of Melbourne from 1958 to 1962.

From 1962 to 1991 John Ross held positions of inspector, scientific officer and chief research officer for the health department of Victoria. These positions encompassed the fields of occupational health, drugs and poisons control, health education and health

planning. It was during this period that John gained a reputation in the field of addictive behaviour.

As a new MP for a Dandenong electorate, one of the things that the City of Greater Dandenong did was periodically get MPs together to discuss issues. The first time I met John Ross was at one of those breakfasts where clearly his interest, compassion and knowledge in those areas stood out. It was an eye-opener for me and a tribute to him for the expertise and the care he had in those areas.

During John's health department years he attended Melbourne University where he gained the degrees of bachelor of science in 1967, master of science in 1973 and doctor of philosophy in 1977.

From 1991 to 1996 Dr John Ross was director and company secretary of the Addiction Research Institute, and chairman of the board of management of the Break-Even/G-line Counselling and Referral Service.

In 1996 Dr John Ross was elected to Parliament as a member for Higinbotham. John served his constituents and this Parliament until the 2002 state election. During his term John was a member of the Drugs and Crime Prevention Committee from 1996 to 1999 and a member of the Family and Community Development Committee from 2001 to 2002.

Dr John Ross contributed to the community in a variety of other ways: he was a councillor for the City of Moorabbin from 1991 to 1994 and served for a year as deputy mayor in that last year. He was a member of the Carlton Football Club, Brighton Bowling Club, Bentleigh Returned and Services League Club, and a life member of the East Brighton Football Club. In the political field Dr Ross was an active member of the Liberal Party and held numerous positions during his years of membership.

It is clear from Dr Ross's life and career that this was a man committed to and passionate about improving public health. In his maiden speech in this place on 15 May 1996 he described how his vocation in public health might contribute to the workings of the Parliament. He went on to question what role Parliament could play in the promotion of better health and the challenges that faced Parliament in reshaping the attitudes, values and beliefs of the wider community in addressing public health issues.

His untimely death at the age of 62 years saddens us all. On behalf of the government and of the parliamentary Labor Party I offer our sincere condolences to his wife, Faye, and to his children, Simon, Christopher, Lisa and Lynda, and their families.

Hon. PHILIP DAVIS (Gippsland) — John Ross was a colleague and an academic. He was energetic, committed, loyal and, above all, determined. I will recall John Ross as somebody who persisted with the greatest of dignity through what was an extraordinarily difficult time at the end of his parliamentary career.

Those of us who served in this place with John knew that he felt it was a great honour to be a member of Parliament, and he demonstrated that every day of his parliamentary life. Above all when he was diagnosed with what was then not determined to be curable as an illness — that is, leukaemia — he determined that it would not affect his commitment to the Parliament. So rather than do what many others perhaps would have been tempted to do, which is to seek to take himself out of this place, he decided that he would overcome the health implications. I have to take my hat off to him. I agree that it is a privilege to be a member of this place. We should honour John Ross's memory by being as committed as we can in his shadow.

I am honoured to support and to second the condolence motion for John and to pay a tribute to a colleague and to his family on our behalf. John left with me a lasting impression. Indeed many of the aspects of John's life that I am now familiar with I was unaware of when he was a serving member. John was one of those intriguing people who was not brash and boastful, as many of us are in parliamentary life. He just got on and did the business, and that was after a lifetime of great achievement in professional life and of academic excellence and, as I will refer to shortly, huge achievements in terms of community leadership and community service.

John was born on 17 October 1940 and died on 6 September last. He was the son of Jack Ross, a butcher, and of Jean Ross. Theirs was a devoted household. He had an older brother, Leigh, and in the early years the family lived above the butcher shop business in McKinnon Road, McKinnon. In 1960 John married Pamela. They had three children, Simon, Christopher and Lynda. In 1978 he married Faye, and she brought her daughter Lisa to the family. Family played an integral part in John's life, as did sport.

John completed his primary schooling at Gardenvale and Ormond state schools and his secondary schooling at Brighton Grammar before embarking on an outstanding academic career. In 1962 he gained a diploma as a public health surveyor at the Royal Society of Health in London. In 1967 he gained a bachelor of science with first-class honours at the University of Melbourne. In 1973 he gained his master of science at the University of Melbourne. In 1977 he

gained his degree as a doctor of philosophy at the University of Melbourne, his thesis being on pharmacological and conditional factors associated with cocaine dependence. I refer to that specifically because it is particularly relevant that his academic work on addiction led him to practical applications in the field of problem gambling, and that culminated in Break-Even/G-Line, and he was very involved in research, as I have indicated, into a number of aspects of drug dependence. It was that work that was recognised internationally and described as the most exciting work in the world in his particular field.

John's career was distinguished. It commenced as a scientific officer with the occupational health division of the department of health and led to his significant roles as Victoria's chief research officer in the state's drug strategy unit, director of the addiction research institute and executive chairman of the Break-Even/G-line board. He clearly led the way in what is world best practice in this area.

John had a particular interest in two major problems for Australian society: drug abuse and problem gambling. It was more than just an academic interest, he had an understanding of the impacts on families of these two problems. John wanted to attack the problems as a researcher, as an author, as a commentator and as a legislator. It was certainly in this regard that we came to know John. He understood that families were being torn apart by these particular problems.

John was an advocate of the tough-on-drugs approach, and he was instrumental in the debates within the Liberal Party about the decision to oppose heroin injecting rooms when the state government determined in the previous Parliament to create five injecting rooms as part of the facilities in the community.

It was John's advice, knowledge and foresight that led to a particularly informed debate on these matters. Indeed in the wider community sense John has been vindicated in a sense because the declining death rate from heroin use indicates that the decision Parliament took at that time was appropriate. The observance I make about John Ross is that he was fearless in taking an academic proposition and turning it into a practical notion.

John was very committed to the Liberal Party. He joined the McKinnon branch of the Liberal Party in 1982 in which he held offices and was its president from 1990–95. He served on various committees of the Liberal Party and was preselected and elected to the seat of Higinbotham Province.

John, like many members of this place, set out to encapsulate in his maiden speech something of his own philosophy. He said:

> God willing, it will be my privilege to represent the residents of Higinbotham well into the 21st century and it is timely for me to speculate on some selected areas of policy that might provide major benefits to society as we reach that milestone. My vocation to public health and my experience and reading I think can best explain how I might contribute, in however a small way, to some of the workings of this Parliament.

As I said, it is with great humility that we respect John's contribution. It is my view that that passage properly sums up the area of his expertise, interest and commitment to public policy.

John left the Parliament without an enemy on either side of the house; indeed he made many friends on both sides. He was respected for his decency and for his influence in policy debate.

As I said earlier, he was interested in sport. He was involved in a vast range of activities, which previously I had not been aware of. I did not know John as a young man, but he was a very keen footballer. He played 175 games for the East Brighton Football Club and assumed leadership in that club as a captain-coach. He subsequently served in the administration of the club as chairman of selectors and on the club's committee. He was recognised for his contribution to the club in 1972.

After football he became actively involved in tennis and was the secretary of the committee of the Princes Hill Tennis Club. He also loved horseriding — again, something of which I had no knowledge, but apparently as a boy he rode around the paddocks of McKinnon and Bentleigh. It is interesting that even in recent months he was encouraging his grandchildren to take an interest in horseriding.

He was an outdoors man. He loved to go camping and fishing, and he loved travelling overseas. He encouraged his family to travel and to learn and experience what life has to offer. He was very involved in his community, having served on the school councils of the Moorabbin city secondary college and the McKinnon Secondary College. He was president of the East Bentleigh community health centre, city chairman of the Salvation Army Red Shield Appeal and a founding member of the management committee of the Glen Eira Residents Association. We have heard quite a deal over time about his enthusiasm for the Carlton Football Club, but you cannot help bad luck!

The way I would like to remember John is from a delightful discussion I had with him on 24 June of this year at a farewell function to recognise his service to

Parliament and the Liberal Party, held by the Higinbotham electorate council of the Liberal Party in Mordialloc. As I recall, John believed he had overcome his health challenge and that he was in fact winning. He was very confident of his future. He looked and sounded robust, and he absolutely showed that grit and determination that we came to know of him.

He talked about his family and his dependence on his wife, Faye, and the fact that she went with him to virtually every public function he attended in the evenings. He said then, as he had said on many occasions, that it was the only basis on which they could see each other because John was one of those classic local members who believed that he had a duty to his community to accept if not all, then as many as he could of the invitations which were offered to him as a member of Parliament — again, a great contribution to his community.

He was certainly a very committed family man. To his wife Faye, to his children Simon, Christopher, Lynda and Lisa and to grandchildren Dylan and Stephanie, Brent and Blake, I offer the sympathy of the parliamentary Liberal Party. John Ross will be in our memories forever.

Hon. P. R. HALL (Gippsland) — The National Party joins the government and the opposition in expressing its sincere sorrow at the recent passing of Dr John Ross. John Ross did not speak as often as some of us in this place but when he did speak he always had something to say. He was well worth listening to. Unlike some of us who sometimes stand on our feet to speak just for the sake of speaking, John Ross was one of whose who spoke when he had an important message to convey to us and the rest of the world, and he did it well. His contributions during debates on health issues were particularly impressive, and I can vividly recall the passion and the knowledge he exhibited in this place when he spoke on heroin injecting rooms. That is one of the landmark speeches in this place that will always remain in my memory.

John and I shared another passion — that is, we both barracked for the Carlton Football Club. I can recall having the pleasure of meeting his wife, Faye, when both John and Faye attended with my wife and I at a president's luncheon at Princes Park one Saturday afternoon. I did not think John was a raucous barracker for football or that sort of character but I can tell you that during the course of that afternoon he got extremely excited, and that passion, that love of sport was clearly evident that afternoon. That was a different side of John Ross — one I had not seen before.

John also impressed me with his diligent representation of Higinbotham. Unlike some other members he took the adjournment debates in this house very seriously. On every occasion that he participated in the adjournment debate he did so sincerely on behalf of the people of Higinbotham. I do not know how many times he did it, but he seemed always to be able to throw 'Higinbotham' into every one of the adjournment debates that he participated in.

I suppose what I most admire about John Ross is the way in which he dealt with illness in the latter part of his life. As a man of science, John knew that his disease was terminal but he bravely did not hide that fact and indeed spoke to many of us about it. His final speech in this chamber prior to the last election was to me heroic. Although I am not a strong advocate for a demonstration of applause in this chamber in most circumstances, the conclusion of that speech was certainly one occasion on which the applause and acclaim of all members of this house was well and truly warranted.

I was sincerely disappointed that I could not break some prearranged commitments to attend John Ross's funeral. However, I wrote to his wife, Faye, expressing the admiration and respect of National Party members, the views we held of what a fine man John Ross was and once again expressing our appreciation for the contribution he made during his relatively short time as a member of this chamber. Today I have an opportunity to do so again in person. On behalf of my colleagues in the National Party, I extend our sincere condolences to his wife, Faye, his four children and their extended families.

Mr GAVIN JENNINGS (Minister for Aged Care) — I would like to take the opportunity to mark the passing of John Ross on 6 September 2003 by making some brief comments about the way in which John made an impact upon me and my reflections upon the features of parliamentary life.

First of all, as has already been mentioned in this condolence motion today, his contribution to the debate on the supervised injecting bill on 31 October 2000 was a very impressive argument: it demonstrated a depth of understanding, conviction and passion. I disagreed with his summation then, and I disagree with it today. But in terms of what this Parliament is about — quality of argument and understanding and putting aside humbug and prejudice in the name of prosecuting an argument — hats off to John Ross, because that is what he did on that occasion.

I re-read his speech as recently as this morning. I would encourage many of us to read it to gain a proper understanding of public policy into the future. Members will see that John Ross absolutely passionately opposed decriminalisation of drugs. He drew our attention to some failed experiments in dealing with treatment around the globe. But in his speech he acknowledged that there are appropriate times for harm minimisation to be part of a drug enforcement regime. Even at the conclusion, where his submission was diametrically opposed to mine in terms of support of that specific piece of legislation, there was much that we shared in common in terms of our concerns and our views on the way forward in terms of public policy for the future.

The second matter I would like to refer to is that of the connections we share as members of our community. Even though I have travelled for only a relatively few moments in John Ross's life, there were three parallels in our lives — we both started our primary education at Gardenvale Primary School, we both worked in the health department in the mid-1980s and we both served the Parliament of Victoria in the 54th Parliament. It reinforced in my mind that regardless of what divides us, because many people would not think John Ross and I were contemporaries — he barracked for Carlton; he was a member of the Liberal Party — I am very mindful of the underlying thesis of the six degrees of separation: all of us are bound by a number of uniting factors that we may not immediately be able to observe.

That brings me, in a very neat segue, to the third element of this contribution, which is about the sheer humanity and compassion that is the best of all of us and which was demonstrated in another speech by John Ross — a speech made, surprisingly, two years exactly to the day after his speech on the supervised injecting bill — on 31 October 2002, when he was leaving the Parliament. By that stage we all know that John's body was weakened and had been weakened for some time. But the strength of his courage and the principles that underpin the best of parliamentary life came through in his gracious contribution that day.

He was gracious to all of us, and I would like to record that in his contribution he said:

> To whatever degree I have been able to sustain some semblance of health, I thank my medical advisers, but no less important is the encouragement, forbearance and support I have enjoyed from every member of this Parliament.

Gracious to the last moment in this Parliament. On his way through when he paid a degree of honour to his wife, Faye, and children, Simon, Christopher, Lynda and Lisa, he concluded with the following remarks:

> My grandchildren, Dylan, Stephanie, Brent and Blake, have inspired me to try and make at least some contribution to a better future for all Victorians. This evening probably marks not only the closing chapter of my parliamentary service but also of my academic and working life. I have cherished every moment of it.

Indeed it was not only the words but the way John Ross spoke them that will live on in my memory and the memories of all members of the 54th Parliament long into the future.

With those words I wish John's family the very best for the future.

Hon. BILL FORWOOD (Templestowe) — This is very sad. It was about two years ago that we knew that John was sick and autumn when we gave him leave to see if he could get himself better. I was delighted, as many people were, when he came back in spring of last year. He made a contribution again and spoke about heroin injecting rooms, a topic about which he knew so much and an area of expertise where he had no peers. I remember also, of course, the poignant speech he gave when he left this place for the last time.

He was a modest man; quiet, but very determined. He had an outstanding intellect, which he put to great use. He was a man who valued life and used his time and attributes extraordinarily well. He had an outstanding academic career and an equally outstanding career in public service. He was a world expert in his field of research — addiction. He put that research to practical use in his career with the health department and later on with the Addiction Research Institute and Break Even.

His was truly a life of practical achievements which made a difference to people's lives. As has been said, he regarded his election to Parliament as his crowning achievement, because it gave him great scope to contribute to public policy debates, an area in which he excelled. He said in his final speech, which has been quoted already:

> My presence in this place has been one of the great privileges of my life.

I saw John recently and we had a long conversation. He had moved from Cabrini to the fifth floor of the Alfred hospital; later he moved to the second floor. We talked about his illness and his love of the Parliament and the party that he had served so well, and above all about his family.

He knew that things were tough. He had had blood cells taken from him two years before and they were giving them back to him. He knew that he faced a two-week period when his immune system would be down and he

might not make it through. He was content with that knowledge, but he was fighting all the way, he was not giving up. But he did know that his chances of making it through were not great. During that two-week period I had a number of conversations with members of his family, and he was doing it tough. He was ill, but he was really fighting on. He knew that this was a road he had to walk alone.

In my mind he won the respect and affection of all for the manner of his life, for the way he fought the fight and for the dignity of his passing.

Mr SMITH (Chelsea) — I liked John Ross, he was a good bloke; someone I would describe as a decent human being. He had a rare talent that I was not aware of until I travelled with him. People say that you do not really know your parliamentary colleagues until you travel with them. Along with my wife and some other parliamentarians, I went on a study trip to Taiwan and it was there I discovered the dry sense of humour that John hid from us most of the time, and I was rewarded by five days of travel with John and his humour. Some others there were not quite as humorous, I have to say, but John brought a sense of fun to the trip and made it quite worth while.

I am interested to hear that he was a football coach. I can never imagine John as a football coach. I cannot picture him addressing his team at three-quarter time, with it five goals down et cetera. However, I am sure that he was good at what he did and having heard the contributions of other speakers about his vociferous support for the Carlton Football Club, I can well imagine that he was a good coach.

He represented his electorate with alacrity — what more can you say about a politician that is better than that? Like a lot of people, I did not hear John speak often in here, but when he did he made sense and in particular on those issues that have already been talked about he spoke with genuine fervour and feeling, and I respected him for that. To his family and Faye in particular, I offer my condolences and say, 'Goodbye, John Ross'.

Hon. C. A. STRONG (Higinbotham) — I also rise to support this condolence motion on the passing of our ex-colleague and my friend Dr John Ross. Much has been said about the character of the man and his history, and I particularly want to reflect on some of my personal feelings, having spent many years as a friend and a colleague of this very fine man.

He was an outstanding local member with an enormous heritage in our area. As has already been said, he went to primary school in Gardenvale and Ormond and then went on to secondary school at Brighton Grammar. He played football for the East Brighton Football Club for many years, and as we have also heard, he was captain and subsequently captain-coach of that club. Finally, for his contribution over many years to the East Brighton Football Club he became a very proud life member of that club.

John was a councillor of the City of Moorabbin from 1991 to 1994, as was his father, John Sunderland Ross, JP, before him, so he had a very deep and enduring respect and love for and knowledge of his local area. He joined the McKinnon branch of the Liberal Party in 1982 and had many positions in the party from that time, culminating in his election to this house in 1996. He had an enormously distinguished career. We have heard other members talk about John's quiet determination and he was a man of very great quiet determination.

When you think that he studied from the time he left Brighton Grammar in 1958 to when he was awarded his PhD in 1977, he studied for close to 19 years. Any of us who have studied and undertaken part-time or night studies would realise what enormous determination and courage it takes to stick with that belief for close to 19 years.

He is a man who, in my view, is characterised by certain words. He was kind, he was thoughtful, he was considerate, he was a man of enormous integrity, and he was enormously knowledgeable, as many of us here have said. He was quietly determined, and he was a man you could not help but respect. He was a man of compassion.

I was lucky to have spent quite a bit of time with him, not only as members of the Liberal Party and the community in our Higinbotham Province area before either of us were in this place, but also during the time I was unfortunate enough not to be able to drive when we were in this place. John, in a most generous and outgoing way, helped me so much, whether it was with my coming home from this Parliament late at night, or whether it was with my needing to go to some meeting somewhere. In the most selfless way, he offered me lifts to all sorts of places all over Victoria. In that 12 months John and I spent an enormous amount of time together, and I got to know him extremely well.

There is another of his characteristics that other members have spoken about. Until you had actually spent many hours with John I do not think you realised the strength of the love and support that he had from his family. He and Faye were devoted in ways that it is

impossible to describe — in the depth of their feeling for each other and their support for each other. Wherever they went they were together; whether it was to branch meetings or anything, Faye and John were always there together. Faye would just be sitting there with John to give him support. They were often holding hands just being friends together. They were enormously devoted to each other, something which in this day and age we unfortunately do not see enough of. John lived for his family and particularly his grandchildren.

As has also been said, John had an enormously strong belief in how we should deal with the whole issue of drugs. He believed there was no simple solution, that many of the ideas put forward by our society today were essentially forms of a cop-out, if you like, and that you had to rely on individuals to deal with the devil of drugs and beat it themselves.

I can remember having many hours of discussion on this. We used to talk about solutions to this terrible problem of drugs as we would drive around Victoria to various functions. I can remember him talking about so many schemes. He was somebody who earnestly believed — and he could also produce the evidence to support this — that the needle exchange program which we have is fundamentally counterproductive in what it seeks to achieve. On the whole issue of safe injecting rooms, which has been touched on today, it was not so much that he did not think they could help people, but that he held the view and was able to present evidence that they led to the forming of ghettos and were ways in which people could be pushed away and hidden so they were not a problem to society. He thought it was a way of disappearing the problem rather than solving it, and that solution needed to be thought through.

As has been said, his life was in the region of public health. It is a tragic irony that somebody who believed so strongly in and whose life was into promoting public health should have contracted leukaemia at such a relatively young age, because with the best will in the world that is not a disease that could be dealt with in a public health way.

It was a tragedy to watch John as he sat here with us all. You could see him fading away, and as has been said before, he took time off and came back and looked really well. I remember it was only a matter of four or five weeks ago that we saw him at a function. My wife and I even saw him at Southland recently and he looked so well and we thought, 'Isn't this wonderful?'. But it was not to be.

Only last Friday John's life was honoured at a funeral service at St Andrew's Church in Brighton. The most moving eulogies honouring his life were given there by Robert Doyle, the Leader of the Opposition in the other place, about John's life in politics; by Dr Joe Santamaria, who talked a lot about his time at the addiction research institute; and by Dr Trevor Davey, who spoke about his friendship with and knowledge of John when they were medical students together.

They all paid tribute to a really unique man in every way, and a man who will be very sadly missed. I conclude by quoting the last paragraph of John's maiden speech when he was in this place, which defines the nature of the man — a man who had a compassion for other people but also had this wonderful belief and commitment to the whole area of public health. He said in closing his maiden speech:

> I believe Parliament should play a real role in articulating the mores of society, with particular reference to health and to focusing public attention on prevention as the cornerstone of health care reform. The trick is not simply to teach individuals what they do not know about behaviour and how it is related to health; what we need to appreciate in this place is that measurable health gains will only accrue when every Victorian accepts personal responsibility for his or her own health and we all genuinely care for one another.

That last sentence sums up what John Ross believed in his life — that is, personal responsibility and caring for one another. I have much sadness in placing on record my condolences and my special wishes from both my wife, Kate, and me to Faye Ross, who I know will miss John so much, to the children John loved and had so much respect for — Simon, Christopher, Lynda and Lisa; and the grandchildren he simply adored and could never, never stop speaking about all the time — Dylan, Stephanie, Brent and Blake.

Mr PULLEN (Higinbotham) — I rise with a great deal of sadness for this condolence motion to the late Dr John Ross. As members are aware, I was elected as a member for Higinbotham Province following the decision of John to retire at the last election. I have severe doubts as to whether I would be here if John's health had held up and he had actually stood for the Higinbotham electorate at the last election.

The *Herald Sun* contacted me in relation to how the electorate office was when I took it over from the previous member. John actually came into the electorate office when I was elected. He made sure everything was right and that we did not have a problem in the world. That continued on for about a month — I could not get rid of him half the time! But the position was fantastic; he helped me so much.

John gave me a statement to make in the house that he had not been able to make. It was on the Newlands project in East Bentleigh. I was pleased to make that my first statement in this house after my inaugural speech.

I first met John back in the mid-1960s when he was playing football at the East Brighton Football Club. I used to turn up on the Sunday mornings and John would also be there among the Sunday sippers with many of his good friends, particularly Charlie Sarsero, who would be running the 100 to 1 draw to raise money for the club — and I know Charlie was at the funeral on Friday, which unfortunately I could not make due to a previous commitment.

It has also been said that John was a solid half-back flanker, and I remember him playing. He was a Collingwood 6-footer and wore no. 10 for East Brighton. He actually played 177 games for Easts — 61 of them were in the seniors. In 1966 he was a member of East's South-East Suburban League A grade premiership team when it defeated Murrumbeena 13 goals 7 to 11 goals 5 — ironically Murrumbeena won the second division premiership in the Southern Football League this year. John then went on to captain-coach the seconds in 1968 and 1969.

I had lunch today with a councillor from Bayside City Council who played football at East Brighton as a youngster under great coaches in Teddy Woods and John Wooley, and they would always call on John to address the players, particularly at half time and three-quarter time. What Cr Mike Dwyer said to me today was that John would talk about motivating the players, telling them to enjoy participating in the game rather than just focusing on winning. John also did a great amount of work for the club, as has been mentioned before, and was subsequently awarded life membership.

John spoke highly of Norm Loader in both his inaugural speech and his last speech to this house. I know my colleague from Higinbotham made a statement only recently about Norm Loader. Norm, who passed away earlier this year, was a foundation member of the East Brighton Football Club and was its first secretary in 1948. I had the pleasure of chatting with both Norm and John at the club's annual auction night last year. It was a very enjoyable discussion. I knew John was ill then.

Only last Saturday I was speaking with a legendary East Brighton identity, Alan Meaney, who told me that John recruited him to East Brighton Football Club. Alan played the first two games in the seconds and kicked 14 goals. When he approached John and asked why he had not been promoted to the firsts, John answered, 'Are you sure you have proved yourself yet?'. That was the way John had with words, and I found that over the many years I knew him.

President, I will always remember your telling me that John's final address to this house on 31 October 2002 was the most moving you had heard. I made sure I read it, and I agree with you entirely. I know how passionate John was about this house. At the time of the constitution commission I went into his office and he provided me with an enormous amount of detailed information about the Liberal Party's position on the commission. It is very important that we note that John said in his final speech that he would not force a by-election on his constituents at the very time the upper house was under careful scrutiny by the constitution commission.

John Ross, at 62 years of age, member for Higinbotham Province from 1996 to 2002, was too young to die. To Faye and his family I extend my deepest sympathy.

Hon. ANDREA COOTE (Monash) — John Ross was a gentleman. He was a gentleman in the truest sense of the word. He came to this place as a gentleman, and from all the accolades we have heard about him today I think both sides of this chamber would agree that he left here as a gentleman as well. He conducted himself throughout that process with enormous dignity, honour and professionalism. I feel very lucky to have known and worked with him as a colleague and a friend.

I first met John when he was working with G-line. We take such services for granted today, but at the time when John was initiating G-line his work at that time was ground breaking, and it put Victoria on the map. John did it in a quiet and professional way, but it was a service that gave enormous support to a whole range of people who were under enormous difficulty.

I first worked with John through a Liberal Party policy assembly committee where he conducted an inquiry into private health insurance. John, in his extraordinarily professional way, crossed every t and dotted every i. We had an excellent debate. Professional people spoke with us, and John ran the seminar in a very positive way which provided the groundwork for some of the Liberal Party policy we went on to develop. Indeed, before he became a member of Parliament John was affecting and looking into policy at a detailed level.

I was in at the beginning of John Ross's political career. I helped in his preselection process and was on his

preselection panel. A large group of people was vying for the seat of Higinbotham, but I must say that John stood out head and shoulders amongst them all. Together with Faye he was in, as my colleagues have said, a real and true partnership. They were there together on the day and showed that together they would have a partnership in the job. John went right through his parliamentary career with the two of them together very much in a partnership role.

At the preselection process John was dignified, professional and demonstrated the depth of work in his community in the health field and his policy work with the Liberal Party. It was a pleasure to have been there right at the beginning of John's very distinguished political career.

In my electorate the drug debate and debate on heroin injecting rooms were a hot topic. St Kilda, as most members would know, was one of the areas suggested for a heroin injecting room. I was honoured to share an office with John when I first came to this place, and we had many long discussions about heroin injecting rooms.

John suggested to me that it might be a very good idea to have a look at them. He gave me detailed information, names of people and places overseas. I travelled to Switzerland and England. In England we spoke to dignitaries and specialists on this issue. Everywhere I went John was held in high regard. He was a man from our Parliament speaking on an issue where he was regarded and regaled in a worldwide sense as an expert. Everywhere I went people were keen to know what he was thinking. They were keen to know how the debate was progressing and keen to give accolades to a very distinguished man.

In that office we shared we had many late-night discussions while Parliament raged on and on. They were quiet discussions, many of which were held in the middle of the night. Many were about a whole range of philosophical issues. The discussions always had depth. From what we have heard today, many people would have had such conversations. He had quite a chuckle which was rather fun as well.

I remember speaking to him about his preselection for the last election. He said, 'Andrea, I've just been told that I have leukaemia and I won't be standing again. Many people do not know this'. We had a long discussion about what his direction would be, and in true John fashion he looked at it very analytically as he spoke to me, who knew nothing about the disease. He spoke about his prognosis and his life and how he was going to make the most of it.

We have heard today how he did just that. All of us will remember that final speech. You could have heard a pin drop. Everybody was silent. It was one of the most dignified, honest, sad and humble speeches I have ever heard.

Much has been said about Faye, because they were such a partnership. In his final speech to this house — and much of John's memory lives on in Faye — he said:

> My wife, Faye, is the foundation upon which my parliamentary career was built. She accompanied me to nearly every branch meeting, party and civic function — simply to be with me. Her usual comment was if she did not go to those meetings she would never see me.

I think all of us can understand that it was a true partnership. My thoughts are with Faye and the family, and I certainly will miss John Ross.

Hon. D. McL. DAVIS (East Yarra) — I also wish to associate myself with this important condolence motion and place on record my enormous esteem and respect for Dr John Ross. I do not want to add much because an awful lot has been said about John's life, his professional career, his local activities, his activities within the Liberal Party, the strength of his family and his relationship with Faye. I extend my heartfelt condolences to his family and Faye.

I want to reflect on just a couple of aspects of his life, and one of those is John's commitment to public service through his professional background and his commitment to public health in particular.

I believe he was a model not only for parliamentarians but for many others in the community in his ability to use rational examination of the evidence and to focus on how to solve public health problems through that rational examination of evidence. His contribution and ability to bring his mind to bear on important public health topics — the truth is that those public health areas are the areas where most progress in our health system nationally and internationally can be made — stand as a fine testament to those skills.

I also want to reflect on the contribution John Ross made to a particular group in the Liberal Party and the National Party. I was elected with him and 14 other members of either the Liberal Party or the National Party in 1996, and I was very proud to have that association with him. That group of individuals — the Class of 96 as they became known — esteemed John highly. I can only say that it is a great pity that he is not here with us still. It is a very small group in this chamber — I think I am the only one who remains in this chamber from that 1996 group — although Jeanette

Powell, Helen Shardey and Martin Dixon are in the other chamber. I thought it was important that I place on record today the strong support that group extended to him and the strong impact and influence he had on all of us.

His humanity came through so strongly. His commitment to not only the Parliament but to the Victorian community and to Higinbotham Province was unique and will not be replicated.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — When John Ross retired last October he did not retain the title 'Honourable'. However I can think of few members who have served in the 54th Parliament who were more deserving of that title than the late Dr John Ross.

Throughout my dealings with John Ross he always displayed humility, integrity and decency, and they were characteristics that John always displayed in his dealings with members in this chamber. Every speech I heard John deliver was based on painstaking research and deep thought about the issues concerned, such was the respect that John had for the forums of this Parliament.

Other members have highlighted his knowledge and background in the health area, particularly on the subject of drugs, and throughout the community debate on safe injecting rooms John travelled extensively throughout Victoria.

I recall him and Faye spending a Sunday afternoon in my electorate talking to a group of only about eight people. They very willingly spent the afternoon talking to those people so that locals in my area — I think they were Liberal Party members — could have an understanding of the issues at hand in the safe injecting debate.

When John was elected in March 1996 his maiden speech had a theme: the contribution he wanted to make on behalf of the people of Victoria and extending the work that he had done in academia. Last October the members of the 54th Parliament were privileged to hear John's final speech in this Parliament. Again, the theme of that speech was the contribution that John wanted to make, in that instance, as a legacy for his grandchildren and for the benefit of the people of Victoria. So, right to the end John was thinking of the contribution he would make to the people of Victoria and to his electorate, and their concerns remained at the forefront of his mind throughout his parliamentary service.

It was a privilege for me to serve in the 54th Parliament with the late Dr John Ross. I extend my condolences to his wife, Faye, and to his children. Dr John Ross's passing is a great loss to this Parliament, a great loss to the Liberal Party and a great loss to the state of Victoria.

Hon. R. H. BOWDEN (South Eastern) — I rise to support the motion today before the house in relation to Dr John Ross. With his passing we have all experienced the loss of a fine gentlemen and a fine colleague. There are several qualities that single out and make the late Dr John Ross an outstanding person. I always knew him to be courteous, considerate and compassionate. On many occasions debates were held in the party room or elsewhere and when John Ross spoke on the topic of public health or issues related to illicit drugs, people listened — and they listened carefully. His views were always respected in the councils whenever I heard him speak.

I would describe John Ross amongst other ways as a quiet achiever. He was a sincere listener, a genuine thinker and, above all, a very sincere person. I had the opportunity some years ago to travel with John and Faye to Taiwan. John was most professional. He enjoyed that experience and contributed to the team, and the impression that our hosts in Taiwan gained through the work of Dr John Ross was excellent.

I also had the privilege early last year of driving John up to Benalla. Just the two of us were in the car, and we exchanged thoughts, views and so forth. I gained the very clear impression that there was a special quality about him. He was very proud of and grateful to his parents who had made much in the way of sacrifice to give him an education that he was absolutely grateful for. John told me in the car that he absolutely adored his parents for that sacrifice, and that they had enabled him to progress in life and add to his experiences. He never forgot the sacrifice that his parents made for him.

Another point I was surprised to hear in the car — but I should not really have been surprised, knowing John — was that he considered his time in this house to be the apex and the absolute pinnacle of his achievement in life, in public service and in his professional work. He really adored and valued most highly the opportunity to be a member of this Parliament and to serve the people of his electorate and the people of Victoria through being a member of this house. That is a fine sentiment and a fine statement indeed.

Much has been said about John's community service, his party service and his personal qualities, and what has been said is definitely true. I would like to

express the condolences of myself and my wife, Lynn, to John's wife, Faye, and to his children, Simon, Christopher, Lynda and Lisa. We have indeed all lost a friend.

The PRESIDENT — I also wish to be part of this condolence motion before the house. Dr John Ross did not spend as long a time in this Parliament as some others. He served as the member for Higinbotham from 1996 to 2002 but his contribution was valuable nonetheless. In his final speech to the Parliament last year he said that it had always been his intention to seek re-election, but unfortunately ill health made this impossible for him.

John was respected by all sides of politics, and in that final speech he also thanked the government for the consideration he was given during his time of illness. He acknowledged the role members played and the encouragement and support he received that made him able to sustain some semblance of health, as has been reported.

As Mr Pullen indicated, I said to him that if anyone wants to know about the man, John Ross, they should read his last speech. It epitomised what John was all about — his family, Higinbotham and, as indicated, his apex, in his view, of becoming a member of this house to represent his constituents. John had a successful career as a scientist, but the closing chapter of his working life was serving as a member. On behalf of all members, I offer my condolences to his family: to his wife, Faye, and his children, Simon, Christopher, Lynda and Lisa.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That, as a further mark of respect to the memory of the late Honourable Michael John and the late Dr John William Gamaliel Ross, the house do now adjourn until this day at 5.00 p.m.

Motion agreed to.

House adjourned 3.47 p.m.

The PRESIDENT took the chair at 5.02 p.m.

ROYAL ASSENT

Message read advising royal assent to:

16 June

Appropriation (2003/2004) Act
Appropriation (Parliament 2003/2004) Act.
Attorney-General and Solicitor-General (Amendment) Act
Australian Crime Commission (State Provisions) Act
Corrections and Sentencing Act (Home Detention) Act
Crimes (Family Violence) (Amendment) Act
Drugs, Poisons and Controlled Substances (Volatile Substances) Act
Fisheries (Amendment) Act
Livestock Disease Control (Amendment) Act
State Taxation Acts (Miscellaneous Amendments) Act
Victorian Urban Development Authority Act
Wrongs and Limitation of Actions Acts (Insurance Reform) Act

2 September

Catchment and Land Protection (Amendment) Act.

CHILD EMPLOYMENT BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr GAVIN JENNINGS (Minister for Aged Care).

COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Commonwealth Games).

NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

CONFISCATION (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

ALBURY-WODONGA AGREEMENT (REPEAL) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Finance).

QUESTIONS WITHOUT NOTICE

Wind farms: government policy

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Energy Industries. Will the minister confirm that he is meeting tomorrow with ministers Thwaites and Delahunty, the shires of Moyne and South Gippsland, the Victorian Tourism Industry Council and Great Ocean Road Marketing to discuss the government's coastal wind farm policy and that subsequent to that meeting the government will announce a backflip on its policy and ban wind farms in coastal areas?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question. It is very interesting that the honourable member decided to go down to Gippsland with his leader, Robert Doyle, the Leader of the Opposition in the other house, to do a tour and support his leader in talking about energy issues, including wind, in Gippsland. But they forgot one very important thing — that is, to take the opposition spokesperson on energy, Mr Forwood, with them. But they did not forget; they did this for a very important reason — that is, that Mr Forwood is on the record many times in this house saying that he supports a mandatory renewable energy target, that he supports the development of the wind industry in this area of the state, and that he recognises the contribution of wind — —

Hon. Philip Davis — On a point of order, President, the minister has had a minute to address the question, but all he has done is debate it. I ask you to draw him back to the question and direct him to answer it and be responsive to the question.

Hon. T. C. THEOPHANOUS — On the point of order, President, I am well aware of the question that has been asked by the honourable member, but in his question he asked me about issues related to wind and questions how the government will be dealing with it. He mentioned something about a backflip. It seems to me that in talking about wind I am entitled in the preamble leading up to the answer to the honourable member's question to also indicate what the opposition has been saying in relation to wind and about its members' recent actions in relation to wind energy in this state.

The PRESIDENT — Order! The minister has had a minute of his preamble, as he indicated, and I think he has got 3 minutes to go to answer his question, so I ask him to continue with his answer.

Hon. T. C. THEOPHANOUS — What we have is an opposition which is — —

Hon. Philip Davis — On a point of order, President, you have made consistent rulings about ministers in this place debating questions. The minister is out of order to continue in this vein.

The PRESIDENT — Order! In my previous ruling, which was 7 seconds ago, I said that the minister had made a preamble, and I asked him to get back to answering the question. With his 2 minutes and 53 seconds remaining, I ask the minister to answer the question put to him.

Hon. T. C. THEOPHANOUS — The opposition leader is very sensitive today!

Of course this government is about supporting wind. It has been about supporting wind power ever since it came into power, and it does so because it is a very important component of the renewable energy strategy which is being pursued by the state. There is no question about backflips from the point of view of the government, because it has always held the position that wind plays and will play an important part in answering our energy problems. It is not all of the answer to our energy problems, but it will play an important part in how we deliver the energy requirements of Victorians into the future, and it does one other thing for us — it reduces the amount of greenhouse emissions that this state produces.

Make no mistake: one of the biggest issues we face going forward as a state is how to deal with greenhouse emissions. We produce more greenhouse emissions in this state than in any other, and over the last 10 years those emissions have increased by 41 per cent. We have

a serious problem which needs to be addressed in relation to greenhouse emissions.

One of the ways in which we can address that issue is by using renewable energy resources. We have an opposition that at every opportunity gets up and criticises us for wanting to take forward this debate and get renewable energy in this state, particularly wind. You really do not know how this is to be approached when you have the shadow Minister for Energy Industries saying one thing about supporting the mandatory renewable energy target and about supporting wind in the state, and then you have the member for Hawthorn and the Leader of the Opposition in the other place going around saying the exact opposite to what the energy spokesperson on the other side is saying. Let me tell you, President, that the person who has got it right on this occasion is the opposition energy spokesperson, not the opposition leader.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — Given that the minister failed to address any of the points in the question, I guess I will have to recite it further. I asked the minister whether or not he is meeting tomorrow in the company of other ministers with the shires of South Gippsland and Moyne, from Western Victoria, and with the Victorian Tourism Industry Council and Great Ocean Road Marketing, and would he advise the house if it is the intention of the government to announce tomorrow a reversal of its policy in relation to wind farms in coastal areas?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The difference between the government and the opposition is that this government consults with stakeholders, and we will continue to consult with them in whatever industry we are dealing with. We do consultations, listen to people and make decisions. We are committed to developing the wind industry in this state, and we will continue to be supportive of wind as one of the answers to the development of renewable energy sources for this state.

There will be no backflip from this government. The only backflips that we see are from an opposition which cannot get its act together and cannot even decide whether it should support the energy spokesperson or Ted Baillieu, the planning spokesperson in the other place.

Real estate agents: practices

Hon. KAYE DARVENIZA (Melbourne West) — I refer my question to the Minister for Consumer Affairs. Will the minister please inform the house of recent action the Bracks government has taken in relation to the real estate industry?

Mr LENDERS (Minister for Consumer Affairs) — The Bracks government listens and acts and in doing so goes out there and consults with our communities.

Mr Jennings — That is what listening is about!

Mr LENDERS — That is what the deputy leader says listening is about When we look about and we think how listening and acting deals with the important issue of consumer affairs it becomes quite clear to us that there has been a growing lack of confidence in the auction system among some consumers. The government has listened and acted in a couple of ways. Firstly, it has brought in legislation, which the house is probably familiar with, dealing with dummy bidding and under and overquoting. That is now in place and the proclamation of the sections dealing with dummy bidding will take effect on 1 February.

More recently some incredibly unethical practices among a small number of real estate agents disturbingly came to my attention. I say it is a small number of real estate agents, but they have besmirched the reputation of the entire industry. When it came to my attention that a very small number of estate agents were indulging in the unethical practice of hiding from their blurbs and other material powerlines, power poles, adjoining buildings and — —

Hon. Bill Forwood — Gas meters!

Mr LENDERS — As Mr Forwood has said correctly, they are hiding gas meters. We have had two aims for consumers affairs — to empower consumers so they are confident, as Mr Olexander knows, and, when that has not worked, to look after vulnerable consumers — and this matter fits absolutely within the issue of how to make consumers more confident and how to protect vulnerable consumers.

The first step in making consumers more confident is to give them certainty so when they see an advertisement put out by an estate agent they can know that it is correct and that what they see is what they get. Some have argued that at auctions sellers put on coffee, place flowers and make bread to make the house look more authentic and that photos are often taken on sunny days, so there is nothing wrong with going the next step and blurring out powerlines, gas meters and adjoining

buildings. I say categorically to this house and the Victorian community that the Bracks government wants to put a stop to this.

This insidious creep into crossing the line removes the confidence of consumers in the auction process — the confidence that we have restored by listening and acting by bringing in the amendments to the legislation a short time ago to deal with the confidence issues of dummy bidding and under and over quoting. This activity has been brought to my attention, and we wish to stamp out unethical practices.

Through listening and acting this government has moved, and I have asked the director of consumer affairs to report back to me on the specific instances that were in the media in the last few days. He will report back promptly. We will deal with these issues because we want consumers to be absolutely confident.

Hon. B. N. Atkinson interjected.

Mr LENDERS — Mr Bruce Atkinson mocks the many complaints we have received. We have received complaints consistently from people in the eastern suburbs of Melbourne who wish to have confidence in the auction system. They want a transparent system; they want to be confident that what they see is what they get. They want to be confident that they are bidding against a person and not against a tree, a passing tram or a cat. They want to be confident of these things. This government has listened and acted. It is empowering consumers; it is protecting them and it is being decisive.

Mount Eliza Centre: future

Hon. ANDREA COOTE (Monash) — I direct my question without notice to the Honourable Gavin Jennings, the Minister for Aged Care. I refer to the Mount Eliza Centre, which is a 96-bed palliative care and nursing home centre, and the minister's inability last month to guarantee the future operation of this centre. When he refused to confirm or deny that the Bracks government was looking at closing the Mount Eliza Centre he said, 'We will be looking at all health facilities on the Mornington Peninsula, including Mount Eliza'. My question is: for what purpose specifically will he be looking at the Mount Eliza Centre?

Mr GAVIN JENNINGS (Minister for Aged Care) — As the shadow minister knows, there is an urgent and ongoing problem of residential aged care within the Victorian community. In fact we are in the order of 4500 residential beds short of the commonwealth's benchmark, which is an ongoing problem in terms of guaranteeing the adequate supply of residential aged care to members of the community.

Within the last 12 months there has been a review of facilities that are available along the peninsula. Our government is concerned to ensure that there is an adequate supply of residential aged care across Victoria, and the peninsula is an essential part of that service delivery into the future.

It is fairly clear that the take-up rate of private sector and non-government investment in residential aged care varies significantly across the state. The peninsula, we are pleased to say, is one of the regions where there has been a high take-up rate of private sector and non-government investment. That is very positive for that community. Peninsula Health did a review of whether there was an ongoing reliance on this facility in light of significant investment that has to be undertaken to satisfy accreditation compliance by all facilities until 2008. It was the considered view of Peninsula Health that the licences within this facility were not required to meet the ongoing service provision and it would be overly costly to ensure that there was adequate investment within the facility to provide that level of care in the future.

As has been indicated to the house, we are actively considering all options that may be available for the mix of service delivery within the peninsula, and the department will provide advice to me once it has received advice from Peninsula Health about how this would proceed in the future.

Supplementary question

Hon. ANDREA COOTE (Monash) — I ask the minister whether he can confirm that the Mount Eliza Centre will continue to operate from the current Jackson Road site.

Mr GAVIN JENNINGS (Minister for Aged Care) — In fact if the honourable member was listening, my contribution concluded with the words that Peninsula Health will be advising the department and the department will be advising me on the use of facilities within Peninsula Health into the future, which includes the site mentioned in the question.

Wind farms: public support

Mr SMITH (Chelsea) — My question is to the Minister for Energy Industries. Following on from the question from the Leader of the Opposition, could the minister inform the house as to what degree of public support exists in this state for renewable energy?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his impromptu question! The Bracks government was re-elected last year on a platform of environmental sustainability. Two of the major planks in our platform were firstly, that we would facilitate up to 1000 megawatts of wind power by 2006 — that was a very important part of our policy framework; and secondly, that we would increase renewable energy consumption from renewable sources to 10 per cent of all sources by 2010, which is a very ambitious target as well. So 10 per cent of our consumption is to come from renewable sources.

We did this because we believe the Victorian public expects us to back the renewable energy industry and to find ways to fight climate change. Some members may have seen the results of a recent survey of public attitudes to renewable energy which was commissioned by the Australian Wind Energy Association, and the good news from that survey is that it confirms strong public support for renewable energy, including wind energy.

A vast majority of those people who were polled gave their support for building wind farms, despite the scare campaign mounted by some members of the opposition. The level of support was astounding considering that scare campaign. It was not 50 per cent or 70 per cent — it was 95 per cent support for wind energy in this state. Ninety-five per cent said it was a very good idea to set a target to increase the contribution of clean energy from renewable sources.

Which party has set targets? It is not the Liberal Party nor is it the National Party — it is the government, the Labor Party, which has set such targets. The survey vindicates the Bracks government's commitment to getting behind the renewable energy sector.

Unlike the government, the opposition is going around bagging wind — so much so that we have started to call the member for Hawthorn in the other place 'Black Coal Baillieu' because it seems that he has spent the entire parliamentary recess tilting at windmills in Victoria and supporting black coal stations in New South Wales instead. He has not convinced many Victorians but he has convinced Robert Doyle, the Leader of the Opposition in the other house, who now believes that wind farms are not crucial to our future power generation needs. That is what he said in the Latrobe Valley.

Mr Doyle should tell this story to Mr Forwood, the shadow minister, who seems to support the Environment and Natural Resources Committee and wind power. Mr Doyle and Mr Baillieu should listen to the overwhelming majority of people who do understand how important wind is in this state for our future. Mr Forwood, like Bob Dylan, knows that at least part of the answer, my friends, is blowing in the wind!

Electricity: generation capacity

Hon. P. R. HALL (Gippsland) — My question is also directed to the Minister for Energy Industries and I ask the minister: given Nemmco's prediction of Victoria's future electricity needs, including the possibility of power shortages this coming summer, what is the government's view of the need to establish a new brown coal-fired power station in the Latrobe Valley?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The first point I would make in answer to the honourable member's question is that, as Nemmco has outlined, Victoria has enough capacity this summer to ensure that this state will not have power shortages. By his comments the honourable member is again trying to create a scare campaign or fear around something which even Nemmco, the authority which looks after electricity, has said is not the case. Of course we always monitor the situation with respect to our energy requirements.

There are two aspects to this. One is the peak load issue. Honourable members will recall that last year we reached a record level for peak usage in this state and the system was able to cope with that. This year we have even more capacity to deal with the peak load issue, and I believe we will cope with it.

As members are aware, Nemmco applies a certain level of padding in making its calculations so that if the biggest generator we have goes down, there will still be enough capacity to be meet peak demands in the summer period.

Hon. P. R. Hall — We will be below that.

Hon. T. C. THEOPHANOUS — We will not be below that this summer. There are issues with respect to next summer, and the government is obviously looking at that very closely, but in terms of this summer, assuming all of the assurances we have been given are in place, then I believe we have more than enough capacity to meet that additional demand.

I think Mr Hall supports the construction of a base load power station in the Latrobe Valley — at least, I think he was quoted as saying that.

Hon. P. R. Hall — Yes.

Hon. T. C. THEOPHANOUS — I think he is happy to put that on the record. On the other hand, when he made his little trip down to the Latrobe Valley, Mr Doyle, the Leader of the Opposition in the other place, was quick to say that he supports a base load station within the Latrobe Valley. As I have indicated to the house, Nemmco has identified base load power as an issue Victorians will have to look at over the next decade. We will need to consider the provision of additional base load power. Despite all of this government's attempts to reduce the consumption of electricity and to provide alternative renewable energy resources, we will still need some level of base load power. A number of options, including gas, coal and other forms of demand management may well come into play to change that situation.

With my responsibility as the minister I continue to monitor this situation and at the same time to seek to attract investors into the industry to ensure that we have an adequate supply into the future.

Supplementary question

Hon. P. R. HALL (Gippsland) — I welcome the minister's commitment and the acknowledgment that there is a need for future base load power generation in Victoria. Let me correct the record. I am not about misleading the house. I quote from the *2003 Statement of Opportunities* produced by Nemmco:

> The analysis of supply and demand in Victoria and South Australia indicates that while reserves for the winter will be adequate until 2011, summer reserves fall below the minimum requirement in the coming summer. The reserve deficit is forecast to be 69 megawatts in summer 2003–04.

Does the minister acknowledge therefore that Nemmco predicts possible shortages in this coming summer, 2003–04?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am afraid that the member has his facts wrong again, or at least he is well behind the current position.

When that document was produced that was in fact the case. Since then there has been an announcement by Loy Yang A that it would be upgrading its facilities to a further 80 megawatts. Even Mr Hall should be able to understand that if Nemmco has said that we are down 69 megawatts and there has been an announcement of a further 80 megawatts, that means we are over what is required. So there will be no deficit because of that. The only reason there might be a deficit is if Mr Hall's leader keeps going around and wanting to downgrade what is happening in the Latrobe Valley in this state.

The PRESIDENT — Order! The minister's time has expired.

Small business: Trade Practices Act inquiry

Hon. J. G. HILTON (Western Port) — My question is for the Minister for Small Business, the Honourable Marsha Thomson. In April this year I asked the minister about the Dawson review of the Trade Practices Act and in response she told the Council that she would be taking the issue up with the federal Minister for Small Business and Tourism at the ministerial council meeting that she would be hosting. Can the minister please advise the Council what happened at the ministerial council, and also if there are any alternative policies on this matter?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his question. I know of his interest in this matter as his role prior to entering the Parliament was that of a business operator operating his own business, and very successfully as well. He has fallen into this job and is also extremely attentive to the needs of small business in this role — —

Honourable members interjecting.

Hon. M. R. THOMSON — On his feet!

But this is a very important issue, and one which the Bracks government has pursued diligently on behalf of small business. It is an important issue and particularly important to us in Victoria because of the establishment of the Small Business Commissioner and the role that person will play in defending the rights of small business against unfair market practices. He of course must rely on a close relationship with the Australian Competition and Consumer Commission (ACCC) and on a Trade Practices Act that actually does the job it was intended to do.

We have had a very unreceptive federal government in relation to the Trade Practices Act up until this point, but I am pleased to say that we have had a bit of a breakthrough. At the ministerial council meeting held in July here in Victoria, the federal Minister for Small Business and Tourism, the Honourable Joe Hockey, actually agreed to work with state governments to have a look at section 46 of the Trade Practices Act, and this is the first step, we hope, to giving adequate protection to small businesses against unfair market practices.

We are looking towards work plans being developed so that we meet our commitments to small businesses. This comes on the back of the ACCC submission to the Senate economics committee which highlights how small business has lost power in relation to recent court decisions and the need for section 46 to be consistently applied in accordance with the policy intention of the Parliament.

I want to take everyone back to 1985, to the Trade Practices Act amendments that were brought in by the then federal minister, the Honourable Lionel Bowen, who said in his second-reading speech:

> … an effective provision controlling misuse of market power is most important to ensure that small businesses are given a measure of protection from the predatory actions of powerful competitors.

He went on to say:

> What is being aimed at is the misuse by a business of its market power. Examples of misuse of market power may include in certain circumstances, predatory pricing or refusal to supply …

It is important that now we take the opportunity to have a good, hard look at section 46 and that we protect our small businesses from unfair market practices. The Bracks government is committed to a fair and competitive marketplace. We want to ensure that our small businesses can prosper and grow in a fair, competitive market.

I am sorry to say, however, that we are yet to hear from the opposition about its position on section 46. It would be a fantastic opportunity to see a united position in Victoria, to see the strengthening of section 46 and the protection of our small businesses so that they can thrive in the Victorian economy.

Gas: Bullarto and Trentham supply

Hon. BILL FORWOOD (Templestowe) — My question this afternoon is also for the Minister for Energy Industries. I refer the minister to the minutes of the meeting of the Kyneton branch of the ALP on 24 June. I am happy to make a copy available to the minister and anyone else who has not got a copy.

The PRESIDENT — What is the question?

Hon. BILL FORWOOD — That was just a preamble. I refer the minister to page 3, under general item (g), 'Natural gas', where it says — —

Ms Mikakos — On a point of order, President, I refer the house to the fact that questions should be addressed to government business, and I cannot see why discussions in a Labor Party branch meeting have anything to do with government administration.

The PRESIDENT — Order! The member has not asked his question. He has 20 seconds to do so, and I ask that he ensure it is directed to government policy and business.

Hon. BILL FORWOOD — The minutes say:

> Judy —

that is, Judy Brady —

> reminded members that part of the Wombat Forest timber trade off was that the supply of natural gas be extended to Bullarto and Trentham.

Will the minister outline to the house details of this arrangement?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am not a regular attender, I must admit, of the Kyneton branch of the Labor Party, but perhaps I should make it my business to attend more often. I am at a loss to know why Mr Forwood has such a passion for looking at the minutes of Labor Party branches. You really do have to get a life, Bill, because there are better things to do in life than reading through the minutes of Labor Party meetings.

I am not quite sure how to answer this question, except to say that I take this to be some sort of request by the branch for the government to look at these issues. Of course all requests in relation to natural gas, even requests from the party — —

Mr Viney — Even the Liberal Party?

Hon. T. C. THEOPHANOUS — Even requests from the Liberal Party — any requests at all go into the same kind of process, a process that has been established for the rollout of this very important $70 million program to provide natural gas to up to 100 000 small businesses and consumers in rural and regional Victoria. This is a program which the government took to the election and is in the process of delivering. The reason it is undertaking this program is that because of the sale by the previous government of the Gas and Fuel Corporation of Victoria there is now no body that will provide gas extensions to non-commercial areas in rural and regional Victoria.

You have to understand what gas connections mean to these country towns. I recently went to St Leonards and Indented Head for the delivery of the gas main to those communities, and it was just amazing how many people in the community attended. I congratulate Elaine

Carbines, my parliamentary colleague, and other colleagues who were also there on the day because they had lobbied so hard for the gas extension to these areas.

When you bring natural gas to any part of regional Victoria you must understand that for an average family that uses gas for hot water, cooking and heating, it can represent a saving in that community of up to $1200 per annum. That is $1200 which that community is able to spend on other things. It is a very important part of this government's delivery of what is essentially a social responsibility to regional Victoria.

I thank the honourable member for his interest in gas extensions around the state, and I look forward to working with members in this house to ensure that as many people as possible get natural gas in regional Victoria.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his comprehensive answer. Will the minister confirm that there is no arrangement made as part of the trade-off for natural gas to be extended to Bullarto and Trentham?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The honourable member opposite knows very well that the government has made a number of specific commitments regarding natural gas in this state. He is well aware of the areas to which they relate. He is also well aware that all other areas in the state will be considered on merit. There have been an enormous number of applications; well in excess of the 100 00 that it was envisaged the program would cover. The government is in the process of looking through those applications to try to ensure that as many people get gas as is humanly possible.

Housing: waiting lists

Ms HADDEN (Ballarat) — I refer my question to the Minister for Housing. The minister will be aware of comments made following the recent release of the June 2003 quarter public housing waiting lists. Will the minister advise what action the Bracks government is taking to ensure the fair and proper maintenance of the public housing waiting lists?

Ms BROAD (Minister for Housing) — As part of the Bracks government's commitment to open, accountable and transparent government, public housing waiting lists for each quarter are released on the Department of Human Services web site. I remind the house that this is a practice that the government instituted in its first term. I also remind the house that under the Bracks government the public housing waiting list has decreased by around 16 per cent from 41 027 in June 1999 to 34 534 in June 2003.

The Bracks government's massive investment in social housing is making a difference in assisting people with affordable housing. We committed around $1 billion in our first term for the acquisition, construction and upgrading as well as the redevelopment of Victoria's social housing stock. Part of this was the successful social housing innovation project of some $94.5 million over three years. This will be increased by an additional $88.8 million over four years for affordable housing and homelessness assistance announced in this year's budget.

The government's waiting list confirmation process is resulting in significant decreases. Under this process regular and thorough checks of public housing waiting lists are conducted to ensure that housing assistance is going to those who need it. It makes no sense at all for those who for whatever reason no longer require public housing to be on the list. That is why the list, through a process of writing to applicants to ascertain their requirements, is regularly maintained to ensure that housing assistance is going where it is needed.

I am concerned by recent comments from the opposition, following the release of the June quarter figures, that seem to fly in the face of this practice and fly in the face of commonsense.

The member for Caulfield in another place has described the sound and proper maintenance of the list as 'a rolling campaign of cleansing started by the government last year', which is another good example of an opposition with no policies saying anything because it is desperate to get a headline. I am even more concerned because the practice is a standard one that follows on from the previous government, and the opposition appears to be all over the place as to whether or not it supports what is commonsense. If the opposition wants to accuse the government of keeping up-to-date and accurate records, then it is an accusation the Bracks government is happy to confess to.

The member for Caulfield's comments indicate that if Victorians ever again have the misfortune of being governed by those opposite, they can look forward to inaccurate and out-of-date records about who is seeking public housing. Those who have moved away into the private rental market and purchased homes et cetera would remain on our public housing waiting lists without any prospect of government action to have the applications removed. Not content with manipulating the waiting list figures by including transfer figures in

her media releases — that is people who are already in public housing — the member for Caulfield and the opposition want to go further and let the list run free with applicants who do not even need public housing.

The Bracks government remains committed to the proper and sound management of those lists to ensure that housing assistance is targeted to those who need it, even if the opposition is not.

Surf Coast: electoral review

Hon. J. A. VOGELS (Western) — My question without notice is to the Minister for Local Government, and I ask: does she support the recommendation made by the Victoria Electoral Commission in its electoral review of the Surf Coast Shire Council in a report released on 8 September that nine councillors be elected from an unsubdivided municipality using the proportional representation method of voting, thereby for the first time taking away an individual council's ability to decide on its preferred voting model?

Ms BROAD (Minister for Local Government) — I welcome what is a preliminary report by the Victorian Electoral Commission on the electoral representation review of the Surf Coast Shire Council. That review was established in July to consider options for fair and equitable representation in the Surf Coast Shire, something which the Bracks government also supports.

Members opposite may remember that this review was a recommendation which came out of the commissioner's report into the Surf Coast Shire, a report which I received, and I was happy to support the recommendation. The draft recommendation of the commission is that the Surf Coast Shire Council comprise nine councillors based on either proportional representation from an unsubdivided council or alternatively, a nine single council ward structure. The preferred option requires legislative change.

My position is that I encourage interested residents in the Surf Coast Shire to make submissions to what is a preliminary report to the commission. I understand that submissions can be made up until 29 September and also a public meeting is to be held in Torquay on Monday, 6 October. That is the appropriate process to be followed and that is what I endorse as Minister for Local Government.

Supplementary question

Hon. J. A. VOGELS (Western) — Is it the government's intention to request the Victorian Electoral Commission to review the electoral procedures of the other 78 Victorian councils, with the express intention that all councils will be unsubdivided with a proportional representation voting method?

Ms BROAD (Minister for Local Government) — I am not sure that there is a connection between the supplementary and the initial question, but nonetheless, as I indicated in my response to the initial question, this review came out of a commissioner's investigation of the Surf Coast Shire; it was not something that was instigated by the government. It came about as a result of accepting that recommendation from the commission report. It does not apply to another council in Victoria.

Aboriginals: Council of Australian Governments trial

Hon. R. G. MITCHELL (Central Highlands) — I refer my question to the Minister for Aboriginal Affairs. How does the recent Council of Australian Governments trial in Shepparton demonstrate the Bracks government's commitment to empower Aboriginal communities to make their own decisions and deliver positive outcomes for their people?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank the member for his question and his enthusiasm about Aboriginal communities and the development of better responses by governments to the needs of Aboriginal communities across the state. Indeed, the member travelled with me to Shepparton earlier this year.

Just recently on 4 September, I had the privilege of travelling to Shepparton with the Premier in the company of the Aboriginal facilitation group, which had been charged with the responsibility of developing the Council of Australian Governments trial. There we met with the federal Minister for Employment and Workplace Relations, Mr Tony Abbott, and were welcomed by the Aboriginal community and the mayor of the City of Greater Shepparton, Anne McCamish. We also had the company of the Honourable Wendy Lovell at the event that took place that day. It was one of those occasions where the three tiers of government in our federal system got together and said, 'We have to provide better service delivery and outcomes for Aboriginal communities'. It was a rare occasion when federal and state ministers shared a platform, an agenda and an intent to do better in the name of delivering better outcomes for Aboriginal communities.

For the last 12 months there has been an Aboriginal facilitation group meeting regularly in the Shepparton region bringing together representatives of Aboriginal community organisations and Aboriginal communities in the Shepparton region to form the basis of a compact

between those Aboriginal communities, the state of Victoria and the commonwealth. Indeed, more recently we had the arrival of the City of Greater Shepparton into that worthy compact. We signed off on that on 4 September.

It is one of 10 COAG trials currently being developed right around Australia to find ways in which Aboriginal communities can be supported to develop holistic approaches to improving their lives. The trials will lay out the principles on which they can organise programs within their own communities, covering such areas as health services, education outcomes, and the delivery of jobs in real and lasting ways. The trials will lay out the way they want to relate to government in future.

That is a challenge in itself, because as we all know there is a proliferation of programs at the state and commonwealth level that make access very difficult for community organisations. One Aboriginal organisation in Shepparton is currently the receiver of funds through 47 different programs. That in itself is a demonstration of the fact that governments need to get their act together in a more coordinated and streamlined way to say, 'Do not get on the administrative treadmill'. We want to ensure a seamless, neat integration involving the aspirations of Aboriginal communities.

There is a degree of optimism expressed at this wonderful community event, and I quote from Dr Mary Atkinson, a prominent member of the Aboriginal community facilitation group in Shepparton, who commented that that signing:

> … signifies the long-term commitment by all levels of government to share our vision and work in equal partnership with our community to achieve our aspirations.

This is the sense of optimism that we rarely have in commonwealth-state relations — that we can work cooperatively and amicably with a shared agenda, being driven by Aboriginal community outcomes. It is a challenge that I hope these jurisdictions will meet.

Aboriginal communities have every right to expect better results from governments, and it is the Bracks government's intention to deliver on its part of the equation.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to more than 300 questions on notice: 79, 80, 83, 84, 96, 113, 123, 126–9, 134, 139, 142, 144, 146–51, 153–8, 160, 191, 194–6, 198, 206–12, 222, 223, 225, 226, 229, 231, 234, 236–43, 246–8, 250, 251, 253, 255–8, 261, 263–7, 270, 275, 278–81, 283, 285–8, 290, 291, 293–6, 298, 299, 301–07, 353–60, 363, 364, 366, 371–3, 376–9, 391–7, 399–411, 429, 431, 432, 440, 462–85, 487–98, 501, 502, 505–08, 511–19, 521–7, 529–32, 534, 542–9, 552, 553, 565, 566, 570–2, 574, 575, 577–9, 581, 583, 584, 604, 605, 607, 609–12, 616–32, 634–8, 640–2, 644–52, 655, 657–721, 724–9, 731–6, 738–69.

Hon. ANDREA COOTE (Monash) — That is very impressive. However, I have just started to look at the list of questions that I am owed, and there are two already that I have gone through on a significant list that have not been answered.

I wonder what the ministers have been doing over the break. The ones I am waiting on are 348 and 499, and that is just the beginning. I asked question 348 for Minister Thomson to Minister Pandazopoulos in the other place. I asked question 499 through Minister Lenders to Minister Brumby. Can those two come through very shortly? I will go through the rest of my list.

The PRESIDENT — Order! I ask the honourable member whether she is seeking an explanation. There is a procedure which requires corresponding with the relevant ministers about answers to questions on notice and then asking for explanations following that correspondence. Can you clarify that for the house?

Hon. ANDREA COOTE — I would like an explanation as to why my questions have not been answered. I would like to have that explanation from the ministers concerned.

The PRESIDENT — Order! I remind the honourable member that under standing order 6.08 if an answer is not furnished within a set time, a set number of steps have to be taken. Can the member advise the house as to whether she has followed that process?

Hon. ANDREA COOTE — I have indeed, and I have written to ask for a result.

Hon. B. N. ATKINSON (Koonung) — With respect to the procedures, President, the opposition sought at the end of the last sitting to help the government by not enforcing these procedures and therefore not causing some embarrassment to the government for not answering questions. We accepted an assurance at the end of the last sitting from the Leader of the Government that answers to questions would be forwarded to us after the sitting, and that simply did not happen.

Therefore I ask now whether he can give us an explanation as to why that did not happen and whether he insists we now play by the rules, or whether his assurances in the future are something that we can rely upon.

Mr LENDERS (Minister for Finance) — Firstly I will certainly follow through any instances where letters were written and not followed through. I indicate that we will follow that through. I am not aware of receiving any myself, but I will follow through any that have been done.

On the secondary issue, Mr Atkinson is right — we did undertake to speed up the process and a significant number of questions were answered in the last two days of the last sitting as well as a significant number now; but we will continue to get these responded to. I will follow up any letters that have not been responded to.

MEMBERS STATEMENTS

Foxes: control

Hon. PHILIP DAVIS (Gippsland) — I am concerned about the Bracks Labor government's lack of commitment to the control of foxes, which are significant predators for Victoria's wildlife and cause problems for primary producers. The government must reassure concerned farmers that it is committed to an effective fox control program, the program it has just axed because it wants to plug a black hole in the budget. I cannot understand such a decision.

The fox bounty program, which the government itself praised for its effectiveness, has far exceeded its targets. I am disappointed that the government has axed this program in the middle of the lambing season, when it has only run for 12 months. That is a short time for an evaluation of the program. Under this program 170 000 foxes were destroyed, and that sure is a lot of foxes. But when lambs are worth $140 in the saleyard — indeed a record price of $170 was paid at Bendigo recently — this is a significant cost to the economy of country Victoria.

Farmers struggling with the effects of drought and bushfires cannot afford to lose such valuable livestock. The government has provided no alternative, and it should ensure that there is adequate support for controlling foxes in Victoria.

Sorrento: settlement commemoration

Hon. J. G. HILTON (Western Port) — Next month it will be 200 years since the first Europeans landed and settled in Victoria. The first European settlement in Victoria was established in the area now known as Sullivan's Bay, Sorrento, on the Mornington Peninsula.

Around 9 October 1803, Lieutenant Governor David Collins established a camp consisting of 299 convicts, some free settlers, 50 royal marines, a chaplain, and civil officers, totalling about 460 people. For the last few years an organising committee, which includes the member for Nepean in the other place, has been working to commemorate this significant event.

The Bracks government has made a $10 000 contribution towards marking the occasion. To mark the event, for a week in early October there will be a range of activities including a tall ships display, a vintage air race, a settlers dinner and a main day event which will incorporate a landing re-enactment. Lieutenant-Governor Lady Southey and the Deputy Premier will be in attendance.

I would like to congratulate the organising committee on its endeavours thus far and wish the event every success.

Member for Western Province: *Age* article

Hon. J. A. VOGELS (Western) — In an article that appeared in the *Age* on 16 August 2003 I was quoted as saying:

> When I was on the Corangamite council (from 1996 to 1999) I got paid nothing …

That is not accurate. I had a conversation with Liz Minchin, a fine journalist, on this issue where I pointed out that before I was elected to the Corangamite shire councillors did it for nothing because it was in the interests of the community.

Following the appearance of this article I contacted the journalist, Liz Minchin, who agreed that there had been a misinterpretation and she was quite happy for me to correct this story at the first opportunity.

Mistakes are made. I looked in the parliamentary handbook in the library, which says, 'John Vogels, member for the West Australian Labor Party'. I know members opposite would love to have me on that side of the house, but it will not happen. This was drawn to my attention when travelling around Victoria meeting with councils. A mayor thought he was meeting with the Minister for Local Government because he saw in this article that I was a member of the Labor Party. He knew they were in government so probably the only reason he came to meet me was because he thought I

was the Minister for Local Government! There is some benefit sometimes with misinterpretations.

Member for Silvan Province: activities

Hon. C. D. HIRSH (Silvan) — I wish to discuss the fact that I picked up this enormous extra workload in Silvan Province because my colleague the other member for Silvan Province has been offering to service the whole of Victoria with advertisements in the newspapers throughout the state saying, 'Fighting for the north, fighting for you'.

Mr Olexander is paid to look after the four state electorates of Bayswater, Kilsyth, Monbulk and Warrandyte which make up Silvan Province. Mr Olexander spending his parliamentary electorate office allowance advertising throughout the state to offer his services — there are so many advertisements that you would be broke if you had to pay for them yourself — is creating an enormous amount of work for me because he is so busy in Whittlesea, Preston and Shepparton. Is he hedging his bets for about three other upper house seats after the next state election, because that is when you start representing a group, not before the election but after you are elected to it? I hope Mr Olexander will take note.

The PRESIDENT — Order! The member's time has expired.

Planning: Bayside height controls

Hon. C. A. STRONG (Higinbotham) — The issue I wish to raise is the question of height controls in the Bayside municipality in my electorate of Higinbotham Province. The suburbs that make up this municipality have since their very inception in the 1850s overwhelmingly consisted of one or two-storey residential buildings. In fact even today there are only a handful of buildings over two storeys, and that is the way local residents want it to stay.

I put on record my condemnation of the government's metropolitan strategy, sometimes called Melbourne 2030, which will force high-rise, high-density development into these traditionally low-rise residential suburbs. I call upon the government to scrap its high-rise, high-density plan for our traditional low-rise suburbs, like those in the municipality of Bayside.

Youth Week

Mr PULLEN (Higinbotham) — on Friday, 29 August, I attended in Queen's Hall to participate in the Here for Life youth ambassadors and members of Parliament reception, the culmination of Youth Week, along with other members of Parliament.

The presentations by the students from forums held across the state were genuine and thought provoking, covering such subjects as youth, entertainment, bullying, substance abuse, gang violence, road safety, water usage, transport, mental health, immigration, refugees and university fees.

The government speaker was the member for Monbulk in another place, James Merlino, and the National Party was represented by the Honourable Damian Drum. Both their contributions were excellent, and I was particularly impressed by Mr Drum. However, the same could not be said for the first speaker, the Liberals' Andrew Olexander.

At what I thought was an apolitical reception he launched into a tirade of abuse at the government and in particular of the Minister for Employment and Youth Affairs. It was disgraceful.

Not only was he selective in his remarks but he conveniently forgot about the students' comments regarding federal issues such as immigration, refugees and university fees, and he made the claim that the Victorian government was not supportive, although the principal sponsor is the Transport Accident Commission.

I also refer Mr Olexander to the *Here for Life* annual report of 2002, which asks for federal funding that the organisation does not get. As a matter of fact, the Victorian government has its own youth programs. I suggest Mr Olexander check his facts and keep his abuse — —

The PRESIDENT — Order! The member's time has expired.

Brrr Theatre Group

Hon. ANDREA COOTE (Monash) — During a visit to Ballarat during the winter break I met with Dave Knowles, administrator of the Brrr Theatre Group. The Brrr Theatre Group is an established performing arts group in Ballarat with a membership of 20. Dave is an inspirational person whose energy, attitude and enthusiasm is a driving force behind the group's success. He operates as fundraiser, logistics coordinator, administrator, publicist and actor.

The aim of Brrr is to provide an opportunity for appropriately skilled disabled people in Ballarat to use their skills in a professional theatre group, to develop and present quality drama performances and to educate

able-bodied actors and technicians in the skills of working with people with disabilities. The group performs in schools, workplaces and nursing homes and to the wider community at a variety of events such as the Royal Melbourne Show, arts festivals in Horsham and the Ballarat show.

What impressed me most about Dave was his attitude. He was not asking for handouts from government, he was raising money for the group's transport to an upcoming performance in Horsham through a wine and cheese night with donations from local traders. His sense of humour was inspiring. I look forward to seeing a performance on my next trip to Ballarat.

The PRESIDENT — Order! Before I call the next member — —

Hon. A. P. Olexander interjected.

The PRESIDENT — Order! Mr Olexander!

I know it is the first day back, but before I call the next member I point out that we have had points of order raised during members statements before, on the issue that the noise levels increase substantially and members do not have the opportunity to hear other members' contributions. I ask you to show them the appropriate courtesy.

Gerald Brown

Hon. J. H. EREN (Geelong) — It is with great sadness that I stand here today following the loss of Gerald Thomas Brown, who passed away recently aged 72. Gerald Brown was the much-loved husband of Alison Brown and the much-loved father of Terrianne, Geraldine, Alison, Patrick, Kathleen and Bettina. He had 17 grandchildren and 3 great-grandchildren.

He was also my father-in-law and a truly great bloke. With over 200 people at his funeral in Newcomb, it could be said that many felt the same way as I do about him, because I believe Gerry epitomised everything you would want to be. He was a loving husband, he cared very much for his kids and he cherished his grandchildren. He worked hard and went to great lengths to ensure that his family was happy and healthy.

He always had something happy to say. He was a staunch supporter of the Geelong Football Club, and on occasions he had some unhappy words to say about the three men in white on the field. As he would say, 'They bloody spoiled the game, the white maggots'. He was also a popular man about town, having worked throughout the city from the Grovedale Hotel to Myers department store in Geelong to owning a milk bar in Leopold — all this to provide for his family.

When Gerald finally passed away a few weeks ago it was the end of many years of his own and his family's struggle against Alzheimer's disease, because this man loved life as much as he loved his family. I am blessed and very grateful to have known such a wonderful man. Goodbye Poppy, rest in peace.

Goulburn-Murray Water: drainage scheme

Hon. W. R. BAXTER (North Eastern) — In 1973 when I was elected to this Parliament the second file I opened was labelled 'The Muckatah Depression'. Therefore I was pleased to attend last Thursday the opening of stage 2 of the Muckatah Depression drainage scheme; it has been a long time in the making. It is a project now slowly coming to fruition all these years later, and it is according great benefits to the farming country between Yarrawonga and Numurkah. The productivity emerging because the area is better drained is immense.

This year is somewhat historic. It is the first year that Brownings Outfall, from Dowdles Swamp to the Murray River, has run and operated due to the good season we had during winter. It was good also to see the Kinnairds Swamp stage 1 of the Muckatah now coming into operation, as it is supposed to have done, as a filter before drainage water eventually finds its way into the Broken Creek.

I pay particular tribute to John Dowling, who has been the driver of this scheme for many years. Without him I do not think it would ever have got off the ground. I also want to pay tribute to the officers of Goulburn-Murray Water, who have also driven this, and to note that one sceptical landowner who was very reluctant to join the scheme has sent a letter to Goulburn-Murray Water since we have had this heavy rain this winter. He said, 'It works! Well done!'. I say well done as well.

Tony Miller

Ms HADDEN (Ballarat) — I wish to pay tribute to Senior Sergeant Tony 'Snake' Miller, who died suddenly on the basketball court at Ballarat on 10 July while playing his favourite sport. Tony was just 47 years old and had been the officer in charge of Maryborough police station since 2001.

Tony was one of those larger-than-life characters, and I was proud to call him my friend and neighbour. He was well liked across all sections of the community and a highly respected and valued police officer of 31 years,

half of which was spent in country Victoria. Tony had an infectious smile, a melodic voice and a great sense of humour. He was totally dedicated to his three loves: the police force and policing; his partner, Nikky, and their four children; and his basketball.

A requiem mass was held on 15 July at St Patrick's Cathedral in Ballarat with full police honours. The cathedral was filled with more than 1000 mourners who were present to pay their last respects to a champion member of our communities of Maryborough, Creswick and Ballarat.

Tony will be so sadly missed. Rest in peace, Tony Miller. My sincerest sympathy goes to his partner, Nikky, to their four young children and to his family, his friends and his police colleagues.

O'Connell Family Centre

Hon. R. DALLA-RIVA (East Yarra) — Unlike government members, who were off on junkets, opposition members were out working. One of the places I had the pleasure of visiting was the O'Connell Family Centre, which is run by the Grey Sisters at a fantastic location on Mont Albert Road in Canterbury. It is an early parenting centre, and it funds and provides support for families.

I raise this tonight because of the recent unfortunate events that occurred in Brisbane where children were murdered. More major family incidents were reported yesterday, so it is important to acknowledge the role of places like the O'Connell Family Centre which provide residential and day-stay programs, and parent education programs — including dad skills programs — and counselling services and assist with transitions for women with post-natal depression as well as providing pastoral care.

It is important that we have these types of organisations. It really sticks in my craw when I see that this government is putting a tax on these not-for-profit organisations by slashing something like $36.4 million from the Department of Human Services budget, which can be seen in figures hidden away in budget paper no. 2. It really goes to show what this government is about.

Students Parliament

Ms MIKAKOS (Jika Jika) — I wish to congratulate the years 7 to 9 students from my local secondary schools who took part in the 2003 Students Parliament in the Legislative Council on 3 September. From East Preston Islamic College came Zainela Taleb, Sarah Shihata, Fartun Hassan, Asha Abubakar. From Lakeside Secondary College came Lisa Marks, Eve Younan, Daniel Gore and Melissa Covalea. From Mill Park Secondary College came Maria Pejoski, Gulrez Kaur, Elliot Patsoura and Justin Gillivour. From St John's College in Preston were Dimitra Masouras, Freida Pandazis, Leon Tsolakis and Panagiotis Papakonstantinou. Adam Matthews, Shaun West, Irene Angelopoulos and Anita Samardzija came from my local school, Thornbury Darebin College.

All the participants demonstrated a high standard of debate and showed considerable enthusiasm in discussing topics ranging from 'The MCG is the only place to hold the AFL Grand Final' — too true! — to the confronting 'Anyone who takes on a public role surrenders all rights to privacy'. I am sure that their participation will begin a lifelong interest in the political life of this state and of our nation. Congratulations to all the students and staff for their efforts. I look forward to their schools' further participation next year.

St Kilda Pier kiosk

Mr SCHEFFER (Monash) — The devastation through fire of our 100-year-old St Kilda Pier kiosk is a great loss to the people of St Kilda. There are few who do not have fond personal memories of this fine building. It has been said before and it is worth saying again that the St Kilda Pier is the people's pier and the kiosk the people's kiosk. It was our destination as we braved the buffeting Port Phillip winds or strolled there on balmy summer afternoons. How many of us dangled our legs over the pier, fish and chips to one side, on hot summer nights, looking back at the lights winking on the water's edge?

On behalf of the people of Monash Province I congratulate the Premier and the Minister for Environment on their commitment to the reconstruction of the kiosk as it was before the fire and since 1904. I also welcome the commitment of Port Phillip mayor, Liz Johnstone, to work hand in hand with the state government to make sure this happens. Their words are reassuring. It would be disappointing to see an international-style glass and steel construction rising from the ashes. The old kiosk, built in the seaside style of the time, had become an icon of St Kilda, and not to replicate it would remove an essential part of our community's identity.

I know some will say that slavishly rebuilding the kiosk as a facsimile shows a poverty of imagination and that a new architectural statement is called for. I think this is wrong, and I am delighted the heritage kiosk will be rebuilt.

Gas: Bellarine Peninsula supply

Mrs CARBINES (Geelong) — As a member for Geelong Province I was delighted recently to attend a function at St Leonards Hotel where the Honourable Theo Theophanous, the Minister for Energy Industries, ceremonially turned on the gas to St Leonards and Indented Head to signify the completion of construction of the main gas pipeline to these Bellarine townships.

This milestone builds on the reticulation of the majority of Portarlington, due for completion by this year, courtesy of the fulfilment of a Bracks government election commitment. Prior to the 1999 election we had promised the people of North Bellarine that we would provide $1.75 million to facilitate the extension of the gas supply to Portarlington, Indented Head and St Leonards.

It is especially pleasing to see the substantial benefits for local residents of being able to access gas with the potential to save up to 60 per cent of their total energy bill. Having represented the local community for the last four years, I pay tribute to the tireless work of members of the North Bellarine natural gas committee — —

Honourable members interjecting.

The PRESIDENT — Order! If members want to have conversations, they can leave the house. I ask that the volume of conversation in the house be reduced substantially.

Mrs CARBINES — I pay tribute to Alec Finney, Sue Wilson and Bob Gibb; and to the Minister for State and Regional Development in the other place, John Brumby, and the Minister for Energy Industries, Theo Theophanous, who had the foresight and vision to recognise the importance of this valuable project to the residents of North Bellarine. The success of this project has laid the foundations for the Bracks government's further commitment at last year's election to provide $70 million to extend the natural gas network across country Victoria, including to the township of Barwon Heads in my electorate.

Tour of Sunraysia

Hon. B. W. BISHOP (North Western) — I congratulate the people involved in all the hard work that went towards staging not only another world-class Tour of Sunraysia over 4, 5, 6 and 7 September but also in coordinating the Ouyen–Patchewollock bike race stage with the Vanilla Slice Triumph held in Ouyen. The hardworking committee, Ouyen Inc, which was responsible for putting on the Vanilla Slice Triumph held on Friday, 5 September outdid itself this year by putting on the best Vanilla Slice Triumph yet. The colour and excitement the day brings to Ouyen is a credit to all those involved in its staging, including the Ouyen office of the Mildura Rural City Council and in particular, Ms Rhonda Monahan.

The Tour of Sunraysia was again staged with the assistance of Caribou Publications, headed by John Craven, with his capable staff and a local organisation led by a steering committee chaired by district convener Cr Eddie Warkhurst.

The dedication, commitment and tireless work that goes into staging such an event should be an inspiration to any community wishing to host such a world-class event.

The tour, which was again a qualifier for the *Herald Sun* Tour — a very prestigious bike race — attracted a fantastic field of 102 competitors from all over Australia as well as from New Zealand and Poland. Those four fantastic days of bike racing in the beautiful Mildura spring weather attracted a national focus on our district, and I congratulate all involved with this event.

PETITION

Vagrancy Act: witchcraft

Hon. P. R. HALL (Gippsland) presented petition from certain citizens of Victoria praying that the Victorian government preserve and retain the provision of the Vagrancy Act that makes witchcraft, sorcery, enchantment, palmistry and conjuration an offence (131 signatures).

Laid on table.

Sitting suspended 6.29 p.m. until 8.03 p.m.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates

Hon. BILL FORWOOD (Templestowe) presented report on 2003–04 budget estimates, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

Hon. BILL FORWOOD (Templestowe) — I move:

That the Council take note of the report.

In the brief time available to me tonight I recommend that honourable members grasp this 600-page tome from the Public Accounts and Estimates Committee and selectively peruse it. There is a long history now of the public accounts committee producing reports of real use to members of Parliament and to the wider public, and this is another report that fits that bill. It makes for long and involved reading, so I recommend that honourable members choose the bits they want to read and get in and look at them.

I need to make two points. The first is that the committee is working well. Mr Baxter and Ms Romanes are also on it, as is my colleague Mr Rich-Phillips, and under Christine Campbell's chairship we have got on with the job. As a number of honourable members know, a few of us are on our way to Europe later this week to look at public-private partnerships, so we finish one job and go on to the next.

Following on the recommendations of the audit office, we have made a real effort this time to get this document to Parliament as quickly as possible. It will never be possible for Parliament to have the benefit of scrutiny by the Public Accounts and Estimates Committee before the budget is passed. However, on this occasion we have taken evidence at a hell of a rate. We were doing public hearings with two ministers, two a day, three days a week in an effort to get the evidence taken; and then there has been extraordinary effort by the staff and by members of the committee to ensure that this document was tabled as early in the spring session as is possible.

On page 18 in her introduction the Chair expresses thanks for the outstanding contribution of Michelle Cornwell, Steve Vlahos and Trevor Wood. I would like to add my words to those of the Chair. They have put in an extraordinary effort, and not just them but the support staff as well. Some members know that late over the weekend there was a problem with the technical side of the printing of this report, and members of the Public Accounts and Estimates Committee staff were in over the weekend until midnight reformatting the document because it was in Word and not Desktop Publishing. I hope we are able to solve some of these minor issues. The fact that this report has been tabled today is testimony to an extraordinary effort by a number of people.

Particular parts of this report are worth noting. The government did us all a disservice in the way it treated the transfer of responsibilities after the election. It is impossible on the information given to track programs, to track funds, to track outputs.

Hon. Philip Davis — Maybe it was an accident.

Hon. BILL FORWOOD — No, I do not think it was an accident at all. I think it was deliberate, Mr Davis. One of the things that is really important — and I am sure the Minister for Finance, who has ultimate responsibility for the way these things are done, particularly through the Financial Management Act, is aware — is that members and the public be given the capacity to compare like with like on a time-series basis. We discover that what is happening time and time again is that we get this far and there is a reshuffle or there are artificial mechanisms which make it difficult to follow.

I am sure that when we get to a rewrite of the Financial Management Act the Minister for Finance will ensure that as we move into the future there will always be the capacity, on behalf of the people of Victoria, to understand the finances of the state. We operate in a vacuum and at our peril when we do not have the capacity to compare like with like, when we do not know where the funds have gone or where the funds have come from. Some of the questions we were asking in this output group were how much of the funds came from the state government, how much came from the federal government, how much came from retained earnings or other sources and how much came from special appropriations. It is not possible to understand some of those issues in the current format.

More work is to be done, but I recommend this report to the chamber.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Regulation review

Ms ARGONDIZZO (Templestowe) presented annual review 2002, together with appendices.

Laid on table.

Ordered to be printed.

Alert Digest No. 5

Ms ARGONDIZZO (Templestowe) presented *Alert Digest* No. 5 of 2003, together with appendices.

Laid on table.

Ordered to be printed.

Alert Digest No. 6

Ms ARGONDIZZO (Templestowe) presented *Alert Digest* No. 6 of 2003, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Auditor-General —

Annual Plan, 2003-04.

Annual Report, 2002-03.

Report on Parliament's information technology upgrade, September 2003.

Commonwealth Games Arrangements Act 2001 —

Commonwealth Games Project Order, pursuant to section 18 of the Act.

Commonwealth Games Venue Order — Amendment, pursuant to section 18 of the Act.

Notice of approval of amendment to the Melbourne Planning Scheme — C82.

Crown Land (Reserves) Act 1978 — Minister's Orders of 4 July 2003 and 7 July 2003 giving approval to granting of leases at Albert Park Reserve and Watery Creek Gully Reserve and granting of a licence at Watery Creek Gully Reserve (four papers).

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 18, 2 May 2003, together with Amendment No. 1, 1 September 2003 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (three papers).

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Alcohol Interlock Guidelines.

Notice pursuant to section 32(4) in relation to Amendment No. 13, Building Code of Australia 1996.

Notice pursuant to section 32(4)(a)(iii) in relation to the Electricity Safety (Installations) Regulation 1999.

Notices pursuant to section 32(3)(a)(iii) in relation to Statutory Rule Nos. 72 and 98.

Judicial Remuneration Tribunal — Report No. 1 on Remuneration of Acting Magistrates, 23 July 2003.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2002.

Mount Buller Alpine Resort Management Board — Report for the year ended 31 October 2002 (two papers).

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2002.

National Crime Authority — Report, 2001-02.

Parliamentary Officers Act 1975 — Statement of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 2002-03 (nine papers).

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

Alpine Planning Scheme — Amendments C9 and C12.

Ararat Planning Scheme — Amendment C4.

Banyule Planning Scheme — Amendments C23 (Part 1 and Part 2), C37 and C39.

Baw Baw Planning Scheme — Amendment C23.

Bayside Planning Scheme — Amendments C2 (Part 1) and C33.

Bendigo — Greater Bendigo Planning Scheme — Amendments C48 and C50.

Brimbank Planning Scheme — Amendments C43, C45, C48 and C50.

Campaspe Planning Scheme — Amendment C24.

Casey Planning Scheme — Amendment C54.

Corangamite Planning Scheme — Amendment C6.

Dandenong — Greater Dandenong Planning Scheme — Amendments C15, C41 and C42.

Darebin Planning Scheme — Amendments C31 and C36.

Frankston Planning Scheme — Amendments C9, C19 and C26.

Gannawarra Planning Scheme — Amendment C6.

Geelong — Greater Geelong Planning Scheme — Amendments C11, C29, C32, C42, C48, C55, C63, C68 and C75.

Glen Eira Planning Scheme — Amendment C36.

Golden Plains Planning Scheme — Amendment C15.

Hindmarsh Planning Scheme — Amendment C1.

Hobsons Bay Planning Scheme — Amendment C17 (Part 2).

Hume Planning Scheme — Amendments C39 and C44.

Indigo Planning Scheme — Amendment C17.

Kingston Planning Scheme — Amendments C26 and C27.

Manningham Planning Scheme — Amendments C13, C14 and C31.

Maribyrnong Planning Scheme — Amendment C42.

Maroondah Planning Scheme — Amendments C31 and C32.

Melbourne Planning Scheme — Amendments C56, C74 and C83.

Melton Planning Scheme — Amendment C24.

Mildura Planning Scheme — Amendment C11.

Mitchell Planning Scheme — Amendment C29.

Moira Planning Scheme — Amendments C11 and C12.

Monash Planning Scheme — Amendments C40, C42 and C46.

Moonee Valley Planning Scheme — Amendments C37, C39, C44 and C46.

Moorabool Planning Scheme — Amendment C17.

Moreland Planning Scheme — Amendments C24 and C25.

Mornington Peninsula Planning Scheme — Amendments C44 and C56.

Moyne Planning Scheme — Amendment C4.

Port Phillip Planning Scheme — Amendment C39.

Shepparton — Greater Shepparton Planning Scheme — Amendment C17 (Part 1).

Swan Hill Planning Scheme — Amendment C13.

Victoria Planning Provisions — Amendments VC18 and VC19.

Wangaratta Planning Scheme — Amendment C15.

Wellington Planning Scheme — Amendments C8, C9, C10 and C16.

Whitehorse Planning Scheme — Amendments C30, C43 (Part 1) and C47.

Whittlesea Planning Scheme — Amendments C47 and C54.

Wodonga Planning Scheme — Amendments C18 to C21.

Wyndham Planning Scheme — Amendments C6, C38 and C47.

Yarra Planning Scheme — Amendments C28, C49 and C58.

Yarra Ranges Planning Scheme — Amendment C30.

Prevention of Cruelty to Animals Act 1986 — Code of Accepted Farming Practice for the Welfare of Poultry.

Project Development and Construction Management Act 1994 — Orders in Council of 26 August 2003 of nomination and application orders (three papers).

Rural Finance Act 1988 — Treasurer's directive of 14 July 2003 to Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

Administration and Probate Act 1958 — No. 58.

Archaeological and Aboriginal Relics Preservation Act 1972 — No. 49.

Associations Incorporation Act 1981 — No. 93.

Bail Act 1977 — No. 55.

Building Act 1993 — No. 79.

Building and Construction Industry Security of Payment Act 2002 — No. 50.

Business Names Act 1962 — No. 92.

Cancer Act 1958 — No. 83.

Casino Control Act 1991 — No. 105.

Co-operatives Act 1996 — No. 90.

County Court Act 1958 — Nos. 53 and 70.

Drugs, Poisons and Controlled Substances Act 1981 — No. 67.

Electricity Industry Act 2000 — No. 73.

Electricity Safety Act 1998 — Nos. 72 and 98.

Emergency Management Act 1986 — No. 85.

Environment Protection Act 1970 — No. 75.

Fair Trading Act 1999 — No. 89.

Firearms Act 1996 — No. 84.

Fisheries Act 1995 — No. 101.

Gaming Machine Control Act 1991 — Nos. 76 and 104.

Gaming No. 2 Act 1997 — Nos. 100 and 103.

Health Act 1958 — Nos. 64 to 66 and 82.

Health Services Act 1988 — Nos. 68 and 94.

Juries Act 2000 — No. 57.

Land Tax Act 1958 — No. 80.

Liquor Control Reform Act 1998 — Nos. 60 and 63.

Magistrates' Court Act 1989 — Nos. 54, 61 and 71.

Major Events (Crowd Management) Act 2003 — No. 86.

National Parks Act 1975 — No. 74.

Partnership Act 1958 — No. 91.

Pathology Services Accreditation Act 1984 — Nos. 77 and 78.

Pharmacists Act 1974 — No. 97.

Residential Tenancies Act 1997 — No. 59.

Road Safety Act 1986 — Nos. 51 and 87.

Subordinate Legislation Act 1994 — No. 62.

Supreme Court Act 1986 — Nos. 52, 69, 95, 96 and 102.

Surveyors Act 1978 — No. 99.

Tobacco Act 1987 — No. 88.

Victorian Civil and Administrative Tribunal Act 1998 — Nos. 56 and 81.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 60 to 62, 64 to 71, 81, 86, 95, 96 and 102.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 49 to 51, 55, 59, 79, 82 to 84, 87 to 89, 94, 97, 101 and 103 to 105.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Business Licensing Legislation (Amendment) Act 2003 — Part 1 and sections 14 and 20 — 11 August 2003 (*Gazette No. 30, 24 July 2003*).

Estate Agents and Sale of Land Acts (Amendment) Act 2003 — Section 45 — 30 June 2003 (*Gazette No. G26, 26 June 2003*).

Firearms (Trafficking and Handgun Control) Act 2003 — Whole Act (other than sections 3(1)(f) and (g) and (2), 10, 14, 18, 23 to 28, 30 to 37, 46(2), 50, 53, 55, 64, 65, 66, 74 and 75 — 1 July 2003 (*Gazette No. S130, 1 July 2003*).

Health Practitioner Acts (Further Amendment) Act 2002 — Remaining provisions (except sections 37, 40, 42 and 44) — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Melbourne Cricket Ground (Amendment) Act 2003 — 12 June 2003 (*Gazette No. G24, 12 June 2003*).

Murray-Darling Basin (Amendment) Act 2003 — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Outworkers (Improved Protection) Act 2003 — 1 November 2003 (*Gazette No. 29, 17 July 2003*).

Seafood Safety Act 2003 — Remaining provisions (except Part 3 and sections 23, 27 to 58, 60, 64(5) and 92 — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Transport (Further Amendment) Act 2001 — Sections 15 and 17 — 20 June 2003 (*Gazette No. G25, 19 June 2003*).

Transport (Miscellaneous Amendments) Act 2003 — Division 1 of Part 3 — 15 July 2003 (*Gazette No. S138, 15 July 2003*).

University Acts (Amendment) Act 2003 — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Victorian Urban Development Authority Act 2003 — 1 August 2003 (*Gazette No. G31, 31 July 2003*).

COMMONWEALTH PARLIAMENTARY ASSOCIATION

Study tours

The PRESIDENT — Order! As required by the Commonwealth Parliamentary Association study tour guidelines of September 2001, I advise that the following members have completed their study tours and submitted reports since my announcement to the house on 26 February 2003: Mr T. Languiller, MP, part 2 and Mr H. Lim, MP, part 2.

COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL

Second reading

For **Hon. J. M. MADDEN** (Minister for Commonwealth Games), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

It is with pleasure that I introduce this bill, which will further assist the state in preparing for the 2006 Commonwealth Games.

During the passage of the Commonwealth Games Arrangements Act 2001, the government indicated its intention to make a number of future amendments to the act specifically covering marketing and commercial arrangements, operational arrangements, administrative processes and general powers to enable the staging of the games.

This bill specifically addresses administrative and commercial aspects critical to the successful delivery of the games.

Preparation for the games has been under way for some time, with the Victorian government establishing Melbourne 2006 Pty Ltd under Corporations Law in 1998. The government has determined that a change to these arrangements is necessary in order to ensure that the public's investment is managed within a sound governance framework that ensures high standards of accountability while delivering the best event possible.

This bill provides for legislative amendments that will constitute the Melbourne 2006 Commonwealth Games Organising Committee as a statutory corporation and provide protection for the Commonwealth Games intellectual property.

There are two discrete components to the bill. The first, which is contained in part 2 of the bill (headed 'Governance'), deals with the establishment of the corporation and the transfer of assets and liabilities to it. The second, which is in part 3 of the bill (headed 'Commonwealth games commercial arrangements'), deals with the protection and use of intellectual property including indicia, images and Commonwealth Games references.

I will deal with these issues separately, commencing with the reestablishment of M2006 as a statutory authority within part 2 of the bill.

The Victorian government's vision for the games is to host a community-oriented event which aims to secure long-lasting social, environmental and economic benefits for Victorians, Australians and the commonwealth.

This vision has the in-principle support of the commonwealth government, which will be a major partner in the event's delivery. This vision and proposal also has the support of the key stakeholders, being M2006, the Australian Commonwealth Games Association and the Commonwealth Games Federation.

The statutory authority provisions are essential to ensure the organising committee has the appropriate levels of accountability and control.

Clause 7 inserts a new part 1A in the principal act. [Proposed section] 4B in this clause defines the objective of that part as follows:

> … to establish the Melbourne 2006 Commonwealth Games Corporation to plan, organise and deliver the Commonwealth Games, together with CGF and ACGA, in a manner which —

(a) delivers a high-quality sporting program for high performance athletes of the Commonwealth of Nations;

(b) enhances the reputation of the Commonwealth Games as a major international sporting event;

(c) promotes Melbourne, Victoria and Australia;

(d) delivers social, economic and environmental benefits to Victorians and Australians;

(e) raises the profile of the Commonwealth of Nations by celebrating its values and its diversity of cultures;

(f) demonstrates a high standard of safety; and

(g) demonstrates a high standard of financial responsibility, probity and transparency.

[Proposed section] 4C determines that the Melbourne 2006 Commonwealth Games Corporation is established. This corporation will acquire the rights and obligations of Melbourne Commonwealth Games Pty Ltd, which will be dissolved. Melbourne 2006 Commonwealth Games Corporation will be the proprietary limited's successor in law.

A principal purpose of the bill is to establish the new corporation and to provide for this transfer of responsibility. In substance the bill will set up the new statutory corporation and, insofar as it is capable of doing so, effect a transfer of all assets, liabilities and staff of M2006 to the new corporation. Some assets and liabilities which are not subject to Victorian law will need to be transferred by agreement.

[Proposed section] 4E sets out the functions of the corporation which are to enter into agreements which govern the planning and delivery of the games, to undertake the organising, conduct, management and promotion of the games and to do all things necessary for or in connection with the conduct and financial and commercial management of the event and its programs.

To ensure that the games continues to be delivered in accordance with the games contracts, 4F provides that the corporation carry out its functions in accordance with contracts under which the corporation is authorised to organise, conduct and market the games.

The powers of the corporation are set out in 4G.

The corporation has the necessary borrowing and investment powers, which are set out in 4I.

To continue the existing arrangements relating to the conduct of the board, division 3 of the bill sets out the responsibilities of the board of directors of the corporation providing for membership to be determined by the Governor in Council on the recommendation of the minister and ensuring that the board consists of nominees from respectively the CGF, ACGA and the state in accordance with the current constitution of the organising committee.

[Proposed section] 4L provides that the board must provide information to the minister as the minister reasonably requires.

[Proposed section] 4M provides that the minister may from time to time and with the approval of the Treasurer, issue directions to the board.

[Proposed section] 4M(3) provides that the board must comply with directions, and 4(M)(4) provides that if the board makes a decision which is inconsistent with a ministerial direction, that decision is still valid. This means that third parties such as sponsors can be certain about the board's decision making while retaining the obligations on the board to act in good faith and abide by ministerial directions.

Given that the conduct of the games is determined under the key games contracts, it is necessary to ensure that the board is empowered to ensure that compliance with the contracts is paramount in its decision making.

[Proposed section] 4N establishes the duties of directors of the board.

[Proposed section] 4O provides that if a person contravenes his or her duties as established under 4N, the corporation or the minister may recover from that person any profit or damage caused.

[Proposed section] 4Q provides the power of the corporation to indemnify an officer consistent with the principles of the Corporations Law.

[Proposed section] 4S provides an immunity for the board members where those board members have acted in good faith.

[Proposed section] 4V establishes that the current directors of M2006 are transferred to the board of the newly established corporation at its commencement.

The revision of the governance arrangements will provide the state with a sound footing on which to work with the corporation, CGF and ACGA in planning and delivering a successful games. This will be achieved by the application of the ministerial power of direction and power to request information and the application of key pieces of legislation.

Clause 8 inserts a new part 1B in the principal act, which deals with the transfer arrangements from the current M2006 over to the new corporation.

Clause 9 inserts a new schedule 2 in the principal act. This schedule sets out the membership and procedure of the board.

And turning now to the second main area covered in this bill — the commercial arrangements for the games.

To offset the government's expenditure on the 2006 games, one of the key functions of the organising committee is to generate the highest possible commercial revenues from the games through sponsorship and licensing arrangements.

To protect the state's financial interest, it is necessary to provide an appropriate legislative framework protecting the commercial interests of the organising committee, ACGA and CGF.

The commercial protection proposed by these amendments is similar to that provided for the Sydney Olympics.

Even though existing commonwealth and state legislation provides some intellectual property protection, these laws do not protect against the unauthorised use of 'Commonwealth Games references' and immediate enforcement remedies.

This bill prohibits the use of such games logos and insignia and ACGA and CGF indicia and images without authorisation. The bill also prohibits the use of Commonwealth Games references without authorisation where the use implies an association with the Melbourne 2006 Commonwealth Games that does not exist.

The legislation does not intend to regulate the use of 'Commonwealth Games references' that can be regarded as ordinary uses of the language, such as for educational purposes. It is only an offence under 56L and 56M to use Commonwealth Games references where the use suggests a sponsorship, association or affiliation with the Commonwealth Games that does not exist. This should ensure public interest is maintained.

To further protect the public interest, 56K provides that certain people can use Commonwealth Games references without seeking authorisation for non-commercial purposes. This allows people with a legitimate association with the Commonwealth Games (such as institutes of sport and sports associations affiliated with the ACGA) to use Commonwealth Games references without seeking authorisation.

A publicly available and searchable register of 'authorised persons' will be managed by the organising committee to ensure the public interest is maintained. The public register will be similar to the authorisation register for the Sydney Olympics.

Part 3 of the bill also provides for a stringent dual enforcement regime:

> First, making it an offence (with penalties attached) to sell unauthorised goods or advertising and allowing the court to grant injunctions restraining persons from engaging in the unauthorised conduct; and
>
> Second, providing Victoria Police with additional power to seize unauthorised goods and advertising within declared 'Commonwealth Games venues' and 'designated access areas'.

While the Victoria Police will be given the power to seize unauthorised goods and advertising within declared 'Commonwealth Games venues' and 'designated access areas', it is the responsibility of the corporation to identify potential breaches and notify the Victoria Police of the infringement.

Again, while the Victoria Police will be given the enforcement powers under this bill it is not the intent of this legislation that the Victoria Police will bring proceedings for offences. As Part 3 of the bill assists in protecting the intellectual property of the corporation, ACGA and CGF, it is the intention of the bill that the corporation, ACGA and CGF will bring proceedings for offences.

For this reason, after any goods or advertising materials have been seized in accordance with the bill, police members will be required to ensure that the goods or advertising materials are given to the Office of the Commonwealth Games Coordination as soon as practicable.

Importantly, 54A states that this bill does not derogate from other rights under commonwealth and state legislation.

The protection of the organising committee, ACGA and CGF's commercial rights through specific legislation is vital to ensure the organising committee maximises the commercial revenues it derives through sponsorship, licensing and merchandising.

The government is committed to creating a framework whereby the significant investment of state funds is committed within an organisational regime that provides an appropriate level of accountability and control while at the same time delivering the best possible event for Victorians.

The government is pleased to present this bill which will ensure the appropriate legislative framework is in place to enable preparation for and staging of the games. This will include providing an appropriate level of accountability and control of the organising committee which maintains a commitment to the public's interest.

I commend the bill to the house.

Debate adjourned for Hon. G. K. RICH-PHILLIPS (Eumemmerring) on motion of Hon. Philip Davis.

Debate adjourned until next day.

NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL

Second reading

For **Ms BROAD** (Minister for Local Government), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

Victoria has a long history of being a leading state in environment protection. This statement holds true when considering our achievements both as an individual state as well as our contribution to environment protection in the national fora.

In our vision statement, Growing Victoria Together, the Bracks government makes strong commitments to protecting our environment for future generations to enjoy. Over our time in office, this government has delivered major environment protection reforms that provide clear evidence of our commitment to this vision.

The passage of the National Parks (Marine National Parks and Marine Sanctuaries) Act in 2002, for example, established marine national parks that are not only an Australian first but a world first for Victoria.

Significant legislative reforms passed last year to Victoria's environment protection legislation, the Environment Protection Act 1970, have positioned Victoria as a world leader in environment protection. The introduction of sustainability covenants, for example, is an innovative tool that assists Victorian business, government and the broader community to harness sustainability opportunities while reducing ecological impacts. The Victorian sustainability covenant concept is unparalleled in any other Australian jurisdiction, or indeed, any other place in the world. It truly is evidence of Victorian environmental leadership.

The recent establishment of a Commissioner for Environmental Sustainability and a Department of Sustainability and Environment is further evidence of this government's commitment to the Victorian sustainability agenda.

Victoria's contribution to environment protection in national fora is no less impressive. Victoria has a reputation of being a leading state in the operation of the National Environment Protection Council. The council marks the commitment of the commonwealth and the states and territories to work cooperatively together to address environment protection issues of national importance. The council has two objectives. The first is to ensure that Australians enjoy equivalent protection from air, water and soil pollution and from noise, wherever they live in Australia. The second is to ensure that business decisions are not distorted and markets are not fragmented by differing environmental standards operating across Australian jurisdictions.

The objectives of the council are enshrined in the National Environment Protection Council Act 1994. The commonwealth and each state and territory have enacted mirror legislation to ensure seamless legal jurisdiction for making national environment protection measures, the legislative tool used to give effect to the objects of the council.

National environment protection measures are vehicles through which national environment protection issues can be addressed in a cooperative manner by all Australian jurisdictions. They are framework-setting statutory instruments that outline agreed national objectives for protecting particular aspects of the environment. Once made by the council, national environment protection measures become laws that bind each participating state and territory and the commonwealth.

Victoria, a strong supporter of this national process, has played a leading role in the development of a number of national environment protection measures, including the ambient air quality national environment protection measure. By setting national air quality standards for the first time, this national environment protection measure was a significant step forward for Australia in the management of our air quality, which I am sure you will agree is an important environmental and health issue for all Australians. Displaying great leadership in the protection of our air environment, Victoria also led the recent variation to the ambient air quality national environment protection measure which introduces advisory reporting standards for fine particles. The air toxics national environment protection measure, which is currently in draft form, is also being developed with Victoria at the helm.

Other significant environmental achievements of the council include the introduction of:

the national pollutant inventory;

controls on the movement of hazardous waste across Australian jurisdictions;

requirements on brand owners who are not signatories to the used packaging covenant to take back and reuse their packaging;

agreed assessment methods for contaminated sites; and

framework for the management of emissions from in-service diesel fleet vehicles.

In 2000–01, a statutory review was conducted of the commonwealth, state and territory National Environment Protection Council acts. The review looked into the operation of the legislation to examine the extent to which the objects of the act were being achieved. The council concluded that significant progress had been made on matters of national environment protection, and only minor amendments to the legislation, identified in the review, were deemed necessary.

These amendments are the introduction of a streamlined process for making minor variations to NEPMs, and the introduction of five-yearly reviews of the act.

Currently, every variation to a NEPM, no matter how administrative or procedural, must undergo an extensive, resource-intensive consultation and impact assessment process. While this is of course imperative for significant variations, a simplified process for minor variations will ensure that the council continues to be an efficient and

effective vehicle through which environmental outcomes for Australia can be achieved.

The introduction of five-yearly reviews of the legislation will provide a mechanism through which the Australian community can become further engaged in shaping the roles and functions of this important forum for national environment protection. This will thereby ensure that the council's objectives continue to meet the needs and expectations of the community that it serves.

The third amendment introduced by this bill flows from a review of ministerial councils by the Council of Australian Governments that was conducted in 2001. Following this review, the National Environment Protection Council now meets jointly with the Environment Protection and Heritage Council, thus requiring the NEPC Service Corporation to extend its secretariat and project management services to the new Environment Protection and Heritage Council. This bill ensures there is no legal ambiguity with respect to the ambit of the service corporation's functions.

These amendments have already been made to the commonwealth act. Other states and territories have commenced processes to make the required amendments to their respective legislation. It is time for Victoria to fulfil its commitment to the council by implementing amendments that will ensure that Victoria's legislation continues to be in step with its commonwealth, state and territory counterparts, and that the legal jurisdiction to protect the Australian environment remains seamless.

I commend this bill to the house.

Debate adjourned for Hon. ANDREA COOTE (Monash) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

ALBURY-WODONGA AGREEMENT (REPEAL) BILL

Second reading

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

Background

In 1973 the Victorian government, along with the commonwealth and New South Wales governments, signed the Albury-Wodonga development agreement to plan and develop a growth complex in Albury-Wodonga.

With the commonwealth's decision in 1995 to wind up its corporation — the Albury-Wodonga Development Corporation — it makes sense for both Victoria and New South Wales to withdraw and leave the final winding-up process to the commonwealth. The decision for the states to withdraw was endorsed in principle at the 1997 meeting of the Albury-Wodonga Ministerial Council.

To enable the states to withdraw the development of complementary legislation by the three governments is required. Both the commonwealth and NSW governments have passed their legislation to give effect to this decision. They are respectively the Albury-Wodonga Development Amendment Act 2000 and the Albury-Wodonga Development Repeal Act 2000. The bill that I am introducing today complements this legislation.

Protecting Victoria's and the Wodonga region's interests

During the preparation of this bill and the negotiations with the commonwealth and New South Wales governments, the Bracks government has sought to protect the interests of Victoria and the Wodonga region.

There will now almost certainly be a substantial land bank remaining after the proposed winding-up date of the Albury-Wodonga Development Corporation in 2007. It is estimated to represent a 15–20 year supply of land.

There is also the need to ensure that the Victoria Corporation land, on its disposal by the Albury-Wodonga Development Corporation, meets all planning requirements.

Consequently the Bracks government in its handling and negotiations on this matter has ensured that:

there will be effective administration and application of state and council planning laws and powers for the Victoria Corporation land being transferred to the commonwealth;

the regional property market will not be distorted by the sale of the Albury-Wodonga Development Corporation land bank;

Victoria, including the Wodonga region, will be consulted regularly and formally by the commonwealth prior to the final winding-up of the Albury-Wodonga Development Corporation; and

the payment of rates by the Albury-Wodonga Development Corporation to the Rural City of Wodonga will be considered by the commonwealth.

Purposes of the bill

I would now like to turn to several key aspects of the bill.

The purposes of the bill are to:

repeal the Albury-Wodonga Agreement Act 1973 and the Wodonga Area Land Acquisition Act 1973;

dissolve the Albury-Wodonga (Victoria) Corporation;

provide for the transfer of assets, contractual rights and obligations, and liabilities of the Victoria Corporation to the Albury-Wodonga Development Corporation; and

provide for the winding-up agreement between Victoria and New South Wales and the commonwealth for those purposes.

The effect of the bill and the winding-up agreement is therefore to wind up the Victoria Corporation and transfer its assets, contractual rights and obligations, and liabilities to the Albury-Wodonga Development Corporation, with Victoria

having no further involvement in the administration of the corporation.

The withdrawal of the states will also allow a more flexible, simplified management structure and streamlined functions to be implemented for the remaining commonwealth corporation.

The bill's commencement provisions

The bill comes into operation on a day or days to be proclaimed. There is no fixed day for commencement, as the precise date of commencement will depend on the time of the signing of the winding-up agreement and the commencement of the commonwealth and New South Wales acts.

The Albury-Wodonga area development winding-up agreement

The bill provides for the three governments to enter into the Albury-Wodonga area development winding-up agreement (winding-up agreement), which, on commencement, will terminate the Albury-Wodonga area development agreement.

The winding-up agreement is currently being negotiated between Victoria, New South Wales and the commonwealth. It deals with a range of transitional arrangements.

When negotiations are completed, the government will table in each house of Parliament a determination that a specified form of agreement is the approved form of winding-up agreement. Either house may disallow the determination within 15 sitting days. The New South Wales and commonwealth governments will also undertake this exercise.

If this determination is not disallowed, the bill authorises the Minister for State and Regional Development (or another minister) to execute on behalf of Victoria an agreement substantially in accordance with the approved form of the winding-up agreement. If the agreement is signed by Victoria, New South Wales and the commonwealth, then the agreement is approved by Parliament.

Functions, powers and duties of the Albury-Wodonga Development Corporation

The bill, under clause 16, provides that the Albury-Wodonga Development Corporation will have the same duties that the Victoria Corporation had to comply with Victorian laws. Once this provision is enacted, the relevant commonwealth minister will be able to make a declaration under section 8 of the Albury-Wodonga Development Act 1973 of the commonwealth that Clause 16 is complementary to the commonwealth act.

The effect of that declaration would be to impose the duties on the Albury-Wodonga Development Corporation.

The bill also provides in a similar way for the Albury-Wodonga Development Corporation to have the powers and functions conferred on it by the winding-up agreement.

Development covenants

The bill also provides the Wodonga Rural City Council with the power to enforce, vary and release a development covenant that the corporation had immediately before the commencement of this section.

This is to ensure that there will be ongoing enforcement of the covenants when the Albury-Wodonga Development Corporation is eventually wound up.

The Wodonga Rural City Council's agreement to undertake this role reflects the high level of cooperation that the council has provided in this and other matters regarding the winding up of the Victoria Corporation.

Repayment of moneys to Victoria

While the commonwealth provided the bulk of moneys for the development of the Albury-Wodonga growth complex, Victoria also has a financial interest as it made several funding contributions, totalling about $1.5 million, towards the project. New South Wales does not have a financial interest of this nature.

Based on a previously agreed formula that was part of a financial agreement made by the three governments in October 1984, an amount of around $3.69 million will be returned to Victoria. The government expects that this payment will occur on the day on which Victoria Corporation assets are transferred to the commonwealth corporation. This will follow the signing of the winding-up agreement.

While the $3.69 million will be repaid to consolidated revenue in line with longstanding financial management practices, the Bracks government's substantial investment in the Wodonga region should not be underestimated. Major investments include:

$30 million over three years for the Wodonga rail bypass;

$2.75 million for the new joint library/learning resource centre at the Wodonga TAFE;

$3.3 million and $1.46 million respectively for capital works at the Mitchell Secondary College and the Baranduda Primary School;

$12 million for the new Wodonga Court Complex;

$1.5 million for the relocation of the Murray-Darling Freshwater Research Centre to La Trobe University's Wodonga campus; and

$1.2 million to help establish the Wodonga Enterprise Business and Technology Park. This investment, through the Regional Infrastructure Development Fund, was vital in securing a $60 million investment by Visy Industries which is generating 140 new jobs in Wodonga in its initial phase. The Bracks government will continue to invest and support Wodonga's economic growth.

Conclusion

In closing, I emphasise that in the handling of this matter, the Bracks government has ensured that the interests of the Wodonga region and of Victoria are being protected now and into the future.

I also take the opportunity to note that the first decision to withdraw Victoria from the Albury-Wodonga development

agreement was taken by the Kennett government and so this bill should receive bipartisan support.

The introduction of this bill will implement the decision of the Albury-Wodonga Ministerial Council.

I commend the bill to the house.

Debate adjourned on motion of Hon. W. A. LOVELL (North Eastern).

Debate adjourned until next day.

CHILD EMPLOYMENT BILL

Second reading

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I move:

That the bill be now read a second time.

Governments and communities throughout Australia accept that children under the age of 15 should be engaged in compulsory education. The Bracks government believes that education should remain the priority for children under the age of 15. This government also believes that children should have the opportunity to be children and to participate in social and leisure activities with their families and their peers.

Having said that, we acknowledge that children under the age of 15 do work. And this work is not limited to babysitting and paper rounds. The growth in part-time and casual work in the retail and service sectors has meant that children are being employed in a wider range of jobs than ever. There is also an increasing trend for children who are still at school to treat work as a source of personal income and so the desire for paid employment is growing.

Child employment in Victoria is already regulated by the Community Services Act 1970. The child employment provisions have not, however, been substantively amended in 30 years. Not surprisingly then, these provisions do not recognise the changed nature of work for children under 15 and the challenges this presents.

Employment presents risks to children that differ from those that may be faced by adults in the workplace. In contrast to adults, children are physically, emotionally and mentally immature. They have less life experience to draw upon and may find it hard to voice their concerns in an appropriate or effective way. This can mean that children are exposed to greater occupational health and safety dangers when they work. It is alarming to note that, according to Workcover statistics, approximately one child under 15 is seriously injured in the workplace every two weeks.

At the last election, the Australian Labor Party committed to protect children under 15 who work by re-introducing the Child Employment Bill.

The Child Employment Bill, introduced into Parliament in October 2002, was the end result of a review of child employment in Victoria, conducted in order to identify the best ways to protect children from risks associated with employment. Extensive community consultation formed part of this review. Members of the public attended six round tables held in regional and metropolitan Victoria, and 37 written submissions were made. Consultation indicated that, whilst the employment of children under 15 is acceptable, it is acceptable only to the extent that work does not interfere with a child's education and development opportunities and does not expose children to physical or moral dangers.

Purpose of the bill

The purpose of the Child Employment Bill is to establish a system of child employment regulation that accommodates some capacity for work for children under 15 whilst ensuring that work does not adversely affect a child's education and protects the health, safety and moral welfare of children at work.

In the first instance, the Child Employment Bill seeks to repeal the child employment provisions from the Community Services Act and enact a new statute — the Child Employment Act 2002. The government believes that establishing a new act will play an important role in improving community understanding of the child employment laws.

Definition of employment

The bill retains the current definition of employment — that is, employment occurs when a child takes part or assists in any business, trade or occupation carried on for profit. This participation can be paid or unpaid and the child may be engaged as an employee or as a contractor.

The government would expect that determining whether an activity constitutes employment under this legislation may involve the consideration of a number of factors. This could include factors such as:

the nature of the activity performed or the assistance provided by the child;

the regularity of the assistance provided by the child;

the duration of the assistance provided by the child;

the intention of the parties; and

whether the assistance provided is integral to the business being carried out.

To illustrate with an example — if a child cleans the yards of the neighbour's dairy farm 15 hours per week over the school holidays, consideration of this activity in light of the above factors may determine that the assistance provided by the child constitutes employment. On the other hand, if a child visits a relative's farm for a day and participates in farm activities for pleasure — for example, brushing down the horses — consideration of this activity in light of the above factors may determine that the assistance provided by the child is not employment.

What these examples highlight and what should be emphasised is that determining whether a particular activity constitutes employment will turn on the facts of the situation. Activities such as these were not referred to in the legislation for the very reason that whether the activity constitutes employment will depend on the facts.

It should be noted that it is intended that child employment officers will develop guidance materials to assist employers, parents, schools and children understand their rights and obligations. This will include clarification of what activities may constitute employment.

These materials will be developed in consultation with employer associations and unions to ensure they provide the appropriate level of guidance. Child employment officers will then play an active role in the dissemination of such guidance material and providing ongoing advice and assistance to employers and parents.

There have been claims that the definition of employment could be interpreted as regulating children who are carrying on their own business. For example, a child washing a neighbour's car could be interpreted as a child taking part in a business (their own) carried on for profit. The neighbour who 'employs' the child to wash their car would then be required to obtain a permit. This concern reflects similar concerns raised in relation to babysitting.

On this point I would like to note that the intention of the bill is to regulate the employment of children by other people who are carrying on a business, trade or occupation for profit. Washing a neighbour's car or babysitting their children would only be considered employment if the neighbour ran a car washing business or a babysitting agency and the child was assisting the neighbour in carrying out that business.

That said, I must emphasise that where a person carrying on a business for a profit engages a child to assist in that business but calls the child an 'independent contractor' rather than an 'employee', the bill will consider this to be employment.

Lastly, the bill highlights a number of activities that do not constitute employment. These are participating in a church service or religious program, participating in an occasional entertainment or project for a school or church, performing any work for a non-profit organisation and participating in a sporting activity.

The bill has four key elements. These relate to the permit system; general limitations on child employment; offences and penalties; and information and compliance.

The permit system

The Community Services Act currently provides for a system of child employment permits. Under this system, with some exceptions, children are required to have a permit in order to work.

The Child Employment Bill retains the permit system, but with some modification. The primary change has been to extend the current exemption for children who work with their parents in a shop that is attached to the family home. This exemption has now been extended to all children who work with their parents in a family business, including on a family farm.

Members may recall that public concerns were previously raised that the government would be introducing a requirement for children working with their parents on the family farm to obtain a permit. These people were operating under the misconception that farming parents are currently exempt. This is not the case — the Community Services Act, under provisions enacted by the Bolte government, does not exempt farming parents.

Under the Child Employment Bill, however, children working with their parents on the family farm will not require a child employment permit. I will return to the broader issue of children working in a family business shortly.

As currently applies, permits are free of charge and parents are responsible for applying for the permit on their child's behalf. The bill requires, however, that the child's prospective employer and school (if the

employment is to occur during school term) sign the permit application. Furthermore, the employer will be required to provide details on the application form regarding the child's intended duties and hours of work, and the nature of the work environment.

Police checks

Another modification to the current system, designed to ensure that a child's moral welfare is protected, is the introduction of a requirement for a police check of the criminal record of those people employing and directly supervising children in the workplace. This check must be conducted prior to the issuing of a permit.

In relation to this matter, the government will be moving an amendment to the bill concerning police checks. Specifically, where a child is employed in the business of an extended family member, the extended family members are to be exempted from the requirement for a police check. Extended family members are defined to include grandparents and adult aunts, uncles and siblings.

To ensure that a check is also conducted where the child's supervisor changes during the child's employment, the bill makes it an offence for an employer to allow a person to directly supervise a child where the employer has not received a declaration of suitability from the child employment officer. In simple terms, this is a document which states that the child employment officer considers that, on the basis of the results of a police check, it is suitable for the person to have direct supervision or control of the child.

Under the bill, the results of a person's police check may remain valid for 12 months subject to the person signing a statutory declaration that they have not been charged with an offence within that 12 month period. This provision will also ensure that a person is not required to undergo more than one police check where a number of permit applications are submitted concurrently.

General limitations on child employment

The Child Employment Bill also provides for a number of general limitations on child employment. Broadly speaking, these relate to a minimum age of employment, and the types and hours of work a child can perform.

Minimum age of employment

The Child Employment bill regulates the employment of children under the age of 15. In recognition of the fact that some children under 15 may obtain some benefits from working, the bill permits the employment of children aged between 13 and 15, subject to certain conditions of employment.

This government also recognises that there may be some circumstances in which children under the age of 13 should be permitted to work. The first concerns the delivery of newspapers and pamphlets and deliveries for pharmacies. As a long-accepted form of employment for children, the Child Employment Bill allows children aged between 11 and 15 to undertake these forms of employment. This employment will, however, remain subject to the general conditions of child employment and the requirement for a permit.

The second concerns children who work in the entertainment industry, an industry that employs children of all ages. Due to the nature of this industry, age restrictions will not apply. This is not to say, however, that children employed in the entertainment industry are unregulated. Rather, the Child Employment Bill makes separate provision for the regulation of children in this industry. I will return to this point shortly.

The final exemption to the minimum age of employment concerns children who work in family businesses carried on by their parent or guardian.

Type of work

An important provision of the Child Employment Bill is that children can only be engaged in employment that falls within the definition of light work.

Light work covers any work that firstly, is not likely to be harmful to a child's health, safety or moral or material welfare and secondly, will not prejudice a child's attendance at school or their capacity to benefit from instruction. This is the definition of light work provided by the ILO convention on the minimum age of employment.

Work that is inherently dangerous or that is performed in dangerous circumstances is not light work.

To aid in the interpretation of the definition of light work, the bill provides some examples of activities that may constitute light work. Amongst other things, working in the entertainment industry, newspaper deliveries, working as a sales assistant and farming-related chores will be considered light work, where they accord with the broader definition.

The bill also takes the step of making it an offence to engage in particular forms of employment: children are prohibited from working in door-to-door sales, in

deep-sea fishing and in the building and construction industry. The government considers that these forms of employment present such a risk to children that employment should be prohibited in all circumstances. These prohibitions complement existing statutory prohibitions on children working in the mining industry, in prostitution or on licensed premises. So as to ensure that the prohibited forms of employment reflect contemporary circumstances, the bill also provides the Governor in Council with the power to declare other kinds of employment prohibited.

It should be noted that the government will be moving a further amendment to the bill to ensure that employment of a child on a fishing boat on the Gippsland Lakes or any other inland lake does not fall within the definition of prohibited employment.

Lastly, I should note that the Child Employment Bill, for the most part, does not regulate work experience. At present, however, permission from the Secretary of Innovation, Industry and Regional Development is required where a child wishes to undertake a work experience arrangement in a declared high-risk industry according to the provisions of the Education Act. The Child Employment Bill therefore amends the Education Act to clarify that a child employment permit is required in these situations. In all other respects, however, the Child Employment Bill has no application to work experience arrangements.

Hours of work

In order to ensure an appropriate balance between school and work, the bill restricts the number of hours a child can work. These provisions reflect the government's philosophy that a child should not be required to work for long hours following a school day or for longer than they would be required to attend school. The current provision restricting children from working during hours of school attendance has also been retained.

The Community Services Act currently prevents children from working after 11.00 p.m., reflecting community concerns with this provision, however, the Child Employment Bill amends the provision to limit children to working up to 9.00 p.m. The government further considers that children should be prevented from engaging in street trading at night for health and safety reasons, and so the bill introduces a new provision restricting street trading to daylight hours.

Finally, to recognise that children cannot work safely for the same unbroken period of time as adults, the bill provides for a 30-minute rest break after 3 hours of work. Furthermore, children must have at least 12 hours break between finishing one shift and commencing the next.

Children working in family businesses and on family farms

I mentioned previously that the existing, although limited, exemption for children working with their parents in a shop attached to a dwelling has been extended to all family businesses, including family farms.

The government recognises that children of all ages may work with their parents and that this should not be prohibited. The provisions concerning the minimum age of employment that I outlined earlier will not, therefore, apply to children assisting their parents in family businesses. The bill also exempts parents from the general conditions relating to hours of work, although a parent cannot employ their child during school hours.

Children working in family businesses and on family farms have been exempted in this way because the government believes that, when it comes to employing their own children, all parents have both a responsibility for and an ability to protect children from health and safety risks, and to ensure their child's education is not adversely affected. The government also believes that these exemptions are warranted because family businesses and particularly family farms rely upon family labour and, in many ways, the participation of the child in the business is simply participation in family life.

That said, the government considers that children performing work for their parents should be protected by some minimum standards. A key provision of this bill restricts employment to light work — a provision we believe should apply to all people who employ children. Consequently, parents employing their children may only employ their children in light work. Moreover, this work must be directly supervised. To employ a child in contravention of these conditions will be an offence.

Children working in the entertainment industry

The entertainment industry is a significant employer of children of all ages. It is also an industry where children may need to be employed during a school term and late at night. Consequently, a number of the provisions I have outlined may require adjustment for this industry.

In order to more appropriately regulate the employment of children in the entertainment industry, the Child

Employment Bill provides for the development of a mandatory code of practice. This code will be developed in consultation with industry, union and government stakeholders and will come into effect within 12 months of the bill being enacted. It is worth noting that the employment of children in the entertainment industry in NSW is also regulated by a mandatory code of practice.

Although most of the general conditions of employment will not apply to the entertainment industry, the permit system and the light work restrictions will regulate the employment of children in the entertainment industry. Whilst the code is being developed, the child employment officer will continue to regulate child employment.

Offences and penalties

At the outset I noted that the Bracks government promised to increase penalties for breaching child employment laws. The Community Services Act currently makes it an offence to employ or allow a child to be employed without a permit. The penalty for this offence is a paltry $100 — a penalty that highlights the outdated nature of these child employment provisions.

The Child Employment Bill provides a range of offences with appropriate penalties. Offences include failing to have a permit and breaching the general conditions of employment, whilst the maximum penalties for offences under the act range from $1000 for more minor offences to $10 000 for serious offences. The maximum penalty for an offence committed by a person is $6000: for a corporation it is $10 000.

Information and compliance

Community consultation revealed that there is a considerable lack of community awareness of the nature of child employment laws in Victoria. Concerns were also raised about the lack of compliance.

The bill provides for the appointment by the secretary of suitably qualified child employment officers. Under the bill, their primary function is to provide information about the operation of the legislation. As I mentioned previously, the child employment officers will have a particular focus on the development of educational materials regarding the child employment system and in relation to the employment of children in family businesses, including on family farms.

The child employment officers will, however, also be responsible for ensuring compliance with the legislation. To this end, the bill provides child employment officers with a number of powers to determine compliance with the act. These powers include a right of entry to inspect a workplace and the right to require production of documents. These powers reflect the powers provided to information service officers in the Outworkers (Improved Protection) Act 2003, passed by the house in May this year.

In terms of prosecutions, prosecutions for breaching the child employment legislation will be heard by the industrial division of the Magistrates Court.

Summary

The Child Employment Bill recognises that whilst some employment of children under 15 years is acceptable, by community standards it is acceptable only to the extent that work does not interfere with a child's schooling or expose children to physical or moral dangers.

The Child Employment Bill also balances allowing children to obtain benefits from working with the fact that education remains the priority for children under the age of 15 years.

Lastly, the bill recognises that the employment of children should not be treated in a uniform fashion. That is, there needs to be capacity to regulate the employment of children in family businesses and in the entertainment industry differently to the employment of other children.

The antiquated provisions of the Community Services Act cannot continue to regulate child employment in Victoria. This bill represents an important opportunity to ensure that the employment of our children is regulated in a way that reflects the realities of modern day life.

I commend the bill to the house.

Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. E. G. Stoney

Debate adjourned until next day.

CONFISCATION (AMENDMENT) BILL

Second reading

For **Hon. J. M. MADDEN** (Minister for Sport and Recreation), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

Victoria's asset confiscation regime should operate to ensure that those who engage in criminal activity do not profit from that activity. The Confiscation Act 1997 replaced the Crimes (Confiscation of Profits) Act 1986 and introduced a new and expanded asset confiscation regime. It is more than four years since the Confiscation Act commenced operation in July 1998. Despite the breadth and nature of the changes introduced by that act, it has already become apparent that:

some offenders are conducting their criminal activities in such a way as to deliberately avoid confiscation proceedings, and are thereby retaining their criminal profits;

some offenders deliberately hide their criminal profits and police have difficulty in tracking down these profits; and

improvements can be made to the manner in which restrained and confiscated property is managed.

The Confiscation (Amendment) Bill addresses these issues and reflects the government's commitment to strengthen and toughen the Confiscation Act in order to provide a more effective asset confiscation regime for Victoria.

Key features of the bill

I now turn to some of the key aspects of the bill.

The proposed bill will make significant amendments in the following key areas of asset confiscation:

automatic forfeiture;

tainted property substitution declarations;

investigation and information gathering for confiscation proceedings; and

management of seized, restrained and forfeited property.

Changes to automatic forfeiture

If a person is convicted of an offence, they may be subject to forfeiture or automatic forfeiture proceedings under the Confiscation Act.

Forfeiture is available where a person is convicted of any indictable offence or certain summary offences. If the prosecution proves on the balance of probabilities that property is 'tainted' (either used in or derived from the offence), the court can order that the property be forfeited to the state. This forfeiture process ensures that the offender is stripped of any profit made from committing the offence.

However, sometimes the offence of which the person is convicted is just the tip of the iceberg in terms of their criminal activities. For this type of offender, losing the profits from one criminal offence may have little impact because the offender has considerable assets from other criminal activities. The process of automatic forfeiture is effective in dealing with this type of offender.

Where automatic forfeiture applies, all property belonging to the defendant may be subject to automatic forfeiture. This includes any property in which the defendant has an interest, or over which the defendant has effective control, and gifts made by the defendant at any time to any person.

The Director of Public Prosecutions can initiate automatic forfeiture by applying to the court for an order to restrain property within 48 hours of the expected laying of criminal charges. If the defendant is convicted, the restrained property is automatically forfeited to the state 60 days after conviction. Property can be excluded from the restraining order if the defendant can prove on the balance of probabilities that it was lawfully acquired and not derived from unlawful activity, for example, a house inherited by the defendant.

This procedure can be very effective in removing the criminal profits from an offender who is involved in many criminal activities. Currently, automatic forfeiture is available in relation to:

drug trafficking and other offences involving a commercial quantity of drugs, for example, 500 grams of dilute heroin; and

a limited number of dishonesty offences, for example, obtaining property by deception, where the value of the property involved was $100 000 or more.

These thresholds are relatively high compared to other jurisdictions. It is therefore proposed that they be reduced as follows:

drug trafficking involving an 'automatic forfeiture quantity' of drugs (e.g., 30 grams of dilute heroin); and

a wide range of dishonesty offences where the value of the property involved was $50 000 or more where one offence is charged, and $75 000 or more where more than one offence is charged.

At the joint parliamentary sitting held on 21 March 2001, Parliament was informed about, and debated, the effects of drugs in our society and additional strategies which could be developed to effectively address the wide-ranging pervasive effects of drugs. The importance of a comprehensive drug strategy was discussed. Whilst there is a clear need for effective prevention, education and treatment strategies and services, it is also essential to stem the supply of drugs.

In 2001, this government introduced new offences for drug trafficking in a large commercial quantity of drugs. That offence carries a maximum penalty of life imprisonment. Whilst maximum penalties are an important component in deterring people from committing crimes, ensuring that offenders will not profit from their crimes is also essential.

Some high-level drug traffickers never personally traffick in a 'commercial quantity'. Instead, they arrange for others to do this for them, making it difficult to convict them of an offence which accurately reflects their criminal activities. However, sometimes they will traffick in smaller amounts personally. In addition, there are drug traffickers who make significant profits by trafficking in amounts that are less than a commercial quantity.

Such offenders are already subject to forfeiture proceedings. However, by lowering the threshold for the application of automatic forfeiture from 500 grams of heroin to 30 grams of heroin, these offenders will now be subject to automatic forfeiture. Victoria Police indicate that trafficking in 30 grams of heroin equates to approximately 300 street level deals of heroin. Anyone convicted of trafficking in such quantities may now be required to prove that their property was lawfully acquired and was not used for any unlawful purposes. Stripping such offenders of the profits from all of their criminal activity, and not just from the offence of which they have been convicted, will act as a powerful deterrent.

The automatic forfeiture threshold has been set at 30 grams in the case of heroin, rather than 3 grams for instance, because the new provisions are intended to apply only to those people who are involved in the drug trade for profit reasons. There are unfortunately many people who are addicted to drugs, and who traffick in drugs simply to support their own addiction. Such people should not be subject to automatic forfeiture. Rather, for them the focus must be upon rehabilitation. Such offenders may be eligible for a drug treatment order from the drug court, which was recently established by this government.

It is essential that the government's comprehensive drug strategy have punitive, deterrent and rehabilitative components which are targeted at the appropriate types of drug traffickers. Only through a strategy of this nature will effective inroads be made into addressing the scourge of drugs in our community.

The automatic forfeiture processes have also been significantly expanded in the areas of white-collar crime. Under the system introduced by the previous government, automatic forfeiture only applied to a few white-collar offences and did not even cover common dishonesty offences like theft.

This government believes that it is important to tackle the whole range of criminals who cause harm in our society in a consistently tough but fair manner. We all know of instances of offenders who prey on people by telling them about a 'great new investment opportunity' only to steal all of their life savings. This causes great distress and economic loss for the victims of these crimes. The bill demonstrates that this government does not treat white-collar criminals any differently from other criminals, and demonstrates this government's respect for the victims of all crimes.

Tainted property substitution declarations

Some offenders are now aware of the provisions of the Confiscation Act as it relates to tainted property. Property that is used in the commission of a crime is tainted property. Tainted property is usually forfeited to the state. For instance, if a bank robber's own car is used in the commission of the bank robbery it will be forfeited to the state. However, where the tainted property is owned by an innocent third person, the property will not be forfeited. Accordingly, if a bank robber steals another person's car and uses that car in the bank robbery, that car will not be forfeited to the state, even though it was used in the commission of the robbery. Instead, the car will be returned to its rightful owner.

It is now increasingly common for offenders to use rental premises to cultivate large hydroponic cannabis crops, rather than using their own premises, which may become subject to forfeiture. In addition, Victoria Police indicate that drug traffickers are more frequently using rental cars to conduct unlawful activities while using their own cars for personal use.

The bill addresses this by creating a new process known as tainted property substitution. Where a court is satisfied that tainted property is not available for forfeiture, the court may order that any property of the same nature or description, in which the offender has an

interest, may be substituted for the actual tainted property. The property that is declared to be substituted for the tainted property is then treated as if it were the tainted property.

The prosecution may then apply for the forfeiture of that property. To ensure that the defendant does not dissipate assets prior to such a declaration being made, a restraining order may be obtained in respect of the property. A restraining order may be made because the property sought to be restrained is property in which the defendant has an interest, for which application will be made for forfeiture (following a substitution declaration by a court). These new provisions will prevent the exploitation of current provisions, which are designed to protect the legitimate interests of third parties.

Investigation and information gathering

Expanding the definition of 'financial institution'

The Confiscation Act currently provides that monitoring orders may be obtained in relation to a financial institution. This enables information to be gathered by police about the transactions that a person is conducting through a particular account. A financial institution is currently defined so that it primarily applies to banks, building societies and credit unions. It is also possible that a person may, for instance, seek to deposit their criminal profits in an account held with the TAB or a casino. By broadening the definition of financial institution to cover these situations, police will be able to apply for monitoring orders in relation to these accounts.

Information notices

Many offenders disperse their criminal profits in different accounts in different financial institutions. The bill will allow police to issue 'information notices' to financial institutions. An information notice will require a financial institution to provide information about whether an individual who is the subject of a confiscation investigation holds an account with that institution, and if so, the balance of that account.

Once this information is obtained, police can determine whether further action should be taken in relation to the individual concerned. This will provide a powerful investigative tool that will enable confiscation investigations and forfeiture proceedings to be conducted more quickly. A similar power will also be provided to the Asset Confiscation Office in the Department of Justice (as a prescribed person) to enable it to perform its role of enforcing pecuniary penalty orders made under the Confiscation Act.

Section 85 statement

I wish to make a statement under section 85(5) of the Constitution Act 1975 as to the reasons why section 118L, as inserted by clause 29 of the bill, alters or varies section 85 of that act by limiting the jurisdiction of the Supreme Court.

Clause 35 inserts a new subsection (2) in section 145 of the Confiscation Act, which states that it is the intention of section 118L to alter or vary section 85 of the Constitution Act 1975.

Section 118L provides that no civil proceeding lies against a financial institution or an officer, employee or agent of the institution acting in the course of that person's duties, in relation to any action taken or information given by the institution or person in compliance with an information notice. It is the intention of section 118L to limit the jurisdiction of the Supreme Court, so that civil actions cannot be brought against financial institutions that comply with information notices issued by Victoria Police or the Asset Confiscation Office in the Department of Justice (as a prescribed person).

The reason for the limitation of the Supreme Court's jurisdiction is that, without such an immunity, by assisting the state in investigating and enforcing matters under the Confiscation Act, financial institutions and their officers could be exposed to significant civil liability for breach of obligations to account holders, such as the obligation to maintain confidentiality.

Freezing orders

It is now possible to quickly transfer large sums of money overseas and out of reach of law enforcement agencies, without even going into a bank. Under the Confiscation Act, a restraining order is usually used to prevent the suspected proceeds of crime from being dissipated. However, to enable police to act as quickly as possible prior to a suspect learning about a police investigation, the bill gives police the power to apply for a court order to freeze the funds in an account before a restraining order is obtained. The court may attach any conditions it considers appropriate when making the freezing order.

Because of the serious consequences of freezing the funds in a person's account, it is essential that a court make this decision. However, because of the need to act quickly, considerable flexibility has been introduced to enable the court to be informed and its order to take effect as quickly as possible.

An application for a freezing order may be made over the telephone, by fax or by any other method acceptable to the court. A freezing order takes effect immediately upon it being given to a financial institution. Because of the potential impact of a freezing order, it will only last for a period of 72 hours. While a further freezing order on the same account cannot be made, the period of 72 hours may be extended in limited circumstances. Where an application is being made for a restraining order in respect of the money in the account, the freezing order may be extended until the application for the restraining order is determined.

It will be an offence punishable by a fine of up to $120 000 for a financial institution to allow any funds to be withdrawn from a frozen account contrary to the conditions of the freezing order. However, this will not prevent the financial institution from making withdrawals from the account for the purposes of meeting the institution's statutory liabilities.

Declarations

Confiscation proceedings concern property in which a defendant has an interest. However, often other people (such as the defendant's spouse or a bank) will also have an interest in that same property. Currently, police are not always aware of interests in property other than those of the defendant. As a result, if the defendant does not tell the third party that confiscation proceedings which affect that person's property are on foot, and the police do not know about the third party's interests, the proceedings may be conducted without key information.

This can result in third parties only becoming aware of court orders affecting their property when the state takes action to seize or sell the property. Sometimes, a third party will not become aware of confiscation proceedings until the property is forfeited to the state and sold. Whilst the act enables the third party to be compensated in such circumstances, a preferable approach is for the court and the state to be fully informed about these interests prior to any court orders being made.

The bill will require a person served with a restraining order to provide police with the details of every other person that he or she knows has an interest in the restrained property. Police will then be required to give each identified person notice of the restraining order. This will ensure that innocent third parties with an interest in restrained property are made aware of confiscation processes at an early stage. It will better protect third party interests and allow proceedings to be conducted simultaneously, where appropriate.

Information sharing

There are three agencies in Victoria with primary responsibility for administering the asset confiscation regime — Victoria Police, the Asset Confiscation Office in the Department of Justice (the ACO) and the Director of Public Prosecutions (the DPP). In broad terms, responsibilities are divided between the three agencies along the following lines:

Victoria Police conducts investigations, gathers information and seizes property;

the ACO manages assets and enforces confiscation orders; and

the prosecution (either Victoria Police or the DPP) conducts confiscation proceedings in court (for example, for restraining orders and forfeiture of property).

These three agencies have played these key roles since the new confiscation regime was introduced in July 1998. To ensure that the confiscation regime works as effectively as possible, the bill will allow law enforcement agencies such as Victoria Police and the DPP, to provide information to another law enforcement agency such as the ACO and its staff, for the purposes of confiscation proceedings.

This will assist the ACO with its function of managing assets and enforcing confiscation orders. For example, information gathered by Victoria Police during an investigation for the purposes of an application for a restraining order, may be necessary for the ACO's management of restrained property and the enforcement of forfeiture orders.

Property management

Before it is forfeited to the state, property is often held under the Confiscation Act by virtue of it having been seized under warrant, or restrained under a restraining order. Forfeiture proceedings commence after conviction and automatic forfeiture does not occur until after conviction. It is not uncommon for large drug-trafficking cases to take two years to be determined.

Until a determination is made, seized and restrained property needs to be managed so that it does not lose its value — either for the owner of the property if the property is ultimately not forfeited, or for the state if the property is forfeited. This can be particularly important in cases where forfeited property is sought to be used to help compensate victims of crime.

The ACO was established to manage seized and restrained assets under the Confiscation Act, and to enforce confiscation orders. However, the ACO does not have adequate powers to fulfil these functions. The bill will address this by:

creating a mechanism for the transfer to the ACO of responsibilities in relation to property from law enforcement agencies who are responsible for seized and restrained property;

giving the ACO powers to manage seized and restrained property, for example, to enter premises under warrant to inspect property and arrange for its valuation;

enabling the court to order that work be carried out on restrained property to assist in maintaining the property; and

enabling the Secretary to the Department of Justice to ask a person to produce documents in relation to seized or restrained property, to allow appropriate steps to be taken to manage the property (for example, by obtaining adequate insurance for the property).

The bill will also enable the Secretary to the Department of Justice to delegate to the ACO (in connection with its responsibility for property management), the power to request the production of documents in relation to seized or restrained property.

A number of provisions in the bill give powers to 'a prescribed person'. For these purposes, it is intended to prescribe the director of the ACO (and in some cases also the staff of the ACO), on the basis of the ACO's responsibility for property management under the Confiscation Act. The director and staff of the ACO are already prescribed for the purposes of a number of provisions in the act.

These amendments will allow the ACO to manage seized and restrained property on behalf of the state in an accountable, professional and commercial manner, and prevent the diminution in value of the property.

The power to seize property

The Confiscation Act currently enables a police officer to seize tainted or forfeited property from any premises under a search warrant. This does not provide police with the power to seize property that is not in or on premises. For instance, a car parked in a street is not on any 'premises'. The bill will enable police to obtain a court order for the seizure of tainted or forfeited property from a public place. This will be another valuable tool for police.

Police often seize property pursuant to a warrant under section 465 of the Crimes Act 1958 or section 81 of the Drugs, Poisons and Controlled Substances Act 1981. These warrants are issued by the courts to enable police to seize property that may provide evidence of the commission of a crime. If police seize this property, and it is held for the purposes of providing evidence, that property cannot be held once it is no longer required for such purposes.

However, sometimes the seized property is also required for confiscation proceedings. Police are then confronted with the situation of either having to apply for a warrant under the Confiscation Act to seize property which is already in police possession so that it can be held under the authority of that act, or returning the property to the defendant.

The bill addresses this situation by providing police with the power to apply to the court for a direction or a declaration, that property seized under section 465 of the Crimes Act or section 81 of the Drugs, Poisons and Controlled Substances Act may be held as if it had been seized under section 79 of the Confiscation Act. To provide maximum flexibility, a court may make this direction or declaration either:

at the time a warrant is issued under the Crimes Act or the Drugs, Poisons and Controlled Substances Act; or

at the time police return to court for directions concerning property seized under the Crimes Act or the Drugs, Poisons and Controlled Substances Act; or

within seven days of the property no longer being required for evidentiary purposes.

Conclusion

This bill introduces significant reforms to the confiscation regime in this state. It provides significant new powers and simplifies procedures to assist police in ensuring that confiscation is a powerful deterrent to those considering engaging in criminal activities, and to strip the criminal profits obtained by those who are not deterred from the outset. It will ensure that those responsible for crime, and particularly drug traffickers, are dealt with severely.

It is another important and substantial step in this government's commitment to provide a safer Victoria through tough new confiscation powers.

I commend the bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

TRAVEL AGENTS (AMENDMENT) BILL

Second reading

Debate resumed from 1 May; motion of Mr LENDERS (Minister for Finance).

Hon. A. P. OLEXANDER (Silvan) — I will make a brief contribution to the debate on this bill on behalf of the state opposition. At the outset let me assure the Minister for Finance, who is quickly absenting himself from the chamber, that the opposition actually supports this bill. We are not shy of supporting a bill which we believe acts in the interests of Victorian consumers when that is the case. But I am sure, as the minister will be aware, that when I oppose a measure or his administration of his portfolio I make that clear very loudly and very strongly. On this occasion it is not the case, and that is because this bill's primary purpose is basically to provide better consumer protection by bringing Victoria into line with national uniform legislation in this area.

We on the opposition side consulted very widely within the travel agents' sector. We have consulted with peak bodies, notably amongst them the Australian Federation of Travel Agents. We have also consulted widely on this bill with consumer groups. It has become very clear to us in the process of those consultations and in our analysis of this bill that it is strongly supported by both the consumer and industry sectors. So the opposition has decided to support this bill outright. The nuts of this are that Victoria is a member at the moment of an existing fund.

Hon. D. K. Drum — You mean the nuts and bolts.

Hon. A. P. OLEXANDER — Or the nuts and bolts of it, as my colleague Mr Drum very aptly points out. The nuts and bolts of this are that we in Victoria are members of an existing national fund known as the Travel Compensation Fund (TCF). This fund disburses moneys to consumers who are able to demonstrate that they have had their own money misappropriated by a registered travel agency. The particular amendment that this bill brings in allows the TCF to sue the misappropriating agency or agent for recovery of those moneys. It will also allow consumers to appeal against a decision of the TCF where they disagree with its decisions on compensation. So if a consumer applies to the fund and has their application rejected, they will have an appeal avenue to the Victorian Civil and Administrative Tribunal. VCAT will be able to hear their appeal in the normal way that appeals are heard — that is, by courts and other tribunals around the nation. Similar provisions are being or have been enacted in the other states, and this one is a particularly sensible one.

Basically the purposes of the Travel Agents (Amendment) Bill are to amend the Travel Agents Act 1986 to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the fund rather than in their individual names and to enable the VCAT to review its own decisions or decisions of the trustees of the fund concerning the payment of compensation. Opposition members think that is a sensible move and quite long overdue. Colleagues in other states are also supporting this legislation.

The purpose of this legislation is quite a logical extension of Victoria's existing act. I have already said it brings it into line with other states and territories, but as it does so it does not drastically reform the current governing codes or regulation pertaining to the industry. Victoria is already a signatory to the cooperative scheme for the regulation of travel agents, and it was one of the first signatories to that cooperative scheme. It was a very proactive move that was taken back in the 1990s under the Kennett government.

The purpose of this consumer protection measure already established by a trust deed is to have a recognised registry body for travel agents in participating states. The trust facilitates the fund so that payment by the trustees of compensation to consumers in particular circumstances can then be made. An example of this also mentioned in the second-reading speech on the bill is when a licensed travel agent has misappropriated money paid for travel services or otherwise fails to account for the money paid by a consumer — simply put: when a consumer pays for a service to be provided by a registered travel agent but does not receive that service and can demonstrate to the compensation fund that that service has not been received.

The reason the fund exists in the first place, obviously, is to require consumers who have been treated in this manner by the very small number of dishonest travel agents to pursue them through the courts. The existence of the Travel Compensation Fund means that consumers' compensation can be expedited, can be done more simply and can be done at little cost to them. It is then the responsibility of the TCF to pursue the

offending travel agency or agent for recovery of those moneys through the courts.

The scheme was developed and established in 1986 when it was foreseen that there would be the implementation of a number of uniform codes nationwide. Out of this came the introduction of provisions allowing the trustees of the fund to sue and be sued in the interests of recovering some or all of the moneys they have paid to aggrieved consumers. This is obviously a very positive move for consumers generally. It allows for legal action to be launched in the name of the fund instead of in the individual names of the trustees. This may seem to members in the chamber to be a small change, but it is one that has very large practical implications. This was not implemented fully in Victoria, and the bill before the house acts to correct this.

While the current predicament does not adversely affect the fund operationally, it may put duress on its administrative wing should legal action in Victoria be launched. Currently the signatures of individual trustees, of which I believe there are eight, are required. The trustees come from all over Australia, and in the past when their signatures have been required they have been unavailable, travelling abroad or interstate and have been unable to expedite legal action in a timely manner on behalf of the fund. This bill corrects that situation.

Because of this current anomaly the timely resolution of disputes has been jeopardised in the past and complications have arisen which have led to procedural delays in legal action. These delays may be used, and have been used, by legal representatives defending agents or agencies to frustrate the resolution of compensation cases. An action brought before the Supreme Court of Victoria recently highlighted this problem very clearly. This bill would correct that anomalous situation.

Finally, when a consumer is dissatisfied with a decision reached by the trustees of the fund in regard to compensation, amendments in this bill would allow for a review of such a decision. Under the current legislation, which this bill amends, there is an avenue for review or appeal whereby a case can be put before an appeal committee which is personally appointed by the minister. For each individual case a newly formed committee has to be put together, which is cumbersome, time consuming and open to transparency issues, and the opposition fully supports the appeal process being brought into the jurisdiction of the Victorian Civil and Administrative Tribunal.

Mr Lenders interjected.

Hon. A. P. OLEXANDER — When we agree with you, Minister, we will say so, and when we do not we will also say so. I am sure you are aware of that.

The bill provides for an approach that is obviously in the interests of expediting consumer claims and making sure that consumers suffer as little inconvenience as possible as a result of the wrongdoing of certain players in the marketplace. When an appeal is made against a decision of the TCF the Victorian Civil and Administrative Tribunal will determine the matter, and as a subordinate body it will also have the power to subpoena people and documents, allowing for a more timely and probably a more just resolution of these cases than has been the case, given that the panels appointed by the minister in the past have not had this power. We see this as an open and transparent move and one that is definitely in the interests of consumers.

In the light of the above points, as I have said, we will support this bill outright. That does not mean it is a 'not oppose' and it does not mean it is an 'oppose'. We believe this is a good move. We would have done this in government ourselves. We congratulate the government on having taken this initiative. We also congratulate our colleagues in all the states who are also supporting this initiative. Consumers will benefit from this, and the travel industry is very supportive of it. The vast majority of people in the travel industry are honest players who want to see the rogues in their industry weeded out as keenly as we do. I commend this bill to the house.

Hon. D. K. DRUM (North Western) — I have looked at this bill. It is a very short bill. We see it as a very sound piece of legislation, and we too will not oppose it. We notice that the bill is now on its second time around, having previously been brought before the Legislative Assembly. It was debated there until the Parliament was prorogued due to the last election, interfering with the bill's passage.

This short piece of legislation amends the Travel Agents Act of 1986. As with the Honourable Andrew Olexander, my contribution will be very short. The bill has two purposes. The first is to enable the trustees of the compensation scheme to sue and be sued in the name of the Travel Compensation Fund as opposed to being sued as individuals. This obviously offers those serving on the fund some sort of protection in the same way that the bill is designed to protect consumers.

The second purpose of the bill is to enable the Victorian Civil and Administrative Tribunal (VCAT) the ability

to review the decisions of the trustees of the fund concerning any payments of compensation. The current system involves an appeals committee which needs to be set up by the minister and which would have to therefore change every time a separate revision or appeal came up. The minister would have to set himself up with a new appeals committee and would have to hear each and every appeal as a separate entity. This piece of legislation streamlines the process.

Having read what the bill has to offer, we then took it out to the community and consulted with the Australian Federation of Travel Agents, the Australasian Business Travel Association, the Travel Compensation Fund, the Australian Travel Agents Cooperative and also the Australian Travel Agents Cooperative Ltd. Their advice was that in general the bill is reasonable and that we should not oppose it. Agents who wish to be accredited by or registered with the Travel Compensation Fund will need to make contributions to the fund, and the fund will therefore have a reserve from which it will pay compensation.

As Mr Olexander pointed out, should there be any misappropriation of funds via agencies or airlines going broke, as happened with Ansett recently, or with their being unable to deliver on holidays or packages that they have already taken deposits on, the bill provides numerous practical ways to protect consumers. An individual who has been affected or wronged by an agent will be able to sue the fund of which the agent is a registered member, and then that agency or fund will be able to recover its losses by suing the particular provider of the service. As I say, it is based on a recovery basis only, and it seems to be solid throughout.

The part of the bill which deals with an ability to appeal decisions to VCAT also streamlines the process. At the moment lengthy delays can be experienced through having to set up the ministerially appointed committee. We expect that the process whereby just VCAT deals with an appeal will make it all much closer and more tightly knit because VCAT has the ability to subpoena witnesses.

The whole process will be improved with this legislation, hopefully creating fairer and more satisfactory results from consumer complaints. We think that the bill will simplify the process and eradicate delays and that the fund will therefore be able to operate on a streamlined basis. For those reasons the National Party will not oppose this legislation.

Ms MIKAKOS (Jika Jika) — It is with great pleasure that I rise to speak in support of the Travel Agents (Amendment) Bill. I note at the outset the government's appreciation of the support for the bill from both the Liberal opposition and the National Party. I am particularly pleased that the Honourable Andrew Olexander, as opposition spokesperson, has indicated his strong recognition of the need for this legislation.

As has been indicated during the course of debate earlier today and as is evident from advertisements in both the *Preston Leader* and the *Whittlesea Leader,* perhaps the Honourable Andrew Olexander could use the services of a travel agent to find his electorate! But I am happy to act as a travel adviser to the honourable member as he seeks to navigate his way north of the Yarra River. I can assure the honourable member that there are many travel agents in the northern suburbs — —

Hon. A. P. Olexander — On a point of order, Acting President, on relevance I would like to inform the honourable member that I have already found her electorate, I know exactly where she is, and I would really appreciate it if she would come back to the topic of the bill which she is now debating.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! There is no point of order.

Ms MIKAKOS — As I was saying, I was seeking to assure the honourable member that there are many travel agents in the northern suburbs and perhaps he may wish to utilise their services in the future. I have had many happy holiday experiences in Australia and overseas, and travel agents whose services I have had the good fortune to be able to personally utilise have been of great assistance to me in organising my travel arrangements. However, regrettably that is not always the case, and from to time consumers have unfavourable experiences in their dealings with travel agents. I hope those instances are few and there are only a few bad apples in the whole industry. I am sure that is in fact the case.

This bill seeks to strengthen consumer protection for members of the public when utilising the services of travel agents. It seeks to do that in two ways. The bill is relatively straightforward and brief. It seeks to amend the Travel Agents Act 1986 to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the Travel Compensation Fund and also to enable the Victorian Civil and Administrative Tribunal (VCAT) to review a decision of the trustees of the Travel Compensation Fund concerning the payment of compensation.

By way of background, it is important to note that Victoria participates in a uniform cooperative scheme for the regulation of travel agents. The Travel Compensation Fund was established by a trust deed signed on 12 December 1986 as part of that scheme. The Travel Compensation Fund provides compensation to people who deal with travel agents and ensures that only persons with sufficient financial resources to enable them to carry on business as travel agents are participants of the Travel Compensation Fund. In fact participation in the Travel Compensation Fund is a prerequisite in this state for registration as a travel agent. It is also important to note that as part of this arrangement all states and territories, with the exception of the Northern Territory, are participants in this cooperative scheme. The Travel Compensation Fund is administered by a board of trustees who are appointed by the ministerial council that was established by the participation agreement in 1986. In Victoria the responsible minister is of course the Minister for Consumer Affairs.

The participation agreement that established the scheme made provision for the adoption of certain uniform legislative provisions in each participating state, including a provision to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the fund. However, for some peculiar reason this did not come into effect in the Victorian legislation, the Travel Agents Act 1986. So we are now in the curious position in Victoria that when a person is litigating they have to bring proceedings in the names of and with the consent of all of the trustees of the fund. For example, action can be taken by the fund itself where it pays compensation from its fund to a consumer for a loss incurred as a result of services offered by a travel agent. However, the fund must then take action against the travel agent in the name of all the trustees in order to recoup the amount it paid out from the fund. Obviously this is a cumbersome process. It is administratively complicated to obtain the consent and signatures of all the trustees who happen to be situated around the country and, from time to time, even overseas.

So we are in a difficult position in Victoria by virtue of this anomaly, which is not the case in other jurisdictions. There have in fact been legal proceedings — and there was one that commenced relatively recently, in 1999, in the Supreme Court of Victoria where the master of the Supreme Court actually ordered the parties to a proceeding to lodge an amended writ and statement of claim naming all of the trustees individually instead of the Travel Compensation Fund. In that case the parties to the proceeding were inconvenienced and had to take additional steps and incur, obviously, additional costs in order to recoup compensation because they had not complied with the technical, complicated requirements currently in place in the state of Victoria. The proposed amendment in clause 4 seeks to enable the Travel Compensation Fund to sue or be sued in its own name. This will bring Victoria into line with other participating jurisdictions and will provide greater convenience to members of the public.

The other key proposed alteration relates to appeals. Currently in Victoria if a consumer is unhappy with the decision of the trustees of the Travel Compensation Fund they can seek to have the decision reviewed by an appeals committee that is appointed by the Minister for Consumer Affairs. This process requires a separate appeal committee to be appointed each time a review is sought. Obviously that may result in different personnel being involved in the appeal process, there is no continuity in terms of the persons hearing such appeals and it is difficult to develop sufficient legal expertise where you have different people considering the matter on different occasions.

Clause 5 of the bill proposes the provision of a new appeal mechanism against decisions made by the trustees of the fund through an appeal being heard by the Victorian Civil and Administrative Tribunal. This will mean that the powers of VCAT, such as the power to subpoena individuals or documents, will be available to a consumer seeking appeal through VCAT. This will be of considerable benefit to consumers.

The bill also contains a number of transitional provisions to ensure that parties will not be disadvantaged. Very briefly, the transitional provision in clause 6 provides that, if any proceedings have been commenced by or against the trustees of the Travel Compensation Fund in their own names before clause 4 comes into operation, then they can continue the proceedings in their names.

Clause 7 of the bill contains a transitional provision that relates to the continuation of appeals that have been lodged with the appeal committee but have not yet been heard. Those appeals can then be transferred to VCAT, but where an appeal committee has commenced hearing an appeal it can continue to hear it. That is to ensure that consumers are not inconvenienced where an appeals committee has begun to hear evidence.

In conclusion, this is an important bill. The government thinks that this will strengthen protection for all Victorians using travel agent services in this state. I wish it a speedy passage.

Hon. W. A. LOVELL (North Eastern) — I rise to speak on the Travel Agents (Amendment) Bill. The purpose of the bill is to amend the Travel Agents Act 1986 to enable the trustees of the Travel Compensation Fund (TCF) to sue and be sued in the name of the fund and to enable the Victorian Civil and Administrative Tribunal to review a decision of the trustees of the fund concerning the payment of compensation.

I speak to this bill with some knowledge of the history of the TCF. My family have been involved in the travel industry for many years. My brother-in-law is the proprietor of the Harvey World Travel agency in Shepparton, and my father was on the board of Harvey World Travel Investments for several years.

In speaking with my brother-in-law about this legislation the other day I was reminded of a travel agency that operated several offices within my province during the early 1980s. The owner of that agency decided to close the doors, and in doing so he emptied the bank accounts that were associated with the business. Of course not all the funds were his to take with him. Most of the funds were deposits and instalment payments made by clients, and they had not yet been passed on to the airlines and wholesalers. That left many clients who had saved their hard-earned money for a dream holiday empty handed. This would not have happened had the Travel Compensation Fund been in operation at that time. Those clients would have been compensated for their losses by that fund.

The TCF monitors the financial security of all licensed travel agents in Australia, except those in the Northern Territory. Any person or company wishing to carry out business as a licensed travel agent in any of the six states or the Australian Capital Territory is required to be a member of the TCF. To join the fund applicants must demonstrate that they have sufficient financial resources to operate the business of a travel agent. All participants are required to renew their membership annually and provide audited financial statements and a certified financial statement to confirm that they continue to have sufficient resources.

The fund not only protects consumers from financial loss but also protects the reputation of the travel industry and reputable travel agents by preventing dubious operators from entering the industry. This legislation will not drastically alter the operation of the TCF. Victoria is already a signatory to the cooperative scheme for the regulation of travel agents. The TCF is established as a trust deed and acts as a registry body for travel agents in participating states. The trust also facilitates a fund that allows trustees to pay compensation to consumers.

What will change is the way the TCF acts to recover funds and the procedure of hearing appeals from consumers. At present if the trustees wish to recover some or all of the costs incurred in reimbursing a consumer, the legal action needs to be launched in the names of the individual trustees and requires all of their signatures. With trustees sometimes residing in several states within Australia and also bearing in mind that trustees may be overseas at the time their signatures are required, delays in getting signatures could lead to delays in the resolution of disputes and complications may arise leading to procedural delays. This legislation will simplify this process by enabling the trustees to sue and be sued in the name of the fund.

Finally, in the case where a consumer is dissatisfied with a decision reached by the trustees in regard to compensation and wishes to appeal, under the present system an appeal committee needs to be appointed by the minister and a newly appointed committee needs to be formed for each and every appeal. This process leads to additional time delays. This amendment would put an end to this additional administrative burden and allow the Victorian Civil and Administrative Tribunal to determine these matters. VCAT also has the power to subpoena people and documents, allowing for a more timely and just resolution of disputes based on fuller information than is currently the case.

This bill will simplify and expedite procedures. It is in the best interests of consumers, and I support it.

Hon. ANDREA COOTE (Monash) — My colleague the Honourable Andrew Olexander outlined very eloquently why the Liberal Party is supporting this bill. He went through in some detail the reasons that it will give consumers confidence and why we are supporting it. He outlined how much consultation we have had with peak organisations and within this industry as a whole. One of the things is that if you have a look at the web site of the consumer and business affairs office you see that — —

Mr Lenders — The 'business' is out of it now, Andrea; it is just 'consumer'.

Hon. ANDREA COOTE — Yes, okay. The web site says that you cannot be granted a travel agents licence unless you have been accepted as a member of the Travel Compensation Fund. It stipulates that:

> The TCF provides compensation for consumers who suffer loss from dealing with a travel agent. Each licensed travel agent contributes to the fund and no travel agent will be admitted to membership unless they have sufficient financial resources to carry on business.

My colleague the Honourable Wendy Lovell explained some of the intricacies of just that sort of example.

We have seen that this bill gives consumers some confidence. Anything that gives the travel industry in this country confidence is certainly welcome as an additional support for the industry. The travel industry in Victoria, and indeed Australia, has been severely hit by a number of significant international and local forces. It has been hit by the severe acute respiratory syndrome (SARS) virus, and we must all continue to be vigilant because the virus is rising again. It is important that we understand the implications and ramifications of that. Indeed the tourism and travel industry within this country has also been badly affected by the war in Iraq and the collapse of Ansett, which has been spoken about before. Terrorism has also placed a huge burden on the whole of this area.

Continued consumer confidence is a really important message to be sent to travel agents and consumers. They need to feel that when they book holidays they have certainty that they will happen or they will be compensated should there be a problem. As we have heard from several speakers tonight, most travel agents behave in an exemplary manner. It is for the rogue agents that these conditions and regulations need to be implemented. Like many industries it is the rogue operators that cause problems for others.

The purpose of this Travel Agents (Amendment) Bill is to amend the Travel Agents Act 1986 to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the fund and to enable the Victorian Civil and Administrative Tribunal to review a decision of the trustees of the fund concerning the payment of compensation.

It is interesting to reflect on where these trustees come from and understand the implications and ramifications of the logistical exercise in getting something changed from the way it currently exists. For example, the chairperson is from New South Wales and, of the members of the Travel Compensation Fund board of trustees with a knowledge of the interests of travel consumers, one is from New South Wales and one is from Victoria. Of the members who comprise the knowledge and experience in the travel industry, one is from Western Australian and three are from New South Wales. Of the members representing the ministerial council of consumers affairs, one is from New South Wales, one is from Queensland, one is from Victoria and one is from the Australian Capital Territory. Given they are from right across the country, just imagine the logistics of getting this group together to sign important documents. The fact that this bill tidies that up and gives some surety to people who have concerns and problems is very welcome.

Anything that gives the tourism and travel industry some sense of security and consumers some sense of security is certainly welcome. I am pleased to say that the Liberal Party supports this bill.

Hon. R. H. BOWDEN (South Eastern) — I rise to support this bill, because it is designed to further assist a very large and important industry. The travel industry is diverse, large and has many dimensions. It is also a major employer, and consistency and growth are two requisites for an economy such as ours. The contribution made to Victoria and the Australian economy by many facets of the travel industry is well known and extremely valuable.

Sadly, several years ago there were some rogue operators and some unfortunate experiences where consumers were not treated well and major losses were incurred. In 1986 legislative action was taken to make sure that remedies were put in place to assist consumers. It is fair to say that the word ‘confidence’ is extremely important in the successful operation of the travel industry. It is a fragile flower, and confidence is an absolutely essential ingredient in the welfare and wellbeing of the travel industry. This is particularly so at the retail end with someone who may not be experienced in purchasing what is a significant investment in most cases, be it a domestic journey or holiday or increasingly international travel for a large percentage of people. Sometimes people quite inexperienced in travel need to invest significant amounts of money.

The legislative action taken in 1986 and agreed upon as a template on a national basis was successful in the main and has worked reasonably well. It is fair to say that apart from a few unfortunate episodes the level of confidence of the average consumer when dealing with a legitimate licensed travel agent or industry participant is quite high. That is a good test of the achievement of the legislation over a considerable period since 1986. The purpose of the bill is to align Victoria and make sure it continues to play its part on the agreed national basis, because several adjustments have become necessary since the original legislation was put in place. In themselves they are not major, but they are significant in making the bill work efficiently and in a more pragmatic way.

Fundamentally this bill has two provisions. The Travel Compensation Fund operates through a trust deed so it is a trust arrangement, but through the legislation we are debating tonight the fund will be able to take action

and be sued should that be the case. In Victoria up until now it has been necessary to have certain detailed documentation signed by each and every trustee before a legal matter can proceed. We have heard that individual trustees are physically in different parts of Australia and often travelling. That is neither efficient nor acceptable to consumers, and as a Parliament we are remedying that this evening through this debate.

From time to time when compensation is granted or arranged, the actions of the Travel Compensation Fund do not necessarily give the most pleasing outcome to the claimant. The effect of this bill will be to further improve the ability of the fund to meet the demands and expectations of honest consumers. I support the concept of the Victorian Civil and Administrative Tribunal having the power, through this legislation, to review a decision so that natural justice and sensibilities can prevail. It is extremely important for the operation of the industry, the operation of the agents themselves and participants in the industry and also for government agencies that the legislation works in a sensible, practical and obvious way.

The bill is part of a nationally agreed arrangement, and the amendment will work smoothly with other jurisdictions. Victoria has a large percentage of the population of our nation and we have the ability to make contributions to national arrangements such as this one. The bill deserves strong support, because it is very much in the interests of both the consumer and the industry.

Motion agreed to.

Read second time.

Third reading

Mr LENDERS (Minister for Finance) — By leave, I move:

That the bill be now read a third time.

In so doing I thank all speakers who contributed to the debate — Mr Olexander, Mr Drum, Ms Mikakos, Ms Lovell, Mrs Coote and Mr Bowden — and I particularly thank them for their enthusiastic support of the bill rather than just acquiescence. That support is notable and much appreciated, and I wish the bill a speedy passage.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

HEALTH LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 1 May; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Hon. D. McL. DAVIS (East Yarra) — I rise with pleasure to make a contribution to the Health Legislation (Amendment) Bill. I say at the outset that the Liberal Party will not oppose the bill. It is an omnibus bill, as the Minister for Finance, Mr Lenders, well knows. The bill has a number of different provisions. It amends or may impact on the Drugs, Poisons and Controlled Substances Act 1981; the Nurses Act 1993; the Health Services Act 1988; the Health Records Act 2001; the Human Tissue Act 1982; the Mental Health Act 1986; and the Lord Mayor's Charitable Fund Act 1996.

There are a number of points I want to comment on, because the bill in effect sweeps across many of the key acts that regulate our health system in Victoria. There are very few health acts that are not touched by the bill in some form or other.

The amendments to the Drugs, Poisons and Controlled Substances Act will enable the Nurses Board of Victoria to limit or impose conditions on a nurse to obtain or possess certain schedule 2, 3, 4 and 8 poisons. That will allow for greater flexibility in the discipline of nurses, and in that sense it is significant.

With respect to nurses, the amendment to the Nurses Act 1993 will allow a nurse to be registered as a division 2 nurse by the Nurses Board of Victoria. That is a worthy measure in the difficulties that we face as a community with medical and nursing work force issues. Ms Darveniza knows very well the issues faced with respect to the nursing work force, both in the country and the city. If this measure goes some way towards improving that situation, then it is a welcome step. I note that there is some dispute between some nurses as to the role of division 2 nurses. I am happy to place on record that this step is one that the Liberal Party welcomes.

I also note that the nursing profession goes from strength to strength in its professionalism and in the great contribution it continues to make to the health of our community. I may be predating the minister by just

a few days in saying this, but a number of nurses will take on the full nurse practitioner role in the next few weeks. I think four or five is the number, and I stand to be corrected there, but that is a welcome development and one the Liberal Party supports. It is one that when in government the Liberal Party worked to assist and achieve.

In that context I also welcome the contribution of the federal government in its Medicare package to nurse practitioners in medical practices. It is a welcome development, and whatever the views of this state government on other aspects of federal-state relations, I would hope it would agree and support that development. I welcome its support on that matter because the greater the role nurses play in the system, the greater the strengths of our health system. In particular there is a role for nurses to provide a whole series of health promotion and primary care steps in practices that will relieve pressures from the medical work force in a very constructive way, and that will be beneficial for patients and the community as well.

The bill amends so many acts that in that sense it is central to our health system. I note that it tweaks the name of the Numurkah District Health Service, and that certainly makes me very cognisant of some issues that are faced in country Victoria at the moment. I will return to those in due course.

I place on record some concerns with respect to the bill about the possible impact on the Health Records Act 2001. The bill makes an amendment to allow the disclosure of patient information for a secondary purpose where consent is implied. Of course medical and hospital practice has been to allow some of these disclosures to occur where consent is implied. Therefore a patient who consents to a course of treatment and gives certain information to a provider is often deemed to have consented to allowing that provider to take consequent steps which may involve the exchange of some information with other aspects of the medical system.

However, it is true to say that the implied consent is not as clear as it should be in some cases and that there could be legal aspects and questions about that implied consent. So to the extent that the bill puts that consent more clearly — in effect it deems that that consent is explicit — it is welcome. However, I place on record concerns about the use of the provision with respect to private health insurance information. I would be very concerned if the government and the Department of Human Services were to use these provisions to strengthen their ability to ascertain the health insurance status of individuals who move to hospitals.

I flag with the minister tonight that I will be asking some questions on that issue. I seek some assurances, if possible, as to the intent of the government with this amendment and that it will not be used in any untoward way to ascertain the insurance status of individuals and then either preferentially or non-preferentially treat people on the basis of their insurance status. I would be concerned if the government were to use this as a cost-shifting measure designed to force privately insured patients out of public hospitals, because that would be in my view against the Medicare principles.

I would also be concerned if the government were to use this amendment of the Health Records Act to stream people within public hospitals into certain facilities where the government could maximise the return rather than focus on clinical outcomes. These are fair concerns, and I flag them for the minister at this point. I will return to some of them a little later in my contribution.

We are at a difficult juncture with the Victorian health system. It is in some considerable crisis. Wherever I have moved through the state as shadow health minister I have been confronted by the difficulties faced by the Victorian system. I place on the record tonight my concerns in relation to the amendments the bill makes to a number of significant areas of acts that govern our health system.

I want to relate some of the experiences I have had as I have moved around a number of the parts of our system. For example, yesterday I was concerned with what I saw at the Monash Medical Centre and with what I heard in evidence presented to a joint parliamentary committee, the Family and Community Development Committee — an important committee that is holding an inquiry into aspects of the medical system in Victoria, in particular as they relate to emergency departments.

I was shocked to learn that of category 4 and 5 patients who had come into the emergency department, more than 8500 people had walked out of it in the last 12 months because they were unable to be seen in a satisfactory or timely way.

Mr Pullen interjected.

Hon. D. McL. DAVIS — I tell you what, Mr Pullen, I would not want to talk about Moorabbin where your government is at this point closing the birth unit. You will rip the guts out of the birth unit. Your government, your minister and Southern Health is destroying the birth unit at Moorabbin hospital. That is what you are doing — —

The PRESIDENT — Order! Mr Davis, through the Chair!

Hon. D. McL. DAVIS — Through you, President, I urge Labor members, including Mr Pullen, to pick up the telephone to speak with Southern Health and the Minister for Health, to urge them not to cut the choices available to women within the public hospital system. They will close a unique birth unit at that hospital — and in a way that is disgraceful!

I suggest Mr Pullen should meet Rebel Lorenz and the group down there because I believe that group is concerned about what will occur at the birth unit at the Moorabbin hospital. I believe it will dent a unique choice. I know that in 1998 the then shadow Minister for Health made it very clear he believed that every health region should have a birth unit. He said in a news release I re-read the other day — I am doing this from memory; but Mr Viney alluded to it — that there is cost shifting going on with the birth unit by moving it to Clayton and into that gigantic hospital at Monash Medical Centre. The unique aspects of that birth centre will be lost forever.

This government will wear this like a crown of thorns in the end. It will have to answer for what it is doing to that birth unit. The government will have to explain what it has done. Mr Viney made the interjection and I responded to it.

Mr Viney interjected.

Hon. D. McL. DAVIS — I am concerned about what I heard at Monash Medical Centre the other day and what I heard in Warracknabeal the other day. I notice the mention of country hospitals in an article in the *Wimmera Mail-Times* of 12 September, which leads with the headline 'Red alert for hospital future'. I shall read a number of contributions about what the Bracks government is doing to country health. The article states:

> Warracknabeal and district people harbour growing fears for the future of quality care at their hospital.
>
> They are outraged by a Rural Northwest Health proposal to close kitchens at Warracknabeal and Hopetoun hospitals and fear relentless service downgradings will undermine health care and jobs.
>
> Concern in the town simmered …

The article says that the Minister for Health in the other place and senior bureaucrats should spend more time in the town. The article continues:

> Surgery ceased at the Warracknabeal hospital in May …

This follows the ill-fated statewide Hume hospital services review that recommended the closure of nine obstetric and surgical units in country hospitals in the Hume region.

Hon. W. R. Baxter — We know all about that!

Hon. D. McL. DAVIS — You are right, Mr Baxter. You and Ms Lovell are very aware of the plans for the Hume region which would have seen the closure of nine country hospitals. That same group of consultants are at work now in the Barwon region as we speak. They are planning to close more hospitals there, like they are doing in Warracknabeal. That is the plan. It is time for you, Mr Viney — you know something about health, having been parliamentary secretary — to step forward and stop your health minister closing the surgical unit at the Warracknabeal hospital.

The PRESIDENT — Order! Through the Chair!

Hon. D. McL. DAVIS — Madam President, I accept that. My concern with the Warracknabeal hospital plans are that the surgical and obstetric unit will never open again unless the Minister for Health is brought into line with her plans. I shall quote some comments made by the minister's spokesperson, Ben Hart, on 15 September. The opposition was challenged to offer an alternative solution to Warracknabeal hospital's crisis. He said he would like to issue a challenge. The newspaper article states:

> It's very easy for an opposition spokesman to criticise …

The editorial got it right by stating:

> Victorian health minister, Bronwyn Pike, has predictably uttered little of substance in reply to challenges relating to the ailing state of Rural Northwest Health's Warracknabeal hospital.
>
> …
>
> Ms Pike asked Mr Davis, through a spokesman, to offer an alternative solution to the hospital's woes. It sounded like we can't fix it, can you? She told Mr Walsh that administrator Ken Taylor was working with the community doing what had to be done to reduce the budget red ink.
>
> There's no hint of community about the process under way. The truth is that Warracknabeal and district people, even those closely associated with the hospital, remain uneasy, fearful and in the dark.

We have serious difficulties with what will occur. There needs to be a public meeting, and I challenge the Minister for Health to attend the meeting. She should get off her tail, get out of Melbourne and go to Warracknabeal to give an assurance to the people at the hospital and in the town, and at Hopetoun where she is

closing the kitchens and bringing in TV dinners for the people of those hospitals — —

Business interrupted pursuant to sessional orders.

ADJOURNMENT

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

Midland Highway: Peter Ross-Edwards Causeway

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter with the Minister for Transport in the other place. The Peter Ross-Edwards Causeway is a four-lane undivided section of the Midland Highway that links Shepparton and Mooroopna. It is the only major arterial between the two centres and the only road that emergency vehicles can use.

It is mostly unlit and has an intersection in the middle that leads to a children's playground called Kids Town. We pray there will not be an accident at this intersection as any accident is highly likely to involve children.

Traffic counts on the causeway are reported as being between 23 000 and 30 000 vehicles per day. The traffic laneways on the causeway are of variable width ranging from 2.7 to 3.4 metres with the narrowest being on the bridges, and the bridges do not have any shoulders on them.

Current road standards would require all lanes to be 3.5 metres in width and would require shoulders on the bridges. It is a road that pitches and turns, and contains six bridges. I am told that two of the bridges, Daintons and McGuires, were built around the mid-1950s. Another two, Daishs and the Boolbahdah floodway, were built around the 1930s and it is possible that the remaining two bridges, Ah Wongs and Geraghty's, may well be original bridges from the construction of the old
Shepparton–Mooroopna high road in 1908. The causeway was built in the mid-1960s when the old two-lane Shepparton–Mooroopna high road was upgraded to the four-lane undivided road that we know today.

The then Country Roads Board's annual report for the year ended 30 June 1970 speaks of the final stage of this project that diverted the route of the Goulburn River to allow for dual roads to lead from the causeway into Shepparton at High Street and Fryers Street. The Country Roads Board report states that the reason for the upgrade of the road at that time was because 'traffic between Shepparton and Mooroopna has increased considerably over the last few years'.

The population of Shepparton grew from 13 900 in 1961 to 19 400 in 1971, an increase of around 5 500. The government of the time considered that enough to substantially upgrade the road. The road was built in the days of tray trucks and milk cans, when most families would have had only one car. The population of Shepparton has tripled since 1971 to a city of nearly 60 000 people. Most families are multi-car families, and the road now carries milk tankers and B-doubles the size of which was not even thought of in the mid-1960s. Both the Premier and the minister have admitted that this road is in need of an upgrade. In the interest of road safety and to enable Shepparton and Mooroopna to develop further I ask the minister to expedite the upgrades so desperately needed for the Peter Ross-Edwards Causeway.

Point Nepean: future

Hon. J. G. HILTON (Western Port) — My adjournment matter is for the attention of the Minister for Environment in the other place. I ask him to do all he can do to ensure that the disintegration of Point Nepean does not take place. During the winter recess honourable members may have seen representatives of Environment Victoria and the commonwealth government toasting what they saw as the saving of Point Nepean. It was obviously nothing of the sort. Whilst Point Nepean has not been sold off it has certainly been sold out.

The key overriding objective of the community master plan was that Point Nepean be retained in its entirety, that all of Point Nepean should be integrated into the national park, and that the total region be retained for all Victorians to enjoy, this and all future generations. The proposed lease arrangement flies in the face of what the community wanted. The proposed lease is worse than the original intention to sell. The Bracks Labor government made it abundantly clear that it would impose stringent planning controls over the use of the land which would severely restrict its potential use. However, with the lease proposal all the state and local planning regulations can be avoided.

One can only wonder at the motivation of the federal Liberal government, which appears so committed to overriding the clearly expressed wishes of all the local residents of the Mornington Peninsula. I again urge the minister to keep fighting for Point Nepean to be handed back to the people of Victoria so that it can be retained in its entirety for the enjoyment of all Victorians.

Land tax: caravan parks

Hon. ANDREA COOTE (Monash) — I raise a matter with the Minister for Small Business for the attention of the Minister for Tourism in another place. Access to affordable holiday accommodation in the form of caravan parks is becoming a thing of the past in Victoria. A joint study by the University of Melbourne and Queensland University of Technology shows that one in three caravan park owners plan to sell in the next 10 years.

The increase in land values in coastal areas has threatened the viability of caravan parks. The increasing level of land tax for caravan park owners is crippling in this state. This is a blow to affordable tourism in Victoria. I have not seen one press release from the minister on this issue; nor have I heard one comment he has made looking out for the people who enjoy holidaying in this state. Not one!

How is the minister working with the tourism industry to ensure the long-term viability of the caravan park industry in Victoria, and what incentives has the minister offered the caravan park owners to ensure that they remain operating in this state?

Argus Street–Warrigal Road, Cheltenham: safety

Mr PULLEN (Higinbotham) — My adjournment matter this evening is for the attention of the Minister for Transport in the other place. The Mirvac group is in the process of constructing 600 dwellings and a convenience store on the Kingston Centre site in Warrigal Road, Cheltenham, which is in my electorate. Naturally with this housing boom there will be a further increase in the traffic on Warrigal Road. Mirvac commissioned Grogan Richards Pty Ltd, a firm of consulting engineers, to undertake intersection safety investigation at the corner of Argus Street and Warrigal Road following complaints from nearby residents about the safety of this corner.

Argus Street is a local access road, and the Grogan Richards report said that discussion with Kingston council indicates that the redevelopment of the Kingston site may require the provision of a signalled intersection. This may result in the installation of signals at the Bernard Street intersection, which is further north.

Currently there is a stop sign at Argus Street; however, according to Vicroads crash statistics, a total of 25 accidents has been recorded at the intersection between January 1987 and December 2002, and I am aware of a lot more since. More than half of the accidents have occurred involving traffic turning right from Argus Street into Warrigal Road.

Discussions with residents adjacent to the intersection also confirm that additional property-damage accidents have occurred. The suggestion was made to me by a resident that a no-right-turn sign facing Argus Street would reduce accidents and property damage. I wrote to the Kingston council and enclosed a copy of the Grogan Richards report; however, the council is of the opinion that a no-right-turn sign at Argus Street would cause undesirable redistribution of traffic to the lower order street intersections along Warrigal Road. The council also said it would further liaise with Vicroads to review the black spot eligibility at this intersection.

I believe major developers should pay for or at least contribute to major traffic sign upgrades. I ask the minister to arrange an investigation of the area between Kingston Road, Centre Dandenong Road and Warrigal Road with a view to improving the traffic controls.

Bayside: administration

Hon. C. A. STRONG (Higinbotham) — The issue I raise tonight is for the Minister for Local Government. It relates to the accounting scandal within Bayside City Council. This scandal has come to light with the council's 2003–04 financial results, which have revealed a $3 million surplus for last year. Only a few weeks ago Bayside council brought down a rate rise of 13 per cent, one of the highest in the state. This 13 per cent increase extracts an extra $4.5 million from the long-suffering Bayside ratepayers. I understand the council was not aware of the $3 million surplus when this rate was struck. If it had been, then only an extra $1.5 million would have been required, which equates to a rate rise of some 4.5 per cent. I ask the minister to investigate this scandal, and particularly the accounting procedures, systems and reporting responsibilities within Bayside City Council.

Emergency services: taxation status

Hon. J. H. EREN (Geelong) — I raise a matter with the Minister for Police and Emergency Services and also the Minister for Corrections in the other place. Last month the federal government released the draft Charities Bill 2003 to define 'charity' for taxation purposes, and asked the Board of Taxation to consult over its wording. I believe the draft Charities Bill contains unreasonable and unnecessary restrictions on the advocacy role of charities.

I am disturbed that the proposed Charities Bill 2003 may remove charitable status from the Country Fire Authority and the State Emergency Service (SES). Currently the CFA is classed as a 'public benevolent institution/charitable institution', which gives it significant tax breaks on running costs and donations. The Victorian SES is classified as a deductible gift recipient, which also gives it tax breaks on donations. This will put strain on the CFA and the SES as it will mean they will get less money. As we approach the summer season we all become too aware of bushfire risks, and we can only imagine what it would be like without the CFA or the SES there to assist us. It would be horrendous.

The CFA and the SES need all the help they can get to ensure that they can protect us from the elements when they turn nasty. It is important to note that not only do they save lives; both organisations save insurance companies many millions of dollars through the vital work they do. We need an ironclad guarantee from the commonwealth that the status of these agencies would not be affected by this bill. Therefore I request the minister to communicate with the commonwealth government to ensure that vital tax breaks for the CFA and the Victorian SES are not cut as a result of the Charities Bill 2003.

Devilbend Reservoir: parkland

Hon. R. H. BOWDEN (South Eastern) — My adjournment matter seeks the assistance of the Minister for Environment in the other place. On 3 and 11 June I raised a point of great concern in my electorate on the Mornington Peninsula about an area known as Devilbend.

Devilbend is a large area of Victorian Crown land; there is no doubt whatsoever about the title. It has a longstanding history of having a great capacity to store water and up until recent years has been a major water reticulation pond that was fed by the Cardinia Dam. The Devilbend area is roughly 1057 hectares, which is 2500 acres, and the state government has made it very clear through its work with Melbourne Water that this land will essentially be subdivided and sold off. There are only three large parcels of Victorian public Crown land on the Mornington Peninsula — two of which are in the northern part, and Devilbend is just to the east of Mornington in an area known as Tuerong.

We hear a great deal of publicity about the need to conserve water, and that is true, and we hear a great deal of concern about the scarcity of water, and that is true, and the problem with the Devilbend situation is that it is large in size and scope and the volume of usable water that it makes available to the greater Melbourne area for future years will be compromised if this short-sighted sell-off by the Victorian state government is allowed to continue, because the water will be contaminated by the immediate proximity of a substantial number of private dwellings. This is vandalism on an enormous scale, and this issue will not go away. I raised this matter on 3 June, I raised it on 11 June, and I will continue to raise it — this is the first opportunity since June to do so.

There is absolutely no question that the community is not supporting the sale of the Devilbend land. I do not care what Melbourne Water says, and I do not care what the government says; the community does not support the selling of this land. If the government were genuine in its profession of concern about conservation and the availability of clean water supplies for the Melbourne area, there is no way it would countenance having this large area of water contained in the Devilbend reserve polluted.

The water issue is important enough on its own, but recreation access and having suitable land for recreation is also important. So the question is: will the minister give an assurance to the Parliament that the Devilbend land will not be sold?

Police: Preston station

Ms MIKAKOS (Jika Jika) — I raise a matter with the Minister for Police and Emergency Services in the other place. I seek urgent action by the police minister to arrange for the formal opening of the Preston police station in my electorate.

Hon. A. P. Olexander interjected.

Ms MIKAKOS — Because I am fighting for the northern suburbs, Mr Olexander, and I live there as well.

I can assure the house that this police station is eagerly awaited by the residents of Jika Jika Province. It is important to remind members, particularly Mr Olexander, of the track record of the former coalition in respect to the Preston police station.

The previous Labor government committed in 1992 to building a new police station in Preston. In fact the Liberal candidate for Jika Jika Province back in 1992, Mr Greg Eade, was quoted in the local papers as saying that the coalition would honour that commitment and build the new police station, but when the Kennett coalition government came to power it reneged on it. That was only one of the many, many broken promises of services and funding for the northern suburbs. We

know in the northern suburbs that the Liberal and National parties do not care about the people of the northern suburbs. They ripped out money left and right from a range of projects in the northern suburbs.

I want to emphasise for the police minister that this police station is sorely needed, because the police are in a building in Roseberry Avenue, Preston, that is more than 60 years old. There have been additions, extensions and relocatables added over time, so the building is dysfunctional at the present. This $8 million project will allow our local police to continue to do the good job of reducing crime in the northern suburbs of Melbourne.

Lake Mulwala: management plan

Hon. W. R. BAXTER (North Eastern) — I want to raise a matter for referral to the Minister for Water in another place. I want to alert the house to the fact that up to 4000 people rallied in Yarrawonga yesterday because they were concerned about a number of water issues, in particular the Lake Mulwala management plan.

It is high time the minister gave some consideration to setting aside work on the Lake Mulwala management plan for the time being. It seems to me that, with the *Living Murray* document in circulation and with the green paper on water having been released by this government in the last month or so, there are now far too many balls in the air at once in terms of water. The people of Yarrawonga and Mulwala are saddled with having to consider the Lake Mulwala management plan in a time of confusion with the Living Murray negotiations and the green paper on water, and it is leading to a lot of fear, a lot of ill will and a great deal of concern that if the management plan were implemented it would lead to a reduction or a variation in the water levels of Lake Mulwala, which would impinge very seriously on the tourism industry.

Yarrawonga has benefited immensely from having a lake with a static level throughout the year — it is very attractive not only for recreational activity such as boating, fishing and the like, but also for residential development. If anyone goes to Yarrawonga they will be pleasantly surprised to see a building boom currently under way. New homes are being constructed largely because of the attractive environment that has been generated by having a lake with a stable level.

Some arguments can be made in terms of how Lake Mulwala is to be managed in the future, particularly in terms of water quality, subdivision and the like. To be endeavouring to do this in the context of the Living Murray debate and now the green paper on water is asking too much of the communities. I make a plea to the minister. I am sure he will be aware that the large meeting yesterday passed a motion — there were more than 1000 people at the meeting — that the management plan discussions be put on hold for the time being, and I commend that motion to the minister.

Bayside Veterans Hockey Club

Mr VINEY (Chelsea) — I raise a matter for the attention of the Minister for Sport and Recreation. I seek the minister's support of the Bayside Veterans Hockey Club premiership push next Monday night. The Bayside Veterans Hockey Club is the brand name of the Frankston Hockey Club's veterans team, and both the C and D grade veterans teams will be competing in the grand final next Monday night. Last night the C grade team defeated Moorabbin 3–2 in the preliminary final, and the very exiting D grade team drew 1–all against Springvale, which resulted in their progression to the grand final, given their higher position on the ladder having finished the home and away season second on the ladder. It was a very exciting game. Bayside scored a goal early and — —

Hon. E. G. Stoney — On a point of order, President, I fail to see how Mr Viney's very colourful description of hockey in Frankston has anything to do with state administration. I was hoping he might come to the point.

The PRESIDENT — Order! The member has 3 minutes to pose his request to the minister. He has outlined what it is about — obviously hockey in the Frankston area and the number of teams coming up in the forthcoming premiership. The member has nearly 2 minutes left to pose his question. I therefore ask the member to continue and get to the matter he wishes to raise with the minister.

Mr VINEY — President, I asked for the minister's support of the club, and I will get to that in a minute. It was a very exciting game last night. Bayside scored a goal early, and about 5 minutes before half time a very strategic decision was made to bring a dashing player on to the left wing. This player raced into the D and positioned himself brilliantly for a goal in a short corner. The ball came screaming in, and I have to say that unfortunately I missed the ball and it hit my foot. So the opportunity for glory was lost. But Springvale scored a late goal and after extra time it was a 1–all draw, which resulted in Bayside D grade going into the grand final.

I undertook with the club that I would raise the matter tonight in recognition of the great effort. On a slightly more serious note, since the Bracks government funded a new astroturf arena the club has gone on to significant growth with the doubling of the youth teams in attendance. I seek the minister's support and invite all members to come along to the State Hockey Centre next Monday night to watch a great game of hockey. I am sure the minister will want to offer his support.

Our Forests, Our Future program

Hon. E. G. STONEY (Central Highlands) — I raise an issue for the Minister for Environment in the other place. It concerns the timber industry restructure, especially contractor exit packages under the seemingly failed Our Forests, Our Future program. Many contractors and mill owners have approached me demonstrating that they are eligible for these packages. They have applied for exit packages but tell me they have heard absolutely nothing from the government about their money.

Contractors in Central Gippsland are going broke while waiting for a response from the government. Less than 50 contractors have been paid out, and I understand that more than 100 have heard nothing at all since the program started. Timber carter, Mr Alan Twyford, lost 60 per cent of his business. He was carting for a mill that was closed and he was forced to go interstate to find work. More than 60 per cent of his business was carting sawn timber, and he is definitely eligible for a package but he has heard nothing at all. I understand that Sumstrait Timber, a processing mill using lower grade timber and based at Bairnsdale, has closed without any compensation whatsoever.

Mr Jack Gittens, a contractor to DSM Mills at Mansfield, has heard absolutely nothing even though he has applied for some months. Mr Gittens rang the Rural Finance Corporation, which said, 'Ring the forestry worker contractor assistance unit'. That unit said, 'Ring DSE'. So it is a typical *Yes, Minister* round robin response. It appears that the timber exit program is in deep trouble. There are strong rumours of mismanagement of this program and that the budget has run out. Contractors and mill owners waiting for these exit packages are going to the wall, and it appears that this program is in total disarray. I ask the minister to step in and show some compassion for the timber people who have been devastated by poor government decisions.

South Gippsland Highway–Pound Road, Narre Warren South: roundabout

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Transport in another place concerning the traffic congestion at the roundabout on the corner of the South Gippsland Highway and Pound Road during afternoon peak periods. Although this intersection is located just outside our electorate, as Mr Gordon Rich-Phillips will testify, the people who use this roundabout are generally from the growth areas of Narre Warren South, Berwick South, Hampton Park and beyond.

Many people have raised this issue with me since I was elected to Parliament. One of those constituents is a Mr Cengiz Coskun from Narre Warren South. He has been lobbying me since I was elected. Mr Coskun travels from Oakleigh every day to Narre Warren South where he lives. Unfortunately, according to Mr Coskun it takes him just as long to get from Oakleigh to Dandenong as it does to get down a stretch of road, about a kilometre, in Dandenong South on the South Gippsland Highway. I have experienced difficulties there myself, and I am sure Mr Gordon Rich-Phillips has as well. It is something that we must look at.

I take this opportunity to congratulate the state government and the minister on the tremendous job done in providing road infrastructure in the south-eastern region, and I am sure it will continue. This can be compared to the neglect of infrastructure in the south-east by the previous government. I request that the minister consider alternatives to the roundabout on the corner of South Gippsland Highway and Pound Road.

Rail: Hampton station infringement

Hon. ANDREW BRIDESON (Waverley) — I wish to raise an issue tonight for the Minister for Small Business to take to the Minister for Transport in another place. It concerns a young student who was 17 years old at the time he jumped over a fence at the Hampton railway station in an effort to catch a train home. It was a cold, dark night, and Daniel wanted to catch the next train without having to wait.

The infringement notice number is 1290267 and the penalty amount is $100. Daniel is a student studying for his Victorian certificate of education (VCE) at Melbourne High School. He would like the minister to either intervene and perhaps waive the penalty or consider some other alternatives which he has offered. He states that as a 17-year-old boy he had no idea that there was anything wrong with jumping the fence.

He said that it was a simple jump over a relatively low fence — quite similar to jumping a gymnastics horse in school sports. He is somewhat remorseful about his deed now, and is rather concerned that as he is studying for his VCE he does not have a job or assets, and he has no means of paying his fine.

He has had communication with the transport infringement section of the Department of Infrastructure, which has given him an additional 13 days to pay. So he has to come up with the money prior to 30 September. Because he does not have it, he is now afraid he is going to be sent to jail.

He tells me that he has contributed to the community as a Meals on Wheels volunteer, that he has no previous offences, that he had a validated ticket on the night and that he cooperated fully with the five inspectors who saw him jump the fence. Daniel tells me that he was not aware of the regulation at the time — he did not see the signs that were somewhere around the station — and no-one was placed at risk of a serious injury.

He has come up with a means of trying to get around his situation. He wants to know whether the minister would be so kind as to grant him an extension to the start of February 2004 for payment of the fine. He says once he has completed his VCE he hopes to get a job and after that he should be able to pay the fine. Alternatively, Daniel is willing to work for the transport office from December onwards and would like the fine to be deducted from his salary. I ask the minister to view this seriously — —

The PRESIDENT — Order! The member's time has expired.

Weeds: control

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the Minister for Environment in the other place. The effect of drought and bushfires that have ravaged Victoria and the harsh conditions over the last year or so have created particular environmental conditions. Our state forests and farmlands are subject to degradation as a result of the possibility of increased weed infestation.

Whilst much-needed rain across the state and the advent of warmer spring weather has provided good growing conditions, it is clear that these are optimal conditions for weed growth. The Department of Primary Industries' newsletter *Moving on — Newsletter for Victorian Communities Recovering from Drought* raises this issue, warning farmers of the risks of increased weed infestation and saying:

> Drought creates a host of difficulties for farmers and a host of opportunities for weeds!

This issue is of great concern because there are many areas of the north-east and in Gippsland, for example, which were affected by both drought and bushfire; they are in a very poor state, with an increased susceptibility to weed infestation.

However, the problem arises that the Bracks government has cut funding to volunteer Landcare groups and catchment management authorities. This is a ludicrous reduction in the flow of funds, particularly to volunteer Landcare groups, which have had their funding cut by up to 30 per cent when large sections of the countryside remain compromised and susceptible to weed infestation as a result of the drought. The government is urging farmers to increase their efforts and expenditure on weed control, yet on the same hand it is removing funding both from its own department and from volunteer community groups. Will the minister advise what actions he will take to maintain weed control activities for Landcare groups?

Victorian and Murray Valley Vine Improvement Association: Crown land

Hon. B. W. BISHOP (North Western) — I direct my adjournment issue this evening to the Minister for State and Regional Development in the other place. This adjournment matter should properly go to the Minister for Agriculture in the other house, but, to put it mildly, he has been absolutely hopeless in this situation, so I find I must appeal to the Minister for State and Regional Development for assistance.

The Minister for Agriculture's department has told the Victorian and Murray Valley Vine Improvement Association — better known as VAMVVIA — that it must vacate a 50-acre block owned by the department where for many years VAMVVIA has been able to cooperatively work with past governments and departments to supply disease-free grape rootstock to the Sunraysia industry and indeed to a wider market across Australia.

This property has been specifically chosen and developed because of its unique disease-free characteristics, so finding another disease-free block with the same security would be almost impossible. Further, the removal and replanting of mother plants is a huge and difficult task. This block and its operation is crucial to the disease-free status of Sunraysia and other areas within the grape industry. So VAMVVIA put forward an options paper suggesting that it gather financial industry support and buy the 50 acres and the land its glasshouse and vine factory resides on.

The second option was a long-term lease of this property, which would enable ongoing rootstock and Vinifera production, nursery development and the virus eradication program to continue. The response from government on these perfectly reasonable suggestions was a firm, 'No, just get out', with no thought to the huge disease risk this places the grape industry with its disease-free rootstock and research.

The Sunraysia community cannot believe this is happening. It is disappointing that the Minister for Agriculture did not attend the recent community cabinet meeting in Mildura to hear first hand of this ridiculous position. However, the Premier was there and unveiled a plaque at VAMVVIA's office complex in honour of Graeme Fletcher, a man who has done a great deal for VAMVVIA over 25 years.

The government will not say why it wants the block, so now people are wondering whether it is forcing VAMVVIA out so that it can run the commercial operations itself or hand it on to another commercial operator. The government must come clean and tell the Sunraysia community why it wants this particular block.

With this being an issue as much of regional development as agriculture, will the Minister for State and Regional Development please step in and settle this ridiculous situation by putting in place the opportunity for VAMVVIA to purchase the 50-acre block and continue this crucial service to our grape industry?

Hon. Philip Davis — I raise a point of order, President, in the context of tonight's adjournment debate, in particular in relation to Mr Viney's most erudite and amusing contribution. The issue that I am concerned about is that Mr Viney did not, in fact, raise a matter for the minister's attention in relation to a matter of government administration. He did not seek to elicit information or ask the minister to take particular action.

The advice I am seeking from you, President, in this point of order relates to the commitment you made to this house at the end of the last sitting to provide guidelines in relation to the adjournment debate so that we would not have the concern which is expressed from time to time regarding trivial matters or matters of mere concern that are not in accord with the longstanding practices of this house as a place where members can bring up matters for resolution by government ministers.

The PRESIDENT — Order! The Leader of the Opposition raised the fact that the Honourable Bob Smith raised the matter with me in the last sitting. I have been preparing a response to that, but I did not have the opportunity to talk to the party leaders and I was hoping to do that before today. I expect that before the end of this week I will have had time to consult with them before I make a statement with respect to that adjournment matter that was raised by the honourable member last sitting.

Responses

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Wendy Lovell raised a matter for the Minister for Transport in the other place concerning the Peter Ross-Edwards Causeway and the need for an upgrade.

The Honourable Jeff Hilton raised a matter for the Minister for Environment in the other place concerning Point Nepean and encouraged the minister to keep up the fight to retain Point Nepean in its entirety as a national park for all Victorians.

The Honourable Andrea Coote raised a matter for the Minister for Tourism in the other place concerning the long-term viability of caravan park accommodation.

Mr Pullen raised a matter for the Minister for Transport in the other place concerning the Mirvac Kingston Centre on Warrigal Road and transport issues around Argus Street and Warrigal Road, seeking investigation around the area of Kingston Road, Centre Road and Warrigal Road. I will pass all these matters on to the various ministers for their responses.

The Honourable Chris Strong raised a matter for the Minister for Local Government concerning the Bayside City Council rate rise and that will be passed on to the minister.

The Honourable John Eren raised a matter for the Minister for Police and Emergency Services in the other place concerning charitable institution status for tax purposes. He referred particularly to the State Emergency Service and Country Fire Authority and pointed out that they may be under threat under the current Charities Bill 2003 and asked that the minister communicate with the commonwealth to maintain the status of the SES and CFA.

The Honourable Ron Bowden raised a matter for the Minister for Environment in the other place concerning Devilbend Reservoir.

Ms Mikakos raised a matter for the Minister for Police and Emergency Services in the other place concerning

the formal opening of the Preston police station, asking that that should occur as soon as possible.

The Honourable Bill Baxter raised a matter for the Minister for Water in the other house concerning the Lake Mulwala management plan. He asked that discussions be put on hold at this point in time. I will pass that on to the minister for his response.

Mr Viney raised a matter seeking support of the Minister for Sport and Recreation for the Bayside Veterans Hockey Club.

The Honourable Graeme Stoney raised a matter for the Minister for Environment in the other place concerning the timber industry restructure.

Mr Somyurek raised a matter for the Minister for Transport in the other place concerning traffic congestion issues at the Pound Road roundabout on the South Gippsland Highway, seeking his investigation of alternatives at that location.

The Honourable Andrew Brideson raised a matter for the Minister for Transport in the other place concerning a student who jumped the fence at Hampton railway station to catch a train and who is seeking an extension from the minister until February to pay the fine.

The Honourable Philip Davis raised a matter for the Minister for Environment in the other place concerning weed control.

The Honourable Barry Bishop raised a matter for the Minister for State and Regional Development in the other place concerning the Victorian and Murray Valley Vine Improvement Association's purchase of 50 acres of land. All of those matters will be passed on to the relevant ministers.

House adjourned 10.41 p.m.

Wednesday, 17 September 2003

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.33 a.m. and read the prayer.

ECONOMIC DEVELOPMENT COMMITTEE

Export opportunities for rural industries

Mr ATKINSON (Koonung) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that the report and appendices be printed.

Hon. B. N. ATKINSON (Koonung) — I move:

That the Council take note of the report.

In so doing I record the committee's appreciation of the many people who contributed to this report. The report was actually started in the last Parliament by a different committee, led by the Honourable Neil Lucas, a former member of this place, but its work was not completed at the time of the last election so a new committee was convened by the Parliament, led by the honourable member for Mitcham in another place, Tony Robinson. It also had Mr Pullen among its membership.

The new committee picked up on a lot of the work that had been done by the previous committee by accepting a range of information on export opportunities for Victoria. It also undertook further hearings and a visit to New Zealand to investigate activities of the New Zealand industries, particularly those involved in rural exports and the initiatives they were taking in building export opportunities for their country in global markets.

The committee was very impressed with the interesting and effective work being done by a large number of companies throughout Victoria that presented evidence to the committee and by industry associations that have recognised the challenge in making sure that Victoria continues to build opportunities overseas to ensure that we secure export dollars.

We were concerned about some aspects of the approach to exports, particularly in terms of setting targets, that perhaps did not recognise the importance of nurturing export opportunities as distinct from simply saying, 'Okay, we know exports are a good thing, and we should go out and maximise the number of participants'.

Nevertheless, by and large we found that most of the programs involved in developing exports have had a considerable degree of success. There was some concern about the overlap between some federal and state programs and a need for greater coordination. There was also a recognition that we should be taking up a number of initiatives of the New Zealand industry associations and governments in building new opportunities for their industries.

One of the companies that we showed a particular interest in was Fonterra, a company that also has a significant investment in Victoria in the dairy industry, having recently taken a 50 per cent stake in Bonlac Foods and continuing to hold a significant stake in National Foods. That company was impressive in its global approach to the dairy industry. Certainly a considerable number of lessons could be learnt from its practices and activities. We certainly hope its participation in the Victorian global industry and the merging of both the Australian and New Zealand interests in dairy farming and dairy produce will bring significant benefits to Victoria.

The committee heard some alarming information regarding some of the trends in global food production, particularly global food distribution. It was indicated to us that there is a move in the Western nations towards basically four supermarket chains, four major retailers, dominating world markets. Obviously their policies on how they source products will have a significant effect on Australian suppliers, particularly in Australia's context, because while we have some advantages in the Southern Hemisphere there is no doubt that countries such as Chile and Argentina are significant competitors to Australia and in many cases can operate with a lower cost base.

This report chronicles a lot of challenges for us, but it also indicates a number of opportunities. The recommendations are prudent. They recognise a lot of good work that has already been done and suggest some finetuning in areas where we can make improvements to ensure that our rural industries in Victoria can capitalise on export opportunities throughout global markets.

Motion agreed to.

PAPER

Laid on table by Clerk:

Anti-Cancer Council — Report for the year ended 31 December 2002 (two papers).

MEMBERS STATEMENTS

Weeds: control

Hon. E. G. STONEY (Central Highlands) — Some landowners and groups in the north-east have called for a coordinated approach to weed control. They have been supported by some local authorities. Landcare groups at Greta Valley, Edi-Black Range and King Basin, and the Rural City of Wangaratta, the Department of Primary Industries and the North East Catchment Authority are the ones that have got together to fight weeds in the north-east.

The question is how to deal with the number of weeds, particularly blackberry, Paterson's curse, St John's wort, English broom and Bathurst and Noogoora burrs. There is also some gorse in the area. There is a strong view that effective control would require the involvement of all landowners, including some who either did not understand how to control weeds or who simply would not do so. Slack enforcement is a burning issue, and there are concerns about the adequacy of the long, drawn-out departmental processes before an action notice is issued. Everyone says it just gives the weeds another year to grow. The Landcare groups support strong enforcement and the need to ensure that adequate resources be made available to the department to carry out its job. I congratulate the groups involved, and especially the secretary, Mr Bob Falconer, for his untiring efforts to get up this group approach to weed control in the north-east.

Rainbow Day

Mr SOMYUREK (Eumemmerring) — I rise to bring to the attention of the house Rainbow Day, which is currently being held. Rainbow Day is an initiative of Mission Australia's youth suicide prevention program. I would also like to take this opportunity to congratulate the Sony Foundation Australia, Harvey Norman and Domayne, who have joined forces and expect to raise $500 000 for this program. During Rainbow Day a portion of proceeds from the sale of any Sony products from Harvey Norman or Domayne stores will go to Mission Australia's Youth Futures program in Dandenong.

These companies are demonstrating through their actions that they are good corporate citizens. Their philanthropy is indeed directed at a very worthy cause. The issue of youth suicide is one of the most serious challenges Australia as a nation is confronted with today. In 2001, 339 young Australians took their own lives. For each suicide of a young male there were 15 attempts, and for each suicide of a female there were 100 attempts. Furthermore a recent Mission Australia survey of more than 1500 young people found that 55.8 per cent ranked depression and suicide as their chief area of concern.

Again I congratulate the Sony Foundation, Harvey Norman and Domayne for their generosity, and I commend Mission Australia for its good work.

Westernport Highway, Lyndhurst: residential development

Hon. R. H. BOWDEN (South Eastern) — I would like to again bring to the attention of the Parliament growing concern about the possibility and indeed the likelihood of traffic congestion on Westernport Highway.

In recent times there has been an amount of residential subdivision in the Lyndhurst area, and a large area of land is being subdivided, with Westernport Highway being used as a major arterial. Westernport Highway is a major arterial. It is a four-lane, divided road, and the problem is that even now, if you go south of Dandenong, you will find that you are limited to 60 kilometres an hour on a four-lane road due to residential construction and the likelihood of residential traffic. There is no question that Westernport Highway is a major arterial for the Mornington Peninsula and the Cranbourne area, and continued residential development along Westernport Highway compromises the efficiency and the future value of this important arterial.

I do not want to see further subdivision along that road because it is not in the interests of my electorate, and I have received several complaints already. The limited amount of residential subdivision that has been already been done is in my opinion definitely not in the community's interest. It is a bottleneck, and I have been given informal information already that there are plans to put at least one set of traffic lights across Westernport Highway to assist these new residences. I ask the government to prevent further development of residential land along Westernport Highway at Lyndhurst.

Wind farms: opposition policy

Hon. R. G. MITCHELL (Central Highlands) — The wind energy industry's ability to play an important role in meeting the energy needs of Victorians is being stymied by the opposition's anti-wind campaign. The opposition's planning spokesperson in another place, the honourable member for Hawthorn, Ted Baillieu, is

at present causing great damage to investment by talking down this important industry.

Mr Baillieu is supported by his leader in the other place, Mr Doyle, who has stated that wind farms 'are not crucial to our future generation needs' and that we do not need base load power from the Latrobe Valley. It appears Mr Baillieu and Mr Doyle prefer to see Victoria's power needs provided by black coal generation in New South Wales rather than wind or Victorian coal. This might help companies like Rio Tinto, which produce power from black coal in New South Wales, but it does not help Victoria.

No wonder Rio Tinto told the mandatory renewable energy target review that the government's support for renewable energy was hurting its bottom line. Could it be that Mr Baillieu was just simply looking after his $42 000 investment in Rio Tinto by attacking Victoria's wind projects?

Hon. R. Dalla-Riva — On a point of order, President, the member is slavishly reading his notes.

Honourable members interjecting.

The PRESIDENT — Order! There is no point of order.

Hon. R. G. MITCHELL — I ask whether Mr Doyle will sack Mr Baillieu, given his conflict of interest.

Kew Residential Services: site development

Hon. D. McL. DAVIS (East Yarra) — I want to draw the house's attention today to the ongoing difficulties with the government's redevelopment of the Kew Cottages site. I note that the Kew Cottages redevelopment has become a significant issue in the city of Boroondara with people being very concerned about the impact of the development.

I draw the attention of the house and the community to a consultancy undertaken by the Bracks government with KPMG Corporate Finance starting on 22 November 2002 and finishing on 30 April 2003. This financial advice on the redevelopment of Kew Residential Services is a $95 000 consultancy. I call on the government to release this document to the community of Boroondara as swiftly as possible so we can see the financial background. We know this redevelopment is a dash for cash and a grab for as much money as possible. The government, under its 2030 proposals, will try to develop it under the highest-intensity model so it will be a high-rise, high-density development of the site at Kew, despoiling the open space and the amenity of many local residents.

I call on the minister to release this. I know there will be an application made through the freedom of information process which the government will try to stymie, but we will try to get that document.

Fishing: trout releases

Hon. H. E. BUCKINGHAM (Koonung) — I want to talk to the house this morning about fish — in particular, trout. Last week I became aware of a wonderful program run by the Department of Primary Industries fisheries department whereby trout are released into lakes near suburban areas. Trout were released in Sutton Lake and Hill Lake in Rowville, a suburban area in Koonung Province. I helped to do it — it was almost wetter outside the lake than it was in the lake on the day I did it, which was Monday — with the help of four children from Park Ridge Primary School; 500 trout were released into Sutton Lake and 150 into Hill Lake.

The program is about encouraging children to become involved in fishing as a recreation. Fishing is one of the most popular recreational sports in Victoria and indeed the world, and the fisheries department wants children to become involved. They do not require a licence as is normally the case, and they are encouraged to use rods or lines. I am also aware that 1000 fish were released into Emerald Lake near the end of Puffing Billy's track.

I would like to congratulate the Minister for Agriculture, Bob Cameron, and the Department of Primary Industries on a fantastic program that is part of the Bracks government's commitment to encouraging recreational anglers to participate in a very popular sport.

Member for Silvan Province: electorate office closure

Hon. A. P. OLEXANDER (Silvan) — I rise to express my anger and disgust at the contempt shown for my electorate of Silvan Province by the office of Carolyn Hirsh, the other member for Silvan Province, who yesterday closed her office off from her constituents due to industrial action being held by the staff of Labor members, who are seeking better pay and conditions for themselves while ignoring the needs of their electorates and leaving an answering machine to deal with constituent inquiries.

Honourable members interjecting.

The PRESIDENT — Order! The amount of interjection and noise in the chamber is far too high. I am sure Mr Olexander wants Hansard to record what he is saying. I ask members to desist from interjecting and to lower their voices. If they want to have conversations, they should leave the chamber. They should allow the member to speak as he has nearly another minute to go — he has had only 30-odd seconds. They should allow him to finish his contribution in reasonable silence.

Hon. A. P. OLEXANDER — The member for Silvan has shown utter contempt for her electorate.

Honourable members interjecting

The PRESIDENT — Order! I have just asked the house to reduce its noise level, and members have disregarded that request. I again ask members to desist.

Hon. A. P. OLEXANDER — It is a disgrace that her office is closed when constituents need help on a range of very important issues such as tolls on roads, cuts to the eastern health network, problems relating to education, cuts in our electorate and a whole range of community policing issues because we do not have enough police in the eastern suburbs. Yet the only response Ms Hirsh can give to her constituents is an answering machine telling them that they can call back at another time that is more convenient.

The people of Silvan want service from their members of Parliament now, and unfortunately for them they are not getting it from the other member for Silvan. I understand that another two days of industrial action are being planned by Labor electorate officers.

The PRESIDENT — Order! The member's time has expired.

Westgate Migrant Centre

Hon. S. M. NGUYEN (Melbourne West) — I would like to take this opportunity to congratulate the Westgate Migrant Centre on its 30th anniversary this year. The Westgate Migrant Centre is in the Hobsons Bay City Council area. It provides services of a high standard to help people of the migrant community settle into their new country, Australia. It also helps many ethnic community groups assist their own members. The centre has done a lot of hard work in trying to expand its services.

I would like to take this opportunity to thank the Hobsons Bay City Council for providing all the help it has given in the past 30 years. The state government has also provided many projects to help the Westgate Migrant Centre. I am disappointed to see that the federal immigration minister, the Honourable Philip Ruddock, has not done much to help the Westgate Migrant Centre, especially as he tried to close down the Footscray centre. I would like to see the minister for immigration — —

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

Bushfires: fuel reduction

Hon. P. R. HALL (Gippsland) — Today I wish to inform the house of the great anxiety being felt by many people in Gippsland about the impending bushfire season. We know that bushfires last summer burnt in excess of 1 million hectares of public and private land in Victoria. Although that sounds a big figure, it is only a fraction of the area of land in Victoria at potential bushfire risk. This summer poses even greater risks to those living in bushfire areas that were not involved in the fires last year. The fuel has further built up, and little has been done to reduce that fuel.

The Emergency Services Commissioner, Bruce Esplin, brought down an interim report to the government last month. In its introduction the report states:

> This brief interim report brings to your attention matters that the inquiry members believe require immediate action to assist in the preparation for the forthcoming fire season.

They are actions that are required to be done immediately. One of those was to increase the level of fuel reduction burning. People in Gippsland, particularly East Gippsland, believe the effort in respect of fuel reduction burning is still not enough and fear for their lives and their property this coming bushfire season.

I call on the government to lift its game to produce every effort to increase the amount of fuel reduction burning to be undertaken before the bushfire season.

Margaret Heathorn

Ms ARGONDIZZO (Templestowe) — I would like to congratulate Margaret Heathorn on receiving a Centenary Medal earlier this year. Margaret is the founder and manager-coordinator of the Linlithgow Centre for Older Persons. She is also the zone chairperson for Heidelberg-Warringal Lions. Margaret has been the initiator of the Lions House project, which will provide accommodation for parents of premature babies when the Mercy Hospital opens at the Austin in Heidelberg.

A very successful fundraiser was held about a week ago at the Grand Hyatt Melbourne, which raised a substantial amount of money. Some prominent people were there. A lot of that was organised by Margaret. Margaret is a very hardworking lady and gives a great deal of her time to the community. In Margaret's own words, she believes it is 'better to wear out than rust out'. I would like to congratulate Margaret and acknowledge her hard and tireless work in the community.

City Link: ABC broadcasts

Mr SMITH (Chelsea) — I raise the issue of radio reception in the City Link tunnels. Members would be aware that on Tuesday, 16 September motorists in Melbourne were unavoidably inconvenienced by a very nasty incident that required a significant police presence. This created a great bottleneck.

The problem could have been avoided had the many motorists who tune into radio station Melbourne774 been able to get the warnings about the problems at the garage at the base of the West Gate Bridge. Unfortunately, City Link will not broadcast radio ABC signals because the ABC will not pay. It cannot pay under its constitution; it is unable to pay to broadcast.

It seems to me that a bit of commonsense ought to prevail here and the relevant minister — whether it be state or federal — ought to be talked to to ensure that these sorts of things are avoided in the future. For example, could you imagine a disastrous chemical spill or some such thing with people in the tunnels unaware of it and unable to find out about it? I request the relevant ministers — both state or federal — to do something about this issue.

Aerial Skiing World Championships

Hon. KAYE DARVENIZA (Melbourne West) — I wanted to let the house know how delighted I was to attend the Aerial Skiing World Championships, which were held at Mount Buller over the weekend of 6–7 September. This event attracted contestants from around the world.

Mr Gavin Jennings — And you?

Hon. KAYE DARVENIZA — No, I did not do anything aerial at all. I particularly wanted to congratulate the Mount Buller Resort Management Board on the staging of this magnificent event. Its facilities at Mount Buller are definitely world class, and Mount Buller was a very fitting venue for this world-class championship.

I would also like to congratulate Ms Lydia Ierodiaconou, an Australian who won the gold medal, and also to congratulate the Canadian, Ms Veronika Bauer, and the Chinese woman, Ms Nannan Xu, who were also medal winners. Lydia now ranks equally with Ms Xu as no. 1 in the world.

The Mount Buller Resort Management Board along with Mount Buller businesses and the general community at Mount Buller are to be congratulated for showcasing their resort in such a brilliant manner, for the professionalism which they exhibited in staging this world-class event and for the very Victorian friendly welcome they gave not only to the contestants and participants but also to
businesses — —

The PRESIDENT — Order! The time has expired.

WIND FARMS: GOVERNMENT POLICY

Hon. P. R. HALL (Gippsland) — I move:

> That this house calls on the government to enact a 12-month moratorium on any further wind farm developments in order that:
>
> (a) local government councils can, with the financial support of the state government, develop landscape overlays to planning schemes;
>
> (b) the current wind farm guidelines can be amended to provide communities with greater knowledge of local wind farm proposals, greater protection from intrusive developments and greater opportunity to participate in the planning process; and
>
> (c) the benefits of wind energy can be evaluated against other forms of renewable and fossil fuel energies to assess the economic, social and environmental benefits of wind-generated power.

The issue associated with wind-generated energy is becoming a very controversial one around Victoria, and the National Party believes that this particular subject is topical and timely and that the Parliament has a serious debate on this issue.

The sentiment of this motion was encapsulated in the editorial of Monday's *Herald Sun*. It is a very short editorial piece which I wish to have recorded in this debate. It states, under the heading 'An ill wind?':

> Clean, renewable energy is an environmental goal well worth pursuing. On face value wind power is forward thinking and ecologically responsible. But towers appearing across the state, often in local beauty spots, are also huge and noisy. Their presence is dividing communities and their efficiency has been questioned. With plans for 500 around the state and 7600 more sought nationally, it is time for a proper cost-benefit analysis. Do they produce enough power to make

> up for the noise and visual intrusion? Many of our best sites are attractive, wind-swept places. Protecting them from development is also a worthy environmental goal.

As I said, they are the exact issues and the sentiment of the motion before the house today. We want a serious debate, and that is why I have brought it in. I have not used provocative terminology in the expression of this motion because I want a serious response from the government to the issues I shall put before the house about wind-generated energy.

I agree wholeheartedly with the questions posed by the editorial in Monday's *Herald Sun.* There are questions that need to be asked and issues that this Parliament and this government need to address. The only criticism or comment I have which is perhaps in conflict with that editorial is the number of turbines being planned in Victoria. I do not think that figure is quite accurate, but I will come to that later.

As I said, the National Party has put this resolution up for debate today because it believes the stampede to develop wind farms could potentially destroy much of our tourism asset — that being the Victorian coastline — and at the pace of development at the moment it could potentially happen overnight.

Hon. T. C. Theophanous — So you want to kill them off?

Hon. P. R. HALL — We say we need time out on this issue. We need some breathing space to examine whether what is occurring with wind farms is, on balance, fair to those who live in the coastal communities and whether it is in fact in the best interests of Victorians.

Hon. T. C. Theophanous — What about the inland ones?

Hon. P. R. HALL — The minister is not starting off on a bright note. I have just said we have put up this motion without using any provocative terminology because we want to have a serious debate about the issue.

Hon. T. C. Theophanous — I just asked you a question.

Hon. P. R. HALL — Well, be patient. I want to explore some of the issues during the course of my debate, and I will do it sensibly. I expect you will challenge some of the issues that I put forward — that is what debating is all about — but you will have your opportunity later on. I am not going to be sucked in with inane interjections from the minister during my contribution.

Hon. T. C. Theophanous — There is no need to use abusive language. Don't use abusive language or you will get it back.

Hon. P. R. HALL — This is a serious issue, and I expect the house to treat it in such a way. In exploring the views I am going to put forward, exploring the issues associated with wind farm development, I want to put forward some of the National Party views. As I said, I expect they will be challenged. However, the key point of this motion is not outright opposition to wind power, for indeed I believe there is a place for wind power and other forms of renewable energy in the total power generation industry in Victoria. There is a place. On what that place is I think the jury is still out.

The key point of this motion — the first line of this motion — seeks a 12-month moratorium so that some of these important issues can be explored, and I think some of the directions need to be reviewed. We also need to make comparative assessments on the value of wind-generated energy and what is its proper place in the power generation industry we have here in Victoria.

To set the scene of debate I want to put some facts on the board about the wind energy industry here in Victoria.

According to the best information that I have been able to obtain by searching through various web sites, including that of the Wind Energy Association and the Sustainable Energy Authority Victoria, to the best of my knowledge Victoria has an installed capacity, so far, of 92 megawatts of wind-generated power. That comes from 62 towers that have already been erected in Victoria. Of those 62 towers, 1 is located at Geelong and has been there for many years. There are 14 wind towers at Codrington on the western Victorian coast. There are 12 at Toora on the South Gippsland coast and there are 35 at an inland location near Ararat. In summary, this total of 62 towers has a collective generation capacity of 92 megawatts.

According to the web site of the Wind Energy Association, another 437 megawatts of wind energy is in the pipeline. I am not sure whether that figure is accurate because nobody really knows the state of play of a number of proposed wind farm projects. I know that the Victorian government's submission to the mandatory renewable energy target (MRET) review said that there was 570 megawatts of wind power in the planning stages. That was a few months ago and some of that may have already been realised.

One of the key points in this debate is that there is no central data source to reflect what is planned and what

is already in place. As I said, I had to search through various web sites to come up with the figures I have given the house this morning, but I think they are fairly accurate.

Hon. T. C. Theophanous — So do you want to leave it at 92, no more, for the next 12 months?

Hon. P. R. HALL — Just be patient, Mr Theophanous, you will have your turn. I have a few more things I wish to say first.

The common terminology used to describe a wind energy generator is wind farm. Many people in country Victoria believe they should be called wind power stations because that is in fact what they are — power stations driven by wind to generate electricity. However, I am not going to get into a debate about the terminology being used, I will keep referring to them as wind farms because that is how they are described in the official documentation put out by the government.

The definition used by the government for wind farms is:

> Wind farms usually comprise a number of turbines, a substation, connecting cables and access tracks.

Each of those turbines is around about 70 metres high, with blades up to 45 metres long, giving a total height for each of these single turbines of as much as 115 metres. Let us put that into perspective: it is around the height of a 40-storey building. So we are not talking about a small structure by any means. When we talk about these turbines, bear in mind that they are massive pieces of infrastructure with the height of a 40-storey building.

Hon. W. R. Baxter — That is about the height of the Sofitel hotel.

Hon. P. R. HALL — Yes, about that. Look across the road at the top of Collins Street — it is about the height of the Sofitel hotel, as my colleague Mr Baxter reminds me.

I have further facts. Turbines are typically capable of producing between 1 and 2 megawatts in capacity and they have, on average, a 35 per cent capacity factor, which is the capacity factor figure used in the government's own wind farm planning guidelines. For example, the farm at Codrington owned by Pacific Hydro has 14 turbines and according to its owners it operates at a 'pleasing' 32 per cent capacity factor, producing 5.8 megawatts of electricity.

Once again, just to get a handle on this, I will be generous and say that each 40-storey-high turbine we have in Victoria actually produces about half a megawatt of electricity. Yes, it has a capacity of about 1½ megawatts, but with a 35 per cent capacity factor it produces about half a megawatt of electricity.

The minister confirmed during question time yesterday that the Victorian government has a target of 1000 megawatts of wind power to be produced in Victoria by 2006 — interestingly, the year of the next election.

That target will therefore require the erection of 2000 wind turbines in this state if we are going to achieve 1000 megawatts of wind energy power by 2006. As I said, we have 62 turbines in Victoria at the moment; by 2006 this government wishes to have 2000 turbines, an absolutely massive increase. On today's consumption figures those 2000 turbines would produce about 8 per cent of the state's electricity needs in 2006.

The other fact about wind farms and the erection of wind turbines is that the great majority of wind farm proposals are along Victoria's coastline, particularly the western Victorian coastline and the southern coastline in the Gippsland area. There are no proposals for the Far East Gippsland coastline. Why? Because the prevailing winds are essentially from the south, and consequently that is why the coastlines along western Victoria and the south part of Gippsland are the most likely and key places to put wind turbines.

Curiously there are no known proposals for any wind farms on the Mornington Peninsula, Port Phillip Bay or Corio Bay — or indeed the Bellarine Peninsula, except for possibly three which it has been suggested may occur at Point Lonsdale. Each of those areas along the southern coastline of Victoria attracts prevailing winds, yet there is not one wind farm proposal for those particular areas, and I will come back and talk a little bit about that later on in my contribution.

Those are some of the basic facts about wind farms and where we are in Victoria at the moment. I repeat that we have 92 megawatts of capacity in place at the moment, but potentially, if the government achieves its target, we will have 2000 turbines by 2006 — massive increases.

In respect of this issue National Party members have not just listened to their local communities in the west of Victoria and in the South Gippsland area where these developments are being proposed, we have also done some national and international research, without having the luxury of being able to go overseas and visit some of those places. We have done some research on

what is being proposed in other states of Australia and what conditions and guidelines apply in countries like New Zealand, England, Ireland, Wales, Germany and states of the United States of America.

The National Party has done some research on what is happening in respect to wind energy in those areas. And yes, it is true that it is a growth industry and many other countries are relying more and more on wind energy for their power needs. It is not that we have just come up irrationally or without any basis for some of the views that we will express here today; we have done some research into the general state of play of wind power in other countries around the world.

The first question that I pose and the first issue that needs to be addressed in this debate is: can wind power in itself make a worthwhile contribution to meeting Victoria's future growth in demand for electricity? The answer to that is no doubt yes it can, it is possible. Some countries and states overseas rely on wind for the majority of their power needs, and if you look at the state of California in the United States of America you see it has 13 000 wind turbines, and that meets something like 95 per cent of its electricity needs. But the interesting thing about wind turbines in California is that every one of those 13 000 is out in the middle of the desert and is not visible where people live, which is along the coast in places like California.

So yes, there is absolutely no doubt that the answer to the question is that if we wanted to erect 2000 turbines to meet the government's target, or if we wanted to erect 12 000 turbines in Victoria to replace the 6000 megawatts generated in the Latrobe Valley with brown coal power stations, we could use wind power efficiently to meet our future electricity needs.

But one needs to bear in mind that it comes at a cost, and that is the issue we need to explore today. In Victoria our prime wind areas are along the coast of Victoria, and any significant impact on our electricity needs will have to come with the erection of those towers.

Hon. T. C. Theophanous — What about Challicum Hills?

Hon. P. R. HALL — That involves only 35 towers. I have said that before.

Hon. T. C. Theophanous — That's not on the coast!

Hon. P. R. HALL — Perhaps in your contribution, Mr Theophanous, you will advise us as to where else in inland Victoria there is a large-scale — and I am talking about hundreds of towers — wind farm proposed.

I know of only two places. Challicum Hills, near Ararat, has 35 planned. I also know of a place called Rosedale in Gippsland where Pacific Hydro Ltd once again is proposing 45 wind turbines. I do not know of any other inland places in Victoria where wind farms are proposed.

If the minister is prepared to tell the house today that perhaps in Mr Bishop's country up in the Little Desert they will put a couple of hundred wind turbines, or in other places in inland Victoria, I would love to hear about it. If the minister is going to tell me today that some will be built in Melbourne or the metropolitan area I would love to hear about it, because that is the sort of knowledge I want today. That is why I am having this debate — so we can explore the issue and find out what the government has planned.

It is technically possible that we could use wind to meet our future growth and demand for electricity, but it comes at a cost, particularly as, predominantly, these would be proposed to be located along the Victorian coastline, and Victoria has about 2500 kilometres of coastline.

However, we have already ruled out national parks, and rightly so. The National Party agrees that we should not have wind turbines in national parks, so that removes about 47 per cent of Victorian coastline.

The government has said that far East Gippsland is not suitable for wind turbines because they do not pick up the prevailing winds; so that leaves, on my estimation, about 1000 kilometres of coastline, where potentially we could have wind turbines, and that includes around Port Phillip Bay and the peninsula. Even if one includes them, to achieve the government's target, which I have already said will take 2000 turbines, this will mean having one of these 40-storey high turbines every 500 metres along the coast of Victoria. I say that is ludicrous.

Honourable members might think I am being flippant in saying that, but they are the facts of the matter. If we are to reach the government's target of 1000 megawatts by 2006, there will be 2000 turbines along about 1000 kilometres of Victorian coast. That means we will have one every half a kilometre.

Therein lie some of the big issues. The first of those issues is the visual impact of wind turbines. It was interesting that the views that I and the National Party share are also held by some other eminent people of whom the government should take note. One in

particular is a former Labor minister, Senator John Button. I refer to an article that was in the *Age* on Saturday, 28 June, under the heading 'Button warns of wind farm threat'. It reads:

> Tourism industry leader and former Senator John Button has warned the state government that a proliferation of wind farms along Victoria's coast would severely damage our biggest tourist drawcard.
>
> Up to 57 per cent of Victoria's coastline could be dotted with hundreds of turbine towers as the government accelerates its program to meet greenhouse gas reduction targets.

Further on the article says:

> Mr Button, a former Labor minister and now chairman of the industry-based Victorian Tourism Council, said the Victorian coast was the fourth most attractive Australian tourist destination for international visitors after the Great Barrier Reef, Uluru and Sydney. He has told the government that a proliferation of wind farms in scenic areas would have consequences for the industry.

He is further quoted as saying:

> International visitors don't want to come here to see wind farms. Most of them can see industrial installations at home. I don't think the state government has given enough consideration to what we stand to lose if we damage the appearance of this landscape.

And the article goes on. All members received a brochure from the tourism people along the west Victoria coast showing great wind towers destroying some of the scenic aspects of the Great Ocean Road and the Twelve Apostles. I am sure Mr Koch and a few of the other members who represent the Western District would be completely up in arms at the potential to impact on that tourism facility down there — —

Hon. T. C. Theophanous — You know very well there will not be wind farms there. You are just scaremongering!

Hon. P. R. HALL — The minister makes a good point. He says there will never be wind farms there. If that is the case I would like the minister during the course of this debate to identify those areas along the Victorian coast where there are possibly going to be wind farms and where there will not be wind farms, because at the moment all he has said is that there will not be wind farms in national parks. If there will be none along the Great Ocean Road, let him tell the house that fact today.

Hon. T. C. Theophanous — Why are you trying to whip up something that is not true?

Hon. P. R. HALL — Because it is possible. There are no planning prohibitions for wind farms along the Great Ocean Road except for those small areas of national park, and that is why we say the government is embarking on a willy-nilly process. All it has ruled out is national parks, but it has left exposed some of our great tourism assets here in Victoria — areas of the Great Ocean Road and the South Gippsland coast, which potentially could house hundreds if not thousands of these wind towers that are equivalent to a 40-storey high building. So let the minister rule it out today.

Other very serious issues are associated with wind turbines, including the noise factor, shadow flicker and blade glint. But to my mind the visual impact from an overall point of view is the most severe issue that we need to consider in wind farm planning. Even the minister himself will concede that wind towers will have a visual impact on those areas in which they are located. I read the press release on Monday, 8 September, of the Minister for Energy Industries, in which he spoke about the Bracks government's powerline relocation scheme and funds for underground powerlines. That scheme has the wholehearted support of the National Party. We think it is great that money should be spent on undergrounding powerlines. The minister, in this press release, said:

> While powerlines are a vital piece of infrastructure, placing them underground significantly improves the amenity of local areas.

If you are concerned about an ordinary powerline, which is 5 metres tall, should you not equally be concerned about 45-metre high pylons, which are transporting Basslink cables across the countryside? Should you not be equally concerned about 115-metre high wind turbines, which are littering the landscape in country areas?

I agree with the minister, and I applaud him for removing powerlines from coastal areas. It is interesting that this particular project was at Rosebud, Flinders, Dromana, Mornington, Mount Martha and Hastings — protecting some pretty sensitive areas. I say country Victoria should be treated equally; we should be treated in the same way as those populous areas along the Mornington Peninsula. If it is good enough for them to have their power poles removed, it is good enough for the people along the South Gippsland Basslink route to have their powerlines removed. Equally it is good enough for people in country Victoria to have their wind turbines removed as well. The minister contradicts himself when it is good enough to get some good, positive publicity, by treating people on the Mornington Peninsula differently from how he treats people in country Victoria.

I will continue the issue of the visual impact by referring to the first part of the motion I have before the house. It refers to the issue of landscape overlays. A 12-month moratorium would help councils develop what are called significant landscape overlays. The first part of the motion says that that 12-month moratorium will enable local government councils, with the financial support of state government, to develop landscape overlays to their planning schemes.

The minister interjected before that they will never ever be in the area of the Twelve Apostles on the Great Ocean Road. It is possible that they will be because at the moment there is nothing to prohibit them from being there. One thing that would prohibit them is if the council in the area were able to develop that particular area as a significant landscape and put that as an overlay on its planning schemes. South Gippsland council is in the same position.

They have not done that work with their planning scheme and need some time to assess the landscape values of their particular municipality. I spoke with the South Gippsland Shire Council about this particular matter and they told me that probably $500 000 was needed to undertake that landscape assessment of their municipality. They want time out from wind farm developments so that they can do those landscape assessments.

Anybody would think that it is a reasonable proposition to allow councils to undertake those landscape evaluations before having more wind farms approved in their municipalities. Part of the motion calls on the government to bring about that 12-month moratorium and provide some financial assistance so that coastal councils can undertake significant devaluation of those landscape overlays and incorporate them in their planning schemes. Then, as the minister said, perhaps an area like the Twelve Apostles will be protected by significant landscape overlays, and so it should be — and so should the landscape scene in South Gippsland be equally protected.

It is beholden upon the government to allow that planning assessment work to be undertaken. Presently there is a willy-nilly process where wind turbines can be erected virtually anywhere except in national parks.

I turn to the policy and planning guidelines for the development of wind facilities in Victoria and I shall make some suggestions about these. What I said in my motion and what I believe strongly is that these guidelines need to be reviewed. After all they were put together by government with no input from local communities whatsoever. They were placed in front of people who were told, 'This is how we will do it from here on in'. They did not allow any public input into the development of these planning guidelines.

We believe the guidelines were deficient in a number of ways. They need to be amended to meet the statements that the Premier makes in his foreword to *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria*, which states:

> The challenge is to ensure that we develop Victoria's wind resource in a way that appropriately balances environmental, economic and social factors.

I agree, but we do not believe these guidelines bring about that appropriate balance in the form that they are at the moment. They need to be reviewed and amended. This morning I put on record some suggestions on how the National Party believes the guidelines can be amended to make them better for communities in which wind farms are proposed to be located.

The first issue is monitoring towers. What the guidelines did was take away the need for a proponent to get a planning permit to erect a wind monitoring tower. That means now that nobody in the community knows whether a particular company is looking towards developing any wind farms in their area. It is an agreement simply between a land-holder and a development company. We in the National Party believe there should be at least a notification system where local councils are notified where wind monitoring towers are to be located. That is at the very least required so that people know what is being considered.

The next issue goes to planning permits themselves for wind farms. These planning guidelines have taken out of the hands of local government virtually all planning approvals. It clearly says in the guidelines that for projects less than 30 megawatts in generation capacity, local government has to give a planning permit; but for any project greater than 30 megawatts, it goes straight to the minister and she calls it in. The Minister for Planning in the other place undertakes the whole process and local government has no input whatsoever. That means local communities have no input whatsoever.

We say that local government best represents local communities. Certainly the Minister for Planning does not represent local communities because she will not even visit the South Gippsland area despite repeated invitations to go there. No minister, except the Minister for Sport and Recreation, will go to the South Gippsland area. They have all rapidly shied away. Certainly the Minister for Planning does not understand

the wishes and the needs of local communities, and that is why the process should be put back into the hands of local government that best represents local people.

Local communities have been completely disenfranchised from any say in wind farm developments. Sometimes, but not always, an environment effects statement is required. If the minister decides an EES is required, people can have a say as to the environmental impact of these things. But through their local councils the local communities should have the right to have input. Local communities should decide, which means local councils should decide. That is why we in the National Party say that the planning approval process should be put back into the hands of local government, which best represents local communities. If the government agrees to have a public review of these guidelines, that is certainly the position the National Party would be putting very strongly.

I will give one example of why locals need to give consideration to the process. Planning ministers and governments do not understand about local impacts. I was in Welshpool on Tuesday evening of last week, talking to people about wind farm proposals in the area. I spoke to a young couple, Steve and Jane Gerito, who are unfortunate enough to own and farm a property next door to a property where wind towers had been erected at Toora. In fact, their house was within 400 metres of the nearest turbine. The continual noise throughout the day but particularly throughout the evening has driven Steve and Jane out of their home. They now live as what they call refugees in Toora because they simply could not stand the continual humdrum humming-type sound that is generated by the wind towers. That noise factor has had an impact on their health, and that is why they have decided to move out. They come back each day to farm their farm.

Hon. T. C. Theophanous — How far are they from the wind farm?

Hon. P. R. HALL — Their residence is just 400 metres from the wind towers. Further to that, it was interesting that they have received their council rates — —

Hon. T. C. Theophanous interjected.

Hon. P. R. HALL — Stanwell Corporation, as you, as minister, should know and probably do know has exceeded the Environment Protection Authority (EPA) requirements on noise factors, but that still has not been addressed substantially. I know the council last week was meeting with the company and the EPA to try and resolve some of those noise factor issues.

Moreover, this is another impact that wind farms have had on the property of Steve and Jane Gerito, who received their council rates this year and found that the valuation of their property has decreased by 27.4 per cent against an overall increase in the values in the shire of 15 per cent. The shire itself acknowledges that the presence of a wind farm alongside their property has greatly devalued their property. A 27.4 per cent valuation decrease against an overall shire valuation increase of 15 per cent means a real decrease of 42 per cent in the value of their property. That is the sort of impact that wind farms can have on people who are unfortunate enough to have neighbouring properties.

Hon. T. C. Theophanous — So they are paying lower rates, are they?

Hon. P. R. HALL — They are paying rates — and they are really happy about that, I might add! Their health has been destroyed and they have had to move out of their house. Now they have no hope of selling their property because it has been devalued in real terms by 42 per cent. It is disgraceful that the minister should treat that flippantly. Perhaps he should go down there and talk to Steve and Jane to get a understanding of the real human impact that wind farms can have on people, but unfortunately he is probably like the Minister for Planning — he will not even set foot near the place.

To address these issues, once again we believe there should be criteria in the guidelines which contain minimum setbacks because people down there tell me that even though they live a kilometre away from them, the wind farms have still impacted on them because of the noise. We, in the National Party, say that there should be consideration of a couple of minimum setbacks.

Hon. T. C. Theophanous — A kilometre away?

Hon. P. R. HALL — Yes, over a kilometre away. We believe there should be a minimum criteria away from the nearest residence of 1.5 kilometres, and therefore this issue about noise factors would be largely overcome. The shire down there will tell you that the issues associated with noise are real. They are difficult to overcome without having a minimum setback criteria because the wind farm proponents will argue about background noise and such issues. It is a hard issue to define and measure. We believe that perhaps the only way it can be done fairly and with some assurance is to

have a minimum setback. We are suggesting 1.5 kilometres from the nearest residence.

We also believe there should be consideration given to a minimum setback from the coast so that our important coastal amenity is not spoilt. We are suggesting that the setback from the coast should be 15 kilometres.

However, if any proponent wishes to develop within that setback of 15 kilometres, it should be up to that proponent to demonstrate that any development closer to the coast has the unanimous support of local communities, and is also accepted and agreed to by them.

I know down in the western area of Victoria some councils say that their communities strongly support wind farms closer than 15 kilometres to the coast. If they do, let it be on the shoulders of the proponents to prove that. Let us reverse the onus of proof on that issue. We in the National Party say as a general rule, 'Let us preserve and protect the first 15 kilometres of coastline to ensure that the natural asset we have is protected, and if there any variations to that, then it must be proved conclusively by the proponents that any such deviation is acceptable to the local community'.

The other issue that we would argue if there was a review process to these guidelines is the need for environmental bonds. In Ireland, for example, they have what are called development bonds. People who are erecting wind towers as part of a wind farm need to put forward an environmental bond so that if, for example, the company went broke there are some moneys there to rectify the situation and revert to what it was beforehand. As the minister would know, the mining industry is required to lodge an environmental bond before it undertakes work, and that bond is used against ensuring that rehabilitation work is done once the useful life of the mine is finished. We believe consideration should be given to the same principle being applied to wind turbines.

That list is far from conclusive, but they are merely some suggestions that we in the National Party believe should be part of a review process of those general guidelines associated with wind farm planning.

I want to spend a couple of minutes discussing the issue of the third part of the motion — that is, the benefits of wind energy as opposed to other forms of energy. One of the things that has been put forward by the government is that wind energy is great because it provides employment in regional Victoria. We are yet to see that — yet to see it at all. The people down in Toora tell me that 1.5 employment positions are created with its 12-turbine wind station. We have also seen the farce down in the Portland area where 200 jobs were initially promised. Now, through various means, it has been decreased to around about 50 jobs at best, and nobody has been given any assurance at all. There is no evidence to this stage — and I do not think any conclusive prediction — that wind energy, even undertaken on a large scale, is going to provide any significant employment opportunities in regional Victoria.

It has also been claimed by proponents that wind farms in themselves will become great tourism assets. I can tell you that the people of Toora do not think it has been any advantage having a few people come and gawk at the wind towers down there. Yes, they will drive through and they might buy ice creams, but they do not stay. They are not international visitors because international visitors can see wind farms anywhere else, probably back at home. They are certainly no great tourism drawcard. I agree with John Button, and I have quoted him before, who suggested that these farms will have a serious negative impact on tourism in coastal Victoria.

There is also the issue of the economics of wind energy. It costs about $80 to produce 1 megawatt of wind energy. If you compare that to the very best price of brown coal energy you would hope to get on the market it is about $40 a megawatt. That is about the best, and you do not always get that. Sometimes it is in the low 20s, but you would hope to get about $40 a megawatt. The actual cost of wind energy is at least twice as much as that of brown coal and is certainly significantly higher than that of gas as well.

During question time the minister was very keen to point out the survey that was undertaken by the Australian Wind Energy Association (AWEA) which found that most people supported wind energy. So they might, but I quote from a press release from that association which states:

> … that 78 per cent of respondents said they would be prepared to pay 5 per cent more on their electricity bill if it meant that 10 per cent more clean energy would be produced.

I wonder what percentage of people would be prepared to pay 100 per cent more on their electricity bills if it meant that there was going to be clean energy in Victoria, because that is the situation. I have looked at the questionnaire put forward by the AWEA, and one could not possibly judge that as being independent or fair; it was certainly a biased and prejudiced way in which those questions were proposed. Let it be said very clearly that wind energy and the mandatory renewable energy target (MRET) is costing us a great

deal as consumers of electricity in this country. We pay extra for so-called green power, whether it be through an increase or through the federal government's MRET scheme. One way or another we pay. Wind energy is very expensive. It is twice as expensive at least as brown coal energy.

As I have said, despite all of that let me also make this point: one of the great benefits the minister would claim is the contribution of wind power to greenhouse gas reductions. It might be true that production of wind energy does not produce any carbon dioxide, but I have to put on the record that I am a bit sceptical about the whole greenhouse debate that is going on at the moment. I think the view of science is pretty much divided about whether climate change is happening or whether it is just part of a natural cycle. There is plenty of debate that could be had on that. Interestingly, later this month I am going to hear the views of Bjorn Lomborg, who describes himself as a sceptical environmentalist. He is coming to give a lecture here in Victoria.

Hon. T. C. Theophanous interjected.

Hon. P. R. HALL — I am one who will look at and take account of all people's views and assess that information in my mind. I do not think it is wrong to hear what other people want to say about these sorts of issues, so I will go along. I would say that the jury is out on the whole climate issue associated with greenhouse gases, and I do not think that we should claim that we should be at any cost sacrificing other environmental values, particularly aesthetic values, simply because of the greenhouse issue, which is far from conclusively proved in my mind.

I say that there is a place for renewable energies — absolutely! I said right from the outset that there is a place, but renewable energy is best placed at a local level rather than on a large-scale commercial level. The programs we have had with solar energy, particularly the local solar supplements to household power needs, have been extra good, and they should be encouraged. In particular, solar hot water units should be encouraged.

Hydro in small scale, when water can be released at suitable times, is also a benefit to us as a source of renewable energy. I noted with interest that the minister was at Hastings recently. A press release of 8 September states:

> Minister toasts Australia's first wind-powered pub.

A pub at Hastings had a micro wind turbine erected on it. The minister will know all about this. It was used to supplement the power needs of that particular establishment. I say that is great; it is a local facility. I had a look at the Internet pictures of this facility, and it looked like an enlarged TV antennae on top of the pub, so it did not have a great impact on those surroundings areas, yet it generated something like 60 per cent of the power needs of that particular establishment. That is the proper place for renewable energy. It is interesting that on the webpage of the company that produces them there is an article entitled 'Rural power without pain'. It states about Denmark:

> Denmark produces in excess of 80 per cent of its entire renewable energy output through generating plant owned either privately or in small clusters rather than large-scale commercial enterprises.

That is the future of renewable energies. If you are going to do it as a large-scale commercial enterprise, you will have a significant impact on the environment, which we are now seeing with wind farms along the coast of Victoria. Yes, there is a place for renewable energies, but it is on a small local scale rather than on a large commercial scale.

We say that unless we do something now the South Gippsland coast and the western Victorian coast will be rapidly blighted with the proliferation of 110-metre-high wind turbines. The Vic Nats say that if it is Victoria's wish to embrace wind power, let all Victorians have a say as to where wind should be generated through their local councils.

We also say that if it is the people of Melbourne who support wind power, they should be happy to have turbines in their backyards as well. There is absolutely no reason for wind turbines — —

Mr Lenders interjected.

Hon. P. R. HALL — Mr Lender's backyard is near Port Phillip Bay. The Premier's backyard is in Williamstown. Just last week I was on a tour along the coast just out of Williamstown with a few parliamentarians and the Melbourne Docklands Authority, and I tell you what, it was pretty blowy along that particular coastline. I saw Nelson Place, Williamstown, and I thought if it is good enough for the people of Welshpool to have 40 turbines along their coast, why is it not good enough for the people of Williamstown to have 40 turbines along Nelson Place?

Hon. Kaye Darveniza interjected.

Hon. P. R. HALL — She says I am ridiculous. Welshpool is my backyard and Williamstown is the Premier's backyard, and they say it is good enough for Welshpool — —

Hon. Kaye Darveniza interjected.

Hon. P. R. HALL — Why am I being ridiculous? Is there not just as much wind at Williamstown as there is at Welshpool? Is there not just as much wind along Sorrento and Portsea and Brighton and all those places as there is along our coasts in country Victoria?

We say that if government members believe wind is so good and want to embrace it as a renewable energy source, they should have some of the towers in their backyards as well. We in country Victoria are sick and tired of being dumped upon all the time because of their green politics.

This a real challenge to Mr Lenders and his party, because if they think wind energy is great, they have the chance to prove that to us by putting the towers in their own backyards. They cannot run away from that fact any longer. They cannot have a brown coal power station down here because they do not have the brown coal, I agree with that, so we will have it for them in the Latrobe Valley. But there is wind and they can have wind energy — that is their challenge. We are sick of being made the scapegoat of the government's green politics.

I go back to the motion. We are simply asking for time out on this particular issue. We want to stop, breathe and rethink this whole issue through. The wind farms as proposed will have a great impact on people living in coastal communities, particularly in western Victoria and South Gippsland. Let us make sure we do the preparatory work required so that great asset is not destroyed. Let us have a 12-month moratorium so we can do the landscape assessments, so we can review the guidelines and so we can do the evaluation on the benefits of wind as an energy source. That is a moderate request, and it will ensure that country Victorians have a say in their future.

I say once again to government members, if they want wind energy and they embrace it as wholeheartedly as they say they do, they should accept some of the responsibility and be prepared to have wind towers in their backyards.

Mrs CARBINES (Geelong) — I rise to speak on the National Party's motion which is before us today. I am disappointed that the Liberal Party in joining with the National Party today is clearly demonstrating yet again its unwillingness to tackle one of the hard issues confronting not just Victoria but societies around the world — that is, the issue of climate change and the urgent need to reduce greenhouse gas emissions.

The opposition, the Liberal and National parties, would prefer to run around the state making spurious claims and wild accusations and allegations, generating a lot of concern in local communities and alarm about wind farms. They make wild claims that will ultimately be exposed. But what is already exposed is that there is a serious vacuum in policy on climate change and the need to address the issues associated with it in both the Liberal and the National parties. We have the Liberal Party publicly contradicting itself, and I will come to that later in my speech. The National Party this morning has demonstrated yet again — the government heard many times in this house during its first term the National Party opposing its initiatives to protect the environment in our state — that it is not interested in protecting Victoria's environment for future generations.

The Liberal and National parties will be remembered for their lack of courage, for their lack of vision and foresight and for their unwillingness to tackle this huge issue confronting our state at the moment — the need to reduce our reliance on burning fossil fuels for energy.

When the Labor Party went to the Victorian people at the end of last year it made a re-election commitment to them to develop Victoria's renewable energy resources. This was outlined in two policy documents: *The Sustainable State — Labor's Plan for a Greener Victoria* and *Energy for the Future — Labor's Plan for Energy and Minerals*. We made a promise to the Victorian people to increase the share of our electricity which was derived from renewable energy sources by 10 per cent by 2010.

We committed to facilitate up to 1000 megawatts of wind energy in environmentally acceptable locations by 2006. History shows that the Victorian people needed to make a choice at the end of last year. Were they going to support the Bracks government, which had already had one turn? Would they have confidence in our proposals, in our policies, in the way that we conducted ourselves? Or did they want to turn their backs on progressive policies and re-elect the Liberal and National parties? History shows that in November 2002 the Victorian people resoundingly endorsed the Bracks government's progressive policies. Its policies on climate change and the need to address climate change and to find energy from renewable resources were endorsed resoundingly by the Victorian population.

Less than a year after the state election at which the Liberal and National parties suffered their most embarrassing defeat in history — a total rejection by the Victorian people — they have come in here this

morning with the hide to attempt to turn back the clock on climate change. That is extremely disappointing, and that is why the government is opposing the motion.

There is considerable international consensus that the pollution we produce from burning fossil fuels for energy is having a distinguishable effect on climate around the world. Scientists estimate that as a result sea levels will rise and there will be an accelerated frequency of unpredictable and extreme weather events. The increasing warm temperatures across the globe and the increasing unpredictability of weather patterns will have a serious and deleterious effect on environments around the world, and Victoria is no exception, so we need to look at our capacity to generate electricity from renewable sources.

Victoria's consumption of and demand for electricity is increasing by 2 per cent a year. Over the decade of the 1990s our greenhouse gas emissions increased by 15.9 per cent, so some very hard decisions need to be made about the generation of electricity. The Victorian government has recognised that in the formulation of its policies. We committed to the appropriate development of Victoria's renewable energy resources. We cannot afford a moratorium as proposed by the National and Liberal parties this morning. We have an urgent need to address climate change, and we believe very strongly that wind energy has a vital role to play in the production of electricity in this state.

Victoria has good wind resources. We also recognise that wind power is the only renewable resource that is low cost and can produce high-capacity electricity. The government has set a target that by 2010, 10 per cent of Victoria's electricity consumption will be from a renewable resource. As I said, that was endorsed by the Victorian people less than a year ago. We expect that 75 per cent of this will come from wind. This is the equivalent of 1000 megawatts of wind energy generating capacity. At the moment we generate about 90 megawatts from wind energy in Victoria, and about another 180 megawatts will come on line from the installation in Portland. We know from letters we have received that the wind farm proposal down there has huge community support — support from the local shire and from many businesses and residents.

The achievement of our target of 1000 megawatts will require the installation in Victoria of between 360 and 450 extra turbines, not the thousands of turbines that Mr Hall was depicting just a few moments ago. He was saying that there would be thousands — probably more than 2000 — across Victoria. That is absolute nonsense, and it shows that the National Party has no understanding of this issue at all and is purely out there trying to generate some concern and upset in local communities for its own political purposes.

The government's target of 1000 megawatts could be achieved through an additional six to eight wind farms the size of the wind farm at Challicum Hills. We know from a member for Ballarat Province that the Challicum Hills project is extremely popular. It has wide community support in Ararat, and I will be quoting from an article from the mayor of Ararat in relation to the enormous benefits that that community has found from the Challicum Hills wind farm.

There will not be thousands of turbines generating electricity along Victoria's coast. As I said, that was a scare campaign by the National Party. Unfortunately the Liberal Party has yet again got into bed with the National Party on this issue, and yet again is afraid to differentiate itself from the National Party on this issue, and that is a real pity. There is no stampede such as the Honourable Peter Hall was talking about in relation to wind energy generation.

I was concerned when Mr Hall made spurious claims about there being turbines all along the Great Ocean Road. What he omitted to mention in his contribution is that the Bracks government is pursuing the creation of a national park along the Great Ocean Road from Anglesea to Cape Otway — the Otway National Park. We know that the guidelines already preclude the development of wind farms in national parks, but the interesting thing is that the National Party and the Liberal Party have publicly opposed the national park along the Great Ocean Road from Anglesea to Cape Otway, yet they are quite happy to be out there talking to our community about all the turbines to be built along the Great Ocean Road — 'Don't ruin a good story with the truth', that is for sure!

The current hysteria being generated by the National Party about wind energy development in this state is untruthful and, most importantly, is misleading the public. It is time for a reasoned and considered debate about the benefits of wind-generated electricity, wind farms and the way in which we can achieve a sustainable energy future.

This morning we heard from Mr Hall about the planning process, and he used his concerns about the planning process for wind farms as the basis for his contribution. It is ironic that because of the current planning process, which the Bracks government has set in place, so many people are having a say about the development of wind farms across the state. Communities across the state are having a say in the planning process. They are being consulted as a result

of the Bracks government's planning process. Many of the applications are going through an environment effects statement, which is the highest level of assessment in this state and allows for all of the opponents of wind energy to have their say.

All the points the National Party has raised this morning in relation to the planning process are assessed under the current guidelines which the government produced last year. The process is robust, and it allows communities to have their say. It is not right for Peter Hall to come in here and say that local government is taken out of the equation. That is quite false, because the guidelines clearly say that if a project is less than 30 megawatts the determining body is the local council. If the proposal is for more than 30 megawatts then it is assessed by the state planning mechanism. So local people and local government — —

Hon. Bill Forwood — How many are under 30 megawatts?

Mrs CARBINES — You will hear.

Local people are having a say at every part of the process.

Let us turn our minds back to when the Liberal and National parties were in power and how they conducted the planning process. If the opposition wants to scare people, how about reminding them about that? How about reminding people about how the planning scheme and planning process operated when it was last in power? That is a scary story. I know from my own electorate of Geelong Province that we are still bearing the scars of the Kennett regime and the absolute sham of a system that was running from 1992 to 1999. We have not forgotten Rob Maclellan and Jeff Kennett, and the way he called in all the projects that they wanted to support. Members of the opposition were part of that; they should not deny it.

There are plenty of opportunities for local communities, individuals, farmers and local government to have a say about whether they support — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Mr Forwood!

Mrs CARBINES — We have also heard criticism from Mr Hall this morning about the planning process and the lack of capacity for significant landscape overlays — they are already in the planning process. Councils have the capacity to apply to the minister for a significant landscape overlay to be put in place to protect areas of significance in their municipalities. That protection is already there and afforded under the planning scheme. It is a nonsense to suggest that it is not there. Many councils have already taken that step.

The guidelines we produced last year also take into account the visual impact of wind farms and the fact that that must be assessed and taken into account — and not just the visual impact of one wind farm, but the accumulated effect of many wind farms. That is assessed as part of the environment effects statement process. So the claims put forward by the opposition this morning are very spurious.

Hon. Bill Forwood — Just because you say it does not make it so.

Mrs CARBINES — The government is committed to listening to the concerns of communities across Victoria. The most contentious proposals will be assessed under the EES process. The government wishes to consult with all communities and will continue to act for the benefit of all Victorians.

The most interesting thing about the motion before us today is that it tends to deny the huge economic benefit of wind farms for the generation of electricity. It has been totally ignored by Mr Hall's contribution, and I will be interested to see what Mr Forwood has to say about this in a few moments time.

The government's commitment to install 1000 megawatts of wind energy across the state will result in over $1 billion of investment in Victoria. Wind energy is the only large-scale renewable energy that is currently cost competitive in Victoria. It is very important that we pursue it as much as possible.

The majority of the investment will occur in regional Victoria, and it will have enormous benefit for rural and regional communities, landowners and their municipalities. The achievement of the 1000 megawatt target will result in 280 jobs over a four-month construction phase.

Do not just rely on me. As Mr Forwood said before, 'Why should we believe what you are saying? Just because you say it does not mean it is true or that people believe you'. I am prepared to accept that Mr Forwood may not believe us, but I was wondering whether he would accept a letter from Cr Tom Munro, the mayor of the Shire of Glenelg, who has written to the Leader of the Opposition in the other place, Mr Robert Doyle? I have a copy of this letter and would like to read some of it into *Hansard*. Cr Tom Munro writes to Mr Doyle:

> It is with dismay that ongoing media reports quote yourself and other high-level Liberal members of Parliament expressing negative opinions on both proposed and approved wind energy developments in Victoria, especially in coastal areas. In particular, a number of media comments have been very negative towards the Portland wind energy project.
>
> …
>
> … The council supports the need for all wind energy proposals to be subject to a comprehensive planning and environmental approval process. After a lengthy and exhaustive planning and environmental process, the Pacific Hydro Portland wind energy project was approved by the Glenelg shire and the federal and state governments. A feature of the planning and environmental approval processes of this project were the extensive community consultation undertaken.
>
> The wind energy proposal was extensively modified during the evaluation project.

He goes on to explain the considerable economic benefit to Portland from this development:

> This project, and others being proposed, will make a valuable contribution to increased employment outcomes for Portland and the region, which is desperately needed. It is anticipated that there will be more than 200 new jobs directly associated with this project in its first stage. On that basis, there are at least 1000 indirect jobs for Portland, the region and Victoria … Not only will this facility provide additional direct and indirect employment opportunities for the shire, the export of the blades will earn valuable export dollars for Victoria.

He goes on to say:

> The Portland wind energy project has had overwhelming community and business support since its inception, and this support has continued despite some adverse media comment and opposition from a relatively small section of the community.
>
> …
>
> There is an established planning and environmental approval process for wind energy developments in Victoria, and the Portland wind energy project has satisfied these rigorous requirements.
>
> Although the Glenelg Shire Council acknowledges the support for the project from our local parliamentary representative, the Hon. Denis Napthine, the Glenelg Shire Council is seeking the support of the Victorian Liberal Party for the Portland wind energy project.
>
> The support of your party would be a positive reassurance that the Liberal Party is supporting rural Victoria and in particular Portland.

It goes on to invite Mr Doyle and other members of the shadow cabinet down to Portland to have a look at the wonderful benefits to Portland from the Portland wind energy project.

Honourable members interjecting.

Mrs CARBINES — I hope Mr Doyle takes up that invitation and goes down there. He may learn something from it. Perhaps he should take you too, Mr Forwood, and you, Mr Vogels — you can show them around. That would be really good, and then perhaps you might learn something about the benefits of these and other projects to the state of Victoria, and indeed to local and regional communities.

And it does not stop there. The Honourable Theo Theophanous, the Minister for Energy Industries, received a letter from Denis Napthine, the member for South-West Coast in the other place, who is also advocating on behalf of landowners in his electorate who are interested in wind towers. He says to the minister

> I have been approached by landowners in my electorate whose properties are very suitable for the installation of wind towers. These property owners are supportive of wind energy development and would like to work with wind generation companies who are also interested in these sites to possibly develop a project.

There is one progressive member of the Liberal Party. Where are all the rest? He goes on to say:

> However, the stumbling block is that this land is located some kilometres from a suitable power grid which could receive the proposed wind generated power. Therefore, on behalf of my constituents, I seek your advice as to whether the state has any programs which could assist with the cost of connecting wind energy projects to the Victorian power grid.

Now there is a man going somewhere. He is on his way somewhere, that is for sure. It is very interesting.

I was very grateful this morning to Ms Hadden, who supplied me with a copy of the front page of the *Ballarat Courier* of 15 May when she, as a member for Ballarat Province, had the pleasure of escorting the Honourable Theo Theophanous, the Minister for Energy Industries, to the Challicum Hills development near Ararat to show off that proposal and the enormous benefits those 35 generator sites will bring to the Ararat community. She was joined on her visit to Challicum Hills by the mayor of Ararat, Fay Hull. The *Ballarat Courier* of 15 May states:

> Ararat mayor Fay Hull … said it was exciting to be part of Ararat's growth.

She was further quoted as saying:

> I think the wind farm will put us on the map. This is a tourist route … and it will encourage people to stop in Ararat, which is great for local businesses. There are also opportunities for employment and further down the track for manufacturing some of the components (used in the generators). It's also a boost (for land-holders).

So it is win, win, win with wind. All these things are being ignored by the National Party, and I shall be very interested to hear what Mr Forwood has to say about the Liberal Party's position.

Mr Smith — You'll be the only one.

Mrs CARBINES — Yes, maybe I will be the only one interested, Mr Smith, but I doubt it. He is the shadow Minister for Energy Industries, after all.

A survey conducted by the Australian Wind Energy Association involving 1000 random phone interviews has found that 94 per cent of those interviewed thought that a target to increase the contribution of clean energy from renewable resources was a very good idea, and 88 per cent of respondents supported the government in its efforts to increase the amount of energy generated from renewable sources. There was overwhelming support for building wind farms to meet our future energy needs with 94 per cent of respondents supporting it.

The debate on wind energy unfortunately shows what the Liberal Party has become. We have heard some questions in this house, and we heard the debate in the lower house in question time yesterday. We look forward to Mr Forwood's contribution, but we can see from the letter from Dr Napthine to the Minister for Energy Industries about the concern in the Portland community and from the Liberal Party's stance on this issue that the Liberal Party has become a hopeless, divided mess in relation not just to this matter but in particular to this matter. It is allowing itself to be exploited by a small group that opposes wind energy.

We have heard exposed in this house this morning that the opposition spokesperson for planning in the other place, Mr Baillieu, holds shares worth $42 000 in Rio Tinto. That is very interesting indeed. We find him running around the state opposing wind farms. Does he have a vested interest in opposing wind energy?

Hon. R. H. Bowden — On a point of order, Acting President, I have been listening to the honourable member's contribution. I suggest to you and the honourable member that to imply improper motives to any member of either house is not the right thing to do, and I would suggest that the honourable member not pursue denigrating comments against any member of either house. I ask the member nicely to desist from doing that.

The ACTING PRESIDENT (Ms Hadden) — Order! I ask the member to continue with her contribution and to keep it to the subject matter. There is no point of order.

Mrs CARBINES — We have here the opposition spokesperson on energy, who in a few minutes will be in a position in which he is forced to support the motion the National Party has put up that is all about driving down investments.

Hon. Bill Forwood — She does not know me very well.

Mrs CARBINES — That is what Mr Forwood will be doing, and it will be interesting to know whether he has done it willingly or whether he has had his arm twisted.

He is going to be arguing in favour of the death of the wind energy industry in Victoria. He is arguing that we should send millions of dollars interstate and that is very disappointing for the government. Unfortunately he has found himself in the position of arguing in support of a motion that will kill off a new industry in Victoria.

The government knows where it stands on this issue; it is driving the debate in the Victorian community. It is committed to reducing our greenhouse gas emissions and sourcing energy from renewable sources. We know that some people in the community have concerns about wind energy, but we know that about 95 per cent of Australians are in favour of it. We know that Victoria has to do something about climate change. We cannot stick our heads in the sand like the National Party and the Liberal Party; we have to do something about it. We have an obligation to the Victorian people to act in this manner and this is an obligation not only to the current generation but also to future generations.

Supporting renewable energy is part of that commitment to protecting our environment. Victorians know where this government stands and they voted accordingly at the last state election. They voted to support renewable energy, and they voted our government back into office to do this. Victorians will not be sucked in by the scare campaigns of the National Party and Liberal Party. They know that most of the wind energy developments will occur away from the coast and what has happened this morning is nothing but a stunt by the National Party and its Liberal Party lackeys to scare people across rural and regional Victoria. The scale of potential for the wind farm developments is being grossly exaggerated by the National Party this morning. There are strong safeguards in place and opportunities for community input to the planning process. Victorians will not end up with thousands of wind turbines along the coast, as suggested by Mr Hall. All contentious wind farm proposals will be assessed under the environment

effects statement (EES) process. The endorsements that I have read out this morning from the Glenelg Shire Council and the Rural City of Ararat show that communities with wind farm developments support them because they will bring enormous economic benefits to their regions. Our government is about supporting regional Victoria and growing the whole of the state.

Applications will be assessed on a case-by-case basis and decisions made at the local and state levels, taking into account all views. It is very important that the government gets behind the sourcing of energy from renewable resources.

The government does not support the National Party motion before us this morning. This motion is all about turning back the clock on climate change. It is about delaying further the protection of Victoria's fragile environment from greenhouse gas emissions. It is about ignoring Victoria's urgent need to increase our electricity generation capacity, and unbelievably it is about discouraging considerable economic investment and community benefits across our state. I oppose the motion before the house.

Hon. BILL FORWOOD (Templestowe) — I rise to support the motion moved by the National Party today, and unlike the diatribe we have just heard, I might give some reasons for my support of the motion. Let me start my contribution today by dealing firstly with Mr Hall's moving of the motion and then I will turn to the contribution from Mrs Carbines. I will then put on record some Liberal Party views. I should also make the point that we have a number of other speakers whose electorates are affected by this issue, and they will also be speaking on this motion today.

I thought the motion brought here today by Mr Hall was measured, reasonable, sensible and worthy of debate. I was disappointed with the response from the minister who I understand intends to speak later. He made it very clear early on that he was not prepared to participate in a debate; all he wanted to do was come in and express his view later on. That is disappointing, because this is a chance for the issue to be discussed properly.

Yesterday in *Hansard* in response to a question Mr Theophanous said, if I recollect properly, words to the effect that 'they listened', or something like that. If he does listen it is a pity he is not listening today, because as I said he has ruled out before he starts any discussion or any thoughtful approach to the motion before us.

This motion is sensible; it just calls for a moratorium. While I am talking about the moratorium I say to Mrs Carbines — as I said earlier by way of interjection — just because you say it does not make it so. In this case she said the opposition was in favour of the death of the industry because of the moratorium. She asserted that but led no evidence — not one iota of evidence did she lead to support that claim. So we support the moratorium for good reasons, and I will outline those in a moment.

However, there are some parts of Mr Hall's contribution with which I do not agree. I agree with the motion, and the Liberal Party will be supporting it, but I do not agree with some parts of his contribution. I no longer believe the jury is out on climate change. In fact the Prime Minister said in his statement on climate change to the Australian Greenhouse Office:

> The world's climate scientists have provided us with a clear message — that the balance of evidence suggests humans are having a discernible influence on global climate.

I find it ironic that Mrs Carbines continually accuses us of not doing enough in this area to support climate change issues. The federal government was the government that introduced the mandatory renewable energy target (MRET) scheme in 2000. Because of the MRET scheme, as has been acknowledged by every person, we have this interest by investors in renewable energy.

I find it disappointing that the honourable member can give her speech and then leave the chamber. I hope she does come back. She spent a considerable part of her speech having a go at me, the Liberal Party and the shadow minister in the other place — the member for Hawthorn, Ted Baillieu — yet once she said her bit, she left the chamber.

Mr Smith — She'll be back.

Hon. BILL FORWOOD — I look forward to her coming back. I do not believe any more that the jury is out on climate change. I believe that carbon dioxide emissions are damaging our climate and we ought to do something about it. One of the things we are doing about it is looking at ways of using our huge brown coal facilities better. There is a considerable amount of work going on in that area, and I applaud and encourage that work, and I would like to see the government doing more in that area in any case.

But there is a place for renewable energy, and Victorians should get behind it. What disappoints me about the government is that it had a heaven-sent opportunity to get the people of Victoria united behind

the renewable energy program, but instead it has divided the state. It has set neighbour against neighbour, family against family, and community against community because it will not listen.

All this motion says is: let us have a moratorium, start again and see if we can get it right. As I have said, no evidence has been led by the other side to the effect that this moratorium will 'kill the industry', in their words. The minister said, by way of interjection, that this would kill the industry. They have not led one iota of evidence to that effect.

The issue is: what can be done to produce and develop a viable renewable energy industry? I include wind in that issue. Nothing has been led by the government to say that the moratorium proposed by the National Party and supported in this motion by the Liberal Party would cause this. I should say, of course — because I do take exception to the Liberal Party being called the lackeys of the National Party, and nothing could be further from the truth — that it was back on 28 July that the shadow Minister for Planning, Ted Baillieu, called for a moratorium, and I have a copy of his press release. It states:

> Planning Minister Mary Delahunty must move immediately to place a moratorium on planning approvals.

Mr Smith — Did anyone listen?

Hon. BILL FORWOOD — Let me pick up the interjection, 'Was anybody listening?'. I can tell you that at least two people were listening. The first one was John Button; he was certainly listening, and we have already had some quotes from Mr Hall in relation to Mr Button's position on this. I understand he is in Parliament House today having discussions about this issue. Mr Smith's mate, an ex-federal Labor minister, supports a moratorium. He knows that. So at least one person was listening.

A second person listening, and I will deal with this later as well, was Diane James. Later in my contribution I will quote her, as she is Chairman of the Coastal Council of Victoria, and she is on record as saying that a moratorium should be put in place.

So you can mock and scoff and Mrs Carbines can suggest that we are the lackeys of the National Party, but the shadow planning minister raised this issue months ago when he called for a moratorium — because it is the right thing to do.

This is the disappointing part about the motion today. This was a heaven-sent chance for the government to come in here, listen to the arguments being put before the chamber today and say, 'Okay, we will do this. We will have a moratorium and get this right' — and I welcome Mrs Carbines back to the chamber.

Many of the comments made by Mrs Carbines in her contribution today just absolutely floored me. She said, for example, 'We have put these guidelines in place', and she was talking about how we could all rely upon them.

Let me lead some evidence in relation to the government's policy and planning guidelines, unlike Mrs Carbines's approach of, 'Because I say it, it has to be true'. On page 24 of the government's document *Guidelines for the Development of Wind Energy Facilities in Victoria,* under the subheading of 'Visual Amenity', it talks about the location and scale of other buildings and works, and it includes transmission lines.

The next page then talks about consideration of the visual impact being weighted, having regard to the government's policy in support of renewable energy, and it talks about transmission lines again. A number of times in the document it talks about the visual impact of transmission lines, not just the towers.

Hon. P. R. Hall — One paragraph on how to evaluate visual impact!

Hon. BILL FORWOOD — One paragraph, thank you. These guidelines are deficient in many ways, but I will give a practical example of this. At the moment there is a proposal for Bald Hills. Honourable members know about this proposal down in Gippsland at the approach to Wilsons Promontory. It is a $220 million project proposed by Wind Power Pty Ltd. The proposal is for 84 turbines, with an additional 40 turbines also considered, each up to 130 metres high — 50 metres higher than the Melbourne Cricket Ground light towers — overlooking Wilsons Promontory.

The local community down there is passionately opposed to it, so a panel has been established. This panel has just had a directions hearing, and the advisers would know this. At the directions hearing, guess what was raised? The issue of the fact that the proposition brought by the proponent did not consider, would you believe, the visual amenity of transmission lines. So what is apparent instantaneously is that the application being considered by the panel did not meet the guidelines. This is a matter of grave concern.

I am advised that the panel's approach to this was to say, 'Well, that does not really matter because they are only guidelines. Do not worry about them'. Well, you cannot have it both ways. Either these are guidelines

which people are going to follow, deficient as they are, or the panel will make it up as it goes along.

Let me pick up another of the notions run before the chamber this morning by Mrs Carbines. She said local communities can be involved. No, that is not true — because any proposal for more than 30 megawatts of wind power becomes a matter for the minister. Mrs Carbines failed to indicate one proposal which would generate under 30 megawatts. We would be interested to know whether there are any under 30 megawatts, otherwise local communities would not be involved and it would be the Minister for Planning's responsibility to decide these matters.

Let me make a few comments about the Minister for Planning in the other place. I am conscious about the rules of the chamber and I will be as polite as I can in the circumstances. The Minister for Planning was known as 'A trophy candidate', or something like that.

Mrs Carbines — On a point of order, Acting President, it is inappropriate for Mr Forwood to be making remarks about the Minister for Planning, and I ask him to withdraw.

Hon. BILL FORWOOD — On the point of order, the tradition of this chamber is that we are able to have a debate. I think calling someone a trophy candidate hardly falls outside the guidelines of this chamber. I suggest that there is absolutely no point of order.

The ACTING PRESIDENT (Ms Hadden) — Order! On the point of order, there is no objective offensive remark, but I would ask the member to continue his contribution bearing in mind the rulings of the house.

Hon. BILL FORWOOD — I will certainly do that. I am quite happy to bear in mind the rules of the house. In terms of the Minister for Planning, I was just thinking of words I could use to describe her performance as a government minister, firstly in education and then in planning. I am afraid that I do not have my thesaurus with me.

Hon. P. R. Hall — The wooden spoon trophy!

Hon. BILL FORWOOD — That is a good expression. I do not have a large enough vocabulary to express eloquently enough my view that she is so far out of her depth that it would not matter how many people supported her, she would not be capable of doing the job.

I sat on the Public Accounts and Estimates Committee when the Minister for Planning gave evidence. One thing that was absolutely certain was that she had never been to a wind farm. Here she is making decisions on these things.

Hon. T. C. Theophanous — Have you been to one?

Hon. BILL FORWOOD — Yes, I went to Codrington. And you?

Hon. T. C. Theophanous — Yes.

Hon. BILL FORWOOD — I am very disappointed that she does not have the capacity to see the issues in relation to this. I am reluctant to say that I am disappointed with the Minister for Energy Industries as well, because I think he is having a fair crack at this portfolio, which is a difficult one. He knows and I know that there is a place for renewable energy. He knows that I know that the mandatory renewal energy target scheme put in place by the federal government is a key driver behind a sensible renewable energy industry.

What has happened is that the minister has been given a mission impossible. He has to try to balance the requirements of a vibrant economy that needs energy with the problems relating to greenhouse gas emissions. He is not being helped by the Minister for Planning, whose inability to grapple with these issues is clearly apparent in what has happened to date. The Minister for Energy Industries is in the situation of being rather like Tom Cruise — he does not look like him; he does not act like him; but he has been given mission impossible. He is being required today to support a renewable energy industry that is not his responsibility.

His problem is that, much as he wants to support a renewable energy industry, it belongs in the planning portfolio. He does not have the capacity to influence the debate as much as I know he would like to. There are many examples across the state of divided communities suffering because of the guidelines and the attitude of the government, and I shall touch on three examples.

The first concerns the Prom Coast Guardians, who wrote twice recently — on 22 August and again on 11 September — seeking clarification of points made by the Premier. The first one on which they sought clarification — and I hope the minister can help us out with this — is what the Premier said on the Neil Mitchell radio show on Tuesday, 9 September:

> We've knocked quite a few (wind farms) back, and we will continue to knock some back.

I challenge the minister today to name one. I know the minister has capable advisers around who are able to

produce information just like that. What I am looking for from the minister, in his contribution on behalf of Noreen Wills on behalf of the Prom Coast Guardians, is one example.

Hon. T. C. Theophanous — Of what?

Hon. BILL FORWOOD — The Premier said:

> We've knocked quite a few (wind farms) back, and we will continue to knock some back.

He said that to Neil Mitchell on 9 September. All we want is one example of one wind farm that has been knocked back. That would be useful.

Hon. P. R. Hall — He doesn't know off the top of his head!

Hon. T. C. Theophanous — I do.

Hon. BILL FORWOOD — We will wait. The Prom Coast Guardians and others are leading this push to have some sanity brought back to the planning process. Again I say that we are not against the wind farm industry; what we want is for it to be done properly. What is disappointing is the government's inability to do it properly — led by the Minister for Planning — which has led to a situation where we now have divided communities.

We now have this debate because of the ineptitude of the planning minister. If the government had done it properly in the first place, produced the guidelines in a sensible way and allowed local councils to have control over the planning process, then we would not be going through this debate today. We would have a viable renewable energy industry that was up and running and not be going through this anguish because of the incompetence of the government.

I turn to a media release from Diane James, whom I mentioned earlier, from the Victorian Coastal Council. I make the point that as well as criticising the content of Mrs Carbines's speech I want to criticise what she did not say. She did not once mention the Honourable John Button and his views, nor did she mention the views of the Victorian Coastal Council. Diane James in her press release of 10 September said:

> Climate change is a real issue and renewable energy and more importantly reduced consumption of energy must form part of a balanced response to Victorian commitment to reducing greenhouse gas emissions.
>
> The real challenge is to find the right balance between developing wind farms in some of the most scenic areas of the coast versus developing wind farms in areas that are less visually sensitive.

This gets to the core of the issue. The government is fond of saying that because it will not allow wind farms in national parks, which we agree with, then they cannot go along 43 per cent of the coast. The point is equally made that they can go along 57 per cent of the coast. That is a real worry. Diane James from the Victorian Coastal Council goes on to say:

> The government has established guidelines for wind farm development; however, these guidelines appear to have had little effect in indicating to industry that sensible site selection is an effective pathway to rapid project assessment and construction.

This gets back to Mr Hall's point: if we had sensible guidelines, then people would know where these things would be built and we would not be going through this divisive process at the moment.

Diane James continues:

> The current focus on some of Victoria's most significant coastal landscapes will simply serve to enrage communities, marshal opposition to renewable energy development and, if some of the current proposals proceed, detract from a coastline that Victorians make some 70 million visits to each year.
>
> It is time to step back, to slow down, to avoid the stampede mentality and consider carefully where these projects can be appropriately sited.

This is the chair of one of the government's own advisory bodies saying exactly what the Liberal Party has been saying and exactly what the National Party motion is about. I repeat those words:

> It is time to step back, to slow down, to avoid the stampede mentality and consider carefully where these projects can be appropriately sited.

I am very disappointed that the government is not prepared to take the approach recommended not only by us but by one of its advisory bodies and by Mr Button. What concerns us most about this is that people are trying to say that because the Liberal Party wishes to get this right it is opposed to renewable energy. That is factually incorrect; it is not true.

We in the Liberal Party believe that renewable energy sources are important for our electricity generation profile. At the same time we recognise that generation based on our own brown coal deposits is likely to remain the predominant source of electricity in the foreseeable future. We believe wind energy will play an important role, but it will be dependent upon government and consumer subsidy. For example, the mandatory renewable energy target, as I mentioned earlier, was brought in by the federal government and is the underpinning driver for the wind industry being

available. The opposition is very concerned about the current approach to the location of wind farms in Victoria.

Hon. T. C. Theophanous — Have you got any shares in black coal, Bill?

Hon. BILL FORWOOD — Let me pick up the interjection from Mr Theophanous, which goes to the heart of his accusation yesterday in Parliament when he called the member for Hawthorn in the other place, Mr Baillieu, 'Black Coal Baillieu' — and it goes to the heart of an extraordinary assertion made by Mrs Carbines in her contribution today — that Mr Baillieu owns, did he say, $43 000 worth of shares or 43 000 shares?

Hon. T. C. Theophanous — I think it was 42 000.

Hon. BILL FORWOOD — Shares or dollars worth?

Hon. Kaye Darveniza — Check *Hansard*.

Hon. BILL FORWOOD — Thank you. It is a disgrace.

Hon. T. C. Theophanous — That he has got that many?

Honourable members interjecting.

Hon. BILL FORWOOD — What is a disgrace is that someone would come in here and suggest that someone doing their job is influenced by the fact they hold shares in Rio Tinto. And what is absolutely ludicrous is the suggestion that because someone owns either $43 000 worth of or 43 000 shares, that he has got the capacity to do it. It is ludicrous to suggest that because — —

An Honourable Member — To do what?

Hon. BILL FORWOOD — To influence outcomes such as this. Your assertion is that because he has got shares in Rio Tinto, he is against wind power. It is a ludicrous assertion.

Hon. T. C. Theophanous — Well, Rio Tinto is against it. Why don't you read its submission to the mandatory renewable energy target review?

Hon. BILL FORWOOD — We ought to get a lot of submissions to the MRET review. I am happy to do that at any time. Why do we not go and read NEG Mikon's submission to the MRET review? It is an outrage and an insult to suggest that someone would be operating in their portfolio area on the basis of the fact that they own 43 000 shares. It is an outrage that it would be even suggested.

Hon. Kaye Darveniza interjected.

Hon. BILL FORWOOD — You have got to be joking! I cannot believe it.

Hon. T. C. Theophanous — What would you say if I had shares like that?

Hon. BILL FORWOOD — That you were supporting the coal industry? What do you think? That is just ludicrous. It is nonsense for you to run that line. Let me say that it diminishes the debate when you come in and run those sorts of accusations.

Because I am conscious of the fact that others need to speak on this motion, I want to finish my view. The Liberal Party is very concerned that the current approach by the Bracks government for the location of wind farms is inappropriate. As we have heard today, wind farms can have a significant visual impact, and they certainly may present noise and other environmental issues. The industry preference for coastal locations puts precious and sensitive coastal landscapes at risk. They are part of Victoria's heritage and they must be protected.

We believe that wind farms should require local government approval — that is essential. Under the guidelines produced by this government, of course they do not. In addition we quite simply believe that wind farms should not be located in sensitive coastal landscapes, and if the government got these guidelines right, then they would not be located in sensitive coastal landscapes.

I am conscious of the fact that others wish to speak, but I want to finish by commending the National Party for bringing a measured and reasoned motion before the house today, and to say that I am very disappointed with the response from the lead speaker of the Labor Party in relation to this. She led no evidence to support her assertions. I am even more disappointed and disgusted with her attack on the shadow planning minister.

Hon. B. W. BISHOP (North Western) — I congratulate Peter Hall for bringing this motion to the Parliament today. As the Honourable Bill Forwood said, it is a fair and reasonable motion to bring to this house. I also thank the Liberal Party for supporting the motion. I am sure that without saying it again and again, it should be said that Mr Hall's motion reflects the concerns of his constituents that have been brought to him, and also the fact that he has been able in his

contribution to put up alternative forms of renewable energy to wind power.

I was interested in the comments made by the Honourable Elaine Carbines. I thought they showed no real grasp of the situation. I wondered how carefully she had listened to Peter Hall's contribution before she spoke.

To reassert what the Honourable Peter Hall was saying, the National Party's point of view is that we are simply asking for some time out. We are asking for the opportunity to work the issues through. Also, Mr Hall suggested some sensible and practical guidelines in relation to the installation of wind power. He also suggested some other sources of renewable energy. He also requested some information from government on where the next lot of wind farms might be. They were reasonable questions. I thank the Honourable Elaine Carbines for her comments. They are now on the record, and I suspect they could be of great benefit to our position indeed.

At question time yesterday the minister made great play about wind power producing, if I have got the figures right, 1000 megawatts of power, which by Mr Hall's mathematics would come up to somewhere near 2000 wind towers. I think that is quite a large number. I would like to promote another alternate renewable energy that has been studiously ignored by the government — that is, the initiative of Enviromission in the north west of the state, which has three major advantages. The proposed large generator would generate 200 megawatts of power, which is enough to power 200 000 houses.

It can utilise the grid, and it is sustainable. There is a memorandum of understanding with AGL for the sale and distribution of clean, green electricity. It has been trialled and tested in Spain for seven years, which has proved that the technique of updraft and generation systems, such as they have in this particular tower, works well. It is at the pre-feasibility stage, and it is working towards proving the commerciality of the project.

An honourable member interjected.

Hon. B. W. BISHOP — This is solar energy, and I will describe it a bit more in a moment. This proposal has been supported by the federal government, which has granted it major project facilitation status, which will certainly give it a great help with any approval processes. The New South Wales government has granted this proposal state significant development status as well. It has been supported by the Mildura Rural City Council and the Wentworth council.

This project was first proposed for an area some 60 or 70 kilometres west of Mildura but now it is proposed for a place called Tapio station, which is about 25 kilometres over the river in New South Wales. It is a 1-kilometre-high tower — it is quite a staggering project. The cost of the tower on its own is estimated to be $700 million — probably estimated to be an $800 million total finish.

To give some idea of the size of it — it is constructed from 700 000 cubic metres of concrete and would be the highest structure on earth, its base is about the size of the Melbourne Cricket Ground (MCG), it has solar-collection panels around its base which has a radius of 3.5 kilometres, and it would require 38 million square metres of covering. Obviously, under the skirt around this huge tower there would be a greenhouse effect where horticulture could be utilised.

The technique is that this huge tower, which is 1-kilometre high with a base the size of the MCG with a 3.5 kilometre radius and a skirt with collection panels around it, would gather the hot air and funnel it up the tower where 32 wind turbines would generate, as I said, 200 megawatts of power — that is, it would provide 200 000 homes with clean, green energy.

Hon. P. R. Hall — It is a combination of solar and wind.

Hon. B. W. BISHOP — It is solar and wind, Mr Hall, a very good combination. And it is in the perfect position. There is more sunlight in that particular area than on the Gold Coast, and we have been advised that the Enviromission project has memorandums of understanding with companies like Onesteel for the design and supply of the supporting steel work, with glass manufacturers such as Pilkington, with the Queensland-based energy retailer, Ergon Energy, and, as I have said, there is a memorandum of understanding with AGL as well.

Roger Davey, the chief executive officer of Enviromission, the company that holds the Australian rights to this German technology, has been to Mildura a number of times. He also estimates that it would generate 2700 jobs during the construction phase, which would go over three years and provide up to 40 ongoing employment opportunities when it is completed. The company has also said it would source much of its products locally, which would be a huge boost to the area not only in the generation of clean,

green electricity but also to employment opportunities in that area.

It might be said that it will be in New South Wales. Who cares? We are in the region, and most of the benefit will flow back into Victoria. Just think of the tourism benefit of having the tallest building in the world! It would fit in perfectly with the tourism applications around the north-west of the state, and it would fit in perfectly with the other attractions there.

I ask the government to simply show the same interest as the federal and New South Wales governments have shown. That would be a good start. It is an alternative method, it has had its testing, it is very innovative and it should receive from the government the same recognition as wind, gas, coal and other methods of alternative energy.

We do not want to see this initiative get into the same position as the mineral sands industry did in the north-west of the state where we saw very little government action and very little government interest. We saw no rail upgrades, no rail standardisation and companies moving to New South Wales and South Australia, so we lost the employment opportunities and the freight and port services. We do not want the same thing to happen with this initiative. I know it is only in the formative stage but it requires support from this government, which claims to be so keen on the alternative sources of energy which we in the National Party fully support.

We do not see supporting Enviromission with this innovation as being a challenge. We think supporting it is a great opportunity for the government, and we urge it to pick up the ball on this innovative proposal and put it on the same level as wind power, for example.

Someone I spoke to today said, 'Why does the government not put a picture of the Enviromission proposal on its pamphlet with a picture of a wind tower?' That is a good challenge for the government, and I put it to it to ensure that it is fair and even-handed in what it might do.

I support the motion of Peter Hall, and I urge the government to look very carefully at supporting this Enviromission proposal. It is a good proposal, it needs assistance, it is innovative and it would be a great contribution to renewable energy in the state of Victoria and indeed Australia.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to have an opportunity to rise and speak against this motion. I cannot believe that the National Party and the Liberal Party are supporting a moratorium on this environmentally sustainable form of energy for the state of Victoria.

All of us in this chamber know, as do Victorians generally, the sorts of problems with the current energy sources that are being used and the sorts of problems that are being created for our global climate with global warming and the rising sea levels. For goodness sake, what do you guys want to do? Do you want to have a moratorium until the sea level rises so high that it is lapping under your chins before you decide to do something?

When do those opposite want to do something about this? The one thing that this government is really clear about is that we want to take some positive action to put in place environmentally sound sustainable energy, and wind power is one of the ways in which we are doing it.

That is not the only way. We have a series of approaches to this environmental and global warming problem, but wind power is only one of them. It is good energy, it is a clean energy, and we have put in place very sound processes to deal with it.

We do not say that 100 per cent of the public in Victoria support it, they do not; but we know that a very high proportion of the community does support wind power. It supports what the government is attempting to achieve in having a more sustainable form of energy. When we look across the other side of the chamber to the Nationals and the Liberals, all we see is division, division, division. They cannot speak as one opposition.

Hon. Bill Forwood — We are different parties!

Hon. KAYE DARVENIZA — That does not usually stop you. You may be different, but one of you always has a hand up the back of the other, and we are never too sure which one is the puppet and which one is the performer!

From the Liberal Party we had Bill Forwood's contribution, which is not at one with those of his parliamentary colleagues in the other house. Mrs Carbines put forward correspondence that has come from Liberal Party members — Denis Napthine — encouraging the government to support wind power proposals. I will not go through every element of the argument, but I certainly want to talk about the division that exists in the Liberal Party and highlight that, because it is very real and it is there. Members of the opposition do not speak with one voice on this, they do not have a policy.

Hon. Philip Davis — We do!

Hon. KAYE DARVENIZA — Show us your policy! You do not!

Hon. Philip Davis interjected.

Hon. KAYE DARVENIZA — That is it exactly.

Hon. Philip Davis — Our policy was released at the last election.

Hon. KAYE DARVENIZA — Exactly! You do not speak with one voice. The Nats, on the other hand, flip flop all over the place. On the one hand they say, 'Yes, wind power is a good thing. Yes, we do care about the environment, we do care about nature, because after all we represent people in the country and that is one of the regions that certainly does have an interest in making sure that our environment and environmental resources are preserved and kept sound'. So they say 'Yes, it is good idea but — —

An honourable member interjected.

Hon. KAYE DARVENIZA — 'But' — you are right — 'we don't want to put them anywhere. We don't want them anywhere! No, we don't want them here; no, we don't want them there. What we want is a moratorium. We don't want them. Go away and talk about it. Make a committee. Let's have a committee, let's have working party, let's have a moratorium!'.

You guys will never get around to doing anything, but this government is doing something. I wanted to pick up the point made by Bill Forwood when he criticised my parliamentary colleague Mrs Carbines for — he said — not being able to produce evidence that there were any proposals or actual projects in place for wind power that were under 30 megawatts.

We have one that is up and running in Wonthaggi, and that is for 10.5 megawatts. We have another proposal — this just shows that they do not know what is going on in Gippsland at all — in Korumburra for 10 megawatts. So we do have proposals and projects in the pipeline that are for less than 30 megawatts. I will not go into what that does to the criticisms Mr Forwood made in relation to Mrs Carbines's contribution.

In conclusion, the processes and the guidelines we have in place allow for consultation. What we see is the public out there having a debate and consulting with levels of government about the issues. What we see is the Victorian government taking up the concerns that are being raised, whether that be the visuals, the sound or the siting. One thing I can say for sure is that we oppose this moratorium. It is a joke. You should be ashamed to bring it into the house, particularly the Nats. We oppose it. The Victorian government is getting on with the job of delivering sustainable, clean energy for all Victorians.

Hon. PHILIP DAVIS (Gippsland) — I would be delighted if the Honourable Kaye Darveniza could tell us how many wind farm applications she has in her own electorate. I can tell her that I have plenty in mine. I am not new to this debate. I have been involved in this debate for a period of about five years. Let me offer members opposite a challenge. I have been to Europe to look at wind farming, and I can tell them that the Liberal Party's position which it took to the last election and which it still supports is very clear. It is that we support renewable energy and we support wind farming, but it has to be in an appropriate context.

The concern about this issue is that the government has a process which is entirely inadequate. It is inadequate in a planning sense that local communities have been effectively shut out of any input into the decision making in respect of the location of these wind farms.

There is a general cohort of support across country Victoria for renewable energy. Many people have identified the opportunity for their communities to benefit. I recall that the previous president of a South Gippsland shire council was instrumental as a councillor in driving the process that led to the location of the Toora wind farm. It is interesting that as a result of that, clearly the South Gippsland shire has concluded that there needs to be a great deal more local consultation in respect to future proposals. I am confident to say that that is the view right along coastal Victoria.

When I was in Europe two years ago — I coincidentally had the shadow portfolio of energy, which Mr Forwood now has — I had great delight in looking for wind farms. That followed a briefing from the British Wind Energy Association about the direction of wind energy in the UK, and that organisation was able to provide me with the location of all the UK wind farms and a number of locations where applications had been made.

Of interest to me was the confidence expressed by the wind energy association that wind would provide 50 per cent of all renewables in the UK by 2010, and that there was a government target to achieve an expansion of renewables from 2 per cent to 10 per cent by 2010.

I have to say that target is ambitious. Interestingly, nearly all of the sites where I observed wind farms operating and where I had discussions with local

stakeholders about the wind farm locations I would have to describe generally as being appropriate. They were set back. Some of them were well inland but most of them — indeed, all of those that I physically inspected — were set back sufficiently from the coast that they did not interfere at all with any of the high-value environments in terms of the social, environmental and landscape views.

Having said that, I am personally absolutely supportive of wind energy. I think it is something which will be of significant import to the long-term development of renewables in Australia. However, it can only ever provide a very minor component of total energy needs. We well understand — —

Hon. T. C. Theophanous — That is not what Mr Hall said. He says it supplies all of California.

Hon. PHILIP DAVIS — The reality is that in the Australian context we are likely to see the ongoing utilisation of black and brown coal and of gas, although I must say this is a personal not a policy view. I will just write the policy for you now, Bill!

There are reasons for us not to expend too much of our natural gas energy resources in gas turbines. The UK has made a dreadful mistake in the direction of its energy policy. More than one-third of its electricity is now generated from natural gas. That is regrettable, because gas is a finite resource. Our Bass Strait reserves of natural gas extend out no more than 25 years, just on present projected consumption levels, and were the government to install significant additional gas turbine generation the consequences for commercial, residential and industrial users of natural gas would be deleterious.

Government and opposition policy in relation to electricity generation should be focused on finding ways other than ramping up the utilisation of gas, particularly for base load power, which is what has occurred in the UK.

Hon. T. C. Theophanous — Are you supporting coal?

Hon. PHILIP DAVIS — Indeed, Mr Theophanous. I support wind, coal and gas, but clearly with a certain priority — that is, that our base load power in Victoria comes from brown coal, and I think there are opportunities in the long term to ensure that we enhance the efficiency of brown coal electricity generation.

But in the context of wind, this debate is all about appropriate planning processes. It is my absolute belief that the contempt and outrage felt by communities along the coast of Victoria — along the South Gippsland coast and along the Great Ocean Road — certainly warrant it, because this government does not listen — —

Hon. T. C. Theophanous — You are just scaremongering.

Hon. PHILIP DAVIS — No, this is a fact, Mr Theophanous. You have overridden local government planning processes and excluded local communities from any stake in these decisions. The result is that they are angry and contemptuous of your policy. There is a letter from Noreen Wills, the president of Prom Coast Guardians, which is a challenge to the Premier asking him to guarantee that:

(a) Your government will ensure that future planning permit applications for wind farms are assessed primarily on the social, amenity and environmental impacts.

(b) Your government will not allow industry policy to interfere with the legislation planning process.

(c) Your government will move to ensure that our precious landscapes and our rural communities are not sacrificed to a wind industry eager to exploit a sloppy planning process.

This summarises, in my view, the issues germane to wind energy. The opposition thinks wind energy is a good thing, but the location of these wind farms is critical.

I was speaking to a farmer in Woodside last Wednesday afternoon in the presence of the leader of the parliamentary Liberal Party, Robert Doyle, and we had a discussion about this issue amongst others. He made the observation that in his locality, which is adjacent to Ninety Mile Beach, it would be hard to argue that a wind farm on the coastal plain would be a detriment to the aesthetic or environmental values. There probably are people who would debate that, but the point is that he clearly differentiated between the South Gippsland coast and his own location.

That person's name is Graeme McLennan, and I know him very well. He is a very active community advocate and was very involved in the No Pylons Basslink debate, which Mr Theophanous would be well informed about, I am sure. I do not necessarily see any inconsistency in relation to those propositions.

This issue is dividing communities, which I think is a reflection of the poor planning process that we have. It is unfortunate that lifelong neighbours and friends and indeed relations are being divided because the government does not have a proper mechanism to assess these propositions.

It is apparent to me that the government is not focused on these matters at all. I have been in regular contact with the Minister for Planning on behalf of constituents but regrettably have to inform the house that she is reluctant to entertain correspondence. I wrote to her on 6 October last year, concerned about the lack of opportunity for stakeholders to be involved in the planning guidelines for wind farms. There was no reply, so I sent another letter on 23 May, and there was still no reply.

Finally, some 10 months later I received a response from the acting minister, the Honourable Bob Cameron in the other place. He has done something useful, I have to say, in an acting capacity for Mary Delahunty, the Minister for Planning in another place, who could not sign her own correspondence. The slack, ignorant, uninformed, negligent way in which this matter is being handled is upsetting my constituents. I do not like it, and the government ought to deal with the motion that is before the house and accept that there needs to be a moratorium to sort this out.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I want to start my contribution by making some points that are important in responding to this motion moved by the opposition.

Hon. Bill Forwood — No! It's the National Party.

Hon. T. C. THEOPHANOUS — A correction from Mr Bill Forwood, who wants to make sure that it is on the record that the motion is not from the opposition but is from the National Party — but nevertheless he will be voting for it.

Let me first dispel some myths about wind in this state. The fact of the matter is that it is an important part of the mix, the balance, that we are creating in this state in renewable energy. It is an important part, and let me tell you why. It is an important part because there have been significant changes and advancements in the technology of wind. The wind turbines that you see now do not turn at the massive rate the old turbines did. They are basically on a different type of technology where the speed of the rotation is now at 14 or 18 revolutions per minute, and that has significantly reduced the amount of noise and other issues associated with the wind energy industry. It has made them better for the environment.

Alongside that we have an industry that is capable of producing a significant amount of energy for this state and will be without the associated negative impact of greenhouse emissions, yet we have the Leader of the National Party, Mr Hall, saying that he did not think there was any evidence of global warming in this state. I am happy to know that the Honourable Bill Forwood at least thinks that that debate is over, that there is global warming and we have to address that issue.

Let me make a number of points clear about this government: we met today, as I am sure members would be aware, with a number of people, including the chairman of the Victorian Industry Council, John Button, and his executive officer, John Sweetman; the chief executive officer of the National Trust of Australia (Victoria), Stephen Hare; the executive director of Geelong Otway Tourism, Roger Grant; and the mayor of South Gippsland Shire Council, Cr David Lewis, as well as Cr Diane Casbolt of Coastal Promontory ward.

We met those people because we consult on those issues. We consult, and let me tell you that the outcome of that meeting was that the people who were there, including John Button, indicated at the meeting that they understood much better the planning process this government had put in place as well as our view of the need to balance our obligations in relation to greenhouse emissions and to develop a viable energy industry, including wind, while at the same time protecting important landscape values. That is what they understand, because they are sensible people who are interested in their communities and who also recognise that there has to be a proper planning process and that that process has to deliver an appropriate outcome in terms of those values.

Let me also tell you what we told them at that meeting. We told them this government will protect the Great Ocean Road, despite all of the claims by the opposition and the attempt by the National Party and others to whip it up. We will protect the Great Ocean Road. This is an opposition which has no policies and is simply trying to get on the bandwagon of something they have absolutely no understanding of nor knowledge about. We will protect the Great Ocean Road and sensitive landscape values. They will be taken into consideration in the course of wind developments.

Let me dispel some other myths put up: the notion that we are not considering inland proposals. In fact we are considering inland proposals for wind. Proposals at Rosedale Ridge, at Yaloak and at Ballan are being considered by this government. As to Bill Forwood's statement that this government has not knocked back wind proposals before, let me tell you, Acting President, that in fact seven turbines will not be built on the tip of Cape Bridgewater because of the intervention of this government and because this government cares about those sorts of values.

What we have in this state is an emerging industry around wind. It is in its infancy, and it is important that it progress and develop further. For that industry to develop there needs to be investment. There are those who oppose wind, and it is not just on the basis of opposition to wind development because of landscape values. There are other players who would prefer not to have wind, because it is another industry in competition with them. For example, I am sure that the black coal industry in New South Wales is not so thrilled about Victoria having a wind industry and producing much of its energy from wind.

Why would that be the case? Because it means they can sell less power into Victoria from their operations. So when Rio Tinto, which is one of the companies that is involved in black coal production of energy in New South Wales and Queensland, put its submission to the mandatory renewable energy target (MRET), what did it have to say? It said, and I quote from its submission:

> In general, Rio Tinto does not favour mandates like MRET as they preclude least regret market mechanisms which allow economics to deliver the lowest cost solutions.

So Rio Tinto recognises that it is in its own commercial interests and it has put a submission to the MRET review that would essentially remove the MRET from the equation. There is one thing that will create a moratorium in this state on wind and on renewable energy, and that is the removal of MRETs. This is in the gift of the federal government, but we have not heard — —

Hon. W. R. Baxter — On a point of order, President, the Chair is at that end of the building, and I think the minister should be addressing the Chair.

The PRESIDENT — Order! There is no point of order. The minister, to continue.

Hon. T. C. THEOPHANOUS — If Rio Tinto has expressed a view against MRET and against wind in this state, you would expect that the opposition and the opposition spokesperson in this instance would be very careful about the way he expressed opposition to wind in this state. That is especially so given the fact, as has been identified today by other colleagues here, that the opposition spokesperson on this issue in another place, the honourable member for Hawthorn, Ted Baillieu, has $42 000 invested against wind in this state.

Hon. Philip Davis — On a point of order, President, the house well knows that it is not appropriate for members of this place to make connections and imputations about members of the other place. There are appropriate forms in the Parliament if members wish to take matters up concerning other members. It is not appropriate for the minister to come into this house and make comments about a member in the other place who is unable to be here to defend himself. If the minister wishes to, he can move a substantive motion.

Hon. T. C. THEOPHANOUS — Further on the point of order, President, I can understand that the Leader of the Opposition wants to stifle debate on the issue, but a substantive motion is before the chair. It relates to a moratorium on wind in this state, and it is absolutely appropriate for the government to debate the motives behind that motion. It is absolutely appropriate for us to debate the motives behind that motion if one of the motives involves a conflict of interest for Mr Baillieu, a conflict of interest that should have been addressed by Mr Doyle, a conflict of interest in which Mr Baillieu has $42 000 worth of shares in a company — —

The PRESIDENT — Order! The minister is now debating the point of order. His comments should be made by substantive motion. I ask the minister to address the point of order put by the Leader of the Opposition so that I can rule on it. I ask him not to stray into other areas.

Hon. T. C. THEOPHANOUS — Thank you President. I simply reiterate that this motion has been put up by the opposition parties in an attempt to stifle wind development in this state, and it is appropriate for the government to raise issues as to the rationale and the underlying reasons that might be driving this motion. They may well not be known to the Leader of the Opposition. He did not seem to know when we were talking about Rio Tinto, so — —

The PRESIDENT — Order! I have asked the minister to address the point of order that was raised by the opposition and not to stray into other areas. If he has concluded his remarks on the point of order I will rule.

On the point of order by the Leader of the Opposition, I draw members' attention to standing order 9.18, which states:

> All imputations of improper motives and all personal reflections on members will be considered highly disorderly.

I rule that the minister's comments fall into that category, and I ask him to withdraw.

Hon. T. C. THEOPHANOUS — President, I of course abide by whatever decision you make, and consequently I withdraw.

Hon. Bill Forwood — You grub!

The PRESIDENT — Order! Mr Theophanous should continue. I remind Mr Forwood that that language is unparliamentary, and I ask him to desist. The minister, to continue.

Hon. T. C. THEOPHANOUS — We have an opposition that is so desperate to find an issue it has attacked the one thing in this state that is designed to meet our obligations to the world community in relation to greenhouse gas reductions in Australia. It is the one thing that will have some impact on reducing greenhouse gases and therefore go some way to meeting our Kyoto obligations. I know the federal government has no commitment to Kyoto. It is not prepared to sign on to Kyoto, but that does not mean that this state —

Honourable members interjecting.

The PRESIDENT — Order! The minister should address the chair.

Hon. T. C. THEOPHANOUS — That does not mean this state government has no obligation to the people of Victoria, to the people of Australia, and to the world community to reduce our greenhouse gas emissions. We will continue to do that.

This emerging industry is a very important one for this state, and through this motion the opposition is effectively suggesting the death of the wind industry in Victoria. It is arguing in favour of a motion which will send investment dollars and jobs out of the state. That is what opposition members are asking for. Mr Forwood and Mr Philip Davis know very well that arguing in favour of this motion will send investment and jobs out of the state. They know that a moratorium will kill this industry.

Certainly Mr Forwood, as a former director of the Liberal Party in Victoria, would have gone around and told many people many times that the Liberal Party is pro-business and wants to attract investment into the state. Now he finds himself in the situation of arguing in favour of a National Party proposal which will kill investment in wind in this state — and we know the National Party has never been responsible to anybody in the policies it has put up.

Can you imagine what it will be like for Mr Forwood the next time he goes before a group of businessmen and says, 'I voted to kill off a new industry, and by the way I am pro-business' and then adds to that, 'And also can we have a donation to the Liberal Party'? Can you imagine it? Here is an industry that is set to take off. We know what Victorians think about wind development in the state. We know that people want to see it developed in a responsible manner. That is what they want, and that is what this government is going to deliver, because it is interested in making sure that wind plays a part in the overall mix in this state — —

Hon. Bill Forwood — So are we!

Hon. T. C. THEOPHANOUS — Mr Forwood, you have no credibility on this. You have done so many backflips in your time in this place, it is no wonder you are where you are. We all remember the backflip you did on the Auditor-General, and look where that got you — into opposition! You did not get the name 'Backflip Bill' for nothing.

Mr Forwood is the energy spokesperson, and at some point he ought to get up and say, 'Wind energy is important in this state', and support its development on a responsible basis. He should say, 'We do not want a moratorium in accordance with the silly motion put up by the National Party, and we are prepared to address issues of conflict of interest within our own ranks if we have to, to ensure that wind energy takes place in this state'. This is one of the most appalling motions that has come before the house.

Hon. P. R. Hall interjected.

Hon. T. C. THEOPHANOUS — Mr Hall can use his abusive tones and carry on because he does not like people telling him the truth. He consistently comes into this place without having any understanding of the motion he is putting up. He simply works on the basis of a few people he knows personally in country Victoria and in whose interests he comes into this house to try to put up a motion like this.

I am afraid I did not have time to go through all of the issues that I would have liked to go through, but let me sum it up this way: we will protect the Great Ocean Road and landscape values; we will not allow conflicts of interest to occur; and we will make sure that there is balanced development of wind in this state to secure our future.

Hon. J. A. VOGELS (Western) — I start by saying that we support wind power. The issue is not whether there are 1000, 2000 or even 5000 turbines; the issue is where they are placed. It is interesting to hear the minister come in here yelling, screaming and frothing at the mouth. The reason he is here is a letter I received from the mayor of the South Gippsland Shire Council yesterday. It states:

> As you are no doubt aware, the issue of wind farms is of major concern to many residents of South Gippsland shire.

> Despite a number of letters seeking the presence of state ministers in our shire to discuss this issue, our requests have fallen on deaf ears.

It continues:

> That as a matter of urgency councillors and the chief executive drive to state Parliament and demand a meeting with the Premier and ministers Delahunty and Brumby on the issue of wind farms in South Gippsland. Further that we forewarn both the local and metropolitan media of our action and invite them to accompany us.

And that is exactly why the media are here.

The minister has been dragged in here screaming and kicking, and thanks to the National Party's motion we are debating it. From the words of many people on this side it is apparent government members have finally been dragged in here against their will, otherwise they would not have met with these people in the first place. It is a sham, and the media is here because it was invited by the South Gippsland Shire Council.

I fully support the National Party's motion that the Bracks government impose a 12-month moratorium on any further wind farms. A couple of years ago there was an enormous amount of goodwill for wind energy in Victoria. I had not heard of anyone against it. In the last 12 months the minister has destroyed all the goodwill that was out there, and very little is left, because the government is not prepared to listen to local communities and the councillors who represent their communities. It is more interested in listening to the big companies. The government has successfully alienated local government and local communities and pitted neighbour against neighbour. There was no need for any of that.

In the electorate of Western Province, where I come from, we have a wind farm at Codrington with 14 wind towers. It has the support of the Moyne Shire Council and the local community and it has been going successfully now for a couple of years

There are 35 wind towers at Challicum Hills near Ararat. Once again it is supported by the council and by the local communities with very little opposition. It is another great project which is about to come on stream.

The Portland wind energy project, which has been spoken about, has the support of the Glenelg Shire Council, the support of the local community, and about 90 per cent of the population out there are happy to have it there. Once again it is a case of communities working together rather than being ridden roughshod over, as in the cases mentioned earlier.

The Minister for Planning has now said that if you are building more than 30 towers you do not have local community or local council input; the minister can override it.

Mrs Carbines said earlier that most of these wind turbines are not along the coast. I have a photo with me of where the wind projects are proposed, and all except three are located right along our coastline. The ones I am most familiar with are at Nirranda, because that is where I live. There are two proposed for that area; one is for 38 turbines and the other is for 40 turbines. Once again — surprise, surprise! — they are both over the 30 megawatt limit, as the Honourable Bill Forwood mentioned earlier.

Where will they be built? It will be within a kilometre of the Bay of Islands, overlooking some of our greatest heritage coastline. We will have about 80 turbines sitting right where we have millions of visitors coming to admire our beautiful coastline, including the Bay of Islands and the Twelve Apostles.

The community is absolutely furious about this, and the Moyne Shire Council does not support them. It supports wind turbines, but not on that pristine coastline. I heard honourable members last night talking about the importance of Point Nepean, and it is important; but so is that bit of heritage coastline along the Great Ocean Road.

It is all right for the minister to say, 'We will protect the Great Ocean Road', but I would like to know how, when these companies have already spent probably millions of dollars developing their projects. I would suggest that if they are not going to be allowed to continue, we should tell them now so that they can stop wasting their money.

As I have said before, we have an enormous amount of goodwill out there in Victoria for energy renewal. The opposition, and I am sure the National Party, do not mind if there are 1000, 2000 or 5000 turbines in Victoria — good luck to them — but do not put them in areas where the local communities and the local councils do not want them. Surely in an area the size of Victoria we can find plenty of areas for them. Challicum Hills is an excellent example. There were no objections and it is great for the community. Codrington is another great outcome.

We all know that wind energy is built on subsidies by the government of the day, and it concerns me, being an ex-farmer, that anything built on subsidies will eventually collapse. When the subsidies disappear you are in a lot of trouble. This thing is built on subsidies;

and if we must have them, do not put them on our coastline or where local communities or councils do not want them. Listen to the communities.

Hon. ANDREA COOTE (Monash) — It is important to emphasise that the Liberal Party supports renewable energy. We support wind power as well, but we do not support this planning process for wind farms. That has been put on the record strongly today. I was absolutely thrilled to hear the Minister for Energy Industries, Mr Theophanous, categorically stating that there will be no wind farms for sensitive coastal areas. He said he will protect the Great Ocean Road, and there will be no conflict of interest. I will be interested to see how that manifests itself because we heard in the chamber today the minister promise that there will be no turbines on the Great Ocean Road or around the Bay of Islands, and that they will be at Ballan and Rosedale. I was very pleased to hear the minister put that on the record for all of us to hear.

Tourism in this state brings in $8.5 billion. Of that, the Great Ocean Road is a huge and very integral part of the tourist dollar. The Great Ocean Road is one of the iconic parts of Australia. International visitors to Australia go to the Great Barrier Reef, they go to see Ayers Rock as a physical icon, and the third area they visit is the Great Ocean Road. But they will not come to the Great Ocean Road to see banks of wind turbines.

If you look at the Great Ocean Road from a tourism perspective, it has 2.6 million overnight visitors per year; 5.2 million day trippers, 130 000 international visitors, and 70 per cent of the employment on the Great Ocean Road is from tourism. These are very significant figures, and the people coming to the Great Ocean Road are coming to see natural beauty — the Twelve Apostles, the Bay of Islands, Loch Ard Gorge and that whole area. They are not coming to see wind turbines. The proposal is for 78 wind turbines, all the same size as the Melbourne Cricket Ground lights. Most of us can see the MCG lights from here and to have those in that area would be appalling.

I know all members of Parliament have received this very good document from Great Ocean Road Marketing, showing very clearly what the proposed Nirranda South wind farm would look like, and it is absolutely horrendous. People will not come from overseas to have a look at that fabulous view with all these wind turbines on the hilltops.

But the minister has promised us today that we will not see that. We will not see a wind farm and turbines on that wonderful coast. I congratulate the minister on making that decision. I am pleased that it was here that he said that.

Mrs Carbines spoke about great support for this initiative. There is no great support for this. Some of the peak organisations are not only not supporting it, they are vehemently against it. Mention has already been made today by the minister, among others, of John Button, a former Labor senator for this state. He is now chairman of the Victorian Tourism Industry Council. The minister said he had spoken to John Button about its being sustainable and how John Button understood the necessity for having wind power renewable energy. But what the minister did not say was that he had promised, like his promise in here today, that there will be no wind farms on the Bay of Islands, at the Twelve Apostles, or anywhere on that coast.

John Button then put out a press release, probably just after he had seen the minister, and it is printed in the *Age* of 11 September. John Button, a former Labor minister and their mate, says:

> A Victorian tourism leader, John Button, has called on the state government to stop the building of wind farms on the coast.

I repeat that: he calls on the state government to stop the building of wind farms on the coast.

> Mr Button, chairman of the Victorian Tourism Industry Council, said the government should protect an invaluable tourism asset — the state's breathtaking coastline.

We hear the government's own Labor mates calling for no wind farms on this particular area. But Mrs Carbines said there is a lot of support. Here is another example of no support — Roger Grant, the marketing chairman of Great Ocean Road Marketing. He said in an article to the *Weekly Times:*

> Tourism is not some cottage industry down here — it's the major industry, and Cape Bridgewater is the fundamental tourism strength of the area.

He said that approval of Australia's biggest wind farm at Portland had been deemed a slap in the face to the region's tourism industry.

Another example is the Shipwreck Coast tourism manager, Adam Ruggero, who does an excellent job putting Warrnambool on the map and encouraging tourists to the area.

He is particularly concerned. He is reported in the *Warrnambool Standard* of 4 February 2003 as having said:

> The Great Ocean Road gets 2.6 million overnight visitors … international visitors and the Bay of Islands is a real jewel in its crown.
>
> Conde Nast Travelling, one of the most prestigious travel magazines in the world, rates the Great Ocean Road number one in its top 20 journeys of a lifetime …
>
> It brings home how incredible the area is. The visitors come to see the pristine coastline and a wind farm would detract from that.

I could go on and on.

Another example from the Shipwreck Coast Tourism Association's policy statement of 26 November 2001 is:

> Country Victoria Tourism Council is strongly opposed to the development of commercial wind turbines and wind turbine stations in areas of high scenic and conservation value.

Today the minister promised that there would be no wind turbines on this particular coastline. It is imperative for the chamber to understand the importance of tourism in the state, and it is imperative for the government to understand how important it is. Some $8.5 billion a year is an incredible amount of money and some 70 per cent of employment in the Great Ocean Road area involves tourism. It is a vital area and a vital industry for Victoria.

Every tourism brochure shows the Great Ocean Road. There has been a huge and expensive marketing campaign by Tourism Victoria which shows a car driving down the Great Ocean Road. The marketing campaign has been shown throughout Australia and it encourages interstate and international visitors to Victoria.

When you go to the web site of Tourism Victoria there it is again — every time Tourism Victoria says something about Victoria, there are the Twelve Apostles and the Great Ocean Road. I have been to the Great Ocean Road visitors centre in Port Campbell on many occasions. When you talk to the people there and ask the international visitors from New Zealand, Britain, Japan and other parts of the world, 'What is that you have come to see?', they say that they have come to see the Twelve Apostles, the Bay of Islands and Loch Ard Gorge. It is absolutely vital that they come to see this pristine coastline of which we are all very proud and which creates a huge amount of employment in the state. They do not want see unsightly and ungainly wind turbines.

I support what the National Party has had to say in its motion. The Liberal Party believes in renewable energy. I concede it is important to the state, and I hope we see a wind farm and wind turbines developed at Rosedale and Ballan. We are pleased to hear that the minister has promised that there will be no wind farms on the Great Ocean Road.

Hon. P. R. HALL (Gippsland) — Today I particularly framed the motion without using any provocative terminology, and I particularly asked for a sensible debate and a sensible response by government. I said those words at the very start of my contribution. What I got was absolute drivel. I had drivel first of all from Mrs Carbines and then I had drivel from Ms Darveniza. The biggest insult in this debate is that we got this show pony of a minister standing on his feet for 15 minutes in front of the television cameras, demeaning the position of a minister of the Crown and demeaning this Parliament by coming out with provocative, uncalled-for, tenuous arguments that he put before this chamber.

There is not one shred of decency about the minister. He did not even have the courage to tell us about how he would achieve what he claimed was a great victory for the government. He said before the TV cameras — he played to them like a thespian — that the government would protect the Great Ocean Road. Interestingly, he did not say anything about protecting other parts of coastal Victoria.

He did not tell us how he would do it, yet during the course of this debate every speaker on this side of the house and the National Party called for mechanisms to protect our precious coastline. He said, 'We will look after the Great Ocean Road', but how he would do it was left unanswered.

Part of the motion was to talk about planning issues so that we could protect those assets. I suggested ways in which it could be done, the minister says that he will do it but gives no details whatsoever — preening to the TV cameras is about the extent of the substance of the minister.

During the course of the debate both the Liberal Party and the National Party posed questions to the government and sought responses. We encouraged and put clearly the fact that we support some of those inland locations, and challenged the minister to list some of the inland locations for wind farms. We know about Challcium Hills near Ararat, which is fine. I informed the minister myself of a proposal at Rosedale. He added Ballan to that when he finally said something in response. I guarantee that I could label at least six or eight potential coastal sites for every site that is proposed inland.

For example, along the coast of Victoria are Toora; Bald Hills-Tarwin Lower; Tarwin-Walkerville; Korumburra; Wonthaggi; Point Lonsdale; Inverloch-Tarwin; Bay of Islands west; Codrington; Cape Bridgwater; Cape Sir William Grant; Cape Nelson; Portland; Fish Creek; Welshpool; Mount Hoddle; Sandy Point; and Foster North. The predominance of those wind farm developments is along the coast of Victoria. The important issue is location, location, location, yet the minister has a half-flippant response by saying, 'Yes, we will do it but we will not tell you how'.

It is now up to the minister to explain how he will protect those coastal areas. The experience overseas is that these wind turbines are put in locations which are not clearly visible and which protect the environmental and aesthetic amenities of those areas. They are in the deserts in California, and elsewhere overseas they are set in the sea over the horizon. There is even a floating ship, I understand, with wind turbines on it in one part of the world which feeds power back by an undersea cable to the particular country. There are alternatives, yet the government has not been serious with the issue today.

Throughout the course of debate regarding the development of wind farms in Victoria the government has treated the people of Victoria with absolute contempt. There was no public input to the guidelines, and it seems there will be no further public review of them.

I finish by saying this, and throwing back the challenge to the government, which I did during the course of the second-reading debate: if it is that the people of Melbourne, Geelong and the populous areas of Victoria want to embrace wind energy, then they have the opportunity to do so today. If, for example, Mr Eren thinks it is so good to have wind towers, then why not put 40 of them along Eastern Beach at Corio Bay? They could sit down there at Corio Bay and Eastern Beach just as well as they sit along the coast of Welshpool.

Let the Premier put 40 of these wind turbines at Nelson Place in Williamstown because he can generate power for his community just the same as we do in Welshpool, South Gippsland and along the western Victorian coast. The challenge is again the government's. If it believes that Victorians so wholeheartedly support wind power, then put it to the test and put some turbines along the coast of Port Phillip, Corio Bay, the Mornington Peninsula and the Bellarine Peninsula — but it will not because it is weak and treats with absolute disregard people who live outside of the metropolitan areas of Victoria.

House divided on motion:

Ayes, 16

Atkinson, Mr	Drum, Mr
Baxter, Mr	Forwood, Mr
Bishop, Mr (*Teller*)	Hall, Mr (*Teller*)
Bowden, Mr	Koch, Mr
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr

Noes, 22

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Ms	Mitchell, Mr
Carbines, Mrs	Nguyen, Mr
Darveniza, Ms	Pullen, Mr (*Teller*)
Eren, Mr	Romanes, Ms
Hadden, Ms (*Teller*)	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Viney, Mr

Pairs

Brideson, Mr	McQuilten, Mr
Vogels, Mr	Thomson, Ms

Motion negatived.

Sitting suspended 1.05 p.m. until 2.07 p.m.

ABSENCE OF MINISTER

Mr LENDERS (Minister for Finance) — I rise to advise the house that the Minister for Small Business will be absent during question time today.

QUESTIONS WITHOUT NOTICE

Wind farms: government policy

Hon. PHILIP DAVIS (Gippsland) — I direct a question without notice to the Minister for Energy Industries, who is also the Minister for Resources. Yesterday when questioned the minister refused to confirm that he was meeting today to discuss the government's coastal wind farm policy and that subsequent to that meeting the government would announce a backflip on its policy and ban wind farms in coastal areas. Given that the meeting has now taken place, will the minister confirm that the government has reversed its policy of placing wind farms in sensitive coastal areas?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — As I said in the course of the debate earlier this morning, we did have a meeting on wind energy development in this state. That meeting was a positive one at which the government explained its desire to continue to develop energy as an alternative renewable energy source for this state and its determination to continue to have appropriate wind energy development in areas where there has been a proper planning process and where it was appropriate to do so. As I indicated earlier, the group that was involved appreciated the position of the government — it understood the planning process and appreciated the explanations the government gave about that particular planning process.

As I also said during the course of that discussion, the government is going to ensure that such development is appropriate and within the planning framework, and the planning guidelines have been strengthened and are appropriate for use in this particular situation.

I said during the debate this morning that this government will protect the Great Ocean Road area, and I said that within the context of the government's existing policy. The fact of the matter is that the government has a policy which involves protecting areas of high tourism value in a range of different ways. That policy has already designated the Great Ocean Road as an area of high tourism value. Of course, it is an area of high tourism value partly because of the landscape values that are associated with it. So when the government says it will protect the Great Ocean Road, that is in keeping with its existing policy on protecting areas of high tourism value and areas of high landscape value.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — Given the minister's response I refer him to his answer yesterday when he said in part, 'There is no question about backflips from the point of view of the government'. Furthermore he said, 'There will be no backflip from this government'. Given that he has just done a backflip in relation to the Great Ocean Road, will he announce when he will do a backflip on the landscape values of South Gippsland?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am starting to wonder whether the Leader of the Opposition is thick or whether he just does not understand. I just finished explaining that our existing policy involves protecting areas of high tourism value; it is nothing new. The fact that the Great Ocean Road is an area of high tourism value is also nothing new, so when I was asked the question directly about the Great Ocean Road I reiterated our current policy, which is that we will protect the Great Ocean Road.

Gippsland: coastal land subsidence

Hon. J. G. HILTON (Western Port) — I refer my question to the Minister for Energy Industries and Minister for Resources. My question relates to concerns which have been expressed by residents in the Gippsland coastal region about land subsidence in the area. Can the minister inform the house as to how the Bracks government has listened to these concerns and taken real action to address them?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question and his interest in this very important issue. Let me begin by saying that once again we have shown from this side of the house that we are interested in Gippsland and in protecting Gippsland, including the coastal region. That is why we listened to the community concerns about land subsidence in the Gippsland region and about whether this subsidence is in some way connected to how coal is mined or petroleum or irrigation operations are carried out or anything else in that particular area. We listened, and then the Bracks government acted.

The way we acted was to put our money where our mouth is. We have allocated $200 000 to fund an elevation study which will investigate whether land subsidence is occurring in the Gippsland coastal area. The first part of dealing with this question is to find out the facts. We need to identify whether in fact there has been subsidence and what the causes of that subsidence might be. That is the first part of this particular equation, and we have acted to do it. The study is to provide a factual basis on which to assess community concerns surrounding the potential for land subsidence arising from fluid extraction from the Latrobe aquifer. So we are looking after the Latrobe Valley concerns in that area.

There has been a lot of speculation about this issue, but the evidence is inconclusive. This study, which will cover a period of four years, is designed to identify it. The difference between what this government is doing and what the federal government has done is the $200 000, because the federal government has done absolutely nothing!

Hon. J. H. Eren — Shame on the federal government!

Hon. T. C. THEOPHANOUS — Absolute shame on the federal government, because we put up a proposal to the federal government to join with us in funding this study and to increase its size and depth, and despite the fact that the federal government collects $1.5 billion annually in resource rent tax largely from out of this area, how much was it prepared to put up to help fund a study which is important to the local area? Absolutely nothing! Yet we have the federal member, Peter McGauran — —

Hon. Bill Forwood — Why should they? Why would they?

Hon. T. C. THEOPHANOUS — Exactly! Why would they? Instead, we have a Gippsland member of federal Parliament, Peter McGauran, who wants to arrange another talkfest down there. He has another talkfest scheduled for Friday to hear the concerns of the local residents and so forth, and he has invited me to go down there to do that as well. Let me tell you, I am happy to go down there and meet the residents, on one condition — that Mr McGauran delivers $200 000, like we have, for the study down in Gippsland.

Albert Park: amateur sporting clubs

Hon. ANDREA COOTE (Monash) — My question is to the Minister for Sport and Recreation. The 47 amateur sports clubs at Albert Park are under threat of rent increases by up to 200 per cent imposed by their landlord, the Bracks government. What action will the minister take to prevent the imminent collapse of these 47 amateur sporting clubs?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the question, because we are actively working with those sports clubs in the community to make sure we deal with all those issues, just as we are working with the broader community on all those sorts of administration or managerial issues that might be of concern for clubs, for volunteers, for support staff and for participants in grassroots sport, which we want to ensure is supported and enhanced. On this particular occasion we are conscious that there are concerns in Albert Park about the administration through Parks Victoria, and we will be working very closely with those clubs to ensure that they overcome those issues and that they are supported in any administrative difficulties they might have in relation to this matter.

Supplementary question

Hon. ANDREA COOTE (Monash) — That is very interesting. Is the government's pillaging in the first place of the Albert Park sporting clubs consistent with the minister's stated objectives of supporting grassroots sport?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I reiterate to the member that we will work with grassroots sporting organisations. We have a commitment to grassroots sport in this state, as has been advocated continuously not only in this place but also out in the community, by our working alongside state sporting organisations. Our record as a government is second to none in supporting grassroots sporting clubs and grassroots sporting organisations.

We will continue to work not only at the elite end of sport but in particular at the grassroots end of sport to make sure that we have in this state the strongest sporting community that we can achieve. Whether it be grassroots participation, whether it be events or whether it be improved facilities or amenities for sporting groups, we will continue to work on those themes with those community groups to make sure that we continue to deliver.

Commonwealth Games: athletic achievements

Hon. H. E. BUCKINGHAM (Koonung) — I refer my question to the Minister for Commonwealth Games. The 2006 Commonwealth Games will highlight Melbourne and our city's supporting infrastructure to the rest of the world. While the quality of the Melbourne 2006 games will be judged at many levels, the success of the sporting competition will be central to this event. I ask the minister to outline how the recent performances of commonwealth athletes at the World Championships in Athletics and the World Artistic Gymnastics Championships provide an indication of the likely success of the Commonwealth Games in 2006.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question, and I appreciate her support and her interest in the Commonwealth Games. The Bracks government is getting on with delivering the Commonwealth Games. We are getting on with the job of delivering an event which will be one that all Victorians and all Australians will be proud of, but it is particularly reassuring to see the achievements of commonwealth athletes in the field of international sporting competitions. That will also contribute to the success of the games in 2006 as a sporting contest of the highest quality.

Members may not be aware of this, but I am happy to inform them that the International Amateur Athletics Foundation Ninth World Championships in Athletics

were recently held in Paris. The men's 100 metres event was won by Kim Collins from St Kitts and Nevis. He also won the event at the Manchester 2002 Commonwealth Games. In the men's 100 metres race — members will appreciate this is often a hallmark event in any athletics program — commonwealth athletes claimed first, second and third places as well as making up six of the eight competitors in the finals.

As members would be aware, Jana Pittman won the 400 metres women's hurdles, and Jana is the youngest ever female to win this event at either world championship or Olympic Games level.

Commonwealth athletes also claimed first and second places in the 800 metres women's race, with Maria Mutola from Mozambique winning the event. Kenya won the 5000 metres men's race and also placed fourth, fifth and seventh, showing the domination of Kenya in the distance races.

Kenya also won the women's marathon, with first place going to Catherine Ndereba. Perdita Felicien from Canada and Brigitte Foster from Jamaica claimed gold and silver medals respectively in the women's 100-metre hurdles.

The Commonwealth Games will also integrate competition for elite athletes with disability (EAD) into the main sports program and the medal tally for the games. So it was heartening to see that Louise Savage won her fifth world championship medal in the 800 metres wheelchair event — another great record set by her. Two other commonwealth EAD athletes also won medals at the world championships. These results highlight the quality and strength of the competition that we will enjoy here in March 2006 with the Commonwealth Games.

In addition to that, I highlight the outstanding performance at the artistic gymnastics championships held in August in the United States, where Australia won an unprecedented bronze medal in the women's team final. This was our first women's world championship medal, and Gymnastics Australia's first women's world artistic gymnastics team placing. Two of the six girls in the team came from Victoria, and I would like to congratulate them as well — Monette Russo and Stephanie Moorhouse. Commonwealth Games athletes also medalled in four of the 14 events — —

Hon. Bill Forwood — 'Medalled'? It is not a verb. They might have won medals, but 'medalled' is not a verb.

Hon. J. M. MADDEN — Thanks very much, Bill. Their outstanding achievements will mean they have qualified well and truly for the artistic gymnastics competition in the 2004 Athens Olympics. In addition to the outstanding athletics and gymnastics competition, it should also be noted that the Commonwealth Games will host the equivalent world championships in netball, hockey, rugby 7s, squash and lawn bowls, so we expect — —

The PRESIDENT — Order! The minister's time has expired.

Wind farms: government policy

Hon. P. R. HALL (Gippsland) — My question without notice is to the Minister for Energy Industries. I ask the minister what mechanism will be used by the government to protect the Great Ocean Road area and other areas of high tourism value from wind farm development?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question. It is interesting that the opposition came in here this morning wanting to put a moratorium on wind farms for the whole state. I understand what the motion was about, because the proposed moratorium did not say it was for any particular part but on the whole of the state, including developments like Challicum Hills and any other development that might take place. The opposition just wanted to kill dead the whole of the wind energy industry in every part of the state.

Having done that, it then wants to continue the debate because the government has reiterated what was always the case — that we were going to protect areas of high tourist value, or at least those areas that were of high tourism value because of the landscape values associated with them, such as the Great Ocean Road. That is an area of high tourist value; we have a policy in relation to it and that policy is based upon the landscape values in that particular region.

As a result, that area will be protected. Whatever development is attempted, not just in relation to wind but inappropriate development of any sort, it will have to go through planning processes that will ensure, under guidelines that already exist, that the policies we have enunciated, and in particular those relating to the importance of an area for tourism and its landscape values, will be taken into consideration under those planning processes and under the guidelines. I am confident, therefore, that the Great Ocean Road area will be protected by this government.

Supplementary question

Hon. P. R. HALL (Gippsland) — On a supplementary question, given that the minister has said he will protect areas of high tourist value from wind farm development, I ask him: what areas of the Victorian coast do not have high tourism value?

Hon. Bill Forwood interjected.

The PRESIDENT — Order! I was seeking advice on whether the member was asking for an opinion, which he is not entitled to do.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am not sure what this question is supposed to identify. It is not up to me to identify particular areas of — —

Hon. Philip Davis — You have for the Great Ocean Road.

Hon. T. C. THEOPHANOUS — But areas such as the Great Ocean Road have been identified in our tourism policy as areas of high tourist value. When I was asked the question I indicated to the house and to the honourable member that we intend to protect the Great Ocean Road because it is an area of important tourist value for this state. But we will also ensure that a wind industry develops in this state. We are not prepared to allow that industry to fall over simply because some people do not want it on the basis of vested interest or anything else.

Local government: elections

Mr SCHEFFER (Monash) — My question is to the Minister for Local Government, Candy Broad. Could the minister inform the house what recent action the Bracks government has taken to further strengthen democracy for local government and how has it been received?

Ms BROAD (Minister for Local Government) — I thank the member for his question and his continuing interest in the Bracks government's efforts in first restoring democracy to local government and then strengthening democracy at the local government level across Victoria. Recently I announced that all Victorian councils will go to the polls on the last Saturday in November in 2008.

Honourable members interjecting.

The PRESIDENT — Order! There is too much noise in the chamber. Hansard is having difficulty hearing, and I am sure honourable members want to hear the minister's answer. I know I do and others ought to. Can members please lower the volume.

Ms BROAD — The government will introduce the legislation to amend the Local Government Act in this session of Parliament, and that will align all local government elections to this common date and cycle in 2008. I am pleased to inform the house that this decision by the Bracks government has been extremely well received by many local governments across Victoria.

Currently council elections are conducted on a staggered timetable as a legacy of the previous government's forced restructuring process around 1994 — that is, the removal of democracy from local government. There are a number of reasons why the Bracks government has chosen to realign the election cycle and term, as we said we would do as a commitment before the last state election and which we are now delivering on. Changing council election dates from March to November will allow newly elected councils more time to prepare their council plans before approving their first budgets. We will no longer have the situation where incoming councillors are immediately expected to determine a budget to sign off on to which they may not necessarily have had any input and which may not reflect the policies or commitments or the platform on which they were elected.

These changes will provide for improved financial planning and responsibility by local government, and this is in line with the Bracks government's own policies on and commitments to responsible financial management in state government. The government's decision will also ensure that voter enrolment does not overlap the summer vacation period, which will assist in the preparation of rolls for local government elections. From November 2008, all councils will serve four-year terms of office. This will give councils more time to implement the policies on which they were elected. It will bring Victorian local government terms in line with not only the Victorian Parliament but in line with local governments in most states around Australia.

The government also believes that enshrining the election cycle and date significantly elevates the status of local government in this state and reflects the Bracks government's view that local government is a valued and equal partner in our commitment to strengthen Victorian communities.

Honourable members interjecting.

Ms BROAD — This decision stands in stark contrast to the views of the opposition — and we are still seeing that across the chamber. When it was last in government, as we know, it unilaterally sacked democratically elected councils, arbitrarily altered local government boundaries and appointed hand-picked commissioners of its choosing to do its bidding. It also destroyed policies. I wish to reiterate the Bracks government's commitment to supporting democracy in local government.

The PRESIDENT — Order! The member's time has expired.

Gippsland: asbestos-related diseases

Hon. D. McL. DAVIS (East Yarra) — My question without notice is directed to the Minister for Finance. I refer him to the Victorian Managed Insurance Authority document entitled *Review of Health Status of Power Industry Workers: SEC Lung Function Program*. I draw his attention in particular to recommendation 3, which arises from the review of the lung function program. In line with the recommendation, will the government expand eligibility to include all asbestos-exposed former power industry workers?

Mr LENDERS (Minister for Finance) — I am delighted that Mr David Davis has finally shown an interest in what has probably been one of the most fundamental issues of health in the Latrobe Valley, one that has a legacy going back many years from when the former State Electricity Commission of Victoria (SEC) used asbestos in the power stations.

In trailing how we deal with the critical health needs of a community that was exposed to that process, it must be noted that in the middle of the process the Victorian Managed Insurance Authority took responsibility for these things when the SEC was privatised by the previous Kennett government. As part of that, the VMIA took responsibility for the claims of people suffering from asbestosis and various diseases while they were working for the SEC.

Understandably this was an area of considerable contention in the Latrobe Valley, because people's livelihoods were affected and they were seeking redress for it and also seeking a direct link from their condition to their former employer, the SEC. As part of this there was considerable discussion in the Latrobe Valley, as obviously the community was looking for remedies for incredibly serious injuries and medical conditions.

As part of the community debate as to the forms of treatment, my predecessor, Lynne Kosky, established the lung function review, which was to try to get a sense of cause and effect, medical treatment and a whole range of criteria for the Latrobe Valley community.

The lung function review has given a preliminary report to government, and I and Mr Gavin Jennings as acting health minister went down to the Latrobe Valley to meet with a number of the stakeholders who had shown an interest for many years in this absolutely critical issue. We met with them and we listened to them. They had the draft report, and after listening to Professor Don Campbell and others who had been involved in it, they had an opportunity to give feedback on the draft report. We undertook to them that we would release the final report when we had the government's response to it.

Since then, the government has received the final report and has undertaken to release the report with the government's response to people in the Latrobe Valley who have shown an interest in this issue for many years. I do not intend to show discourtesy to those people in the Latrobe Valley to whom we have committed to release the report with the response by commenting on individual parts of the report until it is released in the community with the government's final response.

I can assure Mr Davis that this is an area on which the government has worked long and hard across a number of portfolios, as evidenced by the acting health minister and me going to the Latrobe Valley to talk to people affected. We realise this is an issue of incredible sensitivity to people in the Latrobe Valley because this community — as Mr Philip Davis and Mr Hall will well understand in their capacities as its parliamentary representatives — feels it has had its guts ripped out by previous governments due to the dismantling of the State Electricity Commission, high unemployment and other issues and the health legacy that resulted from it. So we are seriously looking at this report and we will respond in full with our replies to it. I certainly do not intend to reply to any individual parts before we release it in the Latrobe Valley community, as we have committed to doing.

Supplementary question

Hon. D. McL. DAVIS (East Yarra) — Is the minister aware of the ongoing costs of asbestos-related illness in the Latrobe Valley to the Victorian government. Is it a fact that more than an additional $500 million will be required over the next five years to support the necessary increased services?

Mr LENDERS (Minister for Finance) — I think I have already replied in relation to the areas of my ministerial responsibility which are receiving the lung function review. I find it quite extraordinary that Mr David Davis, as a member of the Liberal Party that showed no interest during seven years of government in dealing with these issues, now has suddenly an acute interest in this area. As I have said, we are responding to the lung function review as we in good faith indicated to the Latrobe Valley community we would do, and we will continue to treat that community with the respect that it has not received for a very long time. We will continue to work with the community on finding a solution to this issue.

It is extraordinary that the party that ripped the guts out of the Latrobe Valley, that privatised the SEC, took the money and ran, is now crying crocodile tears about what is a tragedy in that area that this government on a whole-of-government approach is starting to address.

Fuel: ethanol labelling

Ms MIKAKOS (Jika Jika) — I refer my question to the Minister for Consumer Affairs. I understand the minister has written to the commonwealth government in relation to ethanol labelling. Can the minister inform the house about the response he has received from the commonwealth to date on this issue?

Mr LENDERS (Minister for Finance) — I am both delighted and disappointed to receive this question from Ms Mikakos. In one sense I am always delighted to speak on ethanol in this place but I am disappointed that she feels the need to ask this question because it would not have needed to be asked if the commonwealth had listened and acted like this state government has done. Ms Mikakos, in the interests of her constituents, feels the need to ask this question, and this says something about the commonwealth government.

The commonwealth government does not act and does not listen. It is a government that dithers and cannot make up its mind. It is a government that does not draw on the experience of communities. It is a government that when faced with a problem sets up not one, not two, but three committees. It is a government that cannot respond to a simple letter trying to deal with an issue. The issue of ethanol is about more than just the Prime Minister's deals with his mates; it is about how we deal with the critical issues of fuels and alternate energy sources, and that is not my area. But it is also about how we deal with product safety in endeavouring to achieve those goals.

The commonwealth government is absolutely extraordinary. Since 1 May this great state of Victoria has had an ethanol labelling regime in place.

Hon. A. P. Olexander interjected.

Mr LENDERS — Mr Olexander says the federal government has acted. Yes, it has acted; it has set up one committee, two committees and more committees. The commonwealth ministers will not even talk to each other. Mr Anderson, Senator Kemp, Parliamentary Secretary Campbell, the lot of them — I would not want them organising anything I depended on because they just cannot get their act together. I do not know whether it is because they are incapable, because they are Liberals first, rather than Australians or Victorians, or whether it is that they are just incompetent. The state of Victoria has had an ethanol labelling regime in place since 1 May.

Hon. A. P. Olexander interjected.

The PRESIDENT — Order! Mr Olexander is not answering the question. I ask him to desist and allow the minister to continue his answer.

Mr LENDERS — I corresponded with both commonwealth ministers. I have raised this with Parliamentary Secretary Campbell at a ministerial council. The commonwealth will not even extend to the state of Victoria and Victorian consumers and businesses the courtesy of even looking at how labels have worked in Victoria. It has a secretive process where it presumably has a cosy little relationship with a few mates. It will not even look at what has been on Victorian petrol bowsers now since 1 May. It will not even go to the only two places in this country that have tried ethanol labelling — Victoria and Far North Queensland.

The commonwealth is setting up new review provisions under which it will not talk to the Victorian government. It will not seek the information we can make available. We have talked to consumers and businesses to find out how we can protect consumers with the lowest possible cost to business. We have talked to all Victorian stakeholders. We have had it in the field for many months, and the commonwealth will not listen and it will not ask. We offer the information but it will not talk to us, whereas Victoria as a state listens and acts. We, as a state government, saw there was a problem with ethanol, saw there was a danger to some people regarding warranties and a range of other areas with their vehicles — the second most expensive thing a person spends money on in their life — and saw that they were in some jeopardy and danger. Major

organisations and major traders were there, but the commonwealth is not interested.

When the commonwealth government has a problem it is Sydney-centric. All it does is form another committee, and then another committee, and then another committee. It will not talk, it will not listen, it will not act and it is time it got on with the job like we have in this state — by listening, acting and looking after consumers.

Commonwealth Games: athletes village

Hon. G. K. RICH-PHILLIPS — My question is to the Minister for Commonwealth Games. I refer to the minister's public statements that the government took advice from P. J. Scott and Associates regarding the viability of cruise shipping as an alternative Commonwealth Games village. On what basis and by whom was P. J. Scott and Associates chosen to provide that advice?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the question because it is quite remarkable that the opposition would ever want to consider cruise liners or ships or any alternative to the Commonwealth Games village that is to be constructed for the Commonwealth Games. It is remarkable because it was the one that nominated the site in the first place. It is remarkable because while it nominated the site, there did not seem to be much done when we came to government in terms of background work on what was the best site.

We went through an open process, and asked those in the commercial world to offer up any other alternative and better sites. Whilst a number of sites were identified, at the end of the day the best value to government and the people of Victoria was the Parkville site.

Why is it the best site? Because at the end of the games we will have an incredible net benefit to the state in terms of a new suburb, but also an array of environmental benchmark initiatives delivered across the village. We will also have public housing initiatives that the previous Kennett government did not indicate as part of the Commonwealth Games bid, but we have been able to include those in terms of the Commonwealth Games village.

We have been pleased by the outcome that has been part of the process. We considered all options and came up with the best value for the state government and for all Victorians.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — It is not clear from the minister's answer, he having not addressed the question at all, what he can tell us about the mysterious P. J. Scott and Associates. The minister has written letters claiming it is a respectable shipping broker of international standing, yet no record of the firm exists with the Australian Securities and Investments Commission, or with Lloyds shipping directory, and it is not even listed in the *Yellow Pages*. Is it not a fact that the consultant P. J. Scott and Associates was invented in the minister's office?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am entertained by the question, but in June 2002 ship-brokers P. J. Scott and Associates quoted a cost of US $50 million, which is the equivalent of $80 million, for one month's lease of three ships, providing a total of 6049 berths on the *Golden Princess,* the *Marco Polo* and the *Millennium*.

These ships would have needed a further month in order for the necessary fit-out conversion to occur, thereby increasing the cost to the state even further. What that does not account for is the additional costs that would have been incurred to upgrade Station Pier to provide adequate water, sewerage, power and roadways.

Dementia Awareness Week

Ms ROMANES (Melbourne) — I refer my question to the Minister for Aged Care. Remembering that this week is Dementia Awareness Week, what is the state government doing to support people with dementia and their carers?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank the honourable member for her question and her ongoing concern for the wellbeing of older members of the community, particularly during Dementia Awareness Week, which is important in terms of raising the level of understanding in the community about dementia.

As I have indicated to the house previously, and I hope members recall, I referred in the last sitting period to a report that was prepared by Access Economics on behalf of Alzheimer's Australia which was titled *The Dementia Epidemic: Economic Impact and Positive Solutions for Australia*. It outlined that the dimensions of dementia are profound in many ways. There are 160 000 Australians currently suffering from dementia, with approximately 40 000 of these being in Victoria. Over the next 40 years we would anticipate that

somewhere in the order of half a million Australians will suffer a form of dementia.

Dementia is currently the second largest cause of disability within Australia, and in the next 15 years it will rise to be the largest cause of disability in our nation. The Access Economics reports indicate that the current cumulative cost in terms of service provision and the economic benefits that are lost to the nation because of the care that is required for dementia patients is currently in the order of $6.6 billion, but within that burden of responsibility that our nation faces to meet the challenge of dementia the report is optimistic and says we should provide greater support in terms of research capacity.

It also suggests we should apply the appropriate support in terms of respite care and carer responsibilities; it recognises the ongoing need for education and the ongoing support that we provide to those in our community who provide daily support and caring for older members of the community, including residential care.

As far back as 2000 the Bracks government recognised this need and announced an initiative called 'Dementia, Care and Support in Victoria — 2000 and Beyond'. That is the framework in which we operate our programs of support. They include $60 million that we provide for the ongoing care of mental health needs of older members of the community, with $9.8 million being currently spent on respite care for carers of people with dementia. We provide $2 million each year to the Alzheimer's Association of Victoria which is charged with the responsibility of doing great work such as its public engagement during this week's Dementia Awareness Week.

In recent times I have announced a number of initiatives that support the ongoing care and support for older members of the community with dementia. Indeed, $1 million was added to our recurrent expenditure for cognitive, dementia and memory services — known as CDAMs — which has now been increased to $3.5 million — a significant increase that I announced recently.

I also announced a $250 000 project operating through four locations across Victoria to provide care in hospitals and to add to our capacity to deal with these issues. This week, at the beginning of Dementia Awareness Week, I made an announcement of another $250 000, which will provide increased carer and respite care and a number of different services which will add to the capacity, the rigour and the resolve of family members to provide that degree of care for their loved ones who suffer dementia. It is important that we all recognise the substantive effort that carers make within our community.

This issue has been discussed in Parliament previously. The role of carers is a significant one in providing that ongoing care, and this week I am pleased to announce that additional $250 000 support from the Bracks government.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to a further 30 or so questions on notice: 174, 348, 550, 551, 554–60, 562, 582, 585–8, 590–601, 603, 656.

HEALTH LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 16 September; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Hon. D. McL. DAVIS (East Yarra) — I wish to continue the discussion on the Health Legislation (Amendment) Bill. In the interim period I have spoken with the Minister for Aged Care about some matters concerning this bill and have been given some assurances, about which we will talk further later.

I will continue from where I left off yesterday. At the time when the government gag came down at 10.00 p.m. I was discussing the Warracknabeal hospital, its future and concerns we have for that hospital.

I note that today's *Wimmera Mail-Times* contains a further development in that growing and gathering community campaign. I pay tribute to a number of people in the Warracknabeal community who are working so hard to save their local hospital. I know the government continues to refuse sensible discussions about the hospital, and I look forward to it being forced eventually to back down from its plan to close the obstetric and operating facilities at the Warracknabeal hospital and to introduce cooked chilled foods — TV dinners, as they are becoming widely known — and force closures and job losses in the kitchens at both Hopetoun and Warracknabeal.

I know there is concern at all three campuses of Rural Northwest Health, including the Beulah campus. There is developing concern at Hopetoun. People have contacted my office and the office of the Honourable David Koch about this matter. The telephone has run hot in his office with people expressing their concern about the future of Warracknabeal hospital in particular.

I pay tribute to the work he has done in drawing my attention to many of the issues surrounding these important hospitals in north-western Victoria. He has been on top of these issues and has been prepared to intervene strategically for his community's benefit. I know he will be working as hard as possible side by side with others in the community, including other local members and councillors, to ensure there is no prospect that the hospital will be downgraded, as the *Wimmera Mail-Times* described it the other day, to a shopfront.

I know other concerns have been expressed in rural and regional Victoria about health care. The waiting list situation is of great significance, and I shall make some comments about that. I mentioned the example of the Monash hospital earlier in my contribution, and I place on record the growth in the number of people on waiting lists for elective surgery in the semi-urgent category from 633 in March 1999 to 1285 in March 2003. The Bracks government's report card has seen an increase of 652 people on that list.

The number of people waiting on the lists longer than ideal at the Monash hospital is of real concern. The number of people waiting at that hospital in the emergency department in the March quarter of 1999 for longer than 12 hours was 415. That had grown to 604 in March 2003, a significant increase. The bypass rate has increased significantly.

That is also the case with other metropolitan hospitals. At the Northern Hospital the number of people waiting for semi-urgent elective surgery has increased from 462 in March 1999 to 964 in March 2003, an increase of 502. The number of people on the waiting lists for longer than ideal increased from 114 in March 1999 to 386 in March 2003, a massive increase of 272 people. The number of patients in the emergency department on a trolley for more than 12 hours has gone up from 37 to 293, a worrying increase.

At the Royal Melbourne Hospital similar increases have been recorded, with the waiting lists for elective surgery rising from 742 to 1005. The number of people waiting for more than 12 hours on a trolley has increased from 122 to 929, a massive increase of 807 people trying to get urgently needed treatment. The hospital bypass situation at the Royal Melbourne Hospital has deteriorated massively, from no occasion in the March quarter 1999 to 30 occasions in the March quarter 2003. That, in my view, is an indictment of the Bracks Labor government.

The Latrobe hospital has seen the number of people on the waiting lists for elective surgery increase from 46 in March 1999 to 164 in March 2003. The number of people in the emergency department for more than 12 hours has gone from 10 to 53, a massive increase. The number of people on the waiting list for urgent surgery has gone from 19 to 161.

At Sunshine Hospital in the western suburbs the number of people on the elective surgery waiting lists has gone from 57 to 197 in the period from March 1999 to March 2003. The number of people waiting in the emergency department has gone from zero in March 1999 to 35 in March 2003, a massive increase. The emergency bypass at that hospital has gone from zero to three.

At the Goulburn Valley hospital the number of people on the waiting list for semi-urgent elective surgery has gone from 96 in March 1999 to 267 in March 2003. The number of people on the waiting lists longer than ideal has gone from zero to 43, a massive increase.

At Frankston Hospital the number of people on the waiting lists for elective surgery has gone from 715 in March 1999 to 2015 in March 2003, a massive increase of 1300 people. The number of people on waiting lists for longer than ideal has gone from 125 to 1288 in the March quarter 2003. The number of people waiting in the emergency department on a trolley for longer than 12 hours has gone from 87 to 198, a real deterioration in performance at that hospital.

At Dandenong Hospital, also part of Southern Health, as I discussed earlier in my contribution, the number of people on waiting lists for elective surgery has gone from 173 to 1219, an increase of 1046 people in the period between March 1999 and March 2003. The number of people on waiting lists for longer than ideal has gone from 9 to 757 in that period, a staggering increase. The number of people waiting in the emergency department for longer than 12 hours on a trolley has gone from 199 to 325.

At Box Hill Hospital the number of people waiting for semi-urgent elective surgery in March 1999 has gone from 430 to 675 in March 2003. The number of people waiting longer than ideal in the semi-urgent category has gone from 23 to 97 in the period to March 2003. The number of people on trolleys in the emergency department at Box Hill Hospital has gone from 72 to

282 in the period to March 2003, a massive increase from 1999 to 2003.

Hon. C. A. Strong — A disgraceful increase.

Hon. D. McL. DAVIS — You are right, Mr Strong, it is a disgrace.

At Bendigo hospital in country Victoria, one of our major regional cities, the number of people on the waiting list for semi-urgent elective surgery has increased from 103 in March 1999 to 408 in March 2003, a staggering fourfold increase. The number of people on waiting lists for longer than ideal has gone from 7 to 215 in the March quarter of 2003. The number of patients in the emergency department on a trolley waiting for urgent attention for longer than 12 hours has gone from zero in March 1999 to 119 in March 2003, a staggering increase and an increase that is unacceptable by any measure.

At Barwon hospital there has been a significant increase in the number of people on the semi-urgent elective waiting list from 350 to 679, and the number of people waiting for emergency treatment for more than 12 hours in the emergency department has gone from 2 in March 1999 to 307 in March 2003.

At the Austin hospital there has been a massive deterioration in performance with an increase from 763 people — a significant number — in March 1999 to 1000 in the March quarter 2003. The number of people waiting in the hospital in the emergency department on a trolley for more than 12 hours has gone from 63 to 129, which is also a massive increase. The number on waiting lists for times longer than ideal — that is, in the semi-urgent category — has gone from 228 to 395 in March 2003.

At the Western Hospital a similar situation has occurred. The number of people on waiting lists for semi-urgent elective surgery has gone from 462 to 660 in the March quarter of 2003. The number of people on waiting lists for times longer than ideal — that is, semi-urgent cases — has gone from 121 in March 1999 to 312 in the most recent quarter. The number of people who waited in the emergency department on a trolley for more than 12 hours has gone from 181 to 193. These are all significant deteriorations in performance.

I will leave some material about Eastern Health that I know my colleague the Honourable Andrew Olexander will discuss, particularly about Maroondah Hospital and the William Angliss Hospital. I know he is very concerned about the performance of the health system in the eastern suburbs of Melbourne, and in particular that he is most concerned about the developing problems with respect to the need for services out there and the government's attempt to wind back services.

We know that the attempted deskilling of significant hospitals like the William Angliss Hospital is a concern. The government developed a plan, which was brought forward by Clearview Consulting, to close the cardiac unit at the William Angliss Hospital. I know that many of us were very concerned indeed about that move, which would have meant that people in the eastern suburbs of Melbourne had an enormous drive to get to secure and certain cardiac facilities in often the most dire and urgent of circumstances.

But it is not just in the city that these waiting lists have grown significantly. The number of people on semi-urgent waiting lists around the rural areas of Victoria has gone from 445 in March 1999 to 695 in March 2003. The number of people waiting to get into emergency departments in country Victoria has gone from 15 people in March 1999 to 492 in March 2003, which is a very significant and worrying increase.

As in so many aspects of these things, this government has not managed things well. It has not been able to look after the finances of the state properly or manage the huge budgets and the complex systems in our public hospitals both in the country and in the city. There are significant work force issues, and this bill will take some useful steps to improve some aspects of the work force issues concerned with nurses. I know Ms Darveniza will have something to say about that at a later point, and she will certainly support that move. As I have indicated, there is considerable value from the opposition's perspective in the moves in this bill to improve aspects of the rural and city work force in a number of key areas.

When it comes to health practitioners, general health services and the activities of many health professionals in a range of settings, both within hospitals and in other settings, the Bracks government has not got its settings right at all. In particular I want to draw attention to the Bracks government's decision to introduce a series of productivity cuts across non-government organisations, many of which have a significant role.

For example, there are the palliative care organisations where nurses, who are registered under the Nurses Act that is amended by this bill, can have a very significant role and may play an increasing role into the future. That may be done in a hospital setting, in a community setting or in a person's home. Many of the palliative care organisations are very concerned about the Bracks government's attempts to slice their budgets back through this series of productivity cuts. I have met with

a number of those organisations and the concern is profound.

The idea was that the Bracks government would offer them a three-year contract, and I know that both the opposition and eventually the government supported the concept of a three-year contract for non-government agencies in the human services area. I was proud to have served on the Public Accounts and Estimates Committee and at that time to have come to an all-party recommendation to introduce three-year funding agreements in the human services area.

I pay tribute to the work of others on that committee in developing those ideas and for listening as a committee and as parliamentarians to the input that had come from the community. I was proud to have been part of that committee, but what did surprise me was when the government finally agreed to accept the recommendations of the Public Accounts and Estimates Committee and introduce three-year funding contracts. I was very concerned to have a barrage of calls to my office from people and agencies that were very concerned about the impact of the cuts that were contained within those contracts.

What occurred is that on a take-it-or-leave-it basis the government said, 'You will sign this contract. It will give you a small escalation for inflation'. Clearly there are questions about that escalation factor for inflation. The Minister for Health in the other place is out berating the federal government and saying, 'You are not providing enough money because inflation in the health sector has gone up 8 or sometimes 10 per cent', depending on which occasion you hear it, but I certainly have noted the figures that she has used there.

Mr Gavin Jennings — She is right, isn't she?

Hon. D. McL. DAVIS — You may say she is right, Mr Jennings, but when it comes to what she offers the sector, she has offered a far lesser amount in fact.

Mr Gavin Jennings — That is right. That is what I am saying. If you are criticising us — —

Hon. D. McL. DAVIS — I am just saying there is an inconsistency in what the minister is saying. On the one hand she is saying, 'Take it or leave it at 2 to 3 per cent', while on the other hand she is out there saying, 'There is an 8 per cent increase in the inflation rate in the health sector'. There is clearly some tension between the two positions — she cannot have it both ways and still be consistent.

What I would say is that this will impact on a lot of non-government organisations, such as palliative care agencies in particular, and that they will find it very hard. A lot of these organisations run on very little padding; there is very little scope for moving there.

I have met with many of the drug and alcohol agencies around the state. They will be impacted upon by this bill because there will be some scope for nurse practitioners and others who may play a role within those to take a wider and greater role. I welcome that, but I make the point that it is not smart for the government to be slicing back the budgets of drug and alcohol support and rehabilitation agencies and at the same time saying, 'You will accept this money and you will do more with this so-called productivity aspect, but you will get no assistance'.

The reality is that this will cause fewer alcohol and drug-related cases to be treated. There will be more cases falling through the cracks, and many of those cases will appear in our acute system. They will appear in hospital emergency departments and in a whole range of other settings that will incur significant costs for the community. It is not as though the minister can avoid the costs to the community in this way, it is just much smarter in my view to act in a way that deals with prevention and rehabilitation rather than acute treatment, where that is possible. For that reason I think the minister's cuts to non-government agencies are not smart and are not well thought through in any respect.

I know many in the sector are quite concerned, and both the Victorian Council of Social Service and the Victorian Alcohol and Drug Association have spent time talking to me and others in the opposition making points about the impact this will have — and the impact will be the same for both country providers and larger city providers.

As we know, the government had a secret review, the KPMG review.

Hon. D. K. Drum interjected.

Hon. D. McL. DAVIS — The review said two things, as I understand it. I make that point, Mr Drum, because none of us has seen it, because it is a secret review that was done at cabinet level. It has not been released to the community, but it ought to have been released to the community if this is a government that is truly open, accountable and honest.

The review said two things — as I am informed; I put on the caveat that I have not seen the document, but I have had it reported to me by a number of people that the essence of the report is twofold. On one level it says that there is no scope for short-term productivity savings in non-government services in disability, drug

and alcohol and other areas. Nonetheless, the government has pushed forward with its cuts.

On the second level the report apparently says that in the long term there is scope for savings, but capital assistance will be required from the government to achieve the productivity outcomes the government believes can be achieved. That may well be so. It may well be a well-grounded review and one of sufficient competence and strength for the community to be able to rely on its findings, but we cannot assess that at the moment because the minister and the Premier will not release this document. I think most Victorians will find those sorts of cuts — cuts done without proper explanation — to be disgraceful and quite worrying.

There are other manifestations of the difficulties in our health system at the moment. A number of people have come to my office and explained the difficulties that are being encountered in getting good service and the sort of treatment and care that many people would expect. There is a greater scope for nurses with the amendments to the Nurses Act and the Drugs, Poisons and Controlled Substances Act in this bill, and those amendments may well assist with the management of the broader system, but there are certainly massive problems.

One example that came to my attention is a worrying and tragic event involving an emergency department issue. It occurred at the Royal Women's Hospital. The parents of the child involved have written to the health minister, and I have a copy of that letter. I can only say that this is a terrible story. The subject matter is the death of Ugar Arslangedikli, who was born on 27 August and died on 29 August at the Royal Women's Hospital. His parents tell a tragic story of his attendance the day after his birth at the hospital's emergency department, where they sought assistance. Unfortunately the care was not delivered in a way that most Victorians would expect, and without prejudging this case, which I understand the coroner will look at, I point out that one of the nurses in question has written a document which indicates very clearly that the patient was not assessed in the normal way.

This is a matter of great concern to our community. I have met the parents, and I was deeply upset by what they relayed to me. I do not know the full medical details of this case, and at the end of the day it will be a matter for the coroner to make a statement on, but I do know that the family is very upset. I was certainly greatly moved during my meeting with them.

In discussing this bill I also want to place on the record a number of other concerns I have with respect to the health system at the moment. I make the point that this bill touches on a number of legislative areas, including the Lord Mayor's Charitable Fund Act and others relating to health funding — indirectly perhaps, but nonetheless realistically. We know that in our health system at the moment significant budget deficits are likely to appear in most of our public hospitals and health networks. That is of great concern, because if these large networks and hospitals are not able to function properly and within their budgets it is clear that either the management is inadequate, the funding is inadequate, a mix of those two is inadequate or the oversight by the department and the minister is inadequate.

I know most Victorians would not believe it is satisfactory for networks to be turning in massive deficits. I am informed, for example, that significant money was pumped into the hospitals in the last week to 10 days of the financial year for the purpose of propping up the financial figures of the networks to make their books and annual reports look a bit brighter than they would otherwise have looked.

The amounts that I have heard of are extraordinary. In one case it was $10 million. In another case $18 million is widely said to have been pumped into a hospital on 30 June. If those stories are true, that is a disgrace in terms of the administration of our system. It ought not to be done that way, which is not to say that some networks do not need more money because some do; but they need the money throughout the year so that people coming into the emergency departments or having elective surgery are able to be treated appropriately right throughout the year, not just on the last day of the financial year.

It is not suitable to pump money in in that way; it needs to be put in as it is needed during the year. Managers need to be given clear budgets and clear targets, not arrangements where poor managers may be rewarded by having money pumped in at the end of the year. I know some of the hospitals I have visited that have been successful in keeping their budgets in surplus or close to surplus have railed against the fact that they see themselves as having been penalised because they are good managers. I think it sends a bad signal to the boards and the chief executive officers (CEOs) of our major and smaller facilities.

I also want to say something about the changes to the administration of hospitals through the Hospital Governance Reform Panel that the minister initiated — let us be frank — on the quiet. There has been no broad public consultation with respect to the panel, which will bring about a significant change to our system. I

understand that the final report is, if not with the minister, very close to being with the minister. I understand there are a number of recommendations that ought to have been debated more broadly in the community. I am pretty reliably informed that perhaps as few as 40 people may have made substantive submissions and most of those are CEOs or chairs of major networks and major hospitals. That in my view is not sufficient; that is not broad community consultation.

We need to look at a service like Geelong and Barwon Health. I do not believe the Geelong community would believe it is acceptable to change the governance of its hospital without the opportunity for that community to have some input. I do not believe the Geelong community would want to see control ripped back from the boards of Barwon Health and to see changes in the decision-making arrangements by Barwon Health without that community in Geelong having some input and having a chance to pass judgment on the matters that surround that change.

I call on the minister to pause in her attempt to change hospital governance and, in pausing, to open this up to broad community consultation. That is a much fairer way to undertake changes in this area. Of course it is always possible to introduce sensible and balanced changes to administrations, boards and governance arrangements, but there has been no broad consultation about the relationship between network governance, hospital governance and clinical governance. That seems to me to have been a significant omission. Clinicians across the state have not been involved, academics have not been involved and people who understand about insurance and major incidents and adverse events have not been involved.

We know in this state at the moment — I note the changes to some of the health acts are significant here — that there are far too many adverse and significant events. Sentinel events appear to be not as well understood as we would like, and the adverse events are certainly not catalogued and understood in the way that most Victorians — those who have an interest in this legitimately — but more importantly the broader community would believe is necessary. The government has to do better in this area.

I do not put at the foot of government all blame in this area. Obviously this is a very complex area that goes across many governments over a lengthy period and obviously there are changes in understanding how we can better deal with sentinel and adverse events that occur in our health system. Obviously the collection of data is a first step, and steps have been taken to collect better data and I welcome them. But the data is still hopelessly incomplete. Even on the most cursory examination — that article that Tom Noble wrote some weeks ago — there was clear confusion in the exact numbers of these adverse events, different authorities having different numbers and the basics that I would believe were necessary to any understanding.

I am sure Mr Viney would agree with me: I am not making this as an overly partisan point. I am saying that we do need to have a proper system. Obviously the coroner is playing an increasingly important role, and I welcome that, but if the community is to do better in this area we would want better data. I know when it comes to health registration all of that is important. I also know that when you look at the administration of large institutions, large hospitals and health networks and community health centres and so forth, there is every reason to believe there is a strong link between the governance of the organisation and clinical governance. Yet when it comes to the changes in hospital board governance that the minister is flirting with — and flirting with to the extent of legislation in this session — Mr Jennings, the minister, may wish to tell me that I am wrong on that but I am informed that there may well be legislation this session on those matters of governance. When the minister goes out and does a secret backdoor review of hospital governance — —

An Honourable Member — You said you were not being partisan!

Hon. D. McL. DAVIS — I am now when it comes to the way this government is going. I was not being partisan when I talked about the adverse and sentinel events and the fact that we needed to do better in that area, but I was being partisan when I said to Mr Viney that there is a link between governance and networks and clinical governance

Mr Gavin Jennings — Give us a signal so that we know!

Hon. D. McL. DAVIS — I do have some views about the way the minister has gone about this review of hospital governance, and I do not believe she has done it the right way. I do not believe clinicians have been involved in the way they should have been.

Mr Viney interjected.

Hon. D. McL. DAVIS — I was not in a position to have direct influence. We are very aware that this governance review will have major impacts. We know that along with that governance review a significant guideline has gone out to hospital boards in terms of reappointments, and along with but not exactly part of

that the guideline that has gone out has signalled clearly to boards and to CEOs that the minister does not want doctors on the boards. I know that rural doctors in particular are very concerned about this matter — —

Mr Viney interjected.

Hon. D. McL. DAVIS — I am telling you that is what they are saying, and that is what my impression of the guideline is when it is being read to me in clear words. What is required is a clear statement from the minister that doctors can go on boards. The minister needs to step back from that guideline and to think very carefully about how that guideline is implemented.

Mr Viney interjected.

Hon. D. McL. DAVIS — In small country towns the doctor is often one of the main sources of clinical knowledge in that town, and to pull that doctor off the hospital board is, frankly, nuts and misguided. Is that what the minister is intending to do through this guideline? Is that what she is intending to do through this reform process which initially is targeted at the major hospitals and the major networks in the metropolitan area and the major regional hospitals? If the longer term outcome is that she is going to change the governance of smaller hospitals as well in rural Victoria and strip away some of the clinicians on those boards, that would be a great concern to me and it would be a great concern to many others in country Victoria. But again the thing about this process is it has all been done in secret. it has all been done behind the door. No-one knows what is going on unless you are on some inside groove with one of the CEOs of the hospital networks or someone senior in the health department. You might have got a guernsey to make some input, but you just tell me: which municipal council in Victoria has been asked for its view on changes to hospital governance in its community? Which of the medical organisations, which of the nursing organisations, which of the allied health organisations?

An Honourable Member interjected

Hon. D. McL. DAVIS — This is a very serious point. Which of those organisations has been consulted about these changes to governance? The answer is none.

Hon. Kaye Darveniza interjected.

Hon. D. McL. DAVIS — You tell me, Ms Darveniza. I am very happy to see a list of who has been consulted on this. I have been reliably informed that it is a very short list. I do not believe there has been broad advertisement — I have seen nothing in the way of newspaper advertisements on this, for example — and the opportunity for people to have input. Where have those newspaper advertisements been placed? Where have those articles that allow people to be fully involved been placed?

Mr Viney — Send the minister a submission, David. Come on!

Hon. D. McL. DAVIS — I will tell you what I am doing, Mr Viney. I have written to many hospitals and organisations and asked for their views on this. I can tell you there is a flood of responses coming back with a whole range of views, many of which I am sure have not been heard by the minister or the panel that has undertaken this review.

Mr Gavin Jennings — Share them with us.

Hon. D. McL. DAVIS — The process will take a little time, but I may well share them with you, Mr Jennings. I would welcome the opportunity to do that.

Mr Viney — When are you going to release your policy?

Hon. D. McL. DAVIS — Yes, I will.

Mr Viney — When?

Hon. D. McL. DAVIS — When I have collated them. They have come in slowly; they are only just starting to return now.

Mr Viney — So are we going to wait a while?

Hon. D. McL. DAVIS — We have been collecting them for 10 days; they will take a little longer than that. But we certainly will release them, Mr Viney. I look forward to doing so, and I challenge the minister — and Mr Jennings might want to make some comment on this, considering that this act directly touches on the registration of health professionals and so forth — to make the commitment that she will release the submissions made to that inquiry.

Mr Gavin Jennings — Which one?

Hon. D. McL. DAVIS — The Victorian Public Hospital Governance Reform Panel. Give us a list of submissions and some copies of them. It would be very instructive to the community to see who submitted to that inquiry, who did not and what was the substance of their submissions.

Mr Gavin Jennings — That was your inquiry.

Hon. D. McL. DAVIS — No, it is your minister's inquiry, so we look forward to that.

In conclusion I make a number of brief comments. We are not opposing this bill. We welcome certain aspects of it, and I think a significant number of work force issues will be assisted by this. I have already made comments about that. One of the things which is most concerning is the serious decline in aspects of our health system under the current minister and government.

Mr Viney interjected.

Hon. D. McL. DAVIS — I look forward to seeing some reconsideration of some aspects of the government's programs — for example, as they touch non-government organisations with the productivity cuts that are currently slicing hard into them, forcing them to consider who they will have to lay off and what services they will have to cut due to this government's decision to introduce productivity cuts to these organisations. Be clear here, Mr Viney — the Kennett government did not support these cuts; we removed those sorts of productivity cuts from these sorts of organisations.

I also challenge the minister to release, for example, the KPMG review as it relates to these non-government organisations.

Hon. R. G. Mitchell — When is your policy expected?

Hon. D. McL. DAVIS — Our policy will come out in a steady way including — —

An Honourable Member — When?

Hon. D. McL. DAVIS — I will tell you what we would not do: we would not, for example, close the important birth unit at the Moorabbin hospital.

Mr Viney — It is not being closed.

Hon. D. McL. DAVIS — Yes, it is. It is having its services reduced significantly, and I think many Victorians will believe that is the wrong thing to do, Mr Viney.

But the central point I want to make is that the government has to manage better. It has to deal with the finances, and until it does that many of the welcome changes in this bill will be overwhelmed by the government's mismanagement of our health system.

Hon. D. K. DRUM (North Western) — I would like to take this opportunity to rise and talk on this bill and also to state from the outset that the National Party will not be opposing the bill.

Hon. Kaye Darveniza — Go the extra half a yard and support it.

Hon. D. K. DRUM — If only we had the courage.

The bill touches six different acts: the Drugs, Poisons and Controlled Substances Act 1981, the Nurses Act 1993, the Lord Mayor's Charitable Fund Act 1996, the Mental Health Act 1986, the Health Services Act 1988 and the Human Tissue Act 1982.

I would like to thank a colleague in the other place, Hugh Delahunty, who has done a lot of research on this bill and has helped me with the preparation for the bill coming through this place.

Clause 3, which deals with nurse practitioners, gives greater definition to their roles and duties. It talks about their roles and duties in distributing drugs and how they can be authorised or not authorised to distribute and prescribe certain drugs and poisons. We firmly concur that this is a good piece of legislation that simply gives greater definition to their roles and duties.

Clause 4, which deals with the Health Services Act, deals mainly with the term 'relevant person', giving greater definition to the people who are involved. It is simply an amendment of terminology and is really just a play on words. The words 'person to whom this section applies' will be substituted with the term 'relevant person'.

Proposed new section 141(2B) in clause 4 deals with privacy. It deals with the sharing of information from within the health sector. It talks about the collection of information and says that the people who collect the information are bound by the federal privacy legislation and that once you have collected that information, you are duty bound to make sure that that information stops with you. Not only is the inter-campus sharing of information covered by the provision but so too is a medical facility that may go outside its campus to share information with a legal firm or to get a legal opinion on where it stands on a particular issue.

I also share Mr David Davis's concerns about patient details being given to insurance companies. We may look for guarantees from the government that private patients are forced out of public hospitals, or vice versa. We think that if the sharing of information, according to the terminology used here, is in the interests of the patient, then we have no issue with that provision. It also allows hospitals to declare information about

patients to their lawyers, and we think this is a good step provided that this information stops with them.

Clause 5, which deals with certain rural matters, provides that the Numurkah and District Health Service will now be known simply as the Numurkah District Health Service. It has had two or three different names and has been able to use those names concurrently while it has been in operation.

With that lead-in to the rural sector I would also like to touch on the north-west health situation as did Mr David Davis earlier in his speech. We have been aware of the situation coming to the fore in the districts of Warracknabeal, Hopetoun and Beulah. Yesterday we received a petition of some 411 signatures from the area of Hopetoun from people who are up in arms about the potential closure of the kitchens at Hopetoun and Beulah and possibly even Warracknabeal.

Hon. B. W. Bishop — Only 635 people live in Hopetoun, so there's a lot more to come.

Hon. D. K. DRUM — I am glad you have mentioned that, Mr Bishop. The fact is that 411 people were able to sign this petition within 48 hours and apparently, as we speak now, more and more signatures are being gained to be added to another similar petition. We will be glad to bring that to the minister's attention.

I would like to congratulate the work of my colleague in the lower house, the member for Swan Hill, Peter Walsh, and my colleague in the upper house Barry Bishop who work this area particularly hard. The work they have done to build their relationships with the people involved in that health system and that health service in north-western Victoria is to be commended, as is the work that the member for Swan Hill, Peter Walsh, is doing at the moment with the minister in trying to get a true and just outcome for the present situation at Warracknabeal.

It seems that it certainly was on the cards that the entire kitchens of that region's health service would be forced to close down and go to what I think is called the cook-chill method that will be based completely in Ballarat. People who are aware of the size of the communities we are talking about would understand that something of this magnitude would have a definite and detrimental impact on the communities of Hopetoun, Beulah and Warracknabeal.

Late last week a press release was issued from North-West Health, and so far it has resulted in a fantastic outcome. We believe that up to $500 000 will be spent to upgrade the kitchen facilities at Warracknabeal and just as importantly, the produce — that is, all the fruit and meat — will be sourced locally which I hope will have far less effect on the communities in this region than would otherwise have been the case.

It has been mentioned that the kitchen was never going to leave the region. I place on the record that these kitchens were all but closed down until an employee who was about to lose her job blew the whistle and went to the media. With that, a whole chain reaction has started and it looks like now a disaster has been averted in the region. When the North-West Health Centre was under fire with a substantial deficit — in the vicinity of $3 million — a consultant and an administrator were put in place to look at the system and come up with a plan. Their instructions were quite clear: 'Go up there to the region and have a look around. Understand and take in the situation, including the debt. Talk to the people, come up with a plan and then take that plan back to the people'.

Hon. B. W. Bishop — They didn't.

Hon. D. K. DRUM — They did none of that. They simply decided to pick on a very small part of the problem, which was the cost of preparing food. They decided to close the catering process down and take it to Ballarat. We must understand what is happening in this case.

With all the talk and all the spin and whatever might have been said, we want to have it on the record as to what actually happened up there. There was no consultation and no plan was put in place with the overall aim of assessing the situation as a whole-of-health-service plan, which is what you would expect.

We often hear in this chamber about how Bracks listens and acts. Well, in this instance there has been a breakdown of the listening.

Mr Viney — He said that he was doing something about it.

Hon. D. K. DRUM — Okay. Clause 6 of the bill deals with the Human Tissue Act. We are talking now about tissue banks, an issue I was in the dark about until we were briefed by the department, and I would like to thank the people who came into Parliament and give us a briefing. Although it was a little bit late, we did appreciate the manner in which the briefing took place.

Tissue banks are on the increase and are a growing industry. They are moving into a situation where they are using experimental products such as blood plasma and other blood products that are classified as tissue.

This industry is growing, and we need to regulate this growth. We have created a situation where these tissue banks are now going to be able to recover costs, and the fees they charge will be just that: cost recovery only. The implication is that there will be no profit associated with the tissue banks.

Clause 8 deals with the Lord Mayor's Charitable Fund Act. It is the longest running charitable fund in Victoria, and subtle changes are being made to the tenure of the board. At the moment the board is in place for exactly one year. Under the new legislation the tenure of board members will be extended to two years. Again I highlight the fact that the honourable member for Lowan in the other place, Mr Hugh Delahunty, when researching this report found that whilst this is an improvement he felt very strongly that it could easily have been extended to a three-year term, giving the people on the board of the charitable fund the opportunity to develop some longer term policies and enable a little bit more stability to be put in place and greater succession consideration as the members come up for election.

Clause 10 deals with the Mental Health Act. As I have said in this place before, I must congratulate the Minister for Aged Care, who is in the house at present. He has shown a genuine interest in this issue, even though it is not his portfolio. The clause deals with the apprehension of mentally ill patients. Currently the situation is that should anybody be apprehended by the police for roaming the streets and causing concern to the public, they would have to be picked up and taken straight to a medical practitioner. The bill will broaden the scope a little bit, and these people will be able to be taken to a mental health practitioner. This is a commonsense approach, and the government should be congratulated on addressing the human side of this problem.

There are sometimes difficulties in areas as large as Bendigo, because we do not always have people available to deal with the problems. I know we are supposed to have people on stand-by who can take these people, but what is supposed to be the case and what is the situation are sometimes quite different. We must continue, when we get the opportunity in this chamber, to push for these serious issues to be addressed, because we do indeed have people with nowhere to go.

This clause in the bill highlights the plight of over 2000 people throughout Victoria who are now classified as urgent in relation to their special accommodation needs. We now have over 2000 people throughout Victoria who have gone past being classified as having low needs, gone past being classified as having high needs; they are now into the urgent needs classification. From personal experience I know there is a group of 54 people in the Grampians region who have been classified as having an urgent need for special accommodation. Their families have been told that they will have to wait a minimum of 10 years before they can have any additional accommodation set up to cater for their children. By the way, some of these children are now in their 50s, and their parents are becoming quite elderly. The only concern these parents have is what is going to happen to their children when they die.

As I said, they have gone past the low needs classification, gone past the high needs classification and are sitting in the urgent needs classification. The truth is that action is only happening once these people enter the crisis mode, and that situation is creating a terrible problem. I know that it is a complex problem and there is no simple solution, but it is an issue that needs to be addressed and needs to be continually highlighted. When you look at the seriousness of the problem and the individual cases that we are talking about — people with autism, for instance, a condition that a lot of people with mental issues have — you realise that if we can create a situation where they have familiarity around them, with people around them that they know and a regular routine that runs like clockwork, they will be able to live independent and fulfilling lives.

If you take people away from that environment and plonk them into a facility where they have no familiarity and a change in routine, we will end up with high-needs people who require a larger degree of help and assistance from the government and from the system, and that is something that we need to continually push.

It also highlights another situation which exists in my region, with drug addicts having nowhere to go should they require help late at night or at the weekend. There are the emergency departments, but we have heard about the waiting lists from Mr David Davis and do not want people turning up at an emergency department and expecting someone there to understand their situation and offer them meaningful and significant help. We need to spend more of our resources on making people available when the target group will be more likely to want to use such services.

The productivity dividends Mr David Davis spoke about certainly feed into the same situation. We all know that they equate to funding cuts for non-government organisations. I have had a bit to do

with St Luke's in Bendigo, which does a tremendous job. Its estimated reduction in funds is $500 000 over three years. I agree with Mr Davis that there is no fat left. I would be really interested to hear Mr Jennings and particularly Ms Darveniza, with her history of working in the health system, go on the record saying whether it is their opinion that places like St Luke's have enough fat and enough scope to cope with a $500 000 cut over three years. All we are looking for is an opinion from someone who has been in the system, because from my limited experience in talking to the people involved, it is very hard to see where those savings are going to come from.

We commend the government on clause 12 of the bill, which relates to the Nurses Act 1993. The clause deals with qualifications and will allow nurses who are studying to become division 1 nurses, once they reach a certain stage of their qualification, to work part time as division 2 nurses. We think that is a fantastic policy. We probably like it so much because it was first raised by the Vic Nats in its own health policy, and we commend the government for taking it on board. We see it as being a win-win situation all round. More nurses will be working in hospitals as division 2 nurses, thus alleviating the nurse shortage that is quite often spoken about.

We also see it as a situation where nurses can gain greater clinical experience working in a practical sense, so that on the way through to their full qualifications they will have had far greater experience working in the field, gaining first-hand knowledge. It seems to be a great situation, and it is a wonder the government did not accept our help earlier. It is commonsense that nurses will not now have to find waitressing jobs or work at McDonalds to earn extra money to get themselves through their nursing training. They will now be able to work as division 2 nurses on their way through to their chosen profession. The government is to be commended.

I do not wish to repeat the extreme list of damning statistics about waiting lists that was documented by Mr Davis, although I urge members, when reading those statistics, to remember their human side. We talk about people waiting longer than 12 hours to see an emergency doctor. We have people waiting on trolleys and waiting longer than the required time for non-urgent, semi-urgent or extremely urgent operations. We have a lot of statistics, but when we take our children to hospital and are forced to wait, it shows us the human side of the statistics. I urge all members in the chamber to understand that there is a very human side to every one of the statistics; people who are forced to wait for assistance for longer than we all believe to be the ideal time in a hospital.

I will conclude my contribution, and on behalf of the National Party I point out that we will not oppose the bill; in fact we congratulate the government on the majority of it. I again stress that I would like an opinion from the government in relation to things such as productivity dividends. Most other things have been well and truly covered.

Hon. KAYE DARVENIZA (Melbourne West) — May I say how pleased I am to have an opportunity to make a contribution to the debate on the Health Legislation (Amendment) Bill 2003. It always gives me pleasure to make a contribution on a bill that is not opposed by the opposition and where it can see the merits of the amendments the government is putting forward. The opposition never ceases to amaze me — in fact to astound me; I am often flabbergasted by it — when it comes to health.

Hon. D. McL. Davis — You are easily flabbergasted!

Hon. KAYE DARVENIZA — The gross hypocrisy of these guys! Mr David Davis is right, it flabbergasts me. He gets up on his feet and criticises the government. The Bracks government took office in 1999 and took over a health system that was in absolute disarray.

He has the audacity to talk to us about governance of networks and hospital boards. What lay in the wake of his party's term in government? Bankruptcy! The opposition, when in government, went through a whole process of rejigging and reconfiguring the health network.

As part of the process there were huge cuts to staff and to services. There was no consultation. Mr Davis criticises our government, which is happy and proud of its record of consulting with stakeholders about changes that we intend to make. There was no consultation when the guys opposite were in office, when they gutted our health system.

I know because I was there. I saw what that government did to our health services. I saw the nurses it sacked. I saw nurses it gave voluntary departure packages to. What did it leave? It left beds empty, services unable to operate, and nurses were not the only ones. I have a soft spot for nurses, having been one myself — I declare my interest — but it was not only nurses. Other health professionals were affected as well.

A whole range of health professionals — radiographers, pathologists, medical scientists, physiotherapists, dietitians — were affected. All these health care professionals who play such a vital role in our health care system were sacked. They were given termination separation packages if they would not take the voluntary departure packages. Yet Mr Davis has the audacity to talk to us about corporate governance issues to do with hospital boards, and the operation of our healthcare networks.

What state were our healthcare networks in? I refer to my electorate of Melbourne West and the western healthcare network. When we took office in 1999 the network was bankrupt. It had no assets left. It had been forced to sell off every asset it had. It had had huge cuts to its staff and to its services.

It was not just hospitals. I am not just talking about the number of people that waited on trolleys for long hours when the opposition was in government. I am talking about the critical community care services. I am talking about the sorts of services Mr Drum has been talking about in the area of mental health and disability. These were not safe from the Kennett government.

I know because I was there. I saw what that government did to disability services. I saw what it did across the board — physical, sensory, intellectual. It was cut, cut, cut and slash, slash, slash.

Alcohol and drug services were closed. The former government closed Pleasant View — one of the largest detoxification facilities for alcohol as well as for drug addicts and substance abusers generally. It was one of the few services with detoxification beds.

What happened to the Smith Street clinic? It undertook detoxification, and it was closed; not to mention other hospitals that were closed. So the hypocrisy never ceases to amaze me. I never cease to be gobsmacked and flabbergasted, and more.

I am particularly pleased with the clauses in the bill that deal with some of the changes to the Mental Health Act and to the Nurses Act. They have already been spoken about briefly by previous speakers, but I would like to put on the record these changes and the fact that I think they are very good changes.

One that Mr Drum, the previous speaker from the National Party, spoke about and one that I would wholeheartedly concur with, is clause 12, which changes the Nurses Act. I know that both clause 12 and clause 10 — which deals with people apprehended by the police and deemed to be a danger to themselves or to others — will be welcomed by the health industries and by health professionals and nurses in particular, as well as hospital administration and service providers more generally.

It is particularly good to see nurses who are doing degrees being able to get registration now once they have completed the part of their course which gives them the competency to work as division 2 nurses. They also have to complete a section that is specifically related to division 2 nurses — a module on the role of division 2 nurses.

I agree with Mr Drum that this will give students undertaking university courses — and they do clinical placements as part of that university course and as part of their training leading to registration — some hands-on experience and will enable them to develop some skills as well as rapport with the patients and clients they care for.

I believe this will be an invaluable experience for them. I also think it is particularly good that once the bill is passed, as outlined in clause 10 dealing with the Mental Health Act, after apprehending a person who is deemed to be a danger to themselves or somebody else, in the near future police officers will be able to take them for assessment to a range of health professionals and not just a medical practitioner.

Those people would make an assessment about whether or not that person needs involuntary treatment if they were not prepared to voluntarily take treatment. You would have to assume that, given that the police have apprehended the person, they are not very willing to accept voluntary treatment. This new provision in the act will allow for mental health practitioners who are division 1 or division 3 registered nurses, psychologists who are registered under the Psychologists Registration Act, social workers as well as occupational therapists who are employed by an approved mental health service in the provision of mental health services to make a determination regarding that particular individual.

I take up the point that Mr Drum raised about availability. It is envisaged that the crisis assessment and treatment teams (CAT teams) would ordinarily be the people whom the police would go to for the health assessment. CAT teams exist right across the state and of course if a CAT team is not available, certainly medical practitioners would be on call for the police to confer with.

In my experience, having worked in the mental health area for many years, the police never have any trouble

tracking down a health professional to deal with somebody who they deem to be psychiatrically ill.

There are a couple of other things I shall deal with quickly, because the bill amends a number of acts that Mr Drum has gone through in his contribution. The bill refers to the Drugs, Poisons and Controlled Substances Act and brings it into line with the Nurses Act, which provides for the role of health practitioners. Those health practitioners are nurses who have qualifications that allow and authorise them to prescribe particular medications.

The Nurses Board of Victoria has a function where under certain circumstances it may be necessary to restrict in some way a nurse's authority to dispense that kind of medication. From time to time there are limitations or restrictions on the practice of nurse practitioners. The bill will ensure that that authorisation or restriction also applies to the Drugs, Poisons and Controlled Substances Act. That will be welcomed by stakeholders, nurses and the Nurses Board of Victoria.

The bill has gone through extensive consultation with stakeholders. Again you can see that the government has been prepared to listen to ideas and ways of improving our health system and services provided by health professionals and service providers. We have taken on board many of the suggestions that have been put to the government by those stakeholders following an exhaustive consultative process.

The bill also deals with information and disclosure under the Health Services Act. It sets out that information must generally be kept confidential if a patient could be identified from that information, and that is subject to a list of exemptions. Where a patient consents to disclosure the amendment will allow the disclosure of a patient's information when necessary to hospitals or mental health services, to legal advisers or to insurers. Statutory powers already allow for that information to be disclosed. It also clarifies consent to include both expressed and implied consent. The bill will assist both health and mental health service providers in carrying out their responsibilities as well as applying the law. The bill is explicit in that it only covers disclosure to third parties and not disclosure to other staff in the same facility. It is important that staff in a particular hospital have pertinent information relating to the patient they are looking after.

The bill deals with, among others, the Health Services Act, the Human Tissue Act and the Lord Mayor's Charitable Fund Act. It is good legislation and deserves support of all members in the house. I commend the bill to the house.

Hon. R. DALLA-RIVA (East Yarra) — I am happy to talk on the bill as we enter this next sitting of Parliament. I do not support the Health Legislation (Amendment) Bill, but I do not oppose it. I thank the Honourable David Davis and the Honourable Damian Drum for their contributions regarding the logical outcome to the health system and the rationale behind the bill. They also spoke about the current state of the health system, but what they did not rely on was the notion of spin-doctoring that we continually get from the government.

Ms Darveniza said that she was flabbergasted and gobsmacked. The community outside of this castle would have words other than flabbergasted and gobsmacked about how they see the health system. The health system in this state has gone from operating effectively to operating atrociously. What we rely on is evidence. Clearly the government has failed to understand the evidence. In 1999 the government said a number of things about the health system, one being that it was in dire straits.

I turn to the facts, not spin, rhetoric, being gobsmacked or flabbergasted, but the truth. Figures provided by the Department of Human Services in its quarterly *Hospital Services Report* show that at the Box Hill Hospital the number of people on waiting lists for elective surgery in March 1999 was 430 and in March 2003 it was 675. That is an absolute disgrace! I recall a certain shadow health minister at the time talking about people on hospital trolleys waiting more than 12 hours. The rhetoric from the new government was that it would attend to the problem and come up with a solution.

I shall look at the facts, not the rhetoric, concerning patients in hospital on trolleys waiting more than 12 hours at the Box Hill Hospital. In March 1999, when the government was in opposition talking about spin, rhetoric and what it would do to fix the problem, the figure was 72, but four years later in March 2003, when it was in government and telling us how great the system was, there were 282. An absolute disgrace! I am flabbergasted and gobsmacked, and the Victorian community can only take so much spin and rhetoric before reality of delivery of outcomes comes home to roost.

The government can put as much spin on it as it likes, but the opposition does not oppose the bill. It is important to clarify what Ms Darveniza said. There are fundamental changes in an omnibus bill, which always concerns me, because when a bill makes significant amendments and changes or impacts across a variety of acts it is important to put on record that as legislators

we should always be cautious to ensure that we do not have an open book support program.

So if there is some rationale — government members may have heard of that word 'rationale'; if not, they can look it up in the dictionary because it is a word that is quite often used — it is about outcomes and outputs. It is about delivery of service. It is about providing a service to the community for every dollar we receive, unlike the government, which spends every dollar it receives on advertising to tell everyone how great it is. It is more about spin!

This bill is very important. I hope that with the millions of dollars the government spends each week on spin and rhetoric, it might be able to explain to the Victorian community how great it is doing with the health system. I am sure that as we come closer to the next election the government will be telling everyone how great it is, but I can tell you that on this side of house we will be telling everyone exactly how bad it is — if not how bad it already is.

Hon. R. G. Mitchell interjected.

Hon. R. DALLA-RIVA — One of the things you find very difficult, Mr Mitchell, is the truth. Often the truth hurts and the fact that you cannot get through the spin makes it very difficult.

It is important to put on the record that some of the amendments to the Health Services Act, which have an impact on the Health Records Act, could in some way be used by a government in providing and getting information. The opposition sees that as potentially inappropriate down the track, so there are some concerns we need to put on the record about those issues. I certainly see that the amendment to the Drugs, Poisons and Controlled Substances Act 1981 has certain impacts on the Nurses Board of Victoria.

Mr Gavin Jennings — What is the rationale for saying that?

Hon. R. DALLA-RIVA — As I explained to the government members, they need to look the word up because it obviously does not fit within the spin that this government continually puts out. Government members do not understand about rationale. They are on about spin and rhetoric. They get flabbergasted and gobsmacked about something that happened four years ago.

Mr Gavin Jennings interjected.

Hon. R. DALLA-RIVA — We are now in 2003! Has there been an improvement in the health system, Mr Jennings? Of course there has not been — in fact it is a lot worse.

And so back to the rationale. Thank you for raising it and the government should continue doing so because clearly there is no rationale on the other side. You would have to say government members are almost irrational. But thank you very much, Mr Jennings, for bringing that to my attention.

The other thing that I would like to refer to is the Lord Mayor's Charitable Fund Act. This has not been spoken about much, but it is important in relation to the hypocrisy of this government. Clause 9 of the explanatory memorandum states that the government is intending to have the fund's board elected every alternate year. It states:

> This will ensure that sufficient continuity of board membership is maintained to assist in the management of the fund.

That is fair enough, because every time you have an election you would like there to be some remaining board members to review and keep an overlay of security. We had the opportunity in the upper house to do that, but, no, it was wiped out. That again shows the hypocrisy of this government.

What happened? This piece of legislation actually talks about ensuring continuity of management. The upper house is meant to be the house of review and to be the protector of all Victorians. But what has the government done? It has caused it to be re-elected every four years en masse, without any continuity and without any of the checks and balances. Again it goes to the rhetoric and spin doctoring of this government, and the way this government delivers any outcomes. It shows the hypocrisy of this government.

Hon. A. P. Olexander — The utter hypocrisy!

Hon. R. DALLA-RIVA — 'Utter'? I thought he said 'art of hypocrisy'. I read through that and I have to say I was flabbergasted and gobsmacked. I put that on the record because it shows the hypocrisy of this government, because it does these things for the Lord Mayor's Charitable Fund, which is a great fund and we should support it. But I do not know why we do not do it for the whole of Victoria. I guess that is for the voters to decide in the future. We look forward to that election when we can actually demonstrate the hypocrisy of this government, and the spin, the rhetoric, the expense and large amounts of money wasted on telling everyone how great it is.

This omnibus bill is important. I want to say one final thing about the Mental Health Act. Again I am relying on Ms Darveniza, but she is walking out of the chamber.

Honourable members interjecting.

Mr Viney — Cheap shot.

Hon. R. DALLA-RIVA — It was not a cheap shot. I was going to explain that it is good to use the experience of members in the chamber and one thing we have on this side is depth of experience. We draw on that depth of experience in debates, unlike the government members on the other side who have limited experience other than being professional politicians.

Clause 10 is important. It concerns the apprehension of mentally ill persons. The Honourable Kaye Darveniza has had experience of this with nurses, and I draw experience from law enforcement agencies dealing with the apprehension of mentally ill persons. Of all the amendments within this omnibus bill, I think it is important to put on record my whole support for clause 10.

Mr Viney interjected.

Hon. R. DALLA-RIVA — I will vote strongly for clause 10 because it allows police to deal with those who are mentally ill more quickly and in a more compassionate way. Of all the clauses in the bill, this is an important legislative change and I support that wholeheartedly. It will mean a more compassionate and effective delivery to those who are mentally ill within our community, and that needs to be commended.

Thank you very much, Acting President, for the opportunity to speak on this bill. In summary, it is good to know that the Health Legislation (Amendment) Bill has given us the opportunity to talk about the Victorian health system. It was important for me to put on record the fact that it is in crisis, despite the government's rhetoric and spin. The realities are that the Bracks Labor government cannot manage money. It is in a situation where it is now pulling back, taking cuts and causing cuts within hospitals, and that is neither beneficial for Victoria nor for our future. I do not oppose this bill.

Hon. S. M. NGUYEN (Melbourne West) — I am very disappointed with the contributions to the debate from members on the other side. They have said nothing about the bill. They have totally attacked the government's health policy. They are wrong to criticise us and say we are not doing a good job. They are trying to mislead the public. The government has done a very good job. We are improving a lot of things for health services — things that the Bracks government was elected in 1999 to do. It is about four years since the victory of the Bracks government, and opposition members have to learn the lesson of why they lost again in last November's election. But still they say that the government is not doing a good job.

The opposition has tried to mislead on a lot of things. The government has started improving the health system in Victoria, and it continues to do that. We have produced this bill to improve the standard of our health system in Victoria. The Health Legislation (Amendment) Bill 2003 improves and amends six acts related to health matters. They are the Drugs, Poisons and Controlled Substances Act 1981, the Nurses Act 1993, the Lord Mayor's Charitable Fund Act 1996, the Mental Health Act 1986, the Health Services Act and the Human Tissue Act 1982. We should be debating the amendments to those, whether the opposition agrees or not. I have not heard the opposition say anything about those amendments to be made by the bill — all it does is take the opportunity to attack Labor Party policy.

If the opposition compares the government's policy with its policy, it will see that the health system in Victoria is improving a lot. The opposition talks about emergency services and people waiting on trolleys. For God's sake, they have to know that a lot of people cannot afford to go to a GP because they have to pay the money up front. Many people have to go to the hospital instead of going to their family or local doctors. They cannot afford to see them because they have to pay an up-front fee, so many people have to go to the hospital. That is why the doctors in hospitals are busy — they have to serve these patients. People go to emergency services to see doctors and nurses. People have said to me, 'I do not want to see my doctor again because I cannot afford it'. That is why they go to hospitals to see doctors. The federal government is passing the problem on to the state services.

Hon. D. K. Drum interjected.

Hon. S. M. NGUYEN — It is true. If you speak to elderly people or to mothers with children who cannot afford to pay, you will see the difference. They go to the doctors in the hospitals — that is the problem. The federal government is pushing people into using the state services, but the state government has to carry the burden and the waiting lists are getting longer. When you go to emergency services you see that people have to wait for a long time because the doctors are busy doing other things — that is the problem.

Opposition members should go back to their electorates and speak to the patients or people who need doctors because they will tell them how happy they are at the moment. But they forgot to mention that, and Mr David Davis does not understand that problem. All he did was attack the waiting lists and the people waiting to see doctors in hospitals.

This bill aims to improve the health services. Clause 3 amends the Drugs, Poisons and Controlled Substances Act 1981 by allowing nurses who are qualified for advance practice to use the title 'nurse practitioner', and with additional training they may prescribe certain drugs and poisons. This will help nurses to perform their jobs more easily. A lot of things have to be changed to ensure that everything to do with drugs is under control. The nurses should receive more training so they can perform their jobs easier.

Clauses 4 and 11 amend the Health Services Act 1988 and the Mental Health Act 1986. These clauses amend section 141 of the Health Services Act and section 120A of the Mental Health Act to clarify their operations. The amendments will, firstly, allow the disclosure of patient information, where necessary, to a hospital or a mental health service's legal advisers and insurers. Such disclosures are currently made pursuant to another statutory power. Secondly, they clarify that 'consent' includes both express and implied consent. This will assist hospital and mental health services in applying the law. Thirdly, they clarify section 141 of the Health Services Act to make it explicit that it only covers disclosures to third parties and not disclosures to other staff of the same hospital. This is important for this sector to be able to deal with people in the mental health services.

I feel able to express an opinion because I serve on the Drugs and Crime Prevention Committee. A few years ago committee members visited many places. We looked at the provision of services for people with mental problems. Under clause 10 of the Mental Act 1986 the police have power to send a person to a medical practitioner for an opinion. If the person has a problem with their mental health, the police have the power to send the person to a medical practitioner or another health professional to get their opinion before any further action is taken.

In our society today there are a lot of people with mental health problems, and sometimes they do illegal and other wrong things, but they are not aware of the things they do. The community has to make sure that the people can get treatment, that the police have the power to send them to get treatment and seek the opinions of medical practitioners and other health professionals so the police can form opinions about the cases.

It is good to see that we as a society care about people with mental health problems and that we do not make tough decisions without understanding their mental health. These clauses are important to allow people with mental health problems to get better treatment and enable them to be sent to their families or guardians to be looked after when they do something wrong. We are avoiding giving heavy treatment.

The bill also amends the Lord Mayor's Charitable Fund Act 1996. That fund is very important for Melbourne, because we want to show to the people, show to the community and especially show to the patients that we are a caring community. We try to invite the community and business people to a boardroom function so people can buy tickets and donate the money, and the funds can be distributed to different organisations to do with the hospital or with health-related things.

The last matter is clause 12. This will allow the Nurses Board of Victoria to assist nursing students who have completed part of a Bachelor of Nursing degree. It will allow a student studying to become a division 1 nurse to work in nursing services as a division 2 nurse while studying.

That is important to give our nursing students an opportunity to get into the work force when they have finished their training. It also gives them some hope that there is a future in the health sector. We are trying to encourage more people to study nursing because we need more nurses now and in the future, and we would like younger students to see that there is a career, a future, and that they can be well trained and that there are professional jobs in the health area.

In conclusion, the Bracks government has tried to provide first-class services for the Victorian health system. We understand the problems of the health sector, and we have covered many issues, from the training of student nurses to the mental health sector, to drugs, poisons and controlled substances. We have covered almost everything. I hope the opposition has learnt something about what we are providing to the community.

The opposition takes the opportunity to attack government policy, but it does so without any substance. I listened to the last two speakers, and I hope they will tell the truth about the services of our Victorian government to their federal health minister, and I hope they tell their federal colleagues that they

have not done enough work to help save the health system in Victoria. I commend the bill before the house.

Hon. ANDREA COOTE (Monash) — I have pleasure in speaking on this bill and in agreeing that the Liberal Party does not oppose it. The main purpose of the bill is to make miscellaneous amendments to the Drugs, Poisons and Controlled Substances Act 1981, the Health Services Act 1988, the Human Tissue Act 1982, the Lord Mayor's Charitable Fund Act 1996, the Mental Health Act 1986 and the Nurses Act 1993.

I have to say I would like to put on the record the excellent contributions made by my colleagues the Honourables David Davis and Richard Dalla-Riva and to reiterate what they were saying about the current disastrous situation in our health system in Victoria. It was interesting to hear David Davis itemise so many of the problems and concerns that we have and to hear Richard Dalla-Riva so aptly say that it is all spin. We remember when John Thwaites was the shadow minister he was almost chasing those ambulances to see where they were going. He was scrabbling after them, he had his photograph — he of course was very keen to do so — in every paper, but we have not seen his comments on trolleys or anything like that, and he has some significant hospitals in his electorate.

It is about time the Minister for Health in another place accepted responsibility. We have had four years of this government sitting here, blaming the Kennett government and the federal government. In the contributions we have heard here today it is still blaming the federal government. The minister has been blaming everybody but herself. She should have a good look at herself, and we are starting to see the figures increasingly come out to prove exactly how hopeless she is. She does not have a grasp on the whole process, and the health system in this state is declining before our very eyes.

Very shortly we will start to see people coming out in great numbers saying how disastrous this is and how very difficult it is. But the minister has to start taking some sort of responsibility and having a look at just what it is she is presiding over. She is very keen to blame everybody else. It is her responsibility and her responsibility only, and it is about time she had a close look at it.

I would like to talk about the Alfred hospital and statistics. I recall when the former Minister for Health, Mr Thwaites, was the shadow minister he used to be at the Alfred just about all the time. He came out with how bad it was and talked about the trolleys and how difficult it was et cetera. The Alfred hospital is also in my electorate, and I have some statistics here from the quarterly report of the Department of Human Services. I will read these statistics out in a moment, but I would like to remind the house that when we talk about statistics, although it is numbers on a page we are actually dealing with people who are waiting for these services. They are not just waiting; they are anxious and distressed and so are their families. Indeed, each statistic represents a family that is under severe pressure, and it is not good enough for the people of Victoria to be let down so dramatically.

I refer to the Department of Human Resources quarterly *Hospital Services Report* of March this year. The Alfred hospital has people on waiting lists for elective surgery. In March 1999 under the Kennett government there were 802 such people. In March 2003 there were 939, an increase of 137 people. That is 137 people who were waiting to have elective surgery on hips, for example, people in pain and concerned. This is the Alfred hospital, and it is not good enough.

It gets worse. People whose cases are semi-urgent and are on waiting lists for longer than ideal: in March 1999, 370; in March 2003, 497 — an increase of 123. This statistic is absolutely unacceptable: how many patients stay in hospital emergency departments for longer than 12 hours? Let us cast our minds back to the human element in this to see the people who have gone into the emergency department. I do not know if anybody in this chamber has sat in an emergency department, but I suggest they go and have a good look. I commend the nurses and the doctors of the Alfred hospital, who do the most extraordinary job under very difficult circumstances. I have sat there and watched exactly what they do.

When you look at these statistics and see that in March 1999 we had 69 people who waited for longer than 12 hours — this is the time when John Thwaites was out there saying how dreadful it was — you might ask where he is today when for the quarter to March 2003 we had 415 people, an increase of 346 people, waiting for longer than 12 hours in the emergency centre. It is absolutely outrageous; it is a scandal!

As I say, these are people who are under stress, their families are under stress, they need to be dealt with, and they would not have gone to the emergency department unless they were in need of some significant support and help.

If you go to the emergency department you will see a whole range of people, from people with gashed heads, to drug overdoses, psychotic episodes and on it goes.

Emergency departments do a remarkable job, but under this sort of stress and pressure, with 415 people waiting longer than 12 hours, pressure is being put on clients, their families and indeed on the nurses and doctors who are trying to deal with them.

The number of people waiting on urgent elective surgery lists has gone up by 23 in that same period between March 1999 and March 2003. This is a litany of failure from this government 'that is so good on the spin', to use Richard Dalla-Riva's words. We have heard its spin; this is the reality. It is getting worse by the quarter. The people of Victoria are suffering and the people in my electorate and at the Alfred hospital are suffering unnecessary stress and pain. It is just not good enough.

Going back to this omnibus bill and having a look at some of the aspects of it, clause 3 talks about amending the Drugs, Poisons and Controlled Substances Act of 1981, which enables the Nurses Board of Australia to limit or impose conditions on a nurse to obtain or possess certain schedule 2,3,4 and 8 poisons. This will allow flexibility to discipline nurses, to enable them to continue working as nurses while preventing access to these poisons.

I thought it was worth putting onto the record what the poisons listed under schedule 2,3,4 and 8 are. Schedule 8 poisons include morphine, codeine phosphate, Endone, Proladone, pethidine, Ritalin, Fortral, Rohypnol and Hypnodorm. Schedule 4 poisons are all other prescription-only medicines. Schedule 3 poisons are medicines including antihistamines and O-agonist sprays. They are included in schedules 2, 3, 4 and 8.

The peak organisation for the health sector — the Victorian Association of Health and Extended Care (VAHEC) — supports extending the scope of practice of division 2 nurses to enable them to administer medication, and encourages the government to finalise and implement the appropriate legislation to allow this to happen as soon as possible. The government has the opportunity in this clause, but I do not think it will have met the VAHEC requirements. I think VAHEC will be disappointed to see that its request has not been addressed at this time.

Clause 5 deals with the change of name of the Numurkah and District Health Service to the Numurkah District Health Service. I visited Numurkah, and it was very encouraging to see that the state government has given funding for an upgrade. Numurkah is only one of the aged care facilities that has some funding. Ten rural nursing homes got only $25.5 million in the 2003–04 budget papers, but $70 million was promised for their upgrades.

The 10 includes one at Yarrawonga, which is the city right next door to Numurkah, and I went to visit that nursing home as well. It runs an excellent service and has some dedicated staff. They do an extremely good job under very difficult conditions. As I said, I then went to Numurkah and saw that it did get some funding.

In a very big failure of the Bracks government other nursing homes have missed out on promised funding. It has failed the people of rural areas in aged care and has seriously failed the people of Yarrawonga Nursing Home; Seymour Nursing Home; Mornington Hospital; Mount Alexander Hospital, Castlemaine — and I have visited there too, and it provides an excellent service, once again under great difficulty — the JR and AE Nursing Home, Warracknabeal; Beaufort and Skipton Nursing Home; Seymour District Nursing Hospital; and the Seymour Cundy Nursing Home in Portland.

One of the biggest funding disappointments in the budget — and I am very pleased the Minister for Aged Care is here to hear this — was the Grace McKellar Centre. The $50 million that was promised to complete stage 2 of the upgrade was not delivered. It is not even on the never-never list; it is nowhere to be found. The people of Geelong have some significant issues here.

Mr Gavin Jennings — The people at Barwon Health are not worried.

Hon. ANDREA COOTE — We know very well that the whole of the population of the Bellarine Peninsula, and indeed Geelong, is ageing at a rapid rate. It is going to need first-rate facilities. The government made promises it has not kept. It has not kept promises to any of these 10 rural nursing homes — not any of them. However, it is true to form with this government — the spin sounds good but the reality is very light on. Of that $70 million that was promised to upgrade those 10 rural nursing homes, only $25.5 million is listed. The rest of them did not even rate.

What is the Minister for Aged Care going to say to the people in these hospitals? What is he going to say to people in Yarrawonga Nursing Home? What is he going to say to the Grace McKellar Centre? Will he say, 'I promise: look for it in next year's budget.'? Maybe, maybe not. Once again, there is the whole range of spin and the people of rural Victoria are missing out dramatically.

Clause 12 changes the Nurses Act 1993. The amendment will allow a nurse to be registered as a division 2 nurse by the Nurses Board if that person is deemed to have achieved the competencies required. Nurses completing division 1 training will, when meeting examination and other competencies, be allowed to practice as division 2 nurses. This may assist with nursing work force issues. Having travelled in the winter break right across this state, from Mildura to Morwell, I have had a look at a number of nursing homes, and the ability for division 2 nurses to work in aged care homes will be extremely helpful and is welcome.

It is important that we have flexibility in the work force; it is very important that we increase the number of nursing staff and make everything available to encourage nursing staff, particularly in geriatric nursing.

It is very important, as I think we all acknowledge, to note that the population of Victoria is ageing rapidly. The minister spoke today about dementia, and dementia itself is very intensive as far as nursing is concerned. It is extremely important that we get good numbers of competent and capable nurses. Indeed, it is quite welcome that division 2 nurses can now be classified, having completed a single part of the division 1 training, and so we do not oppose this bill. We certainly need more nurses throughout the state. The situation in hospitals and the views of the Minister for Health are absolutely outrageous. The people of Victoria are suffering and the next quarter is going to be even more disastrous. I charge all members to make certain, particularly with the Alfred hospital in the next quarter, that those statistics look better than they do now. It is absolutely outrageous.

Mr VINEY (Chelsea) — I made a decision last night to participate in this debate after listening to the initial part of the contribution of the Honourable David Davis. On re-reading *Hansard* today I see that he used his prerogative as lead speaker for the opposition to launch a wide-ranging attack on this government and its record of health service delivery. I have to say that I have sat in this chamber and listened to the entire debate because I have a passionate interest in health services.

That theme was continued by Mr Drum and Mr Dalla-Riva. It has just been continued by Mrs Coote. It is extraordinary to sit in this chamber and to know that they will be talking history lessons again, but we will also deal with what is happening today. I find it extraordinary that members on the other side, who sat mute like a bunch of jellybacks when the Kennett government ripped into the health system and had nothing to say about the devastation that was being wreaked on our health service, now come into the chamber and try to suggest that somehow they are the representatives of the health system.

It was they who cut the 2000 nurses out of the health system and closed 12 Victorian hospitals. It was that side that ripped into our health service and dealt with the governance of the hospitals — and Mr Davis brought this matter up — by creating massive bureaucracies to run health services, which had no relationship at all to local community interests. It is this government that has undertaken the reform of our health system to put community interest back into the governance of our hospitals. It is this government that has put 4000 nurses into the system and spent billions of dollars. It is this government that has put in additional beds. I recall very well, in 1998 and 1999, when I was running a campaign called 'More beds for Frankston Hospital' that it was members of the then Kennett government who attacked me for talking down the hospital. They pretended there were plenty of beds at Frankston Hospital and went on to tell the people that there were plenty of beds there, but they did not tell them the truth. What they did not tell the people of Frankston or Victoria was the fact that the Peninsula Health board had made a submission to the government for more beds. They did not tell us about that. They said there were plenty of beds there.

I was very proud to be a parliamentary secretary and part of the government that delivered those additional beds in a 100-bed redevelopment and invested over $20 million in that hospital. It was the people on the other side who covered up what they were really doing to the health system. Under them we saw waiting lists blow out by 22 per cent and ambulance bypasses increase by 359 per cent. For Mr Davis to get up here and talk about what has been happening in our health system in Victoria under this government reminds me of the firebug who calls 000 and says 'Quick, there's a fire!'. That is what happened. They were the ones who were fire-bugging our hospital system. They were the ones who were ripping into it.

Let us put some of the history aside for a minute and talk about the untenable position members of the opposition are adopting today. On the one hand they want to tell us how bad the health system is but on the other hand they sit mute while John Howard cuts into our hospital system by $350 million in the Australian health care agreement. What sort of untenable position are those opposite adopting here? They are not prepared to stand up for Victoria and what Victoria needs. They

are Liberals first and Victorians second. That is what they are. They run out the John Howard line.

I have to say that the contribution by Mr Nguyen got right to the nub of the problem. We are experiencing massive growth of 6 per cent to 8 per cent per year in our emergency departments in Victoria. Let us have a look at what might be behind that. It is the ripping into our Medicare system being conducted by John Howard. It is dishonesty on behalf of the Howard government, pretending that it is somewhere out there defending Medicare. We well remember many years ago the Fraser government saying it was going to defend Medicare, then Medibank, and it ripped the heart out of it and destroyed it. We are seeing exactly the same process by the Howard government now, because it is the same philosophy. As Mr Nguyen said, one of the clear things that happens as a result of the destruction of our Medicare system is that increasing numbers of people who cannot access bulk-billing are coming to our emergency departments.

So instead of standing in this chamber crying crocodile tears about how stressed our hospital system is, perhaps the opposition might like to be honest and suggest to the Howard government that it properly funds our public hospital system, as has been traditionally done by federal governments for many years.

What we have seen is a ripping into hospital funding by the Howard government where instead of dollar for dollar, we now get 78 cents in commonwealth funding for every dollar of state funding for our public hospital system. That difference of 22 cents per dollar represents $350 million. Mr David Davis cried crocodile tears about country hospitals and started to give us a range of examples, but where does he stand on federal minister Tony Abbott's proposal that nurses in country hospitals should be paid less than nurses in metropolitan hospitals? Where does the opposition stand on that? They are mute on that. They want to try and pretend that there is some crisis in country hospitals caused by this government but they are not prepared to stand up for nurses and to say that nurses working in country hospitals deserve a fair and reasonable rate of pay equivalent to nurses in metropolitan hospitals.

It is quite interesting because the opposition cannot quite get consistency in its argument. On the one hand we are hearing all about the crisis in the country hospital systems, but I have here a quote from the member for South-West Coast in the other place, Dr Napthine, on the ABC *Online* program in which he says that in country areas you do not have to line up to join a golf club and so on, and he says that there are great health facilities there. Hear, hear, Dr Napthine! I agree, there are great health facilities in the country and there is a simple reason why — because the change of government in 1999 delivered substantial improvements to country hospitals, with massive investments in their capital infrastructure. We have seen improvements in the number of nurses, and we have seen improvements in the nurse-patient ratios.

We have seen significant benefits that were recognised by the people of country Victoria in the last election and which in part delivered a majority to the Bracks government in this very chamber. We have seen new members come into this chamber who represent country areas that Labor has not represented before. Country people recognise the great benefits that this government has put into our health system.

We heard Mrs Coote's comments on nursing homes, talking about the terrible things that are happening in them. But we did not hear her once in her contribution talk about where the real problem is in nursing homes, and we know where the real problem is. The real problem is due to the fact that Victoria is 4500 nursing home beds short because the Howard government will not fund them — it will not deliver them.

Hon. Andrea Coote interjected.

Mr VINEY — I can tell you that even on the Frankston and Mornington Peninsula there are 500 beds short. What is the consequence of this? The consequence is that 621 patients are inappropriately located in acute beds in our hospitals instead of getting the proper care that they deserve at a time of rehabilitation or in their last months of life. Instead of getting proper care in a nursing home they are in acute beds in the hospital system. The reason for that is because the Howard government has again failed to deliver proper services for nursing homes in Victoria.

Hon. D. McL. Davis interjected.

Mr VINEY — Mr Davis brought up the issue of maternity beds in Moorabbin. I checked on this situation. I am not the parliamentary secretary in this term of government, so I was not completely familiar with the information, but I did check on what is happening there. In fact there is no closure of beds; there is a transfer of the birthing services to Monash, to Dandenong and the new facility in Casey. This transfer of those beds is supported by the obstetricians in the region because of the declining demand in that particular area.

Then I wondered about what is happening at this site. In fact the government is investing $19 million in a cancer centre in Moorabbin to address the growing need in that

region and a further $3 million on a waiting list centre to be developed to help continue the program of reducing waiting lists for elective surgery in Victoria.

So it was an extraordinarily misleading representation from someone who is again demonstrating his continued capacity to be the firebug that rings 000 and says, 'We have a fire, we have a problem, we have a crisis'. The people on the other side sat mute as a bunch of jellybacks whilst the Kennett government ripped the heart out of our system. I found it extraordinary that in a debate in this chamber about a number of fairly technical and routine amendments to legislation, some of which are important in areas such as mental health and improving legislation in relation to nurses and updating legislation where there are changes as there are in the Human Tissue Act, opposition members would use the opportunity to launch an extraordinary attack on this government without any reflection on their own responsibilities and participation in the destruction and cutting of our health services.

It was an extraordinary attempt last night and here today. Mr Dalla-Riva talked about spin, but the opposition's launch of an attack on this government for none other than political purposes was the most extraordinary example of spin that I have seen in this chamber on an omnibus bill that deals with some important but routine changes.

It is this government that has reduced ambulance bypasses by 80.8 per cent. It has reduced 12-hour bed waiting lists significantly. It has cut waiting lists such that they are 6.6 per cent below where they were when we came into government, and as of March there are now 6237 fewer people on waiting lists than there were two and a half years ago.

It is the investment this government has made into our health system that is delivering for Victoria. I am sure the people of Victoria will not forget the complicit nature of the people opposite and what they did under the Kennett government and what they are continuing to do with their silence on the Howard government's appalling destruction of Medicare and failure to fund public hospitals properly.

Hon. J. A. VOGELS (Western) — Mr Viney said he had heard nothing from other speakers about what was in the bill, then he spent 12 minutes doing exactly what he claimed everybody else had done! So I might as well join in the fray. I am speaking for rural Victoria, and once again this information is taken out of the quarterly hospital services report. It gives the true picture of the government record on rural health.

Like everybody else, rural Victoria has people on waiting lists. In 1999 there were 445 people, and in March 2003 the figure was 695 people — an increase of 56 per cent. In terms of people on waiting lists for elective surgery, in 1999 the figure was 1269, and in March 2003 the figure was 1998 — an increase of 57 per cent.

This next statistic gobsmacks even me. For patients who stay in each hospital emergency department for longer than 12 hours the figure for March 1999 was 15 and in March 2003, 492 — an increase of 3180 per cent.

I will concentrate on how this bill relates to the Drugs, Poisons and Controlled Substances Act 1981. The amendment will enable the Nurses Board of Victoria to limit or impose conditions on a nurse to obtain or possess certain schedule 2, 3, 4 and 8 poisons.

However, it does not address the most important problem facing many of our aged care facilitators — that is, the inability of division 2 nurses to administer medication to aged care residents. That is the main concern of the aged care facilitators. Both state and federal governments are working hard to keep people in the home longer, and that has been fairly successful. When people are kept at home or with their children they have access to Webster packs and can administer drugs or whatever is needed for their elderly or aged and frail relatives.

In aged care facilities it is very difficult to find division 1 nurses because they have gone where they should be — into acute care. It amazes me that division 2 nurses are not allowed to distribute drugs out of the Webster packs. That is how I understand it. If the minister can enlighten me when he sums up, I would appreciate it, because it would appear that that is the biggest problem for our aged care facilities, especially out there in rural Victoria.

I have visited a number of facilities in the past and operators are concerned about meeting their quality assurance obligations in two or three years because what they are doing is basically breaking the law. The division 2 nurses have to administer drugs out of Webster packs even though it is not allowed.

I believe there are some good amendments in the bill, but what most of our aged care facilitators are looking for, especially in rural Victoria, is the ability to have the division 2 nurses administer the drugs that are needed. That has not been addressed in the bill.

There has been talk about hospitals closing and this is Dementia Awareness Week. I read an article in a

Geelong newspaper, *The Echo*, which is headed 'Aged care lodge for sale'. The article states that dementia unit residents will be relocated out of Sims Lodge, which is based at Point Lonsdale. They are very upset about that. A dedicated dementia unit at Point Lonsdale is being closed down and sold off, no doubt because it is sitting on a beautiful spot overlooking the ocean. The money from the sale will probably go back into consolidated revenue. The article states:

> Recent Australian Bureau of Statistics figures highlighted St Leonards, Portarlington and Indented Head as having among the highest aged population in the state, at three times the national average.

So why on earth would you sell a dedicated dementia unit in that region and shift patients? I believe they are going to share a facility in Portarlington. The last thing one should do is put dementia patients in with other aged care patients. In my experience dementia patients cause a lot of stress for nursing staff and probably other patients. That is not their fault; it is just the way it is. It is difficult if you have them all in one facility. Having a dedicated facility at Point Lonsdale would have been the ideal system. However, it is being closed down and sold off.

I conclude by reading a letter I received from the then Minister for Housing and Minister for Aged Care, Bronwyn Pike, in 2001. I wrote to her on behalf of one of the hostels in my area which was having a problem with division 2 nurses not being able to administer medicine. She said:

> The government is committed to fostering and strengthening the work force in health and aged care services.

I applaud that stand. I think that is excellent. She also said she was:

> … keen that measures for expanding the scope of practice for division 2 nurses are implemented as soon as possible.

I was hoping that would include these nurses being able to administer drugs in aged care facilities. However, there has been some progress.

I support the bill. However, it does not address the major concerns of some our aged care facilities.

Hon. D. KOCH (Western) — Quite obviously we have a very broad bill before us in relation to health legislation. It touches on many areas of our health system, as we are all aware. It is important to realise the purpose of the bill — that is, that it is intended to make miscellaneous amendments to or impact on the Drugs, Poisons and Controlled Substances Act 1981; the Nurses Act 1993; the Health Services Act 1988; the Health Records Act 2001; the Human Tissue Act 1982; the Mental Health Act 1986; and the Lord Mayor's Charitable Fund Act 1986.

Some of the proposed amendments have already been addressed, but the others that need addressing include the amendment to the Health Services Act 1988. This clarifies the confidentiality clause of the act, permitting the exchange of patient details between the staff of the same health service. It prohibits the exchange of patient details to a third party.

This amendment clarifies that it is acceptable and practical for staff of the same health service to exchange patient information such as billing details when an emergency patient has stabilised and is now under general care.

The Human Tissue Act 1982 is amended to allow tissue banks to recover reasonable costs. This will not allow them to make a profit. However, the administrative costs related to the operation of a tissue bank will be recoverable.

The Lord Mayor's Charitable Fund Act 1986 is amended to provide for the Lord Mayor's Charitable Fund to elect half of its board one year and the other half the next. The aim of the amendment is to provide greater continuity across each year. As we are probably all aware, that board position currently only remains in place for one year.

The Mental Health Act 1986 will be amended to allow police officers to take a person for assessment by a crisis assessment and treatment team, better known as CATs, instead of the current requirement for assessment by a medical practitioner. The CAT team will then, if required, be able to recommend admission to a hospital and transportation.

It is important for the house to note that with all these variations we recognise that we have a health service that is in crisis in many areas. I recognise many of the concerns that stretch across regional Victoria and reflect heavily on the communities I represent in this place — it does not matter whether it is a large provincial service, the likes of Barwon Health, or whether it is a smaller regional service as in Rural North West Health. From the point of view of larger service providers like Barwon Health there is great angst in the communities and in the management of the service providers regarding the funds promised for redevelopment that regrettably evaporate before they land.

There are concerns in relation to the new accident and emergency department at the Geelong hospital campus, and Barwon Health is not far short of being in crisis under its current framework. The further redevelopment

of the Geelong hospital offered viability, but the $20 million envisaged for that redevelopment regrettably has been put on the backburner and is not forthcoming.

We see a similar situation in Geelong with the proposed upgrade of the aged care facility at the Grace McKellar property. As we are all aware, Grace McKellar does a magnificent job in support of aged care services in the Geelong region. The promised development of stage 1 to the tune of $50 million that is dearly looked upon regrettably has not been delivered to this date. Grace McKellar is in a position where if some of these redevelopments do not take place in the near future there will be a crisis in aged care accommodation and assistance in the Geelong region.

We also have concerns not only in regional Victoria but statewide about waiting lists. As we appreciate, the Bracks government now has seen waiting lists blow out further than was ever anticipated, especially in emergency departments, with people sitting for longer than 12 hours on trolleys waiting for beds.

Waiting lists statewide have moved dramatically away from where we would like to have seen them. I can cite a couple of examples, particularly in Barwon. In March 1999 there were 350 people waiting for elective surgery, but regrettably four years later in March 2003 the waiting list has expanded to 679, an increase of 329 from the figure of 350 four years earlier. That is in excess of a 90 per cent increase.

The Bendigo hospital has a worse situation. In March 1999 it had 103 people waiting for elective surgery. By March 2003 that figure had increased to 400 people, an increase of 305. In West Gippsland in March 1999 there were 30 people on the waiting list, but there are now 166, 136 more in that four-year period — some 400 per cent.

In relation to patients' stay in each hospital emergency department for longer than the 12-hour period, in Barwon in March 1999 under the previous government that had been brought down to only 2; today that has gone to 307, an increase none of us would ever have imagined over that four-year period. In Bendigo, where there was absolutely nobody waiting longer than the 12 hours, four years later the figure is 119.

There are big concerns in relation to health service provision, especially in our provincial cities. Mr Viney cast us back, but I am an immediate past board member of Western District Health Services. I came into that position due to lack of funding in the Cain and Kirner years. The hospital was brought to its knees and had to be redeveloped in the mid-1990s with a great injection from the Kennett government. That hospital has soldiered on and offered a marvellous service back to members of the community, who in the late 1980s and early 1990s had wandered to other service providers. After getting back on its feet, in the last 12 months it has found itself in the position of gaining only a 0.3 of 1 per cent increase in its operating budget in an environment that was not even keeping pace with the consumer price index. I have grave concerns, as does the management, about the outcome for that hospital. In the last six years it has travelled with an operating surplus, but regrettably, like many others, it will possibly see an operating deficit this year.

Rural North West Health centred in Warracknabeal, which has three campuses — at Warracknabeal, Hopetoun and Beulah — has gone back into the administration of a sole director. The board retired earlier this year and to the best of my knowledge the hospital has a current deficit of about $2.88 million. That is a modest amount on a state global basis. That strong community in regional Victoria which services a wide area of population now finds itself with an operating theatre that has been temporarily closed and with the obstetric services that were previously offered having at this stage temporarily ceased, and that community is very concerned about where its health service provision is going.

As recently as last Friday the kitchen at Hopetoun was closed down at the cost of eight full-time positions, which has created much angst in the Hopetoun community. It has also been touted that $500 000 will be made available to upgrade the kitchen at Warracknabeal to offer meals to the other campuses. Those communities are concerned about where their service provision will come from in the near to far future.

In the last fortnight the shadow minister, the Honourable David Davis, and I have travelled through many areas in western Victoria, and we looked at the situation in Warracknabeal. We had a look at service delivery in the areas of drug dependency and rehabilitation across the Wimmera. There is further angst where 1.5 per cent has been removed from budgets across the board as so-called productivity cuts.

This is giving further angst to the providers of those services, which I might add are usually done by non-government agencies and private industry. With growing needs and less operating grants these service providers find themselves in great difficulty. I do not wish to be painting a bleak picture across regional Victoria, but from a health service provision and

financing point of view there are certainly some grave concerns. Regrettably I think we will see deficits like we have not seen for quite some time in the health sector.

The other issue I would like to touch on before sitting down relates to the provision of public dentistry. Our public dental waiting lists have blown out beyond what we would ever have believed possible. This directly relates to underfunding by the Bracks government. In the Barwon region, and I will have a look at my own home area of Hamilton, we see that general waiting times now have gone in the last six months from 37 months out to 44 months. In relation to dentures, we see that the movement has bettered itself, which is absolutely fantastic, from 42 months down to 32. But if we go down to Portland we can see a complete reversal from the general waiting time for general dentistry. It has gone from 43 months to 51. This is in excess of four years and there is an expectation that people in that community will wait for public dentistry! In relation to dentures at Portland, it has gone in a similar fashion — that is, from 42 to 50 months.

The opposition can appreciate what is taking place and the concerns right across regional Victoria with the underfunding of not only health services but certainly dental services. This in itself is giving major concern, and I implore the minister not only to come out and visit regional Victoria and see what the impacts are, but to have a serious look at some of the operating budgets and costs of these services to our communities and grow them to a more realistic figure in order that some of these waiting lists can be curtailed.

Hon. A. P. OLEXANDER (Silvan) — I rise to make a contribution to the Health Legislation (Amendment) Bill debate. In doing so I want to restrict my comments to probably not all of the six acts of Parliament that this bill amends, but just some of them. As my honourable friend Mr Koch already has outlined, the six specific acts this bill deals with are the Drugs, Poisons and Controlled Substances Act, the Nurses Act, the Lord Mayor's Charitable Fund Act, the Mental Health Act, the Health Services Act, and the Human Tissue Act. As I said, in my contribution I am going to limit my points on the specifics of the bill to just a couple of these which are of particular concern to me.

Firstly, I would like to discuss the implications that the amendments have for the Drugs, Poisons and Controlled Substances Act. The last time this act was amended was in 2000, when the Nurses Act and the Drugs, Poisons and Controlled Substances Act saw the introduction of a new category of the nurse practitioner or the nurse practitioner role. This saw the empowerment by the act of the Nurses Board of Victoria, the responsible body in Victoria, to appropriately qualify nurse practitioners. It was an expansion of the role that enabled this category of nurse to prescribe some particular drugs and poisons or substances listed on the drugs and poisons schedule.

The bill before us today sees the inclusion of a new subsection in that act. I will restrict myself to commenting on it — that is, section 14(3). The condition imposed through this amendment is going to give additional power again to the nurses board to ensure further public protection through the restriction on a nurse where the board wishes to stop that nurse or estop that nurse from having the authority to prescribe certain drugs. Now there is going to be a restrictive power conferred on to the board and it will be able to exercise that power as a result of these amendments today. The nurses' authority pursuant to the Drugs, Poisons and Controlled Substances Act will automatically restrict the nurse to the same extent, and the intention here is simply to bring Victoria into line with other jurisdictions in the area of prescribing rights. Opposition members do not oppose this move. We think it is a very sensible thing to be getting into national alignment with other states.

Also I want to talk about regulations regarding privacy. These are in conjunction with other laws and regulations regarding the upholding of a patient's privacy and affect hospital/client or doctor/client privacy issues which relate to national privacy principles. These were promulgated by the Howard federal government and upgraded in 2001. The bill before this house is designed to clarify a number of points that may be contentious regarding a client's or patient's privacy rights.

Again, this is a sensible thing to be doing in a bill such as this. A hospital has to be able to fulfil its statutory obligations while at the same time providing the best possible care and level of information to the patient. This bill sets out guidelines for appropriate decisions that should take place with a client's or patient's family and hospital staff. It outlines the information that should be provided to the Red Cross for the purpose of tracking back the recipients of infected blood should that be the case. It also outlines the rules for a patient or client consenting to a staff member providing information about them to another person or agency. These are very sensible provisions, and they have become standards that we operate by in a whole range of sectors, the privacy of clients and patients and their rights to choose being paramount.

The initial part of this bill also deals with the provision of information about a client or a patient in the instance that a health service provider may wish to initiate or defend legal proceedings. They might want to obtain legal advice or notify their insurers about a particular circumstance or accident that has taken place in the course of their duties.

On the point of insurers, I have to express my disappointment at the ineptitude of the Bracks government in this area. Its members have displayed an enormous amount of ineptitude in dealing with the whole issue of public liability in its current form. I note that there have been positive moves at the federal level to address this very vexing problem, not only for the health sector but for every other area of the community sector in particular.

In my comments this afternoon I would also like to look at a couple of the issues related to the Lord Mayor's Charitable Fund Act, which is another that is to be amended under this bill. This is a great institution. It has been serving sick and disadvantaged people across the Melbourne metropolitan area for almost 80 years. The fund annually appropriates public donations to over 150 hospitals as well as other organisations that aid community health and welfare across Melbourne. The organisation's slogan is appropriate and accurate: Sharing your Caring.

Keeping up to date with and developing for the better the government's arrangements with the various Melbourne charities is a vital role that needs to be played, and certainly in this time of financial stricture and mismanagement by this government it must be a welcome respite to some of the recurrent funding challenges which are facing the Bracks government. This proposed bill amends the Lord Mayor's Charitable Fund Act with regard to the members of the governance board of that charity and to their terms and time periods of office.

At the moment board members serve for 12 months with the option to stand for re-election. Under the proposals before us today the term will increase to two years, and this will allow half the board to retire annually.

Hon. B. N. Atkinson interjected.

Hon. A. P. OLEXANDER — I am absolutely shocked to see that my honourable friend, Mr Atkinson, has been elevated to the position of a government minister!

The process of staggering board elections is also initiated in this bill. The government believes, and the opposition tends to agree with it, that this will help bring more diversity and experience to the board. On the point of the government's interest in the board and its operation, it is a sensible move. We see a lot of examples of boards and their governance in the public sector which we wish the Bracks government would pay just as much attention to, because it seems not to do the same in a range of other areas where there are serious governance issues.

The proposed amendments in the Health Legislation (Amendment) Bill, which I have addressed, work well to update and develop the current arrangements. They bring us into line with other jurisdictions, and they are generally sensible. I do, however, want to follow the lead of virtually every other speaker in this debate and talk a little bit about the predicament of the Victorian health system.

Members opposite — possibly with the exception of Mr Atkinson who is not in his place! — are living in a world of delusion if they think all is well in 'health land Victoria', because that is not so. The health care system here in this state is definitely in crisis, and anybody who seeks to tell the community that it is not is either in denial or is exercising a piece of deceptive political spin. It is a very sad fact that our current government is having enormous difficulty managing its finances and money, and this is having an impact on our large public hospitals.

That is why there are now so many hospitals and networks experiencing massive budget deficits and blow-outs. They are coming to light every day, and the government is aware of these blow-outs and deficits, but it is not prepared to tell the community about them. The government is aware of them and is now going around engaging the services of consultants to make cuts to our health system by stealth. There are numerous examples which have been outlined extremely well by my colleagues on this side of the house. There are also examples in the Eastern Health Care Network which I will outline for the house.

I think it is time the Premier and the Minister for Health in the other place, Mrs Pike, started to accept responsibility for the parlous financial condition of the sector and its poor performance. I do not think it is good enough for the health minister to blame everybody else for the deterioration of the health system in Victoria. When she is asked — by the community, the media, the opposition or anybody else — to talk about why certain problems exist in her system, she usually blames the federal government. She blames the Prime Minister or anybody at the federal level she possibly can — it has a broken record effect,

and she does it ad nauseam but she will not accept responsibility for her own governance of the system in Victoria.

But she gets a little bit creative every now and again and varies the script, changes the broken record and blames the previous government. If it is not the federal government's fault, it is the evil, nasty Kennett government's fault! Sometimes she trots the Kennett government excuses out.

The minister has also been known to get the excuse machine wrong. I can recall an instance when the minister blamed bad weather for poor hospital figures. She seemed to ignore the salient fact that we have bad weather in Victoria every year! We had bad weather under the Cain and Kirner governments, we had bad weather under the Hamer government, we had bad weather under the Bolte government — —

An honourable member interjected.

Hon. A. P. OLEXANDER — Probably in winter, and winter happens every year! This is the thing the minister seems to ignore. She says, 'We are going to blame it on bad weather, but we are not going to say that that bad weather benchmark has been with us for a very long time'. Every government has had bad weather, but she has blamed bad weather, too. What she will not do is take a look in the mirror or have a look at the endemic planning and funding difficulties that the Bracks government has brought to the system.

To add insult to injury, the government for the first time will impose on the small non-government organisations which provide various health-related services what it calls a 1.5 per cent productivity cut each year for three years — that is, a cut of 1.5 per cent in year 1, and a cut of 1.5 per cent in year 2 and in year 3. These cuts are having an enormous impact on people who are providing services to the community through government funds in the palliative care area, in drug and alcohol agencies, in disability services and the like.

This government is the first government in Victoria's history to impose this productivity requirement, which is actually a cut in funding by stealth. It is a cut over a three-year period of 4.5 per cent for most organisations, resulting in their need to slash staff, cut services and withdraw from certain sectors of the community where they had been providing a good service. At the end of the day, this cut has been imposed by stealth and the Victorian community will suffer.

Those sorts of issues, including financial mismanagement by this government, will become more starkly clear to the community as time goes by, because people will believe in the spin and the lies for only a certain period of time, and they will eventually see the reality of the system falling apart.

The reality is that this government is no different from any of its Labor predecessors. It cannot manage money. This government is mucking up the finances, and as a result it cannot deliver adequate services for Victorians, despite the spin.

Hon. C. A. STRONG (Higinbotham) — I rise to speak on the Health Legislation (Amendment) Bill. As other speakers have said, this bill amends various parts of the health system — and goodness knows, it needs amendment because it is a mess on every count! Our current health system is a disaster. One of the things which must haunt the government is that the benchmark for an effective health system, whether it be an ambulance bypass or the waiting lists, is the 1999 figures of the Kennett government.

I want to focus more particularly on my local area of Higinbotham Province where the main health provider is Southern Health. The main provider in Southern Health's network is the Monash Medical Centre. So how is that going? How has that tracked over the last three or four years of the disastrous stewardship of the Labor government? I will tell the house.

If we look at the latest figures, it is going broke. In 2000–01 it had a deficit — —

An honourable member interjected.

Hon. C. A. STRONG — Well, you listen to the figures! It had a deficit of something like three quarters of a million dollars. The following year, 2001–02, that deficit had gone to $10 million. The current year, 2002–03, on which it is about to report, looks to have a deficit of something like $20 million. No wonder they are under stress! No wonder Monash is having to make cuts to essential services. It is having to do that to balance the books!

With all this, how is it tracking? What are the major outcomes? How is Monash performing? The budget is clearly a disaster, but how is it performing? Let us look at the figures. If we look at people on waiting lists for semi-urgent elective surgery we find that in March 1996, which is the benchmark year, the waiting list was something like 633. It has gone up, would members believe, since March 1999 by 200 per cent.

The number of people waiting on lists for longer than ideal periods and in the semi-urgent category has gone up, would you believe — wait for it; guess; is it 10 per

cent per cent or 50 per cent? No, it has gone up by 300 per cent!

Look at how many patients in each hospital emergency department wait for longer than 12 hours — guess at the rate by which it has gone up. Would it be 10 per cent? Would you expect with all the wonderful things we hear Labor has done for the health service that it would have gone down? How much would you think it had gone down — 10 per cent, 5 per cent? No, it has gone up by 50 per cent! How often do hospital emergency departments go into bypass? That has also gone up 50 per cent.

Honourable members interjecting.

Hon. C. A. STRONG — Government members may chip from the side and try to make cheap shots such as asking whether we know where the hospitals are — of course we do. We have been working for the last 12 years to see that they perform well, and it is a disaster to think that the government has brought them to such a low where waiting lists have blown by an average of 300 per cent when the benchmark of quality for waiting lists was set under the Kennett government in 1999. Government members could be proud if they were able to reach the benchmark set by the Kennett government in 1999.

Moorabbin Hospital has run a wonderful birthing service for quite some time. What is happening? That is about to be closed and moved simply because Monash is in such financial straits. It has to try to find money, so it is closing this birthing centre which people value very highly. Members of the government can make snide remarks, but a petition with over 800 signatures — no small thing! — organised by people who have used that birthing centre will shortly be presented to the Assembly. The petition will be from the friends of the birth centre and it will draw the attention of the house to the potential closure by Southern Health of this centre. It is an absolute shame and disaster that the figures for health in our local area have worsened.

Sandringham Hospital is another very important hospital in my area. I know where that is, even if Mr Pullen does not, because basically that hospital is also under threat. It has been there for a very long time and is getting a bit tired. It is in need of capital funding to improve it. It is under stress. But the government has repeatedly failed to allocate any funds to do anything to improve Sandringham Hospital. Quite clearly the government's hidden agenda is to starve Sandringham Hospital of the funds it needs so it is not able to operate at the level it should, so it will ultimately be closed down and put out of business — then the people will be forced to go down to Mordialloc or alternatively, to Monash Medical Centre.

This strategy has never been denied because the funds have never come to Sandringham. After repeated requests from the hospital, from the local council and from local people no money has ever come. That is reflected in the figures for Sandringham Hospital. If we look at the waiting list figures for Sandringham Hospital, the number of people on waiting lists for semi-urgent elective surgery has gone up since March 1999 — the benchmark date of the Kennett years and the benchmark of which the government could be proud, if it could achieve it — by 200 per cent.

The number of people on semi-urgent waiting lists for longer than ideal times has also gone up. What do government members think would be the increase — 200 per cent? No, they have gone up by 300 per cent!

Mr Pullen interjected.

Hon. C. A. STRONG — I know as well as Mr Pullen does that this hospital has been starved of funds. It has been deliberately run down by this government, which is just not good enough. The number of people on waiting lists for urgent elective surgery at Sandringham Hospital has gone up by 33 per cent. What is being done to the health system in this state is an absolute travesty because the truth is that this government is simply unable to match the standards set by the Kennett government for waiting lists and bypasses in 1999. People will increasingly realise what has been the benchmark; they will realise that the government is full of excuses.

It is endemic with the rabble opposite that it should find excuses. It does not matter what it is — they say it is not their fault. They say, 'It is the federal government', 'It is the weather',' The sun is out', 'It is raining', 'It is snowing', 'It is Monday' — but whatever it is, it is not the government's fault. But if something goes well, we hear, 'Oh, aren't we wonderful! We can do wonderful things', but if anything goes wrong, it is not the fault of the government.

The government has been in office for four years. It is about time it started to accept responsibility for something. It runs this state, why does it not get out and run it, and stop trying to blame everybody else when things do not go as well as they are?

Things are not going as well as they should be in health. You are not able to meet the 1999 benchmarks of the Kennett government for waiting lists. It is nowhere near the waiting lists figure. Its waiting list blow-out is worse, its hospital bypass situation is worse and it has

no solution except to blame other people. It blames the Prime Minister and it blames increased numbers coming into the medical system.

Surprise, surprise! Is it anything new that more people are coming into the medical system? That has been happening for years. But the government suddenly says, 'All our problems that happened yesterday are because more people are going into hospitals'. I remind members that for years and years more people have been going into hospitals — at the rate of tens of thousands a year!

But no — this is a surprise. 'Oh, there are more people going into hospital! Isn't it terrible!'. That has been going on for years. The people opposite ought to get real and try to match the benchmarks the Kennett government established in the health system for waiting lists and bypass in 1999.

It is a great shame that the area which I represent with Mr Pullen, Higinbotham Province, is unfortunately suffering. The figures show that the delivery of health services out of the Monash Medical Centre — which, I must say, has always been under stress; I would not for a moment say that that hospital system has always been under very considerable stress — is not coping as well as it did under our government. When you look at Sandringham hospital, which this government is deliberately starving of funds — —

Honourable members interjecting.

Hon. C. A. STRONG — If members opposite want to counter that then let me see a commitment by them to put some capital funding into Sandringham hospital so it can operate at the level of a good hospital. Let me have that commitment. Rather than just throwing mud, let us say, 'Okay, we will put some money into Sandringham hospital to make it work properly'. What we want is a commitment for Sandringham hospital, and I hope Mr Pullen will join me in that and that we will work for a commitment for Sandringham hospital. With those few words I wind up my contribution on this bill.

Mr GAVIN JENNINGS (Minister for Aged Care) — This piece of legislation has been described during the course of the second-reading debate as an 'omnibus bill' on any number of occasions. The reason why it has that pithy description is because it tries to amend a number of other pieces of legislation to form a sensible, rational way for a number of technical amendments to take place within the health sector. Indeed, a number of these amendments are quite technical and dispassionate by nature, but the bill has generated quite a passionate debate before the house this afternoon.

The bill makes a number of amendments that deal with the way in which information will be dealt with and patient records and information will be transferred within the health and mental health system. As members would be aware, the privacy principles are outlined in the Health Records Act 2001, which provides a comprehensive regime for the way in which information can be communicated in the health industry.

These amendments attempt to clarify the transmission and scope of that information. They clarify that consent of a patient to the transmission of information — used appropriately to provide for their health care — can be implied or explicit.

The Health Services Act is amended in clause 4 of the bill, and the Mental Health Act is amended through clause 11. Indeed, a number of issues relate specifically to the amendments to the Health Services Act — section 141 — which Mr David Davis was concerned about in his contribution. He sought assurance from the government that the scope of changes that come through the implied consent provisions would not be used by the hospital system to override the obligations underpinned by the Australian health care agreement, which requires patients to designate, on their admission to hospital, whether they will be treated as a public or private patient. The consent provisions within this bill would not impact adversely on patients determining their treatment regime and would not lead to manipulation in the health care system that patients were not fully aware of.

As Mr Davis is aware, I have been advised that section 141 has not been designed to override the obligations underpinned by the health care agreement. They would have primacy in this legislative regime, as it is not the intention of the government for these provisions to be used in a way that would undermine the integrity of patients consenting and identifying whether they are to be treated as public or private patients.

A range of issues dealt with related to the activities of nurse practitioners and the registration of division 2 nurses. Clause 3 outlines amendments to the Drugs, Poisons and Controlled Substances Act 1981 which will enable the regulation of the activities of nurse practitioners to be roped into that act. The conditions that may be set by the nurses board under the provisions of the Nurses Act would apply under the Drugs, Poisons and Controlled Substances Act.

There is an opportunity for division 1 nurses in training to be registered during the course of that training as division 2 nurses. That is dealt with in clause 12. The intention of this is to provide useful work experience and opportunities for those nurses in training to get on-the-job experience but also, in terms of work force planning issues right across the health system, it would be useful in terms of making sure there was a greater coverage of registered nurses who can operate within the system.

An ongoing set of issues has been identified by a number of members including Mrs Coote and Mr Vogels. This relates to the scope of practice of division 2 nurses in terms of their capacity to administer medication. This is a work in progress. It will be concluded shortly and will be dealt with by subsequent regulatory changes that are in the pipeline now and should be concluded by the end of the year. But they are not dealt with in the current legislation.

There are a number of items that relate to the appropriate mechanisms within the Mental Health Act and the treatment regimes that will apply to members of the community who may be apprehended by the police in the name of protection so that these individuals do not do harm to themselves. Subject to that degree of apprehension by the police they would be referred not only to a medical practitioner, as is covered by the existing provisions of the bill, but the referral process will be enhanced to allow for the appropriate attention of the medical health practitioner, and that referral will now be enabled within the Mental Health Act.

That leads to a number of concerns that have been expressed in the Parliament about the appropriate resourcing that underpins this regime, but the government is mindful of those issues and is confident that sufficient support will be provided to the mental health field to enable the appropriate referrals and treatment of individuals who are affected by this bill.

There are a number of changes to that effect which relate to the Human Tissue Act and its capacity to regulate the sale of tissue products. As members of the house will be aware, the head of power under which tissue banks are licensed is the Commonwealth Therapeutic Goods Act. All these facilities have to comply with the licensing and regulatory regime of that commonwealth head of power. There are eight facilities in Victoria which are all attached to public health institutions, all of them not-for-profit organisations, and it is clearly the intention of the government not to allow the sale of tissue products for profit and that the amendments to the Human Tissue Act will enable, subject to a permit being granted by the minister, the sale of those products to cover the costs of their production.

There are other small amendments to the Lord Mayor's Charitable Fund and to the Health Services Act 1988 which, as I shared with Mr Baxter earlier, remove an 'and' that has inappropriately been in existence in the determination and description of the Numurkah District Health Service. For the last seven years this aberrant 'and' has got in the way of the Numurkah District Health Service being appropriately treated within the legislative and regulatory regime within the Victorian statutes. Mr Baxter and I share some enthusiasm for the correction of that matter.

With the government's confidence that this piece of legislation will improve the regulatory regime within the industry and its belief that it has been responsive to the issues raised by opposition members, I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Mr GAVIN JENNINGS (Minister for Aged Care) — By leave, I move:

That the bill be now read a third time.

In so doing I thank the following members: the Honourables David Davis, Damian Drum, Kaye Darveniza, Richard Dalla-Riva, Sang Nguyen, Andrea Coote, John Vogels, David Koch, Andrew Olexander, Chris Strong and Mr Viney.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

AERODROME LANDING FEES BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr LENDERS (Minister for Finance) on motion of Mr Gavin Jennings.

ALBURY-WODONGA AGREEMENT (REPEAL) BILL

Second reading

Debate resumed from 16 September; motion of Mr LENDERS (Minister for Finance).

Hon. W. A. LOVELL (North Eastern) — I am pleased to speak to the Albury-Wodonga Agreement (Repeal) Bill on behalf of the Liberal Party, and in doing so I say that the Liberal Party supports this bill.

The purpose of the bill is to repeal the Albury-Wodonga Agreement Act 1973 and the Albury-Wodonga Land Acquisition Act 1973 and to dissolve the Albury-Wodonga Victoria Development Corporation. The bill provides for the transfer of assets, contractual rights and obligations and liabilities of the Victoria corporation to the Albury-Wodonga Development Corporation and provides for the winding-up agreement between Victoria, New South Wales and the commonwealth for those purposes. As a member for North Eastern Province, Wodonga is an area in which I have spent a great deal of time in the last 12 months. The Rural City of Wodonga is a very impressive rural city, an area I am proud to represent and which I am sure my colleague the Honourable Bill Baxter is also proud to represent.

On 25 January 1973 an historic meeting took place between the then Prime Minister, Gough Whitlam; the Premier of Victoria, Rupert Hamer; and the Premier of New South Wales, Sir Robert Askin. At this meeting it was decided that Albury-Wodonga should be designated a centre for national growth. The appropriate bill was first introduced into the Legislative Assembly in November of the same year. It represented the first administrative step taken and set out the policy and administrative arrangements of the scheme.

The original agreement occurred in response to concerns that existed as to the social and economic disadvantages of what was considered to be an excessive concentration of population in the capital cities and was intended to reduce pressures in metropolitan areas.

The Albury-Wodonga growth centre was a visionary project that produced an extraordinary city. It is a good example of how regional development can flourish. The project produced the first cross-border city of any magnitude in Australia and the growth in Albury-Wodonga reflects the enthusiasm of those who live in and do business there.

One of the reasons why Albury-Wodonga was chosen to become the first centre for national growth or decentralisation was its central location. It is located on a major highway and rail corridor that links Australia's two major cities of Melbourne and Sydney, making it central to approximately 75 per cent of Australia's population. This location has proven to be an asset to the many businesses located there and continues to assist Albury-Wodonga in attracting new industry.

One example is Visy Industries which has opened a new factory, creating over 100 jobs in Wodonga. Visy brought with it an experienced management team whose members have settled in Wodonga and their skills will enrich the local community. Another example is the recently announced $90 million Woolworth distribution centre to be built near Barnawartha, which will create more than 600 new jobs, with approximately half of them being full-time positions. A development of this size will contribute to Wodonga's ongoing growth. It will require affordable housing to be available in the city, and the flow-on of economic benefits that the Woolworth centre will bring are far too numerous to mention.

The winding up of the Albury-Wodonga Development Corporation was to take place in 2005, but it has now been extended to 2007. It is estimated that in 2007 the corporation will still have approximately 1500 hectares of urban land or approximately 20 years of future development remaining. It will be essential that there be a body responsible for the development of the balance of the land. This land will need to be managed responsibly to prevent any fire sales that could seriously affect land prices. At the same time there always needs to be enough land available to ensure that it is affordable and to promote growth.

Councils are the planners for these cities and should not take on the role of land developers, so there will need to be a successor body to the development corporation to manage the land.

The Albury-Wodonga Development Corporation has done a wonderful job over the past 30 years and deserves to be congratulated for the part it has played in creating the well-planned, vibrant and thriving city that Albury-Wodonga has become. When the corporation was first formed, the Victorian government contributed $1.5 million to ensure that the project was a success. New South Wales did not make any contribution. A formula has been worked out to calculate the current value of Victoria's contribution, which is approximately $3.7 million.

In winding up the corporation consideration also needs to be given to what should happen to this original investment. I have discussed this matter with the honourable member for Benambra in the other place, Tony Plowman, and it is our belief that these funds should stay in the community and not be returned to consolidated revenue. It is quite clear that the government of the day intended that these funds should ensure the success of the Albury-Wodonga project, and I ask the present government to honour the commitment made to this project by the former Hamer government and to use these funds to provide benefits for the Albury-Wodonga community.

I could speak all day about the success of this project and what it has meant to Albury-Wodonga. I could talk about the benefits that were achieved through the cooperation of the federal and two state governments working together, but I do believe that while governments cooperated in the development of this city, they missed an opportunity to solve some significant problems. They should have used this cross-border experiment to address some of the cross-border anomalies that towns along the Murray River face every day.

Health has always been the number 1 cross-border issue, although with the signing in July this year of an agreement between New South Wales and Victoria for Albury-Wodonga, it appears to have been resolved for that area, but still remains a problem for other towns such as Echuca and Moama.

I will read a small excerpt from an article in the *Border-Mail* of Saturday, 26 July, entitled 'Cross-border health service a tribute to cooperation' which gives an idea of how the local community feels about the cross-border issue. It reads:

> The concept of a genuine cross-border health service to administer and meet the health needs of border residents became a reality yesterday.
>
> When New South Wales Health Minister Mr Morris Iemma and his Victorian counterpart Ms Bronwyn Pike signed a letter of intent to set in motion Wodonga Regional Health Services management of Albury Base Hospital for the next three years they did something many border residents doubted would ever happen.
>
> A cross-border health service has been a long time coming, but now the process is in motion the two governments and the local players have to make it work.

Education is another major cross-border issue, with many families from New South Wales choosing to access schools on the Victorian side of the river. Bus travel for students can also be a problem. The Victorian government caps payments for bus travel to a student's second-closest school at $800 per annum, providing the bus only travels in Victoria. I have a group of students and parents located at Picola who are paying over $2000 per annum for their children to travel to Echuca Secondary College because part of their bus journey travels through New South Wales. If you looked at a map of north-east Victoria you would see that Picola is north-east of Echuca. Just out of Echuca the Murray River meanders to the north through the Barmah-Milawa forest before heading east again towards Albury-Wodonga. This means that the shortest route between Picola and Echuca is through New South Wales; otherwise the children would have to travel back to Nathalia to catch a bus to Echuca, which would take an extra hour of travelling each day. The Bracks government persistently refuses to fund or to cap the fees charged for these children to travel from a Victorian town to a Victorian secondary college.

Infrastructure is another problem. There is always a fight about who is going to fund bridges across the border. A good example of this is the Echuca–Moama bridge.

In 1998 the federal government committed $15 million to this project. Because of delays in committing funds by both state governments and because of planning issues, here we are five years later, still waiting for a decision let alone any construction. In preparing for this debate I asked three of my border councils to give me a brief run-down of some of the cross-border anomalies they face. This significantly large pile of paper in front of me is what I got from the three councils.

Staff at the Wodonga City Council nominated some of the issues that they face every day, and I will quote from the list some of the things that affect their lives. Under the heading 'Police and regulatory bodies', it states that road rules, speed limits and law enforcement differ between Victoria and New South Wales. Members can imagine travelling across town and crossing a road and suddenly being in another state. That is what it is like for us. We cross the river and we are in New South Wales and as soon as you cross the river there are different road rules, speed limits and laws.

Car registration costs in Albury are significantly different to those in Wodonga. There are different regulations for car inspection and roadworthy costs. A taxi can only pick up in the state in which it is registered so if a taxi picks you up in Wodonga and takes you to Albury, it cannot then pick somebody else up in Albury and take them back to Wodonga.

Fishing licences and rules differ between the two states. You live in a town that is located on a river and fines and penalties are different in the two states, so if you commit an offence in Albury, the penalty for that offence is different there to the penalty for the same offence in Wodonga.

Road licensing requirements are different, so children can access their driving licence at a different age in Albury to Wodonga. The conditions on P-platers are different. Police salaries are different. Police working in Albury are paid entirely differently to those working in Wodonga.

Staff members at the Wodonga City Council said that after consulting with nearly all of the private health funds in Albury and Wodonga, they found that it is cheaper to join a private health fund in New South Wales than Victoria, and Medibank Private is substantially cheaper in New South Wales. There are different laws for accessing some pharmaceuticals in both states.

In respect of welfare services they say that the majority of services are state funded and are not able to be provided to people wanting to change states. This particularly applies to accommodation and public housing. Entitlements for Centrelink recipients differ on either side of the border, and Victorian Seniors Cards are not recognised in New South Wales and vice versa.

In respect of education, staff at the Wodonga City Council say that TAFE certificates will sometimes not satisfy employment conditions in both states. Each state high school system has different educational standards and procedures for difficult students and different access to services. School holidays do not coincide so while it might be a school holiday in Wodonga, the kids in Albury are still going to school and vice versa. School curriculums and regulations are different. School and preschool fees and services are different. Wages for teachers and preschool teachers are different in Albury to those in Wodonga.

For building and associated industries they say that building permit systems are different in the two states. There are two entirely different planning systems operating on either side of the border.

Swimming pool safety rules and the level of enforcement differs from Albury to Wodonga. Tradespersons regulations vary. Tradesmen have to be registered in two states, copping two sets of fees. There are differences in real estate laws, including commission levels and also tenancy laws — commercial, retail and residential.

Property stamp duty is the big one. Stamp duty is much higher in Victoria under the taxing Bracks government than it is in New South Wales. Specific owner-builder registration procedures operate in New South Wales, but there is none in Victoria.

Bank loans and housing fees and charges are different and of course, there is no financial institutions duty (FID) in New South Wales, but we still pay FID under the taxing Bracks government. Most businesses need two Workcover policies and insurance to cover their activities in both states.

Conditions of employment are different in both states. Utility costs are different in Albury and Wodonga. Public holidays do not coincide so while we are on holiday in Albury, people in Wodonga are not. Daylight saving often starts and finishes at different times. Can members imagine living in Wodonga where it is 2 o'clock and having an appointment in Albury at 3 o'clock? How do people cope when there is a time difference on either side of the border?

There are different approaches to waterway management and licensing requirements for works and development near waterways, and there are restrictions on cattle movement between the state borders.

To illustrate the frustration of this to metropolitan members, they need to imagine the suburbs in their own electorate. Crossing the Murray is moving from suburb to suburb. Imagine crossing Punt Road from East Melbourne to Richmond or moving between suburbs like Williamstown and Newport and facing a whole new set of laws and regulations. It is ironic that the communities along the Murray River were the communities that pushed for Federation because of the difficulties they faced with trade between the two colonies of New South Wales and Victoria. The same communities are still facing all of the cross-border difficulties more than 100 years later.

In closing I once again congratulate the Albury-Wodonga Development Corporation, the city councils in both Albury and Wodonga and the people of Albury-Wodonga for the way in which they embraced this project. If the project had not been so well supported it would not have been the success it has proven to be. Albury-Wodonga is a wonderful place to live, and I wish both cities a prosperous future. I commend the bill to the house.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Hon. W. R. BAXTER (North Eastern) — On 23 October 1973, almost 30 years ago to the day, I was privileged as a very new member of the Legislative

Assembly for Murray Valley to attend a very important function at the then Travelodge Hotel in Dean St, Albury, attended by the Prime Minister of the day, the Honourable E. G. Whitlam; the then Premier of New South Wales, Sir Robert Askin; the then Premier of Victoria, Sir Rupert Hamer; their respective ministers for decentralisation — in the Commonwealth case the Honourable Tom Uren; for New South Wales it was the Honourable Sir John Fuller; and in Victoria of course it was the redoubtable Murray Byrne — a former member of this place and a man for whom I have the highest regard and who I believe put decentralisation on the map in this state if not this nation. Country Victorians owe him a lot.

That very important function that day was the signing of the Albury-Wodonga agreement. It was subsequently brought into being by legislation, and here we are today repealing some of the legislation that flowed from that particular historic meeting in Albury on 23 October 1973. I can claim to have been with the formation, growth and development of Albury-Wodonga right from the start, and I am very proud of that fact.

It was a most worthy initiative and one of the best actions that the Whitlam government took, supported by the states of New South Wales and Victoria. If I can be permitted to reminisce for a moment or two, one of the reasons I am a member of this chamber and not still a member of the other place was that at the subsequent election in 1976 I was branded by my opponents — some of whom had been my traditional supporters — as too much of a friend of the Albury-Wodonga Development Corporation, and I was defeated.

That, of course, as honourable members who have fought tough elections and particularly those who have lost them would know, is pretty hard to bear indeed, but I have no regrets. I believe my support for the Albury-Wodonga Development Corporation has been proven because of the development that has occurred, the tremendous benefits it has brought to country Victoria, particularly to north-eastern Victoria, and to the southern Riverina area of New South Wales.

When one looks back at those proposals, one can see, of course, that some mistakes were made. Some of the targets at the time were clearly overambitious. For example, it was suggested that we would have 300 000 people living in Albury-Wodonga by the year 2000. Clearly that did not eventuate, but it was realised fairly early in the piece that 300 000 was an unattainable target within that time span and by 1983, for example, that target had been reduced by some 50 per cent. In fact that is where Albury-Wodonga is now in terms of a regional population — about 150 000 — and despite the fact that Wodonga is the fastest growing regional centre in the nation, it clearly could not have grown faster than that without a lot of growing pains indeed.

The Whitlam vision of the time was a bit over the top, but who cares? He set the scene, he put the money in and he set in place mechanisms to get Albury-Wodonga on the go as a growth centre. That government attempted to achieve this in other parts of Australia. We had Orange-Bathurst, for example, which did not get off the ground. We had Monarto in South Australia, which did not get off the ground at all. It was a greenfield site, and it actually did not gel whatsoever. We could have had Lake Bolac and Wickliffe amalgamating as a single city, but that has not happened either.

Albury-Wodonga, though, did gel, and it has proven itself to be a regional city that has become self-generating, a very attractive place to live, and it is now drawing people, particularly from Melbourne but also from Sydney, Canberra and other parts of Australia.

Of course that should be the case. It has all the natural attributes. It is on the major highway between our two principal cities, it has a good rail service, an excellent air service, it is near the snowfields, it has water from the Murray River, a Mediterranean climate, good seasons, and it is a very, very pleasant place to live.

But it needed that bolstering, that focus, which the formation of the Albury-Wodonga Development Corporation gave it. I pay tribute to the people who have served on that organisation over the years. I do not intend to name them all, of course, but I will name the people who were there at the beginning.

I have already referred to the ministers, and in the case of New South Wales Sir John Fuller was soon succeeded by the Honourable Tim Bruxner as its Minister for Decentralisation and Development.

The inaugural chairman of the corporation was Gordon Craig. He served as chairman for some 18 years or more. He was an outstanding public servant, an outstanding chief executive and manager, and I think in that time Gordon survived some 49 ministers that he had to deal with on the ministerial council.

He was faced with certain U-turns in policy as governments came and went, yet Gordon absorbed it all, dealt with it and rolled on remorselessly. The community of Albury-Wodonga owes a lot to Gordon Craig. Mel Read was the deputy chairman of the Victoria Development Corporation. He subsequently became commissioner of the City of Wodonga after the

local government restructure, and is currently a councillor of the City of Albury and the immediate past mayor. He has been a very accomplished contributor to Albury-Wodonga.

The deputy chairman from the New South Wales side was Mr L. T. Muir — the late Les Muir — again, another outstanding personality. The fourth member was the then shire president, subsequently mayor of Wodonga, Mr Les Stone. Les was the father of the former chief minister of the Northern Territory and now federal president of the Liberal Party, Mr Shane Stone.

It is interesting to note the people who contributed to Albury-Wodonga and subsequently went on to make a contribution in the Parliament. There was a consultative council representing local government. The councillor representing Wodonga was Cr K. A. Coghill who, members would be aware, subsequently became the member for Werribee and later the Speaker of the Legislative Assembly of Victoria.

Also representing the community on the consultative council was one L. S. Lieberman who subsequently became the member for Benambra and then the federal member for Indi. It is interesting to note that Mr Coghill, Mr Lieberman and I, each from three different political parties, each played a significant role in the formation of the Albury-Wodonga Development Corporation, and each served in the Parliament of Victoria.

I have noted that some of the ambitions were not reached in what would be achieved by the corporation, but nevertheless we did achieve extraordinary developments and advances in the way certain environments can be structured if they are properly planned and some infrastructure provision is made beforehand. It is true to say that Wodonga has developed from a dusty country town, colloquially known as struggle town, up against the regional city of Albury based on wool, when wool was king, and Wodonga almost a collection of second-rate buildings and homes. Wodonga now is one of the most attractive and progressive regional cities in Australia. It has some very lovely residential land, delightful parklands, bike paths, lakes and the like, largely through the vision of the early planners, such as David Winterbottom who came out from England and was employed by the corporation as town planner.

A lot of people thought he was a dreamer. I think he was a visionary, and now, 20 years later, we are reaping the benefits of many of the concepts that David Winterbottom put in place in Albury-Wodonga, although at the time many people thought he was trying to do something that was foreign to Australia.

We have also seen subsequent planners and chief executives such as Ron Dennis come on the scene. Mr Scantlebury is the current chief executive. All those people's hearts have been in the project, and they have given a lot. I pay tribute to each and every one of them. I am not sorry that the corporation is being wound up, because in a sense I believe it has served its purpose well. This is the time to move on.

It is worth noting that because the border situation applied in Albury-Wodonga we had somewhat of a legal fiction. We have three corporations — the Albury-Wodonga Development Corporation under federal legislation; the Albury-Wodonga (New South Wales) Corporation under New South Wales legislation, and the Albury-Wodonga (Victoria) Corporation under our own act, some of which is being repealed tonight. The corporations acted as one and acted with unanimity but because of legal reasons and the commonwealth not being able to acquire the land easily, that acquisition was done by the states, and some of the planning powers were exercised by the states.

I said earlier that some mistakes were made — yes, there were mistakes. The first planning area was a radius of 55 kilometres from the Union Bridge which links Albury to Wodonga. That was subsequently reduced to an area known as the reduced acquisition area of 56 000 hectares. We set off to acquire 56 000 hectares.

Mr Forwood laughs, and well he might. When I look back on it I cannot understand how we were so stupid that we actually thought we would purchase 56 000 hectares. More than that, we did not actually decide where we should start. We had a very rowdy public meeting in Galvin Hall at Wodonga High School in October 1974 or 1975. I was there being assailed; Murray Byrne was there being assailed; the Honourable Keith Bradbury, a former member for North Eastern Province, was chairing the meeting; and Sir Rupert Hamer, the Premier, was under a great deal of pressure over land acquisition. Sir Rupert made what appeared a reasonable decision at the time but turned out to be somewhat extraordinary — he issued an open invitation to anybody who wanted to sell land to come in and the corporation would deal with them.

The result of that was that we had people higgledy-piggledy from all over the place coming in to sell their farms, blocks and houses to the corporation, but at the end when we wanted to start at Middle Creek, we owned none of the land. The people at Middle

Creek did not want to sell their land. Peter Street, for one, took a dispute to the High Court. When you think back — I was going to say it was crazy but that is not the appropriate word — it should have been prioritised as to where we would start through a much more formal process, but hindsight is a wonderful thing.

There were political pressures at the time with people believing that they would be ripped off and that their land would be bought at less than market value, but one has to remember that this was in the early 1970s, probably only 20 years after the land acquisition schemes sold land for soldier settlements, where clearly some farmers had been treated less than fairly.

I do not think anyone could say that they did not get good prices for land in Albury-Wodonga. In fact, after a while we christened Mercedes-Benz cars DC cars — that is, development corporation cars — because it seemed that everyone who sold their farm to the corporation went out and bought a Mercedes-Benz. When you think back on it, they were great times even though it cost me my seat in Parliament.

Subsequently it has gone on, and I believe it has gone well. We now see all sorts of investment coming in. We had Uncle Ben's before the development corporation days and it is still making two million cans of dog food today — that is a lot of dogs.

Hon. Bill Forwood — A lot of food!

Hon. W. R. BAXTER — Yes, indeed. We have seen Visy come in over the last couple of years and create 700 jobs. We are now seeing the Woolworth distribution centre about to start building a warehouse which will cover some 8 hectares under one roof. If you can imagine 8 hectares under one roof — that is a lot of supermarket to be serviced as well.

Albury-Wodonga now has that critical mass to go on from here and continue to be the fastest growing area in regional Australia. The Victorian government assisted immensely in its local government restructure. It gave the City of Wodonga parts of the adjoining municipalities and we got away from the awkwardness of having part of the development area of the former shires of Chiltern, Yackandandah and Tallangatta. The Wodonga City Council is going gangbusters and that is why we are attracting more of the capital investment on the Victorian side than is Albury, because I believe the Albury City Council is in some difficulty. The New South Wales government does not have the gumption that the Kennett government had in putting in place a local government boundary arrangement which reflects the 21st century, not the 19th century.

Hon. Bill Forwood — They are talking about it.

Hon. W. R. BAXTER — Yes, they are talking about it, but of course that is a decision for them to make.

I want to say that at times I am disappointed in this Labor government's attitude to Albury-Wodonga. This legislation was introduced into Parliament in May 2002, more than 12 months ago, and we are just getting around to debating it because it kept dropping off the list. But worse than that, the commonwealth and New South Wales passed their versions of this complementary legislation in the year 2000. Why has it taken Victoria three years to get around to passing this legislation? I think it says something about the lack of interest of the Minister for State and Regional Development, Mr Brumby, in this region of Victoria.

I often used to run into Brian Scantlebury, the chief executive officer of the Albury-Wodonga Development Corporation, who has been somewhat in limbo lately waiting for this legislation to be passed. He has asked me when I thought it might happen. I was foolish enough to say, 'I am sure they will pass it before the election, Brian'. How wrong I was! It is nearly 12 months later and we are only getting it now. I just say that the Whitlam government put its heart behind the project and subsequent governments put their all into the project. We are being let down by this current Labor government. It just cannot draw the loose strings together as we move to the next phase in Albury-Wodonga's history.

I also want to make an observation about stamp duty, because it has been referred to in a number of debates. The state government is creaming a poultice of money out of the sale of corporation land in Wodonga, because whenever blocks are put on the market they are snapped up. We have not had a block passed in at an auction — there is usually an auction of housing blocks every six or seven weeks — for months, because the demand is so great, and many blocks of land are making $120 000 or $150 000. Victoria's Treasury is doing immensely well out of the stamp duty receipts. I would have thought that the government could have given a little more attention to this piece of legislation, that being the case.

I also want to sound a warning or make a plea. Yes, there is a deal of land still to be sold. The corporation goes out of existence in 2007. It may not be all sold by then. Yes, we will need a mechanism if anything is left, but I would rather increase the flow of blocks of land onto the market now, because I think the price is being to some extent artificially pushed up because we have a

land shortage in Albury-Wodonga, particularly on the Wodonga side.

I have builders complaining to me that they cannot get blocks to build homes on. I have first home buyers coming to me saying, 'You have got to get them to release more land. We are having to go down to Barnawartha or Chiltern or somewhere to get a block of land that we can afford'. I think there is a tremendous opportunity now. I know there is a lead time. The infrastructure, such as sewerage, water, power, roads and so on, has to be put in. I think we are sufficiently well off for schools at the moment, in the sense that that is not the hold-up.

I make this plea to the corporation: I think its land release program has been overtaken by events and it ought to speed it up because it is penalising some home buyers at the moment. I would also say to this government that, if it wants to show its good faith in Albury-Wodonga, it should get on with the project of shifting the railway line out of the main street.

Hon. Bill Forwood — I thought you would get there.

Hon. W. R. BAXTER — I started on it in 1973, and I want to see it shifted before I leave here, Mr Forwood.

Hon. Bill Forwood interjected.

Hon. W. R. BAXTER — At least Jeff Kennett put $20 million on the table, which was matched by John Anderson, the federal Leader of the National Party. Mrs Powell and Mr Plowman, the members for Shepparton and Benambra respectively in another place, and I were at Uncle Ben's when John Anderson produced his cheque for $2 million, so we have the money on the table. But now with a Labor government in Victoria we cannot seem to get the bulldozers out to get on with it. What happens? The Minister for Transport, Mr Batchelor, says, 'It is all Vicfreight's fault. It will not cooperate'. Vicfreight is only the lessee; it does not own the railway line.

I think it is all part of Treasurer Brumby's circumstance of running short of money or thinking that he is going to run short of money, and here is some money that can be put off into the never-never — 'We need not do this project for the time being'.

I say to the government that the refurbishment of the Wodonga central business district (CBD) is on hold until this rail project is completed. Yes, we have this tremendously attractive residential area. It is beautiful; there are good homes and amenities. There is a main street which is still a bit of a dog's breakfast because, understandably, businesses are not going to expend money and invest until the rail project is complete, and we get Jack Hore Place realigned, High Street straightened out and what are some pretty ugly bits of railway land made available for development.

Once that happens the CBD is going to blossom, and High Street, Wodonga, is going to rival Dean Street, Albury. But it is not going to happen until the railway line is shifted. We thought we were going to have it done simultaneously with the bypass of the Hume Highway at Albury-Wodonga. That would have synergy. We would do the two projects in parallel. They are parallel; they run beside each other. Surely it is going to be a waste of taxpayers money if the highway is built first and we do the railway later on. They have got to be done together. I make a plea to this government, and particularly to the Minister for Transport, to pull out all stops to make sure that the taxpayer can get value for money by the two projects being done simultaneously, so that the people of Wodonga at last get the opportunity to renew and refurbish their CBD, because they have been waiting for so long and have seen so many promises made in the past that have not come to fruition.

Bearing in mind that we have a program ahead of us tonight, and some of us have a commitment tomorrow at Tullamarine, I will restrict my going back in history to that.

I just want to make reference to one further document, because I was talking about the number of people involved in Albury-Wodonga who subsequently became members of Parliament. I did overlook one, and I think I should mention him because he would be known to honourable members. I have with me an insert from the *Border Mail* dated November 1980. It is about Albury-Wodonga, 'the growing place', which was the slogan we used at the time. The journalist is a bearded young fellow by the name of Craig Bildstien, subsequently the member for Mildura in another place. You can see that the Parliament of Victoria was a good breeding ground for helping Albury-Wodonga, or Albury-Wodonga was a good breeding ground for the Parliament. Perhaps I should put it that way.

I think governments of all persuasions learnt a lot from the Albury-Wodonga experiment. It was criticised in many quarters, but it has proved its worth. I am very proud of it. I am proud to have been part of it, and I think the experience of Albury-Wodonga can certainly be used as a pattern elsewhere. Yes, 30 years later we would do things differently, but at least it has proved that, if you have governments with commitment who are prepared to put a few bob in and take the people

with them, this is the sort of outcome you get, and if we are ever to stop the crazy situation we have in this nation of people clustering around the coastline in great urban ant heaps we ought to do a few more Albury-Wodongas.

Hon. R. G. MITCHELL (Central Highlands) — I have pleasure in speaking on this bill, and I will try to stick to the bill and not talk about buses and daylight saving. Obviously the Liberal Party has an agenda to get rid of state governments, which is very interesting. After Mr Baxter's comments I really do feel sorry for the Minister for Transport. His shoulders are very sore from carrying the can for the stuff-ups of the Kennett government with the rail corporations and the problems we have had and continue to have.

The bill before us is basically designed to wind up the Albury-Wodonga (Victoria) Corporation and transfer all the assets, contractual rights, obligations and liabilities to the commonwealth's Albury-Wodonga Development Corporation, with Victoria having no further involvement in the administration of the corporation.

I will go through the different clauses. Clauses 1, 2 and 3 are procedural provisions of the bill. Clause 1 deals with the purpose of the bill. Essentially the purpose of the bill is to repeal the Albury-Wodonga Agreement Act 1973 and the Wodonga Area Land Acquisition Act 1973. It will dissolve the Albury-Wodonga Development Corporation, as I said, and it will provide for the transfer of assets, contractual rights and obligations and liabilities from the Albury-Wodonga (Victoria) Corporation to the Albury–Wodonga Development Corporation. Clause 3 provides the interpretation of various of words and terms in the bill. Clause 4 repeals both the Albury-Wodonga Agreement Act and the Wodonga Area Land Acquisition Act. Clause 5 dissolves the Victorian corporation. I will not go through every clause, because a lot of the bill is administrative.

The winding up of the agreement is currently being negotiated between Victoria and New South Wales and the commonwealth, and it deals mainly with a range of transitional arrangements. The bill follows the New South Wales and commonwealth legislative models and provides for the development of the winding-up agreement as a disallowable instrument determined by the minister. This allows the repeal legislation to proceed in advance of the finalisation of the winding-up agreement and assists in the alignment of the legislative schedules of the three governments.

The process provides for the minister to table the winding-up agreement in each house of Parliament. It can be disallowed by either house within 15 sitting days. If it is not disallowed the minister can sign the agreement on behalf of Victoria. When the agreement is signed by all three governments it is approved by Parliament.

Hon. W. A. Lovell interjected.

Hon. R. G. MITCHELL — Thank you. It is better than your contribution on the Echuca bus service. This will ensure that there will be effective administration and application of state and council planning laws and powers for the Victoria corporation land being transferred to the commonwealth.

I want to talk about what will happen with the moneys returned to Victoria. As a result of the financial contributions totalling about $1.5 million, Victoria is entitled to a refund of its equity. The precise amount of the equity will not be known until the date of payment. This amount is based on a previously agreed formula that was part of the financial agreement made by the three governments in October 1984. Consistent with our longstanding financial management practice, the funds will be returned to consolidated revenue.

The Bracks government has invested well over $3.69 million in economic development initiatives in Wodonga. Projects funded to date include $30 million over three years for the Wodonga rail bypass — that would have been a hell of a lot easier if someone had not sold off the railways about 10 years ago! — and $2.75 million for the new joint library learning resource centre at the Wodonga Institute of TAFE. We have $3.3 million and $1.46 million respectively for capital works at the Mitchell Secondary College and the Baranduda Primary School, which I had the pleasure of visiting recently. There is $1.5 million for the relocation of the Murray-Darling Freshwater Research Centre to La Trobe University's Wodonga campus. There is $1.2 million to help establish the Wodonga Enterprise Business and Technology Park. This investment through the Regional Infrastructure Development Fund was vital in securing a $60 million investment by Visy Industries, which has generated 140 new jobs in Wodonga in its initial phase. There is also $2 million from the Regional Infrastructure Development Fund and $4 million through the Department of Infrastructure for the development of a rail freight terminus at the new $90 million Woolworths distribution centre near Wodonga. The centre will create around 300 new full-time jobs. These important achievements have been made by the Bracks government in continuing to grow

the whole of the state, promising what it can deliver and delivering what it can promise.

Following discussions with the Wodonga Rural City Council it was agreed that it makes sense to transfer this power to the council at this time to enable it to administer development covenants being given to the council. Advice from the Albury-Wodonga Development Corporation suggests that the administration of all covenants would not be onerous or overtax the council's resources. However, this matter can be discussed as part of the consultation process that the government has negotiated. The regular meetings between Regional Development Victoria, the Department of Sustainability and Environment, the Wodonga Rural City Council and the Albury-Wodonga Development Corporation have already commenced.

We have talked about why this bill has taken so long. The action to implement this decision was delayed by the inability of the commonwealth to obtain a timely opening in its legislative timetable, so the bill was not introduced until November 1999. Additionally, the commonwealth did not provide Victoria with an initial draft of the winding-up agreement until late 2000. I commend this bill and congratulate the government on getting it through.

Motion agreed to.

Read second time.

Third reading

Hon. J. M. MADDEN (Minister for Sport and Recreation) — By leave, I move:

That the bill be now read a third time.

In doing do I wish to thank honourable members for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

SUPERANNUATION ACTS (FAMILY LAW) BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr LENDERS (Minister for Finance) on motion of Hon. J. M. Madden.

CHILD EMPLOYMENT BILL

Second reading

Debate resumed from 16 September; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Hon. Philip Davis — I have a point of order, President, that requires advice from you. I believe there is a material error in the second-reading speech circulated in this house and read into *Hansard* last evening in relation to this bill. The second-reading speech is entitled 'Child Employment Bill 2003'. I refer to a statement in the text of the speech under 'Purposes of the bill':

> In the first instance, the Child Employment Bill seeks to repeal the child employment provisions from the Community Services Act and enact a new statute — the Child Employment Act 2002.

That is what the second-reading speech states, but the bill that I have before me deals with the Child Employment Act 2003.

I am seeking your advice as to whether this error in the second-reading speech is material and, if so, should the second-reading speech not be withdrawn and a new second-reading speech dealt with?

Mr Gavin Jennings — On the point of order, President, my apologies to the house, but obviously we are dealing with a typo within the second-reading speech that the member has obviously been vigilant enough to pick up. This is an error in the second-reading speech.

Hon. Bill Forwood — On the point of order, President, I thank the minister. I am pleased that he acknowledges there is an error in the second-reading speech. Why does he believe it is a typographical error?

Mr Gavin Jennings — I want to be sincere rather than facetious about it, but typographical errors occur because the wrong key is keyed, and as a consequence of that in the bill's transmission to the house this error was not detected or drawn to my attention until this matter became subject to the discussion before the house at the moment.

Hon. Philip Davis — On the point of order, President, what I am candidly concerned about is that the house well knows that a bill entitled the Child Employment Bill was introduced into the Assembly in

the 54th Parliament and that bill was not dealt with and was discharged from the notice paper.

I am not sure that we are not dealing with a great state of confusion between what occurred in relation to the government's intention to legislate in 2002 and the bill it introduced in the Assembly and the 2002 second-reading speech and the separate and different bill that has been introduced in the 55th Parliament. I am not going to debate in this point of order whether they are the same bill because, frankly, I just do not know. I know there was an amendment to this bill in the Assembly just a fortnight ago, so I cannot be sure that it is an identical bill.

What is of concern to me is that the minister has brought a bill to the house and in his second-reading speech purported it to be something which clearly it is not in terms of the text of the bill that we are now considering. I would have thought that this is a serious matter, because the bill with which we are dealing has profound effects in law. I would not like this to be dealt with lightly by an assertion that it is 'just a typographical error', because we do not know that that is actually the case. I think the minister has presumed that that is what it is.

Mr Gavin Jennings — On the point of order, President, there have been a number of amendments made to the second-reading speech that was delivered in the Legislative Assembly and they are totally consistent with the amendments that have been foreshadowed by the government in terms of the different nature of the amendments that it is my intention to move in the committee stage of the discussion of this bill.

If I were given a few minutes before Parliament I could draw attention to those matters within this second-reading speech that we are currently discussing. Because the changes that were made to the second-reading speech in its transmission to this place were made on the basis of the revised second-reading speech that the Minister for Industrial Relations in the other place provided me with to deliver to this place, I am confident that the remainder of the content of the second-reading speech is totally consistent with the amendments that I have circulated to opposition parties within this place and with undertakings that the Minister for Industrial Relations has made in the public domain over the last 48 hours in the preparation of this matter.

So while I understand the concerns of Parliament, and I am responding in all sincerity and hopefully in a considered fashion to Parliament this evening, I indicate that it is clear to me that because I took the opportunity to read — read — the second-reading speech into *Hansard* yesterday — —

Hon. Philip Davis — As you are obliged to.

Mr Gavin Jennings — In fact the advice of the Clerk as recently as yesterday was that I was not obliged to.

Hon. Philip Davis — That would be an interesting interpretation of your standing orders.

Mr Gavin Jennings — Exactly. My understanding of the standing orders is consistent with Mr Davis's and consistent with undertakings that I have made on the public record previously that where amendments occur between the transmission of a bill from one place to the other it should be incumbent upon the government to read the alternative second-reading speech. In reading the 10 pages into *Hansard* yesterday, I must say that I obviously missed the typo, but I am absolutely confident that it is a typo.

Hon. Bill Forwood — On the point of order, President, I thank the minister for his sensible approach to the issue before us. I just want to clarify: is the minister giving the house an undertaking that the remainder of the speech is entirely in keeping with the bill?

Mr Gavin Jennings — I am confident that that is the case on the basis of the advice I have received, on my reading of the second-reading speech and on the basis of the amendments I intend to move in the committee stage of the bill. They are totally consistent, with the glaring exception — now that it is pointed out — of this reference, which is almost a passing reference, to entitle the creation of a new statute, as the Leader of the Opposition has indicated — the Child Employment Act 2002. Indeed, the act — if and once it passes through Parliament, and in fact it is only a matter of time in my opinion before it passes through Parliament — —

An honourable member interjected.

Mr Gavin Jennings — I say with confidence that in my opinion there will be a bill — —

Hon. W. R. Baxter — You cannot be that presumptuous.

Mr Gavin Jennings — I am absolutely confident that the Parliament of Victoria will pass a bill in 2003 to create the Child Employment Act. I am not being facetious or flippant about this; I am responding

seriously to the issues raised by the opposition parties. I am absolutely confident that the typo in its current form is the limit of problems in the second-reading speech that I have read into *Hansard*. Indeed, I am confident that it complies not only with the bill that has been transmitted to us but the amendments I shall seek to move at the committee stage of the debate.

Hon. Philip Davis — I accept the assurance of the minister, but bearing in mind the import of this legislation and the minister's, in my view, arrogant presumption that this bill will pass through the Parliament in a very short time, I think it is unfortunate that he is being so disregarding of the processes of this place on such a material issue. I am concerned that this is more than, as the minister presumes, a typographical error, but I will hold him to account for the commitment he has made to the house.

The PRESIDENT — Order! I rule that the minister has indicated to the house that the error in the second-reading speech was a typographical error, that the bill before the house, the Child Employment Bill, if passed by the Parliament, will become the Child Employment Act 2003. That second-reading speech is associated with this bill. I rule that the house can now deal with the bill.

Hon. PHILIP DAVIS (Gippsland) — Many people in the community are concerned about this legislation, the Child Employment Bill. Only on Monday this week Mr Ken Treasure, a beef producer in Gippsland, discussed on radio the fact that he had painted slogans on the hides of his cattle for the Bairnsdale cattle sales on Friday. The slogans were to the effect of 'This animal has been fed by a child'. That highlights in very stark terms the concern that is being felt amongst families in country Victoria particularly but also throughout the metropolitan areas of Melbourne about the nature of the legislation which we are dealing with.

The Liberal Party strongly supports child protection, but that is different from the legislation which is now before us in its entirety. For that reason I will make some fairly direct remarks about the bill notwithstanding our general support for legislating in this important area of law.

Child employment legislation is enacted to protect children from exploitation and/or abuse by adults. Such legislation is not, in principle or practice, the appropriate vehicle to deal with workplace safety issues, which should be and are dealt with under occupational health and safety law. This bill, despite the spurious rhetoric from the government, deals with child protection and not safety.

The bill manages, however, to transform what has been a straightforward and bipartisan policy area for the last 30 years into an issue of complex bureaucratic and political intrigue. It has become divisive, and the community at large feels threatened.

Community interest in this bill is very high and wide because it turns five and a half pages of law in the Community Services Act into 42 pages in this bill, which turns child employment away from child protection and into industrial relations. This is some of the worst social engineering we have seen for many years.

The bill proposes to define a new concept of deemed employment — that is, a voluntary unpaid activity which occurs alongside a business activity will now be treated and regarded as an employment contract. I repeat: unpaid work by a child helping out or just having fun will be deemed to be employment under this bill. This issue of deeming employment, combined with a new permit system that involves police checks, will have many draconian impacts on our citizens and particularly on families. I will come to the detail of that shortly.

In summary, the issues which I am particularly concerned with go to deemed employment, the permit system, police checks, the new inspectorate — the right-of-entry provisions, in particular — the creation of a mandatory code for the entertainment industry by ministerial fiat without parliamentary scrutiny, and the ill-defined concept of light work. Irrespective of what the current law provides, it is clear that the new legislation is much more restrictive, has significant penalties and will involve a much greater compliance effort, as the government has clearly articulated.

Why should we be concerned with this bill in the way that we are? The case is that the Australian Labor Party took an industrial relations policy to the 1999 election and made it clear at that time that it would legislate in this policy area. It talked about the appalling record of the previous government in regard to child exploitation. However, it is four years since the change of government, and we have been operating under exactly the same legal framework as applied in the previous government's term of office and with exactly the same resources being committed to the administration of this area as far as I am aware.

I challenge the government to demonstrate that if there was in fact any abuse of children's employment circumstances under the previous administration it has continued. I would also like to challenge the

government to say why it has taken four years to respond in this area of policy.

For the record I wish to have it noted that the minister responsible for industrial relations in the previous Parliament is now the President. Of course, President, you have no current role in the administration of the government, but it is the case that the initial discussion paper, the *Children at Work?* issues paper, was released by you. There are a number of interesting points in that paper, but I will very briefly refer to some particularly. I quote a comment in the overview about young people at work:

> For young people, work has a central role for the same reasons as it has for most of us: it can provide a source of income and is a source of satisfaction and personal development.

I think that is absolutely right; I concur with that.

It is important to note the various references throughout the paper to differing aspects of the current law's administration. I found it intriguing, given that the ALP went to the 1999 election talking about the level of abuse in relation to the exploitation of children, that notwithstanding the Bracks government has had administrative responsibility for some considerable time, this paper advises that since 1987 there has been only one prosecution for failing to observe child employment laws. One prosecution! What does that tell us? There could be many interpretations.

Just as the Minister for Aged Care a few moments ago chose to interpret in a particular way an error in a second-reading speech, I presume he would put his own interpretation on this. It demonstrates the inconsistency of fact between the policy claims made by the Labor Party at the 1999 election and the reality of what we are dealing with in these reforms. It does seem that it is like using a sledgehammer to crack a nut.

President, that discussion paper really did not provoke the depth of community engagement which I am sure that as the Minister for Industrial Relations you would have probably hoped for. In fact, looking at the various submissions that were received, I was surprised by the absence of individuals submitting to that process. Mostly they were peak bodies and trade union labour or employer organisations, but I did note an apposite submission from the secretary of the Hogsons and Horseshoe Creeks Landcare Group, which is based at El Dorado. This submission, dated 13 February 2002, more than 18 months ago, is useful because in my view it sets out the concerns that have existed over the last several weeks as this bill has made its passage through the Parliament. It states:

> At our last Landcare meeting a motion was passed unanimously: 'That our Landcare group write to the minister to object to the proposed law re permits for children under 15 years old to help on family farms'.
>
> Our Landcare group is very concerned that the government's *Children at Work?* paper would make it illegal for children of 15 years to work on their family farm without a permit. This would undermine the family unit structure of the farming communities, affecting not only the current family but the extended family when the grandchildren come to visit.
>
> Farming communities should be exempt from this type of law, as the fabric of a family farm is totally different to any other workplace situation. We agree that children need to be protected and not exploited, but we are totally opposed to the idea of farming parents having to apply for permits for their family to continue with its normal daily lifestyle.
>
> Hogsons and Horseshoe Creeks Landcare Group is also concerned about the ramifications of the *Children at Work?* recommendations on junior Landcare groups. These groups have undertaken excellent work particularly in planting trees, providing corridors for endangered species and addressing the problem of salinity.

I read that letter in its entirety for a specific reason: that in a nutshell it sums up the issues that have been alarming communities across country Victoria.

Hon. B. W. Bishop — Pity the government didn't read it. It might have acted on it.

Hon. PHILIP DAVIS — The pity of it is that this was in fact a submission to the minister, not just to the inquiry process. It was a submission to the minister. The minister responsible at the time is now the President of this house.

The Victorian Farmers Federation is another peak body which made a submission, and it would be useful to reflect on what was in its submission. It said in part, and I quote:

> Child employment means assisting in any business, trade or occupation carried on for profit. The word 'assisting' can be interpreted broadly. Assisting may encompass many activities, including feeding stock animals or feeding the sheep or cattle dog. Under the existing legislation there is no direction on what constitutes and whether work should be paid or unpaid. For example, if a 12-year-old child feeds a working dog, then this activity would fall under the definition of employment, as the child is assisting in a trade or business carried on for profit, and therefore a child permit would be required.

That is that particular interpretation. I accept that it is an interpretation, but the Victorian Farmers Federation makes the point strongly that it believes there should be an exemption. It says:

> The VFF believes that the exemption should be inserted into the Community Services Act 1970 for children who perform duties on their family farm. The Victorian government should

> not impose rigid and impractical laws that interfere with family farm life.

We have heard from a local Landcare group and we have heard from the peak body representing farmers in Victoria. May I say that that is an entirely consistent position. It is my view that people are alarmed because they well understand what the implications of this bill will be for that family unit.

It is not just about farmers. The effects for any small business that is a family enterprise are potentially significant. The government has clearly articulated that it is going to invest heavily in a new inspectorate — that is, a new group of enforcement officers who quite rightly will be regarded with suspicion, and we suspect it will be just another case of jobs for the boys and more former trade union officials appointed to another industrial relations inspectorate in this state.

There has been an enormous amount of correspondence to newspapers and people have been ringing in to talkback radio and writing letters to members of Parliament. Strong representations have been made, and I want to read some of them because they are of great interest to me if not to those who are listening in this chamber, but I think many of you are listening intently. It is worth understanding that when people persistently write letters to the editor they do so because they are often highly motivated by a threat. In this case we have a letter from Linette Treasure from Buchan, whom I know quite well. She is a councillor with the Shire of East Gippsland. Is she related to Jack? Yes, all the Treasures are related. Her letter to the *Weekly Times* of 10 September says:

> Some of the most significant times of my life came when I worked cattle as a child with my grandparents and aunt.
>
> I absorbed their ways and wisdom as children have learnt from their elders since time immemorial.
>
> Now all this has changed with a most insidious act by the Bracks government.
>
> If my grandson is to learn the ways of livestock or do anything useful with me, I will need a licence and a police check.
>
> Where do we draw the line on this? Gathering the eggs, rounding up cattle, fixing the mower, cleaning the shed, wiping the dishes — they're all part of a family enterprise.
>
> So we leave the kids indoors to stare at Internet porn or invite their mates over for mischief.
>
> Health and safety is not only about avoiding injuries, it is also about wellbeing and self-esteem and about learning within a cultural context.
>
> In our society we have a growing malaise of youth suicide and drug taking, and it's related to a lack of meaning.

I have to say that when I was going through some of the clippings I was stunned by the enormous number of them. In today's *Weekly Times* newspaper, for example, there is a full page — I have not seen that very often — of letters on this subject.

There is a letter from T. Coleman of Maffra — that is Tess Coleman from Riversleigh, whom I know — to the *Stock and Land* newspaper of 11 September 2003 headed 'Grandparents turn grumpy'. I have no doubt that they have just cause.

There is also a letter in the *Weekly Times* of 3 September 2003 from a Peter Hall no less; however, it is actually a different Peter Hall, as some members will be relieved to hear. It is Peter Hall from Spring Hill, via Kyneton. He says in part:

> Am I expected to apply for a permit for any child visiting my farm who offers to open a gate or bottle-feed a lamb?
>
> Will host farms still offer children the same chances to take part in farming activities?
>
> The definition of employment must be changed to exclude unpaid activities undertaken for reasons other than to benefit the enterprise.
>
> The bill's aim is to protect children's health and safety, moral and material welfare.
>
> Barring children from voluntary participation in farm activities will do the opposite.

It is interesting that there is a continuous theme in all of this. Indeed in a letter to the *Herald Sun* of 4 September, T. Coleman is mentioned again. This letter refers to the state child employment legislation of the Minister for Industrial Relations as being:

> … grossly insulting and blatantly discriminatory to all farming grandparents, and demeans them in the eyes of younger family generations.
>
> His bill demands farming grandparents have a police check and pay $24 —

for a permit, et cetera. This is just an expression of concern about the fact that the government has proposed to legislate in such a way as to deride the value of that extended family relationship.

As I have already said, in the *Weekly Times* today there is a full page of letters. The letters are from Wandin, Koondrook, Port Albert, Boneo, Port Fairy, Bridgewater, Tallandoon, Nanneella, Kerang and Walpa, and there is even one from Western Australia. You will be relieved to hear that I am not going to read all these letters, but it is worth quoting from a couple. One is entitled 'Kids' right to heritage' and is from Rose and Alan Millar of Koondrook:

> We are grandparents who own a dairy farm in northern Victoria and have eight grandchildren, aged 4 to 12.
>
> Two of our grandchildren come from Melbourne and three from Orange in New South Wales.
>
> The kids love to help us on the farm. They help feed calves and walk cows and their calves up to the dairy.
>
> They see calves born and other animals die and would far rather be out in the fresh air than sitting inside watching TV or playing on the computer.
>
> Sometimes we give them a bit of pocket money to save for something they want. Is that classed as pay?

They then go on:

> Mr Hulls, are you going to deny these children their heritage? What will we do when we have to tell our grandchildren they can't help us?

That is the central proposition before us in this bill. The fact is, irrespective of the backflip the government announced on Monday afternoon — that it would introduce amendments to remove requirements for police checks in relation to grandparents — the fact is that a grandparent will still be required to ensure, before they allow a grandchild out on the farm or into a small business, that the child has a work permit.

There is no apology for this. This is a government that has no sensibilities about the individual rights and freedoms of family members to associate in a way that they choose. It defies my understanding how the Bracks government could introduce such draconian legislation.

The reality is that strong arguments have been put over a period to reconsider this position, and it has absolutely refused. The headings for these letters sum it up:

> A stupid piece of legislation
>
> Kids' right to heritage
>
> Life experience will be denied
>
> It's just a money grab
>
> Bill a public service ploy
>
> This deserves strong protest
>
> Child bill has to be a joke
>
> Instil the will to work
>
> The most stupid thing
>
> Bill should not pass
>
> What next? Baking a cake?

It is just ridiculous. People are furious. I have a story out of the *Warrnambool Standard* of 5 September and the headline is 'Farm fury'. The fury is from a grandmother. She says, 'I will go to jail.' I think it is an outrageous proposition that the minister can sit across the chamber from us, feeling absolutely composed about the fact that, notwithstanding we found an error in the second-reading speech, this does not really matter because this bill will pass whatever we say or do because that is the arrogance of this government.

The minister does not care about individuals in this state. All he cares about is his left-wing Labor mates, the trade union movement, jobs for the boys and jobs for the trade union hacks that he will employ in the inspectorate. In fact, Mr Smith will not be preselected. He will be out inspecting homes for child employment breaches — won't you, Bob? You will be one of the first ones on the list.

I received correspondence from the Bairnsdale Beef Cheque Group. On 7 September the group wrote:

> … Especially the notion that grandparents should need to obtain a permit and be subject to police checks in regard to children carrying out tasks on their farms. The idea of child employment officers having the power to enter properties to demand documentation relating to child employment is an impost and totally abhorrent.

The group has also expressed concern regarding the outcomes the legislation may have on heritage and cultural aspects of the rural way of life for future generations. It just goes on and on. John Buxton wrote to me on 29 August and said:

> I must say that I really feel that I am under attack on a whole range of fronts at the moment. This proposed legislation regarding children working in a family business annoys me.
>
> I would see it as a denial of people's rights to educate and train their children. The fact that country children leave school 'job ready', with skills, is their big advantage in life and the removal of this opportunity is in my view discrimination. I see it as being nasty and vindictive. Before I left school I could muster stock, drive a tractor, shear a sheep, do fencing repairs and other basic tasks. This made me employable, and I had a part-time job on the next door neighbour's farm before I left school, and this became a full-time job on leaving school.
>
> What would a parent say to a child who wants to learn to have a go? 'No, son, the law says you are not allowed to learn how to do this'.
>
> It is not the state's job to tell people how to bring up their children.
>
> There seems to be a concerted effort to remove the rights and opportunities of country people at the moment.
>
> The list goes on — native veg. act, they would deny us our firewood if they could, our irrigation water is under threat, shire rates and people will not be allowed to train their children.

This shows the disgust and contempt for the government's approach on this issue. I have to say the

issue for me is not what the peak bodies say. It is quite clear that the Victorian Farmers Federation has been consistent on this issue over a long period, and needless to say it is still arguing the case reasonably that the permit system should be abolished. But notwithstanding the backdown by the Minister for Industrial Relations and the backflip on Monday concerning police checks for grandparents, of course we would applaud the government were it to back-step one more pace and remove the need for permits for extended family members.

That is going to remain a central problem for the regard and respect for child employment law in this state. People will only respect the law if they have confidence in it. If they think the law is foolish they will have no regard for it, and they will not observe it. The problem that the government now has is of its own making. It has created a situation where the community is hostile to this bill.

I know that at the conclusion of the second-reading speech the minister will wax lyrical about all the benefits that will arise from the legislation and justify how it is sorely needed, and the fact that it only makes small changes compared to what was previously in place. But I say: small changes? Five and a half pages of legislation increased to 42 pages? An industrial relations bill that creates an inspectorate of former trade union hacks? There is nobody in country Victoria who is giving you any cheers for this. I am sick of quoting this stuff because it is everywhere.

Mr Smith interjected.

Hon. PHILIP DAVIS — Mr Smith probably does not know much about it. He has chosen to stick his head in the sand once again. But wherever you go around country Victoria you will see the same headlines.

Here is another one: 'Overboard on children'. It is a caustic comment by Xavier Duff in an opinion piece in the *Weekly Times* of 10 September. It continues:

> How many farmers does it take to change a light bulb? Five. One to change the light bulb and four to do the paperwork. In fact after Victoria's new child labour laws are passed you had better make that six, particularly if you are relying on a child other than your own to help you.

He concludes by saying:

> It won't be long before the answer to that riddle about light bulbs will be 'none'. Farmers will battle on in the dark because they won't have time to change a light globe. And they certainly won't be risking a fine to ask a young relative to do it.

I think that is a pretty good attempt at light-heartedness towards a serious issue.

The headline that really set this off — and I must pay credit to the *Weekly Times* for leading debate on this issue — was on 27 August, which was 'Crack down'. It was an excellent article which brought this issue to the attention of country Victorians. I am disappointed to a degree that the city media have not taken the same level of interest, but that is presumably because in country Victoria these issues resonate more loudly because individual farm and small business enterprises are the basis of most employment, and therefore it has a certain and special meaning. Families in country Victoria have an inevitably higher level of dependency on one another than perhaps is the case in the city.

I return to summarise the issues of principle. What we find offensive about the bill is not the bill in itself. We strongly support improved protection for children. For that reason our view is that this legislation should be seriously amended. We think this bill has been drafted in such a way that the stakeholders directly affected have not been properly consulted. Notwithstanding there was a discussion paper — as I said earlier there were very few submissions to it — most of the submissions came from peak bodies, from employer or employee organisations, and there was only a handful of individual submissions to be found.

What I think is the case is that until the end of August very few people in Victoria were not aware of the bill or of what its consequences would be, and therefore the reason for the alarm about it is that people have become informed about these propositions — deemed employment; a permit system; police checks; an inspectorate with right-of-entry provisions with no search warrant required, which are astounding provisions; the creation of a mandatory code by ministerial fiat without any parliamentary scrutiny; an ill-defined concept of light work, and, of course, the penalties and compliance processes that have been incorporated.

These are the issues people are concerned about. For that reason and because I do not believe the community has been properly consulted, I move:

> That all the words after 'That' be omitted with the view of inserting in place thereof 'this house refuses to read this bill a second time until key stakeholders are consulted on options to address the needs of the community and ways to properly protect children'.

The PRESIDENT — Order! The debate will now be on the bill and the reasoned amendment.

Hon. W. R. BAXTER (North Eastern) — I indicate to the house at the very beginning that the National Party has no difficulty whatsoever in supporting the reasoned amendment moved by the Leader of the Opposition and endorses the very valid reasons advanced for his so moving.

If the reasoned amendment is not successful, the National Party intends to oppose the bill at the second-reading stage. I know the minister, in his summing up, might well accuse me of doing something differently from what was done in the Legislative Assembly. It is true that in the other place the National Party did not oppose the second-reading motion.

We took that action because we genuinely believe, as I am sure all members of the house believe, there needs to be law in place that ensures children are not exploited, that they are not unduly exposed to abuse, either physical, mental, sexual or otherwise, and that the intent behind the bill is laudable. It is just that the drafting, as Mr Philip Davis has so eloquently pointed out to the house, ends up in an entirely impractical situation which will not have public support or regard and will therefore be ignored — and law ignored is bad law. We should not be a party to putting it on the statute book.

The National Party did not oppose the second-reading motion in the Legislative Assembly on the basis that it believed that if the government abides by the slogan that the Leader of the Government in this place was so keen to get on the *Hansard* record yesterday — that it listens, then acts — but if the government had been listening to the outpouring of outrage that has occurred throughout country Victoria over the last two or three weeks, it might well have redrawn the bill, redrafted it and introduced a bill which would have achieved the purposes that all of us could applaud.

One could say it is true that the government has listened partially because it has made a couple of changes. What it has done is make a 90 degree turn when it should have done a 180 degree turn. The National Party is not happy with the amendments that have been introduced. We are happy with them so far as they go, but they clearly go nowhere near far enough. It is for that reason that if the reasoned amendment does not get up — we earnestly hope it does because it will give us the opportunity to redraft the legislation into a form that we will all support — then we will oppose it at the second-reading stage.

If that action fails to defeat the bill, we will then move amendments in the committee stage to try to make the best of a rough-and-ready piece of legislation. I have no doubt that the opposition also proposes amendments as well.

The bill is totally impractical in terms of its operational regime and it cannot possibly work. I will deal with that later. I say at the outset that the legislation has damaged this government's credibility throughout country Victoria, if not metropolitan Melbourne, in a way no other action that the Labor government has taken since 1999 has done. It has essentially insulted the senior part of our population, grandparents in particular, many of whom have great pride in their family line and the way they teach their children, instil in their children codes of behaviour of proper ways to conduct themselves, inculcate skills, living skills and so on. Now the government has sent a message to all young people that grandparents cannot be trusted. You can imagine how that has upset a lot of grandparents.

Hon. D. Koch — What a disgrace!

Hon. W. R. BAXTER — Yes, it is a disgrace, Mr Koch.

Hon. P. R. Hall interjected.

Hon. W. R. BAXTER — No, Mr Hall. As you found out at the Bairnsdale saleyards when they were knocking you down trying to get a petition to sign, this has cut very deep indeed, and this wound will not heal. I find it extraordinary that last Tuesday the government put the Attorney-General on *Country Hour* at his arrogant best — perhaps 'arrogant worst' might be a better description. I do not think the Attorney-General understands the importance of the *Country Hour* in rural Victoria. Does he know that *Country Hour* is a religion in country Victoria?

There would be farming families at their lunch tables, in kitchens in farmhouses from the length and breadth of Victoria, from Mallacoota to Lindsay Point, and they would have been listening to that arrogance that came across the airwaves on Monday, and they would have said, 'How did this government ever get into office; how did this character ever come to have a say in the law of this state?'. Yet the Attorney-General holds himself out as the first law officer of the state — he knows all. He might find that at the next election the Child Employment Bill is the very bill that pulls the mat from under him because the *Country Hour* show is listened to by so many people and that arrogance on Tuesday would have cut very deep indeed.

The bill destroys family values because of the distrust and mistrust it is instilling. It goes against the very thing that the government professes to be in favour of. It has set up a Department for Victorian Communities. I

attended a briefing by the Department for Victorian Communities not so long ago and great play was made, quite rightly I thought, of the value of the family, of networking, of friendships, of community and of trust.

This bill is going in absolutely the opposite direction. It is destroying family values, quite the opposite to what the government professes to want to put into place. I want to speculate for a while, like Mr Philip Davis did, about where the genesis of this bill arose. Well, Mr Bishop, I know where it came from. It came from that citadel down in Lygon Street, the Trades Hall. That is where it came from.

Honourable members interjecting.

Hon. W. R. BAXTER — Absolutely right! It is down there that they do not believe in the work ethic. And it is they who want to destroy people's willingness to put their shoulders to the wheel, to do a day's work and to make a decent contribution. It is they who want to destroy the concept of volunteerism. It is they who are the control freaks. It is they who cannot bear that someone might be beyond their reach, and that someone might actually want to do something of their own free will.

Mr Smith interjected.

Hon. W. R. BAXTER — I do believe it absolutely, Mr Smith, because the evidence is there that the union leadership, the power freaks, simply want to manipulate. And what do they see? They see kids working in businesses, on farms or wherever as beyond their control. And if they do not get to control them early they never get to control them. They are behind this bill, and that is the genesis of this bill — that is, the citadel in Lygon Street.

Yes, of course they dress it up in all this fine rhetoric. They say, 'We do not want children to be exploited. We are protecting children from exploitation'. That is what they say. We ought to look at the record of unions themselves and look at how they exploit their membership and use them as cannon fodder. Just look at the example recently with Simplot and Four'n Twenty Pies. Were those union leaders interested that workers were being retrenched there? Not one iota, but they were darned sure interested in a power play amongst themselves.

We know all about exploitation when it comes to the union officials. They say, 'We are doing this for safety reasons'. We have had all these dodgy statistics run out by the Minister for Industrial Relations and ministers in the government and backbenchers. They say, 'There is one child under 15 years of age injured seriously in the workplace every 15 days. The inference is that all those young people injured were in actual employment, paid or unpaid. That is the inference and that is what they want the community to believe. If they had looked a bit more closely at the statistics, which of course they either had not or did not want to disclose, they would have found that most of those injuries, as unfortunate and tragic as they are, have nothing to do with children working in the workplace. They are usually children playing in workplaces, with or without supervision or without the permission of the owners or the operators, who become injured, or tragically they are often children put into dangerous situations by parents who fail to appreciate danger such as allowing children to ride on tractors, trailers or whatever. They are not people injured in the workplace in work situations. They are young people who happen to be in workplaces because they are there for recreational or some other reasons.

It is not the situation that those people are being injured in the workplace; that is simply not the case at all, yet that is the inference the government has tried to draw. A moment ago we heard Mr Mitchell say that this is already the law and he asked, 'What are you complaining about? This is division 9 of the Community Services Act 1970. It has been the law for 33 years'.

I agree that on the face of it that argument might have merit. Let us have a look at the statistics. In those 33 years I am advised that no permit has been issued for a farm employer. No permit has been issued in 33 years! Obviously the act has been honoured in the breach in terms of the farming industries. I do understand that about 2000 are issued per year in the entertainment industry, and one can understand that children are involved in stage shows and the like. It is easy and quite proper that permits be applied in those commercial operations that require late nights, training and so on. The act has clearly been applied in terms of the entertainment industry, but it has certainly not been applied in terms of agriculture because not one permit has been issued at all.

Of course the 1970 act makes absolutely no provision at all for police checks — none at all! It certainly makes no provision for a battalion of inspectors to be cruising around country Victoria knocking on doors. The 1970 act is very anaemic; it has not been applied. I have no objection to its being updated. I do not complain about that at all, but I do complain about this attempt to update it which I say is entirely impractical, unworkable, expensive and counterproductive.

Just think for a moment about how it is going to work. You have to apply for a permit. I refer the house to the relevant section 76 of the Community Services Act 1970, which talked about needing to have a permit. The permit was once only; if you got it you had it and that was it. But under this one you have to get the permit every year, so it becomes a very onerous obligation upon prospective employers.

You also have to get permission from the school that the child attends. There was none of that in the 1970 act. Therefore you have to involve the school. Then there is the cost. I have seen in the papers that it is going to cost $24 and that this is an imposition. Those people are under a misapprehension. The $24 is for the police check. We do not know how much it is going to cost, Mr Hall, for the permit. That fee has not been set yet, so far as I know. At least it has not been publicly disclosed. Knowing how this government is prepared to tax people for administrative work, you can bet your bottom dollar that the permit is going to cost you $100, if I am any guess.

Hon. D. K. Drum interjected.

Hon. W. R. BAXTER — That is right, Mr Drum. On 1 July each year it will be jacked up by the consumer price index, by this government that automatically indexes every tax and charge that it makes.

Let us have a bit of a think about the police checks, for example. What do we know about that? The bill says the employer has to get a police check, and that all the people who might be supervising the child have to get a police check. Is it going to be $24 a time? What is a police check going to disclose? Who is going to make the decision whether the person is ruled out or not on the basis of what is on the police check? It seems to me that the bill is silent on this matter.

I have here a 'consent to check and release national police record'. You fill in your name, your address and all the usual details that you would expect. Question 1 asks:

> Do you have any convictions, findings of guilt and/or pending charges against you (non-traffic) which are less than 10 years old … in Victoria?

Yes or no? What happens if you tick the 'yes' box? Does that automatically disbar you from getting a permit to employ a child, or automatically disbar you from being a supervisor of a child in a workplace if you happen to be the employee of the owner of that place? I do not know. There is no guidance, and nothing in the police check which says that. Question 2 asks:

> Do you have any convictions, findings of guilt and/or pending charges against you (non-traffic), in any other Australian state which are less than 10 years old?

Right? Tick there!

The third question goes to commonwealth offences. If you tick 'yes', what happens if 9 or 10 years ago you came back from overseas and you did not declare your teddy bear or a colour television? Does that disbar you? For an offence that old which is of relatively minor consequence and which has nothing much to do with supervising children — whether you declared the teddy bear or not? There is no advice. The bill is silent. Is this going to rule you out?

Question 4 is rather more pertinent. It does at least deal with convictions for offences where you have had a term of imprisonment greater than 30 months. Clearly, if you have been in the cooler for more than 30 months, that is a very serious offence, and it may well be a reason to rule you out; I do not know. The bill is again silent on it.

This is a situation where we are going to have a whole heap of confusion, and a lot of people will be very reluctant to sign forms like this if it looks as if offences for which they believe they paid their penalty years ago might well come back to haunt them in a circumstance which would be entirely unnecessary, unfair to them and so on. It would be remiss of the Parliament to impose on a person this sort of police check without some understanding and guidance on the gravity of the offence which would debar them from getting a permit. There is absolutely no indication in the bill one way or the other on that.

Hon. Bill Forwood — The committee stage might help.

Hon. W. R. BAXTER — That is right, Mr Forwood. I hope you will be able to examine the minister and see what you can draw out — —

Mr Gavin Jennings — Do not presume that there will be a committee stage.

Hon. W. R. BAXTER — I am encouraged by that. Democracy is working well. This is a house of review, and the people have spoken and said that this is what we have a Legislative Council for. Bills go through the Legislative Assembly, which alerts the public to what is in them. If the public believes something is inappropriate, there is an opportunity for the upper house to change the course. So, if the government, through the minister's interjection, is indicating that it is contemplating changing course, I am very pleased

indeed! If on the other hand the minister is convinced that his backbench colleagues are going to be convinced by the argument from this side of the house and will vote the bill down, I am encouraged again. There may not be a committee stage, Minister, and I look forward to that!

I also want to make a passing remark or two about supervision. The bill seems to be based on the city-centric view of this government that everyone works in factories or shops where there is a supervisor and it is easy to exercise oversight. It does not seem to have any contemplation at all of the practicalities of supervision on a farm where a 14-year-old might be bringing a mob of sheep up from the back paddock and is perfectly capable of doing that on his own with a couple of sheepdogs. If the farmer is a grandparent, is he supposed to accompany the child? Is the fact that he is keeping an eye out from the back veranda to see that all is going well sufficient supervision or is it not? There are going to be extraordinary difficulties with that.

What about clause 26 in respect of farms which are operated, as many are now, as family trusts and the like? They may still be run by the family, but for taxation purposes or other financial reasons they are structured as a sort of corporate entity. Does that mean that they cannot engage children under 15 because they will fall foul of clause 26, the supervision requirements of the bill? Again, it is unclear, impractical, difficult, unworkable and another reason that the reasoned amendment ought to be carried.

What the National Party has set out to do — if it is not able to have the bill withdrawn and redrafted — is insert an amendment into the bill which will expand the classes of persons who can employ under-15-year-olds without either a permit or a police check. We have decided to expand the definition of 'family business' to include relatives rather than just parents or guardians. Where have we gone to find the definition of 'relative'? We have chosen the definition contained in the Duties Act. Why did we choose that? Simply because it is a precedent that is already in the statute book, is working well and has not given rise to any complaints.

It does not include every relative under the sun who is too far removed from the immediate family. If the house were to accept that definition in the absence of another one emerging, perhaps from the opposition, it would improve the bill immensely. I will certainly be commending to the committee, if we go into a committee stage, that the National Party amendment on that particular aspect be adopted. That will make the bill not entirely workable but something a little better than that which is currently before us.

I want to make a remark or two about the mandatory code that is inserted in the bill for the entertainment industry. I think that is an oxymoron — a mandatory code! If it is mandatory, is it not law? If it is law, why do we not say so and have it in the bill? Why is it called a code if it is mandatory? It seems to me that if the Parliament wants to mandate something it ought to be setting out in the legislation what it is mandating and not just saying, 'We are going to have a code that the minister can draw up if he or she thinks fit, and it is going to be mandated'. I think that is a dereliction of Parliament's duty. I do not think we should accept that. That is another provision I would like to dispose of.

I am not opposed to young people being employed on the stage or wherever in the entertainment industry, but I do have problems with a mandatory code. If we want to make it mandatory, let us put it in the bill so we all know what we are talking about before we pass it. Do not leave it to this minister, because I do not think we can be too sure about the direction in which this minister will go.

I want to say a little bit about the enforcement officers. Our old friends the enforcement officers have come back. In a sense we are making progress because in this bill they are called child employment officers, which bears a little more resemblance to their duties than the misnamed information services officers that we saw in the Uniform Systems Bill, the Fair Employment Bill and the Outworkers (Improved Protection) Bill where they were clearly enforcement and compliance officers but were dressed up as if they were goody-goodies just going around giving information to people. Again I think this is overkill.

Mr Philip Davis might be right in saying this is another way that the government can give public service jobs to its union mates. He might be right; I do not know, but I simply think it is over the top and we do not need it.

This bill deals with children aged under 15, where we want trust, networks and families. The last thing we need is the Trades Hall club approach — go around and belt people with a big stick. That is what this bill has, and that is what we have to get away from.

Mr Smith — I thought you believed it.

Hon. W. R. BAXTER — Of course I do. I would not say that with all the evidence in front of me if I did not believe it. I think that the bill is ill-conceived. It has certainly generated a lot of heated opposition; Mr Philip Davis read out a lot of quotes and evidence of that. I am

not going to do it because he did it pretty well, but we have a couple here. I have the *Riverine Herald* of Friday, 12 September. Its front-page story carries the headline 'Bill outrage'. I have to say you do not get front-page stories of events in Melbourne from the *Riverine Herald* that often, but here it is. The *Campaspe Valley News* has very similar coverage. The *Hamilton Spectator* of 11 September has the headline 'Rural heritage under threat' — again, the same sort of evidence that Mr Davis put before us. There is a great deal of concern out there in country Victoria that this legislation is going too far.

Sure, there is a lot of heat. As I said, the government has obviously felt it because it has moved, but it has not moved near enough.

Mr Smith — We listened and then acted.

Hon. W. R. BAXTER — Yes, and the problem was you have not gone far enough. In fact, you are probably in a worse position now. You have given way, but you have demonstrated that this giving was all of a bit of a ploy. You actually did not deliver very much at all in your giving way. All you have done is worsen your reputation in country Victoria because you are now being seen as a little bit shifty.

Mr Smith — They loved us down in Traralgon.

Hon. P. R. Hall — Come down with me to Bairnsdale and see how much they love you down there!

Mr Smith — We went to Sale and Traralgon and they loved us — couldn't get enough of us.

Hon. W. R. BAXTER — I think Mr Smith should take up Mr Hall's invitation and he might change his tune next time he goes down there, because I think this bill could well turn out to be the watershed of this government's reputation in country Victoria. They have been deeply suspicious for a long time. They have been very concerned, but they were prepared to give the government a go. They are fair-minded people; they were prepared to give it a go, but this has soured the relationship, probably forever. The only way you can retrieve this bill is to withdraw it, redraft it and bring back legislation that all of us in Parliament can endorse — so we can put in place legislation which protects children from exploitation and abuse but at the same time does not undermine family values in this state.

Mr SMITH (Chelsea) — This is clearly a bill that has created a great deal of interest, if not emotion. The interest stems from the concern of those opposite who are hell bent on protecting what they think is their right to employ kids any way they see fit.

It is going to take some time to get through the issues I want to raise, but I will start by saying that the purpose of the bill is to reform the current law pertaining to employment of kids under the age of 15. We have heard already from previous speakers that this is in fact quite an old bill, some 30 years old. Former Premier Henry Bolte established it for very good reasons; and I am sure Mr Baxter, who raised that particular matter, was here when Mr Bolte first brought it into the house — or if he was not here, he was very close to it.

The bill had a very credible rationale behind it. It was to protect minors. 'Minors' is an interesting word because it reminds me of a time when young people were actually employed as miners — that is, in coal mines and the like. There were the old canaries and the little boys down there, digging away, being killed, being brutalised and so on.

An Honourable Member — How would you know?

Mr SMITH — Let me just say that I have been there, because I happen to come from Billy Elliott country. For those who do not know, that is in the north-east of England, and the coal mines in the north-east of England are, along with those in Wales, areas where kids were exploited by conservatives like you lot.

Hon. Bill Forwood — I am going to circulate this speech to the country people, Mr Smith!

Mr SMITH — And there is more to come. You can circulate the whole lot of it. The fact is undeniable — that kids have been exploited in the workplace for many a year by people. They have been brutalised and they have been killed.

We know you do not care, but this side of the house has cared historically. The Labor Party, whether it be British Labour or Australian Labor, has consistently demonstrated a willingness to protect the vulnerable, whether they be minors or adults. I am not suggesting for one moment that people opposite, particularly those who purport to represent rural communities, including farmers, do not care about their kids. Of course they do, as we do. But I think it is just denial to suggest that kids are not hurt out in the workplace in rural Victoria, that they are really, as Mr Baxter said, out having a bit of fun. They may have been just playing on dad's tractor and had an accident; the tractor fell over and killed

them when they were actually only out there playing at harvesting or whatever.

The fact of the matter is the most destructive workplace in this country is the farm. More injuries to workers occur on farms than anywhere else. Members opposite may choose to deny that; they may want to bury their heads in the sand and say, 'No, it is not true', but the facts are undeniable. The statistics prove it is the most dangerous work environment in the country.

How do I know that? The Australian Workers Union officer, Dr Yossi Berger, has been heavily involved in workplace safety on farms for many years, and he has done an enormous amount of good for both employers and employees, particularly shearers and the like. I know graziers objected very strongly to the union having some input into improving the workplace. They thought it was their right to exploit people in any way they thought fit. Thankfully, as a result of different grants of support from national conservative political parties as well as from Labor, state and federal, and unions, we are actually starting to get together a good, safe work environment out in farmland.

Mr Baxter made the comment, which I read earlier, that kids were not being hurt in the workplace. Because I only have a minute or so left tonight, I will wait until tomorrow to give the opposition absolute proof that demonstrates and gives examples of where kids are being hurt — are being killed! — in the workplace; where 14-year-old kids are having their arms and limbs ripped off — —

Hon. Andrea Coote — Oh come off it!

Mr SMITH — I hear the interjection by the Deputy Leader of the Opposition. How appropriate, because you do not care! You turn a blind eye to the facts, but the facts are irrefutable, and I will bring them into this house tomorrow. I will bring names, places and times where kids have been decimated in the workplace — wood-splitting machines ripping the arms off 14-year-old boys! I know you do not care, but they are the facts.

The opposition seems to take personal offence at the need for checks, permits or whatever. It demonstrates a refusal to accept that some family members do in fact abuse kids. Well, let me ring the bell for you, fellas: most kids who are abused are abused by family. It is a shocking statistic, something that we are all uncomfortable with, but that is a fact of life. We are all uncomfortable about that. The opposition may choose to walk away from it; we do not. We will not expose kids to those sorts of circumstances.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! Under sessional order 10, as it is now 10.00 p.m. the question is that the house do now adjourn.

Libraries: funding

Hon. D. KOCH (Western) — I again raise a matter for the Minister for Local Government about the continuing burden on rural councils of having to increase library funding due to cost-shifting by the Bracks government.

There are 16 regional library services across Victoria that provide access to over $1 billion worth of ageing book stock to more than a million Victorians each and every year. Every person in the community has access to our public libraries, but even with the miserable additional library funding allocations for purchasing books, I am aware that the Wimmera regional library service seeks second-hand books to put on shelves as its only means of replacing ageing book stocks.

None of the 16 regional library services is capable of meeting all the expectations of the community due to a lack of adequate operational funding. In reality, without urgent assistance they are all at risk of failing to continue to provide the valuable service we have all grown to expect.

The Ararat Rural City Council is a member of the Central Highlands Regional Library Corporation and has reluctantly agreed to increase its financial contribution by 20 per cent for the 2003–04 financial year so that a reasonable level of library service to the community can be maintained. Significant increases in council contributions to the regional library have been a concern to the council for some years. Since 1995–96 council contributions have increased by a staggering 177 per cent compared to a 42 per cent increase in council rates and only a 19 per cent increase in consumer price index movements.

In response to this situation the Ararat Rural City Council is asking the Central Highlands Regional Library Corporation to review its operations so as to limit increases in operating costs. This will mean that access to literacy services provided through local libraries will be further squeezed.

The council is fully aware, however, that a significant factor in the increases in its contributions to library funding has been the transfer of costs from the Bracks

government to local government. This has been brought about by the inadequate funding streams to library corporations, depriving them of the opportunity to meet the cost of adequate standards of new book stocks and service against recent consumer price index movements.

Regional councils view this issue seriously. I ask: when will the minister acknowledge these growing shortfalls and address the needs of regional Victorians with more adequate library funding?

Alzheimer's disease: research

Hon. C. D. HIRSH (Silvan) — I want to raise an issue tonight with the Minister for Aged Care. I want to remind honourable members that this week is Dementia Awareness Week, and the most common form of dementia, in older people in particular, is of course Alzheimer's disease. About 40 000 Victorians currently suffer from dementia, primarily Alzheimer's, and its prevalence is expected to quadruple within 50 years, primarily because of the general ageing of the population.

A range of activities are taking place this week to draw the attention of the community to the illness of dementia. I certainly found the artwork in Queen's Hall quite astonishing. It was absolutely amazing to see some of the work that was done.

A relation of mine had Alzheimer's some years ago, and one of the saddest things I saw was my great-aunt gradually deteriorating from a loving, caring, great, intelligent woman to really a sad, lonely person who had lost all her cognitive skills.

Her death in the end was a blessing, I think, for the whole family. For families who are afflicted and families who have to care for a person with dementia, although there is enormous sorrow and pain when that person dies, there is also a degree of relief because they are often long gone prior to death.

I want to draw the minister's attention in particular to the report that has recently been released by Access Economics, which talks about a range of strategies with five pillars. There has to be investment into research into cause, prevention and care. The research going into the cause of dementia is moving ahead fairly rapidly, and quite a lot of information is coming forth. I know that with Parkinson's disease, dopamine is seen as something that may very well be a preventive neurotransmitter. Will the minister make sure that he takes note of this report and that the government investigates its findings and implements them, because it is very good indeed and most comprehensive?

Moonee Valley: right of way

Hon. J. A. VOGELS (Western) — The action I seek is that the Minister for Local Government — I see the minister sitting at the table — have another look at the way the Moonee Valley council has dealt with the proposed closure of a right of way at the rear of 79 Doncaster Street, Ascot Vale. The owners of this property, Mr and Mrs Whitfield, are what we all understand to be genuine Aussie battlers. This couple built their own house 40 or more years ago when Ascot Vale was still a suburban paddock. Over the years neighbours have moved in and the whole street is now obviously filled with very expensive property.

At the rear of this couple's property, the right of way which they are now trying to purchase originally extended from 79 to 89 Doncaster Street. Over the years the later arrivals have all had a dip at the council and have succeeded in taking possession of the extra bit of laneway at the rear of their properties for their own purposes. In fact, the council noted that the property owners of 81 Doncaster Street, next door to Mr and Mrs Whitfield, were already occupying that section of the road illegally back in 1987. However, it was still deemed to be legal and they were allowed to purchase it.

As I said before, over the years the council has allowed all the property owners, each and every one of them, to purchase that bit of land at the rear of their properties. However, the Whitfields, who are the last ones left, have been refused. Mr Whitfield is a totally and permanently incapacitated pensioner. He has fought in the war, and he is a true Aussie battler. He finds it unbelievable that he is the only one to be refused. His property is at the end of the laneway and interferes with nobody because it does not affect anybody's access.

He would like to purchase this last bit of laneway from the council so that his daughter can park her car there and come and look after him because he is incapacitated. I ask the minister to have another look at why the Monee Valley council has decided that Mr Whitfield is the only person over the years who has been unable to get access to his laneway. I find it unbelievable. I will quote from the letter that Mr Whitfield wrote to the Moonee Valley council:

> In reply to your letter of the 29 November, 2001 in regards to the proposed road discontinuance rear 79 Doncaster Street, Ascot Vale, I wish to confirm that I am in accordance with your proposal for plan option B … Being a veteran, classified as a EDA (Extreme Disability), Veterans Affairs, I wanted the

extra piece of land for off-street parking so that my daughter and family can come and help care for me.

Crime: Ballarat

Ms HADDEN (Ballarat) — I wish to raise a matter with the Minister for Police and Emergency Services in the other place. The issue is to do with the recently released crime statistics produced by Victoria Police statistical services division. I ask the minister to reassure the Ballarat community that it will continue to benefit from the decrease in the crime rate as well as benefit from the 600 extra police which the Bracks government has committed to put back on our streets during the current term of government. Of course it is to be noted that Ballarat has already benefited form the extra 800 police which the Bracks government put back on the streets in its first term in government.

Across Victoria the crime statistics for the 12-month period from 2001–02 through to 2002–03 show a decrease in crime of 6.8 per cent in total, which is the biggest drop in a decade. Crimes against the person fell 3.3 per cent, crimes against property fell 8.3 per cent, and drug offences fell 1.1 per cent. Comparing these with the crime statistics for Ballarat in region 2, crimes against the person were 6.8 per cent lower, crimes against property fell 9.8 per cent, and drug offences fell 6 per cent. The total drop in Ballarat's crime rate was 7.1 per cent, which is actually more than the state fall of 6.8 per cent.

A few areas which do need continuing attention in Ballarat are theft and shoplifting at 22.6 per cent compared with the state figure of 21.4 per cent. The other crime of going equipped to steal is 29.9 per cent in Ballarat compared with the state figure of a fall of 10.5 per cent. The Ballarat retail board is to be commended for being proactive in addressing these two areas in particular by working with the Ballarat police in running training workshops with local small business operators to demonstrate how shop theft can be minimised.

I therefore repeat my question: I ask the minister to assure the Ballarat community that it will continue to benefit from the decrease in the crime rate and also benefit from the extra 600 police officers to which this government has committed during its second term.

Hon. Bill Forwood — You haven't got 600! You're down two-thirds already.

Ms HADDEN — No, you sacked 1000 in your last term; that's what you did.

Community services: funding

Hon. D. McL. DAVIS (East Yarra) — My matter for the adjournment debate tonight is for the attention of both the Minister for Health and the Minister for Community Services in the other place. It concerns the Victorian Council of Social Service and community sector peak organisations and their meetings and resolutions of 16 September 2003, and the concerns expressed by VCOSS about the community sector cutbacks and the cutbacks to non-government organisations in a series of areas, including areas that as shadow Minister for Health I have some responsibility for, such as palliative care and drug and alcohol providers in particular, but others also.

I want to quote from the letter I received from Vicraid. It is addressed:

> Dear Liberal members of the Victorian Parliament ...

It is headed:

> Community sector rejects state government cutbacks at public meeting 16/9/03.

And it says:

> I write again to seek your support to intervene with the Premier and Treasurer to turn back the state government's three-year rolling [cuts to the community sector] across every community and electorate in Victoria.

I note that it has called a public meeting for 14 October. I give my commitment to attend that meeting and urge other Liberal members, and Labor members of Parliament who have the spine to stand up to the Premier and Treasurer, to also attend.

Hon. Bill Forwood — No jellybacks — —

Hon. D. McL. DAVIS — Yes, there are no jellybacks on this side. The jellybacks are on that side of the Parliament.

I note that the letter makes clear that the funding formula enclosed puts Victoria as the least generous of all the states in the way it has imposed these cutbacks. I know that the state government introduced a so-called improved offer on or around 16 September, but according to the letter the offer is:

> … grossly inadequate and will do little to help the NGOs pay the bills.

I believe these organisations are an important part of our infrastructure as a community and that the Bracks government is on the wrong tram in attacking these organisations so relentlessly and imposing cuts that will reduce their effectiveness. These cuts are not smart

cuts, as I said earlier in the house today in the example I gave of drug and alcohol rehabilitation advice groups. The end result of these cutbacks will mean that people will end up in our acute health sector where the costs will be greater, so this is not a smart move.

I note also that a committee has been set up, which is to be chaired by Bob Stensholt, the member for Burwood in the other place. Well, God help us — that is all I can say!

Honourable members interjecting.

Hon. D. McL. DAVIS — He is one of the most hopeless — —

The PRESIDENT — Order! The member's time has expired.

Netball: Geelong

Hon. J. H. EREN (Geelong) — I raise a matter for the Minister for Sport and Recreation. I recently mentioned in this house that I had attended netball championships in my electorate in Geelong. Following that mention in Parliament I received a lovely letter from the Barwon netball region, thanking me for taking an interest in the game. I subsequently met with the region president, Joy Grubb, and we had a wonderful enlightening discussion about the game of netball in Geelong.

It was surprising to learn that there were 11 000 registered players within the Geelong region at the end of last year. This comes as quite a shock because most of the sporting emphasis in this state is placed on male-dominated sports like Aussie Rules, cricket or soccer.

Having said that, I must confess that I probably was one of a few men who did play netball for a men's team in Geelong in the early 1980s, and it is a great game.

An honourable member interjected.

Hon. J. H. EREN — No, I really did not look good in a dress. With such a large number of people playing netball and other participants such as coaches, umpires and helpers, I would imagine that netball is clearly the most popular sport in our region.

It is not surprising, however, that the netball association feels overwhelmed by the focus on male-dominated sports and what it sees as disproportionate funding and attention.

Appreciating that the minister has announced the community facility funding grants, I seek the assistance of the minister for advice on the best avenues and opportunities to support this very popular sport and to further demonstrate this government's commitment to accommodating the growth of sport in the Geelong region.

Rail: regional links

Hon. D. K. DRUM (North Western) — I ask the Minister for Sport and Recreation to pass on my adjournment item to the Minister for Transport in the other place.

I ask the minister whether he will be tabling in the house a petition from 740 people in the Castlemaine region regarding the government's fast rail project.

Hon. Bill Forwood — The so-called fast rail.

Hon. D. K. DRUM — Farce rail — f-a-r-c-e. We know how to spell 'farce'!

The purpose of the petition is twofold. Firstly, it calls for the government to maintain dual tracks from Kyneton through to Bendigo, and secondly, to install gauge-convertible sleepers on the Bendigo line. The government has continually argued that it cannot afford the additional cost of gauge-convertible sleepers over broad-gauge sleepers as the cost would be in the vicinity of $25 million. Our estimates are that the additional cost of gauge-convertible sleepers laid over broad-gauge sleepers would be approximately $2 million. So I do not know how the government has arrived at an estimate of $25 million when our estimates come in at $2 million.

Further, the government has continually downplayed the importance of Bendigo being connected to the national freight network. To use its terminology, that is deemed to be unnecessary. I recently received a letter from the City of Greater Bendigo in which the mayor informed me about a local business, Nash Tank and Pipe Services Pty Ltd, that is leaving Bendigo and taking 23 jobs with it. The council has been talking with the company in an attempt to get it to stay in the Bendigo region. The company is relocating to Parkes in New South Wales because there it will be able to connect to the national freight line that extends throughout the rest of Australia. What the government sees as unnecessary has just cost the Bendigo region 23 jobs.

In raising another issue associated with the fast rail project I ask the minister if he can guarantee that whilst the upgrade of the railway line from Sydenham through to Bendigo is in progress the government will keep the railway service operating as normal. It has been

explained to me by rail industry experts that there is no reason why the government or government contractors should close the rail service for any period, let alone the nine months that has been mentioned, whilst the rail upgrade is being completed.

The government has continually pushed down our throats in this chamber the message that Bracks listens and acts. We hope that in this instance he will listen to the people of Castlemaine and Bendigo. Firstly, we want gauge-convertible sleepers installed at a cost of approximately $2 million. We would like to keep open the two lines which are already in place from Bendigo through to Kyneton. We would like the whole concept of standardisation thought about, and we expect the rail service to be maintained.

The PRESIDENT — Order! The member's time has expired.

Lunar New Year Festival

Hon. S. M. NGUYEN (Melbourne West) — I raise a matter for the Minister for Local Government. I have been approached by the Vietnamese community association in Victoria, which is looking for a venue for its annual event, the Lunar New Year Festival. It has a problem finding a place to hold its coming event in January 2004.

The former Footscray City Council, now the City of Maribyrnong, offered the Vietnamese community Footscray Park to hold its event from early 1980 to 2000. The agreement ended and was not renewed, and the festival moved from the Melbourne showgrounds to Docklands. The location is not suitable for the community event, and the association has asked me to bring the festival back to Footscray because Footscray is a better place and more convenient for the event. The festival is no longer just for Vietnamese people but has attracted many thousands of people from all over Melbourne.

I ask the minister to liaise with the Maribyrnong City Council to see what it can do to bring the festival back to Footscray and at the same time to see if the redeveloped Melbourne scan be used for the community festival in the future.

Wind farms: government policy

Hon. BILL FORWOOD (Templestowe) — Through the Minister for Sport and Recreation I raise a matter tonight for the Minister for Energy Industries — and if he is in his room, he should pop on in. It is about one of the issues raised by Mrs Carbines in debate this afternoon. She quoted a letter from the member for South-West Coast in the other place to the minister in relation to wind energy. What we did not get from Mrs Carbines was the minister's response.

I also point out that, as Mrs Carbines would remember, the letter relates to the connection of wind energy to the grid. She probably does not know that this came about as a result of representations from a family that lives at Tarrone North, and I inform the house that Tarrone North is at least 30 kilometres north, or inland, from Codrington. So the wind farm about which Mrs Carbines spoke is not on the coast. I want to put on the record for Mrs Carbines at least that the member for South-West Coast was representing constituents who are not on the coast.

In the undated response from the minister that Mrs Carbines did not deal with, he went into a little bit of background about wind energy. Members would be surprised that he then went on to attack the member for Hawthorn in the other place, saying that the real stumbling block facing renewable energy was an 'outrageous series of attacks led by your parliamentary colleague Ted Baillieu'. In other words, in response to a sensible letter from the member for South-West Coast seeking some information on behalf of constituents about connecting wind energy to the grid, the Minister for Energy Industries made a political attack, which I think is inappropriate.

Hon. P. R. Hall — Typical!

Hon. BILL FORWOOD — Typical, thank you.

Dr Napthine responded to the constituents on whose behalf he had originally raised the issue, pointing out that the Liberal Party strongly supported wind energy and in summary saying that he was disappointed with the very politicised response from the Labor government and its failure to address the important concern of the people, who wished to have wind energy on their inland property connected to the grid.

So the issue I would like to put before the minister tonight is: what is he going to do to address the issue of inland wind farms being connected to the grid?

Police: Ocean Grove station

Mrs CARBINES (Geelong) — I raise a matter for the Minister for Police and Emergency Services in the other place. It concerns the delivery of yet another election promise to the residents of the Bellarine Peninsula, and that is the completion of the 24-hour police station at Ocean Grove.

Prior to my election as a member for Geelong Province in 1999, the Labor Party promised to build a $5 million 24-hour police station on the Bellarine Peninsula. Early in our first term we accepted the advice of Victoria Police that it should be located in the rapidly expanding coastal township of Ocean Grove and, importantly, that it should supplement the existing police stations at Portarlington, Queenscliff and Drysdale.

Last year I was delighted to attend the turning of the first sod of the 24-hour station at Ocean Grove by the Premier and the police minister. I was very pleased to invite representatives of all the coastal townships on the Bellarine Peninsula to attend that event. Commencement of the building of that police station was warmly received by all Bellarine residents, who had lobbied very hard for an increased police presence on the peninsula.

The construction of this state-of-the-art facility has been completed recently, and the first police are now operating from the Bellarine 24-hour police station, which is great news indeed. Last week I received a number of calls from local residents keen to celebrate the fulfilment of yet another Bracks government promise to the people of Bellarine with an official opening of the police station. So I ask the Minister for Police and Emergency Services to please make time available to visit Ocean Grove to officially open our new Bellarine 24-hour police station.

Our Forests, Our Future program

Hon. P. R. HALL (Gippsland) — I raise a matter for the attention of the Minister for Environment. It concerns the contract assistance program within the government's Our Forests, Our Future policy. When Premier Bracks decided to cut timber harvesting by an average of 31 per cent across the state an $80 million package was made available under the Our Forests Our Future policy to assist those contractors and businesses that were forced to exit the industry.

Sawmill licensees, harvest and haulage contractors and businesses that could prove they had at least a 50 per cent loss of income due directly to timber industry restructure were entitled to and were promised business exit packages. I am disappointed to report to the house that a significant number of contractors and businesses have yet to be paid out. I am aware of at least 10 harvesting crews and cartage contractors and their workers in the central Gippsland region are out of work, yet there is no sight of a business exit package being made available to them.

These people have had no work for at least the last two or three months because the licensees for whom they worked have exited the industry. There is no timber for them to harvest or haul to a sawmill. They have been out of work for at least the last two months, yet they still have financial commitments to pay off machinery and so on. Their applications have been assessed by the government's own industry transition task force. That government-appointed committee has recommended that those contractors be paid an exit package. They still wait, and many of them are in financial difficulty.

I am aware of at least three businesses in the East Gippsland area that meet all the criteria and are eligible for exit packages under the contractor assistance program because they have suffered income loss in excess of 50 per cent. In all these cases these people are doing it very hard financially, and the government should honour the promises it made to those people associated with the industry.

For these people it is not an Our Forests, Our Future policy, it is No Forests, No Future. I suspect the government has run out of money. I call on the government to put its hand in its pocket to find the extra money required to deliver on every promise it gave these people when it restructured the timber industry across the state. It is not good enough. These people were forced out; they were promised compensation and as yet there has been none. I call on the government to honour those promises immediately.

Responses

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable David Koch raised an issue regarding library service funding, and I will bring this to the attention of the Minister for Local Government.

The Honourable Carolyn Hirsh raised the issue of dementia, and in particular Alzheimer's disease and the report and findings of Access Economics. I will refer this matter to the Minister for Aged Care.

The Honourable John Vogels raised the matter of a Moonee Valley council lane closure in Ascot Vale in and around Doncaster Street. I will direct this matter to the attention of the Minister for Local Government.

Ms Hadden raised the issue of the reduction in crime rates, additional police numbers in the Ballarat community and the significant positive effect it is having not only in Ballarat but across the state. I will

raise this for the attention of the Minister for Police and Emergency Services in the other place.

The Honourable David Davis raised the matter of community sector productivity gains. This will be drawn to the attention of the Minister for Health and the Minister for Community Services in the other place.

The Honourable John Eren raised the matter of netballing needs and growth in the Geelong region. I compliment the honourable member for his interest in this matter. The government appreciates the substantial contribution and involvement of those committee members who support and involve themselves in sports across the state, but particularly netball because participation is so high and the enthusiasm in rural and regional areas is significant. I encourage Mr Eren to encourage those netball and community groups to approach local councils to make applications under the community facilities funding program, the details of which will be announced later on in the year.

The Honourable Damian Drum raised the issue of constituents in Castlemaine and the fast rail program from Bendigo. I will draw this to the attention of the Minister for Transport in the other place.

The Honourable Sang Nguyen raised the matter of the Vietnamese New Year celebrations being located in the Footscray region. I will direct this to the attention of the Minister for Local Government.

The Honourable Bill Forwood referred to a letter written by the honourable member for South-West Coast in another place, Denis Napthine, regarding inland wind farm opportunities. I will draw this to the attention of the Minister for Energy Industries.

Mrs Carbines raised the issue of the Bellarine police station located at Ocean Grove and sought an official opening. I will direct this matter to the attention of the Minister for Police and Emergency Services in the other place.

The Honourable Peter Hall raised the matter of the contractors assistance program in and around the Our Forests, Our Future program. I will direct this to the attention of the Minister for Environment in the other place.

House adjourned 10.32 p.m.

Thursday, 18 September 2003

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.34 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Adjournment

Mr LENDERS (Minister for Finance) — I move:

That the Council, at its rising, adjourn until Tuesday, 7 October.

Motion agreed to.

PETITIONS

Collingwood Children's Farm

Hon. D. K. DRUM (North Western) presented petition from certain citizens of Victoria praying that the Collingwood Children's Farm and the adjacent areas be kept intact and that no residential development be allowed on this site (11 signatures).

Laid on table.

Kew Residential Services: site development

Hon. D. McL. DAVIS (East Yarra) presented petition from certain citizens of Victoria praying that the draft urban design framework for the Kew Residential Services site be withdrawn and redrawn (1160 signatures).

Laid on table.

Ordered to be considered next day on motion of Hon. D. McL. DAVIS (East Yarra).

Melbourne 2030 strategy: urban growth boundary

Mr SCHEFFER (Monash) presented petition from certain citizens of Victoria requesting that the government defer the finalisation of the Melbourne 2030 urban growth boundary until their properties in the Shire of Nillumbik are included within its border (6 signatures).

Laid on table.

Housing: loan schemes

Hon. J. H. EREN (Geelong) presented petition from certain citizens of Victoria praying that the state government-sponsored home loans schemes under the flawed new lending instrument called capital indexed loans be made illegal in Victoria and that —

1. **the existing loans be recalculated from day one**
2. **home ownership be achieved within 25 to 30 years from date of approval**
3. **payments be set at an affordable level**
4. **past borrowers be compensated for losses**
5. **any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients and**
6. **the internal rate be set at an affordable rate.**

(26 signatures)

Laid on table.

Vagrancy Act: witchcraft

Ms HADDEN (Ballarat) presented petition from certain citizens of Victoria requesting that the Victorian government preserves and retains the provision of the Vagrancy Act 1966 that makes witchcraft, sorcery, enchantment, palmistry and conjuration an offence (18 signatures).

Laid on table.

MEMBERS STATEMENTS

Member for Monbulk: conduct

Hon. A. P. OLEXANDER (Silvan) — On Friday, 29 August I met with youth ambassadors from across Victoria in Queen's Hall as part of Youth Week Victoria celebrations. Young people between the ages of 12 and 17 years of age came to the Victorian Parliament to submit their policy ideas. I responded on behalf of the opposition, James Merlino, the member for Monbulk in the other place, represented the youth minister, and the Honourable Damian Drum did the same on behalf of the National Party.

During the proceedings Mr Merlino stormed over to me, my colleague the Honourable Wendy Lovell and a large number of youth ambassadors and began to shout loudly using obscene four-letter words the likes of which — —

Hon. T. C. Theophanous — On a point of order, President, this is a disgraceful attack by this member.

Honourable members interjecting.

Hon. T. C. Theophanous — And you should be ashamed to be supporting it. He is using the forms of the house which he knows he cannot use. I ask that you,

President, inform him that if he wants to make accusations about a member in another place, he should do so by substantive motion.

Hon. A. P. Olexander interjected.

Hon. T. C. Theophanous — I also request, President, that you ask him to withdraw the outrageous comment he just made.

Hon. Philip Davis — On the point of order raised by Mr Theophanous, President, the fact of the matter is that the member is simply describing an event. It is not a matter of issue on a point of order as to the accuracy of an event that is described in any way by a member in this place — it is up to the member to describe an event that they have complete cognisance of.
Mr Theophanous has no point of order. The fact of the matter is that he is the pot calling the kettle black.

Hon. T. C. Theophanous — Further on the point of order, President, yesterday you made a ruling on comments that I made which were based on describing a factual situation — that is, that a particular member had $42 000 worth of shares.

The PRESIDENT — Order! Minister!

Hon. T. C. Theophanous — I am not naming the member, but I was asked to withdraw, and it was on the basis of a factual statement. It is an absolute nonsense to suggest that the slanderous way this member has interpreted events is acceptable in this house. I ask that you ask him to withdraw his comment.

Hon. R. Dalla-Riva — Further on the point of order, President, the honourable member has just alleged that these matters had not occurred. In fact, I was there and was quite offended as well by these comments. They were absolutely outrageous comments.

The PRESIDENT — Order! Mr Dalla-Riva, you should make a point with respect to the point of order rather than making a statement to the house. I hear what you say, but I ask honourable members to desist from interjecting.

On the point of order, I ask the member to be mindful of rule 9.17 — no member will use offensive or unbecoming words in reference to any member of either house. I ask the member to continue, but he should be careful with the words he chooses.

Hon. A. P. OLEXANDER — Mr Merlino stormed over to me, my colleague Wendy Lovell, MLC, and a large number of youth ambassadors. He began to shout loudly, using obscene four-letter words, the likes of which — —

Hon. T. C. Theophanous — On a point of order, President, this is an attack on another member, and under the standing orders of this house it is not allowed except by substantive motion. It is clearly an attack on another member, and you should not allow it by any circumstance except by substantive motion. I ask you to rule the member out of order.

Hon. Philip Davis — On the point of order, President, I suspect you do not need any help with this given the ruling you just made under rule 9.17 that this matter is within the competence of the member to describe. He is not using offensive words against another member; he is simply describing a fact.

The PRESIDENT — Order! I do not uphold the point of order, but Mr Olexander knows the rules about making comments about members of this house or other members and the ruling regarding substantive motions. I ask the member to continue, but once again I caution him to ensure that he is careful in the words he chooses.

Hon. A. P. OLEXANDER — Mr Merlino used obscene, four-letter words the likes of which I will not repeat in this Parliament. Ms Lovell intervened, asking Mr Merlino to stop as we were in the company of young people and his behaviour was entirely offensive. Mr Merlino then shouted his obscenities — —

Hon. R. G. Mitchell — On a point of order, President, the member is clearly reading; he is not — —

Honourable members interjecting.

The PRESIDENT — Order! Yesterday I ruled accordingly. There is no point of order.

Hon. A. P. OLEXANDER — He then shouted his obscenities once again. Mr Merlino's behaviour and language intimidated, shocked and embarrassed those present. I call on him to apologise.

The PRESIDENT — Order! The member's time has expired.

Moreland: home energy program

Ms ROMANES (Melbourne) — The Moreland Energy Foundation was established by the Moreland City Council as an independent, locally based organisation devoted to reducing community greenhouse emissions. Its development grew out of the

forced sale of council-owned electricity retailers by the former Kennett government.

Last Sunday it released an evaluation report of its Home Energy Star program. The stars are those Moreland residents who sign up to a program designed to reduce greenhouse emissions. Participating households receive a thorough home energy audit as well as support and advice over the following year to achieve potential energy savings.

The Home Energy Star program is designed to produce behavioural change, and it appears to be having some success. Seventy-five per cent of those participants made small changes to their behaviour to reduce their energy use and 13.6 per cent had made major changes. Those main behaviour changes were made by turning off power points, turning off lights and using less hot water and less heating.

This is a very important initiative to find ways to get local communities to consider the ways in which they can reduce their own greenhouse emissions, and I congratulate the Moreland Energy Foundation Ltd on this initiative.

Member for Monbulk: conduct

Hon. W. A. LOVELL (North Eastern) — On Friday, 29 August, I attended the Youth Week event in Queen's Hall as part of the Youth Week Victoria celebrations. I listened to young Victorians from all over the state present their policy agenda for the future. I was very proud of the way these young people conducted themselves and of their commitment to the future.

I was personally shocked and appalled when the minister's representative, Mr James Merlino, MLA for Monbulk, began an abusive and obscene tirade — —

Honourable members interjecting.

Hon. T. C. Theophanous — On a point of order, President, I raise a point of order again because I believe that an important precedent is being established here today. I would like the Chair to reflect very carefully before making a ruling in relation to this matter. There have been now two members of the opposition — —

An honourable member interjected.

Hon. T. C. Theophanous — Are you going to listen? This is a very important issue, because it might affect you tomorrow or the next week.

The issue comes down to this: there is plenty of precedent in *May* which talks about the conventions of this house and of similar houses in relation to accusations about members of this house or the other place.

What *May's* practice and convention says — and I am happy to try and find it for you, President — is that if you are going to make substantive accusations against a member in another place or in this place as to their behaviour or character then that has to be done by way of a substantive motion in this house.

There is no substantive motion before the house in relation to this matter. If we are going to stay here and listen to opposition members getting up constantly, one after another, and making a series of accusations about a member using the 90-second statement forum to do that, that will establish a precedent that I do not think the members of this house want established, and I do not think that the Chair should allow it to be established.

I urge you, President, to rule out of order what is obviously a theme of a consistent attack on another member of another place, which should be done by way of a substantive motion coming before this house so as to allow a defence of that member by members on this side of the house. That is what the convention and the practice of *May* establishes.

It is inappropriate to allow this to continue with member after member making 90-second statements about somebody in another place without the opportunity being afforded to members on this side of the house to defend that particular member. The opposition should do it properly; they should put up a substantive motion. The Leader of the Opposition should be ashamed of putting it up in the way that he has.

Hon. Philip Davis — On the point of order, of course one could contemplate the hypocrisy of the remarks coming by the mover of the point of order, but what I would like to say is that as I understand it, having listened to the remarks so far by the honourable member speaking, she is simply describing a set of events that occurred in the parliamentary precinct, indeed in Queen's Hall.

My understanding is that she is trying to put into context some comments that she found offensive at that event, and in relation to that she does not want to be in any way associated with those offensive words. She is therefore disassociating herself from the remarks which were made in Queens Hall a couple of weeks ago.

Mr Lenders — Further on the point of order, President, I draw your attention to standing order 9.18 which quite clearly states that any personal reflection on a member will be regarded as highly disorderly. Regardless of what else has been said in these points of order, this is undoubtedly a very powerful personal reflection on a member in another place, and I ask you to rule it as highly disorderly.

Hon. B. N. Atkinson — Further on the point of order, President, the provision that the Leader of the Government has drawn the President's attention to is associated with opinions being cast by members — in other words, members reflecting on another member by way of opinion or comment on that other member. The provision does not apply to a situation where behaviour by a particular member is being discussed and, as has been indicated, where a member is simply seeking to disassociate themselves from that behaviour.

Mr Gavin Jennings — Further on the point of order, President, I would build on Mr Atkinson's argument to support my leader's proposition. I think that a careful analysis of Mr Olexander's contribution would show that he said that he was expressing an opinion on what he thought of the behaviour. Precedents are being set this morning about opinions that have been expressed about behaviour and interpretation of behaviour, and while in context it can be argued that it is being established by the ongoing contributions of people who rise to their feet to support a single accusation in the style of an Alcoholics Anonymous meeting, it contains opinion on that circumstance and cannot be described as a factual situation because inherently it relies on opinion, interpretation and a recollection of the members involved.

The PRESIDENT — Order! The point of order was initially raised by the minister, and was followed by further points from both sides. The relevant standing orders are 9.17 and 9.18. At the moment the member is relaying her version of what events took place. I remind her about casting personal reflections on members in the other place, and ensuring that there are no imputations of improper motives, which would be considered highly disorderly and would be ruled out of order. I will ask the member to continue but ask her to be very careful of the words she chooses, because she is getting close to casting reflections on a member in the other place and if that continues, I will have no option but to rule her out of order. But at this point I will allow the member to continue with her statement.

Hon. W. A. LOVELL — Thank you, President, as I said the member for Monbulk in the other place, Mr Merlino, began an abusive and obscene tirade against my colleague Mr Olexander in front of the youth ambassadors. Mr Merlino used language, the likes of which I never expected to hear in this Parliament. Mr Merlino's language was foul and utterly crude — —

Mr Gavin Jennings — On a point of order, President, the member has clearly expressed an opinion and I ask you to rule her out of order in accordance with standing order 9.18.

The PRESIDENT — Order! I uphold the point of order under standing order 9.18. I rule the member out of order and call the next member.

Victorian Parliamentary Friends of Tibet

Mrs CARBINES (Geelong) — On Tuesday night the Victorian Parliamentary Friends of Tibet had the honour of hosting a dinner here at Parliament House for two special guests — the Dalai Lama's representative in Australia, Tenzin Atisha, and Mr Sandup Tsering, representing the Victorian Tibetan community.

As chair of the Victorian Parliamentary Friends of Tibet I am proud that we comprise representatives from all the political parties — Labor, Liberal, National and Independents — of the Victorian Parliament.

I would like to congratulate Tenzin Atisha on his appointment to Australia and Mr Tsering for his work with the Victorian Tibetan community. The Victorian Parliamentary Friends of Tibet look forward to working with Tenzin Atisha and Mr Tsering to promote the interests of the Tibetan people in the Victorian community.

Australian Football League : salary cap breaches

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise the serious issue of the player payment scandal which has made headlines in the newspapers this week. All Victorians will be concerned at headlines like 'Tax probe on AFL star' and 'Footy rort revealed'. All Victorians can be concerned at allegations of fraud and allegations of false accounting and reports of under-the-table player payments of $200 000. But Victorians must also be concerned at allegations that this involves Amigo Constructions Pty Ltd, of which the Victorian Minister for Sport and Recreation was a director at the time of — —

Ms Broad — On a point of order, President, clearly members of the opposition are determined. Not content with attacking members in the other place, they are now

intent on using members statements to attack members in this house. It is quite clear where the member is headed with this particular attack on my colleague. President, I ask you to again reflect on the rulings that you have been making on these matters and to not allow this abuse of members statements and to put this member back in his place before he goes any further in the direction he is clearly determined to head.

Hon. Philip Davis — On the point of order, I think it is extraordinarily presumptuous for the minister to get into high dudgeon on this issue when yesterday she was supporting another minister making allegations against a member of the Liberal Party in the other place. It is about time members of this place understood that there is a consequence for actions. The reality is that if the standards are good enough for members of the government, they will be applied equally in this house. The fact of the matter is that the minister has presumed what Mr Rich-Phillips was about to say, with no knowledge of what was in his mind. The point is that there is no point of order.

Mr Gavin Jennings — President, I will address my point of order to you. It is on the way in which points of order should be raised and dealt with in this house. Points of order should not be used by any member of the house, including the Leader of the Opposition in this place — —

Honourable members interjecting.

The PRESIDENT — Order!

Mr Gavin Jennings — Points of order are designed to ensure that the procedures of the house are orderly, and in fact provide advice to the Chair from the perspective of members on the way the debate should be maintained. They should not be used to maintain a dynamic of personal assaults within the chamber. I refer the Chair to the substantive issue that has been raised by the Minister for Local Government: that matters that have been raised during the 90-second statement period this morning should be dealt with more appropriately by substantive motion or not at all.

Hon. G. K. RICH-PHILLIPS — Further on the point of order, I point out that Amigo Constructions is a matter the Minister for Sport and Recreation has placed on the record. It is not my intention to make an allegation against the minister, and I am aware of the convention of the house.

The PRESIDENT — Order! On the point of order raised by the Minister for Local Government, members statements in this house have quite a broad scope and allow issues that are not directly related to government business to be expressed in the house. However, the parliamentary rules apply. Mr Rich-Phillips is well aware of my rulings on previous 90-second statements made by members.

If the member proposes to cast aspersions on any member of the house then I will rule him out of order. He has a little way to go. I will listen very carefully to his next set of words, and if I find them offensive, I will rule him out of order.

Hon. G. K. RICH-PHILLIPS — Amigo Constructions Pty Ltd is a company of which the Minister for Sport and Recreation has admitted in this house to being a director at the time these allegations were made. It should be a matter of concern to Victorians that this company has been implicated in these allegations of fraud and false accounting.

It is appropriate at this time for the minister to place on and to clear the record as to his involvement with this issue. Previously in the house the minister has said as a director that he had no knowledge. That is not good enough. The people of Victoria have a right to know what the minister knew about this issue and what his involvement in the issue was. The company of which the minister was a director has been implicated. The minister must — —

The PRESIDENT — Order! The member's time has expired.

Access for All Abilities program: Darebin

Ms MIKAKOS (Jika Jika) — Recently the Minister for Sport and Recreation visited All Nations Park in Northcote to announce that the City of Darebin, which is in my electorate, will be funded $109 300 annually for the next three years to deliver the Access for All Abilities program until 2006.

The grant is part of a total $9 million allocation over three years to support the development of sport and recreation environments that are inclusive of and accessible to all members of our community, including people with disabilities.

The program is a shining example of the Bracks government's commitment to building stronger and more inclusive communities as is evident by the Victorian state disability plan 2002–12.

I extend my congratulations to Darebin council which will link in with key local agencies in providing more leisure opportunities for people with disabilities to enhance their self-esteem, health and wellbeing and enjoyment of life. This is an important local initiative

that shows that this government is getting on with the job of governing for all Victorians.

Planning: Bayside height controls

Hon. C. A. STRONG (Higinbotham) — Earlier this week I received a letter from Bayside City Council which said in part:

> Council at its meeting of 8 September 2003 adopted the following motion:
>
> > That Bayside City Council immediately write to all local state members of Parliament seeking their support for amendment C2 incorporating residential development and height controls that limit high density development and prevents high-rise development across Bayside.

Amendment C2 was adopted by council in 2001. Since then it has been caught up in Labor government procrastination. Amendment C2 is Bayside's only protection from the ravages of Labor's Metro strategy, or Melbourne 2030 plan, which will impose high-rise, high-density development on Bayside.

I am on the record as supporting C2 and opposing 2030. I call on Mr Pullen, as the other member for Higinbotham Province, to put on the public record his opposition to 2030 and his support for his constituents and Bayside City Council. Come on down, Noel!

Honourable members interjecting.

The PRESIDENT — Order! Mr Pullen! It has been 20 seconds since the last member sat down. The house is unruly. Hansard is having difficulty hearing. Other members are also having difficulty hearing. I ask members to reduce the level of noise in the house and stop the barrage across both sides of the house.

Bendigo: speed limits

Hon. D. K. DRUM (North Western) — A couple of weeks ago I was in Queen's Hall and had a great time — but that is not what I am talking about.

I have had a lot of constituents come to my office expressing displeasure with the current speed limits that exist in the Bendigo region. If you drive from one end of Bendigo to the other, which is not a long journey, you now go through 11 different speed limits. We now have a situation where most drivers are totally confused about what speed they are supposed to be travelling at, because no sooner do you hit a 50-kilometre-an-hour zone than you are back into a 60-kilometre-an-hour zone, and then again into a 50-kilometre-an-hour zone.

It is not that people are getting fined that is the biggest issue; it is the fact that as they are driving along they simply do not know what speed they are supposed to be travelling at. This is further compounded on the drive to Melbourne when you go through the Carlsruhe section, which has been open for approximately three months. It also has speed limits which go from 80 kilometres an hour to 100 kilometres an hour, back up to 110 kilometres an hour and back down again.

We are asking to have more clarity of signage to give confidence to the drivers so that when they are driving through the streets of Bendigo they have an absolute knowledge of the speed they are supposed to be travelling at.

Ballarat: ABC radio station

Ms HADDEN (Ballarat) — I very proudly represented the Premier at the opening of the ABC 107.9 FM radio station in Ballarat on 28 August last. It is the 51st and the largest regional radio station in Victoria. I was warmly welcomed and acknowledged by the ABC state director, Murray Green, the chairman of the board, Donald McDonald, and other ABC dignitaries. Senator Richard Alston also received a very vocal welcome from the Friends of the ABC who turned out in their strength and numbers to show the federal communications senator their support for an independent and fully funded ABC.

It is said that a picture says 1000 words, and Senator Alston appeared in a photograph in the *Ballarat Courier* the following day, 29 August, hanging his head.

Hon. D. Koch — Shame!

Ms HADDEN — That is right, Mr Koch — shame — hanging his head that the new ABC radio station only has federal funding until 2005. Given the huge level of support for the ABC and its independence in Ballarat, Senator Alston and his federal Liberal ministers should forthwith guarantee funding to the ABC beyond 2005 and not treat Ballarat people like country hicks.

Rural North West Health: funding

Hon. D. KOCH (Western) — The Warracknabeal, Hopetoun and Beulah communities, which are serviced by Rural North West Health and centred in Warracknabeal, continue to agonise as to what health services will be retained in this regional district. Resignation of the board of management earlier this year and the appointment of a sole director was quickly followed by the suspension of the operating theatre and obstetrics in May. This has left the Wimmera

community uncertain of what services will be available in future.

Currently the service has a $2.8 million deficit, a small amount by state global standards. Although the sole director has been in place for five months, there is still no definite program in place to buoy the confidence of those in the service catchment area. The closure of the Hopetoun kitchen at a cost of eight permanent positions has sent a scare into many community leaders that worse may come. Although a $500 000 upgrade of the Warracknabeal Hospital has been touted, with meals being delivered from this centre, concerns continue.

Until such time as the Bracks government, and in particular the Minister for Health, meets with this rural community offering a clear indication of health services for the north west, anxiety will remain. I support the challenge from the shadow health minister, the Honourable David Davis, that Minister Pike meet with the Warracknabeal community instead of Mr Ken Taylor, the sole director of Rural North West Health, and adviser, Ben Hart, doing the minister's bidding.

Australian flag: commemoration

Hon. ANDREW BRIDESON (Waverley) — I wish to report to the house on a recent significant historical event which occurred on 3 September and which passed unnoticed. In April 1901 the first commonwealth government held a national flag design competition that attracted over 32 000 entries from men, women and children in the new nation. There were five finalists with identical designs: Ivor Evans, a 14-year-old schoolboy; William Stevens, a merchant ships officer from New Zealand; Leslie John Hawkins, Sydney teenager and optician's apprentice; Egbert John Nuttall, an architect with the Melbourne Metropolitan Board of Works from Bright; and Annie Whistler Dorrington, who was a recent immigrant from England.

They all shared the magnificent sum of £200. On 3 September 1901 the new Australian national flag flew for the first time from atop the Royal Exhibition Building. It was not until 3 September 1996 that that day was officially designated Australian National Flag Day. Unfortunately the Royal Exhibition Building has a policy of not celebrating this day nor does it have a permanent monument or exhibit marking this historic event. I call upon the Museum Victoria to do two things: firstly, to create an exhibit marking this historic event; and secondly, to conduct an annual celebration at the birthplace of our national flag.

Hon. T. C. Theophanous — President, I wish to raise a point of order. It relates essentially to what has occurred today during the 90-second members statements. I would like the Chair to reflect and to come back with a considered response.

I do so somewhat regretfully, because I do not believe the points of order I raised during the course of the debate were fully addressed. Having had the opportunity to look through *May* and compare the practices and conventions in other houses, I draw your attention to the substantive issue which I raised by way of a point of order — that is, the question of whether the 90-second statement opportunity for members can be or should be used to make reflections on the character of a member in another place.

I refer you to page 332 of *May* and I quote from the heading 'Matters which may be raised only on a substantive motion'. It states:

> Certain matters cannot be debated, except on a substantive motion which allows a distinct decision of the house. Amongst these …

It goes on to indicate a range of people who are included in the persons where such substantive motions are required. It includes:

> Members of either house of Parliament and judges of the superior courts …

It states further:

> Such matters cannot, therefore, be raised by way of amendment, or an adjournment motion. For the same reason, no charge of a personal character in respect of these categories of person —

that is, members of Parliament and judges —

> can be raised, except on a direct and substantive motion. No statement of that kind can be incorporated in a broader motion …

I put to you, President, that *May* is absolutely clear about the fact that reflections on character are involved — a charge of a personal character. I put to you that what has been done today during the 90-second statements — notwithstanding the advice that the Clerk has given you on this occasion which I believe to be incorrect — has clearly been a personal attack under any definition. There has been an attack, a charge of a personal character. It fits squarely within the definition of *May's Parliamentary Practice.*

I ask that you, President, reflect on this issue and come back to the house; otherwise in the future people in this house will begin to use the opportunity of the adjournment debate and the 90-second statement to make substantial attacks of a personal character against

members in a way which should be done by way of a substantive motion.

It is one thing to make a comment and then have that comment withdrawn, which happens in the cut and thrust of debate in this house, and I have had to withdraw on a number of occasions myself. But it is a different matter to allow the making of substantive charges as to character, as identified in pages 332 and 333 of *May*, and to allow that to continue in a way which is not in accordance with the custom and practice either in *May* or in this house. I suggest that if you go back and look at previous rulings on a number of occasions by a number of presidents, you will find that this kind of thing has been ruled out under this very same convention and practice of the house.

Hon. Philip Davis — On the point of order, President, I will not take issue with your rulings about what has just gone before us. In relation to this point of order, my understanding is that the minister is alluding to *May* in the context of adjournment debates specifically. I do not believe *May* covers the concept of members statements such as we have just dealt with this morning. Therefore there could be no convention alluded to in *May* that could contradict the ruling you have already made in this matter.

The PRESIDENT — Order! The minister has raised an issue about my previous rulings. As the Leader of the Opposition has indicated, members statements are a new procedure. I will look into the reference in *May* that the minister has raised and report back to the house.

EASTERN HEALTH

Annual report

Hon. D. McL. DAVIS (East Yarra) — I move:

That the Council take note of the report of Eastern Health 2001–02.

In doing so I want to make a number of points about our health system at this point. What we know about the Victorian health system is that it has slid from crisis to crisis over the last three to four years under the Bracks Labor government.

The government inherited a system that was working reasonably well, but that system has begun to decline significantly, and that is shown in the figures that are published in the Department of Human Services quarterly *Hospital Services Report* for March 2003.

If you look at key places like Box Hill Hospital in the Eastern Health region there has been a significant decline. The number of people waiting in emergency departments for more than 12 hours on trolleys has increased from 72 people in March 1999 to 282 people in March 2003, a massive increase. The number of people waiting on lists for semi-urgent elective surgery has gone from 430 to 675.

There is also a brewing financial crisis in Eastern Health and in our general hospital system across Victoria. We have seen a massive increase in the budget deficit of that organisation increasing from $2.8 million in 2000–01 to $5.27 million in the 2001–02 annual report we are discussing today.

The chief executive officer of Eastern Health, Mr Chris Fox, who has now resigned, admitted on television that Eastern Health was looking at a deficit of between $10 million and $14 million in the period to 30 June just gone — it was prior to that date that he made those comments.

I make the point that a $14 million deficit would be devastating for Eastern Health. Government mismanagement and financial incompetence is forcing cuts to services. We have seen that in the form of the government's ill-fated plan, as Ms Hirsh will know, to close the Angliss coronary care unit — the plan that she and James Merlino, the honourable member for Monbulk in the other place and other Labor members supported out there until the community rose up as one and said, 'We will not have this closure; we are not happy to have these sorts of closures'. But the question as to the final deficit will be — —

Hon. C. D. Hirsh — It is not enacted!

Hon. D. McL. DAVIS — Yes, but it was your ill-conceived plan with your hospital closure specialists, Clearview, who were out there closing hospitals as they are doing in rural Victoria.

The PRESIDENT — Order! Mr Davis, through the chair!

Hon. D. McL. DAVIS — President, I became agitated by the lack of knowledge of Ms Hirsh about her own local region and the lack of concern she has expressed and has been prepared to express.

What we need is Labor members to stand up to the Premier, the health minister and the Treasurer and say, 'We are not going to cut hospital services in our area. We are not going to let waiting lists blow out. We are going to do something about this'.

Ms Hadden interjected.

Hon. D. McL. DAVIS — Yes I did, and things have got much worse at Ballarat.

Ms Hadden interjected.

The PRESIDENT — Order! Ms Hadden, please stop interjecting so much.

Hon. D. McL. DAVIS — I am very interested to know how much money was pumped into Eastern Health care network in the last two weeks of the financial year. The practice developing under this government of bailing out some networks that are in financial crisis at the last moment and pumping in tens of millions of dollars directly reflects its poor financial management. The outcome of that mismanagement is the cutting of services and the growth in waiting lists around the state.

We are seeing that in Eastern Health. Eastern Health needs to be looked at. We need to get to the bottom of what has gone wrong in the eastern region of Melbourne. We need to have the health minister explain why there are no inpatient palliative care beds east of Caritas Christi in my electorate and why she has not been prepared to properly fund many of the services out there. I understand there are now problems in getting aides and appliances to help patients at places like Maroondah Hospital, where there is a growth in the waiting list. I understand the government will over the next period try to explain and put every bit of responsibility on the federal government, but it is about time the minister stood up, accepted responsibility and fixed the problems in health.

Hon. C. D. HIRSH (Silvan) — The Eastern Health care network report shows clearly that the Bracks government's commitment to health care in the eastern region is very worthwhile, and patients are now being treated. The mission of Eastern Health, which was created after the Bracks government came into office, is to dismantle the enormous bureaucracy the Kennett government, which was unresponsive to local needs and to the local community, had created. The major item in the mission statement of Eastern Health is to be responsive to the needs of the local community, and with the expansion of the Angliss and Maroondah hospitals this responsiveness is showing.

Members on the other side will recall that the Kennett government was going to build a massive private hospital in Knox and wind down and then close the Angliss Hospital, which looks after patients throughout the Dandenong Ranges. The government is now building up the Angliss and Maroondah hospitals, keeping the Healesville health care centre running and providing services for the outer east.

While I am speaking about this report I want to briefly acknowledge the work of two of the community advisory members throughout the years of the Kennett government. Glenys Freeman has worked and worked for Maroondah Hospital. I want to acknowledge her work, because she does a great job in ensuring that Eastern Health continues to respond to the community's needs. Cr Robert Chong, another activist in the eastern suburbs, has also responded very well as a member of the community advisory committee to the needs of the eastern suburban community. They are both wonderful local people.

There has been great expansion of the Angliss and Maroondah hospitals. Stage 1 of the development at the Angliss Hospital, the 30-bed ward for rehabilitation and geriatric services, has started. Stage 1 of the Maroondah Hospital development, the expansion of the emergency department, is absolutely required as the Howard government winds back Medicare so that people can no longer afford to go to doctors in the eastern suburbs. Hardly any doctors in the outer east bulk-bill anymore. People throughout the Dandenong Ranges are obliged to attend emergency departments of the public hospitals because they can no longer afford to go to the doctor since the Howard government wound back Medicare and is trying to destroy it.

At the same time the Howard government no longer provides nursing home beds in an adequate number in the outer east. As the community is ageing, more and more nursing home beds are required, and the Howard government has ceased to provide adequate funding for nursing home beds. There are many patients in both the Angliss and Maroondah hospitals who require nursing home attention, but the beds are not available.

As far as nurses go — my daughter is a nurse who has worked in both Maroondah and Angliss hospitals — the Bracks Labor government has increased the number of nurses in the Eastern Health region from 1256 EFT in June 2000 to 1799 EFT in June 2003, a net increase of 503 nurses in the Eastern Health service providers at the same time as the federal government has reduced domestic undergraduate pre-registration nursing commencements in Victorian universities from 3500 in 1992 down to only 1500 in 1993. Despite this, the Bracks government is able to provide extra nurses.

I want to show the house my little grandson, who was born at the Angliss Hospital a few months ago.

Hon. B. N. ATKINSON (Koonung) — Happy Families! I also have concerns about the trends in the Eastern Health care network region. I note from the report the many significant initiatives that have been undertaken by the hospitals and health professionals in the eastern region.

Indeed, the opposition has a great admiration for the men and women providing health care in the eastern suburbs and in hospitals which are of very good standing, which endeavour to provide world-class health care to people of the eastern region.

The problem is, however, that this government refuses to recognise that the number of facilities in this area is inadequate to cope with the demand from the population, and the demographics of that population, of the eastern suburbs. As the Honourable Carolyn Hirsh mentioned, the opposition — both when it was in government and in opposition — has supported the development of a new hospital at Knox. Whilst it was described as a private hospital by the Honourable Carolyn Hirsh, that is not true. It was to be a public hospital; it was simply to be built and operated by a private operator. There is a distinction between the two terms as to how we understand the provision of health care.

The government's position on the Knox hospital was that it was not needed, because the existing hospital network, including Maroondah Hospital, Box Hill Hospital and William Angliss Hospital would be able to cope with the health needs of that area. Given that sort of statement by the government, I am alarmed at some of the trends in terms of the number of people who are waiting for surgery in that area and the number of people who are stuck for more than 12 hours in emergency departments in the existing hospital network.

More importantly, I am concerned about the lack of palliative care beds east of Springvale Road, where there are more than 500 000 people. In fact, the region of the eastern suburbs east of Springvale Road equates to the city of Adelaide, and the health service provision for those people is simply not adequate in terms of the number of beds and the facilities that are available.

As I said, the government said, 'We can match that need by extending existing facilities'. I think the Parliament would therefore be very surprised at the government's approach to coronary care at the William Angliss Hospital earlier this year when the government moved to actually reduce the amount of coronary care available, which stood in marked contrast to the government's comment that it would improve health services and that Knox was not necessary because the existing hospital network would be able to provide the range of services that were needed.

Of course, for coronary care — which is an acute situation — the prospect of people who were struck with heart attacks travelling for significant distances to other hospitals, such as Maroondah or Box Hill, from the foothills region was a prospect that the opposition and indeed the community in that area was very concerned about.

From March 1999 to March 2003, which is the period for which Human Services quarterly health services reports are currently available, we have seen the number of people on waiting lists for elective surgery at Box Hill Hospital balloon from 430 in 1999 to 675 now, the number of semi-urgent cases on waiting lists for longer than the ideal time grow from 23 to 97 and the number of people in the hospital emergency department for more than 12 hours grow from 72 people in March 1999 to 282 people now.

The same thing applies to Maroondah Hospital's emergency department: 26 people waited for longer than 12 hours in March 1999, but now, after this government has pumped in so much money and apparently put so many more nurses back into the system — and I acknowledge that there are more nurses in the system; I acknowledge that there is more money in the system — the outcomes are not there. In March 2003 at Maroondah we had 257 people sitting or lying in those emergency departments for longer than 12 hours compared with just 26 in 1999.

Mr VINEY (Chelsea) — Here we go again! Not content with the misinformation and disinformation perpetrated by the opposition yesterday and the day before on the great things that are happening in Victoria's health system, it is using the opportunity of taking note of reports to continue this ridiculous campaign that will have no resonance in the community, because the community knows that it was this government that has reinvested back into health, including into Eastern Health.

The figures in this very report that the opposition is refusing to even look at show that in Eastern Health we have seen substantial growth in the number of people attending emergency departments. Yesterday in my contribution on the health legislation I went through some of the reasons for that, which go right to the heart of the federal Howard government, its destruction of Medicare and removal of bulk-billing. Those are the reasons we are getting this growth in people attending emergency departments.

The report goes on to detail what Eastern Health has been doing about this. It talks about the developments that have occurred in short-stay units, in the appointment of care coordinators, the establishment of a transit lounge for patients awaiting final discharge and transport home, the establishment of an emergency medical unit at Maroondah Hospital and Eastern Health's established relationships with various residential facilities for residential interim care placements. Another reason it is having to do that is because of the failure of the Howard government to adequately fund nursing home positions in Victoria. Despite the Howard government's failure, the Victorian government is investing in this. We are accepting the responsibility, we are accepting the fact that the Victorian people need services

Hon. D. McL. Davis interjected.

The PRESIDENT — Order! Mr Davis has had his turn. Mr Viney, through the Chair!

Mr VINEY — And the Victorian government is funding those services despite the fact that the Howard government is not doing its fair share. It is cutting us $350 million short in the Australian Health Care Agreement.

It is very clear in this report that ambulance bypasses have gone down from more than one episode per day to fewer than five per month. We well remember what was happening when the other side was in government, and thank the Lord that there was a change of government in 1999, because goodness knows what state Eastern Health would be in had it continued.

It was not Eastern Health then. It went from the Dandenong Ranges to the Alfred hospital.

Hon. D. McL. Davis interjected.

Mr VINEY — That is the network the former government had established, a massive bureaucracy, incredible mismanagement, where the hospital system were having to sell the silver to keep operating.

We inherited a system where the assets of our hospital system, including what is now Eastern Health, had been completely depleted. When it was in government what was the opposition's solution to that massive problem of assets being sold in order to fund recurrent expenditure — because that is what they were doing? That was identified in the review of our health services when we came to government. What were they doing? They were sneakily privatising our health system, that is what they were doing.

There is no better example of where they were doing that than in Eastern Health, where their proposal for a new hospital at Knox was in fact to have a private hospital. The Americanisation of our health system was well under way under that government. They were going to establish a private hospital at Knox, and they sang loud about this as some great achievement which under their plan was going to have no Victorian funding in it at all. It was going to be a private hospital, run for profit and paid for by the taxpayers of Victoria through the health system. That was their plan, and that was what was exposed. What they were doing was running down the assets of our hospital system.

I congratulate Eastern Health on this report, because it shows clearly that it has been addressing the increasing demand on our health services in an effective and creative way, particularly in the area of emergency.

Hon. D. McL. Davis — It has got worse.

Mr VINEY — You say it has got worse; it has not got worse. What has got worse is the increasing demand because of — —

Honourable members interjecting.

The PRESIDENT — Order!

Mr VINEY — That is what has got worse, and this report shows that the Victorian government and Eastern Health and its staff have been doing a fantastic job to provide a decent service to the people of the eastern region.

Honourable members interjecting.

Mr VINEY — You should be ashamed of this — —

The PRESIDENT — Order! Mr Viney's time has expired.

Hon. C. A. STRONG (Higinbotham) — It has been very interesting to listen to the debate on the Eastern Health report. Unfortunately the debate from the other side has not been really about the good effort Eastern Health has made to do its best against significant odds. We need to look at those odds, which include a budget that is insufficient to cover what has to be done. Quite clearly the deficit for Eastern Health continues to go up. This year it is anticipated to be something like $14 million. You only have to put together two things — funding that is being reduced and an increase in throughput for patients, which is unfortunately something that has being going on for generations — to understand what is happening.

The truth of the matter is that as a society we use more and more hospital and medical services every year as our population ages and as people become more health conscious. These services are becoming more and more available and more people use them. So if more people are using these services and the government cuts back the amount of money available to provide them, the outcome is quite clear: a decrease in the level of service to patients. That is what we are seeing, and that is totally the responsibility of the government.

The government cannot stand there and say that, because there are more patients going through the health system, it is not their fault. The government is there to provide services to the community. Just because people want to use those services, that is not an excuse for the government to say they are not going to provide them. But that is what they are saying; they are saying that more people want to use the services, so they are not able to provide the services and that is not their fault.

People opposite are the government; they have the responsibility to provide those services. They cannot be forever like Pontius Pilate, washing their hands and saying it is not there fault, it is somebody else's fault, there is not enough money, there are too many patients and so on. This litany of excuses goes on and on while the service continues to fall. To see that we only have to look at the level of service, and as I have said before, the benchmark on service for this government is the March 1999 figures of the Kennett government. This government should try to reach that level of waiting lists and that level of bypass. That was achieved by the Kennett government, ploughing huge amounts of money into the hospital system. It took its responsibility seriously and set out to meet the demand of increasing numbers of patients.

At Maroondah Hospital, for instance, looking at how many patients stay in each hospital emergency department for longer than 12 hours, we find there has been, would you believe, a 900 per cent increase from the Kennett years to March 2003 — a 900 per cent increase in those waiting for more than 12 hours. The number of people on waiting lists for emergency elective surgery has gone up 22 per cent. At the Angliss Hospital how many patients stayed in each hospital emergency department for more than 12 hours? In March 1999 there were none; now there are 85. How often are emergency departments going on hospital bypass? In the Kennett years, once. Now, in March, six times — a 600 per cent increase — while the number of people on waiting lists for elective surgery has also gone up 100 per cent.

These figures are indisputable. This is the level of service that this government is offering, and it is a demonstrably lower level of service than was delivered under the previous government. I repeat, the benchmark for this government is to achieve the same level of waiting lists, the same level of bypasses that the Kennett government achieved — and there is no use blaming anybody else because it is the government's responsibility.

Hon. H. E. BUCKINGHAM (Koonung) — Eastern Health is just three years old. It was created in 2000 and is a service that I use. The Honourable David Davis said that we inherited a system working reasonably well and I dispute that. I was a board member of the Box Hill Hospital from 1992 to 1997, and rather than use my time this morning being negative, as the opposition has, I wish to talk about the positives of this report.

I congratulate Alister Maitland and the acting chief executive officer. Eastern Health services over 20 per cent of the population of metropolitan Melbourne and covers an area of 3000 square miles. It does it well and its 6000 employees do it well.

How does it do it? I would like to quote the hospital's figures. It has treated over 103 000 patients in the emergency department, 447 000 in the outpatient department and had inpatient attendances of 92 000. In fact, it operates at 95 per cent capacity at all times. This means that in the reporting period, Eastern Health looked after 642 000 people.

It has done that by increasing the numbers going through the emergency department and has put on more specialist emergency help to assess patients. It has reduced the number of times ambulances have gone on bypass. It has performed over 10 000 elective surgical procedures. It has increased the number of surgeons who now work not only during the day but in the evenings.

Eastern Health has an admirable reputation. It is not into just a bandaid approach to health; it is into looking after the community and encouraging wellness. It goes out into the community with many admirable programs. It has increased the support to general practitioners who, we all know, are under increasing time constraints through the attack on Medicare. It has helped manage people with drug and alcohol addictions out in the community by offering over 650 secondary consultations with general practitioners through its alcohol and drug service. It also supports mothers and families in places like the Birralee maternity centre which has had 10 000 births in four years of operation.

It goes out into its community, it offers advice, it puts out fact sheets in the many languages of the community.

Eastern Health has also seen an increase in the demand for its services and to its credit, the management and hardworking staff have gone on to treat a record number of patients.

Why has there been an increase? The facts are inside the report, if members choose to read it. In the next 15 years the population aged over 65 will increase by 15 per cent. This will have a huge impact on the delivery of services by Eastern Health because an ageing population has more complex needs, they repeatedly use the hospital and its facilities and require greater use of technology and medications. The cost of health is increasing particularly with ageing populations, and those figures cannot be disputed.

Eastern Health has had an 11 per cent increase in the number of people who stay on in hospital and a 13 per cent increase in the number of outpatients. It is to be commended for its cardiac catheterisation facilities. It is the only public hospital in the east that offers angioplasty.

It has also expanded its renal dialysis service under the very able directorship of Dr Peter Lynch at the Peter James Centre. It has implemented a comprehensive interim care program called the Eastern Health emergency demand strategy, which has helped over 480 patients in nursing homes. That is incredibly important because one of the biggest problems faced by Eastern Health is the number of patients who should be in nursing homes, but who are in acute beds that should be supplied by the federal government — beds that could be taken up by people on waiting lists.

I congratulate Eastern Health on the level of health care, both acute and preventive, that it provides to the residents of the east.

Motion agreed to.

AERODROME LANDING FEES BILL

Second reading

Mr LENDERS (Minister for Finance) —

I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

I am pleased to introduce the Aerodrome Landing Fees Bill into the house.

The Bracks government is introducing this bill to assist aerodrome operators recover fees for aircraft using landing facilities, and to provide a legal framework for aerodromes that have deemed the collection of fees as too difficult to be feasible.

The need for this legislation was established by the Victorian Aviation Strategy Committee and has strong support across the industry. The Victorian Aviation Strategy Committee comprised aviation and industry representatives, and they have provided the government with a range of invaluable strategic advice about the future development of aviation in this state.

The development of an Aerodrome Landing Fees Bill was a key recommendation of this committee. When passed into law the government will ask the Victorian Aviation Strategy Committee to monitor the impact of the legislation to ensure it is effective in providing for a more efficient and fairer aviation sector.

We are taking this step of introducing legislation because for far too long fee avoidance has been a concern for Victoria's airport operators. There is a strong belief that greater certainty in relation to landing fees collection will give airports in metropolitan and, more particularly, regional Victoria, greater flexibility to continue maintenance and upkeep of airfield and airport facilities. There is an obvious link between access to regional areas for aircraft and social benefit in local communities, and one that this bill intends to foster.

The Victorian government has been active in addressing and resolving issues for aviation. The ongoing development of Melbourne's main airport precinct, Tullamarine; the Victorian government's submission to the commonwealth in relation to the sale of Point Cook; the future usage of Essendon and Moorabbin airports; and the fostering of a favourable environment for aviation in this state are all examples of the Bracks government's commitment to seeing a strong aviation sector emerge from the array of national and international challenges that currently face it.

I wish to emphasise to the house that the bill will neither impose nor set fees. The bill does not specify fee levels, rather it provides a legal framework for the existing rights of aerodrome operators to set fees and ensure that their fees are sufficient to cover the costs of providing the service. Nor will the bill create any unnecessary burdens for users of aviation facilities. It simply aims to ensure that aerodrome operators have a clear legal mechanism by which they can recover fees due to them, and in doing so, redress a culture of fee avoidance that is widespread in the industry. It is estimated that aerodrome operators miss out on an estimated 25 per cent of their potential income from landing fees every year. For smaller regional airports this represents a significant amount of revenue that could be directed towards the maintenance of airfield facilities, thereby lessening the financial burden on local councils.

Aerodrome landing fees apply to any aircraft movements, including take-off and landing as well as practice landings for trainee pilots.

Victoria is following other states in providing this legislative basis for enabling the collection of fees. South Australia and

Tasmania have implemented similar legislation and have found that compliance rates have improved as a consequence and that fees have not risen.

This legislation shows that we are serious about supporting the operation and maintenance of Victoria's aviation infrastructure.

The bill:

enshrines the right of aerodrome operators to charge landing fees;

gives legislative force to the pursuit and recovery of fees incurred by airfield users; and

provides avenues for recovering these funds without resorting to costly common-law remedies.

Through this bill the government particularly aims to strengthen our commitment to regional Victoria by reinforcing the viability of regional airports.

I commend this bill to the house and encourage the house to support the continued development of Victoria's aviation industry and infrastructure.

Debate adjourned for Hon. G. K. RICH-PHILLIPS (Eumemmerring) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

SUPERANNUATION ACTS (FAMILY LAW) BILL

Second reading

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

The primary purpose of the bill is to amend the various acts governing Victoria's public sector superannuation schemes.

These amendments are necessary to ensure that changes to the commonwealth's family law and superannuation regime are efficiently and effectively applied to Victoria's public sector superannuation schemes — the Emergency Services Superannuation Scheme, the Parliamentary Contributory Superannuation Fund and the State Superannuation Fund.

Changes to the commonwealth's Family Law Act 1975 came into effect from 28 December 2002. These changes make superannuation arrangements more certain for couples in the event of separation or divorce, in that the superannuation of married couples that have separated or divorced can now be divided either by agreement or court order. Obligations are imposed on superannuation fund trustees to give effect to these changes.

The commonwealth changes are important, as previously, superannuation interests could not be divided or transferred to the other party to the marriage. The Family Court has, in the past, had to take existing superannuation into account by adjusting other property when dividing a couple's assets on the breakdown of marriage.

The amendments contained in this bill will facilitate the splitting of superannuation in Victoria's public sector superannuation schemes on the breakdown of marriage.

The bill provides that, at the time a splitting order or splitting agreement is served on the trustees of these schemes, the non-member spouse's entitlement will be immediately paid to the non-member spouse on satisfaction of certain requirements, or transferred to another superannuation fund nominated by the non-member spouse.

The member's benefit will be accordingly reduced to take into account any payments made to, or on behalf of, a non-member spouse. This reduction will be in line with a methodology approved by the Minister for Finance on advice from the fund's actuary.

The bill provides that the trustee will have discretion to determine whether to immediately transfer and payout the spouse's entitlement where the member is in receipt of a disability pension.

This approach has been adopted in view of the fact that many disability pensions are subject to a continual review process, and there is a possibility that the disability pensioner may return to gainful employment.

In such cases, immediate transfer or payout to the spouse may result in inequities between the parties to the marriage, and trustee discretion in these circumstances mitigates this risk.

The bill contains provisions to ensure that the existing pension commutation rights and lump sum conversion options of current members are not affected by the family law changes.

Further, the bill provides that the trustees of the Emergency Services Superannuation Scheme, the State Superannuation Fund and the Parliamentary Contributory Superannuation Fund will have the discretion to impose reasonable fees on members and their spouses in relation to requirements under the family law regime. Any such fees will be subject to a maximum level approved by the Minister for Finance.

It is proposed that the administrative detail relating to family law matters be contained in specified standards established by order in council. This will provide a simpler and more flexible mechanism for outlining administrative details and requirements with respect to Victoria's public sector superannuation schemes.

Finally, the bill makes a number of miscellaneous administrative or technical amendments. These amendments are consistent with the government's broader objectives in relation to Victorian public sector superannuation.

If Victoria fails to implement the family law changes in the bill, the default methodologies contained in the commonwealth's Family Law Act will continue to apply to this state's public sector superannuation schemes. These default methods have generally led to less than optimal outcomes for members, spouses, trustees and the state.

Until the bill is passed, the State Superannuation Fund, the Emergency Services Superannuation Scheme and the

Parliamentary Contributory Superannuation Fund will be unable to immediately split superannuation benefits when a marriage breakdown occurs. As such, no payment to the spouse can be made out of the fund until the member is eligible to receive their benefit, which could be up to 20 or 30 years later.

Further, without enactment of the proposed amendments, the trustees will incur additional administration expenses. Not only will a notional account need to be maintained for the spouse until such time as the benefit is paid out, existing pensions will need to be split between the member and their spouse.

Passage of this bill to allow splitting of superannuation on the breakdown of marriage will facilitate a 'clean break' and provide more certainty for both the member and non-member spouse.

The proposed 'clean break' approach is also administratively simpler and less costly for the trustees of Victoria's public sector superannuation schemes.

I commend the bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

CHILD EMPLOYMENT BILL

Second reading

Debate resumed from 17 September; motion of Mr GAVIN JENNINGS (Minister for Aged Care); and Hon. PHILIP DAVIS's amendment:

That all the words after 'That' be omitted with the view of inserting in place thereof 'this house refuses to read this bill a second time until key stakeholders are consulted on options to address the needs of the community and ways to properly protect children'.

Mr SMITH (Chelsea) — Let me read to the house, and the Deputy Leader of the Opposition in particular, the examples that I spoke of yesterday that relate to the incidence of child deaths and serious injuries on farms in particular. I am reading from a document of Farmsafe Australia, a national program funded by the current federal government. That opposition members in this place know nothing about this is disturbing to me. The document states that children are hurt and killed in the workplace. Some recent cases are briefly presented, but for reasons of confidentiality, names and complete details have not been provided. It speaks of a 13-year-old boy, John, losing four fingers on his right hand and having his forearm mangled in a mincer when left unsupervised with another 14-year-old boy in a butcher shop. He was left to clean the old mincer with no safety guards et cetera.

A case identified by the Media, Entertainment and Arts Alliance was that of twin babies being used in a film: when one was disturbed or could not handle it, they just swapped them over. I think that constitutes child abuse by any standards.

Another example is of a 14-year-old boy, David, who lost several fingers while working during the holidays. He was cutting firewood without supervision. After a training session of only 20 minutes his hand got jammed in the splitting machine before breaking free. I dare say it is a fair assumption to make that this splitting machine was not in Brighton or Toorak, but was more likely to have been out in the regions somewhere, more than likely with a timber-getter, farmer or the like.

By way of background, Farmsafe Australia's national strategy for child safety on farms also states — contrary to the comments made by the farmers lobby over here, whose members obviously do not know what is going on out there — that in December 2002 the federal government launched a three-year program. The purpose of the national strategy is to reduce the incidence of the farm-related injury and death of children aged between 0 and 14 years. We are talking here about children in the workplace, not just recreation. One child dies every 10 days in Australia through farm-related incidents, and more than 10 children are presented to hospital each week due to injuries sustained on farms. That is unequivocal evidence. What are the national farmers representatives doing in opposing, or not supporting, this bill in its entirety? It is a disgrace.

There is a national strategy associated with this. It has been formulated by the Victorian Farmers Federation — don't the members here talk to the farmers lobby?; the National Farmers Federation; the Australian Workers Union (AWU), which is a fine body and a great union, and in fact Dr Yossi Berger, whom I know personally, has spent years formulating a working — —

Mr Lenders interjected.

Mr SMITH — As a matter of fact he is a member of the AWU; as a matter of fact I hired him. The bodies I have mentioned and the National Occupational Health and Safety Commission have all formulated and put together this particular policy, which I think is highly commendable.

You have to ask why the opposition and in particular the National Party are not supporting this bill in its entirety. In my view they have not produced any

rational reason to date as to why. Let us hope that after the examples I have read out to the house today they will have some semblance of conscience and change their minds.

Mr Forwood raised the issue of permits and gloated about the fact that not one permit for under-age or under-14-year-olds has ever been issued in 40 years. I say that represents a dereliction of duty by all governments in the past. We are addressing that; we care about young people in the workplace.

The opposition parties have made much of three issues. They include access to fishing on Gippsland Lakes for under-14-year-olds working on fishing boats and police checks on grandparents in particular. Members of the opposition parties seem to be extraordinarily offended that some immediate or extended family members will actually be checked by the police.

Hon. P. R. Hall — The grandparents are the ones that are offended.

Mr SMITH — It is a sad fact that children are more likely to be abused by their own family and extended family. That is quite a sad statistic, but one that we cannot ignore. We ignore it at the children's peril. The government is not prepared to do that.

The opposition parties also raised the question of what is employment. So, what did this government do about it? We did what good governments always do: we consulted; we went out into the public arena and we consulted with society. We asked all the relevant people to come together in round-table meetings — there were six around the state — and we listened, we heard exactly what they had to say. We have now taken on board those comments, ideas and views, and we have amended our bill to allow those issues to be addressed, including the fact that permits will now no longer be required for grandparents to hire their grandkids.

Hon. P. R. Hall — No, permits will still be required, Bob.

Mr SMITH — I stand corrected: the permits will be required, but the police checks will not be required for grandparents, and the definition of employment is quite clear and categorical. As I said earlier, the government listened and assessed. It has come to this house with what it believes is good legislation. It is well thought out and it is timely. I therefore commend this bill to the house.

Hon. E. G. STONEY (Central Highlands) — Firstly I wish to put on record my absolute disgust at the thrust of this bill. Mr Smith says we do not know what is going on. I take particular umbrage at that, being a member who represents a country area. After listening to Mr Smith's contribution I certainly do not understand any more about how permits will reduce accidents on the farm.

My opinion is that this bill unfairly hits at the heart of the family unit, and it especially affects farming families in Victoria and indeed families that live interstate. One of the sad but inevitable things that has happened is that families are now two or three generations away from the land. Originally a lot of people had a connection with the land here in Victoria in one way or another, but as the country has grown and people have moved away to become involved in other professions and jobs the link with the land has been lost.

Very often now just the grandparents run the farm and the children come up to see mum and dad and bring their children to see their grandparents to enjoy some of the experiences on the farm. They come up for holidays, often on very short notice, and often there are nephews and nieces involved; they bring their friends up. It is often quite deliberate, because parents who have been exposed to country life want their children to become exposed to country life. They want their children to retain a link, however tenuous, with the land. Really it is not about work as such, but in that process work does take place, and it is very good for children to learn how to work. It is really about giving city kids, town kids and interstate kids who have a link with Victorian farmers a taste of the land; it is about giving them experience; it is about getting dirty; it is about feeding the chooks; it is about looking after poddy calves and pet lambs; and it is about learning about and loving animals and learning how to interact with animals on the farm.

Mr Smith interjected.

Hon. E. G. STONEY — I will get on to that, Mr Smith.

It is about teaching city kids about things that country kids take for granted, and it is about giving them a rounded education. In my opinion country kids are very lucky indeed. It is no novelty for country kids to see calves born; it is no novelty for them to use machinery under supervision; it is no novelty to catch lambs to have them marked, which I am sure even a lot of city people would faint at the sight of.

Mr Lenders interjected.

Hon. E. G. STONEY — I reckon Sir Henry Bolte would have marked thousands and thousands of lambs

in his time. That is why he had a rounded education, and that is why he was one of the most successful premiers of this state. Country kids are used to not having a lot of cash, they are used to poor television reception and they are always used to having jobs after school, such as getting the wood, shutting up the chooks and jumping on the trail bike to shut the front gate so the neighbour's horses do not get in.

Mr Smith interjected.

Hon. E. G. STONEY — I am building a case. If Mr Smith does not mind I will finish and then if he does not like it he can tell me in the next round of debate. The point I make is that country kids work and learn the value of money. When their city cousins come they pass that on. Why then is the government placing barriers in the way of the process I have just outlined, which gives a lot of city children a rounded education? This bill is putting in place and reinforcing an impediment that should not be in place.

If the bill is so good, then why have shockwaves gone out through Victoria? It has even affected the tourism industry. On 10 September I received a phone call from Mrs Joan Hamilton who lives at Emerald Park host farm, Licola Road, Jamieson. She was questioning the situation in relation to hobby farms or host farm situations. She said that it is not very clear with respect to her grandchildren and it would impinge on her business with visiting children who will be with their parents. She said that the bill is limiting the future for her children and her business because of the children who come up and help on the farm.

The interjections of the Leader of the Government are criticising a 76-year-old widow who is trying to run her own business to maintain an income. She told me that she did not think the government had thought through the implications for hobby farms, host farms or pony farm situations. I hope the Leader of the Government is listening to this. She said to me that the insurance crisis has already ended her ability to offer pony rides. This, she said, was just another impediment to her livelihood. This 76-year-old widow is offering a rich farming experience which will be curtailed by the bill.

A well-known and highly respected grandfather in the Mansfield community, Mr Jack Pollard, who is a neighbour of the Stoney properties at Mansfield and lives just off Stoney's Road — I have known Jack all my life — is a second generation farmer and has been on the same farm as his father. He has numerous grandchildren and numerous relatives who live in the area. He takes absolute umbrage at the fact that he has to get a permit to have his grandkids visit his farm. He was apoplectic when he thought he had to have a police check. He still takes great umbrage at having to get a permit.

He says kids are better supervised when they are with him because parents often take their kids for granted. He has not done it for a while and he says he watches them like a hawk. He says that they are in very good care when they are with him. He feels that the bill is alienating him from his grandkids, and he says that it will be very hard to tell the kids that perhaps they cannot come and visit him because his permit is out of date. He does not think the grandkids will understand. Jack Pollard's daughter-in-law is also incensed.

I have a copy of a letter from Mr Brian Wailes to Sophie Panopoulos, the federal member for Indi which states:

> Dear Ms Panopoulos,
>
> I refer to your letter 'Worthy of protest' published in the *Weekly Times* on 10 September on this important matter.

I must say that the letter by Ms Panopoulos hit the mark. The letter continues:

> As a farm forester I occasionally employ the neighbour's children for two associated reasons, continuity and security.
>
> From a commercial perspective the proposed Bracks government legislation simply adds costs to farming operations for little apparent benefit to the community.

Here we have a neighbour employing the neighbour's kids. They obviously know each other well. The parents are comfortable with the kids going over to do light work, yet they are caught up.

What really brought this home was a cartoon by Rule in the *Weekly Times*. It is a funny cartoon that hit the spot. There are four drawings based around the grandfather, the kid and the big heavy-duty inspectors. I have to say that one of the inspectors has a remarkable likeness to Mr Smith! The grandfather ends up being bullied by the inspectors. As he is dragged off he says:

> … but … Timmy always collects the eggs when he visits the farm …

Poor old Timmy is left their holding the egg basket. That cartoon was inspired by the exposé of the Honourable Philip Davis in his contribution when the bill was introduced. I congratulate Rule for his perceptive analysis on this particular issue.

Mr Lenders — On a point of order and clarification, Acting President, is that a *Weekly Times* cartoon from 1970 or 2003?

Hon. E. G. STONEY — I believe Mr Rule was born around 1970 so it was 2003. I apologise that I do not have the date of the cartoon.

Mr Lenders — I thought it might be a Bolte era cartoon!

Hon. E. G. STONEY — I do not think so. I believe Sir Henry Bolte would totally understand why the Liberal Party and the National Party are very upset about this bill, especially the introduction of police checks. It has not helped much with the amendments.

This issue has been widely debated in rural Victoria. There has been a lot of rural press on outlets such as ABC Rural, and Win and Prime TV. The regional newspapers have also weighed in. I understand it has done the government enormous damage in the bush. I wish to quote from the *High Country Times,* a fiercely parochial newspaper that stands up for rural issues. It takes great interest in how government decisions affect real people in the bush. The editorial on 10 September states:

> There is a saying that it takes a village to raise a child. And so a community should also ensure the safety of all children.
>
> In yet another attempt at feel-good but ill-considered legislation the state Labor government has introduced a Child Employment Bill that will probably hurt more children than it can ever help.

The editorial goes on to talk about its own case which is not about a farm; it is about a country newspaper. The article continues:

> In our own case for over four years the *High Country Times* has employed young children to fold the newspaper. Now all those under 13 will be barred from this work. We have always had the option to have this work done by our printers (many times at less cost to us and certainly without police check supervision) but we have enjoyed the interaction with the young and the dedication of many to earning their pocket money. Will Mr Bracks replace their pay packets with a form of kids dole?

The following is the punchline:

> Undoubtedly the architect of this legislation is depriving a village somewhere of an idiot.

There are quite a few speakers on the bill and it will be a long day, but I believe, while attempting to solve some issues which were quite rightly raised and outlined well by Mr Smith, the bill has gathered up and insulted the wider family unit in Victoria. It certainly makes no provision for emergency situations where, for example, overnight grandpa is taken to hospital, it is school holidays and grandma needs someone as company in the house, to feed the chooks and do like work around the farm while grandpa is in hospital. The parents could have brought the child up to stay with grandma for company but all of a sudden the parents and probably the grandparents are in breach of the law. I therefore support the reasoned amendment as proposed by the Honourable Philip Davis and urge the house to support it.

Mr SCHEFFER (Monash) — I speak in support of the Child Employment Bill. I accept there is a deal of good faith in the house both on the part of Mr Philip Davis and Mr Baxter in opening both for the Liberal and National parties respectively that no-one in this house doubts that children should always be protected against exploitation, not only in the workplace but everywhere. On the other hand, there has been a lot of confusion on the part of the opposition. Indeed, there is a simmering moral panic when it comes to regulation.

The basics of the bill are clear, at least in my mind. Firstly we are talking about children — that is, children under the age of 15 years and over the age of 13 years, or 11 years for delivering newspapers, pharmaceuticals or pamphlets and suchlike.

The bill very clearly defines employment. It is taking part or assisting in any business, trade or occupation carried on for profit. It includes paid and unpaid work. There is no ambiguity there. The opposition has given some examples of grey areas, and I accept that we cannot legislate in every situation, but we can assess each situation against criteria that help us as a community to decide on a consistent way forward. We have to look at the intention and the duration of such activities. The bill also defines light work, and the intention of that is to make sure that children are not harmed by overexertion. The bill gives some examples relating to farming chores and so forth. It seeks to protect children against danger and harm.

The bill also says that a child can be employed either by an employer obtaining a permit or in a family business. This also has caused some concern amongst members of the opposition. I think that applying for a permit is a good thing to do. It makes people think what they are about. It formalises the kind of relationship that you enter into when a child is doing the kinds of activities defined in the bill as employment. It also serves the purpose of facilitating a general social understanding about what child employment is.

Mr Stoney has spoken about grandfathers or family members welcoming the children of relations onto farms and the kinds of activities that kids enjoy on farms, and everyone accepts and understands that these are important parts of growing up and that they are intrinsically valuable. But there are also potentials there

for bad practice. Not everybody has the same high moral standards that perhaps the people in this house have. Applying for a permit and working through that permit is in one sense a way of communicating and understanding what community standards are around these things, so applying for a permit is also educative. I stand by permits; I think they are good and strong.

Very importantly, the bill also sets out that a child cannot be employed when he or she should be at school. There would be no argument with that. Education is important, and it takes precedence. Work and work-related activities take second place.

Under the bill children cannot be employed to sell door to door, and they cannot be employed on fishing boats, where it is dangerous, or on dangerous construction sites. I do not think anyone in this house would have any difficulty accepting that.

Parents and guardians, as I have already said, need to apply for permits. With the exception of parents and guardians or extended family members, the bill says that a prospective employer and the relevant supervisor need to undergo a police check to determine suitability to employ a child. I think that is proper. We need to make sure that people who have power and responsibility over children — and we are talking about children between the ages of 11 and 15 — need to be of reputable character, and my parliamentary colleagues have indicated some of the abuses that can happen in situations that are unregulated.

The bill also sets out the factors that must be taken into account when assessing an application for a permit: making sure that the child's wellbeing is protected, that the child is fit to do the work, that the child will not be exploited and that the child is of a suitable age. That is fair and reasonable as well. The bill goes on to set out the working conditions for employed children, such as the hours of engagement. Children who are employed in family businesses are exempted from the provisions of the bill, provided all the other conditions are met. The bill also requires the minister to prepare a mandatory code of practice for children in the entertainment industry, and there cannot be any disagreement with that either, I would have thought.

Finally the bill sets out the functions and powers of child employment officers to provide information about the act and to make sure the provisions of the act are complied with. This has also caused some stress among opposition members, who see this regulation and the function of the child employment officers as being an unnecessary invasion of people's private relationships. I do not think employment is a private relationship; I think it is a formal and public relationship, and it should be open to scrutiny. The provisions are good, and they make me rest easier knowing that children in employment are working in regulated and safe environments.

I do not automatically trust adults with children. There has been too much abuse. I have worked in the school system, and I have experienced how easily children are abused by adults in power. There is the argument that somehow families are protected from these kinds of abuses, but we know that is not the case. As a child the abuse that I received at the hands of people in my own family was far worse than any abuse I sustained in the school system or society in general. Homes are not protected; they are not sacrosanct. Children are not automatically defended by their parents, and they are certainly not automatically defended by employers or people who have control over them.

The government recognises that working is an essential part of human experience, that many children want to work and that we should encourage this. I remember as a young teenager having my first paper round and the excitement and thrill that brought me as I rode my bike in the early morning delivering newspapers. It is a great experience. It was good; it was collegiate, and it was character building. But I also know the shadow that was cast over my mind very recently when my nephew arrived home after doing his paper round. He said that the boss was taking pictures of the kids who worked there. That was probably absolutely fine, but I thought, 'Why is he doing that?'. These things occur in the workplace, and we need to be vigilant about them. This bill goes a long way towards providing some public protection and some framework so that we can think about protecting our children in a better way.

In summary I think the opposition is overly concerned about regulation. In general groups who are weak depend on the rule of law and regulation to guarantee their rights. This is all they have. The empowered do not have to worry so much about their rights because they are, by definition, less likely to be deprived of them. I like regulation that protects the vulnerable from possible abuse and exploitation. I commend this bill to the house.

Hon. J. A. VOGELS (Western) — This bill is just another example of a Labor socialist party hell-bent on control and regulation. They are not happy unless they know where you are, who you are or why you are anywhere. They love permits, police checks, fines and penalty points — the big stick approach. On this occasion they have gone a bit too far.

I have here an article from Warrnambool's *Standard*, which is headed 'Farm Fury. "I'll go to jail," says grandma'. The article states:

> Maria Cameron is prepared to go to jail before paying a permit to allow her 14-year-old grandson to feed the chooks and working dogs on her Codrington property.

Knowing Maria, she would go to jail. This socialist government has amended the legislation so that the extended families no longer need police checks; however, they will still need permits — for example, grandparents, uncles, aunties and other siblings. However, cousins, neighbours and family friends will still require both police checks and permits.

An honourable member interjected.

Hon. J. A. VOGELS — You did not get one when you were around!

I will give you a rundown of my childhood experience, and what a healthy and great experience it was too. I arrived in Australia at the age of six and went to a farm at Pyramid Hill. It was a sheep property. I loved to help the neighbours yard the sheep at shearing time. I remember that the owner of that property would lift me up into the wool bale and I would trample the wool down as the shearers threw more in. I helped sweep up the dags — Bob!

Mr Smith interjected.

Hon. J. A. VOGELS — It was all a great experience, and the best part of it was sitting around at cuppa time when the shearers had their break and listening to the yarns and stories and all that sort of stuff. It was a great learning experience. It was fantastic.

Then we moved to a property at Bunyip in Gippsland, which was an orchard. As kids we helped pick the fruit. At weekends we helped sort the fruit. I even sat along the Princes Highway with a box of fruit as cars drove by. We would sell the fruit to passers-by.

All that, of course, would be highly illegal under this proposed system in the bill. I think I was eight years old at the time, and I learnt the value of money. We then moved to Woodend, and I helped neighbours milk their cows and feed the calves. I also helped feed pigs. I remember my uncle coming out from Holland and getting a job with the forestry department at Woodend. At weekends he would go in there and chop up some wood and I would go and help him, and we would then go to Melbourne — my first trip to Melbourne ever! — and we would sell that firewood in the city.

Under this government all that would be illegal. You would not be allowed to chop the firewood any more, and you would not be allowed to have your nephews or nieces or anyone give you a hand to do what were all great learning experiences.

In 1956 when I was aged 11 we were once again on the move and we moved to Glenormiston in the Western District. I was a big lad for 11 so the neighbours used to pay me 5 bob an hour to roll bales into line. At harvesting time you would roll two into one and do a bit of straightening of bales so when the trucks came along with the elevator it was much easier to pick them up. Another great job, and fantastic fun with it. The only disappointment I used to have in those days was that I used to have to give any money I earned to my parents. No doubt they had to use it to keep the whole family going; I did not keep much of it but I used to sometimes hide a bit and tell them I did not earn it.

In Glenormiston where I grew up — I was there for about eight years — I lived in Wallis's Lane. There were probably about 12 families in that lane and each had 5, 6 or 7 kids; I think the largest family had 10 kids. We all helped each other when necessary. If the mother of one family was having a baby or there was sickness or something was wrong, we all chipped in and helped. Nobody needed police checks, nobody needed permits. It was a great learning environment and a fantastic place to grow up. It is interesting that over the years — this is now over 40 years ago — when we get together in those groups we still reminisce about those good old days.

The other day when we were getting a briefing I asked how many officers are going to police this legislation. I think at the moment there is one in Victoria, but I might be wrong. I am not sure how many they are going to put on to police this, but I would say that we will find hundreds of thousands of Victorians will now be classed as criminals because they will not get permits and they will not get police checks. You should never bring in legislation you cannot police and which people will not accept. It just makes criminals out of honest people. This is a load of rubbish.

It is interesting to read the media release of the Minister for Industrial Relations in the other place, who is the master of spin. He said that the Bracks government had consulted extensively with the community before drafting this legislation, but the issue of police checks for family members was not raised as a concern until recently.

What a load of rubbish that was! If the government had really been out there consulting, it would have heard

this screaming from the rooftops 6 or 12 months ago, but thanks to people like Maria Cameron and others who have been mentioned, the government has gone to water on this legislation. It has improved it, there is no doubt about that, but it is a sham, especially in rural Victoria. I do not believe anyone will take any notice of it.

We already have the Department of Human Services, occupational health and safety, and Workcover; we already have organisations out there with the specific role of making sure that farms, businesses or whatever are safe and that things that happen on those premises and properties are all above board.

In conclusion, this bill is a sham. I cannot believe that this government would have brought this in. I should not say that — because I can believe this government brought it in. As a typical socialist government it is about control, regulation, permits and fines. It is all about, 'where are you, who are you, why are you there? We want to know everything'. It wants to know everything so it can get another bit of money in from the side.

This bill will go down in history, as the Henry Bolte bill probably did 30 years ago — as something that no-one took absolutely any notice of.

Hon. P. R. HALL (Gippsland) — I would like to start my contribution by thanking the government for the long hop it has just bowled down the leg side. This has been a tremendous issue for us in the National Party and, I suspect, for the Liberal Party as well. We have scored runs already on the board with this issue, and I suspect we will get a lot more runs out of this before the end of the day. I am absolutely delighted to have this legislation before Parliament because this is the best gift we in the National Party, and those in the Liberal Party, have had for some time.

Out there in the constituency people cannot believe how dumb the government has been in way it has handled this Child Employment Bill. What a shemozzle! The government has had to back-pedal a bit now. Yesterday in this house the minister indicated the government was going to back-pedal a bit, but nowhere near enough to gain any of the ground it has lost out there in country Victoria.

The government has been totally naive in this issue. I give this government a bit of credit; it has been politically smart for most of the time, but on this occasion it has dropped the ball, and we will dine out on this for years to come.

I cannot believe that Labor members have not been reading the *Weekly Times* in recent weeks. I would have thought the Minister for Agriculture would have been one who took the *Weekly Times* into cabinet every week and read what it has to say about the bill because over the last three weeks the *Weekly Times* has been absolutely full of issues related to this particular subject.

Let us look at some of those comments in the *Weekly Times*. I go to the issue of Wednesday, 10 September, when three pages were almost totally dedicated to this subject.

Mr Smith interjected.

Hon. P. R. HALL — Well, the *Weekly Times* covers a lot of interesting subjects of relevance to people who live in country Victoria. It chose on 10 September to donate almost three full pages to this particular issue. One letter to the editor is headed 'Child bill chops family link' and was written by Linette Treasure, one of my constituents from Buchan. I quote:

> Some of the most significant times of my life came when I worked cattle as a child with my grandparents and aunt.
>
> I absorbed their ways and wisdom as children have learnt from their elders since time immemorial.
>
> Now all this has changed with a most insidious act by the Bracks government.

And the letter goes on. They are typical comments of the electorate I represent. Another letter, this one from another constituent of mine, Tess Coleman in Maffra, is headed 'Law insults grandparents' and expresses similar sentiments. Tess is a great community-minded person. She organised the blood bank in Maffra for 30 years before they closed that and moved it into Sale. Tess is one of those genuine, heart-and-soul people who deserves to be listened to because she is elderly and with great wisdom, and her views are expressed there in the letter to the *Weekly Times*.

That newspaper of 10 September also carried a lengthy article covering most of one of its pages, under the heading 'Overboard on children'. Its author, Xavier Duff, mentions among other things:

> The idea that farmers would not ensure young relatives were safe from harm is ludicrous. Subjecting grandparents to police checks when they have care of their grandchildren is downright offensive.
>
> And just how filling out a form will automatically make the farm a safer place remains to be seen.

Indeed, it does. The article quotes the Minister for Industrial Relations, and reports:

> … the legislation is intended only for formal working arrangements for an extended period.

What is the definition of 'an extended period'? Is it going out for one weekend and staying with the grandparents? Is it going out for every weekend — is that an extended period? Is it going out for the two weeks of school holidays, which most kids start next week? Is that an extended period? There are absolutely no definitions whatsoever on this.

That is why people in country Victoria are so concerned. The issues are vague and the government has not nailed exactly what will be required for these people in respect to a definition of 'employment'.

It is the same with another article headed 'Child permit plea to upper house', which appeared in the *Weekly Times* of 10 September. We are in the upper house now, and the National Party is listening to that plea from the Victorian Farmers Federation and others out there in country Victoria. The Liberal Party is listening to that plea, but the government is not listening at all.

Mr Lenders interjected.

Hon. P. R. HALL — I will come back to that point. I will talk about the 1970 act. This week, the *Weekly Times* of 17 September dedicated a full page to letters with headings such as 'A stupid piece of legislation' — Hear, Hear! — 'Kids right to heritage', 'Life experience will be denied', 'It's just a money grab', 'Bill a public service ploy', 'This deserves strong protest', 'Child bill has to be a joke', 'Instil the will to work', 'The most stupid thing', 'Bill should not pass', and 'What next? Baking a cake?'. That summarises the sentiments of some of those people who have been strongly expressing their views through the *Weekly Times* over the last couple of weeks.

I will relate my personal experience. Last Friday I went to the Bairnsdale saleyards where there was a special store sale of about 3700 head of cattle, so it was a pretty big sale. I went there just to tell people that this bill was before the Parliament, and I asked them, 'How do you want me to approach it? What is your reaction to it?'. I had the opportunity to address those people before the start of the first sale on the day. I did not have to explain to them what the bill was about because they all knew well and truly about it before I got there. I spent 2½ hours at those saleyards and spoke to as many people as I possibly could. I gave them the flyer I have in my hand. I will give the Leader of the Government a copy of it so he knows exactly what I said to these people. It summarises some of the contentious issues of this bill.

The flyer concludes by indicating to people that the National Party will be moving an amendment to this bill — and it will during the committee stage. It provides a space at the bottom for people to sign to send directly to Mr Hulls, the Minister for Industrial Relations in the other place, if they want to protest about the bill and send a message to the government. It simply says, 'I want you to amend the Child Employment Bill to exempt extended family from the need for police checks and a permit to employ grandchildren, nieces and nephews'. As the minister is leaving, he can take these with him and pass them on to his colleague, because that is what the people have asked for. Additional ones will come from Dimboola, because people heard me on the Country Hour radio program last Friday and rang my office to ask whether they could get a few flyers. I sent a few of them to Dimboola gladly.

Before I left the saleyards at Bairnsdale people gave me 163 signed forms and said, 'Please take them back to Minister Hulls for me', and I dutifully did that on Friday. When I got back to my office I sent them in an overnight mailbag to Mr Hulls. They are the views of the people. A lot of other people wanted to send them directly with their own comments, and they will do so. Not one person at the saleyards in Bairnsdale refused to take and sign one of those leaflets. They all shared the common view that it was a ridiculous piece of legislation and that, moreover, it would inhibit the opportunity for young children to go and learn about agriculture and to participate in some of the activities on farms. The fact that people resent the government so much for attempting to put this in place has been an absolute gift to us in the National Party, and people will not forget. They are bitter about it. They feel insulted about it, and consequently you can bet your life that in three years time when we go to the polls again this issue will be revisited. We will ensure that they are reminded of this government's blatant disregard for the people who live in country Victoria.

I have received a multitude of letters and phone calls about this bill from people like Patrizia Neven from Tubbut, which is a small place near the New South Wales border. If you jump in your car now and drive there, you will be lucky to get there by dinner time tonight. It is a 7-hour drive away from here — that is, if you do not mind travelling on a few windy dirt roads before your get there. Even the people up in Tubbut are incensed about this proposal.

Another constituent, Bill Henry of Tinamba, rang me and was most upset. He said, 'If my grandchildren cannot get on the ute and help me round up the cows, they start bawling. It is not fair to them. They want to

come and help. They want to learn a little bit about the basics of agriculture'. He told me how his grandson was delighted that he was learning to whistle the dog. Something as simple as that strikes at your heart. Yet Bill Henry, for fear of litigation and the child employment enforcers, will now be less likely to allow his grandchildren to take part in those different activities as they have over the past few years.

Yes, the government has done a backflip on this issue, but it has only gone 90 degrees — it has failed to go the full 180 on this. The fact that now grandparents and extended families will not be required to undergo police checks does not completely camouflage the fact that they will still have to go through a permit system, and they will need a permit every year. They do not need just a single permit like the 1970 act stated had to be achieved in theory — every year they will have to get a child employment form and stipulate what sort of work is involved, the hours of the intended work, whether it will be during school term — which I presume includes weekend work — and, if so, they will need to get the signature of a school principal and the parents.

So they are rightly upset that this is a cumbersome process. They do not yet even know how to get hold of the forms. Even I have not been able to get hold of the child employment forms. I do not think they have even been printed yet, so we do not know what they look like. They are concerned, because they do not know what to expect with all the information required on these forms.

I want to make one comment about this issue and put on the record my appreciation of the contribution made by Mr Scheffer. He spoke sincerely and from the heart. He thoroughly believes that a permit process imposes a certain level of discipline on extended family members. He said requiring permits should be part of the process because it makes them think about the employment situation of one of their family members. He spoke sincerely about that. He also reiterated some comments made by Mr Smith on the child abuse that can occur within the family structure and how we have to be very careful. I agree with that. I know that is a fact in the matter. But if you take that argument to its logical extension, you would have to require police checks for parents as well. You cannot safeguard against it simply by going through a process of police checks and having permits. You cannot guarantee that there will not be child abuse. I understand the arguments. I listened intently to Mr Scheffer, and I appreciate his sincere view on this, but it is predominantly a work safety issue rather than a child abuse issue as such and involves work safety and child exploitation rather than physical or sexual abuse. So I do not believe a permit system will achieve anything in this instance.

In summary — because I only have a couple of minutes left in which I am allowed to speak on this bill — this is an issue country people feel strongly about. They have told the National Party how they expect members to vote. We are going to try to change the legislation, and if the government had agreed to adopt the National Party amendments we would have been here supporting the bill. However, we cannot do that because our people out there, who we represent, have said this is bad legislation — unenforceable legislation, as the comment has been made.

We in the National Party will attempt to put our amendment but if that is not accepted we will have no choice but to vote against the bill in its entirety. That is a bit disappointing, because we would be the first to support sensible legislation that prevents child exploitation. That is an intent we support wholeheartedly. But in our own conscience we cannot allow poor legislation to pass through this Parliament when it will impact severely on people who want to learn something about agriculture and will impinge upon families to the extent that it does. So we will be voting against the bill if the government is not prepared to accept in full the amendments we propose.

Hon. ANDREA COOTE (Monash) — I fully support the reasoned amendment brought down by the Honourable Philip Davis on the Child Employment Bill. I want to put on record at the outset the sloppiness of this bill. We started a debate on a mistake in the second-reading speech. A pattern is developing here, and it is totally unacceptable for proper, professional drafting in this place. It is just not good enough.

I do not believe the people of Victoria will be too impressed when they start to see this pattern coming through. I go back to the constitution reform bill, and the debacle that happened there with the legislative drafting. I urge the government to make certain it gets it right — it cannot be all that hard. The Deputy Leader of the Government said this issue was a typo — that is just not good enough and shows its cavalier attitude to the whole process.

The introductory comments to this second-reading speech on this bill say that:

> Governments and communities throughout Australia accept that children under the age of 15 should be engaged in compulsory education.

I think all of us would probably agree with that, and this goes to show what a civilised country we live in and

what a good education system in comparison with so many countries in the world we have here in Victoria and indeed in Australia. Everybody in this chamber would agree that we want our children to be well educated, because they are our future. I would also argue that teaching children to work and to have the soft skills in a working situation is also part of their long-term employment prospects and indeed their ongoing education.

We have heard a number of examples, particularly from our country members, about children working on farms and working with families, grandparents and older siblings. We have looked at these very good examples of how children work in these areas. These are not children who are going to be exploited; these are, in most cases that have been discussed or quoted to date from letters and newspaper articles, children who are going to their grandparents' farms or helping on their parents' farms and enjoying it. They are learning skills, but are enjoying it as well. We are not talking about the Dickensian age here; we are talking about 2003, and children being responsible, working and assisting their families in their family businesses, particularly within the farming area.

The second paragraph of the second-reading speech says:

> … we acknowledge that children under the age of 15 do work. And this work is not limited to babysitting and paper rounds. The growth in part-time and casual work in the retail and service sectors has meant that children are being employed in a wider range of jobs than ever.

As shadow Minister for Tourism, I have seen across this state numerous examples of children working very closely in the tourism industry and being a very good and integral part of it. It is very pleasing to see that children are learning these skills at first hand.

However, going across to the purpose of this bill in the second-reading speech we see the moralistic, Big Brother overtones this bill has. It goes back to being regulatory — the government is watching you; Big Brother is out there looking at you, prying into your family, looking into what your business is doing — and it is a pattern we are seeing through so much of the legislation this Bracks Labor government is bringing in.

It is interesting to reflect upon the speech given last night by Mr Smith. I am sad that he is not here, because he was talking about 14-year-old's arms and legs being dragged off. I am not sure how many members have seen that on a regular basis, but it would have to be a very rare occurrence. He was going to be bringing me some examples of this, but to date we have not seen any copies of this. Once again, if you listen to him you would think we were back in the Dickensian era when children were being abused. They were being 'ripped to pieces', was what he said. I find it quite extraordinary.

Under the purpose of the bill, the second-reading speech says:

> The bill retains the current definition of employment — that is, employment occurs when a child takes part or assists in any business, trade or occupation carried on for profit. This participation can be paid or unpaid and the child may be engaged as an employee or as a contractor.

That particular part of the purpose is, once again, draconian and does not reflect the nature of what is happening at this time in this century. I do not think it takes too much imagination to see how children are assets in the tourism industry.

Looking at clause 9 of the bill itself, the explanatory comments at the beginning talk about clause 9 making:

> … it an offence for an employer to employ a child, or a parent to allow their child to be employed, without a permit.

This is also draconian, and has a moralistic overtone — this overtone is that parents do not care for their children properly and will be under surveillance to make certain that they do. This is the overtone of this entire bill, and I do not think it is at all appropriate.

Part 2 goes on to deal with permits. It is interesting to see what has to be put on a permit: it has to be in an approved form by the secretary; it must include the name of the child, the name of the school the child attends, the name of their prospective employer, and the name of each person who will directly supervise or control the child, together with their signed consent. It must show any applications made within the previous 12 months. It must detail the nature of the workplace, the businesses carried on there and the child's intended duties. It must be signed by the applicant, the employer and the school the child attends.

That is a lot of information, and this government has been seen to be not very good with the use it makes of information. We do not have to go much further than having a really good look at the police files. We have a system here where police have files on a number of people, but we saw in the last election a very grubby example of what this government is capable of, through the accessing of the police file on a Liberal candidate, Matthew Guy. The file was accessed and handed on to the government in the most unsavoury manner. This sort of surveillance is very concerning.

When I look at these permits I am concerned at what the Bracks government is going to be doing with the information it is gathering about businesses and about children. Where is it going to lead? Who are they going to pass it on to? How can we be certain that this is not going to be abused and that children do not have information registered against them to be used at some other time? I do not trust this government, and I do not think the people of Victoria will trust this government to deal sensitively with this information and make certain that it is kept confidential and not used inappropriately. I do not believe they can keep their grubby fingers off people's information, and I think this bill is going to be just another example of that.

In the last Parliament I was a member of the Economic Development Committee (EDC). We were looking into youth unemployment across Victoria and looking at a number of cases overseas. We went right across the state and had a very good look at some of the real issues that are affecting youth unemployment in this state.

One of the most astounding and surprising aspects of that report was the fact that children do not have what are commonly called soft skills. Soft employment skills are where the child realises they must turn up to work on the second day. They might have had a heavy night out the night before but their employer insists that they attend, so they front up again the next day and put in a full working day. They do not access the Internet, they do not spend time on their mobile phones, and they do a decent day's work as part of the organisation that employs them. These are the skills that young people today presenting for jobs just do not have. Employers who want to offer apprenticeships and a whole range of jobs are very concerned that these soft skills are not available.

Where can young people today learn these soft skills? In the city it is perhaps a little easier: they can possibly get a job at McDonalds and learn what these skills are. But in country areas, especially in more remote parts of Victoria, it is not so easy to do this. So where do these children learn their work ethics? Where do they learn what those soft skills are — to have to turn up on a regular basis, to meet their commitment, that they have a responsibility?

They learn them on the farms of their parents, the farms of their adult siblings or their grandparents. Children in country areas who are able to earn a few extra dollars are very pleased and excited to get work, and it is very good learning exercise. I think that aspect has been ignored in looking at this bill as a whole. It is a great pity that people have not realised the importance of the skills that young people learn in this way. People are now going to be very hesitant to employ anybody, they are going to be looking at them and saying, 'Gosh, I have to get a police check' or, 'I have to have a permit and I have to fill in 200 forms and I have to make certain that it is all above board and there is a mass of paperwork, so I am just not going to bother'. I think that is what we are going to see.

There are some very interesting developments for the tourism industry specifically. In Victoria most people are time poor — that is, they do not have the time to take long-term holidays. What we find is that people are opting for short stays of two or three days away. At the high end of the market we are seeing people who want to go to bed and breakfasts, they want to go and have an experience with wine and food in one of the many excellent Victorian regions. When they get there they want to have a certain experience. They want to go to bed and breakfasts and they want to know that they can have a really nice experience.

At the other end of the spectrum we find that a number of city children have never had a farming experience. We have all heard many times the joke about these city children not quite understanding where the milk comes from — they think it comes out of a carton. The reality is that a lot of people are going to home stays on farms to experience first-hand what happens on those farms. So at both ends of the spectrum — the luxury getaway market and the home-stay market — people are offering services from their homes, and doing it extremely well.

However, we will now hear from someone who owns a B & B. I refer to an article published in the *Age* of 16 September — just a couple of days ago. It talks about Geraldine Wogan-Browne, a woman who runs a B & B. I ask members to keep in mind when talking about a B & B that a number of these young people want to go and stay with their grandparents and learn how to run a B & B, to learn how to help and assist. That is part of what they enjoy.

The article states:

> Escalating costs are turning the humble getaway into an expensive and difficult venture.
>
> …
>
> Who's going to feed the chooks? Geraldine Wogan-Browne wants to know. She has a conference to attend next week but can no longer ask her grandchildren to scatter some feed. She'd have to undergo a police check before she could employ the children, according to new regulations governing her modest bed and breakfast.
>
> 'It's a terrible insult to the community' says Wogan-Browne, one of Victoria's founding bed and breakfast operators.

You will find comments such as that being made right throughout this state and indeed these are the real implications of this bill. It is just not good enough, and this is a great pity.

Another area that has been inadvertently tainted and become a cause for concern is the entertainment industry. You have to wonder what will be the ramifications for the children in the Flying Fruit Fly Circus. It will be interesting to see how that unfolds.

The inspectors themselves represent big brother at its worst.

The inspectors will have powers of entry — that is like something out of the gulags. The bill states that:

> On exercising a power of entry under section 42, a child employment officer may — —

Who are the child employment officers going to be? There will be more Labor mates out there with new jobs. We will have another 2000 public servants. The officers may —

> (a) inspect any work, material, machinery, appliance, article, facility or other thing;
>
> (b) take samples of any goods or substances …
>
> (c) interview any employee …

This is Big Brother at its very worst. As has been said before, it shows that this government wants more and more control through its permits, its inspectors, its moralistic approach, its regulation and its Big Brother approach. Beware Victoria because it is watching us all!

Hon. J. H. EREN (Geelong) — I rise to speak in favour of the bill. Accidents do not discriminate: they do not care whether or not a person is a relative. I do not think that any member in this chamber can tell me that no child has been injured on the family farm or indeed in the family place of business — of course they cannot. If anything, families may get complacent because a child is a relative and they may not be as careful as with a stranger's child. If laws are in place people have to be careful, and that is a good thing for children. The opposition should support this bill.

I do not seriously believe there is a member in this house who would wish harm on any child. A lot of misinformation about the bill is being spread by the Victorian Farmers Federation (VFF) and fuelled by the opposition, instilling fear into the community that the bill will somehow take away a grandparent's right to have their grandkids visit them on the farm. That is absolutely not true. These new rules are not going to affect parents or grandparents. We have listened to the community and ensured that this legislation not only protects children but is workable for their families.

The current act requires permits to be obtained for children to work, with some limited exceptions. The bill extends those exceptions to allow children to work in family businesses, including farms, without a permit. The permit system remains straightforward and inexpensive, the only cost being $24 for the police check.

This is an outstanding improvement to the old system under the Community Services Act. I find it disappointing that the VFF and the Liberal and National parties are criticising legislation intended to look after the health and wellbeing of children. There have been no serious changes to child labour laws in this state for nearly 30 years, and it is high time something was done to protect children in the work force. I was a child the last time these laws were changed, and now with children of my own I understand how important it is to ensure that they are protected at work. I understand how eager young people are to get out and find jobs. They want the freedom that earning money can bring and sometimes they are not that choosy when it comes to taking on a job. Unfortunately, there are employers out there who are prepared to exploit the eagerness of young people trying to get their first job. That is why it is important that we have laws to protect children.

According to Workcover statistics, about one child under the age of 15 years is seriously injured in the workplace every two weeks, and that is very concerning. Considering farms can be some of the most dangerous workplaces, it is important that rules are put in place to ensure the safety of children there. We cannot escape the fact that one child under 15 years of age is seriously injured at work every two weeks — and I imagine that does not mean they are getting a paper cut. I imagine it means their lives are possibly under threat. No responsible government would stand back and watch that happen. The Bracks government has stepped in and taken this tough decision, and I congratulate it. It is a shocking statistic and one we cannot ignore. That is why the government has worked with the community, including regional and metropolitan round tables, to review child labour laws and bring them into the 21st century.

The whole idea behind the bill is to balance a child's right to work with the obligation to protect them from injury and ensure they get a proper education. Education is the key. We well know that on occasions children are eager to work and the obvious benefits of working are that they get an income which they can

spend. That can hinder their education because they may be working after school at any time from 4 o'clock to 10 o'clock at night. Obviously there is no time for homework. That can have a detrimental impact on their education and as time goes on they will quickly — —

Hon. G. K. Rich-Phillips — On a point of order, Acting President, I have been observing the member since he commenced his speech and it is quite clear that he is slavishly reading his contribution. He has been looking at his notes non-stop and every word has come directly from them. That is not in accordance with the forms of the house, and I ask you to draw it to his attention.

Hon. J. H. EREN — On the point of order, Acting President, I am not slavishly reading from my notes; I am referring to them. I will show the member as soon as I have finished my speech that what I have been saying is not word for word from the notes I have in front of me. On this occasion he is obviously out of order himself.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! On the point of order, the member has indicated that he is not reading slavishly from his notes but is referring to them, and I ask him to continue.

Hon. J. H. EREN — Thank you, Acting President. As I said, the children are too eager to earn money, obviously to spend on their leisure, and sometimes they forget that schoolwork and education are vitally important to their future. Those occasions occur when they work long hours after school and they have no time to do their homework and concentrate on their studies as they possibly should. Therefore, in terms of this bill it is quite reasonable that certain parameters are set to encourage children to further their education. Obviously working is a big part of their learning curve, and I would encourage the view that some children should actually get out there and do some work because it will do them some good, so long as it does not have an impact on their further education and their future. So from that perspective this bill is spot on.

The whole idea behind this bill is to balance a child's right to work with the obligation to protect children from injury and to ensure they get a proper education. We understand that if we went too far with this legislation we could hurt the family business.

Hon. P. R. Hall interjected.

Hon. J. H. EREN — I hear the interjection from Mr Hall, 'How does it protect them?'. It makes people who employ children much more careful about what employment they actually give these children.

Hon. P. R. Hall — Do you think family members are not careful enough?

Hon. J. H. EREN — Of course family members are careful, and they are exempt. I said earlier in my speech that families may get complacent at times with their own children as opposed to a stranger's children, and Mr Hall knows that is right. You would be much more careful with a stranger's children than you would be with your own. That does not mean you do not love your children — of course you do — but parents do get complacent.

Hon. P. R. Hall — We're not talking about parents; we're talking about extended families.

Hon. J. H. EREN — Families and extended families, and parents and grandparents. I am talking about extended families. So Mr Hall knows that is true.

We understand that if we went too far with this legislation we could possibly hurt family businesses, and that is why they are exempt from this bill to a certain extent. This is a good bill that is overdue; therefore I support it. I had hoped the opposition parties would support it wholeheartedly. Unfortunately politics is at play, and that is their decision.

Hon. R. H. BOWDEN (South Eastern) — This bill is cause for concern. At the outset I would like to say that the fundamental sentiments and approach of protecting children in our community is, of course, absolutely important, very supportable and something we do without reservation — we must protect our young. As a matter of fact, one definition of a good and successful society is how it takes care of its less advantaged citizens who need care and assistance, and our older citizens and younger people do need care and assistance. Of course the party I am privileged to be a member of has those sentiments, and it shares those sentiments with every member of this house.

Having said that, I also have some very real concerns about certain aspects of this bill. In my electorate, which is quite large, there are thousands of family businesses such as farms, horticultural businesses, vegetable growers and all sorts of primary producers. Most of those businesses are family businesses where young people are able to experience the closeness of their families and make a contribution to the family as they grow up and develop and acquire their sense of values for their future as citizens.

But certain aspects of this bill are cause for very real concern. One of the things that makes me feel a little uneasy is that it presumes that almost all adults are suspect and potential perpetrators of child abuse. When

you legislate through this proposed legislation a situation where almost all adults at large in the community become suspect and potential child abusers in their relationships with younger people — those are the inferences in the permit and police check requirements, which are automatically necessary under the legislation — you presume that our society is sick. I do not believe our society is so fundamentally sick and flawed that we need a widespread, automatic legislative approach in this heavy-handed way.

It is indeed a sad fact of life that there are unfortunate experiences and there are people in this community who do things which we would all consider to be totally reprehensible and actions that cannot be tolerated. But I believe those people represent a very small percentage, fortunately. Therefore to imply through this legislative mechanism that almost all adults are potential perpetrators of child abuse is an insult to the community and all Victorians at large and certainly to members of families who appreciate, love and care for their younger members.

I do not think this bill is about protecting children at all. I think it is the product of a philosophy which is very much out of step with modern Australian and Victorian thinking. In my opinion this bill has characteristics about it which take us back to socialist thinking and the worst type of social engineering for social engineering purposes. It is about government intrusion.

I suggest to honourable members that clause 40 of the bill should send a very clear warning about the philosophical intent behind this bill, which I think is completely unacceptable. If we look at clause 40, we see that a child protection officer can call on the police. If a young person is carrying out a minor, long-established and completely justifiable activity on their grandparents' dairy farm the potential for a child employment officer to go through this inspection process and bring in the police is to me completely out of step with community values as I understand them. It gets worse than that.

If we look at clause 43 of the bill, I think the powers of entry are extremely dangerous. If there is an abuse situation, of course we already have existing laws and mechanisms to take absolute notice and corrective steps. But clause 43 is a major warning signal to the community at large of some, as it were, unfortunate thinking that the government has been exercising. For instance, I do not believe clause 43 should contain the ability to interview any employee. I also believe the inspectors should not have the power to inspect any work, material, machinery, appliance, article, facility or other thing. It is not possible to define 'other thing'. So when these inspectors go in it seems that they have the right to just run rampant if they want to through a facility, a home, a place or a business enterprise and examine any 'other thing'. This is legislation without definition, and I think it is very dangerous.

It all comes back to intimidation, which is very worrying. It could easily happen that a young person visits their grandparents' vegetable farm, flower farm or whatever and does some hosing or minor activity and for some reason a vindictive neighbour or person in the area contacts the inspectors under this legislation, and suddenly the grandparents have a problem. It could very well be that an officious inspector could lay allegations and charges against the grandparents, who have done nothing wrong whatsoever. If a summons is issued those grandparents could find their names splattered across the local press, which would ruin their reputation in the community, under unfortunate headlines such as 'Grandparents accused of child abuse' when there was absolutely no substance to that claim. Sadly we have seen in the media over recent years that such allegations are the titillation of the day, but there is absolutely no justification for those headlines when the matter has not proceeded to court. I can see a dangerous situation where intimidation, vindictiveness and spite in the community could result in use of the bill. That is dangerous.

Child abuse is a serious matter; it occurs and is unfortunate. Child abuse will not be tolerated by any member of this house, and child abuse at any stage should never be countenanced and cannot be supported. I make that clear. But it is possible under this bill for an inspector to make an allegation and a complaint against a grandparent or an extended family member that is not justifiable. Once that allegation is made it can be reported in the press. You can have honest, decent people inappropriately persecuted where the case has not come to trial but they are the subject of media treatment that would be considered horrendous under the heading of child abuse.

I suspect that this is completely out of step with community values as we exercise them. I repeat: no honourable member of this Parliament would countenance or support child abuse, but it is possible for vindictive and malicious allegations that would unfairly ruin the reputation of loving members of an extended family to be made and reported prior to any proceedings. It is dangerous and unacceptable. The potential under various aspects of the bill to intimidate people through their children is reprehensible.

The other matter which is cause for concern is the definition of 'material welfare' per the International

Labour Organisation. I do not believe the ILO sitting in Europe, comprising some countries whose own standards fall far short of what is acceptable Australian community performance, has the right to influence this Parliament and legislation in this house. We were elected as Australian citizens and members of the Victorian community to represent our community and Australian people.

I am not comfortable with the idea of the government accepting overseas definitions, and quite frankly definitions on which we, as members of Parliament representing our communities, have no say. That is not acceptable. That is surrendering the sovereignty of the state to an unelected body overseas. We should not accept and impose foreign definitions of community performance when talking about such a sensitive subject and community standards in this state. That to me is totally unacceptable.

The government should rethink having foreign, overseas, unelected committees decide community standards that are prosecutable in Victoria. That is a dereliction of duty by the government. If we are to have standards and definitions, then let them be standards and definitions arrived at by the democratic process within Australian — and within Victoria if it is to be Victorian legislation.

If you examine ILO performance on many things over the years you will find that it is way behind where it should be. To suggest that honest, loving extended family members in the Victorian community can be prosecuted on the basis of a definition arrived at by foreigners who have no influence — they are not elected by or accountable to the citizens of Victoria — and supported by the state government through this legislation is completely offensive. How can the people of Victoria influence a definition of the ILO? They cannot. It is completely unacceptable to have ILO standards — foreign, unelected committees — deciding prosecutable offences in this state. If anyone takes exception to that, then that is their problem, but that is my view.

The sentiment of the bill is supportable. The concept that we have to protect the aged and the young is important and very much to the forefront of every honourable member's intention, but the potential for malicious use of the bill as it is drafted is high. The inference that adult members of the community in the main are potential child abusers is offensive.

The definition of the employment requirements of the child inspectors is not as complete as I would like to see. If we are to have these inspectors going about, then I would like to know a lot about them, because there is the possibility that the inspectors themselves might not pass muster if one did a complete check. I do not know, and I am not referring to any individual, but if we are to have such draconian legislation which is extremely sensitive and which has the ability to destroy and disrupt the life and reputation of tens of thousands of Victorians, then I want to be sure that each and every inspector who is appointed is absolutely pure and fully able to support a complete investigation. If the inspectors are not above reproach — I repeat, if the inspectors are not above reproach — then the sensitive subtleties of the consequences of the task they have been given will make a mockery of the intent of the legislation.

I do not believe the bill is adequate in the material welfare definition and the setting of standards for the employment of inspectors. I suggest to members that this is an important factor, because if these inspectors are to have the ability to decide who is or who is not an acceptable person to be among the younger folk of our community, then that is cause for real concern. I want to be certain that these inspectors, each and every one of them, are above reproach. If they are not able to pass that test, then they are unable to do it.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! The member's time has expired.

Hon. B. W. BISHOP (North Western) — It is often with pleasure you rise to speak on a bill, but it is not with pleasure that I speak on the Child Employment Bill.

Hon. P. R. Hall — Not much interest from the government members anymore!

Hon. B. W. BISHOP — And also not much interest from the government. You are quite right, Mr Hall, which is a great pity when you saw the fervour with which some of the contributions were made.

Whilst I think we all understand perhaps the intent of what the government's bill is directed towards, we in the National Party are tremendously concerned about the impact that would have on many innocent families — not only farming families but families involved with businesses right across the state of Victoria.

I believe the amendment has been forced upon the government by what I believe has been the biggest uprising of people, predominantly from country Victoria, against the absolutely bureaucratic and invasive processes that this bill puts in place. I do not

think the government has done a backflip, as we often say in this house. As my colleague Peter Hall said, government members have done a 90-degree turn. They have not quite gone far enough. They could not quite bring themselves to make that 180-degree turn, so what they have put forward is unacceptable to the National Party, and it is certainly unacceptable to our constituents in rural, regional and country Victoria.

As Mr Hall said, it is interesting to note what our constituents know about this bill. Mr Hall talked about going to a store cattle sale. A large number of people there all knew what the bill meant and that it would impinge on their normal processes as families going about their business.

Certainly stuff has been pouring into my office. There have been phone calls, letters and people calling in. Whatever engagements I go to people say, 'This is ridiculous! This bill has no logic', and they say to us that it appears to them it has no real reason. There is no doubt — and again I am a bit surprised by its introduction — that this legislation will be well remembered by all Victorians who believe this government, whilst its members say they listened and may have listened, has not acted in this case in response to the concerns of people around Victoria, and particularly in country Victoria.

I make the point that this is not only about farmers; it is about businesses per se, and particularly small businesses. This will impact on them right across the whole sphere.

It is most important to note that I am sure every member in this house who is speaking for the National Party will not stand for exploitation of children — not one bit. Like my leader, Peter Hall, I was impressed with Mr Scheffer's contribution. I thought he spoke with great passion, and he really believed what he was saying, and we take that on board. We understand the issues, and the same applies to Mr Bob Smith, who spoke earlier in this debate. They have a view that permit systems would make a lot of difference in relation to one particular issue that they concentrated on — namely, farm safety. If it was that easy, we would probably agree, but it is not. We believe the impact of the permits provided for in this bill will solve nothing.

The days are past when children were exploited in businesses — and let us concentrate on farms. Children are not sent down the mines, Mr Eren, that is way past. It is a sad part of our past in employment. The other thing I thought about when I heard the contributions of other members was their absolute faith that permits would fix it all. I am a grandparent, and I work with my grandchildren in our business on our farm. I suggest to the house that I am overprotective of them.

Hon. P. R. Hall — You are a doting, cuddly grandfather!

Hon. B. W. BISHOP — I do not know about being a doting, cuddly grandfather, Mr Hall, but I believe all grandparents and families are overprotective of their children. So it is drawing a long bow to suggest that a permit system would make that much difference. We in the National Party do not believe it would, but in my short contribution I hope to be able to offer some positive ideas about how we can address this very vexed question of farm safety, particularly for children.

Mr Hall quoted a few excerpts and referred to a few cartoons. I can remember one, which I am sure was in the *Weekly Times*. It was of a young grandchild who had been collecting eggs, which I reckon every grandkid has done on a farm; I used to do it. Although I did not particularly like getting the eggs or milking cows, I did and that taught me a work ethic which I hope has endured throughout my life.

In this cartoon the poor grandchild is there with a couple of buckets of eggs. The grandfather is being dragged off by the enforcers, and the grandchild is saying to his grandfather, 'But what am I going to do with the eggs?'. That probably typifies the ridiculous situation we find ourselves in as we discuss this bill today.

We in the National Party believe that this bill challenges an important aspect of family life. Family life involves working together in a business or on a farm, which teaches children a work ethic that they can understand very readily. I am sure that that work ethic will stand them in good stead during the rest of their lives. It also gives them that early stage of developing management skills and managing their time as best they can.

I would suggest, as did my good friend and colleague Mr Baxter, that the government does not want this to happen because it does not want a successful private enterprise system. The government would sooner have a strong control element in relation to any labour. Let us get it straight! These inspectors will not wander around amongst businesses and farms — they are enforcement officers. Unless the amendments put up by the Liberal and National parties are agreed to during the committee stage, I am sure that businesses will be driven under through the simple fact of the bureaucracy involved in having children working on family farms or in family business.

I also raise the issue of supervision. I am dashed if I know how you can do that. When I was a kid I would go off and do jobs, and I was not always supervised when I did them. Part of my work ethic training was how I managed to work out how to do those jobs. I cannot understand how that provision can be applied.

Let me go to a point I am quite passionate about. It is nonsense to talk about farm safety in this context. Farm safety is a real issue, and we in the National Party understand that. It is a real challenge, but I believe the government, if its members are concerned about farm safety — and every speaker from the government ranks has talked about farm safety — should go to some practical demonstrations across the state.

Let them do what the Ouyen Farm Safety Expo does. The expo has taken place three times, and has expanded to a three-day expo. The first day deals with secondary students. The other two deal with children about eight years old. Each time they put on this expo they handle about 500 students. It is held at the Hastings family farm near Ouyen, at a place called Timberoo. There are 21 workshops held during those three days, and they teach young people everything about farm safety, whatever it might be.

I make it quite clear that it is supported by government. Workcover has been quite generous in its support with money and sponsorship, and others have been involved: municipalities, hospitals, the Victorian Farmers Federation, the National Bank, Bidgee Finance and many others. The Ouyen Club, for example, supports this particular innovative program, and we certainly support it out of our office in Mildura. The expo even got some money this year that was left over from the rain dance in Ouyen, so it is a great community effort, and the Victorian Farmers Federation and its branches around the area play a great part in it. They draw children in from up to a 100-kilometre radius, so if we did that across the state, rather than worrying about enforcement officers, permits and fining innocent people perhaps up to $10 000, we would be far better off in relation to farm safety.

I would like to talk a bit more about family businesses that have been built up over the years. Quite often they are handed on. I think it is a good result if a child in a farm business can do a bit of work on the farm and find out about it. If they then want to go away and have a look at the world, that is fine too. They may not come back, but at least they have had a good chance to work out what that family business is about.

As I have said before, I would like to speak about our family business. Our children and their friends have enjoyed time on our farm during school holidays, and our grandchildren and their friends have enjoyed their experiences on our farm as well. It is a great reward, not only for the family members but also for those kids. They get experience and satisfaction across all aspects of a family business, and it teaches them a work ethic. I do not mean to say they are going to work 18 hours a day; I am not talking about that. It is just that they might help shift some sheep, or work in the shearing shed for a couple of hours, help to shift the machinery around the farm and get that basic teaching in farm safety. They may build things — it is very practical experience. I have been able to build things with my son and my grandson without a permit, and it was, I believe, a quite rewarding experience for all of us.

We in the National Party cannot really understand why the government cannot do a full 180-degree turn in relation to this particular bill. It is interesting that I can pick up my grandchildren and their friends and drive them to our farm without a permit. But when they get to the farm, under these circumstances it is more than likely I will have to get a permit. So there does not seem to me or to the National Party to be much logic in relation to the proposal before us today. It makes a judgment on people.

In the limited time I have left at my disposal, I confirm that we in the National Party will support the Liberal Party in the reasoned amendment it will put up. If that is not successful we will attempt through the committee process to change the legislation, to try to correct bad legislation and make it somewhere near workable by using the definition of family as it appears in the Duties Act. The National Party was quite instrumental in bringing that definition to the Duties Act in relation to transferring the family farm business from one family to another, and it has worked magnificently. It is there now; it has a precedent and it works quite well. So we believe that whilst that might not completely fix bad legislation it would make it more acceptable. Sadly, if that is not achievable, we will vote against this bill. We would do that with a heavy heart because we fully support the care of our children and in fact the National Party is based on the family unit, so we understand that. But we cannot and will not support flawed legislation that is unworkable and has been rejected across every area of our communities, which we do our very best to represent.

Hon. D. KOCH (Western) — I would like to open my part of this debate in total support of the reasoned amendment. I certainly support Mr Bishop's closing comments in relation to the bill in its current form.

I do not wish to speak for long on the bill. The folly of what is currently before us has had been clearly demonstrated by many members on this side of the house, and I think we are only trampling already covered ground. However, I bring to members' attention some of the very pertinent comments raised by the Victorian Farmers Federation in relation to regional Victoria and the businesses which operate in that environment. I quote from a press release from the VFF which states:

> The Victorian Farmers Federation has called on Labor's seven country upper house MPs to take a stand against the Child Employment Bill, which will force grandparents, aunts and uncles of minors to obtain a child employment permit if their relatives wished to help out on the farm.

The VFF president, Mr Paul Weller, also said that the legislation would mean that grandchildren coming to visit their grandparents on the farm would on many occasions not even be able to help with the collection of eggs, unless their grandparents have obtained a child employment permit prior to their arrival so that they can help out on the farm. The press release goes on:

> Further, Mr Weller said that if the grandparents had not obtained a permit, and a roving departmental enforcement officer found the grandchild helping out on the farm without the grandparents having a permit, fines ranging from $1000 to $10 000 may well apply.

I have always cited this bill from our first viewing of it as short sighted. It takes away the opportunity for children of all ages to gain experiences in family businesses or in extended family businesses right across the board. One of the learning processes and training opportunities we have with offspring and grandchildren is to introduce them to the floor of our many and various sorts of family businesses across the state.

I do not speak only of the family farm to which I had the great fortune of being introduced in my working life and where I certainly helped my father and my grandparents — as my children have helped me and have certainly helped their grandparents — in many jobs, be it dipping sheep, being involved in the shearing shed, raking hay on a seasonal basis, even loading livestock transports, which were all a great opportunity to gather some experience, assist our parents and feel that we were playing an important role in our own family business. It was a learning opportunity and an experience that many children never have.

I also think of many of my friends who used to come and help us, as we went and helped them. They came from various walks of life. I had friends who helped parents who had service stations and tyre-changing facilities, friends who helped parents who were green grocers or butchers — butcher shops are seen as a dangerous environment. I have no recollection of any of my friends losing limbs or getting their hands caught in mincers, as seems to have happened in the cases Mr Smith spoke of. He had a great array of stories where limbs were literally ripped off children in the process of helping their parents in their own family environment.

We also had children helping us whose parents were involved in the hardware industry. I was fortunate to have grandparents on the maternal side who ran a furniture business in Elsternwick. I thought I was fortunate to join them on my school holidays, assisting with the handling and repair of furniture, lifting furniture in and out of furniture vans, moving furniture around the floor for sale and generally assisting my grandfather operate his business. I learnt many things and gained many opportunities from mixing with a different part of the business community, and I think that assisted me in the growing up process of gaining experience and independence.

There has been much traffic through my office in relation to this bill. It has given more concern to regional Victoria than any other bill since I have been in Parliament. In the initial stages it came from the immediate family, certainly the grandparents, not so much the uncles, aunts and cousins. The grandparents felt most aggrieved about what they were confronted with. In fact most of them felt insulted that legislation like this would even get a hearing in the state of Victoria. From that traffic I learnt that little consultation was undertaken on the drafting of the bill — to my knowledge none was undertaken in regional Victoria. No community groups have indicated to me that they have been contacted in relation to the production of this bill, so I have been left with the assumption that most of this was undertaken within the metropolitan area.

I noted earlier that I was disappointed in the way the bill was drafted. I believe it is very poorly drafted and full of anomalies. I cannot for the life of me follow the reasoning where the second-reading notes indicate, and I quote:

> The bill also takes the step of making it an offence to engage in particular forms of employment. Children are prohibited from working in door-to-door sales, in deep-sea fishing —

'deep-sea fishing' is very broad. I am not sure whether we are talking about working on a boat far off the coastline assisting parents or the extended family in the running of a business or whether that pertains to assisting in a processing factory back on the mainland preparing the catch for market.

Turning to the next page we learn that it should be also noted that the government will make an exception in relation to the employment of a child on a fishing boat on the Gippsland Lakes or any other inland lake, which will not fall within the definition of prohibited employment. It is drawing a very fine line when you distinguish between whether a child is assisting a family in fishing on lakes or in deep-sea fishing. When listening to weather reports, which we get daily, we appreciate that on many occasions the water is far rougher on our lake system in Victoria than on the open ocean, so I bring that one to the government's attention. I hope we have the opportunity to look at the situation further in committee or, as earlier indicated, with the bill being taken away and redrafted and then brought back to the house.

Importantly I would like to thank our regional press houses, particularly the *Weekly Times*, *Stock and Land*, the *Wimmera Mail Times*, the *Hamilton Spectator*, the *Warrnambool Standard*, the *West Wimmera Advocate*, the *Colac Herald* and the *Ararat Advertiser*, to name but a few in my province whose editorials have kept this bill in front of our communities. I thank them for adding to the groundswell that has obviously brought to the attention of the government the folly and stupidity of this bill, leading to the earlier amendment being made. I hope commonsense prevails and the reasoned amendment is supported.

Hon. R. DALLA-RIVA (East Yarra) — I have pleasure in debating the Child Employment Bill, and in doing so I would like to make it clear that I support the reasoned amendment moved by the Honourable Philip Davis. I would like to thank the members who have made their contributions to this bill, because it affects the vulnerable within our community.

I have to say very clearly at the outset that I am generally concerned that in my portfolio of corrections we seem to find a fairly high number of prisoners entering the system who have come from a background where the family has broken down. I see this bill as part of the process of continual breakdown of the family unit, and for that reason it is to be totally and utterly exposed for what it is.

We heard earlier from the Minister for Finance, Mr Lenders, who kept referring to the great Sir Henry Bolte in relation to the Community Services Act 1970, so I decided I would review that act. I have to say I feel sorry for the draftspeople who had to put together this bill. I am sure they are very well versed in the Community Services Act 1970 and in particular in division 9, entitled 'Employment of children'. It is important to put on the record that they would have been forced to draft this Child Employment Bill with the clear knowledge that within division 9 of the Community Services Act 1970 — which the minister seemed to indicate was some draconian act, but he would have known this if he had studied it — there is quite clearly sufficient power already within Parliament and within the state to ensure meaningful oversight of the employment of children.

I will refer to some of the issues in that act, because it is important to put on the record exactly where I am going in relation to this debate. Section 75 states:

> "employment" means —
>
> (a) assisting in any business, trade or occupation carried on for profit;
>
> (b) any form of entertainment —

et cetera.

Section 76, which is about the issue of allowing children to engage in employment, states:

> Any person —

this is important —

> who causes or procures or, having guardianship thereof, allows any child who is not the holder of a permit or licence for the purpose in force under this division to engage —
>
> (a) in employment (whether for reward or not); or
>
> (b) in street trading —
>
> shall be guilty of an offence.

So in the current legislation in Victoria, which has been in operation for 33 years, there is a clear outline about children not being allowed to engage in employment. The Child Employment Bill is a draconian impost by the current Bracks administration when quite clearly — and for the record — there is already an act of Parliament that is in operation in Victoria. To suggest that we are creating some new regime of managing child employment in Victoria is an absolute furphy. We should tip our hat off to Henry Bolte for his foresight in dealing with children who are in engaged in employment.

If there needed to be any changes, it is quite clear the Bracks government could have made them by amending the Community Services Act 1970. It could have made minor amendments. We have heard about the increases in the penalties, and the government says $100 is not too much, but why did we not get an amendment to the Community Services Act to increase it to $1000 or $10 000 or 10 penalty units or whatever

you may wish to have. That seems very logical in my view, yet we have to go through this whole charade of forcing down, dumbing down, the family unit because we want to have a form of control — the socialists always have to do better, they always know better, for the community!

That is not the fact; the fact is that the legislation has been in operation in Victoria for well over 33 years, and it is disappointing that we have to now go through this whole charade, this spin doctoring, on this matter. It is important to put on the record that the Community Services Act 1970 is already in existence, and we are really just going through the motions with the Child Employment Bill.

I move on to another issue that was raised by Mr Smith. He ingratiated himself a lot when he said this bill will reduce the severity of injury to and rate of death of children in the workplace. I will now present the evidence — and evidence it is — to refute those claims. It was said in the second-reading speech that this was one of the major causes of child death in our society. Unfortunately I have to put this on record — it is difficult for me to talk about this today, and it is difficult for people to accept this — but there are children in our society who die because of accidents. But if we are going to debate this issue within the confines of this Parliament, we must do so honestly. It is important not to allow this draconian bill go through without countering some of the misnomers and mistruths the government wishes to put forward.

The Australian Bureau of Statistics (ABS) in a document entitled *Australian Social Trends 1996* reported that accidents were the most common cause of death among children aged between 1 and 14 years. This bill deals with children under the age of 15, so they are within this age group. I refer to some of the issues. It says that 13 per cent of child deaths were caused by accidents. In other words, the other 87 per cent were causes of death other than accidents. Of the children who died from accidents, 48 per cent, almost half, were aged between 0 and 4. Having three young children of my own, I have to put on the record that I cannot imagine a child of 1, 2, 3, 4 or a couple of months working in any environment! Yet 48 per cent of all accidental deaths involve children in that category. It is interesting to note from the records I have extracted from the ABS that Victoria has the lowest death rate.

An honourable member interjected.

Hon. R. DALLA-RIVA — No, it is not what Mr Smith says! This is a serious issue. It is difficult to talk about this particular issue, but I will go into more depth on this. The most common cause of accidental death — and we need to put this into some perspective — is motor vehicle traffic accidents. The second-most common cause of accidental deaths among children under the age of 15 is submersion, suffocation and foreign bodies, and 76 of those deaths were due to drowning. We all know the danger of children being around pools. The report examines in quite a bit of detail how the death rate from drowning among children has significantly decreased. But that is not because of enforcement provisions, it is because of education. It is not because of compliance officers, it is because of education. It is not because of permits and the like, it is because of education. Yet nowhere in this bill do we see anything about the process of education. This is about using a sledgehammer to crack a nut — a minor issue.

I will go further on this very sensitive issue. As I said, the common cause of accidental deaths of children is motor vehicle accidents. Mr Smith raised this as a significant issue and it is. We would all like to have no deaths, but the reality is that close to 48 per cent of deaths among children under the age of 15 are caused by motor vehicle traffic accidents. I am referring to a table which shows that 29 per cent or thereabouts of accidental deaths are caused by submersion, suffocation and foreign bodies. The other categories are accidental deaths caused by fire and flames, which account for 8.6 per cent; motor vehicle non-traffic accidents — we know they are often pedestrian matters where children are unfortunately knocked down and killed on their way to or from school— which account for 4.8 per cent; accidental poisoning, which account for 1.7 per cent; accidental falls, which account for 1.4 per cent; and other causes, which total 11 per cent. They should total 100 per cent

The government says this legislation will substantially decrease the number of deaths of children, and we would like that to occur, but we do not see that the bill now before the Parliament will actually deliver on that, given the Australian Bureau of Statistics figures in the document entitled *Health — Causes of Death: Accidental Death of Children*. It is important to put on the record that this is a sensitive issue to talk about, but in the context of the debate it knocks out Mr Smith's argument, rhetoric and hype that he was unfortunately trying to put forward on this particular issue.

The third issue I would like to draw to the attention of the house very briefly in my remaining 3 minutes is the issue of compliance. You have to feel sorry for this government: it cannot think of anything creative, so what it has done — —

Mr Viney — You are misleading the house; you do not feel sorry for the government.

Hon. R. DALLA-RIVA — I do not feel sorry for this government, Mr Viney. I feel sorry for the Victorian community that voted it in, but hopefully it will have an opportunity in a number of years — —

Honourable members interjecting.

Hon. R. DALLA-RIVA — The member should not say that.

I was going through part 4 of the bill and thought, 'This looks very familiar'. That provision is very similar to one I spoke about during another debate a couple of months ago on the bill dealing with supposed improved protection for outworkers. All of a sudden the words started to appear very familiar, and I thought the government had hit the 'copy' button on its computer and copied that outworkers bill into this Child Employment Bill. Lo and behold, that is what it has done!

During debate on the outworkers bill the government got slammed about calling people information services officers. In one of his speeches the Minister for Aged Care, Mr Jennings, said that the role of the 'enforcement officers' — and then it was brought to his attention that he had used the word 'enforcement'. This government has now said, 'We will not use the term 'information services officers'. It is too vague; we will call them child employment officers'.

Hon. D. Koch — Or union mates.

Hon. R. DALLA-RIVA — Maybe union mates, but we hope there is a process in place.

It is important to put on the record that this government is so bereft of new ideas that it cannot even think about what to do with a bill as important as this. So it has gone back, copied and pasted from the outworkers bill — —

Mr Viney — Do you realise you are sitting in a red chamber? Commies are everywhere!

Hon. R. DALLA-RIVA — Mr Viney says there are commies everywhere, and I would have to agree with him. There are a lot of commies everywhere, and if he is referring to communists, I think they are on the government side. That is the reason why we have this Child Employment Bill, because as members know, communists love to control; socialists love to control, and this Labor government loves to control. That is what this bill is about. It is not about improving employment opportunities for children; it is about a further level of control. It is about a further outcome — a dictatorship, if you wish — in relation to this government's utter control of and contempt for the Victorian community.

Sitting suspended 12.59 p.m. until 2.02 p.m.

Business interrupted pursuant to sessional orders.

ABSENCE OF MINISTER

Mr LENDERS (Minister for Finance) — President, I take this opportunity to advise the house that the Minister for Small Business is still with her sister, who is in labour.

Hon. Philip Davis — On a point of order, President, I thank the minister for the advice, but I wonder if it would be possible as a matter of course for the absences of ministers to be advised at the commencement of the day. It is a little hard to walk into question time without having that knowledge.

Mr LENDERS — President, when I am aware that a minister will not be around at question time I will certainly advise party leaders at the start of the day.

QUESTIONS WITHOUT NOTICE

Wind farms: government policy

Hon. PHILIP DAVIS (Gippsland) — I direct my question to the Minister for Energy Industries. Does the backflip by the government yesterday as to the location of wind farms along the Great Ocean Road have anything to do with the location of the minister's home at Tenth Avenue, Anglesea?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I can assure the honourable member that the way that I am dealing responsibly with the question of wind in this state has nothing to do with any properties that I might have. I might say that it is a disgusting question coming from — —

Hon. Philip Davis — On a point of order, President, the minister was asked a question. I think he has partly answered it, and I do not think it is appropriate for him now to be starting to debate it.

The PRESIDENT — Order! Under sessional orders the minister has 4 minutes to answer the question; he has only taken 45 seconds. The member asked a

question and the minister is in the process of answering it.

Hon. T. C. THEOPHANOUS — We put in place some time ago — in fact it was August 2002 — policy and planning guidelines for wind energy development. They were introduced by my colleague in the other place the Honourable Mary Delahunty so that this government could ensure that the assessment of wind farm proposals considers such things as the impact on views from major roads, walking tracks and tourist routes. That was part of considering the visual amenity.

We said in this house yesterday, and I continue to reiterate it today, that we believe the proper application of those guidelines — and they are relatively new guidelines because the previous planning scheme made no mention of landscape values or the assessments that I have just indicated — will ensure that the government's commitment to protecting the Great Ocean Road is met.

We are making that statement on the basis that we believe there are significant values associated with the Great Ocean Road. That is why we introduced the planning guidelines back in August 2002 to ensure that where there are important tourist issues or values involved, where there are important views involved; the impact will be taken into consideration.

I would have thought the opposition would have welcomed that. Instead what we got from it was the idea that we should impose a moratorium, not on one part of the industry, not even on the bits along the coast, but on the entire industry — that we just stop it, full stop, and that the industry ends for 12 months. Yesterday's opposition motion said that the whole industry should be put on hold for 12 months, and all of that investment will go out of this state into other states. That was the opposition's proposal. The only thing that I can conclude is that other motives are underlying that which were discussed by — —

Hon. D. K. Drum — By you!

Hon. T. C. THEOPHANOUS — They were discussed by me, and I am happy to reiterate them for Mr Drum if he wants. We have acted responsibly in this instance to ensure that the important landscape values are protected under our policy for the future of Victorians.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — Given that the decision on the Great Ocean Road directly impacts on property values at Anglesea and Point Roadknight, what is the current market value of the minister's house at that location?

The PRESIDENT — Order! That question is out of order.

Hon. PHILIP DAVIS — It directly relates — —

The PRESIDENT — Order! It has nothing to do with ministerial responsibility, and I rule it out of order.

Public liability: government action

Hon. R. G. MITCHELL (Central Highlands) — I refer my question to the Minister for Finance. What action has the Bracks government taken to ease the current crisis in public liability insurance, and what has been the effect of this action?

Mr LENDERS (Minister for Finance) — I thank Mr Mitchell for his question and his ongoing interest in finding solutions to what has been a very difficult and technical problem for the government and the community. Recently he accompanied me to Mansfield and Mount Buller where we talked to some of the stakeholders who had issues and difficulties with insurance. His particular interest and enthusiasm to find solutions is something that I commend him on. Together with him I am very pleased to be a part of finding the solutions.

One of the things that has been happening with public liability insurance is a scarcity of insurance; price was also an issue. So on the issues of availability and affordability, this government has been listening and acting to get solutions in those areas.

Hon. D. McL. Davis — Late!

Mr LENDERS — Unlike Mr David Davis and other opposition members who go around talking down the state, whingeing, whining, complaining and identifying problems, this government has been listening and acting. This government is serious about sound economic management so that business and community groups in this state can operate in a safe environment where risk mitigation is to the fore. This government has dealt with the twin issues of affordability and availability of insurance. We have forensically gone through to find some of the things that have a cause and an effect. As I have previously reported to the house — —

Hon. D. McL. Davis interjected.

Mr LENDERS — Mr David Davis is clearly not interested in finding solutions to insurance. He comes

into this place and carries on about medical indemnity and a whole range of other issues, but he does not listen. It is not surprising that the Liberal Party report into the last election said that one of the problems was that it had disengaged with the community and was not listening — and we are seeing evidence of that today.

We have introduced two pieces of legislation to deal with the specific issues of availability and affordability. The Department of Treasury and Finance has assisted more than 400 groups to find solutions to their insurance issues. Many have said, 'Will this make a difference? What is the impact of it? When is it going to work?'. In response to Mr Mitchell's question I advise the house of a number of areas.

Page 17 of the *Australian Financial Review* dated 12 September contains an article headed, 'Fringe's insurance costs come in for quick trim'. The article goes through some of the difficulties that the fringe festival has had with insurance, and I draw member's attention to paragraph four where the director of the fringe festival says:

> Tort reforms, which take effect on October 5, curtailing 'trip and slip' claims, were one of the big reasons for the cut in premiums.

So the fringe festival had a cut in its public liability insurance, and the director of that festival has said that it was the state government's legislation that was starting to have an effect on the issue of affordability. That is one area that we have been questioned on for a while. People have asked, 'Will this make a difference? What is being proposed?'. That is one instance of affordability.

But clearly for us to bring insurance into Victoria we have to have a regulatory regime in place which gives people confidence about some of the issues they lost confidence in around the time of the collapse of HIH and the 11 September tragedy, so that there is some sense of confidence for people to come back into Victoria. It has been a big ask from the government to say to the community, 'We have these solutions and they will make a difference'. We have listened, we have acted in legislation and I am pleased in this particular instance to report that insurance is now available for the fringe festival and that it directly acknowledges the state government for that. But, President, there is more. Suncorp Metway has made some very important announcements — —

The PRESIDENT — Order! The minister's time has expired.

Supplementary question

Hon. R. G. MITCHELL (Central Highlands) — Could the minister tell the house what new groups are getting insurance?

Mr LENDERS (Minister for Finance) — I thank Mr Mitchell for asking the question. I just happen to have in front of me a list of 47 groups that will get insurance under the new program being announced by Suncorp Metway today. The 47 groups to which Suncorp Metway is extending insurance cover a range of areas that were either not covered before or had only limited or narrow coverage, so the affordability and availability issue is being partly addressed. Suncorp Metway is saying that this is as a consequence of the change in legislation in Victoria.

Some of the groups which will now have choices in insurance or insurance for the first time include Neighbourhood Watch, licensed sporting clubs, unlicensed sporting clubs, health care centres, childcare services and playgroups, business and professional associations, bible study groups, animal training groups and aged care services. As we see from this list, this is the start. There is a lot more to be done; we need more companies to come into the state. But the government has listened and acted and has results.

Wind farms: Nirranda

Hon. PHILIP DAVIS (Gippsland) — I direct my question to the Minister for Energy Industries and I refer to what Channel 9 news described as the minister's bungled attempt to divert attention from the government's backflip on wind farms, and I ask: will the minister guarantee that the Nirranda wind farm at the beautiful Bay of Islands will not go ahead?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — This opposition leader is showing himself to be more incompetent than any of his predecessors. The fact of the matter is — he obviously does not have the neurons in his head to understand, but I keep saying to him — there has been no backflip by the government.

Hon. Philip Davis interjected.

Hon. T. C. THEOPHANOUS — Do you understand the words 'no backflip'? The only people doing backflips in this house are you people!

Honourable members interjecting.

The PRESIDENT — Order! The Leader of the Opposition has asked his question. I ask him to lower

his voice so that Hansard can record the minister's answer to his question.

Hon. T. C. THEOPHANOUS — So he grasps at any straw that he can find in relation to whatever anyone else might have said. The fact of the matter is that I have indicated to this house on a number of occasions that we did change the planning requirements, we brought in new policy and planning guidelines in August 2002, and under those planning guidelines there are a range of things which have to be considered during the planning process.

There is an environment effects statement process in progress for the Nirranda site. It is absolutely inappropriate for me as a minister to come in and make a comment about that process. What I can say is that the guidelines which were brought in by the government in August 2002 are designed to ensure that landscape and tourism values are protected. That application for Nirranda would have to be considered under those guidelines. Those guidelines would have to be taken into consideration during the course of that.

I have said before, and I say again, that we on this side of the house believe that the proper application of those guidelines will ensure that our commitment to the protection of the Great Ocean Road is met. I cannot make it any clearer than that. But it is not new; it is the application of the guidelines which we brought in in 2002. So rather than the Leader of the Opposition coming in here and making silly and outrageous comments about what might be happening with wind in Anglesea and other places around the state — I might say in passing that the only thing that is causing land prices to go down in Anglesea is the coal-fired power station that is down there, but it has nothing to do with wind — —

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — The fact of the matter is that this desperate man, who is trying to prop himself up as the opposition leader because nobody takes any notice of him — I mean, he has lost the support of his own backbench — comes in here with this kind of approach; he tries to use 90-second statements to bring up grubby politics and he will not address what is an important issue. That important issue — let me explain it to him again — is the need for us to have a balance in the energy requirements of this state, and that balance involves allowing wind development in appropriate locations. It is not about having a moratorium, which would kill off the whole industry and would drive investment out of Victoria and into other states. We are not going to be doing that; we will act responsibly.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — The minister has just refused to rule out — —

The PRESIDENT — Order! I assume you are directing your question to the Minister for Energy Industries.

Hon. PHILIP DAVIS — It is a supplementary question, President. Strike! For heaven's sake!

The PRESIDENT — Order! I ask the Leader of the Opposition to show some respect to the Chair. I was just asking a question. It is an exciting question time. I have the leader's name down on a list on a number of occasions, and I did lose track of where we were up to. So when I do ask the Leader of the Opposition something, I ask him to at least respond to me in a respectful manner.

Hon. E. G. Stoney — On a point of order, President, I respectfully point out to you that through noise and then the confusion over who had the call, Mr Philip Davis lost 10 seconds of the time available to him.

The PRESIDENT — Order! That is not a point of order. The Leader of the Opposition, to continue his supplementary question.

Hon. PHILIP DAVIS — The minister has refused to rule out this totally inappropriate development at Nirranda, and as such, can I ask the minister to confirm that the government is backing away from yesterday's rhetoric of wanting to protect Victoria's sensitive coastline, especially the Great Ocean Road?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Philip, Philip! Do you know what question you are asking? Is it about a backflip, or the backflip on the backflip? Which question is it that you are directing me to?

I do not know how many times I will have to repeat this for the opposition leader. I have told him this before, and I will tell him again in single syllables — listen carefully and you might understand — we have brought in the guidelines; they are new guidelines. The guidelines are designed to protect areas of high landscape and tourism value. The Great Ocean Road is such an area. As a result we are confident that those guidelines will lead to the fulfilment of our commitment to protect the Great Ocean Road.

Adventure tourism: safety and environmental standards

Mrs CARBINES (Geelong) — I direct my question to the Minister for Sport and Recreation. Will the minister advise the house of what action the Bracks government has taken to improve safety and environmental standards for the adventure activities sector in Victoria?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — A number of months ago I had the great pleasure of launching a package of safety and environmental standards that are an Australian first for adventure providers. This signifies what Victoria had done in taking a leadership role in the adventure activities sector. Do not underestimate the importance of this in relation to ensuring that those providers out there, whether they be commercial or non-profit operators across the state, have been able to ensure their continued benefit to hundreds of participants out there in the adventure activities area.

These new standards set out to achieve some key outcomes: to support safe and fun indoor and outdoor adventure activities; to provide clarity for adventure operators; and to help ensure — this is most important and vital — a consistent approach across the sector.

That is particularly important in terms of risk management issues and to ensure that those providers can further develop the industry to ensure there are constant standards across the industry and that those requirements do not change.

Already the standards have become part of Parks Victoria's licensing agreements for adventure providers using public land, and they will be used in accreditation programs run by the Australian Camping Association and the Victorian tourism industry.

It is a great example of the Bracks Labor government working with industry in partnership to produce appropriate standards, in this case adventure activity standards. We have provided $85 000 to the Outdoor Recreation Centre to coordinate the development of the standards with input from a range of stakeholders, including sporting agencies, education bodies, emergency services, insurers and risk management specialists.

We have seen not only the development of those but a commitment to a further 11 adventure activities which we look forward to being completed within the next 12 months. The standards in particular help address those public liability insurance issues that many in the community, particularly those in the adventure activity area, have been acutely aware of. It means that we are complementing the outstanding work that the Minister for Finance has been doing and continues to do up to this point.

We have seen that the other states are enthusiastic about the model we have adopted which was presented to the recreation ministers conference last week. All the states well and truly endorsed the work we are doing. They endorsed an approach where we seek to have the federal government commit financially to the contribution, coordination and the development of national standards across the board.

We are looking forward to not only each of the states implementing standards but, in particular, a national approach which will see risk management standards across this important outdoor adventure sector, which complements the sport and recreation sector throughout the state and country.

Commonwealth Games: shooting venues

Hon. D. K. DRUM (North Western) — My question without notice is to the Minister for Commonwealth Games. In question time on 20 March this year I asked the minister if he had made a final decision on the venue for the small-bore and pistol events for the 2006 Commonwealth Games. In his answer the minister mentioned that two sites were possible venues — the Yarra Pistol Club and the Melbourne International Shooting Club. Since the Yarra Pistol Club has never had any intention of hosting the shooting events and its own feasibility studies have come up with MISC as the preferred venue on nearly every criteria, is the minister now in a position to officially endorse MISC as the venue that will host the small-bore and pistol events at the 2006 Commonwealth Games?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I appreciate the member's question because it is an important one in relation to the preparations for the Commonwealth Games. As the member mentioned, the shooting venues for the small-bore and pistol shooting disciplines have been assessed in the study not only with the Melbourne International Shooting Club but also with the Yarra Pistol Club. A number of other venues have been assessed for other shooting disciplines.

The study reviewed current facilities at the venues and outlined the necessary improvements on both a temporary and permanent basis, appreciating that there will need to be some upgrading on a permanent basis

but also to ensure that the overlay is appropriate for games of this magnitude and to ensure that these venues comply with the international standards for hosting the 2006 shooting disciplines.

I appreciate the member's concern to ensure that those international standards are complied with sooner rather than later. I am happy to inform the member that although a decision has not been made in relation to those venues, an announcement will be made on which venues will be utilised for the games following formal ratification of the preferred venues by the 2006 board and the Commonwealth Games Federation general assembly. While we may have particular venues in mind, the final say in relation to accepting those venues is at an international level with the Commonwealth Games Federation general assembly. That assembly meets in November, and we would seek to have some ratification or at least some level of endorsement in relation to those venues at around the time of the general assembly of the Commonwealth Games Federation later this year.

Supplementary question

Hon. D. K. DRUM (North Western) — I thank the minister for his answer. The minister would be aware that the Deaf Olympics are only 15 months away, and the commonwealth shooting championships will follow shortly after. With so much work to be done prior to the test events, if it is to be the MISC site, which is the preferred site on so many of the criteria on which the feasibility studies have been based, is the minister aware of the time lines and does he realise that he is running out of time because the work should have started by now? Will the minister guarantee that the shooting venue will be ready for the Commonwealth Games?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question. All venues will be ready for the Commonwealth Games. It is very important, and worth recognising in this instance — it does not only relate to the shooting venues but to all venues in relation to the Commonwealth Games — that work is required to upgrade these facilities on a permanent basis, but there will also be aspects that need to be presented on a temporary basis in terms of the overlay requirements for each and every one of the Commonwealth Games venues.

It is worth appreciating that many of the sports would dearly love highly advanced and specialised permanent overlays in relation to these facilities. We would like to see that also but appreciate that the cost of the games is something that we are managing very closely. In many cases the dream would be to make all the overlay requirements permanent, but we have to be very cautious and prudent in getting the balance right — —

The PRESIDENT — Order! The minister's time has expired.

Energy: infrastructure security

Mr SOMYUREK (Eumemmerring) — I refer my question to the Minister for Energy Industries. Victoria's energy industry provides thousands of jobs and is crucial in maintaining a competitive and expanding manufacturing base. Can the minister inform the house how the Bracks government is ensuring the security of Victoria's energy infrastructure?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question. It is true that Victoria's energy industry is a very important industry which employs some 10 000 people directly and many thousands more indirectly. The provision of low-cost energy in the state through this industry is one of the things that helps us maintain a competitive edge both in terms of our manufacturing industry and our broader industry and commercial requirements.

Continued investment in the energy industry directly and in the broader economy depends in part on ensuring the security of those important pieces of infrastructure. When dealing with the threat of terrorism in our community — it is a very real threat which has been brought home to us each night on our television screens, and more directly through such things as the Bali tragedy — it is important that our infrastructure is protected. This is of the highest priority for the Bracks government and for me as a responsible minister in this area.

We are committed to protecting Victoria's essential assets to ensure the security of Victoria's energy supplies. The industry is fuelling impressive growth and employment. Under this government we have seen unemployment drop to 5.5 per cent against the national average of 5.8 per cent, with 167 000 jobs created in the economy since October 1999.

These are impressive economic outcomes by the government. That is what separates us from opposition members, who have absolutely no idea about economic management. They are economic vandals as evidenced by the fact that they want to kill stone dead an important industry and associated investment in the state.

As part of providing confidence and security in this industry new measures are being introduced through the Terrorism (Community Protection) Act to ensure that owners and operators of energy infrastructure have in place a sound risk management framework to protect Victoria's critical energy infrastructure.

These businesses will be required to develop security risk management plans to deal with the threat posed by terrorism and to conduct exercises to test the effectiveness of their plans on an annual basis. Dealing with the threat from terrorism requires a coordinated approach between the owners and operators of critical energy infrastructure in this state and the relevant government agencies that take part in this process. Therefore I have also initiated a review of security risk management practices for owners and operators of critical energy infrastructure in the state. The review will provide the government with a clear picture of the critical elements of Victoria's energy infrastructure and of current security risk management practices.

The Bracks government is continuing to act and remain vigilant in the interests of the protection of our essential energy assets, which are a foundation for continued investment in this state.

Wind farms: Logans Beach, Warrnambool

Hon. PHILIP DAVIS (Gippsland) — I direct a further question to the Minister for Energy Industries.

Hon. T. C. Theophanous — Are you going to give anybody else a guernsey on your side? Just because the television people are here you want to hog it!

The PRESIDENT — Order! This question is directed at Mr Theophanous, so I suggest he listen.

Hon. PHILIP DAVIS — Will the minister confirm that there is currently a wind farm application being prepared by Skygen Pty Ltd for Logans Beach, Warrnambool?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — A range of wind proposals have been put up around the state. I have indicated before to the house that we have currently in place 92 megawatts of wind capacity, and that is in Stawell.

Hon. P. R. Hall — I put that to the house yesterday, not you. I knew the facts.

Hon. T. C. THEOPHANOUS — Thank you for your assistance, Mr Hall. I am glad that your figure of 92 megawatts concurs with mine.

We have some 550 megawatts of capacity in various stages of application or planning, so we are still some way from achieving our target, which was put up before the election, of 1000 megawatts. Wherever an application is made — irrespective of the one that the honourable member has raised in his question or the earlier question in relation to Nirranda South or indeed any of the other applications or proposed applications that are made in respect of wind in this state — it will now be subject to the government's policy and planning guidelines. Those guidelines establish, for example, the government's policy that the proper siting and design considerations must be developed for all wind farms.

Hon. P. R. Hall — There is nothing new; nothing new whatsoever.

Hon. T. C. THEOPHANOUS — They are new, Mr Hall. That is listed on page 16. If you read the guidelines on page 21, you see they clearly spell out that the visual impact of any wind farm proposal must be assessed.

A range of considerations is now built into these guidelines. The guidelines were brought in in August 2002. They are in the process of being implemented and will lead to the consideration of every single one of those proposals involving that 550-odd megawatt hours of proposed electricity, and those guidelines will be used to make those assessments.

So the answer to the honourable member's question is that any proposal from any person or business will be considered appropriately under those guidelines, and that is because the government wants to make sure that it achieves the target that it has set itself of bringing in renewable energy as an alternative source in order to deal with our greenhouse gas obligations. We want to achieve that target. We do not want to stop investment in this state, but we want to do it in an absolutely responsible way that preserves our landscape and tourism values.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — Is the minister aware that the Logans Beach area is the southern right whale's calving area and the whale tourism centre of Victoria, and as such will the minister advise what action he will take to guarantee its protection?

Hon. C. D. Hirsh — The whales are in the sea!

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I should take up the interjection from my colleague, because I can tell you that there are no plans

that I am aware of to put any wind turbines in the sea. I should say, however, that wind turbines have been installed in the ocean in such places as Holland, but I am really grasping to try to understand the connection the honourable member wants me to make between his new-found interest in whales and the question of wind farms. As I understand it no applications have been made to put wind farms in the sea. So Mr Davis's question — —

The PRESIDENT — Order! The minister's time has expired.

Housing: asset management

Mr VINEY (Chelsea) — Can the Minister for Housing advise the house of how that Bracks government is continuing to ensure the responsible financial management of Office of Housing assets?

Ms BROAD (Minister for Housing) — I thank the member for his question. The government is responsible for almost $10 billion of Office of Housing assets, and Bracks government members take the strategic management of this stock very seriously, because we are responsible economic managers and we are very serious about responsible financial management.

As my colleague the Minister for Finance is always happy to remind the house, risk management is a key component in any strategy to deal with minimising the exposure to loss. Risk management is a vital part of good governance, business planning and management practice. It is a systematic approach to identifying and managing the risks associated with owning $10 billion of government assets. The Bracks government is ensuring that there is continual progress in the development of risk management. Of course the Bracks government is — —

Honourable members interjecting.

The PRESIDENT — Order! The minister is on her feet responding to a question from the government side. There is a lot of noise on my right. I ask honourable members to desist.

Ms BROAD — The Bracks government is implementing a series of fire safety measures in all Office of Housing properties. The government invested some $7 million in the last financial year towards this and will build on this in the current financial year with an additional $9.5 million.

In addition, the physical maintenance and condition of this $10 billion of assets is vitally important to responsible asset management. In the last financial year alone the Bracks government targeted $70 million on the upgrade and maintenance of this high-rise stock and will invest that much again in these assets. This is a significant investment, and it is not only good for social outcomes but is something that any responsible financial manager should and would do. However, it was something the previous government refused to do and failed to understand the consequences of.

Their lack of policy at the last election, recognised in their own election document, indicates that they still have no idea — none whatsoever — when it comes to this question. I remind the house that they spent a miniscule $7 million over the seven years of their time in government on maintaining and upgrading the ageing family high-rise and walk-up estates in Melbourne, in contrast to the $9 million they spent on doing up 1 Treasury Place to suit themselves. They left this government an appalling $170 million black hole in public housing across the state of Victoria, which we in government are fixing.

Risk management and responsible asset management are key components in the Bracks government's successful strategy for responsible financial management of Victoria's public housing asset base. This is part of our wider commitment to the ongoing financial management of Victoria.

Commonwealth Games: athletes village

Hon. R. H. BOWDEN (South Eastern) — President — —

Honourable members interjecting.

The PRESIDENT — Order! To ensure that the clock is stopped, and I note there was some discussion going on about the last question from the opposition, I will ask the member to start his question from now.

Hon. R. H. BOWDEN — This question is directed to the Minister for Commonwealth Games, the Honourable Justin Madden. Will the minister inform the house where P. J. Scott and Associates is registered and operates from?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question. That particular shipping broker provided a quote in relation to what would be the cost if cruise liners instead of a games village were used. I understand it is an Australian business, and I also understand that that particular consultant provided consultancy services to the Olympic Games. I also

understand that it provides services to Athens in its preparation for its Olympic Games.

I am confident that whilst we are building the village in Parkville, that we have explored all — and I reinforce 'all' — possible options, whether it be cruise ships, alternative sites or alternative government sites. We have assessed all those and we have the best possible value in having the net benefit coming from the games and the games accommodation by having the games village located in Parkville. We will make sure that we have not only an environmental initiative, not only public housing and a new suburb but the best possible financial value to this state as part of the great games legacy we will see as part of the 2006 Commonwealth Games.

Supplementary question

Hon. R. H. BOWDEN (South Eastern) — Will the minister present to the house a copy of the advice from P. J. Scott and Associates he referred to yesterday.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question again. The advice I have indicated to the house is very much the advice which was provided to us, so there is nothing much that is newer in relation to the information that has been provided to us, which is that the cost of having cruise liners in this state during the Commonwealth Games is in the order of $50 million. That does not include the infrastructure required — of which we have made an assessment — to bring all the services, all the transport services and appropriate elements onto Station Pier to service those ships as well as the staff that would be required on those cruise liners. You would have to accommodate not only the 6000 athletes but also the 2000 staff as part of that. It is an enormous amount of servicing and an enormous amount of cost but at no net benefit to this state.

Professional indemnity: availability

Hon. J. H. EREN (Geelong) — My question is directed to the Minister for Finance, Mr John Lenders. Can the minister outline what action the Bracks government is taking to resolve the current crisis in professional indemnity insurance, and what is likely to be the effect of this action?

Mr LENDERS (Minister for Finance) — I thank Mr Eren for his question and his ongoing interest in this issue. As Mr Eren and the house know, there have been a number of major issues in insurance that have deserved the attention of all governments over the last two years. There was a building warranty issue, a public liability issue which I have already addressed, and then there was the particular issue of professional indemnity insurance which is still well and truly on the national agenda.

At the ministerial council on insurance a lot of thought and effort went into finding solutions for something which has resulted in accountants, engineers, architects, lawyers, consultants and various others having great difficulty in finding insurance. Members of the opposition are not necessarily interested in the hard economic issues involving risk mitigation, insurance and a range of issues. They do not listen very often on these things, and perhaps there is a lesson for them on page 84 of their review, which stated they had disengaged the community and they were no longer viewed as superior in economic management.

It does not surprise me that the Liberal Party's own review said that. When we in the government talk of risk mitigation and serious financial management issues, the opposition disengages. It does not listen, and it does not care. Mr Eren does care, and the government cares about fixing the issue of professional indemnity insurance.

The ministerial council tried to identify it, and I have spent a lot of time talking to the various professional associations, to say 'There is a problem, we know there is a problem. What do we need to do to fix that problem?'.

That request has been made not just of the Victorian government; all governments have been trying to find answers. The insurance ministerial council has come to the conclusion that there are four particular things that need to be done. First and foremost is the issue of proportionate liability for economic loss, and we have already carried that through into our legislation which was passed by this Parliament.

A secondary issue, which is in our hands, is professional standards legislation which this government has announced it will be introducing coming out of the ministerial council. Two areas which the ministerial council agreed that the commonwealth needed to act upon were through amendments to the Trade Practices Act which would enable professional standards legislation applying in two states at the moment to have effect across the country and through amendments to section 54 of the Insurance Contracts Act.

While section 54 of the Insurance Contracts Act is probably not something that leaps to the mind of most of our constituents as being at the forefront of areas that

need addressing to fix the idea of our professionals finding insurance, it is of critical significance to Lloyds and other syndicates who have abandoned the Australian markets. The Victorian government has led the way in this area by insisting that the commonwealth deal with the issue of a High Court decision made two years ago in *FAI vs. Australian Hospital Care*, which broadened the definition of section 54 to such an extent that insurers walked.

I have drawn it to the attention of the commonwealth and my ministerial colleague Senator Coonan — I will probably give her the kiss of death by saying that she has actually been very cooperative and worked well in trying to address these areas. However, the commonwealth government does not listen and does not act, because Senator Coonan's colleagues have been very slow on bringing this forward.

Labor ministers would not normally quote an editorial in the *Australian Financial Review* but I shall do so. As to what is the solution, we say this should be repealed so that a review can happen and restore some confidence.

I quote from page 62 of the *Australian Financial Review* of 15 September:

> That should be enough time.

We are talking about the time factor here:

> The solution to the section 54 problem is easy —

as it is being provided by Victoria!

The commonwealth is slow to act, but Senator Coonan is trying. I call upon the Prime Minister, Parliamentary Secretary Campbell and others to get a move on, to listen, to act and to bring professional indemnity insurance back to this state.

The PRESIDENT — Order! Question time has expired.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 567, 568 and 573.

CHILD EMPLOYMENT BILL

Second reading

Debate resumed.

Hon. C. A. STRONG (Higinbotham) — I rise to make a short contribution to the debate on the Child Employment Bill. I must say that I do this rather sadly because I think this bill is a classic example of good intentions which have very seriously miscarried. Everybody is concerned about any misfortunes that may fall upon young people while they are at work. But this bill is enormously counterproductive. The times when we had a child employment problem as Mr Smith loves to talk about, referring to children down the mines and all that type of thing, are long gone. In fact the times when the predecessor of this bill was brought in over 30 years ago have long gone.

Providing some level of employment for young people is not necessarily or generally about exploiting them for profit. It is about much more, or equally it is about a form of education. It is about equipping young people with a work ethic and some knowledge of the workplace by the practical example of having them do it themselves.

I can think of no-one who has not excelled or been successful in life today who has not at a very young age taken on some sort of part-time work to give themselves a bit of life experience of what the workplace is like, to discover what they need to do to succeed and how they need to relate with people, and so on.

For young people to get some part-time paid work or some partly paid work, or even some unpaid work, is an enormously important part of them growing up. It is an enormously important part of the work ethic that our society thinks is so important — and it certainly is important for our economic future. It is really part of their education.

I think it is extremely unfortunate that the bill places impediments in the way of that because the life experience that a young person gets for some part-time or partly paid work is enormously important in their growing up process. It is enormously important in a successful and progressive society. I must say it is an overreaction in the extreme to put in place all these impediments, such as police checks and permits and all those types of thing.

I have heard it said in the debate on this bill already today that this is no different from the bill that was brought in in the 1970s, but I would argue that that is

no excuse. A good government would look at legislation that was brought in during the 1970s; see that it is part of redundant legislation; expunge it from the statute book as redundant legislation, and perhaps replace it with something that is more appropriate today than it was 30 years ago. So those arguments do not ring true to me in any way.

As a consequence I would very strongly support the reasoned amendment that has been moved — that this bill be withdrawn and be looked at again with a view to making it more appropriate to today, to making it more appropriate to creating an environment that encourages young people to go out and get work experience and that encourages particularly close and relatively close family members and friends to provide that work experience to young people, because that is just so important to the growing-up, learning and maturing process. Any impediments that will be put in the way of that will be very counterproductive to our society, so in the strongest possible terms I support the reasoned amendment.

House divided on omission (members in favour vote no):

Ayes, 22

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Ms	Mitchell, Mr
Carbines, Mrs	Nguyen, Mr
Darveniza, Ms	Pullen, Mr
Eren, Mr	Romanes, Ms
Hadden, Ms	Scheffer, Mr (*Teller*)
Hilton, Mr	Smith, Mr
Hirsh, Ms (*Teller*)	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Viney, Mr

Noes, 16

Atkinson, Mr	Hall, Mr
Bishop, Mr	Koch, Mr (*Teller*)
Bowden, Mr	Lovell, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL. (*Teller*)	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

Amendment negatived.

House divided on motion:

Ayes, 36

Argondizzo, Ms	Lenders, Mr
Atkinson, Mr	Lovell, Ms
Bowden, Mr	Madden, Mr
Brideson, Mr (*Teller*)	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Ms (*Teller*)	Nguyen, Mr
Carbines, Mrs	Olexander, Mr
Coote, Mrs	Pullen, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Darveniza, Ms	Romanes, Ms
Davis, Mr D. McL.	Scheffer, Mr
Davis, Mr P. R.	Smith, Mr
Eren, Mr	Somyurek, Mr
Hadden, Ms	Stoney, Mr
Hilton, Mr	Strong, Mr
Hirsh, Ms	Theophanous, Mr
Jennings, Mr	Viney, Mr
Koch, Mr	Vogels, Mr

Noes, 3

Bishop, Mr (*Teller*)	Hall, Mr
Drum, Mr (*Teller*)	

Motion agreed to.

Read second time.

Ordered to be committed next day.

CONFISCATION (AMENDMENT) BILL

Second reading

Debate resumed from 16 September; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Confiscation (Amendment) Bill, I would like to commence by indicating that the opposition will be supporting this bill, and also that it has been a long-held principle that criminals should not be rewarded for their crimes. This principle has been in operation in this state for quite some time. That property that is used in a crime or property or goods that are derived from the commission of a crime should be forfeited to the Crown is a principle we have had in place in Victoria for quite a few years. However, this bill significantly extends the scope of crimes that fall under this forfeiture regime. I will be going into that shortly, but first of all I would like to deal with some key issues.

What we see — and all the statistics indicate this quite clearly — is that the commission of crime is big business. There are billions and billions involved in criminal activity, particularly in the areas of drugs, money laundering and other types of fraud, robbery, et cetera. Many cartels are involved in the stealing of cars — all this is quite big business.

Therefore if our law enforcement agencies are acting appropriately and apprehending these criminals and these goods are forfeited, then there is potentially a vast amount of money being held. Basically, the regime says these goods, assets et cetera, are forfeited and before a person is convicted of the crime the goods are taken

into custody. The whole legal process of finding somebody guilty may take one or two years to run its course through our legal system and then if a person is found guilty the goods are forfeited. If not then the impounded goods are returned.

In many cases these confiscated goods are held in trust and can be, and often are, returned if the perpetrator of an alleged crime is found not guilty. So there is also the question of how these goods are held for the duration of the legal proceedings involved in finding somebody guilty or innocent.

This is potentially quite a serious issue because there can be large amounts of money involved. In fact the Auditor-General in his report of May 2003, entitled *Report on Public Sector Agencies — Results of Special Reviews*, Part 2 Asset confiscation scheme, looked at this whole process. Before we turn to the detailed clauses of the bill it is important for me to address the issues that the Auditor-General raised.

The Auditor-General says that this whole process of dealing with confiscated goods is not performed very well. He says that many areas need significant improvement and that the government, typically I guess, while having good intentions has failed to manage the whole process properly. It has all these goods but it has not dealt with them properly.

The Auditor-General's report highlights — and this is also an appropriate introduction to the bill — the fact that, and I quote:

> The assets confiscation scheme in Victoria involves four agencies within the Justice portfolio — namely, the Department of Justice through the Asset Confiscation Office; the Sheriff's Office, the Office of Public Prosecutions; and Victoria Police. Each agency is required to apply the legislation at various stages of the confiscation process while having regard for the civil rights of individuals suspected of criminal activity.

That is an appropriate background to the bill.

The Auditor-General goes on to say that the way this whole process is carried out is in need of very significant improvement. He highlights that in many cases forfeited property has been incorrectly returned. We need only read the media reports of the last couple of days to see the significant court cases taking place with regard to police who are being charged for taking — stealing if you like — forfeited material. As I said, in many cases, this forfeited material has very significant value. The Auditor-General goes on to say:

> The Asset Confiscation Office maintains a register of all forfeiture orders and is reliant on Victoria Police to notify it in all circumstances where assets have been returned to the owner or a subsequent disposal order …

has resulted in their disposal or destruction. The Auditor-General notes that:

> At the time of our review, the Asset Confiscation Office was seeking information from Victoria Police in order to identify the status of property associated with over 1300 forfeiture orders dating …

back to 1999. So quite clearly the whole mechanism by which these forfeited goods are held and dealt with is in a considerable amount of disarray and it is absolutely incumbent on the government to bring this process up to scratch. The Auditor-General goes on further to say:

> Given the significant volume of aged outstanding orders, the Asset Confiscation Office believes that the majority of forfeited assets have either been returned to owners or destroyed.

But all this is in the absence of the appropriate documentation for these 1300-odd outstanding orders. Nobody knows where they have gone. So there has simply been an assumption that these things have been destroyed or returned to their owners, or they could have just simply been lost or taken from storage. This is highly inappropriate behaviour in respect of these goods which are either the property of somebody else if the persons from whom they were confiscated are found to be not guilty, or alternatively they are the property of the state. As I said, 1300 of them have just, as it were, disappeared into the ether, and we have no knowledge of where they have gone.

The second-reading speech makes great play of how this asset confiscation will be or is a deterrent to crime. In theory that is correct.

But, as in so much that this government carries out, the theory and the good intentions are often quite different from the reality. As I said in my initial remarks, there are literally billions of dollars involved in the whole criminal process. But how much money are we talking about here? The Auditor-General says that since 1998, following the introduction of the Confiscation Act 1997, which is the one this bill amends, and the establishment of the Asset Confiscation Office, approximately $10.6 million in revenue has been raised from assets confiscated from criminals and that this equates to a revenue average of $3.2 million per annum. When you consider the amount of money that is involved in crime and when you think that over the past four years the average that has been raised by the Asset Confiscation Office is $3.2 million a year, you have to ask how effective this is as a deterrent. A lot more needs to be done to make sure it is effective.

The Auditor-General goes on to say that the total cost of administering the asset forfeiture procedures is likely to be equal to or greater than the $3.2 million a year that is being collected. So, based on current performance, this thing is hardly a deterrent to criminals, and it is not even cost neutral to the government. Clearly what the opposition believes, while supporting the bill and the good intentions and principles of the whole regime of ensuring that criminals forfeit their goods, is that a lot more needs to be done to ensure that this works properly. On the evidence to date from the Auditor-General it hardly seems to be.

Finally, the Auditor-General goes on to make the point that very significant volumes of goods are involved in this process and that confiscated assets are held at police stations, where they are held as evidence until a case is heard, at the central property management branch of Victoria Police and at the Sheriff's Office. He further highlights that many of the goods related to crime that could be confiscated are not confiscated simply because there is no place to put them — there is no storage available.

So we have this regime that allows the goods obtained from criminal activity to be confiscated, but in the first place not all of the goods that could be confiscated are confiscated by any means, because there is no place to store them; and in the second place when they are confiscated nobody really knows where they have gone because the whole process of recording them — whether they are returned or not — is not well managed. There are very significant problems with the process of dealing with the outcome of the existing legislation on the confiscation of criminal assets.

What this bill does is to very significantly extend the scope of the current legislation. If it does extend its scope to all these problems which are currently being experienced in the whole process — not confiscating everything that can be confiscated; losing it; not knowing who is taking it; not having it appropriately stored, so that it is subject to possible theft, as we have seen from recent court cases — a great deal more will have to be done if this bill is to work effectively.

I call on the government to make sure that by the time the processes of this bill are in place the procedures to deal with the goods that are confiscated are also in place. Otherwise it is simply a travesty; it is certainly no deterrent. The figures as presented by the Auditor-General lead me to believe there is no great deterrent if we are confiscating only some $3.2 million worth of property a year from what is a billion-dollar crime wave, particularly in all forms of drugs. So how effective is this process anyway? As I said, no-one can argue with the principle. I think the principle is correct, it is just that the implementation of it, like so many things which fall to this government, is not effectively done.

I turn to some of the main provisions of the bill. There are two main areas that significantly toughen up and harden the existing provisions of the legislation. The first change relates to restraining orders and what is called automatic forfeiture. What happens is that when a person is brought to be charged for a crime the police can apply for a forfeiture order, and depending on the type of crime, that order allows for what is called automatic forfeiture — in other words, the goods are impounded — and if the person is found guilty at the end of the court process, those goods are automatically taken over by the government. That restraining order can be taken out by the Director of Public Prosecutions before the conviction. The current act allows the DPP to make an application within 48 hours of a charge being laid to restrain the assets of the accused. As I said, if a conviction takes place, those assets will be automatically forfeited.

This option is available only for certain crimes. I intend to deal with that in a bit more detail later, but they are currently major crimes like trafficking in drugs of dependence, serious drug crimes and so on. The bill very significantly increases the scope of those.

It also needs to be noted that this forfeiture applies to all of the assets of the convicted person, not just the property that was used in the commission of the particular crime for which the person might be at the hearing before the court. It applies to all the assets of that person, the assumption being that if he is the sort of criminal defined by the provision allowing the application of the automatic forfeiture regime, it is probable that he is a serious criminal and most of his assets have also come from crime, so they will all be automatically forfeited. However, it goes without saying that the accused person is able to apply to the courts to demonstrate, if he is able, that some of the assets had been accrued by legitimate means; and if he can prove that to the court those particular assets will not be forfeited.

It is all very well to say a particular criminal can come to the court and an order can be made to restrain his goods and assets under these provisions. But as we all know, in many cases criminals have a fair degree of knowledge that the law is getting close to them or they are about to be charged, and so, zip, suddenly all their assets have gone, have been transferred or have been moved to other places for this 48-hour period in which

the Director of Public Prosecutions can issue a notice to get their goods.

In many cases the assets have been lost to the process before the potential criminal comes before the court. The bill introduces a new measure called a freezing order. It attempts to get its foot on the assets of the criminal activity before charges for the criminal activity are laid and therefore before the criminal has a chance to move assets overseas, out of the way or whatever.

A freezing order is a new measure added to the bill. The order is a draconian measure because it will simply freeze all assets. A freezing order can be applied for in a low level of jurisdiction within the legal pecking order. It can also be applied for in a simple way by telephone or fax to a magistrate without any affidavit as to why it is to be granted, so long as the affidavit is presented in due course.

Any police officer who is authorised by the commissioner to do so can apply to a magistrate for a freezing order. As I said, it can be applied for over the telephone or by fax, and if it is urgent no affidavit is required as to why it is sought on the understanding that such an affidavit will be prepared and given to the magistrate in due course. It can be applied quickly, although on balance it cuts across many of the normal legal safeguards that exist in our system. Given the need to ensure the assets of crime are not whizzed away through Internet transfers or something like that, that speed is appropriate.

A freezing order stays in place for 72 hours. However, applications can be made to extend freezing orders, and once again those are made by the appropriate police officer, and such orders can be extended for further periods. The freezing orders will freeze all the assets of the appropriate individual, not only the assets which are presumed to be used or the result of a particular criminal activity. However, freezing orders can note, for instance, that a husband and wife might need to have some access to a joint account for day-to-day living. Freezing orders can put various conditions on the extent to which the account is frozen.

A freezing order does not apply to payments that must be made from an account to the government, such as debits tax and the like. Regardless of whether an account is frozen the bill ensures that the government can still get its due from the account even though nobody else can.

There are further provisions to a restraining order which are new to the legislation which say that when a restraining order is placed on a particular account or over particular assets, the police must give notice to every other person they believe has an interest in the Australian property so that they are well and truly aware. For instance, a house might be included in a restraining order that has a mortgage on it or associated debts. Previously there was no requirement for police to notify mortgagees and other people with an interest that a restraining order had been put over the property which, not surprisingly, had the potential to cause some difficulties. Now all people who the police believe may have an interest in those restrained assets have to be informed. Further, those people are obliged to advise the police of anybody else they believe may also have an interest in the property. It is a process by which the police can find out more about who might have an interest in the restrained property.

Further to the process of trying to get to the property of the criminal as early as possible is knowing what that property is. There is a new part to the bill which allows for what is called information gathering — a mechanism that enables the police in carrying out their investigations in relation to forfeitures to determine the amount of assets that the particular accused person may have. A new division 3A provides for information notices which can be served on financial institutions by law enforcement agencies. That financial institution is then obliged to inform police of information about the particular account held by the individual, such as how much money is it, the number of transactions and so on. The financial organisation is required to provide to the police all information of transactions that may take place in a particular account clearly with a view to knowing how much money is in it, what the movements are and so on so when a notice is issued to get that money then there is a knowledge of what it is, or if it has been transferred to another account, what that other account is so there is a chance to get to those assets if they are moved around.

There are other amendments of a more minor nature. There is an amendment to the definition of ‘financial institutions’ to include casino operators within the meaning of the Casino Control Act and also to holders of a wagering licence under the Gaming and Betting Act. So authorities will also be able to get to money that could be held on account with, for example, the TAB, Crown Casino or the like.

At the moment warrants for the seizure of goods can only be issued for particular premises, but in many cases certain assets may not be on premises. For instance, motor cars, caravans and things like that can be parked on a roadway or in a public place, so there are amendments to allow for the seizure of goods in a

public place. Once again that simply widens the net and the scope.

There is also another very interesting amendment which goes to what is called 'tainted property substitution'. Any so-called tainted property which is a result of or used in a criminal endeavour can be seized under the act. If we look at the case of a bank robbery, or something like that where there is a getaway vehicle, we know the criminals will steal a motorcar to rob the bank. They will not use their own motorcar. Or if they are making some sort of drug deal they will probably do it in a rented house rather than their own house. What tainted property substitution allows is, for instance in the case of a crime committed with a stolen car, that the criminal's own car can be substituted in place of the hired car used to commit the crime. Alternatively if some drug deal was made in a rented property and the criminal has his own house, his own house can be substituted for the rented property. Tainted property substitution orders can be issued to further expand the net and to see that criminals do not avoid the reach of the act by using somebody else's property.

There is a change to the definition of 'law enforcement agencies'. Earlier in my submission I talked about how the whole process between the police, the Asset Confiscation Office and the Director of Public Prosecutions and so on, did not work particularly well. A problem has been identified; in fact it was identified by the Auditor-General. There has been a reticence or a refusal, whichever you like, by the Victoria Police to share some of its information with the Asset Confiscation Office because Victoria Police held that the office was not a law enforcement agency under the act. This amendment fixes that so that it is a law enforcement agency, therefore there can be a much better sharing of information and management of seized and restrained property.

I mentioned at the outset that one of the key things the bill does is extend the scope of the crimes which are subject to the automatic forfeiture provisions. Members will recall that those provisions essentially do two things. Firstly they mean that property can be restrained at the outset, or now with freezing orders even before the commencement of any legal events. Secondly those provisions mean that all the criminal's assets are subjected to forfeiture, not just those that were deemed to be involved in that particular crime. Those provisions are very significant. The crimes that were subject to this automatic forfeiture provision were originally largely related to the provisions of the Drugs, Poisons and Controlled Substances Act, because these forfeitures were originally in place for major crimes, particularly drug-related crimes and so on.

The current regime allows for automatic forfeiture in relation to heroin where the person is accused and convicted of a crime relating to trafficking more than 300 grams of heroin, which of course is a substantial amount. There is a whole schedule of other amounts involved in that, which I will turn to in a minute, but if we can look at the heroin example: it was 300 grams of heroin, but this bill reduces that limit to 30 grams of heroin. So one can see quite clearly that there will be a very significant increase in people who will be caught in the net.

The extent of that is set out in a schedule, which it would be interesting for members to look at. It is located on page 96 of the bill and inserts a new part 3 into the Drugs, Poisons and Controlled Substances Act. Column 2B is an addition to this table. It sets out the amount of a particular substance under the act under which automatic forfeiture takes place. For cocaine, for instance, the quantity is 30 grams. For heroin, as I said, it is down to 30 grams, and so on. There is a significant reduction, and many more people will be caught up in these automatic forfeiture provisions. That further goes to the whole issue of there being a clear need for the back-office processes of dealing with the forfeiture of goods, such as storage and so on, to be significantly overhauled.

As I said at the outset, the Auditor-General said that already at the minor end of existing crimes forfeiture does not take place because there is no room for the goods to be stored. This bill reduces that threshold even more and so one has to say also the extent to which the process will work unless there is a very significant improvement in the mechanism to store and deal with these goods.

Other new non-drug-related crimes are added to the automatic forfeiture area, such as extortion, the threat to kill, armed robbery, obtaining property by deception, blackmail and handling of stolen goods. These additional crimes are now included in the automatic forfeiture provisions. If they are applied, which they should be because this is the law, then all these goods will have to be taken in and stored somewhere waiting for the outcome of the trials of the individuals. As I said, it is a massive increase in the number of crimes where automatic forfeiture will take place, and that means a massive increase in the requirement to store this stuff and a massive increase in the infrastructure to support it and manage it.

So there are problems with the effective use of this bill, and they will have to be dealt with. The government needs to apply itself not simply to the passing of this bill, the principle of which one cannot argue with and with which the opposition agrees, but it will all be for nothing unless these back-office processes are in place, because these forfeitures on the new scale will not take place if there is nowhere to put the stuff and no way to manage it.

With those remarks I wind up my submission on the bill. Once again I indicate that the opposition will be supporting the bill.

Hon. P. R. HALL (Gippsland) — It is not with a high level of excitement that I approach my task this afternoon, because who would want to be a lawyer? Under consideration by the chamber this afternoon is a bill of 100 pages in length containing 50 amendment clauses. In addition to that there are 37 pages of explanatory memoranda and 5 pages of index — all of that to make what are probably relatively minor changes to the Confiscation Act 1997.

Ms Mikakos — Very significant.

Hon. P. R. HALL — Ms Mikakos thinks they are very significant. Well, they might be minor but it amazes me that it takes 100 pages and 50 amendment clauses to achieve the outcomes of this bill this afternoon. As I said, who would want to be a lawyer?

My task is to give a layman's interpretation of the contents of the bill, and if I cannot do that in 10 minutes then I do not deserve my place in this chamber.

Ms Mikakos — We are timing you now!

Hon. P. R. HALL — I am timing myself too. I do not want to be here all night.

First of all the National Party will not be opposing this bill. Some concerns have been expressed to us in the National Party by the Criminal Bar Association and the Victorian Council for Civil Liberties, and we have given careful consideration to the issues they have put before us. But after consideration and on balance of the issues for the reasons I have outlined in my 10-minute contribution to this debate, we have come to the conclusion that we will not be impeding the passage of this piece of legislation.

Essentially this bill expands and strengthens the current regime relating to asset confiscation by various amendments to the Confiscation Act 1997. By way of background, it was the former coalition government that introduced the Confiscation Act 1997 and the provisions within it essentially came into being in July — —

Ms Mikakos interjected.

Hon. P. R. HALL — Yes, I know. Well, it was a new act at that time, wasn't it? It was 1997. That is what I said. So it was the coalition that overhauled the existing act at that time. Ms Mikakos might make me go over 10 minutes if she keeps interrupting me. Then her leader will not be very happy, will he?

Honourable members interjecting.

Hon. P. R. HALL — I said I'd earn my place but if you keep interrupting me then I won't hold myself to just 10 minutes, so be patient.

Ms Mikakos — Broken promises already.

Hon. P. R. HALL — I shall seek the attention of your leader if I have this continual barrage of interjections from the people on my left.

Essentially the bill strengthens the provisions contained within the Confiscation Act 1997. We need to do that because over a period of time invariably the crooks of this country have got smarter in the way in which they do things. They seem to be able to avoid confiscation more readily and hide the proceeds of their criminal deeds. So we certainly support any measures to strengthen such provisions and bring people to account for their actions. The amendments are in four essential areas: automatic forfeiture, planted property substitution declarations, a section on investigation and information gathering and management of seized, restrained and forfeited property.

Let me go to the first of those — automatic forfeiture. One of the great benefits of being a member of this house is you get to learn so much. I have learnt a bit by reading through the contents of this bill this afternoon. Automatic forfeiture applies to all property belonging to a defendant, even though that property may not be a direct outcome of the exact offence for which that person is charged. That is sensible because these criminals are indeed involved in multiple criminal activities. I note from the provisions in the bill that the Director of Public Prosecutions can initiate automatic forfeiture by applying to the court for an order to restrain property within 48 hours of the expected laying of criminal charges.

In the area of automatic forfeiture this bill makes some changes to the level at which automatic forfeiture can apply to drug trafficking and, as the second-reading speech explains, whereas the minimum amount for

automatic forfeiture was for trafficking in quantities of 500 grams of diluted heroin, that has now been reduced to 30 grams. Also, in the area of obtaining property by deception, those levels have now dropped from $100 000 to property to a value of $50 000 if there is just one offence, and $75 000 if there is more than one offence.

In respect to those amendments I say I have no sympathy whatsoever for drug traffickers in our society and therefore even though some may argue that those minimum levels are too small, I do not. I do not care what level we go down to. I think automatic forfeiture provisions should apply to drug traffickers. We need to be as tough as we possibly can on them, and so I have no hesitation in accepting those levels where automatic forfeiture will apply.

Business interrupted pursuant to sessional orders.

Sitting continued on motion of Mr LENDERS (Minister for Finance).

Hon. P. R. HALL (Gippsland) — It will be doubly difficult for me to get through in 10 minutes, but here goes.

It is the same for the issue about property deception. Once again I have no sympathy for criminals involved in that area. Provisions relating to tainted property are also worthwhile and reasonable. Property used in the commission of a crime is called tainted property, and the second-reading speech contains an example where someone might have used a stolen vehicle to commit a crime. In that case it is difficult to embark upon a forfeiture procedure when the vehicle itself belongs to somebody else, from whom it was stolen, and therefore in those instances if the criminal has a car of their own it could be substituted. It is appropriate that we have what we call substituted tainted property which may, at the discretion of the court, be forfeited by those committing such a crime. Again, that is a fair and reasonable proposal.

There is also a series of amendments concerning investigation and information gathering. Some of the provisions under that heading are that there is an expanded definition of financial institutions. Currently financial institutions are defined as banks, buildings societies and credit unions. We are now including such things as casino or TAB accounts as areas in which the proceeds of crime may be concealed. We have no problems supporting that. Police can now issue information notices to financial institutions asking whether a person under confiscation investigation has an account and also the balance of the account for the purpose of potentially confiscating that asset.

There is a section 85 provision in the bill which provides protection for officers from financial institutions providing that information. Again, that is a sensible provision. I also put on record that the previous government got criticised all the time for using section 85 — but this government uses it just as much.

The issue of freezing orders was fairly well canvassed by the Honourable Chris Strong. He made the point — and it was an excellent point, too — that money can be moved around the world now in just the time it takes to make a quick telephone call. So law enforcement officers should be able to freeze assets, which they will be able to do under the provisions contained in this bill — again by a simple phone call or a fax message.

Again there is an excision of court orders over this particular matter. I suppose that comes to the point that I want to summarise because I do not want to go through all of the seized property management issues. The Honourable Chris Strong covered those fairly extensively and also put on record some of the Auditor-General's comments in respect of that matter.

In conclusion I simply want to say that many of the provisions in this bill can be carried out only under the order of a court. As such the integrity and fairness with which many of these functions are applied will be decided not by the individuals concerned but by the courts of this land. The National Party is confident that our courts are capable of exercising fair judgment in these matters and as such we believe that the new powers available to law enforcement officers will be exercised very responsibly. For the reasons I have outlined in my 9½ minute contribution, the National Party will not be opposing the bill.

Ms MIKAKOS (Jika Jika) — It is with great pleasure that I rise to speak in support of the Confiscation (Amendment) Bill. During its last term and its current term the Bracks government has been and will continue to be committed to making Victoria the safest state in this country. I am very pleased that our many energies are going towards achieving this aim. This piece of legislation is only one part of our multifaceted approach towards reducing crime in this state.

It is important to quickly touch upon the fact that this government has put more police on the beat. It provided 800 additional police in its first term in government and has funded this year's budget for 600 additional police over the next four years. In addition, this government is getting on with the job of building or rebuilding 135 police stations across Victoria, which is 40 per cent of Victoria's police stations. I am very pleased that two

of those stations also happen to be in my own electorate: the Preston police station, which is due for completion very shortly, and the Northcote police station which is under construction at the moment. We are getting on with the job of representing the needs of people in the northern suburbs, and we are also focused on reducing crime and making sure that members of our community feel secure in their homes.

It is for that reason in particular that I am very pleased that the crime rate has dropped 6.8 per cent across Victoria — a drop that comes on top of a 3.4 per cent drop last year — which shows that the additional police we have put into our community are making a real difference. For example, in my electorate the additional police have resulted in drops in the crime rate of 7.7 per cent and 11.3 per cent in the municipalities of Darebin and Whittlesea respectively. I am very pleased for my local community that we are getting on with the job of making Victoria a safer community to live in.

This bill is significant because the asset confiscation regime which the Cain government put into place and which was subsequently amended by the Kennett government has been about ensuring that criminals do not profit from their criminal activities. I note that the May 2003 Auditor-General's *Report on Public Sector Agencies* found, on page 36:

> Since 1998 … with the establishment of the Asset Confiscation Office, approximately $10.6 million in revenue has been raised from assets confiscated from convicted criminals. About half of this revenue has been generated through the seizure of cash with the balance from the sale of assets such as real estate, motor vehicles and personal effects.

The important thing to emphasise is that we are not seizing goods in order to put those processes into consolidated revenue; the focus is on making these assets available to victims of crime and to the broader community.

For example, I was very pleased in our first term of government to participate in handing over to my local State Emergency Service a grinding machine that had been used by criminals to cut a hole in a factory roller door to gain entry into the premises. I am sure the SES would put that to very good use in assisting people who, for example, are trapped in their vehicles in motor vehicle accidents. It just goes to show that the confiscation regime is an important one.

I want to acknowledge that some issues of concern were raised in the report. The Auditor-General commented on the need for better communication between the relevant agencies and a range of other issues.

This bill forms part of the government's response to the issues raised by the Auditor-General. It is designed to improve information sharing, property management and information gathering tools operating under the confiscation regime in response to some of these issues raised in the Auditor-General's report.

It is important to put on record that the government is also supporting an IT platform to connect the key agencies so as to improve the coordination of confiscation processes. It is considering a high-level executive committee to improve cooperation, coordination and outcomes from the compensation scheme. In addition to that as part of this year's budget, additional funding of $6.5 million was approved over the next four years to support this and related initiatives. Obviously the Bracks government is very much committed to strengthening its confiscation regime and ensuring that criminals do not profit from the proceeds of crime.

The bill seeks to make some significant amendments to the automatic forfeiture and tainted property substitution provisions in the current confiscation scheme. Currently automatic forfeiture is available when an offence involves drug trafficking, or a commercial quantity of drugs such as 500 grams of diluted heroin, or dishonesty such as obtaining property by deception where the value of the property was $100 000 or more. The bill reduces those thresholds to drug trafficking involving an automatic forfeiture quantity of drugs, and a new definition is being inserted. For example, an automatic forfeiture quantity of drugs could include 30 grams of diluted heroin.

In addition to that, white collar crimes have also been extended to include dishonesty offences where the value of the property involved was $50 000 or more when one offence is charged and $75 000 or more when more than one offence is charged.

In terms of the automatic forfeiture quantity of drugs, I note that there is a reference in the second-reading speech to 30 grams equating to 300 street-level deals. So we are not talking about people who are dealing in drugs to maintain their own drug habit and who could be diverted out of the criminal justice system through initiatives such as the drug court, which the government is piloting; we are talking about people who are clearly committing criminal offences for profit.

The government believes that white-collar crimes are serious offences, and the bill seeks to extend dishonesty offences under the Crimes Act to include theft, extortion and blackmail and also to include offences under the Prostitution Control Act, such as receiving

payment for sexual services provided by a child and carrying on business as a prostitution service provider without a licence. In addition, bribery offences under the Casino Control Act and the Gaming and Betting Act are being included.

The bill before the house also makes a number of significant changes to tainted property substitution declarations. As has already been indicated by the Honourable Chris Strong, criminals are getting smarter in the way they conduct their criminal activities and they frequently use rented or stolen premises and vehicles to conduct their activities in order to avoid confiscation of those assets.

Tainted property substitution involves a court that is satisfied that the tainted property — that is, property used in the commission of an offence — is not available for forfeiture, ordering that any property of the same nature or description in which the offender has an interest is to be substituted for the tainted property. This is obviously designed to ensure that criminals are not able to find loopholes and other devices to protect their assets from forfeiture.

The bill also has a number of provisions relating to information notices, which enable the police to obtain information from financial institutions and also from organisations such as the TAB and the casino to determine whether an alleged criminal has an account with them and the balance of that account. There is a section 85 immunity provided to ensure that those institutions are not liable for a breach of confidentiality.

There is also a strengthening of the freezing order provisions to enable the police to apply to the Magistrates Court for a freezing order directing a financial institution to freeze an account for a period of 72 hours or until a restraining order is obtained. There will be protection for innocent third parties with the court being able to have due regard to any hardship that may be caused to any other individual.

The bill also strengthens the provisions relating to information sharing between Victoria Police, the Office of Public Prosecutions and the Asset Confiscation Office. I will not go into that in any detail as I touched on it earlier when commenting on the Auditor-General's report.

The bill also strengthens the provisions relating to property management, which is an issue raised by the Auditor-General in his report. The bill seeks to address these issues through a number of means, including transferring responsibilities for property seized and restrained from law enforcement agencies to the Asset Confiscation Office.

The bill also requires a person who is served with a restraining order to provide police with the details of every other person known to have an interest in the restrained property. This is intended to ensure that innocent third parties' interests are protected.

This is a very significant piece of legislation. It adds to the many measures that the Bracks government has already implemented to provide a safer community for Victorians. The bill has taken a very balanced approach by ensuring that criminals are unable to profit from the proceeds of their criminal activities while also ensuring that innocent third parties' interests are protected. I commend the bill to the house.

Hon. R. DALLA-RIVA (East Yarra) — I have great pleasure in contributing to the debate on the Confiscation (Amendment) Bill, and in doing so I will be supporting the bill. Before getting into the debate, I would firstly like to respond to some of the contributors thus far, in particular the Honourable Peter Hall, who referred to the amount of detail in the bill and the fact that it has a lot of information.

I put on the record that it is a rarity to get bills that contain much detail from this government, and I commend the drafters of this bill on the detail. Some of the bills that come before the house are fairly light on detail, so it is important to recognise and acknowledge that there has been some sort of contribution in that regard.

I also have to put on record that I agree with Mr Hall's comments on the bill wholeheartedly. Ms Mikakos made a number of interesting comments at the start of her contribution relating to the performance of the Bracks Labor government. We almost saw the wheels start to spin! Wherever there was a wheel, it started to spin — it had to get in line with the spin doctoring that was going on! While government members may be saying that this is a corollary to the Crimes (Confiscation of Profits) Act or the Confiscation Act, to draw a nexus between this bill and the police and the reduction in crime is drawing one of the longest bows we have seen for a long time in this house.

If we are going to go down that path, it is also important to put on the record that if, as the government states, we have the lowest crime rate, why do we have a prison system that is absolutely overcrowded and out of control? But that is for another day.

Honourable members interjecting.

Hon. R. DALLA-RIVA — I just put it on the record, because we are talking about the police records.

This bill before the house is about the maturing of confiscation of profits, of assets, from those who commit crime in Victoria. I am very fortunate to have been one of the first detectives to be seconded to the newly formed asset recovery section, as it was known then. It was an offshoot of the fraud squad, where I was a detective. In the first team that was set up I was one of the first detectives.

It is a real privilege to sit here as a legislator and talk about the maturity of this legislation, because when I first started as a young detective — I am still a young man, I hope — in the fraud squad and was given the opportunity to join the asset recovery squad, we had to work with the confiscation of profits act. We had no resources — all we could do was rely on the goodwill and the good nature of the fraud squad to provide us with a little area outside. We started the difficult process of trying to uncover and understand the issues associated with criminals acquiring assets. It was diverse, it was varied. I remember chasing down assets from various criminals, and it is good to see that this amending bill before the house today goes to addressing a number of those areas.

I recall chasing down the assets of armed robbers who sold property or used the cash they received from the armed robbery of an Armaguard van on their wife or partner. I also remember the difficulties we had in dealing with financial institutions, because firstly they would say, 'Who are you? You have no power; you have no authority', and it was really a process. A lot of these issues have been addressed now in this bill. I commend the fact that this has occurred.

I was also — and I will be brief because I know I only have a short time in which to speak — asked to conduct a review of the asset recovery section. I remember saying that this unit ought to be external; it ought to be within the Department of Justice. I wrote a detailed paper on it. I remember the variety of different departments that had their fingers in this area, because you would have court orders that were made by the Supreme or County courts and they would be sitting in the bottom drawer of the prosecutor and not being acted on. I am very pleased to read within this bill that those issues will be addressed. I am very pleased that, as Ms Mikakos has indicated, one of the recent reports shows that the Asset Confiscation Office — as it is now known under the Department Of Justice — has acquired about $10.6 million in revenue since 1998.

I will not go into the detail of the bill other than to say I am very pleased, as one of the very few detectives who started in that office, to now stand here as a legislator. It is a privilege to do so, and I really commend the bill to the house.

Ms HADDEN (Ballarat) — I am very pleased to follow in the footsteps of the Honourable Richard Dalla-Riva in support of this bill, listen to his experience and hear his support and good wishes to this government, because we do listen and we do act. That is evidenced by the bill before the house.

It is, as Mr Hall noted in his contribution, a lengthy bill with a very lengthy explanatory memorandum — —

Ms Mikakos interjected.

Ms HADDEN — It is an excellent explanatory memorandum, Ms Mikakos, because it is explanatory for non-lawyers as well as for lawyers.

The bill amends four major pieces of legislation: the Confiscation Act, the Crimes Act, the Drugs, Poisons and Controlled Substances Act and the Sentencing Act. This bill contains quite groundbreaking amendments in the area of confiscation.

The Bracks government also welcomes the Auditor-General's report on public sector agencies of May 2003. The recommendations made by the Auditor-General have been assessed and certainly align with this government objective — to improve the confiscation regime in this state. Already, of course, we have acted on the Auditor-General's report by bringing this bill, which amends the confiscation regime, into the house. We have also given support for an IT platform connecting the key agencies to enable information and asset sharing, as well as additional funding of $6.5 million over the current term of government to support these initiatives.

There is a need for a more effective asset compensation regime, and this bill covers the field on that. Asset confiscation is not a minor matter — it is to ensure that anyone in this state who engages in criminal activity is brought to account and that they simply will not profit from their activities. The harder we come down on that, the more our crime rate will be reduced. We have already seen a big reduction — I think it has fallen in the last 12 months by 6.8 per cent. The Minister for Police and Emergency Services in the other place and this government are to be commended for their policies and for putting 800 extra police back on the streets in our first term of government and committing to an extra

600 police officers on the street in our current term of government.

This bill will act as a deterrent to crime, especially big-money crime such as drug trafficking, car racket schemes and white-collar crime.

Of course there will always be criminals who have the money and the time to look at ways to hide the profits obtained from their criminal activity, but we can be one step ahead of them with this bill.

The bill makes significant amendments in the area of automatic forfeiture, investigation and information-gathering for confiscation proceedings and management of seized, restrained and forfeited property. With regard to automatic forfeiture, the bill changes the definitions related to drug trafficking and other offences of a commercial quantity down to an automatic forfeiture quantity and it slashes the definition of 'quantity' from, for example, 500 grams of dilute heroin down to 30 grams of dilute heroin.

I think, quite frankly, that magistrates who hear the cases put forward for sentencing these types of criminals are sick to death of hearing people say in their defence that they are using the drugs only for their own purposes. With my experience as a criminal lawyer, I do not believe that for 1 minute. If they have committed an offence, especially a drug offence, they should receive the full force of the law upon conviction. If that also means confiscation of assets and cash derived from their criminal activity, then so be it. If you do the crime, you do the time! I have no sympathy for them whatsoever. With the trauma and the ramifications of the drug activity in our state I do not think anyone else would give them sympathy either.

The other provisions in the bill relate to tainted property substitution declarations. The tainted property sections mean that where a court is satisfied that tainted property — that is, tainted property used by the offender for the commission of an offence — is not available for forfeiture, then the court may substitute that person's vehicle. As we have heard in previous contributions, the offender generally does not use their own vehicle, house or boat for the commission of a crime. So the court has the power, under the provisions of this bill, to substitute the tainted property of the offender.

The bill also allows the police to require financial institutions to provide information about whether an individual who is the subject of a confiscation investigation holds an account with that institution. This is covered by the 'information notices' section in the bill. What it does is provide the police with a powerful investigatory tool to check where cash assets may be held. The chief commissioner, of course, must authorise a member of the police force before that police officer can issue an information notice, so checks and balances are provided in the bill.

The bill also provides for freezing orders. These are aimed at preventing the asset from being removed from the jurisdiction. The bill creates a process for the interim freezing of bank accounts before a restraining order is obtained from the Magistrates Court. I think that is absolutely essential because it freezes the bank account and that period of 72 hours could possibly mean the difference between the bank account being emptied or not emptied. That is an improvement on the current system.

The bill also allows information-sharing between law enforcement agencies such as Victoria Police, the Office of Public Prosecutions, and the Asset Confiscation Office (ACO), and that is where the bill picks up on the recommendations of the Auditor-General.

The bill provides for declarations where a person is served with a restraining order. This declaration will provide police with details of every other person who may have an interest in the restrained property. This is important and in my view it addresses the question of natural justice and knowledge, so that innocent third parties have an opportunity to put their case if they are innocent third parties in relation to the restrained property. The bill also introduces property management provisions; that, again, was a recommendation of the Auditor-General.

A section 85 statement is provided in the bill and proposed new section 118L, to be inserted by clause 29, alters or varies section 85 of the Constitution Act 1975 by limiting the powers of the Supreme Court. That is necessary to assist the state in investigating and enforcing matters under the Confiscation Act, so that financial institutions and their officers are not exposed to significant liability for breach of obligations to account-holders, such as the obligation to maintain confidentiality.

This bill produces a comprehensive strategy for confiscation of assets derived from criminal activity in this state. I believe it introduces significant new powers and simplifies procedures. It will certainly bring the message home to potential criminals in this state that confiscation is a powerful deterrent and that the profits which they believe they might derive from their criminal activity will be removed from them. The

purpose of the bill is for those responsible for crime, particularly drug traffickers and white-collar criminals, to be dealt with severely.

In my view the bill will act as a deterrent to crime in this state, especially big crime. I commend the bill to the house.

Hon. R. H. BOWDEN (South Eastern) — I rise to support this bill and believe that it is a further and very valuable tool in the fight against crime. From time to time many of us in this state have been proud to say that Victoria is open for business. Victoria is open for business, but it is not, never has been and never will be open for criminal business or criminal activity. One of the difficulties, particularly in combating the damage to our community and fighting the illicit drug trade, is that it is like the weather — everyone complains about it, but what can you do? I am very pleased to see the details listed in the bill. They are practical, and in my personal opinion are quite well thought out. It is a very supportable bill.

I was particularly pleased to see clause 38, which contains a very clear and precise list of automatic forfeiture offences appearing on pages 70 to 78 of the bill. The forfeiture principle is one that all legislatures, including this one, have to approach with caution, because it is a two-edged sword. In forfeiting people's property we, as legislators, assume a big responsibility, but I am quite satisfied that it is a weapon that we must bring to the armoury of the justice system to make sure that those who do such dreadful damage to our young people — and often even our older people in the case of white-collar crime — pay the price.

I would like to suggest to members that the message this Parliament is sending to people throughout Australia and around the world is: do not come to Victoria to carry out criminal activities, because bills such as this and previous legislation will mean you will not profit by it. And if that is a message we can get out beyond our own borders and within our own society, I think it is absolutely great and is long overdue. As a legislature we have a responsibility to give our law enforcement agencies all the sensible, practical and well-thought-out tools that we can.

The section 85 provision in the bill enables financial institutions to cooperate with law enforcement agencies. Too often in the past we have heard that some sections of the financial industry have been less than cooperative. This bill makes it very clear that they are required to cooperate, they are expected to cooperate and indeed if they do they are protected from any responses that may come their way from the persons charged. They are protected, and therefore they are expected as financial institutions to play their part in the matrix of measures that is being brought forward, and I think that is a good thing.

One of the difficulties we have had in the past is that we have all had to watch and tolerate — although I do not like that word in this context. We have had to see people profit from crime because it was done by others and the masterminds have escaped with their profits and have been able to benefit from outrageous behaviour and misery. It is good to see that this legislation provides a mechanism where people high up in the tree can, through very careful police work and investigation, at least be brought to account. The tainting property provisions have been well covered by previous speakers, and I support those.

In conclusion, I am pleased to see this legislation. I wish it well, and I hope it is implemented at the earliest possible date and vigorously used throughout the community, because over many years now we have seen the death, the misery and all the very severe results of unacceptable criminal behaviour, and in many cases those criminals have profited enormously. This bill will help to send the message: 'If you want to be a criminal in Victoria, you will not profit from it'.

Motion agreed to.

Read second time.

Third reading

Ms BROAD (Minister for Local Government) — By leave, I move:

That the bill be now read a third time.

In doing so I thank honourable members for their contributions to the second-reading debate.

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

Bells rung.

Members having assembled in the chamber:

The DEPUTY PRESIDENT — Order! In order that I may ascertain whether a required majority has been obtained, I ask those members that are in favour of the question to rise in their places.

Required number of members having risen in their places:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL

Second reading

Debate resumed from 16 September; motion of Hon. J. M. MADDEN (Minister for Commonwealth Games).

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I am pleased to say on behalf of the Liberal Party that it will be supporting the Commonwealth Games Arrangements (Governance) Bill. It continues the long support of the Liberal Party for the Melbourne 2006 Commonwealth Games, which started with the bid process in the mid-to-late 1990s and has continued through to date. I have to say that were it not for the Liberal Party support for the Commonwealth Games throughout the 1990s, Melbourne would not be hosting the games in 2006. If we were waiting for the Bracks government, we would still be waiting on a decision whether to bid.

There can be no doubt that the Liberal Party is a strong supporter of the Commonwealth Games, and it is the focus of the party and my role as opposition spokesman to ensure that the games are delivered in a professional manner, on time and in a way which the Victorian community can afford.

It is not without some concerns that I talk this afternoon on the Commonwealth Games, because already in the process of preparing for the Commonwealth Games we have seen a few problems develop with the schedule for delivery, particularly of the infrastructure program. I have specific concerns with some venues that we see running behind schedule — the training velodrome at Olympic Park, which was reported in the budget papers as being behind schedule; the stage 2 construction of the Melbourne sports and aquatic centre, which is behind schedule; and of course the Commonwealth Games athletes village, which is to be developed in Parkville. Regrettably that is also behind schedule.

I noted that in question time this afternoon the Minister for Commonwealth Games indicated he is confident that all infrastructure will be ready on time for the games. I hope this house can have confidence in the minister's assurance and that in giving that assurance the minister is not indicating to the house that those projects will be delivered at a cost beyond that budgeted for and beyond what the state can afford. I hope we will not see projects allowed to slip behind schedule and then attempts made to bring them back on schedule by massive escalations in the costs to Victorian taxpayers.

A second area in relation to the delivery of the Commonwealth Games which needs to be more fully explored is the assessed economic impact of the event. The government has now given us three different figures for what it assesses the economic impact of the Commonwealth Games to be. The Minister for Tourism said the games would contribute $700 million to the economy. The Minister for Major Projects said they would contribute $800 million to the economy. The Minister for Commonwealth Games quoted a different figure, $2 billion. This matter needs to be clarified.

The Minister for Commonwealth Games has said on occasions that he has based his figure on the benefit cost multiplier which applied to both the Sydney and Manchester games. In the case of Manchester that was roughly a 2 to 1 benefit-cost ratio, and in the case of Sydney it was about a 2.5 to 1 benefit-cost ratio. It disturbs me that the minister is simply applying that multiplier to the budget he has for the Melbourne Commonwealth Games of $1.1 billion and saying that is the benefit we can expect to get from the games in 2006. If you follow the minister's logic, if you had a blow-out in the budget that cost $2 billion the economic impact would therefore be $4 billion. Therefore, I do not give any credit to the methodology the minister has applied in coming up with that figure of $2 billion.

I note the minister has said at the Public Accounts and Estimates Committee hearing that the government will undertake a proper economic impact assessment this year. I look forward to that being completed and released so we can see what the true impact of the games will be.

The Commonwealth Games must be kept in context. It is not an Olympic-sized event and in terms of local impact with media and audiences it is not an Olympic-sized event. The minister has quantified the size of the games as roughly a third of the Sydney Olympics. Certainly that quantum needs to be kept in consideration when we are looking at the budget surrounding the Commonwealth Games.

Earlier in the year the government announced a Commonwealth Games budget of $1.1 billion, and this is roughly double the bid budget. Unfortunately to date

we have not received a clear explanation for that. The minister indicated that between the bid budget being prepared in 1998 and the announcement of the headline figure earlier this year approximately $50 million to $60 million could be attributed to inflation. What was not made clear were the reasons for the other escalation in the Commonwealth Games budget.

Given the scale of the event and the as yet unclear estimation — that is probably the charitable way to put it — of its economic impact it is very important for the people of Victoria that these matters are explored and disclosed fully. The people of Victoria have a right to know what they will gain from the Commonwealth Games and how much it will cost them. I look forward to that full disclosure as we move towards the games in March 2006.

The Commonwealth Games Arrangements (Governance) Bill has two primary purposes. The first is the establishment of a statutory corporation to act as the organising committee for the Commonwealth Games and to replace the current organising committee, which is Melbourne 2006 Commonwealth Games Pty Ltd, a company regulated by the Australian Securities and Investments Commission (ASIC).

The Liberal Party supports the government's move in implementing this measure in creating a statutory corporation, because it has a number of benefits to the Victorian people with respect to delivery of the games. Most importantly, it brings the organisation of the games closer to government and makes the minister more responsible.

Under the legislation before the house, the minister will have the right to issue directions and get information from the board. We expect that with this increased power given to the minister he will be in a position to more fully address and disclose what is happening with the preparation of the Commonwealth Games.

The basis of the legislation, as I understand it, is the existing Commonwealth Games M2006 Pty Ltd's constitution, as well as the contracts which underpin its relationship to the Commonwealth Games Federation and the Australian Commonwealth Games Association. A number of those matters have been codified in this legislation.

The bill provides, as expected, for the transfer of staff and assets and liabilities from the ASIC company to the statutory corporation upon its establishment. One of the key changes between the current structure as an ASIC-regulated corporation and a statutory corporation is that this bill will provide the directors of M2006, the statutory corporation, with indemnity if they are acting in good faith. From the Liberal Party's perspective, I believe that is appropriate because these directors are undertaking duties involving significant funds, they are acting for minimal remuneration and, as such, it is appropriate that the state provide them with indemnity if they act in good faith on behalf of the state in delivering the Commonwealth Games.

What the bill also does in establishing a statutory corporation is take the directors of M2006 out of the oversight of ASIC and away from the existing commonwealth corporations legislation. As honourable members will know, and indeed the minister as a former company director will know — or maybe he does not know, and perhaps Amigo suggests that he does not know as much about directors duties as perhaps he should, or perhaps might wish — M2006 Pty Ltd as an ASIC company is regulated by the Corporations Law, and the directors are subject to the provisions which impose a number of duties upon company directors.

This legislation removes those directors of the organising company from the oversight of ASIC. It is a concern of the opposition — and I look forward to the minister addressing this issue — that the provisions in the act which impose duties upon directors are substantially less than those duties imposed upon the current directors of the proprietary limited company under the Corporations Law.

At the same time as relieving those directors from some of the burdens imposed by the Corporations Law, this bill will also give indemnity when they act in good faith. So on one hand, we are relieving the burden and we are also indemnifying them. I seek from the minister an explanation as to why the government has chosen to put in place a regime of duties for the M2006 directors which is less than that imposed currently on them under the Corporations Law.

The second part of the bill creates a regime to protect the intellectual property, if you like, of the Commonwealth Games. The background, as I understand it, is that it will provide protection for Commonwealth Games sponsors. I look forward to the announcement of those sponsors. It is my understanding that such an announcement is imminent. The opposition stands ready to support the attraction of responses to the Commonwealth Games and to provide assistance in that process where necessary.

We appreciate the need for sponsorship revenue to underpin the Commonwealth Games, as was the case in Manchester and in Sydney. The reason for establishing

the intellectual property protection provisions is to protect the value of the investment that sponsors will make in signing on as sponsors for the Commonwealth Games. However, the mechanism used to do that gives rise to certain concerns for the opposition. In particular I draw attention to proposed section 56O to be inserted in the principal act.

That provision provides protection for what is defined as images or indicia. It makes it an offence for a person or a company to use those images or indicia for commercial purposes, for promotional advertising or marketing purposes or in a way which would suggest a sponsorship arrangement which does not exist.

On the face of it that is reasonable — you cannot use a Commonwealth Games logo or image for a commercial or promotional purpose or to suggest you are a sponsor if you are not. However, the proposed section is very broad in what it provides. For example, as well as the expected references to the Commonwealth Games, Melbourne 2006 and so on, included among the references which will be prohibited from use if you are not a sponsor are references to the terms 'gold', 'silver' and 'bronze'.

These are commonly used terms in advertising. You have gold-medal specials from all sorts of companies promoting their product, and that has been a legitimate use. However, when the bill is enacted it will be an offence for a firm to use in its advertising the terms 'gold', 'silver' or 'bronze' if it is not a sponsor. It would be an offence for a company like Qantas to advertise airfares to the Commonwealth Games if it is not a sponsor. If it makes reference to the Commonwealth Games it will be breaking the law. Firms which are involved as sponsors in the Athens Olympic Games next year will be breaking the law if they refer to gold-medal deals or promotions or make any references to gold, silver or bronze. The opposition has significant concerns with the way the provision will work and its potential impact beyond that which was intended.

I seek from the minister some expression which will provide comfort to those corporations which will legitimately be using those references, particularly the references contained in the definition of the Commonwealth Games references, because there is and will be legitimate use of those phrases and terms particularly with reference to Athens next year. It would be inappropriate for the government to pass legislation to protect those terms for 2006 and in doing so inhibit the legitimate use of those terms by Olympic sponsors next year.

With those few words, I indicate the Liberal Party will support this legislation, and it does so on the basis that it is a strong supporter of the Commonwealth Games. I look forward to the minister providing words of comfort with respect to those matters that have been raised.

Hon. D. K. DRUM (North Western) — I too would like to rise and contribute to the debate on this bill. I would like to concur with Mr Gordon Rich-Phillips and state how much our party is supportive of the 2006 Commonwealth Games in Melbourne.

So far a few amending bills have been passed, and this is one of a few more that are going to be passed, in the general make-up of the Commonwealth Games Arrangements Act. We have been told all the way through that from time to time various bills will form the myriad of legislation that is necessary to bring the games to fruition.

The bill addresses the administrative and commercial aspects which will be critical in the delivery of the games. The bill establishes the Melbourne 2006 Commonwealth Games Corporation and puts the responsibilities on the corporation to organise, run and conduct the Commonwealth Games for Melbourne.

It goes through a series of definitions, which need to be understood because there are so many references to the various definitions and certainly to the responsibilities of the Commonwealth Games Federation (CGF) and the Australian Commonwealth Games Association (ACGA) to provide what we are now looking forward to being a world-class major sporting event.

Clause 7 inserts proposed sections 4B, 4C and 4D into the principal act. They outline the way the government hopes to promote Melbourne and Victoria in the delivery of social and economic benefits to Victoria. The minister quite often makes reference to that whilst in the house — that we need to not only deliver a world-class event for the 10 or 12 days of the games — and perhaps the minister might help me out on the length of the games?

Hon. J. M. Madden — It is in that order.

Hon. D. K. DRUM — You are not quite sure! It is also important that we leave a lasting legacy in the city of Melbourne and throughout greater Victoria. That is going to be an important responsibility of the Commonwealth Games Corporation, to make sure that those social and economic benefits are in fact left as a legacy to all of Victoria.

Proposed new sections 4E, 4F and 4G deal with the corporation's functions and contractual obligations, which are quite interesting when you consider that it is going to have extreme or very strong powers in this area.

I would like the minister to clarify whether this part of the bill rescinds the government's responsibility on financial handling. If we have a situation where we are giving the corporation an enormous amount of power to actually deliver the games — and it needs so much decision-making opportunities and powers — does this part of the bill in proposed new sections 4E, 4F and 4G in any way rescind the responsibility of the government to deliver the games with a very tight financial fist that it has been so strong on so far?

If the government is to give these far-reaching powers to the corporation, it would be interesting for us to have that indication, but what mechanisms are there in place that remain with the government to guarantee that the total expenditure will not exceed the $1.1 billion that has been outlined by the minister time and time again in the house?

We continually hear that the government is committed to delivering the best-ever Commonwealth Games and a games that will make all Victorians proud. We know that it is committed to staging an opening ceremony which has been estimated — and it is only an estimate, the figures have not been agreed to yet — to cost in the vicinity of $30 million to $50 million.

National Party members are looking forward to seeing the games village, but it is yet to be started. We have been told that it will house athletes from Commonwealth countries all over the world and that they will be made to feel like they are at home. I am sure we would like to see that project come to fruition. There is no doubt that an enormous amount of work needs to be done. This work will need to be completed under the highest level of financial scrutiny. A little bit of clarity would be appreciated in relation to how the minister will maintain control of the financial purse strings.

Proposed section 4G also talks about what the corporation can do. This includes the acquisition of property, the employment of staff and/or consultants and appointing agents who can help the corporation deliver the games.

Proposed section 4I confers on the corporation powers similar to those of the Borrowing and Investment Powers Act of 1987. With the corporation now having the power to borrow, does this mean that there will be again a weakening of the financial responsibilities on the part of the government? Are there going to be any limits to the borrowings of the corporation? National Party members understand the corporation will have to get the consent of the minister and the Treasurer before it is able to borrow, but will there be any restrictions on the amount of money that it is able to borrow in its endeavours to bring the games to fruition?

Proposed section 4J deals with the make-up of the board of directors of the Melbourne 2006 Commonwealth Games Corporation and provides that the board of directors will be responsible for the management of the corporation. It also stresses that the board of management must provide information to the minister and that it must take direction from the minister. Like Mr Rich-Phillips, while we acknowledge that the government has given far-reaching powers to the corporation, we believe it has positioned the minister strongly and clearly over the top of the board. This is very much welcomed by the National Party. While we have direct access to the minister in the form of the Parliament we would like to think that we will be in a position to have direct answers to the goings and comings of the board of directors of the Commonwealth Games Corporation.

Proposed section 4M is somewhat confusing. Subsection (3) says:

> The board must comply with a direction given under this section.

That says, in effect, that should the board be given a direction by the minister it will comply with his wishes — so it will do what it is told. But the very next subsection, subsection 4M(4), says:

> An act or decision of the board is not invalid merely because of a failure to comply with a direction given under this section.

So while subsection (3) says the board must comply with a direction of the minister, subsection (4) says that should the board not comply with the direction of the minister then that act or that decision is still very much valid. Maybe the minister will be in a position later on to clear up that confusion for those of us on this side of the house. Proposed section 4M broadly covers the duties and obligations of the directors of the board.

Proposed section 4Q deals with indemnity and says that the members of the board of directors are liable for any action that may be taken against them. But later on we find that any direct action that would attach to a member of the board of directors will be attached instead to the corporation.

Proposed section 4R outlines the various committees that will be set up by the corporation, and gives the board of directors far-reaching powers where it will have the ability to set up any committees it wishes, which again may be necessary as they move down the track. It gives the board of directors the opportunity to set up whatever membership and functions they deem necessary.

Proposed section 4V deals with transferring the existing board of directors of M2006. They will automatically become directors of the board of the Commonwealth Games Corporation. The chairperson and deputy chairperson will automatically assume similar roles with the new corporation.

Proposed sections 4X through to 4Z, 4ZA and 4ZH all deal with the transferring of assets and titles and so forth from M2006 over to the new Commonwealth Games Corporation. It is all pretty much standard commercial committee-style legislation.

The second part of the bill deals with games logos. We understand that many restrictions have been placed on advertising companies; the corporate world may be looking to use the Commonwealth Games as a level of interest to further their own businesses. A whole range of restrictions have been placed on companies that wish to take advantage of the fact that the games are coming to Melbourne.

The bill provides that any company which has been authorised under the act to use a logo must be registered by the corporation, and their names, dates and duration of use will all be available free of charge. It opens it up for people who wish to see what organisations are supporting the games, so that hopefully we can all get behind the companies that are getting behind the games. The provision will stop people engaging in conduct that would lead others to believe they are supporting the games financially when in fact that is simply not the case.

All the restrictions that have been placed on the images and indicia of the Commonwealth Games raise the difficult question of what is legal and what is not legal. You can look at the situation we have at the moment where the football finals are on in town and everybody is getting into the swing of things. People are offering grand final deals under such banners as 'Let's get excited about the footy' and 'A great finals offer'.

Soon we will have — or we are now into — the Spring Racing Carnival, where people will get into the spirit of the great carnival and will be offering special deals that have references to the racing season. People also offer deals that have references to the grand prix.

The restrictions that have been listed are very severe. As Mr Rich-Phillips has said, people will not be allowed to mention gold, bronze or silver, and they will not even be able to mention the Commonwealth Games in an advertisement simply because they want to be a part of the atmosphere and what is happening in Melbourne at that time.

They may want to be able to run any standard business or have the ability to get on board and be part of the spirit of the games and part of the city without having to become an official monetary sponsor. We would in some respects like to see greater scrutiny of that because on face value it does not seem to be going over the top. But when an authorised sponsor believes that people are engaging in conduct that contravenes the official sponsorship there are going to be mechanisms where injunctions and restraining orders will be able to be put in place that will restrict people from such conduct. Not only will there be watchdogs from the other companies that are already sponsoring the Commonwealth Games but those companies too will be able to move on other companies that are acting in an illegal fashion. It will be up to the Magistrates Court to decide on the granting of such injunctions.

Again I stress some of the major points. There is so much work to be done to bring the games to fruition. We understand that the government is under extreme pressure to deliver a world-class games on time and on budget. We talk about that flippantly sometimes in here. It is an enormous responsibility that the government has taken on, and we commend it for the work it is doing. We do not want to underestimate the importance of having the world's spotlight turned on us and of how the sporting world will form its opinion in 2006. It will be a very lasting opinion, and we need to make sure we have a total grip on the production of the Commonwealth Games.

The National Party looks at the situation as it stands for us in opposition, at the relationship that is going to exist between the minister and the government, at how that relationship will work with the Commonwealth Games Corporation, and at how direction will be given and received and how authorisation will take place. If you look through the entire bill you see there is no reference at all to the budget nor to bringing the games in under $1.1 billion. There is no reference at all to making sure that each of the parties will do its part in creating the games within the required spending.

Having said that, the National Party would like to make sure it is acknowledged that the government has its full support in setting up the corporation, and that we will be watching closely to see how the relationship between the minister and that corporation, and the board of directors, actually works in a practical sense.

Mr PULLEN (Higinbotham) — I rise to speak on the Commonwealth Games Arrangements (Governance) Bill. As has been said by previous speakers, there are two discrete components to the bill. The first, which is contained in part 2 of the bill and is headed 'Governance', deals with the establishment of the corporation and the transfer of the assets and liabilities to it. The second, which is in part 3 and is headed 'Commonwealth Games', deals with the use of certain games property, signs, images and Commonwealth Games references.

Proposed section 4B, which is inserted by clause 7, defines the objectives of the corporation in delivering the games. I will not go through them all, but I want to touch on a couple:

> … to establish the Melbourne 2006 Commonwealth Games Corporation to plan, organise and deliver the Commonwealth Games, together with CGF and ACGA, in a manner which —
>
> …
>
> (b) enhances the reputation of the Commonwealth Games as a major international sporting event; and
>
> (c) promotes Melbourne, Victoria and Australia; and
>
> (d) delivers social, economic and environmental benefits to Victorians and Australians; and
>
> …
>
> (g) demonstrates a high standard of financial responsibility, probity and transparency.

I want to concentrate on our preparation for the games. It is good to see that the opposition parties are supporting this bill, as I thought they would, but I am a little concerned about the long faces over there, and I do not think it has anything to do with how their footy teams have gone this season. I know Mr Atkinson's side did no good, and neither did Mr Drum's. It has more to do with the fact that we know the Minister for Commonwealth Games — —

Hon. D. K. Drum — I'm with the Swans!

Mr PULLEN — You are on the Swans bandwagon now!

The reason is that the Minister for Commonwealth Games continues to inform this house that the games will be delivered on time and on budget. While I am pleased to hear the minister say that, I would not be surprised if they were delivered before time as well as on budget if the good workers at the Melbourne Cricket Ground (MCG) keep up their performance. This is why the opposition members have long faces. They were all ready to pounce on the good unionists at the MCG, but they have actually delivered 8000 more seats for this week's preliminary final between Collingwood and Port Adelaide when they did not have to deliver them until next week when the AFL Grand Final will be played. This would not have happened if the federal Minister for Employment and Workplace Relations, Tony Abbott, had stuck his nose in.

I know this upsets opposition members, but for once they should stop putting their parties first and Victoria second and urge the commonwealth government to come good with the $90 million it has dudded us on. Come on and stand up for Victoria. I repeat, these games will be great for Melbourne, Victoria and Australia.

Proposed section 4C establishes the Melbourne 2006 Commonwealth Games Corporation. The corporation will acquire the rights and obligations of the Melbourne 2006 Organising Committee Pty Ltd, which will be dissolved, and the corporation will be the latter's successor in law. Proposed section 4E sets out the functions of the corporation.

The commercial protection proposed by the amendments in the bill is similar to that provided in the Sydney Olympics bill. The revision of the governance arrangements will provide the state with more authority in games arrangements, as has been made clear. This will be achieved by the application of the ministerial power of direction and power to request information and the application of key pieces of legislation to ensure proper public accountability around what is a significant public investment. The corporation will also be subject to legislation, including the Freedom of Information Act, the Ombudsman Act and the financial management and audit acts.

How much control does the minister have? The approach that has been taken is to ensure that the state has greater control while protecting the privacy of the games contracts. The provision, which is typical of Victorian legislation of this kind, permits the minister to provide written directions to the board of the corporation and requires the board to comply with any such direction. The Commonwealth Games are unique. It is the largest event to be held in Melbourne. The commercial opportunities offered are extremely valuable. The government contribution to hosting the

games is considerably greater than for any other major event that has been held here.

The second part of the bill protects the state's financial interests. It is necessary to provide an appropriate legislative framework protecting the commercial interests of the organising committee, the Australian Commonwealth Games Association (ACGA) and the Commonwealth Games Federation (CGF). The commercial protection proposed in these amendments is similar to that provided for the Sydney Olympics. The bill prohibits the use of such game logos and insignia and ACGA and CGF signs and images without authorisation. The bill also prohibits the use of Commonwealth Games references without authorisation when the use implies an association with Melbourne 2006 Commonwealth Games that does not exist.

There is no restriction on the use of normal language in describing the Commonwealth Games. Naturally the state needs to maximise the commercial revenue it will receive through sponsorship and licensing. However, the Minister for Commonwealth Games is empowered to authorise the use of Commonwealth Games references for non-commercial purposes. This is similar to Olympic reference restrictions introduced by the federal government for the Sydney Olympic Games. Federal legislation was developed for the Sydney Olympics. I understand that discussions are currently under way at officer level with the federal government to determine whether there is a need for federal legislation, because that would be important in providing us with Australia-wide protection.

This legislation is very important to the Commonwealth Games, which will be the most exciting and important sporting event to come to Victoria since the Olympic Games in 1956. I thank members of the opposition for their support.

Hon. ANDREA COOTE (Monash) — First of all I would like to say how supportive the Liberal Party is of the Commonwealth Games. We are looking forward to very successful games being held here in Victoria. It will be a showcase for Victoria to the world, and I am hoping from a tourism point of view that we get a large number of people coming to this state and returning at another time. I hope for a great success, as I think all Victorians do.

The bill establishes the Melbourne 2006 Commonwealth Games Corporation as a statutory authority to replace Melbourne 2006 Commonwealth Games Pty Ltd, a company regulated by the Australian Securities and Investments Commission. It codifies the existing functions and powers of M2006, the constitutional and contractual arrangements with the Australian Commonwealth Games Association and the Commonwealth Games Federation.

It provides for the transfer of the board, staff, assets et cetera from M2006 to the statutory corporation, and it does some other housekeeping-type exercises. It provides immunity, among other things, for the directors acting in good faith; and it provides power of seizure where goods being sold at a Commonwealth Games venue are suspected of using games, indicia, images or references without authorisation. These issues need to be watched very carefully because some people have already embarked upon this in good faith without realising that they will probably, and inadvertently, be in dispute with this legislation. We have to be sensitive about some of those issues.

These provisions will protect the value and the integrity of sponsorship arrangements. From a sponsorship point of view it is essential that when we have events in this state our sponsors feel they can operate in Victoria in a confident and ongoing manner, because we need to have significant sponsorship in all these events.

Although most of this is regulatory and much of it could be seen as a mechanical-type bill, I have concerns with some issues, particularly in my own electorate and also in my portfolio area of aged care. It goes back to the village issue. I want to tell the minister that I have a very grave concern. A letter from Julianne Bell, whom I am sure the minister knows, was reported in the *Sunday Herald Sun* of 3 November 2002. The article headed 'Village a con trick' states:

> The government claims it will provide 'public housing' and 'environmental works' to 'green' the village.
>
> Premier Bracks is attempting to con the people of Melbourne that over 20 per cent of the 1000-unit development will be 'public housing'. It will not be 'public' but 'affordable' housing — future residents will have to pay.
>
> Of these, 100 'low-cost' hostel units have been allocated for the elderly. But the isolated site is completely unsuitable. It is distant from shops and community and medical services, with poor access to public transport.

My gravest concern about this public housing is reiterated by the Minister for Commonwealth Games in a media release headed 'Bracks breaks social housing promise on Commonwealth Games village'. In this article the minister talks about the $17 million that was being allocated, but he goes on to talk about the discrepancy in the figures. He said:

> That means there is a slight difference in the how figures are portrayed from what were, in the earlier case, the overall

> figures, and the breakdown of those figures in government press releases. So the figures are still consistent, but in the budget papers presented today there is a slight difference of $17 million which is not in the forward estimates because it is expenditure that had already been determined for the Commonwealth Games, but would occur outside those forward estimates years.

My concern is that the minister is virtually saying that half of the social housing money announced by the government when it was selling the games village will not be spent until after 2006.

I have some very grave concerns about the units for the elderly that the government suggests will be there and what will happen with those, because we have huge pressure about our ageing population. It is vitally important that this happens quickly and that it does not just happen after the games is over and the euphoria has died down — when people have forgotten about the excitement and build-up to the games, and we are left with the bill. I hope to goodness that sufficient funds are left to make certain this 100-bed facility is developed. In fact, I wrote to you and asked you a question — —

The DEPUTY PRESIDENT — Order! Through the Chair, Mrs Coote.

Hon. ANDREA COOTE — I beg your pardon, Deputy President — through you.

I had asked the minister if he would let me meet with the developers so I could discuss this, but to date I have not had any reply. Also, the Commonwealth Games Advisory Committee's recommendations for the games village in its report of June 2003 are fairly confusing. Under the heading of 'Aged care precinct' there are a number of recommendations which I feel highlight some of the concerns I have mentioned. For example, one recommendation is to:

> Establish an aged care precinct in the north-west corner of the site.

But they could also:

> Locate the aged care hostel in this precinct instead of the heritage precinct.

So there is a conflict here, and it would be interesting to have some clarification on that. The committee also recommended that the government:

> Consider the development of other housing within the games village aimed at the needs of older people within the private housing market, possibly in one or more of the apartment buildings.

This is something new, and it will be very interesting to see how the government reacts to these recommendations and what indeed transpires.

The only issue I have major concerns with is the confusion and disappointment that people within my electorate have experienced over the development of the Melbourne Sports and Aquatic Centre (MSAC). They have been quite concerned. An article in the *Emerald Hill Times* of 30 April this year quoted Cr Carolyn Hutchens as having said:

> I do not believe there has been enough consultation, or that enough expertise has been sought.

She said the proposed grandstand would be an eyesore, and she is further reported as having said:

> Many people are disappointed that we will be left with this huge structure for the sole purpose of a one-off, two-week event.

I hope the minister takes this into consideration and that he will consult more with the people of Monash Province and particularly those who are affected by MSAC and this new development.

Having said that, I support the bill and the philosophy behind it. We look forward to a very successful Commonwealth Games.

Mr SCHEFFER (Monash) — There will be seamless continuity between my contribution and that of Mrs Coote, who ended on a very positive note about consultation, which I will have something to say about in a moment.

I rise in support of the Commonwealth Games Arrangements (Governance) Bill. The bill sets in place further measures to expedite the efficient operation of the Commonwealth Games in Melbourne in 2006. It deals with marketing, commercial and operational arrangements, administrative processes and powers to allow the games to run successfully.

The bill establishes the Melbourne 2006 Commonwealth Games Corporation. The corporation will have powers over various matters relating to commercial arrangements and the use of logos and insignia for the games. It makes sure that the board of the corporation is made up of an equal number of directors appointed by the Commonwealth Games Federation and the Australian Commonwealth Games Association on the one hand and the state of Victoria on the other.

The bill provides the state with more authority over the games arrangements. Importantly, as a statutory body

the Melbourne 2006 Commonwealth Games Corporation will be subject to freedom of information requirements and its actions will be placed within the jurisdiction of the Ombudsman and the Financial Management Act. I know this will be widely welcomed by the people of Monash Province because it strengthens public accountability.

The hallmark of this government's management of the games is its commitment and capacity to consult the community. This government does not ride roughshod over local communities which, in the end, will bear the brunt of the significant inconvenience and loss of local amenity during the development phase of the games and while they are on.

Many of the people I represent live in the areas near Albert Park. They are doubtful about major events in general and very concerned that they will come off second best because it has happened before. This is the result of bitter experience with the non-consultative approaches of the previous government which soured people's experience and made them sceptical and suspicious. During the construction of the Formula One grand prix track at Albert Park we saw huge public protests, from 1994 to 1999. We saw longstanding and collectively developed master plans torn up. We saw legal challenges to the Kennett government. We saw wire fences erected around work sites to stop the protesters who turned up in their hundreds and thousands. We saw masses of people arrested and fined or locked up. Hundreds of magnificent mature trees were axed. We saw compaction works that structurally damaged local houses and the people who occupied those houses had no recourse to law.

The locals are very suspicious and they are watching this government very carefully to see what it is doing. However, there is also genuine appreciation of the way the Minister for Commonwealth Games is working. He talks, he is a nice guy, he is decent and, most importantly, he brings people along. This government shares information and seeks people's opinions.

It is worth reminding ourselves of the ways this government balances the legitimate right of the community to be consulted with a government's responsibility to deliver projects on budget and on time. The Bracks government has pursued a vigorous process of engagement with the Victorian community as part of getting ready for the games.

Under the Commonwealth Games Arrangements Act we have allowed for community consultation through the work of planning advisory committees. Five of these committees have already been established and one of them advises the minister on the development of the Melbourne Sports and Aquatic Centre, which is in Monash Province.

This advisory committee has looked at things like whether the development supports the planning policy of the City of Port Phillip, whether the development benefits the community, whether the design integrates with local heritage values, whether the development is environmentally sustainable, whether the transport solutions are acceptable and other things. The advisory committee reviewed all relevant planning reports and considered all written submissions and the outcomes of discussions with stakeholders. The committee received a total of 30 submissions, including 16 personal representations. This builds on the support for process that people in Monash Province value so highly.

I take this opportunity to further thank the Minister for Commonwealth Games who has made himself available to meet with representatives of local organisations, for example, over the location of the hydrotherapy facility being developed within the Melbourne Sports and Aquatic Centre. The minister saw a delegation I brought into the Parliament. He listened to them with courtesy, he respected their expertise, which was considerable, and he took them seriously. To be fair, they were not happy in the end. However, my experience tells me that often people do not need to agree with the solution or the decision, but they do need to feel they have had a fair hearing. People in Monash Province have told me that they think this minister is doing a good job and that the government is prepared to listen and talk to them.

There is a further important example that I would like to draw to the attention of the house — that is that a little more than a year ago the government announced the environmental framework. Its intention was to ensure that the games would be environmentally sustainable and that the government would build facilities that would leave a positive environmental legacy for the future. The government said at the time that the framework would involve, again, a public consultation process — and it did. By May we announced the environment strategy — that this will be the first major multisports event in the world to be carbon neutral. We said we will plant 2.5 million trees over the next three years and that is well under way. We said it will be water wise and low waste — and it is.

As a direct result of the meaningful community consultation these activities will be delivered in partnership with government, community organisations, environmental bodies and local Landcare

groups. We believe that a fundamental change in environmental practices can be achieved as part of the ordinary activities of people engaged in staging a major event.

The Minister for Commonwealth Games, Justin Madden, said as much at the time. These issues, and the arrangements that the government has set in place to ensure public participation, are critically important to residents in my electorate. I think this bill has broad support, as evidenced by the contributions we have heard this afternoon, and I commend it to the house.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I want to take this opportunity to respond to a number of the issues raised by members, in particular opposition members. I have undertaken to give a response to assist with clarification on those issues. Should any of my explanations not be clear enough, I am happy to provide further briefings to members on those matters outside the chamber at any time.

The Honourable Gordon Rich-Phillips raised specifically the issue of the duties of directors. I am informed that the duties under section 4N are drafted to resemble as closely as possible the obligations of directors of corporations law companies. The drafting is consistent with the approach taken in the description of directors' duties under other statutory authority legislation. I am also informed that it is not considered necessary or appropriate to replicate the entire body of commonwealth statute law to adequately define the directors' duties to act honestly and with due diligence.

The Honourable Gordon Rich-Phillips raised the issue of the use of the expressions 'gold', 'silver' and 'bronze' as Commonwealth Games references. I am informed that gold, silver and bronze are defined as Commonwealth Games references and are protected under the legislation. It is clearly the intention of the act to protect the use of gold, silver and bronze where the use suggests an association with the Commonwealth Games. I think that is of particular significance in terms of recognising where the generic usage differs from an association with Commonwealth Games references. It is not the intention of the act to restrict the use of these terms in normal business operations; however, it may be an offence under proposed section 56M to use gold, silver and bronze for commercial purposes or for promotional advertising or marketing purposes or where the use suggests a sponsorship-like arrangement with the Commonwealth Games that does not exist. I think that comment is of particular significance. I will just say that again: where the use suggests a sponsorship-like arrangement with the Commonwealth Games that does not exist.

Proposed section 56M(2) specifically states that it is not an offence to use these references if the business or individual is otherwise authorised by other law to use the terms. This bill does not affect businesses that have existing business in company names which are listed as Commonwealth Games references, including gold, silver or bronze.

With regard to issues raised by the Honourable Damian Drum regarding borrowing and investment powers, the borrowing and investment powers require the body to have the approval of the minister and the Treasurer. The limit of the corporation is the budget, and the corporation board will consist of half of those directors being appointed by the state. In terms of directions to the board — and I appreciate the issue raised by the Honourable Damian Drum — these directions protect the rights of third-party contractors.

This allows third parties such as sponsors to contract with the corporation as if it were a corporations law company. That is the reason why any contracts entered into by the board still remain. That is so that the corporations and organisations entering those agreements can feel confident that those commercial agreements and arrangements exist, regardless of the directions of the minister to the board. It does not, however, weaken the power of the minister to reduce the imperative to comply by the board, but it certainly gives assurances to the companies that those agreements still remain.

I would like to assure the Honourable Andrea Coote that the aged care precinct will be delivered, and at a later date, when it is appropriate, I am happy to have officers from the Office of Commonwealth Games Coordination brief her in more detail on the housing matters, if she would like that, so that she is completely clear on the way in which it will be delivered. There are significant elements to be delivered post-games but there are also aspects that will be delivered before the games. I assure the member that the aged care precinct will be delivered.

In terms of the Melbourne Sports and Aquatic Centre, again we are eager to consult with locals in relation to the developments and we have set in train a number of mechanisms so that there is community stakeholder input into the progress and development of the facility as it takes place.

I thank all members who have made a contribution — the Honourables Gordon Rich-Phillips, Damian Drum,

Andrea Coote, and Mr Pullen. I thank Mr Scheffer for his flattering remarks particularly in relation to the minister. I would also like to compliment Mr Scheffer on his personal interest in the developments and his eagerness to very strongly represent his local community in relation to these matters.

To bring about this piece of legislation was quite a significant piece of work by a number of parties involved, and I would like to thank them. Honourable members will appreciate that there were a number of groups that had to bring this together in a short space of time. They include the Commonwealth Games Federation, the Australian Commonwealth Games Association, Melbourne 2006, and the Office of Commonwealth Games Coordination (OCGC). I would personally like to thank the officers of each of those organisations, particularly the OCGC and the respective legal staff who have provided legal advice to each of those parties throughout the course of the bringing together of this legislation, in order for all parties to agree and feel confident and comfortable that in going ahead with the delivery of the Commonwealth Games, all people and all organisations can work cooperatively to see a games that not only the state but also the entire country will be proud of.

Again I thank honourable members for their contributions and thank the opposition for its support in this matter. I look forward to a games that all of us in this Parliament and this state can be particularly proud of.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

HUMAN SERVICES (COMPLEX NEEDS) BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Minister for Aged Care) on motion of Mr Lenders.

NON-EMERGENCY PATIENT TRANSPORT BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Minister for Aged Care) on motion of Mr Lenders.

SUPREME COURT (VEXATIOUS LITIGANTS) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Mr Lenders.

VICTORIAN INDUSTRY PARTICIPATION POLICY BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Finance).

HERITAGE (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Mr Lenders.

NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL

Second reading

Debate resumed from 16 September; motion of Ms BROAD (Minister for Local Government).

Hon. ANDREA COOTE (Monash) — Given the lateness of the evening and after a busy week, I will be very brief on this bill — the National Environment Protection Council (Victoria) (Amendment) Bill. The Liberal Party will support this bill. This bill basically mirrors the legislation in all Australian states.

The proposed amendments to the act are a response to a review of the council's operation by the commonwealth government. This bill is intended to ensure that Australians and Victorians enjoy protection from all forms of pollution and to ensure business decisions are not distorted or markets fragmented by differing environmental standards across Australian jurisdictions. This is very pleasing. We do not want to see in such a sensitive area any confusion at all on what the states do. It is imperative that we all understand and work together in every state in this country. It is pleasing to see that the commonwealth has taken this initiative in agreement with the states.

The amendments will introduce five-yearly reviews of the act and will ensure that the National Environment Protection Council Service Corporation will provide secretariat services to joint meetings of the National Environment Protection Council and the Environment Protection and Heritage Council. In particular the five-yearly review of the legislation is essential and very important. Scrutiny and responsibility are a very important part of sustainability and indeed the environment, and this is a welcome addition to the act at this stage.

The National Environment Protection Council is involved with environmental protection — air, water, soil and other areas as well — and it provides unity across all states and gives continuity to businesses to ensure they can operate confidently within this country across the state borders.

In reading the second-reading speech I was concerned to see the claims the government has made about its credibility regarding the environment. I have some concerns about this, particularly with the glowing terms it uses in its claim regarding marine parks. I remind the house that the marine parks were initiated by the Liberal Party. Indeed it is the Liberal Party's credentials on the environment which are absolutely first rate and which this house should recognise. Indeed, if this house remembers, the Liberal Party supported the marine parks.

But my concern is also with the terrestrial parks. We are not seeing sufficient numbers of rangers or support to make certain there are no noxious weeds, feral animals and other bad management practices happening; we do not have sufficient rangers to take care of them.

The second-reading speech also mentions hazardous waste. I am sure my colleague the Honourable Peter Hall will talk about Dutson Downs because it is in his electorate, but hazardous waste and the potential of Dutson Downs is looming as a huge disaster. I think it will be an enormous disaster not only for Gippsland but for Victoria, and I do not think at this stage the government is looking very good on that particular issue.

The other issue is air pollution. The Environment Protection Authority (EPA) here in Victoria does a very good job. However, I put up a word of caution in regard to the monitoring of the Burnley Tunnel. Although things have settled down somewhat there was some very bad misreporting and people had some very grave concerns about the way the monitoring was being done. It is important that we are vigilant, even with an organisation such as the EPA which has credibility, and we must make quite certain that we keep it accountable and responsible for keeping the air in this state pure. I commend the bill to the house. As I said, the Liberal Party has much pleasure in supporting it.

Hon. P. R. HALL (Gippsland) — This is a very narrow bill, but the government has widened the debate somewhat by making some rather significant references in the second-reading speech to its claimed environmental credentials. One cannot let this debate pass without making some comment on that, seeing the government has opened up the door for us by including references to that in its second-reading speech. It talks in particular about its National Parks (Marine National Parks and Marine Sanctuaries) Act of 2002 and makes great claim that this is a world first for Victoria. I am not sure if it is a world first, but I think we have to put balance into this debate. The simple fact that Victoria has marine parks and marine sanctuaries in no way, by itself, guarantees protection for the marine environment.

Colouring a piece of the map in red to indicate its being a national park does not protect it in any way at all. At the time the National Party emphasised, importantly, that the management of those areas was the key to protecting the marine environment. We are all for protecting the marine environment and improving it, but simply declaring areas as being marine parks and marine sanctuaries does not in itself protect those marine environments.

It is the same in the second-reading speech. It refers to sustainability covenants and to the Commissioner for Environmental Sustainability. I am not sure exactly what we have achieved by that legislation. The government should not just simply come in and say in a second-reading speech, 'We are good because we have created a Commissioner for Environmental Sustainability', without substantiating that claim, and it

certainly has not done that in the course of the second-reading speech delivered by the minister.

We ought to put a bit of balance into these claims of the environmental credentials of the government and look at the other side of the coin as well — look at the government's environmental record in things like Dutson Downs, for instance, as I was invited to do by the Honourable Andrea Coote, and as indeed I will in a brief and passing comment.

I have never seen such a ludicrous decision by any government as creating a hazardous waste site down at Dutson Downs. What is being proposed is 90 000 tonnes of contaminated soil from Melbourne being carted about 3 hours up the highway to Dutson Downs, being treated on site and then recycled, meaning that probably most of it is going to come back to Melbourne again. It is an incredible decision, and we are told by the Minister for Major Projects in the other place that this will have no environmental effect on the Gippsland Lakes.

If it is going to have no environmental effect on the Gippsland Lakes, why can it not be treated in a paddock on the outskirts of Melbourne rather than carting it all the way down to Dutson Downs and then bringing it back again? It is a ludicrous decision, and we in the Gippsland area simply do not believe the government has even listened to the arguments. They simply want to transfer their problem away from their base in the metropolitan area out to our backyard in country Victoria. People say that we in country Victoria have a nimby principle — not in my backyard. I reckon we have valid claims for having that principle as well, particularly when it does not have to be.

We could talk about the Basslink pylons also. What are the government's environmental credentials on that? Once again they could have put those pylons underground and improved the aesthetic values of the Gippsland countryside, but no, they ignored that. To suggest the project was at risk if it was to be put underground is ridiculous when the company that is building this project said itself that it would be happy to wear a $280 million increase in the cost of the project in the Tasmanian section but it was not prepared to spend $50 million or thereabouts to put it underground in Victoria. The claim that it would never go ahead if it was required to be underground was ludicrous.

We had the wind farm debate yesterday, where the government's environmental credentials should also be considered.

Mrs Carbines — On a point of order, Deputy President, the Leader of the National Party is not referring at all in his contribution to the bill before the house and is instead using his time to make allegations against the government's environmental initiatives and strategies, and I ask you to ask him to come back to the content of the bill.

Hon. B. N. Atkinson — On the point of order, Deputy President, there was actually an agreement on this debate that Mr Hall was to speak for a very brief time. I would have thought it was in the interests of the members of the government to let him complete his speech unimpeded by these sorts of points of order.

As was mentioned, the second-reading speech was very wide. It goes to the credentials of the government. Mr Hall is simply debating those credentials as part of a brief contribution to this place. There is no point of order.

Hon. P. R. HALL — Deputy President, on the point of order, what the Honourable Bruce Atkinson said is absolutely right. I am happy to cooperate with the government's program to get through this as quickly as possible, but if I have these sorts of interruptions I will use my 45 minutes quite gladly to talk on this bill. She has a cheek to come in here and try to put up a point of order like this. Nevertheless the issues I am discussing are mentioned in the second-reading speech, and I said right at the start of my contribution that the first page and a bit of the second-reading speech — and it is only four and a bit pages, so it is nearly a quarter of the speech — talks about the government's environmental record. It talks about marine national parks, it talks about sustainability covenants and it talks about the Commissioner for Environmental Sustainability. I have every right to talk about the environmental record of this government.

The DEPUTY PRESIDENT — Order! There is no point of order. This is the second-reading debate and Mr Hall is the lead speaker for his party. It is a wide-ranging debate which provides speakers with some latitude to refer to a range of documents.

Hon. P. R. HALL — When talking about the government's environmental record one only has to look at the impact on the Victorian environment of the bushfires and how the government's mismanagement of some of those public land areas exacerbated the impact the bushfires had on the environment — on flora and fauna, water catchments and air quality. All of those things were impacted upon because the government's record on environmental management was not good on those public land areas.

I say this about the government's environmental record: it will be interesting when the government comes to assess those coastal areas in Victoria which now could be classified as having a high tourism value to see whether wind farms will go into those areas, especially when you consider that the government last year created new marine parks and marine sanctuaries along the coast of Victoria.

One of the great claims about marine parks and marine sanctuaries was that they would increase tourism to those areas and would be of great benefit. On the South Gippsland coast we have a marine park all around Wilsons Promontory; at Corner Inlet we have a marine park; and around parts of Phillip Island now we have a marine park. If as the government claimed that will create tourism and be a tourism asset then I would claim that the land adjacent to those park areas is now of high tourism value. That is a logical conclusion, so one wonders what will happen to the multitude of wind farm proposals along the South Gippsland coast. That will be an interesting debate, which we will come to in good time.

That being said, the bill, which is about a third of the size of the second-reading speech, amends the National Environment Protection Council (Victoria) Act in respect of three main aspects. The first significant change is a modification in the process when minor variations to national environment protection measures are to be made. That process will still require some public consultation. The National Party has looked at that carefully, and given there is some guarantee of public consultation and there are definitions of what a minor variation is to be is prepared to say that it will agree to it.

The second area of amendment provides for a five-yearly review of the National Environment Protection Council Act — the federal act relating to this topic. Again we agree to that, because the act has already had its first five-yearly review and the amendments came from that review.

The third significant amendment is that it will enable the National Environment Protection Council to provide administrative functions for other ministerial councils. It is suggested that the first of those will probably be the Environment Protection and Heritage Council, because the NEPC is already providing some administrative functions for the EPHC.

The act first came into being in 1995. We in the National Party were prepared to support it then, and we are prepared to support it now.

Mrs CARBINES (Geelong) — I am pleased to speak on behalf of the government on the National Environment Protection Council (Victoria) (Amendment) Bill. The Bracks government has environmental protection at the forefront of its agenda. I congratulate the Minister for Environment for his progressive initiatives, which are placing Victoria at forefront of environmental protection in Australia.

The bill aims to further strengthen the work of the National Environment Protection Council, which was established in 1994 and comprises environment ministers from each of the states and territories and from the commonwealth government. The purpose of the council is to ensure a seamless protection of the Australian environment so that all Australians, no matter where they live, may experience equivalent environmental protection from air, water, soil and noise pollution in our great country.

We know from our communities, as we represent them in this place, that Australians are increasingly interested in matters to do with our fragile environment. Indeed we have an obligation to protect it not only for ourselves and our children but for generations to come. It is therefore very important that the high level of environmental protection expected by Australians is not compromised or fragmented by variations between state, territory or commonwealth jurisdictions.

The work of the NEPC is therefore essential in that aim. The NEPC develops national environment protection measures to cover all sorts of areas such as air quality, marine, estuarine and freshwater quality, noise, site issues, the impacts of hazardous waste and the reuse and recycling of used materials.

The bill that is before us today contains amendments which are the result of two reviews. One was a review of the National Environment Protection Act which was undertaken two years ago, and there is also another review which took place of ministerial councils by the Council of Australian Governments. The amendments contained in the bill are outcomes of the recommendations from those two reviews.

So the bill simply seeks to provide, firstly, a simplified mechanism to make minor variations to national environment protection measures; secondly, to introduce five-yearly reviews of the act; and thirdly, to enable secretariat services to be provided to the joint meetings of the NEPC and the Environment Protection and Heritage Council. These are minor amendments which mirror legislation already passed by the commonwealth, the Australian Capital Territory and Tasmania.

All Australians no matter where they live have the right to expect high-level environmental protection, and rely on the continued seamless jurisdiction of the NEPC. So Victoria in passing this bill will meet its obligations to the whole-of-nation environment protection context as exemplified by the work of the NEPC. I wish the bill a speedy passage.

Hon. J. G. HILTON (Western Port) — This is short bill which has all-party support. Initially I was going to be brief in my comments, but I have changed my mind — I am now going to be very brief.

The main purpose of this bill is to make some minor amendments to the National Environment Protection Council (Victoria) Act of 1995. The original act established a council comprising a minister from each state and territory and the commonwealth, and signified a commitment of all jurisdictions to work cooperatively in the addressing of environment protection issues of national importance.

The objective of the original bill was to ensure that people enjoyed the benefit of standard protection from air, water, soil and noise pollution no matter where they lived in Australia and to ensure that decisions of the business community were not distorted by variations between various jurisdictions in relation to the adoption or implementation of major environment protection measures.

Since the act was established a number of national environment protection measures have been implemented. These have included a measure for a national pollutant inventory, a measure for the movement of control waste and a measure for the assessment of contaminated sites.

The bill is the result of a review of the original act which was undertaken in 2000–01, when the act had been in operation for five years. These amendments are proposed to achieve a more streamlined process for making minor variations to the national environment protection measures and the formal introduction of five-yearly reviews of the legislation.

In December 2002 the outcomes of the review were considered and accepted by the National Environment Protection Council and relevant changes made to commonwealth legislation. The purpose of this specific bill now under consideration is to bring Victoria into line with the other jurisdictions which have already passed, or are in the process of passing, similar amendments. The commonwealth, the Australian Capital Territory and Tasmania have already passed the required amendments.

The environment, as all members will agree, is something which needs to be cherished and maintained so that it can be enjoyed not just by this generation but by all future generations. We are the custodians rather than owners of the environment, and I believe this bill is an indication of our continued commitment to the environment. I recommend its speedy passage to the house.

Motion agreed to.

Read second time.

Third reading

Ms BROAD (Minister for Local Government) — By leave, I move:

That the bill be now read a third time.

In doing so I thank honourable members for their support for the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

Ms BROAD (Minister for Local Government): I move:

That the house do now adjourn.

Knox: Dandenong Ranges foothills policy

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter with the Minister for Planning in another place. I wish to advise the house that recently, in conjunction with a number of other members of the Parliament, I attended a beating of the bounds day with the Knox city councillors and officers. We looked at a number of things in that municipality, such as the road projects they were keen to pursue and a technology project which was quite important to them and which I have raised in the house previously.

The matter I wish to bring to the attention of the Minister for Planning and on which I seek her to take some action on behalf of the residents and certainly the Knox City Council is the issue of the foothills policy that the council is pursuing. The council believes it is important for the foothills region of the Dandenong Ranges to be protected, and it has undertaken over a

number of years a range of policy initiatives to protect the foothills.

As council members would argue, and certainly I think all of the members of Parliament who attended the beating of the bounds would agree, the foothills are very important, not just to the City of Knox but to all Victorians. The Dandenong Ranges form a very important backdrop to the city of Melbourne and they are a significant tourist destination. It is an area that all Victorians, and Melburnians in particular, cherish.

From the point of view of the foothills policy the City of Knox is now pursuing there is some concern that because of the Melbourne 2030 policy the government's planning staff are not keen to acknowledge the need to have a transitional zone, if you like, into the foothills of the Dandenong Ranges. Obviously people in the City of Knox are concerned about the achievement of housing densities within the Knox area, and indeed other suburbs, if they do not have this prescriptive line up to which you can build under Melbourne 2030 in the City of Knox, notwithstanding the fact that it intrudes on the foothills area.

On behalf of all Victorians the City of Knox is very keen to pursue this foothills policy to ensure that it can put in place policies that are appropriate to that area in terms of housing density and the types of dwellings that might be built. Other policies could concern the colours of those dwellings; landscape controls, particularly to ensure that there is no invasion of exotic species; and pet control measures, amongst other things.

The City of Knox is keen to pursue this matter. At the moment it is being frustrated by the government planning department. I ask the minister to intervene.

Schools: Vietnamese language tuition

Hon. S. M. NGUYEN (Melbourne West) — I raise a matter for the Minister for Education and Training in another place. I call on her to request her department to facilitate a public meeting between the Vietnamese parents in the south-eastern suburbs who have children attending state government schools and the Department of Education and Training about the teaching of the Vietnamese language within schools.

Last month the Vietnamese Parents Association, the Vietnamese Teachers Association and I organised a public meeting at the Sunshine library between Vietnamese parents who have children attending state schools and the Department of Education and Training. The meeting was organised to respond to the concern at the perceived dropping of the Vietnamese language as a subject. Vietnamese parents do not raise these matters with their school councils or participate on some school councils because they do not understand or feel comfortable with the process. As a result school councils have made decisions which affect their children without adequately consulting with parents. Because of a misunderstanding, Vietnamese parents are left believing that it is school council policy to reduce or stop students from learning the Vietnamese language at school.

The meeting at the Sunshine library was very useful and went very well. It provided an explanation of school council processes and encouraged parents to get involved. There were up to 80 parents in attendance, along with representatives from the Department of Education and Training.

I have been advised that the Vietnamese community of the south-eastern suburbs would like a similar meeting. Such a meeting would be worth while and of great assistance in fostering the involvement of the Vietnamese community with the school councils and in improving communication between both groups.

Eastern Freeway: noise barriers

Hon. R. DALLA-RIVA (East Yarra) — I wish to raise an issue with the Minister for Transport in the other place. It relates to noise pollution along the Eastern Freeway, which is in my electorate. The part of the freeway I refer to is on the southern side of the Eastern Freeway. For the record, it is between Yarra Boulevard and Chandler Highway. This area on the south side is known as the Kew Gardens estate.

My colleague in the other place the member for Kew, Mr McIntosh, recently submitted a petition from about 500 residents. Residents in the area, who have formed the Kew Gardens resident group in relation to this matter, have made requests via formal correspondence to the Minister for Transport since 1999 but are yet to receive a response in relation to the noise. That is obviously because of the increase in the amount of traffic that now flows off from Nunawading and the amount of growth along the Eastern Freeway.

The residents are concerned that while barriers have been built along the new parts of the Eastern Freeway and certain other parts that the government has put forward, there is one section where there is none, and I am happy to provide photos showing that to the government. A number of residents have expressed concern that there is a lot of noise for about a kilometre or two along there. If you see the diagram it explains

why — it is because the houses are up the hill, and the noise goes straight to them.

While we understand that freeways are important, obviously the residents of the surrounding area are concerned about the noise. They are concerned in the sense that they have seen other barriers being constructed. I request that the minister respond to the Kew Gardens resident group and deal with installing appropriate noise barriers along the Kew Gardens section of the Eastern Freeway.

Frankston–Flinders and Mornington–Tyabb roads, Tyabb: safety

Hon. J. G. HILTON (Western Port) — My adjournment matter this evening is for the Minister for Transport in the other place. It concerns the safety of an increasingly busy intersection in my electorate. I refer to the intersection of Mornington–Tyabb and Frankston–Flinders roads. I ask the minister to examine this intersection and determine what improvements need to be made.

The interjection is in the middle of Tyabb. Tyabb is becoming increasingly popular, particularly at weekends, as it is the location of the Tyabb Packing House, which is one of the largest centres of antiques and collectables in Victoria. The intersection is also close to the Tyabb railway station, and there are four schools — primary and secondary — in the immediate vicinity. Unfortunately because of the increased traffic flows there has been an increase in the number of accidents in recent times.

My parliamentary colleague in the other place Rosie Buchanan, the excellent member for Hastings, has been working tirelessly with the local community to improve the safety of this intersection. Given my honourable friend Ron Bowden's interest in all matters vehicular, I am sure he will join with Rosie and me in urging the minister to address this particular traffic issue.

Police: Silvan Province

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Police and Emergency Services in the other place. The issue I raise this evening in the adjournment debate is police numbers in my electorate of Silvan Province, specifically within the lower house electorate of Monbulk. There are currently three police stations in that electorate about which significant promises were made to the people of our province and the electorate by the Premier and the police minister, Mr Haermeyer, in 1999 before they were elected to government. Subsequently, at the last election, those promises were repeated.

The promises were that there would be a 24-hour police service established in the township of Belgrave; that the police service in the township of Mount Evelyn would be manned for 16 hours per day; and that the one in Olinda would be manned for 12 hours per day. These were important promises which were taken very seriously by people in my electorate and which are still taken seriously given the rising levels of various categories of crime throughout the region.

Unfortunately, even though the Bracks government has said loudly and clearly that it recruited in its last term 800 extra police across Victoria, those promises have not been fulfilled in those stations in the electorate of Monbulk. Obviously the increase in recruitment has not made its way into Silvan Province or the electorate of Monbulk. This is unfortunate because there is a growing need for those promises to be met. Currently the Belgrave station is manned only 16 hours per day, and the service at Olinda varies between 0 hours and 3 hours per day; and at Mount Evelyn it is also highly variable and is in the vicinity of between 5 and 8 hours most but not all days.

It is very important to people in the electorate that these promises be fulfilled and that Belgrave be manned 24 hours a day, Olinda 12 and Mount Evelyn 16. I call on the Minister for Police and Emergency Services, André Haermeyer, to guarantee that of the forward estimates funding for 600 extra officers across Victoria in this next budget period enough of those officers will be allocated to the electorate of Monbulk.

Youth employment scheme: future

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Employment and Youth Affairs in another place concerning the ongoing success of the Bracks government with respect to the youth employment scheme. This provides young Victorians between the ages of 15 and 24 with apprenticeship opportunities within the public sector. The Bracks government will invest $28.5 million over the next four years to create a further 2600 apprenticeships and traineeships across the state for young Victorians within the public sector.

The youth employment scheme is a critical stepping stone to future career opportunities for young people entering the work force. Since its inception in July 2000, 1900 young Victorians have gone through apprenticeships and traineeships. To date 85 per cent of the youth employment scheme trainees and apprentices

have gone on to employment or further education and training within three months of finishing their training or apprenticeship. How effective this scheme has been!

In my electorate, over 20 young Victorians have graduated through these traineeships and apprenticeships, and I will name some of the organisations involved. The organisations include the Country Fire Authority, Dandenong Hospital, Victoria Legal Aid, Victoria Police, Cleeland Secondary College and Milwarra Primary School in Warburton.

I request the minister to take action to ensure that this program will continue in the future so young people in my electorate will be given career opportunities within the Victorian public service.

Commonwealth Games: royal tennis

Ms ARGONDIZZO (Templestowe) — I raise my adjournment matter with the Minister for Commonwealth Games. The issue is about royal tennis. Royal tennis is played in Victoria, and Victoria currently has the world champion in this sport. I understand the game of royal tennis is gaining popularity in Victoria and the inclusion of facilities within new developments in Victoria is being considered. I also understand royal tennis is the oldest form of tennis played in the world. There would be fitness and health benefits in encouraging more Victorians to partake in this sport. I ask the minister if he could consider the inclusion of the game of royal tennis as an exhibition sport at the Commonwealth Games 2006.

Women: safety strategy

Hon. H. E. BUCKINGHAM (Koonung) — My request for action is to the Minister for Women's Affairs in the other place, the Honourable Mary Delahunty, and is with regard to the women's safety strategy. I am proud to be part of a government that has a women's safety strategy in place, as it means we have a comprehensive policy on violence against women and action to back it up.

In line with the government's ongoing commitment to community safety, I participated in the Bracks government's community cabinet in Werribee during the winter recess in July. I, along with the member for Macedon in the other place, Joanne Duncan, co-convened a women's round table to hear local women comment on the very sad consequences of family violence and its effect on families, in particular children.

There are similar issues in the east of Melbourne and in Koonung Province. Organisations like the Eastern Centre Against Sexual Assault in Ringwood and the Eastern Domestic Violence Outreach Service, which service the eastern suburbs and offer assistance in these critical areas of concern, bear testament to that.

The issue of family violence is of major concern to me, and I trust to all in my electorate and indeed everyone in this house, particularly women. The tragic events in Queensland this week have highlighted the continuing need for vigilance in this area. I would like to be able to assure my constituents that the women's safety strategy has services in place to prevent homelessness among women and children who experience family violence. I ask the minister to take action to ensure this is the case.

Police: national memorial

Ms MIKAKOS (Jika Jika) — I call on the Minister for Police and Emergency Services in the other place, the Honourable André Haermeyer, to lobby the federal government on the need for a national police memorial to recognise Victorian and non-Victorian police officers killed on duty while protecting our community.

Members would be aware of the support given by the Bracks government to greater public prominence and recognition of Blue Ribbon Day, which is organised by the Victoria Police Blue Ribbon Foundation to honour the 137 Victoria Police members killed serving the community since the Victoria Police was established in 1853. Members might be aware that this year Victoria Police celebrates its 150th anniversary, and next month marks the 125th anniversary of the murders of Sergeant Michael Kennedy and Constables Thomas Lonigan and Michael Scanlon, who were shot by the Kelly gang on 26 October 1878.

More recently members might recall that Blue Ribbon Day began in 1998 as a day of respect for Sergeant Gary Silk and Senior Constable Rod Miller, who were killed in the line of duty in August 1998.

I encourage all members to support this day on 29 September when we will recognise the dedication and indeed the sacrifice of our Victoria Police officers. In Victoria we live in the safest state in Australia, and this is largely due to the professionalism and diligence of Victoria Police officers.

Blue Ribbon Day coincides with National Police Remembrance Day, which is observed in all states in Australia. Memorial services will be held across Victoria with the main one at the Victoria Police memorial at Kings Domain garden. Members may

recall that this memorial was established in 2002 with the financial support of the Bracks government. It is therefore disappointing that while there are national professional memorials for nurses, the military and emergency services, there is no national police memorial.

In the August 2003 edition of the *Victoria Police Association Journal* the president of the Victoria Police Association, Mr Shane Butler, said:

> In recent years a number of state governments have moved to erect such memorials in their own jurisdictions. In fact a police memorial was unveiled in Victoria in 2002. Some time ago the Prime Minister, John Howard, gave a written undertaking to establish a national police memorial in Canberra. Yet, just as with other commitments, he has failed to keep his promise.
>
> In fact the government's latest position is that the police themselves should be forced to pay one-third of the cost of the erection of such a memorial.
>
> Once again, Mr Howard has displayed his contempt for those of us who have sacrificed their lives while protecting the community of Australia. We call on him now to establish a police memorial in the national capital in recognition of those lost lives.

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

Consumer affairs: *Stuff* magazine

Mr SCHEFFER (Monash) — I direct my remarks to the Minister for Consumer Affairs. Earlier this month I received from Consumer Affairs Victoria a copy of *Stuff* magazine, which many members would have seen. I understand that the minister recently launched the magazine at Brentwood Secondary College and that it is targeted at young people in the last years of secondary school and tertiary level. The consumer information and messages carried in the publication are relevant and important to young people. The topics include how to make sure young people know about renting and buying when living away from home; managing house repairs; financial options and issues when buying a car and what to look for; what and where to study; employment options; health; safe partying; signing up to a mobile phone contact and other IT programs; relationships and sexuality; law; justice and rights; financial management; and lots more.

Stuff even includes a quiz with a substantial prize to give young people an incentive to actively check out what the magazine has to say, and there is a comprehensive telephone directory at the back. All this is valuable. It is a great publication, and it is being well received in schools and tertiary institutions within Monash Province.

I ask the minister to take steps to ensure that good feedback is sought and obtained from young readers. While this really is a fantastic product, I note that some of the information could be better pitched or provide more or different information. A good evaluation tool built into the publication could be very valuable, and I urge the minister to give this his consideration.

Responses

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — There was a question from the Honourable Bruce Atkinson for the Minister for Planning in relation to the Knox City Council and the council's foothills policy. I will pass that on to the Minister for Planning for direct reply.

There was a question from the Honourable Sang Nguyen seeking a public meeting with the Minister for Education and Training regarding the Vietnamese language teaching program. I will pass that on to the minister for reply.

There was a request from the Honourable Richard Dalla-Riva for the Minister for Transport in relation to noise pollution on a particular section of the Eastern Freeway. I will certainly pass that request on to the minister.

There was a request from the Honourable Geoff Hilton in relation to an intersection which has been causing some concern for the local community because it is near a number of schools in his electorate. He has asked me to pass that request to the Minister for Transport for examination, and I will certainly do that.

The Honourable Andrew Olexander had a request in relation to police services in his electorate. Obviously he feels that his electorate is still suffering from the cuts of the Kennett government in the police and emergency services area.

Hon. A. P. Olexander — On a point of order, Deputy President, it might be fun for the minister to impute motivation on my part in asking that question, but that is not the case and it is not the reason I asked the question.

The DEPUTY PRESIDENT — Order! There is no point of order. Sit down, Mr Olexander.

Hon. T. C. THEOPHANOUS — Thank you, Deputy President.

Mr Olexander has requested that the government ensure that as well as the additional 800 police — I think it is more than 800 additional police that have been put on

by this government — police services in his electorate are upgraded. I am sure that the police minister will be very pleased to respond to the honourable member and outline to him the extent of the police services that have been expanded under this government in order to try to fix up the problems that occurred under the previous Kennett government.

Mr Somyurek requested that the minister responsible for youth employment examine the youth employment scheme and ensure that it continues to operate. It has been a very successful scheme in his electorate, with something like 85 per cent of participants going on to further employment. I will pass that request on to the relevant minister.

Ms Argondizzo asked a question for the Minister for Sport and Recreation relating to royal tennis. I have no idea what royal tennis is, but will pass on the request to the minister for a direct response to the member.

The Honourable Helen Buckingham raised a very serious issue for the Minister responsible for Women's Affairs, Mary Delahunty. It relates to family violence and its effect on women and the importance of the women's safety strategy for this state. All honourable members would agree that this is a very important strategy and that family violence is an important issue that needs to be addressed. I would be happy to pass the request on to the relevant minister.

Ms Mikakos raised a question for the Minister for Police and Emergency Services in relation to Blue Ribbon Day. This is a very important aspect of our community recognising on 29 September those police officers who have been killed in the line of duty. She made the associated point that there is no national memorial for police who have sacrificed their lives to protect us and requested that I pass on her request to the Minister for Police and Emergency Services for action to be taken in that regard.

Mr Scheffer has raised the issue of the magazine called *Stuff*, which I understand has a very good advertising campaign around the theme 'get stuffed'.

An honourable member interjected.

Hon. T. C. THEOPHANOUS — Well, that is its advertising theme. The theme is to ensure that its message gets across, and as Mr Scheffer has pointed out, the magazine provides invaluable information to youth in the community. It is important that feedback does come back, so I will pass the member's request on to the Minister for Consumer Affairs so that feedback can be included in the strategy planning around that magazine.

Motion agreed to.

House adjourned 6.44 p.m. until Tuesday, 7 October.

QUESTIONS ON NOTICE

Answers to questions on notice for 16, 17 and 18 September will be published in Book 2 for the sitting week commencing Tuesday, 7 October 2003.

MEMBERS INDEX

ARGONDIZZO, Ms (Templestowe)

Adjournment

Commonwealth Games: royal tennis, 240

Members statements

Margaret Heathorn, 72

Scrutiny of Acts and Regulations Committee

Alert Digest No. 5, 32
Alert Digest No. 6, 33
regulation review, 32

ATKINSON, Hon. B. N. (Koonung)

Adjournment

Knox: Dandenong Ranges foothills policy, 237

Eastern Health

Annual report, 176

Economic Development Committee

Export opportunities for rural industries, 69

Points of order, 170, 235

Questions on notice

Answers, 26

BAXTER, Hon. W. R. (North Eastern)

Adjournment

Lake Mulwala: management plan, 63

Bills

Albury-Wodonga Agreement (Repeal) Bill, 141
Child Employment Bill, 154

Members statements

Goulburn-Murray Water: drainage scheme, 29

Points of order, 97

BISHOP, Hon. B. W. (North Western)

Adjournment

Victorian and Murray Valley Vine Improvement Association: Crown land, 65

Bills

Child Employment Bill, 195

Condolences

Hon. Michael John, 6

Members statements

Tour of Sunraysia, 31

Wind farms: government policy, 91

BOWDEN, Hon. R. H. (South Eastern)

Adjournment

Devilbend Reservoir: parkland, 62

Bills

Child Employment Bill, 193
Confiscation (Amendment) Bill, 222
Travel Agents (Amendment) Bill, 56

Condolences

Dr John Ross, 16

Members statements

Westernport Highway, Lyndhurst: residential development, 70

Points of order, 86

Questions without notice

Commonwealth Games: athletes village, 208, 209

BRIDESON, Hon. Andrew (Waverley)

Adjournment

Rail: Hampton station infringement, 64

Members statements

Australian Flag: commemoration, 173

Rulings, 193

BROAD, Ms (Melbourne North) (Minister for Local Government and Minister for Housing)

Bills

Confiscation (Amendment) Bill, 222
National Environment Protection Council (Victoria) (Amendment) Bill, 17, 38, 237

Points of order, 170

Questions without notice

Housing
asset management, 208
waiting lists, 24
Local Government: elections, 106
Surf Coast: electoral review, 25

BUCKINGHAM, Hon. H. E. (Koonung)

Adjournment

Women: safety strategy, 240

Eastern Health

Annual report, 178

Members statements

Fishing: trout releases, 71

Questions without notice

Commonwealth Games: athletic achievements, 104

CARBINES, Mrs (Geelong)

Adjournment

Police: Ocean Grove station, 163

Bills

National Environment Protection Council (Victoria) (Amendment) Bill, 236

Members statements

Gas: Bellarine Peninsula supply, 31

Victorian Parliamentary Friends of Tibet, 170

Points of order, 89, 235

Questions without notice

Adventure Tourism: safety and environmental standards, 205

Wind farms: government policy, 82

COOTE, Hon. Andrea (Monash)

Adjournment

Land Tax: caravan parks, 61

Bills

Child Employment Bill, 189

Commonwealth Games Arrangements (Governance) Bill, 229

Health Legislation (Amendment) Bill, 126

National Environment Protection Council (Victoria) (Amendment) Bill, 233

Travel Agents (Amendment) Bill, 55

Condolences

Dr John Ross, 14

Hon. Michael John, 3

Members statements

Brrr Theatre Group, 28

Questions on notice

Answers, 26

Questions without notice

Albert Park: amateur sporting clubs, 104

Mount Eliza Centre: future, 20

Wind farms: government policy, 100

DALLA-RIVA, Hon. R. (East Yarra)

Adjournment

Eastern Freeway: noise barriers, 238

Bills

Child Employment Bill, 199

Confiscation (Amendment) Bill, 219

Health Legislation (Amendment) Bill, 122

Members statements

O'Connell Family Centre, 30

Points of order, 71, 168

DARVENIZA, Hon. Kaye (Melbourne West)

Bills

Health Legislation (Amendment) Bill, 120

Members statements

Aerial skiing world championships, 73

Questions without notice

Real Estate Agents: practices, 19

Wind farms: government policy, 93

DAVIS, Hon. D. McL. (East Yarra)

Adjournment

Community services: funding, 161

Bills

Health Legislation (Amendment) Bill, 57, 110

Condolences

Dr John Ross, 15

Eastern Health

Annual report, 174

Members statements

Kew Residential Services: site development, 71

Petitions

Kew Residential Services: site development, 167

Questions without notice

Gippsland: asbestos-related diseases, 107

DAVIS, Hon. Philip (Gippsland)

Adjournment

Weeds: control, 65

Bills

Child Employment Bill, 149

Condolences

Dr John Ross, 8
Hon. Michael John, 1

Members statements

Foxes: control, 27

Points of order, 18, 66, 97, 147, 149, 168, 169, 171, 174, 201

Questions without notice

Wind Farms
government policy, 18, 19, 102, 103, 201, 202
Logans Beach, Warrnambool, 207
Nirranda, 203, 204

Wind farms: government policy, 94

DEPUTY PRESIDENT and CHAIR OF COMMITTEES, The (Ms Romanes)

Rulings, 230, 235, 241

DRUM, Hon. D. K. (North Western)

Adjournment

Rail: regional links, 162

Bills

Commonwealth Games Arrangements (Governance) Bill, 225
Health Legislation (Amendment) Bill, 117
Travel Agents (Amendment) Bill, 52

Members statements

Bendigo: speed limits, 172

Petitions

Collingwood Children's Farm, 167

Questions without notice

Commonwealth Games: shooting venues, 205, 206

EREN, Hon. J. H. (Geelong)

Adjournment

Emergency Services: taxation status, 61
Netball: Geelong, 162

Bills

Child Employment Bill, 192

Members statements

Gerald Brown, 29

Petition

Housing loan schemes, 167

Points of order, 193

Questions without notice

Professional Indemnity: availability, 209

FORWOOD, Hon. Bill (Templestowe)

Adjournment

Wind Farms: government policy, 163

Condolences

Dr John Ross, 11
Hon. Michael John, 5

Points of order, 89, 147, 148

Public Accounts and Estimates Committee

Budget estimates, 31, 32

Questions without notice

Gas: Bullarto and Trentham supply, 23, 24

Wind farms: government policy, 87

HADDEN, Ms (Ballarat)

Adjournment

Crime: Ballarat, 161

Bills

Confiscation (Amendment) Bill, 220

Members statements

Ballarat: ABC radio station, 172
Tony Miller, 29

Petitions

Vagrancy Act: witchcraft, 167

Questions without notice

Housing: waiting lists, 24

Rulings, 86, 89

HALL, Hon. P. R. (Gippsland)

Adjournment

Our Forests, Our Future Program, 164

Bills

Child Employment Bill, 187
Confiscation (Amendment) Bill, 216, 217
National Environment Protection Council (Victoria) (Amendment) Bill, 234

Condolences

Dr John Ross, 10
Hon. Michael John, 3

Members statements

Bushfires: fuel reduction, 72

Petitions

Vagrancy Act: witchcraft, 31

Points of order, 235

Questions without notice

Electricity: generation capacity, 21, 22
Wind Farms: government policy, 105, 106

Wind farms: government policy, 73, 101

HILTON, Hon. J. G. (Western Port)

Adjournment

Frankston–Flinders and Mornington–Tyabb Roads, Tyabb: safety, 239
Point Nepean: future, 60

Bills

National Environment Protection Council (Victoria) (Amendment) Bill, 237

Members statements

Sorrento: settlement commemoration, 27

Questions without notice

Gippsland: coastal land subsidence, 103
Small Business: Trade Practices Act inquiry, 22

Rulings, 53

HIRSH, Hon. C. D. (Silvan)

Adjournment

Alzheimer's disease: research, 160

Eastern Health

Annual report, 175

Members statements

Member for Silvan Province: activities, 28

JENNINGS, Mr GAVIN (Melbourne) (Minister for Aged Care and Minister for Aboriginal Affairs)

Bills

Child Employment Bill, 17, 41
Health Legislation (Amendment) Bill, 137, 138
Human Services (Complex Needs) Bill, 233
Non-Emergency Patient Transport Bill, 233

Condolences

Dr John Ross, 10

Points of order, 147, 148, 170, 171

Questions without notice

Aboriginals: Council of Australian Governments trial, 25
Dementia Awareness Week, 109
Mount Eliza Centre: future, 20

KOCH, Hon. D. (Western)

Adjournment

Libraries: funding, 159

Bills

Child Employment Bill, 197
Health Legislation (Amendment) Bill, 131

Members statements

Rural North West Health: funding, 172

LENDERS, Mr (Waverley) (Minister for Finance and Minister for Consumer Affairs)

Absence of minister, 102, 201

Bills

Aerodrome Landing Fees Bill, 138, 179
Albury-Wodonga Agreement (Repeal) Bill, 18, 39
Superannuation Acts (Family Law) Bill, 147, 180
Travel Agents (Amendment) Bill, 57
Victorian Industry Participation Policy Bill, 233

Business of the house

Adjournment, 167

Condolences

Dr John Ross, 7

Hon. Michael John, 1

Points of order, 170, 183

Questions on notice

Answers, 26, 27, 110, 210

Questions without notice

Fuel: ethanol labelling, 108
Gippsland: asbestos-related diseases, 107, 108
Professional Indemnity: availability, 209
Public liability: government action, 202, 203
Real Estate Agents: practices, 19

LOVELL, Hon. W. A. (North Eastern)

Adjournment

Midland Highway: Peter Ross-Edwards Causeway, 60

Bills

Albury-Wodonga Agreement (Repeal) Bill, 139
Travel Agents (Amendment) Bill, 55

Members statements

Member for Monbulk: conduct, 169

MADDEN, Hon. J. M. (Doutta Galla) (Minister for Sport and Recreation and Minister for Commonwealth Games)

Adjournment

Responses, 164

Bills

Albury-Wodonga Agreement (Repeal) Bill, 147
Commonwealth Games Arrangements (Governance) Bill, 17, 35, 232
Confiscation (Amendment) Bill, 18, 45
Heritage (Amendment) Bill, 233
Supreme Court (Vexatious Litigants) Bill, 233

Questions without notice

Adventure Tourism: safety and environmental standards, 205
Albert Park: amateur sporting clubs, 104
Commonwealth Games
athletes village, 109, 208, 209
athletic achievements, 104
shooting venues, 205, 206

MIKAKOS, Ms (Jika Jika)

Adjournment

Police
national memorial, 240
Preston station, 62

Bills

Confiscation (Amendment) Bill, 217
Travel Agents (Amendment) Bill, 53

Members statements

Access for all Abilities Program: Darebin, 171
Students Parliament, 30

Points of order, 23

Questions without notice

Fuel: ethanol labelling, 108

MITCHELL, Hon. R. G. (Central Highlands)

Bills

Albury-Wodonga Agreement (Repeal) Bill, 146

Members statements

Wind Farms: opposition policy, 70

Points of order, 168

Questions without notice

Aboriginals: Council of Australian Governments trial, 25
Public liability: government action, 202, 203

NGUYEN, Hon. S. M. (Melbourne West)

Adjournment

Lunar New Year festival, 163
Schools: Vietnamese language tuition, 238

Bills

Health Legislation (Amendment) Bill, 124

Members statements

Westgate Migrant Centre, 72

OLEXANDER, Hon. A. P. (Silvan)

Adjournment

Police: Silvan Province, 239

Bills

Health Legislation (Amendment) Bill, 133
Travel Agents (Amendment) Bill, 51

Members statements

Member for Monbulk: conduct, 167
Member for Silvan Province: electorate office closure, 71

Points of order, 53, 241

PRESIDENT, The (Hon. M. M. Gould)

Commonwealth Parliamentary Association

Study tours, 35

Condolences

Hon. Michael John, 7

Dr John Ross, 17

Rulings, 18, 23, 26, 29, 31, 59, 63, 66, 71, 72, 97, 98, 106, 108, 149, 153, 168, 170, 171, 172, 174, 175, 177, 201, 202, 203, 204, 208

PULLEN, Mr (Higinbotham)

Adjournment

Argus Street–Warrigal Road, Cheltenham: safety, 61

Bills

Commonwealth Games Arrangements (Governance) Bill, 228

Condolences

Dr John Ross, 13

Members statements

Youth Week, 28

RICH-PHILLIPS, Hon. G. K. (Eumemmerring)

Bills

Commonwealth Games Arrangements (Governance) Bill, 223

Condolences

Dr John Ross, 16

Members statements

Australian Football League : salary cap breaches, 170

Points of order, 171, 193

Questions without notice

Commonwealth Games: athletes village, 109

ROMANES, Ms (Melbourne) (See also **DEPUTY PRESIDENT and CHAIR OF COMMITTEES, The**)

Members statements

Moreland: home energy program, 168

Questions without notice

Dementia Awareness Week, 109

SCHEFFER, Mr (Monash)

Adjournment

Consumer affairs: Stuff magazine, 241

Bills

Child Employment Bill, 184

Commonwealth Games Arrangements (Governance) Bill, 230

Members statements

St Kilda Pier kiosk, 30

Petitions

Melbourne 2030 Strategy: urban growth boundary, 167

Questions without notice

Local Government: elections, 106

SMITH, Mr (Chelsea)

Bills

Child Employment Bill, 158, 181

Condolences

Dr John Ross, 12

Members statements

City Link: ABC broadcasts, 73

Questions without notice

Wind Farms: public support, 20

SOMYUREK, Mr (Eumemmerring)

Adjournment

South Gippsland Highway–Pound Road, Narre Warren South: roundabout, 64

Youth Employment Scheme: future, 239

Members statements

Rainbow Day, 70

Questions without notice

Energy: infrastructure security, 206

STONEY, Hon. E. G. (Central Highlands)

Adjournment

Our Forests, Our Future Program, 64

Bills

Child Employment Bill, 182

Members statements

Weeds: control, 70

Points of order, 63, 204

STRONG, Hon. C. A. (Higinbotham)

Adjournment

Bayside: administration, 61

Bills

Child Employment Bill, 210
Confiscation (Amendment) Bill, 211
Health Legislation (Amendment) Bill, 135

Condolences

Dr John Ross, 12

Eastern Health

Annual report, 177

Members statements

Planning: Bayside height controls, 28, 172

THEOPHANOUS, Hon. T. C. (Jika Jika) (Minister for Energy Industries and Minister for Resources)

Adjournment

Responses, 241

Points of order, 18, 97, 167, 168, 169, 173

Questions without notice

Electricity: generation capacity, 21, 22
Energy: infrastructure security, 206
Gas: Bullarto and Trentham supply, 23, 24
Gippsland: coastal land subsidence, 103
Wind Farms
government policy, 18, 19, 103, 105, 106, 201
Logans Beach, Warrnambool, 207
Nirranda, 203, 204
public support, 21

Wind farms: government policy, 96

THOMSON, Hon. M. R. (Melbourne North) (Minister for Small Business and Minister for Information and Communication Technology)

Adjournment

Responses, 66

Questions without notice

Small Business: Trade Practices Act inquiry, 22

VINEY, Mr (Chelsea)

Adjournment

Bayside Veterans Hockey Club, 63

Bills

Health Legislation (Amendment) Bill, 128

Eastern Health

Annual report, 176

Questions without notice

Housing: asset management, 208

VOGELS, Hon. J. A. (Western)

Adjournment

Moonee Valley: right of way, 160

Bills

Child Employment Bill, 185
Health Legislation (Amendment) Bill, 130

Members statements

Member for Western Province: Age article, 27

Questions without notice

Surf Coast: electoral review, 25

Wind farms: government policy, 98