

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-FOURTH PARLIAMENT
FIRST SESSION**

**11 September 2002
(extract from Book 1)**

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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Minister for Sport and Recreation and Minister for Commonwealth Games	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Tourism, Minister for Employment and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Housing, Minister for Community Services and Minister assisting the Premier on Community Building	The Hon. B. J. Pike, MP
Minister for Small Business and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
Cabinet Secretary	The Hon. Gavin Jennings, MLC

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Standing Orders Committee — Mr Speaker, Ms Barker, Mr Jasper, Mr Langdon, Mr McArthur, Mrs Maddigan and Mr Perton.

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(*Assembly*): Mr Cooper, Mr Jasper, Mr Lupton, Mr Mildenhall and Mr Wynne.

Environment and Natural Resources Committee — (*Council*): The Honourables R. F. Smith and E. G. Stoney.
(*Assembly*): Mr Delahunty, Ms Duncan, Mrs Fyffe, Ms Lindell and Mr Seitz.

Family and Community Development Committee — (*Council*): The Honourables B. N. Atkinson, E. J. Powell and G. D. Romanes. (*Assembly*): Mr Hardman, Mr Lim, Mr Nardella and Mrs Peulich.

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Law Reform Committee — (*Council*): The Honourables R. H. Bowden, D. G. Hadden and P. A. Katsambanis.
(*Assembly*): Mr Languiller, Ms McCall, Mr Stensholt and Mr Thompson.

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(*Assembly*): Mr Speaker, Ms Gillett, Mr Nardella and Mr Richardson.

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Road Safety Committee — (*Council*): The Honourables Andrew Brideson and E. C. Carbines.
(*Assembly*): Mr Kilgour, Mr Langdon, Mr Plowman, Mr Spry and Mr Trezise.

Scrutiny of Acts and Regulations Committee — (*Council*): The Honourables M. A. Birrell, Jenny Mikakos, A. P. Olexander and C. A. Strong. (*Assembly*): Ms Beattie, Mr Carli, Ms Gillett, Mr Maclellan and Mr Robinson.

Heads of Parliamentary Departments

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

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Joint Services — Director, Corporate Services: Mr S. N. Aird
Director, Infrastructure Services: Mr G. C. Spurr

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. ALEX ANDRIANOPOULOS

Deputy Speaker and Chairman of Committees: Mrs J. M. MADDIGAN

Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella,
Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

Leader of the Parliamentary Labor Party and Premier:

The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

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

Mr R. K. B. DOYLE (from 20 August 2002)

The Hon. D. V. NAPHTHINE (to 20 August 2002)

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

The Hon. P. N. HONEYWOOD (from 20 August 2002)

The Hon. LOUISE ASHER (to 20 August 2002)

Leader of the Parliamentary National Party:

Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:

Mr B. E. H. STEGGALL

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Allen, Ms Denise Margaret ⁴	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	Maclellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John ³	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Naphtine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
Duncan, Ms Joanne Therese	Gisborne	ALP	Phillips, Mr Wayne	Eltham	LP
Elliott, Mrs Lorraine Clare	Mooroolbark	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Plowman, Mr Antony Fulton	Benambra	LP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Richardson, Mr John Ingles	Forest Hill	LP
Gillett, Ms Mary Jane	Werribee	ALP	Robinson, Mr Anthony Gerard Peter	Mitcham	ALP
Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
Hamilton, Mr Keith Graeme	Morwell	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar ²	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb ¹	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 3 November 1999

² Elected 11 December 1999

³ Resigned 12 April 2000

⁴ Elected 13 May 2000

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Wednesday, 11 September 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.36 a.m. and read the prayer.

PETITIONS

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

Motorcycles: levy

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that we, the undersigned, are advising the state government that we strongly oppose the introduction of the \$50 levy. We see singling out one group of motorists as being discriminatory and misguided.

Your petitioners therefore pray that there will be no \$50 surcharge on top of the motor registration fee for motorcyclists and that the cost of better driver education of all drivers/riders be borne by all road users not just one section of the motoring public.

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

By Mr PLOWMAN (Benambra) (1066 signatures)

Rail: Glen Waverley kiosk

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

The humble petition of we, the undersigned citizens of the state of Victoria, sheweth that the kiosk adjacent to the Glen Waverley railway station is an excellent, well-run business that meets our needs and is open between 5.00 a.m. and 6.00 p.m.

Your petitioners therefore pray that the Minister for Transport uses the powers available to him under the Transport Act and the franchise agreement signed with Connex to ensure that the current operators of the kiosk have their lease renewed.

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

By Mr WILSON (Bennettswood) (1368 signatures)

Glen Eira: rates

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

The humble petition of certain residents of the Caulfield district sheweth that the Glen Eira council's 2002-03 28 per cent rate increase:

1. is unjustified and places an unacceptable burden on ratepayers, including the elderly, small business and families;

2. is discounted this year by a funny money rebate scheme, hiding the full magnitude of the rise from ratepayers;
3. is opposed by the Glen Eira communities, local politicians and even the mayor of Glen Eira, especially as Glen Eira is debt free.

Your petitioners therefore pray that the state government and the Minister for Local Government take immediate action to ensure that the outrageous rate increase is revoked, and the Glen Eira council's rate increase is at or below CPI.

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

By Mrs PEULICH (Bentleigh) (191 signatures)

Church-Doncaster roads, Doncaster: crossing supervision

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

The humble petition of the parents of students and the staff of Doncaster Secondary College, and the citizens of the City of Manningham in the state of Victoria sheweth that supervision of dangerous intersections is necessary in order to reduce the risk of injury to members of the public and more specifically to the youth of Doncaster; and that we completely oppose the abolition of funding by Vicroads for a school crossing supervisor located at the intersection of Doncaster Road and Church Road, Doncaster.

Your petitioners therefore pray that the state government support the safety of our children by reinstating full funding from Vicroads for crossing supervision at the intersection of Church Road and Doncaster Road, Doncaster.

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

By Mr PERTON (Doncaster) (345 signatures)

Gas: East Gippsland supply

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

The humble petition of certain citizens of the state of Victoria sheweth the immediate need for the state government to facilitate the provision of natural gas reticulation to businesses and households in East Gippsland.

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

By Mr INGRAM (Gippsland East) (9628 signatures)

Prague House, Kew

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

The humble petition of the undersigned residents of Kew and community users of Cotham Cellars, the licensed supermarket at 253 Cotham Road, Kew.

Circumstances

The residents in Cecil Street, Kew, and nearby streets were informed in October 2001 by the Sisters of Charity that they

proposed to submit to Boroondara council a plan to redevelop Prague House at a site on the corner of Cecil Street and Cotham Road, Kew, to house 45 formerly homeless men with 'special needs'. Prague House is currently located in Sackville Street, Kew. A small licensed supermarket, which has been in the area since the 1920s, will be demolished as part of the proposed redevelopment.

The redevelopment site, which is owned by the Victorian government, has been, or is about to be, granted to the Sisters of Charity by the government.

The Boroondara council advised the Sisters of Charity to canvass their building plans with local residents before submission to council. Two meetings were conducted with residents at St George's hospital, with two town planning representatives from Boroondara council attending the second meeting. At both meetings local residents attempted unsuccessfully to express their fears about issues other than the proposed building plans. The particular fear of the undersigned petitioners is:

the fear of older people living in their own homes that they will lose their independence with the proposed closure of Cotham Cellars, an easily accessible grocery store for local residents and the only one within a 1.7-kilometre radius.

Your petitioners therefore pray that the Parliament of Victoria stop the proposed closure of the licensed supermarket to enable the proposed redevelopment of Prague House by the Sisters of Charity at 253 Cotham Road, Kew, on property granted by the Victorian government; that the Parliament either stop or renege on the granting of the site, owned by the Victorian government as part of the aged care services facility at St George's hospital, to the Sisters of Charity for the redevelopment of Prague House, which is not an aged care facility. This supermarket is the only grocery and liquor store within a 1.7 kilometre radius and is within walking distance for local residents, particularly the area's many older residents living independently in their own homes. Many of these older residents fear losing their independence if the store closes.

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

By Mr McINTOSH (Kew) (350 signatures)

Prague House, Kew

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

The humble petition of the undersigned residents of Kew and community users of Cotham Cellars, the licensed supermarket at 253 Cotham Road, Kew.

Circumstances

The residents in Cecil Street, Kew, and nearby streets were informed in October 2001 by the Sisters of Charity that they proposed to submit to Boroondara council a plan to redevelop Prague House at a site on the corner of Cecil Street and Cotham Road, Kew, to house 45 formerly homeless men with 'special needs'. Prague House is currently located in Sackville Street, Kew. A small licensed supermarket, which has been in the area since the 1920s, will be demolished as part of the proposed redevelopment.

The redevelopment site, which is owned by the Victorian government, has been, or is about to be, granted to the Sisters of Charity by the government.

The Boroondara council advised the Sisters of Charity to canvass their building plans with local residents before submission to council. Two meetings were conducted with residents at St George's hospital, with two town planning representatives from Boroondara council attending the second meeting. At both meetings local residents attempted unsuccessfully to express their fears about issues other than the proposed building plans. These fears are:

the fear that this redevelopment will not be an aged home residence for men with 'special needs', as stated by the Sisters of Charity, but a residence for men with alcohol-related and neurological problems;

the fear that these men will not be confined within the development but allowed to roam the local streets and, when drunk, not allowed access to the development until sober;

the safety aspect, to themselves and others, of homeless, drunken men roaming the local streets;

the fear of residents that the men, when drunk and therefore not allowed access to Prague House, will cause damage to private property and people — there have been anecdotally reported incidences of indecent exposure, urination on private properties and begging in and around its current location;

the fear of older people living in their own homes that they will lose their independence with the proposed closure of Cotham Cellars, an easily accessible grocery store for local residents and the only one within a 1.7-kilometre radius.

Your petitioners therefore pray that the Parliament of Victoria stop the proposed redevelopment on the corner of Cecil Street and Cotham Road, Kew, of Prague House, a residence for 45 homeless men with 'special needs'; that the Parliament either stop or renege on the granting of the site, owned by the Victorian government as part of the aged care services facility at St George's hospital, to the Sisters of Charity for the redevelopment of Prague House, which is not an aged care facility. The redevelopment proposal is a risk to the social fabric of the local area. Residents have safety and other concerns related to drunken men roaming local streets and the loss of the only licensed grocery facility within walking distance, particularly for the area's many older residents currently living independently in their own homes.

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

By Mr McINTOSH (Kew) (333 signatures)

Libraries: funding

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

The humble petition of the undersigned citizens of the state of Victoria respectfully requests:

that the Victorian government immediately invest substantially more in public library services for the benefit of all Victorians;

that the Victorian government increase funding to public libraries for the purchase of books;

that the Victorian government increase funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas.

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

By Ms BURKE (Pahran) (104 signatures)

Kangaroos: control

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

The humble petition of the undersigned citizens of the state of Victoria sheweth an overpopulation of kangaroos in the Heathcote area. Your petitioners therefore pray that a humane cull of the kangaroos be undertaken, followed up by a management plan to prevent this situation recurring.

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

By Mr HARDMAN (Seymour) (1777 signatures)

Laid on table.

Ordered that petition presented by honourable member for Bentleigh be considered next day on motion of Mrs PEULICH (Bentleigh).

Mr PLOWMAN (Benambra) — I move:

That the petition tabled in my name asking for the \$50 levy on motorcycles to be abolished be taken into consideration on the next day of sitting.

I do so particularly on the basis that I have another 400 signatures.

The SPEAKER — Order! The honourable member is not entitled to debate the question.

Motion agreed to.

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

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

Ordered that petitions presented by honourable member for Kew be considered next day on motion of Mr McINTOSH (Kew).

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

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

Ordered that petition presented by honourable member for Prahran be considered next day on motion of Ms BURKE (Prahran).

DRUGS AND CRIME PREVENTION COMMITTEE

Volatile substance inhalation

Mr LUPTON (Knox) presented final report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Ms GILLET (Werribee) presented *Alert Digest No. 7 of 2002* on:

Adventure Activities Protection Bill
Agricultural Industry Development (Further Amendment) Bill
Agriculture Legislation (Amendments and Repeals) Bill
Criminal Justice Legislation (Miscellaneous Amendments) Bill
Forests Legislation (Amendment) Bill
State Taxation Legislation (Further Amendment) Bill
Volunteer Protection Bill

together with appendices.

Laid on table.

Ordered to be printed.

Subordinate Legislation Act

Ms GILLET (Werribee) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Clothing outworkers conditions

Mr LIM (Clayton) presented report, together with minority report and minutes of evidence.

Laid on table.

Ordered that report and minority report be printed.

BLF CUSTODIAN

56th report

The SPEAKER presented report given to him pursuant to section 7A of BLF (De-recognition) Act 1985 by the custodian appointed under section 7(1) of that act.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Alpine Health — Report for the year 2000–01 (*in lieu of Report previously tabled on Wednesday 7 November 2001*)

Anti Cancer Council — Report for the year 2001

Auditor-General — Annual Plan 2002–03

Benalla and District Memorial Hospital — Report for the year 2000–01 (*in lieu of Report previously tabled on Wednesday 7 November 2001*)

Bendigo Health Care Group — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 30 October 2001*)

Building Act 1993 — Notice of making the Amendment (*Government Gazette No. G23, 6 June 2002*)

Cobram District Hospital — Amended Financial Statement for the year 2000–01 (*in lieu of Report previously tabled on Wednesday 7 November 2001*)

Crimes Act 1958 — Authorisation pursuant to s 464Z(2)

Drugs, Poisons and Controlled Substances Act 1981 — Documents pursuant to s 12H — Poisons Code:

Amendment No. 4 to the Standard for Uniform Scheduling of Drugs and Poisons No. 16

Standard for Uniform Scheduling of Drugs and Poisons No. 17

Amendment No. 1 to the Standard for Uniform Scheduling of Drugs and Poisons No. 17

Notices regarding the amendment, commencement and availability of the Poisons Code

Environment Protection Act 1970 — Order declaring State Environment Protection Policy (Prevention and Management of Contamination of Land) (*Gazette S 95, 4 June 2002*)

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the 2000–01 annual report of the Veterinary Practitioners Registration Board of Victoria

Financial Management Regulations 1994 — Order in Council pursuant to Regulation 11 — Authorisation of expenditure of a Royal Commission

Gaming Machine Control Act 1991 — Amendment of rules pursuant to s 78(2)

Kyabram and District Memorial Community Hospital — Report for the year 2000–01 (*in lieu of Report previously tabled on Thursday 1 November 2001*)

Kyneton District Health Services — Report for the year 2000–01 (*in lieu of Report previously tabled on Wednesday 7 November 2001*)

Maldon Hospital — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 30 October 2001*)

Mallee Track Health and Community Service — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 30 October 2001*)

Manangatang and District Hospital — Report for the year 2000–01

Maryborough District Health Service — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 30 October 2001*)

Melbourne City Link Act 1995:

City Link and Extension Projects Integration and Facilitation Agreement Ninth Amending Deed

Exhibition Street Extension Fifth Amending Deed

Melbourne City Link Seventeenth Amending Deed

Orders pursuant to s 8(4) decreasing the Project Area (5 orders)

Third Deed Amending Master Security Deed

Mt Alexander Hospital — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 30 October 2001*)

Murray Valley Citrus Marketing Board — Report for the year 2000–01

National Parks Act 1975 —

Notices of consent to the granting of Exploration Licence Nos 3281 and 3376 relating to Chiltern Box-Ironbark National Park

Ombudsman Act 1973 — Report of the Ombudsman on matters arising from the Office of Gambling Regulation

investigation of International Gaming Technology —
Ordered to be printed

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

Alpine Resorts Planning Scheme — Nos C6, C12
Ballarat Planning Scheme — No. C49
Banyule Planning Scheme — Nos C21, C27
Bass Coast Planning Scheme — Nos C12, C15, C17,
C20
Bayside Planning Scheme — No. C27
Boroondara Planning Scheme — No. C14
Brimbank Planning Scheme — No. C44
Campaspe Planning Scheme — No. C19
Cardinia Planning Scheme — Nos C23, C30, C32 Part 1
Casey Planning Scheme — Nos C13, C45
Colac Otway Planning Scheme — No. C2
Darebin Planning Scheme — Nos C18, C22, C35, C38
Frankston Planning Scheme — No. C13
Greater Bendigo Planning Scheme — Nos C26, C33
Greater Geelong Planning Scheme — Nos C38, C44,
C45, C47
Greater Shepparton Planning Scheme — Nos C18, C21
Hepburn Planning Scheme — No. C8
Hobsons Bay Planning Scheme — Nos C22, C28
Horsham Planning Scheme — No. C7
Kingston Planning Scheme — Nos C17, C19, C20
Knox Planning Scheme — No. C2
Loddon Planning Scheme — Nos C6, C8
Macedon Ranges Planning Scheme — No. C12
Maribymong Planning Scheme — Nos C9, C14 Part 1
Maroondah Planning Scheme — No. C28
Melbourne Planning Scheme — Nos C10, C19 Part 2,
C22, C66, C69, C70, C72
Mildura Planning Scheme — No. C9
Mitchell Planning Scheme — No. C10
Monash Planning Scheme — Nos C20, C39
Moonee Valley Planning Scheme — No. C31
Moorabool Planning Scheme — No. C15
Moreland Planning Scheme — No. C14
Mornington Peninsula Planning Scheme — No. C43
Mount Alexander Planning Scheme — Nos C13, C15
Nillumbik Planning Scheme — No. C15
Port Phillip Planning Scheme — No. C30
South Gippsland Planning Scheme — Nos C5, C11
Southern Grampians Planning Scheme — No. C3
Surf Coast Planning Scheme — No. C8
Towong Planning Scheme — Nos C3 Part 2, C6, C8

Wangaratta Planning Scheme — No. C10
Whitehorse Planning Scheme — Nos C29, C33
Whittlesea Planning Scheme — Nos C28, C36
Wodonga Planning Scheme — Nos C9, C14
Wyndham Planning Scheme — Nos C8, C12, C34
Yarra Planning Scheme — Nos C25, C26, C37
Yarra Ranges Planning Scheme — Nos C11, C15, C20,
C27, C28

Psychologists' Registration Board of Victoria — Report for
the year 2001

Rural Finance Act 1988:

Direction by the Treasurer to the Rural Finance
Corporation to administer a scheme of assistance for
persons affected by changes in the regulation and
management of the forestry industry under the
provisions of the *Forests Act 1958*

Direction by the Treasurer to the Rural Finance
Corporation to administer a scheme of assistance for
persons affected by the establishment of marine national
parks and marine sanctuaries under the *National Parks
(Marine National Parks and Marine Sanctuaries) Act
2002*

Rural Northwest Health — Report for the period 1 January
2001 to 30 June 2001

Statutory Rules under the following Acts:

Administration and Probate Act 1958 — SR No. 38
Births, Deaths and Marriages Registration Act 1996 —
SR No. 45
Building Act 1993 — SR No. 68
Companies Act 1961 — SR No. 58
Confiscation Act 1997 — SR No. 67
Conservation, Forest and Lands Act 1987 — SR No. 48
County Court Act 1958 — SR Nos 54, 55
Domestic (Feral and Nuisance) Animals Act 1994 —
SR No. 62
Electoral Act 2002 — SR No. 73
Electricity Safety Act 1998 — SR No. 59
Environment Protection Act 1970 — SR No. 43
Fair Trading Act 1999 — SR No. 39
Fisheries Act 1995 — SR No. 63
Freedom of Information Act 1982 — SR No. 44
Fundraising Appeals Act 1998 — SR No. 65
Gaming Machine Control Act 1991 — SR No. 51
Gas Safety Act 1997 — SR No. 60
Health Act 1958 — SR Nos 69, 75
Health Records Act 2001 — SR No. 42
Magistrates' Court Act 1989 — SR No. 41
Meat Industry Act 1993 — SR No. 72

Private Agents Act 1966 — SR No. 52
Prostitution Control Act 1994 — SR No. 71
Second-Hand Dealers and Pawnbrokers Act 1989 — SR No. 61
Subordinate Legislation Act 1994 — SR Nos 40, 46, 47, 57, 64
Supreme Court Act 1986 — SR Nos 36, 37, 38
Tobacco Act 1987 — SR No. 66
Trade Measurement Act 1995 — SR No. 53
Trade Measurement (Administration) Act 1995 — SR No. 53
Victorian Institute of Teaching Act 2001 — SR No. 74
Water Act 1989 — SR No. 56
Water Industry Act 1994 — SR No. 49
Whistleblowers Protection Act 2001 — SR No. 70
Wildlife Act 1975 — SR No. 50

Subordinate Legislation Act 1994 —

Ministers' exception certificates in relation to Statutory Rule Nos 36, 37, 38, 40, 47, 54, 55, 64

Ministers' exemption certificates in relation to Statutory Rule Nos 39, 41, 48, 52, 58, 60, 61, 63, 65, 66, 68, 69, 71, 75

Terang and Mortlake Health Service — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 26 February 2002*)

West Wimmera Health Service — Report for the year 2000–01

Whistleblowers Protection Act 2001 — Report of the Ombudsman on an investigation into a complaint about preferential treatment of a student by the University of Melbourne — Ordered to be printed

Wimmera Health Care Group — Report for the year 2000–01 (*in lieu of Report previously tabled on Tuesday 20 November 2001*).

The following proclamations fixing operative dates were laid upon the table by the Clerk pursuant to an order of the house dated 3 November 1999:

Electoral Act 2002 — Whole Act on 1 September 2002 (*Gazette G35*, 29 August 2002)

Electricity Industry (Amendment) Act 2002 — Whole Act on 31 July 2002 (*Gazette S131*, 30 July 2002)

Energy Legislation (Further Miscellaneous Amendments) Act 2002 — Remaining provisions on 29 July 2002 (*Gazette G29*, 18 July 2002)

Energy Legislation (Miscellaneous Amendments) Act 2001 — Remaining provisions on 2 July 2002 (*Gazette G24*, 13 June 2002)

International Transfer of Prisoners (Victoria) Act 1998 — Remaining provisions on 8 August 2002 (*Gazette G32*, 8 August 2002)

Melbourne City Link (Further Miscellaneous Amendments) Act 2002 — Section 12 on 25 June 2002 (*Gazette S111*, 25 June 2002)

Melbourne City Link (Miscellaneous Amendments) Act 2000 — Sections 41 and 42 on 14 June 2002 (*Gazette G24*, 13 June 2002)

Racing Acts (Amendment) Act 2002 — Sections 1, 2, 8, 18 and 24 on 11 July 2002 (*Gazette G28*, 11 July 2002)

Second-Hand Dealers and Pawnbrokers (Amendment) Act 2001 — Remaining provisions on 1 September 2002 (*Gazette G29*, 18 July 2002)

Snowy Hydro Corporatisation Act 1997 — Remaining provisions on 28 June 2002 (*Gazette S110*, 25 June 2002)

Victorian Institute of Teaching Act 2001 — Part 1, Part 2, Part 7, Part 8 and Part 9 and sections 88, 90 and 94 on 20 June 2002 (*Gazette G25*, 20 June 2002).

FORESTS LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mrs FYFFE (Evelyn).

ROYAL ASSENT

Messages read advising royal assent to:

12 June

Casino (Management Agreement) (Amendment) Bill Electoral Bill

Energy Legislation (Further Miscellaneous Amendments) Bill

House Contracts Guarantee (HIH Further Amendment) Bill

Magistrates' Court (Amendment) Bill

Magistrates' Court (Koori Court) Bill

Pathology Services Accreditation (Amendment) Bill

State Taxation Acts (Further Tax Reform) Bill

State Taxation Legislation (Further Amendment) Bill

Tobacco (Miscellaneous Amendments) Bill

Transport (Further Miscellaneous Amendments) Bill

18 June

Appropriation (2002/03) Bill (*Presented to the Governor by the Speaker*)

Appropriation (Parliament 2002/03) Bill (*Presented to the Governor by the Speaker*)

Criminal Justice Legislation (Miscellaneous Amendments) Bill

Domestic Building Contracts (Conciliation and Dispute Resolution) Bill

Environment Protection (Resource Efficiency) Bill
Gaming Legislation (Amendment) Bill
Liquor Control Reform (Packaged Liquor Licences) Bill
National Parks (Marine National Parks and Marine Sanctuaries) Bill No. 2

COMMONWEALTH PARLIAMENTARY ASSOCIATION

Study tours

The SPEAKER — Order! As required by the Commonwealth Parliamentary Association study tour guidelines of September 2001 I advise that the following members have submitted study tour reports since my announcement to the house on 26 February 2002: the Honourable Bruce Atkinson, a member for Koonung Province in the other place; the Honourable Cameron Boardman, a member for Chelsea Province in the other place; the Honourable Sang Nguyen, an honourable member for Melbourne West Province in the other place; and Mr Barry Steggall, the honourable member for Swan Hill.

As of today's date no member of the Legislative Assembly of the 54th Parliament has contravened the study tour reporting guidelines.

BUSINESS OF THE HOUSE

Standing and sessional orders

Mr BATCHELOR (Minister for Transport) — I move:

That so much of standing and sessional orders be suspended today as to allow:

1. business to be interrupted at 3.00 p.m. to enable a motion to be moved remembering those who died in the terrorist attacks on 11 September 2001;
2. sessional order 3 to be varied to provide that question time will take place immediately after the motion of remembrance;
3. any business under discussion and not disposed of at 3.00 p.m. shall be resumed immediately at the conclusion of question time, and any member speaking at the time of the interruption may, upon the resumption of debate, continue such speech.

Motion agreed to.

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 12 December 2002:

Sports Event Ticketing (Fair Access) Bill

Residential Tenancies (Amendment) Bill

Agriculture Legislation (Amendments and Repeals) Bill

Agricultural Industry Development (Further Amendment) Bill

Utility Meters (Metrological Controls) Bill

Juries (Amendment) Bill

Dr DEAN (Berwick) — There are quite a number of bills, and certainly one would not want any more than seven to be dealt with in this time. However, on the basis that we had the condolence motions yesterday and were able to adjourn as a mark of respect for the four members of this house who were deceased, I believe we can achieve that program. The bills are not large bills. The opposition will want to express particular views on a couple of them, but otherwise the program should be achievable.

Mr MAUGHAN (Rodney) — I simply want to record the National Party's view that it will not oppose the government's business program, which has been achieved by discussion and negotiation. It is a reasonable program given the circumstances yesterday when we spent some of the day on condolences and adjourned for the rest of the day as a mark of respect. None of the six bills included in the government's business program are large, and we should be able to dispose of them by the 4 o'clock deadline tomorrow. The National Party will not oppose the government's business program.

Motion agreed to.

MEMBERS STATEMENTS

Karingal Secondary College site

Ms McCALL (Frankston) — It has been an interesting three months in the City of Frankston. Frankston City Council has managed to upset 75 per cent of the community by threatening to evict senior citizens by rather strange planning programs and by half the council not being there most of the time.

But the most interesting thing that has happened over the last two or three weeks relates to the old Karingal Secondary College site and the oval that was promised to the Frankston community. In one of its more peculiar moments, but in fact one of its right ones, the Frankston City Council eventually listened to the community and decided that it would overturn the decision to sell it or encourage it to be sold and put in a bid for the land itself.

Imagine what happened when we discovered almost by mistake last week that the current Minister for Planning had signed off on the sale of that oval site to a private developer contrary to the community's wishes and the council's decision. This is an outrageous decision by the government, which has now managed to alienate the other 25 per cent of the community who were not already alienated by the Frankston City Council. What a disgraceful way to act for a government that has said it would listen, consult and be accountable! The people of Frankston will hold this government accountable.

Ambulance services: community officers

Mr DELAHUNTY (Wimmera) — The government and the Minister for Health are condemned for failing to support the Wimmera community, particularly Stawell, in the provision of ambulance paramedics so that the level of response and care is equal to that provided in other regions and the metropolitan area.

Last month I was presented with a petition addressed to the Minister for Health and signed by 2166 people calling for two ambulance paramedics to staff all ambulance cases in Stawell and the surrounding district. Unfortunately the petition does not meet the criteria for presentation in Parliament, but I am forwarding it to the minister for his information and, importantly, action.

The information I have received shows there has been a large increase in the workload, which begs the question why Stawell has not been granted staff levels comparable to other centres with similar or lesser workloads, such as Maryborough with four officers and Romsey and Lorne with five. Why should the patients serviced by the ambulance paramedics of Stawell be denied the same level of service that is provided in other centres? Why are this minister and the government continuing to allow understaffing along the Western Highway, in the Stawell, Ararat and Grampians areas, when we all know that the Grampians are one of the most popular tourist attractions in Victoria and that there are a high number of accidents requiring emergency services?

The Vic Nats and the people of Stawell believe country communities are entitled to ambulance services comparable to their metropolitan counterparts. I will not allow this government to ignore the Wimmera. I call on the Minister for Health to address this ambulance staffing inequity in Stawell.

Dick Reynolds

Mrs MADDIGAN (Essendon) — I would like to take the opportunity today to pay tribute to King Richard of Essendon. I had the privilege of representing the Premier at the funeral of Dick Reynolds last Friday.

Dick Reynolds was a bright light for Essendon supporters and the Essendon community, particularly through the days of the Depression, and was a man whom many people were proud to have known. The tributes at his funeral showed that it is not only his football career that deserves our respect but his abilities as a man and the fine gentleman that he was, if I can use an old-fashioned expression.

The tributes to Dick Reynolds were vast. They referred in particular to his great love of his family — his wife Jean and his children Graeme, Warwick, Suzie and Rick; his great friendship and support of people such as Billy Hutchison and Wally Buttsworth; and the great contribution he made to the people of Essendon in many ways.

When he played the game footballers were not paid the huge sums that they are today, and Dick was well known around Essendon in the various enterprises he ran, particularly the milk bar next to the former Moonee Theatre where many Essendon children would go on their way home from school, even if it was not on their way home from school, in the hope of having of the opportunity of seeing the great Dick Reynolds.

He was a fine model for us today. He neither drank nor smoked. He was very particular about the sort of food he ate and he gave great service to the community. He was a true Essendon person, having been brought up in Ascot Vale and Aberfeldie, and he will be remembered in Essendon for a long time.

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

Schools: LOTE

Mr KOTSIRAS (Bulleen) — While other state governments encourage and foster the teaching of LOTE (languages other than English), this Labor government has turned its back on LOTE.

Late last year this Labor government decided to downgrade LOTE once again. This inept government decided to banish a large section of the LOTE unit from 2 Treasury Place to Transport House, which is located near Spencer Street station, at a cost, according to a document, of approximately \$200 000 — an amount that could have been spent on more resources for LOTE in our schools.

I recently received a document from the Department of Education and Training, and guess what? The public servants agree with me. They agree that this Labor government has deserted LOTE. According to this document the public servants have raised the following concern:

What is the vision for LOTE, given that schools, teachers and the broader community perceive that LOTE is being marginalised, that it is no longer one of the eight key learning areas, and that it can be relegated to an optional extra within the curriculum?

What a disgrace! This inept minister is happy to enlarge her own office space to ensure that she and her advisers sit in comfortable, versatile and spacious surroundings that are colour coordinated, but when it comes to LOTE she shows no interest, no commitment and no vision. It is therefore no surprise that the students are not choosing to do languages in the Victorian certificate of education. This is a disgrace, and the minister should resign.

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

Keith Davison

Ms OVERINGTON (Ballarat West) — I wish to place on record my tribute to Keith Davison, who passed away on 16 August 2002 at the young age of 68.

Keith was a wonderful mentor and friend who had a passion for fairness and democracy and a real sense of justice for all. Keith was born in England and graduated as a librarian. For many years he acted as a volunteer abroad in Africa. He married Myrl in England and they came out to Australia in the mid-1980s with Myrl's four children, and he immediately became involved in our local community. He was vice-president of and brother in Christ to the Ballarat Council of Churches; he was also the esteemed vice-president of the Mechanics Institute of Ballarat, where his knowledge of books was invaluable in the preservation of the works there. He was the past president of the Bridge Mall Traders Association and a respected former senior academic and practitioner in library and information technology at the Ballarat university.

Keith had a heart transplant in 1990 which gave him another 12 wonderful years for us to share in his friendship. Because of his passion and involvement he raised money endlessly for heart — —

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

Local government: rate concessions

Ms DAVIES (Gippsland West) — I wish to bring to the government's attention the fact that the rebate the Department of Human Services allocates to eligible pensioners to assist with payment of council rates has remained static for far too many years — since the 1970s, I believe.

The description of the concession is that it should be 50 per cent of council rates up to a maximum of \$135 each financial year. It is a very long time since \$135 would come close to being half the rates in most shires. The average rate for the Shire of Bass Coast is \$461; the Shire of South Gippsland, \$516, the Shire of Cardinia, \$633, and the Shire of Baw Baw, \$640. This concession is not indexed to the consumer price index (CPI). Property prices and land valuations have been rising very sharply in all areas of my electorate. Rising rates cause hardship, especially to those on fixed incomes.

Forty-four per cent of the Bass Coast shire population are over 65 years of age and most of those people are entitled to concessions. The need for special charge schemes on top of rates to pay for totally inadequate local infrastructure — roads and drains, et cetera — causes further hardship. I urge the government and the opposition, as they are developing their policies, to return to the original intent of this rebate's value — that is, to halve the rates — and to look at indexing it to the CPI in the future.

Surf Coast: administration

Mr PATERSON (South Barwon) — Residents' concerns over the activities of the Surf Coast Shire have been growing for some time. In fact residents have been very patient. A fundamental yardstick for any councillor is the retaining of the confidence of residents in their council. Regrettably the collapse of confidence in the council is now widespread and it has reached such serious levels that we need a fresh start on the Surf Coast.

At this stage it is not a matter of blame or singling out councillors or officers. It is a matter of simply accepting that a fresh start is in the interests of residents and the region. There are financial issues, and operational

issues such as the capital works program. There are electoral issues such as the ward boundaries, and there is dissatisfaction with the handling of the tourism money. The list goes on.

It is time an administrator was given the job of tackling the range of issues facing the Surf Coast. I have said that having confidence in the process is the key. An administrator charged with the responsibility of restoring that confidence is the best hope.

There are reports that the state government, which has held up the Surf Coast as a model council in the past, wants to waste more time waiting for a report from a municipal inspector. The time for this would have been many, many months ago. Right now we need firm action, not more reports. Let's be clear: the organisers of this week's meeting are concerned residents doing their best for the community. The residents have my support.

Eastern Lions Kart Club

Mr HARDMAN (Seymour) — I congratulate the Eastern Lions Kart Club, which on the weekend held the Jayair Junior Sprint Classic for go-karts at the Hume International Raceway located near Puckapunyal.

The club executives, Russell McAlicee, Trevor Ansell and Ken Drew, along with a host of other volunteers, mums and dads, sponsors and competitive young men and women aged between 7 and 16, put on an exciting race day with nonstop entertainment. The competitors come from every state on the Australian mainland and provide an obvious boost to the Seymour economy. Seymour is fast becoming recognised as the most central place in Victoria, as at least 80 per cent of people can arrive there within a 2-hour drive.

Speaking with the parents of these young people, I found they were most impressed with the sport and the organisers, because they see the activities as a positive way for their children to spend their time, both looking after their vehicles and in general race participation during the week, on race days and weekends.

It was fantastic to see the 238 competitors, their support crews and track stewards all working so hard to do their best on the day. The professionalism of the whole event and all involved was astounding. The prizes, trophies and presentations, including the guest presenter, motor racing legend Larry Perkins, all helped to make a very special day for these young people. I commend the Eastern Lions Kart Club for that great race day.

Marigny Manufacturing Australia Pty Ltd

Mr THOMPSON (Sandringham) — I recently received a letter in my office from L'Oreal Paris, indicating that the Marigny Manufacturing Australia plant, a wholly owned subsidiary of L'Oreal, cannot compete operationally with larger plants in the world because of its small size, its location, the scarcity of local suppliers and the ever-increasing cost of transport. In addition the plant's equipment is no longer adequate to make the latest generation of product formulas to the international standards required by L'Oreal.

The author of the letter then went on to note that:

Sadly, around 82 good and loyal people currently working at Sandringham will be made redundant.

Over the past three or so years the state opposition has promoted the implementation of policies aimed at improving the competitiveness of industry in Victoria across a range of frontiers, and it is a matter of major regret that for a range of reasons 21 000 manufacturing jobs have been lost to the Victorian economy since the election of the Bracks government.

The importance of the government taking a lead in promoting a nationally and internationally competitive environment in Victoria cannot be underestimated. In recent weeks for the first time I have had people arriving at my office who have been looking for work. It is a similar situation to what transpired around 1992, when people who sought work were not able to obtain it, and that is a matter of major concern.

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

CFA: Springvale brigade

Mr HOLDING (Springvale) — I rise to congratulate the Springvale Urban Fire Brigade, which is a Country Fire Authority unit in my electorate of Springvale. I wish to pay tribute to all members of the brigade, including Kevin Petit, the operations officer; Keith Daniels, president of the brigade; and the many other volunteer and career firefighters and their families who have served the Springvale community over many years.

I acknowledge in particular the work and service of Kevin Cutting, who joined the brigade in 1967. In his time with the brigade Kevin has attended an incredible 6038 incident turnouts, and this amazing figure does not include turnouts he has attended with other brigades. I understand that this figure may be a record, and on behalf of the grateful people of Springvale I

express our thanks to Kevin and his wife Thelma, who has served on the women's auxiliary of the brigade, for their amazing service to our local community. On many occasions their important family functions, Christmas celebrations and other special events have been interrupted by fire calls.

It is particularly appropriate on this of all days — 11 September — to reflect on the service of volunteer and career firefighters from all communities. Without the service and sacrifice of people such as Kevin and Thelma Cutting and the many other volunteer and career firefighters at Springvale, our community would have suffered great loss from fire and other calamities. We thank them.

The DEPUTY SPEAKER — Order! The time for members statements has now expired.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

That grievances be noted.

Police: crime statistics

Mr WELLS (Wantirna) — I grieve for the increasing number of victims of violent crime in the state of Victoria. The Bracks government came to office in 1999 with a law-and-order policy document entitled *No More Excuses on Crime*. To date we have had nothing but excuses for crime!

Recently the Liberal Party issued some figures for violent crime for the period since the Bracks government was elected back in 1999, and it is worth while going through those figures. Homicide is up 32.9 per cent, rape is up 8.5 per cent, robbery is up 10.5 per cent, assault is up 26.8 per cent, abduction is up 14.4 per cent, arson is up 30.9 per cent, and aggravated burglaries are up 29.6 per cent. The total number of violent crimes has risen from 29 694 to 37 023 during the Bracks Labor government, which is a 24.7 per cent increase, and if you add to that the figure for crimes involving weapons and explosives you get an overall increase of 25.9 per cent. The figure for crimes against the person in this particular period is up by 16.8 per cent. The situation is very, very serious.

The overall figure for the use of weapons in the commission of assaults in 2001–02 grew by 37.8 per cent, and the individual categories for the use of firearms and knives have increased by 46 per cent and 33.1 per cent respectively. This is totally unacceptable,

and what is even more disappointing is that the government is doing nothing about this massive increase in violent crime.

I quote from an article in the *Age* of 5 September which states:

Victorian police minister André Haermeyer said it was not possible to ascertain the change in crime statistics from existing data.

'I heard (the opposition) is now claiming that there's a 25 per cent increase in violent crime', Mr Haermeyer said.

'Nowhere in the police statistics do these figures appear'.

I hate to say this to the house, but the minister is plainly wrong because the figures we have were taken straight out of police crime statistics. The police bring out statistics every financial year, and we have taken our figures straight out of those statistics. These are not our figures, these are straight out of the police crime statistics.

In fairness we sent an email to the minister on 5 September telling him that we noted his comments in the *Age* saying that the Liberal Party is contriving figures showing that the incidence of violent crime has been increasing over the past three years. We told him that our figures were sourced from police statistics between 1999–2000 and 2001–02, which prove conclusively that violent crime has increased under the Bracks government. We said that if he could just tick the ones that are right, mark the ones that are incorrect and fax it back within 24 hours we would be able to comment.

Almost a week later there has been no response from the minister's office, and it can only be concluded therefore that the crime statistics the Liberal Party quoted are 100 per cent correct and violent crime has increased by 24.7 per cent since the Bracks government has been in power. We say that, based on the increased number of victims of crime, there is more outrage in the Victorian community than ever before.

I would like to read a letter from Janine Bramley, a victim of crime, addressed to Parliament. The house will remember that her mother was sexually assaulted and murdered by a 16-year-old boy and a 15-year-old boy. Ms Bramley would like this letter read to the house. It states:

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

I would like to discuss issues that are of great importance to victims of crime and of great concern to the public.

My name is Janine Bramley, daughter of Marie Greening Zidan, who was murdered 15 October 2000 by two youths aged 15 and 16 years.

In the case of the two boys who murdered my mother, the original sentence was six years, with a minimum of four years. There was great public outcry and my family went to the DPP to ask for an appeal.

The Appeals Court judges agreed that 'We are not aware of a manslaughter that has been accompanied by such a degree of callousness' and the offenders' sentences were increased to nine years with a minimum of six years. We were told that the judges could have given the maximum of 20 years.

These two offenders had rung me twice from a youth detention centre, one call was to my son, a death threat, the other call a dirty sexual song to me.

Every day I get asked by people that come up to me to ask why are the two offenders in a youth detention centre together, why were they allowed to be in a room by themselves with access to a phone and papers with my phone number on them.

Someone has to be accountable for this. I am not talking about a scapegoat. I have never received an official apology from the Minister for Community Services. I cannot understand this, nor can the public.

These are some of the issues that have been put to me by people in the public and victims of crime.

What Janine Bramley and victims of crime are calling for and have raised concerns about is set out in the second part of her letter, which continues:

... the state government has decreased money made available to victims of crime, which means that victims won't be able to access counselling sessions through private psychologists, number of sessions available to victims reduced from 10 to 5 sessions.

The victims advisory unit, which is understaffed, has three workers to attend to victims involving homicide, manslaughter, robberies, sexual assaults, culpable driving offences — this is for the whole state of Victoria. On an average about 40 cases a month; 54 cases referred to them in the month of August; about 400 cases a year — how can these workers give the quality of care to the victims, when they are trying to stretch themselves between so many cases?

The children's act needs to be amended. The children's act was meant to protect children that did minor crimes, it was not meant to protect children that committed serious offences such as murder, vicious assaults, rape; these crimes were not meant to come under the umbrella of the children's act within the juvenile justice system.

The juvenile justice system needs to be addressed as to why it has adults 18, 19, 20 and 21 years old in with children. Where are the children's rights here? At 18 you are legally an adult, so why are these adults in with children? Adults that have murdered should not be in with children.

The cold cases, as they are referred to, not to cut staff here, as the government has been thinking of doing; cold cases has a staff of six, it would be an insult to cut it to three.

I appeal to your conscience and hope and pray that you do what is right for justice, for victims of crime and for the public of Victoria, so that we may live together in a safer environment, and also that we know that we may live in an egalitarian society, where victims have rights.

We did not choose to be victims, we had no say, anyone can be a victim. I hope by the grace of God it is not you.

It is signed by Janine Bramley. That letter is typical of the attitude of the victims of crime that I come across. This is a very important point where the government has failed these people by allowing and not acting quickly and strongly enough to sort out the increase in violent crime.

We have an outstanding police force that is clearly not being supported. Why are they not being supported? There are three reasons: firstly, the government has too many police force members tied up looking after prisoners in police cells. There is room for only 120. At the moment they are averaging 200 prisoners in police cells every day, averaged over a year. The government is turning the police force into revenue chasers. I know the shadow Minister for Transport has made this point. Even in the budget papers, the number of police fines will increase from 903 000 to 1.7 million, almost double the number of police fines that the government has set down as targets — 903 000 to 1.7 million to ensure that the government can balance its budget.

Many police are tied up doing paperwork. I was at a police station recently where I watched a police officer on bike patrol who had to fill out the same piece of information on four separate sheets. He would rather be out patrolling the streets ensuring that crime is being minimised, but no, he was stuck behind a desk filling out four different pieces of paper. The government has failed the police force miserably.

As a result of the government failing the police force violent crime has increased by 24.7 per cent since the Labor Party came to government in 1999. We are still waiting on the government to bring down some plan of action so that the Victorian community can be assured that violent crime will be brought under control one way or another. I grieve for the victims of crime and grieve for people in the general community because it is totally unacceptable that we have this blow-out — this massive increase in violent crime.

Liberal Party: advertisements

Mr CARLI (Coburg) — I grieve for the people of Victoria because of the deception being undertaken by the Liberal Party in those television advertisements that it undertook recently. I particularly want to grieve as a result of the Liberal Party trying to deceive them on the

issue of infrastructure spending. The campaign has already been discredited and taken off air as a result of what we know about the deception on the issue of violent crime, which the previous speaker spoke about. It had to be removed because of the deception.

There is an equal deception on the issue of infrastructure spending. I would like to see on behalf of Victorian people — —

Mr Wells interjected.

The DEPUTY SPEAKER — Order! The honourable member for Wantirna has had his opportunity.

Mr CARLI — I would like on behalf of the people of Victoria, the people I am grieving for, to see the opposition leader again rise and apologise, as he did on the issue of violent crime, on the issue of infrastructure spending because it is a disgrace that the Liberal Party has painted that picture of Victoria and infrastructure spending in Victoria. It demonstrates that the Liberal Party cannot be trusted.

The ads said that infrastructure spending is at a record low in Victoria. That is wrong. In the last three Kennett budgets infrastructure spending in Victoria was around \$1 billion a year — that is \$3 billion. In the three budgets under the Labor government \$6 billion has been committed — that is \$2 billion a year, a 100 per cent increase. These are easy percentages: it is 100 per cent; it is not 47, 23 or 25 — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Berwick and the honourable member for Wantirna!

Mr CARLI — We have seen a 100 per cent increase under this government. This is a false and deceitful campaign, one which is trying to say that we are at record lows in Victoria.

The position in Victoria is unambiguous: it is clear that this is a government which is building infrastructure compared with underinvestment under the previous government. There has been a massive increase in spending over the three years. Spending, rather than money committed, in the last three years totals \$5.148 billion — over \$5 billion. The actual amount spend by the Kennett government was \$2.984 billion — under \$3 billion.

Clearly the figures are wrong. How did the Liberal Party practise this deceit? Where did it get the figure

from? At the bottom of the ad there is a reference to an Australian Bureau of Statistics figure — that is where the ads got the figure. We are not looking at infrastructure spending; we are looking at public sector engineering activity, so it is a small component of infrastructure spending. That is what was being identified in the ads, and that is where the deceit begins. It is not the infrastructure spending in the state, which we know has massively increased under the Bracks government; what we are seeing is this issue of public sector engineering activity.

Where has there been a decrease in engineering works? It has been in the areas of gas, electricity and railways. Why are they down? Because those are the areas that the previous government privatised. Clearly there will be less government spending in those areas of public sector engineering.

That is what we expect, so why the deceit? The deceit is to create an impression in the minds of Victorians that this government is not spending the money, not building the state and not creating the infrastructure.

Where is the infrastructure being built? It is being built before our eyes in the areas of health and aged care; in new community centres and police stations; in education, with new schools; in community safety; in transport, with roads — you name it, there is an extraordinary spend. This government wants to rebuild the infrastructure after a period of underinvestment under the previous government. It is a government committed to the rebuilding of the state and fundamentally committed to infrastructure spending.

At the moment the Liberal Party cannot be trusted. It has a leader who has already had to apologise once, and I would like to see him apologise a second time because he has deceived the public yet again on a very simple matter. It is not hard to go back to the previous budgets of the Bracks government, look at the spending on infrastructure and see a massive increase. Let's compare that with the performance of the Kennett government, let's do the honest thing. Why do we not see a graph presented on television to show the actual spend of each of the two governments? That is where we would find a decent comparison. The real figure is a massive increase in infrastructure spending in the state. The spending is going to where it matters — into roads, community services, police stations and new hospitals. It is massive and vital new reinvestment.

The new Liberal leader, the honourable member for Malvern, wants to argue that the government is not spending the billions of dollars it is actually spending. He chooses to use an Australian Bureau of Statistics

(ABS) figure that has very little relevance to infrastructure spending but largely deals with infrastructure spending in those sectors that have been privatised in the state. On any comparison with other states Victoria will appear as a low spender because we have privatised more than every other state. That is self-evident. We do not have a proper or adequate basis for comparison.

Mr Cameron interjected.

The DEPUTY SPEAKER — Order! Will the minister resume his seat!

Mr CARLI — Instead, what we have from the Liberal Party is an extraordinary raft of promises. Virtually every honourable member — —

The DEPUTY SPEAKER — Order! Will the minister sit down! The honourable member already has a glass of water.

Mr CARLI — I thank my colleagues for the water. I am suffering from a bit of a cold at the moment. For two and a half years Liberal candidates and Liberal members have been going around the state promising everything. The opposition has had a virtual spending spree. The government has calculated that \$2.7 billion has been promised as a result of a lack of discipline and control by the previous Leader of the Liberal Party, the honourable member for Portland.

Apart from having the Leader of the Opposition apologise, as he should, on the matter of infrastructure spending, we should also ask him to come clean and say where that money will be spent. Is the opposition committed to its \$2.7 billion of promises? The honourable member for Mordialloc, for example, has been campaigning on the matter of the Dingley bypass. Is Dingley to be part of the spend? Is that a promise, or is it merely the honourable member for Mordialloc going out on his own?

During the last couple of weeks I have been to meetings in Essendon where on the issue of the interchange between the Calder and Tullamarine freeways again the Liberal candidates have got up and said, 'We are committed to building it, to spending the money'. The government estimates that the project will need around \$300 million. That is a lot of money to promise in a seat that the Liberal Party is not even going to win. I would like the Leader of the Opposition to come clean, and the Victorian people would like him to come clean, and say where the money will come from. Will all these promises be realised? If they are to be realised, how many teachers, nurses and police officers will have to be sacked to meet all these promises? The opposition

has been incredibly undisciplined over two and a half years and has been prepared to make the most extraordinary promises to the people of Victoria.

To add to the deceit of the Victorian people we now have had an ad campaign that tried to demonstrate that we, the government, have underspent in infrastructure, whereas in fact we have massively increased spending. In addition the opposition has used the wrong figures — ABS data that is completely irrelevant to a comparison of infrastructure spending between the states or between the former Kennett government and the Bracks government. I am glad to see the ads have been withdrawn — glad to see the end of them. At least one element of the deception by the opposition, the issue of violent crimes, has been demonstrated to Victorians. I would like to see a similar apology for the deceit around infrastructure spending.

Victoria needs to build up its infrastructure, and that takes good financial management, so we have to have a government that is prepared to make the hard decisions about where money should be spent. The government should be about developing the state, but we have from the opposition promises to spend, spend, spend.

I recall the honourable member for Mordialloc making promises about building bridges in country Victoria. Bridges are the responsibility of local government, and we are dealing with thousands of them throughout country Victoria! Does he want the Victorian government to spend money on bridges and thereby meet the responsibilities of local government? That seems to me to be an extraordinarily large expenditure commitment, and it is completely uncosted. Extraordinary promises have been made over two and a half years.

Mr Maughan interjected.

Mr CARLI — There is a new leader. He has told his shadow cabinet members to go away and rethink policies and commitments. It is time they actually did the sums. It is time they sat down and said, 'Where are the promises? How much do they cost?'

Dr Dean interjected.

Mr CARLI — Because at the moment you are promising \$2.7 billion in extra spending.

The DEPUTY SPEAKER — Order! The honourable member for Coburg, through the Chair and without the assistance of the honourable member for Berwick.

Mr CARLI — The honourable member for Berwick is aware that we are talking about ABS figures on public sector engineering activity. He is also aware of the fact that a lot of that activity is in areas of currently privatised industries. So clearly the ABS figures will be low, as they will be in terms of any comparison between other states. When it comes to the actual spend on physical infrastructure — roads, police stations, schools, the whole raft of infrastructure spending — what have we seen? Over the last three years of the Kennett government, from 1997–98 to 1999–2000, we saw a spend of \$2.98 billion. Over three years of the Bracks government, from 2001–02 to 2002–03 — the current financial year — we have seen a spend of \$5.148 billion, an increase of 73 per cent.

We are dealing here with net spending between the two administrations. We are speaking of the actual dollars that are going out into infrastructure spending.

We have one of the greatest governments in the history of Victoria. It is rebuilding the state. What do we have from the Liberal opposition? We have deceit against the people of Victoria — absolute deceit, deception and misleading advertising. We have commitments that it never expects to realise. We have \$2.7 billion of idle promises made by an undisciplined shadow cabinet as it has raced around Victoria over the last two and a half years promising the earth. We know how much it has promised. We know how much has been allocated. We are now waiting for its leader to come clean and say what is going to be spent and where it is not going to be spent — or is he committed to \$2.7 billion? If he is committed to \$2.7 billion, what does that mean?

We on this side of the house know what it means. We have seen it before with Liberal governments. It means cutbacks in teacher numbers, cutbacks in nurses numbers, cutbacks in services, cutbacks in aged services and cutbacks in police numbers — because that is the only way it is going to fund all the rash promises that have been made over the two and a half years.

I grieve for the people of Victoria. I grieve for the fact that there is an attempt to deceive and mislead them in terms of painting a picture of Victoria that is not true and not accurate. It does not compare what has really happened with three years of Bracks administration: three years of rebuilding the physical infrastructure of this state versus the previous three years of the Kennett government which saw an extremely low spend on infrastructure and enormous cutbacks to social spending which have largely created the problems that we are fixing at the moment and we expect to continue to fix into the next term.

Drought: government assistance

Mr MAUGHAN (Rodney) — I grieve today for the people of northern Victoria, particularly those farming communities and the communities that depend on them, because northern Victoria today is suffering one of the worst droughts in living memory.

I grieve particularly for the people in the Shire of Campaspe and the Rodney electorate who are coping with enormous difficulties — physical, financial and emotional — and are simply crying out for assistance from this government. So far there has been not one element of assistance, so I grieve for them today.

I want to now speak about why the government should respond to this crying need from northern Victoria.

Mr Nardella — What should they do?

Mr MAUGHAN — I will tell you. If the honourable member for Melton waits a little while, he will hear that I have 8 or 10 things that the government can and should do. I remind the honourable member for Melton that this government can and should do something. The government is hiding behind the ‘exceptional circumstances’ provisions. Sure, the commonwealth is generous with those exceptional circumstances provisions, but they apply to exceptional circumstances. We have not got to that trigger point yet.

We are at a point where the Victorian government can and should follow the example of the New South Wales government and provide assistance now. If the honourable member for Melton will wait a little while, I will detail some of those things for him.

I am calling on the government firstly to show some compassion and concern. That would be a very good start: to acknowledge that people are struggling, that they are having difficulties.

I call on the government to declare a drought. It is within the province of this government to do that right now, and it can and should be done today. It should have been done a week ago, but it was not. The Minister for Agriculture and the Premier are running around saying, ‘We do not have a drought at the moment’ and, ‘If we have another couple of weeks without rainfall, then we will set up a committee and look into it’.

I remind the minister and the Premier that northern Victoria is now in its fifth year of below average rainfall. I remind the government that the Rodney electorate is Australia’s most important dairy farming area. There are some 3000 farmers, 350 000 cows and

3 major milk factories. In a reasonable year we produce 20 per cent of Australia's milk flow — 20 per cent of Australia's milk comes out of the Rodney electorate. It makes an enormous contribution to the exports that we as Victorians and the government speak so proudly about. They are people contributing to the state and national economies and they deserve some compassion, some support and some assistance.

The dairying industry is Victoria's no. 1 exporter out of the port of Melbourne. It is not just the dairying industry that is suffering. Cropping farmers are suffering, as are sheep and beef farmers.

We have had very poor winter and spring rains. Irrigation water has been severely restricted. I refer to the headline of the *Kyabram Free Press* on Friday, 16 August: 'Water right opens at only 34 per cent'. That is a disaster for people in northern Victoria. There are low irrigation water allocations at the moment, crops are failing, fodder reserves are exhausted, and increasing numbers of farmers are now desperate and do not know what to do. There is a great deal of angst and anxiety in northern Victoria, not just in the farming community — all the other industries that depend on farming are also starting to suffer. Other industries and businesses that supply the farming industry are showing a downturn and are suffering.

The irrigation storages in the Goulburn system were the lowest ever recorded for the month of August. Goulburn irrigators, as I have already indicated, are currently restricted to 34 per cent of their annual allocation. They do have a 70 per cent chance of receiving 100 per cent of their water right by February 2003, but I suggest that those chances have been further reduced because we have had absolutely no rain over the three weeks since that forecast was made. So the situation is deteriorating rather than improving.

Farmers have been paying \$30 a tonne to bring in hay from Gippsland and the Western District to try to keep their stock going. Those supplies are currently drying up. Some farmers have sent their cattle to other parts of the state for agistment. An increasing number are selling good breeding stock for slaughter. At Greenham abattoirs at Tongala they are currently working around the clock and killing about 6000 cattle per week, and I read only last week that they have 3000 cattle in their holding paddocks waiting to be killed. That shows the desperation. I heard last week of a farmer who, because he could not afford the transport, was driving his 50 head of cattle by road, on foot, to the abattoirs to have them slaughtered. That shows the sort of emotion that is involved.

Farmers are worried about where they are going to obtain their hay this season. There is no hay at all on the dry country; there is precious little on irrigation farms; the situation in the southern Riverina is no better than in Victoria; there is little on hand in Gippsland and the Western District; grain prices have skyrocketed and stocks are depleted. Combine this with a reduction of 25 per cent in milk prices and the reduction in cattle prices — it used to be about \$1000 some nine months ago; now it is down to about \$200 for those same cattle.

Cr Murray McDonald of the Shire of Campaspe — he has been around for the last 60 years, and his family before him — is quoted as saying it is the toughest situation that most of us have seen in living memory. The situation is critical. I have a letter from a constituent that talks in similar terms — I have many, many letters.

The Shire of Campaspe has convened a meeting of rural municipalities to start the process of applying for special circumstances funding. But that is a long drawn-out process and it is not going to help in the short term. This application, of course, needs to go through the state government — a government that so far does not even recognise that we have a problem.

As I said, the minister says we do not have a drought. The Premier says we do not have a drought: he flew to Kerang, had a look at one paddock, flew off again and said that we do not have a drought and that 'we will have a look at it a couple of weeks down the track'. It is not good enough, Premier!

Mr Nardella interjected.

Mr MAUGHAN — It is not more than we did, and I will come back to that in a minute.

Farmers are looking for some leadership — leadership from the government, leadership from the minister, leadership from the Premier — rather than cheap media stunts, telling the farmers, for example, that their efforts are appreciated, that they are wanted, that they do have a future and that the government will assist. The Premier says we do not have a drought — try telling that to the dairy farmers. Try telling that to the farmers who have seen their crops wither and die. Try telling that to the businesses that are suffering. I call on the Premier to acknowledge the seriousness of the situation we are facing — —

Mr Nardella — He has already!

Mr MAUGHAN — I call on him to show some concern for the farming community that has pumped millions of dollars into the community, created

thousands of new jobs and contributed significantly to Victoria's exports, to realising the aim of the previous government, and also this government, of achieving \$12 billion worth of exports by the year 2010.

Now, for the honourable member for Melton's benefit, I come to some of the things that the government should be doing. Firstly, it should tell farmers they are wanted, and give some moral support. There has been precious little of that so far. And I would say that the release of water into the Snowy River a few weeks ago was totally insensitive to those farmers in northern Victoria: many of them are about to lose all they have worked for for the whole of their lives. The timing of that release was totally insensitive and shows how out of touch this government is with the people of northern Victoria.

The government should ensure that there are sufficient financial counsellors to assist farmers with their decision making and that there is practical advice and support from Department of Natural Resources and Environment staff. If necessary, it should shift people from other areas to northern Victoria to provide the manpower to do that, to make contact with people who are suffering, to keep that dialogue going and to keep their spirits up, because their spirits are at rock bottom at the moment and they need some encouragement and support.

The government should open up parts of the alpine parks for high country grazing. There is lots of feed up there, and allowing young cattle to graze in those highlands could take the pressure off. Yes, it is an emergency. Yes, we do not want to do that every year. But we are facing unusual circumstances, and I think it is something that this government could do if it threw away some of its ideological hang-ups.

The Premier should be talking to the major financial institutions — and the Leader of the National Party has already, once again, shown leadership by doing that. It is about time the Premier followed the Leader of the National Party by doing likewise. The government should agree to pay the difference between the cost of irrigation water ultimately delivered and the 100 per cent of water right that irrigators are obliged to pay for. That is a very sensitive issue in northern Victoria, and the government could do this by making an announcement that would cost it in the order of \$5 million to \$10 million — and that is chickenfeed in terms of the total budget of the government. That is something it can and should be doing right now. It can and should be providing subsidies for the transport of hay and grain to keep those stock in good condition and cash grants to ensure that breeding stock — both sheep

and cattle — are preserved so that both the farmers and the economy generally are in a position to recover quickly when the drought breaks, as inevitably it will.

The government can and should provide funding for projects in rural areas to create employment and to utilise and preserve the skills that are in those communities, because if we do not do something along those lines the people working on farms and in the industries in those small towns are going to go elsewhere — into the major rural cities and into metropolitan Melbourne — to seek work and those skills will be lost to the farming areas forever. The effects of the drought flow through to other sectors of the economy, so we should preserve those skills in country Victoria.

The government should be starting to prepare an application for special circumstances funding from the commonwealth, and we have heard precious little about any work that is going on in that respect.

The government should press the commonwealth to lessen the requirements to establish special circumstance provisions in irrigation areas. Currently the restrictions make it impossible to get special circumstance provisions until there have been two years of less than 100 per cent water rights delivered. We have not yet even achieved the first year, but we will this year and we have to go through a second year like this before we qualify for those special circumstance provisions in irrigation areas. The government can and should press the commonwealth government on that issue.

It should be doing something about controlling kangaroos. They are running rampant in northern Victoria — there are thousands of them. I commend the honourable member for Seymour for the petition that he presented today calling on the government to do something about controlling kangaroos coming out of Crown land that are adding to the problem of farmers by trampling scarce crops and feed. They number in their thousands; they cause damage to motor cars travelling on the roads and cause loss of life. The government can and should do something about controlling kangaroos to help people in northern Victoria.

The state must act now. It inherited a healthy economy from the previous government, an economy in surplus. Over a long period the farm sector has contributed strongly to the Victorian economy. It has created jobs and boosted exports. The government has had windfall gains from stamp duty, gambling taxes are still increasing and GST payments are flowing through to

the state, so the state cannot argue it does not have funds to assist the farming community.

I call on the Premier to immediately declare a drought in a number of areas in northern Victoria and to announce a package of measures to assist those farmers and communities that are suffering from one of the worst droughts in living memory.

Liberal Party: performance

Mr NARDELLA (Melton) — I grieve today for the Liberal Party's inability to tell the truth. I will put a case to the Parliament that the Liberal Party is misleading the Victorian public. It is not able to lie straight in bed because of the things it is saying and the lies it is putting to the Victorian community. Already under the new Leader of the Opposition, the honourable member for Malvern, television advertisements have been pulled because they have been misleading. The facts and statistics in those television advertisements were wrong. The Liberal Party was lying to the Victorian public and it was forced to take those television advertisements off air. That is strike one. Those incorrect figures were pulled from those television advertisements. The Liberal Party was caught out and cannot be trusted. To his credit, the Leader of the Opposition took responsibility for the television advertisements being withdrawn. He took responsibility, as he should, for misleading the Victorian public. But it gets worse.

On 28 August 2002 on 774 ABC radio — I still call it 3LO — on the Jon Faine program, I heard the new Leader of the Opposition say:

Well, but the difficulty is that that's differential also between New South Wales and Victoria, as we've seen with the building of, you know, nearly identical plants that have just on-costs in Victoria that are unacceptable.

The Leader of the Opposition was making the case for a bad industrial relations environment in Victoria compared with New South Wales. He was comparing the construction of a Woolworths warehouse built in New South Wales with one in Victoria as detailed to the Cole royal commission. The Leader of the Opposition was blaming the Bracks Labor government for a number of things that went wrong at the construction site in Victoria. What is the truth regarding this specific construction that occurred in Victoria? What is the reality, known by the Leader of the Opposition but which he conveniently forgot to tell the Victorian public in that radio interview on 3LO, about the construction of this warehouse? The Woolworths construction in Victoria occurred when the Kennett government was in office! It was constructed and built

during the period of the Kennett government regime — under its watch.

So if anyone is to blame for the poor industrial relations record on that Woolworths site it should be sheeted home to the Kennett government, the now Leader of the Opposition, who was a major player in that government, and the previous Liberal administration, along with the National Party, the new Lib Nats — not Vic Nats, because they are a shade below the Liberals and were in coalition with the Liberal Party at the time. James Renwick, counsel assisting the Cole royal commission, told the inquiry that: the cost blew out by \$15 million compared with the New South Wales site, even though the construction costs in New South Wales blew out by \$5 million; work began on the automated distribution warehouse in March 1997 — the Leader of the Opposition was blaming us for what occurred, but it was two years and seven months before the election of the Bracks Labor government; construction was planned for completion in November 1998; and construction was completed in June 1999 — four months before the state election, so the construction was not completed on time.

The Liberal Party and the coalition government, in which the opposition leader was a key player and confidant to ministers and the Premier at the time, let down not only the Victorian economy but also Woolworths and the society they were supposed to look after. Through its inaction, its lack of interest in any genuine sense and its incompetence the Liberal Party failed to support business in this case and yet members opposite want to sheet it home to the government. The opposition leader blames Labor when it was his party, his government, that let everybody down. The Leader of the Opposition cannot go out there and say things to the Victorian public that are blatantly untrue, and he has been caught out and exposed in this particular case.

However, it gets worse for the Liberals and the Leader of the Opposition. Let's analyse a quote from the Leader of the Opposition which appeared on page 6 of the *Australian Financial Review* on 22 August 2002. He said:

The Labor Party has actually driven us back into deficit.

The Leader of the Opposition claims that the Bracks Labor government has driven the budget into deficit, but what is the truth? The budget papers and the Auditor-General in his reports to the Parliament confirm that the state budget surplus is forecast to be \$522 million for 2002–03. We have had budget surpluses year after year after year since Labor was

elected to office; the average surplus has been about \$600 million.

I want to give the Leader of the Opposition a lesson in economics; this is Economics 101 for the Leader of the Opposition. If a government produces a surplus of \$522 million, as the Bracks Labor government has, the budget is not in deficit. If the budget surplus of \$522 million is not a deficit then there cannot be a claim that the Labor Party has driven the budget into deficit. That is basic economics. The Leader of the Opposition was wrong and it could be claimed that he is economically illiterate for making the claim in the first place. The Leader of the Opposition should take some time to talk to some real economists and find out what surplus and deficit mean. It is outrageous that the Leader of the Opposition is trying to mislead the Victorian public but it proves one thing — that the Liberal Party cannot be trusted and anything it claims cannot be believed. Members opposite are desperate.

Let's further analyse that statement made by the Leader of the Opposition and look at what a credible and independent organisation has said about the Bracks Labor government's economic performance. When affirming Victoria's AAA credit rating in March 2002 Moody's Investors Service said:

Victoria has maintained a trend of sound fiscal performance, generating sizeable surpluses after financing both operating and capital expenditures. These surpluses have resulted from the state's prudent fiscal practices, supported in recent years by strong economic growth. Surpluses have been used both for debt reduction and to set up a reserve for future capital spending.

This respected, independent credit agency is contradicting the Leader of the Opposition and his claim that Labor is driving the budget back into deficit. Who is telling the truth? Is it Moody's which says the budget is not in deficit and that the state has maintained its AAA credit rating or is it the Leader of the Opposition who has been contradicted time and again and who cannot lie straight in bed? When he said that Labor has driven the state back into deficit the Leader of the Opposition was wrong. I, and the business community, know that Moody's is a credible voice and opinion against the Leader of the Opposition.

On Jon Faine's program on 3LO on 28 August the Leader of the Opposition said:

Yesterday when I was in Gippsland and launched that rural and regional team, I had behind me men and women who have collectively 400 years of direct experience on the land and primary production.

However, on page 16 of the *Age* on the same day the Leader of the Opposition said:

Behind me stands 350 years experience on the land.

What is it? Is it 400 years or 350 years? Does it mean that somebody went missing on the day or is it just that the Leader of the Opposition runs loose and fast with the facts as he sees them to get the quick grab for the television, the radio or the newspapers? What it comes down to is the Leader of the Opposition does not know his team. He has no understanding of the responsibility he has as Leader of the Opposition to check his facts and ensure that whatever claims he puts to the Victorian people are correct.

It demonstrates, again, that the Liberal Party cannot be trusted. The Leader of the Opposition cannot be trusted in what he says. Whenever he says something it is incumbent on him that those statements be checked next to the facts. The statements that the opposition party makes to the Victorian people have to be checked, counterchecked and checked again because inevitably what it says is wrong. The Liberal Party is lying to the Victorian people, just as it did during its seven years in office.

The Liberal Party is desperate: it will say anything to try to get itself elected, even if the statements are not true — even if it is lying to the Victorian public. This was demonstrated when its ad was pulled from the television. The Liberal Party is trying to dupe the Victorian public in the lead-up to the next state election. But Victorians are not stupid. Victorians proved in October 1999 that they knew the difference between the establishment of a good government — that is, a Bracks Labor government — and having a dud government.

The Leader of the Opposition has a responsibility to act responsibly. He has to check his figures. A very basic thing that needs to be done — and that he needs to learn and should be learning immediately — is that he has to make sure that he is accurate, that he places realities before the Victorian public, not fiction, not fantasy, not figures that he plucks out of the air, and that he should not be deceiving or misleading Victorian voters.

I call on the Leader of the Opposition to smarten up his act. He is no longer in class where he has private students in front of him. He has the Victorian public in front of him.

Housing: waiting lists

Mrs SHARDEY (Caulfield) — Today I grieve for all Victorians because of the crisis in public housing in this state. I grieve in two main areas. First, I grieve for the 46 549 Victorian families who as of June this year have been left languishing on public housing waiting lists under the Bracks government — this do-nothing

government. An additional 5500 families have joined the public housing waiting lists, amounting to an increase of 13.63 per cent across Victoria. The waiting lists have grown by that amount in just two years.

The largest increase in public housing waiting lists has occurred in country Victoria, and it is something that this government should be absolutely ashamed of: we have seen a 49.32 per cent increase in waiting lists in rural and regional Victoria. These are some examples: Portland, 179.4 per cent; Wodonga, 102.7 per cent; Ballarat, 62.29 per cent; Bairnsdale, 51.5 per cent; Bendigo, 39.6 per cent; and Warrnambool, 62.33 per cent.

I remind the house that under the previous government between 1996 and 1999 there was a decline in public housing waiting lists by 25.63 per cent. The minister says she is running a fairer system. I do not think it is fairer to have more Victorian families waiting longer to get a roof over their heads.

We have seen a massive decline in the construction of additional public housing under this government. A previous speaker, the honourable member for Coburg, said that the opposition should provide graphs of what is going on, particularly when talking about infrastructure. I might make available to the house, and even to the honourable member for Coburg, the fact that construction has dropped under this government. In 1998–99 construction of additional public housing in Victoria amounted to some 1115 units. Under this government, in 2000–01 that number dropped by half to a mere 540 units. What a disgrace! This government says that the opposition claims on infrastructure not being completed are not true. They are true, and I am backing them up with figures.

Housing: estates

Probably the greatest area of grief today for me, however, is the crisis in the redevelopment of existing public housing estates. Added to the crisis we are seeing in waiting lists, we see that the Bracks government has taken doing nothing to a new low, with more than \$95 million worth of construction on seven public housing estate developments being stalled. This is despite, as I say, a desperate need for affordable housing in Victoria.

The opposition has learned that public housing estate redevelopments in Richmond, Carlton, Port Melbourne, Ashburton, Doveton, Shepparton and Wodonga are going nowhere, while redevelopments in Bendigo, Maidstone, Geelong and Kensington are literally years behind schedule. We have seen an increase of 13.7 per

cent in waiting lists under this government. Labor says this is because of a shortage of affordable housing. I have got news for the Minister for Housing: if she finished the promised 808 new homes planned in these redevelopments she would help alleviate the huge problem that she and her government have created.

I will give the house some statistics on some of the redevelopments. Let's look at the Elizabeth Street redevelopment in Richmond. It was first announced in October 2000, allocated a budget of \$47 million and planned to consist of 287 dwellings. What is its current status? No demolition or construction commenced. Redevelopment in Rathdowne Street, Carlton, was first announced in January 2001, allocated a budget of \$9 million and planned to consist of 136 homes. What is its current status? No demolition or construction commenced.

The Raglan–Ingles estate in Port Melbourne was first announced in November 1999. It is worth \$15.5 million, with 114 units to be redeveloped. What is happening there? Nothing is happening, except that grass is growing on the site. There is no construction. The buildings have been pulled down, the tenants have been relocated and are waiting to come back to their new homes, but nothing is happening.

Victory Boulevard in Ashburton was first announced in July 2000. It is worth \$8.5 million, with 37 new dwellings. No construction has commenced. Of course a lot of announcements have been made about what the council is doing with regard to plans and things like that, but nothing is really happening.

Next is the Parkside estate in Shepparton, which was first announced in May 1999. The previous minister, the late Ann Henderson, set up the task force, and the current government committed to it. It is worth \$5.05 million. On that estate only two units out of 76 have been upgraded. Of course there is no developer. The minister was back there the other day announcing more money for neighbourhood renewal in that area, but what is happening? Only two units have been completed. It is going nowhere yet again.

The Mark–Rundle estate in Wodonga was announced in November 2000. It is worth \$10 million, and is to consist of 78 units. What is happening there? No construction has commenced.

Peace Court estate in Doveton was announced in March 2000. There has not even been a budget figure put on that. It involves a huge number of units — some 80 units — but no construction has commenced.

It seems that the Minister for Housing lacks either the will or the skill to get these estates rebuilt and to start addressing the obvious crisis in Victoria. When questioned about the issue — and I must admit this was almost laughable — the minister is reported in the *Sunday Age* of 8 September as saying:

... the state's plans to expand the stock of public housing had been slowed by a sharp rise in property values.

I find that absolutely extraordinary. The minister must take us all for a bunch of fools if she thinks we will swallow that excuse — that the increase in the value of property is having any effect on her lack of capacity in completing these seven redevelopments. There is no need to purchase new land to rebuild the promised 808 homes on these sites.

The minister's assertion that everything is going ahead according to plan is patently untrue. It only confirms that the Bracks government is lethargic and that public housing in Victoria is in crisis. The minister is disingenuous. Her excuses only demonstrate how little she knows of her portfolio, while more than 46 500 struggling Victorian families wait for public housing. That is simply not good enough.

Police: crime statistics

Mr HAERMEYER (Minister for Police and Emergency Services) — Recently the Liberal Party has been trying to get on to the law and order bandwagon. Lest the house or the Victorian community forget, these are the people who cut police numbers in this state by 800, who starved our police force of resources — who decimated our police force. Now they are out there trying to beat up the crime rate.

Last week the Leader of the Opposition was running out his ads saying violent crime is up 45 per cent.

Mr Leigh — It was 25 per cent.

Mr HAERMEYER — We will come to the 25 per cent in a minute. He said 45 per cent. There was no 45 per cent figure anywhere to be found. Liberal Party flunkies were running around furiously trying to find a 45 per cent figure somewhere, but assuring journalists that the figure was correct. Ultimately they suggested that it might have been the firearms figure, which is up 46 per cent. Country Victorians might be interested to hear their response to that. I do not know if opposition members are suggesting they will change the firearms laws, but country Victorians might be interested in questioning them on that.

The Leader of the Opposition said, 'I was responsible'. Of course he was responsible. Then the Liberal Party

ran another ad and said it is 25 per cent. Let's have a look at what those figures actually say. The reality is that there is no figure for violent crime anywhere in the Victoria Police crime statistics. Where is the Victoria Police crime statistic for violent crime? It is nowhere to be found. It is an absolute concoction. Let's have a look at — —

Honourable members interjecting.

Mr HAERMEYER — It is absolutely extraordinary! These people here were aiding and abetting the criminals of this state by cutting police numbers.

Mr Baillieu — On a point of order, Mr Acting Speaker, I ask the minister to withdraw that remark. I and other members have taken personal offence at the minister's comments when he directly said that we have been aiding and abetting criminals. It is clearly and patently wrong.

Mr HAERMEYER — I am happy to withdraw the remark, and I am happy to quote the secretary of the Police Association, who said that the Liberal Party was aiding and abetting crime by cutting police numbers.

Let's look at the figures they are now running out that they claim sustain their argument. As I have said, there is no such category as violent crime. They have picked things that they think suit their argument and concocted them in the most deceitful way.

Firstly, they have taken a couple of categories — aggravated burglary and arson — which are included as property crimes in the police statistics.

Honourable members interjecting.

The ACTING SPEAKER (Mr Loney) — Order! There is far too much interjection coming from the opposition benches. A number of opposition members are listed to speak in this debate and will get their turn.

Mr HAERMEYER — As I say, they have picked categories from the property crime statistics and tried to fit them into their argument. They have decided that non-rape sexual offences are not violent offences, even though Victoria Police — —

Mr Wells — On a point of order, Mr Acting Speaker, could the minister confirm that aggravated burglary is not a violent crime?

The ACTING SPEAKER (Mr Loney) — Order! If the honourable member is taking a point of order it

should be directed to the Chair and not consist of a point in debate. Is there a point of order?

Mr Wells — Through you, Mr Acting Speaker, my point of order is that I would hate to think that the minister was misleading the house, so I ask him to confirm that aggravated burglary is a violent crime.

The ACTING SPEAKER (Mr Loney) — Order! That is clearly a point in debate and not a point of order.

Mr HAERMEYER — What else have they included? As to homicide, over a third of the figures attributed to homicide are for culpable driving, yet the shadow Minister for Transport says we ought to give drivers free rein on the roads! He is the bloke who says we ought to be allowed — —

Mr Leigh — On a point of order, Mr Acting Speaker, firstly, the minister is not referring to me by my proper title, and secondly, I would ask him to withdraw because it is, after all, the minister who has broken the bipartisanship on road safety with his speeding — —

The ACTING SPEAKER (Mr Loney) — Order! As to the first part of the honourable member's point of order, honourable members should be called by their correct names. The second part is not a point of order.

Mr HAERMEYER — I withdraw the assertion that the shadow Minister for Transport, the honourable member for Mordialloc, is a bloke.

Honourable members interjecting.

Mr HAERMEYER — And you are a gutter crawler!

The ACTING SPEAKER (Mr Loney) — Order!

Mr HAERMEYER — They are saying, 'We are not actually going to do anything about the road toll. We are going to encourage it by telling drivers that it is all right to drive at least 10 kilometres above the speed limit'.

Mr Leigh — On another point of order, Mr Acting Speaker, I believe the minister is referring to legislation that is about to come before the house. He is implicating me by saying something that I have never said. I suggest that he take it back. I am not encouraging people to speed. You're the goose who's doing it, not me!

The ACTING SPEAKER (Mr Loney) — Order! There is no point of order. I remind the honourable member for Mordialloc that he has the call later in this

debate, at which time he will be able to deal with those matters.

Mr Leigh — It wasn't me!

Mr HAERMEYER — The other major area of significant concern that makes up a vast proportion of all the categories the opposition has included in this concoction of violent crime is assault. The reality is that nearly 40 per cent — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Loney) — Order! The barrage of interjections from the front bench of the opposition must cease.

Mr Baillieu interjected.

The ACTING SPEAKER (Mr Loney) — Order! The honourable member for Hawthorn!

Mr HAERMEYER — Most assaults are actually carried out in the home. The reality is that this figure — —

Mr Wells interjected.

Mr HAERMEYER — No wonder they have no idea; they are totally incapable of listening and totally incapable of understanding.

The ACTING SPEAKER (Mr Loney) — Order! The continual barrage of interjections is not appropriate in this debate. If opposition members find they are unable to control themselves, I would ask that they vacate the chamber for the remainder of the minister's contribution.

Mr HAERMEYER — Assault is highly susceptible to reporting rates of domestic violence. It is a reportage issue. Opposition members are saying they will try to discourage people from reporting domestic violence. The reality is that if we are to deal with domestic violence and to treat it as a serious issue we have to encourage people to report it.

This figure indicates an increased rate of reportage. It does not necessarily indicate an increase in the actual levels of domestic violence or of assault in the community. The opposition is trying to make hay of something we think is necessary to tackle domestic violence — that is, to get an increase in the proportion of people who are prepared to report domestic violence. But that does not enter into the thinking of these desperate individuals who are out there to try to beat up crime and to mislead the Victorian community about crime statistics.

Let's look at this year's crime figures. The reality is that we have had the first big turnaround in nearly 10 years. We have had a reduction in the crime rate of 4 per cent; we have had a reduction in the robbery rate of 13.3 per cent; non-rape sex offences are down 10.4 per cent; aggravated burglaries are down 13.2 per cent; burglaries are down 18.1 per cent; handling stolen goods, down 10.9 per cent; theft of motor vehicles, down 12 per cent; theft from motor vehicles, down 0.3 per cent; and drug offences are down 10.7 per cent.

Also included in the figures are weapons and explosives. Most of these figures are down due to the presence of added police on the streets. It is detected crime rather than reported crime; the added police on the streets are going out and basically searching for illegal weapons.

An honourable member interjected.

Mr HAERMEYER — You are wrong again. Honourable members on the other side are desperately trying to mislead the Victorian community. According to figures released by the Australian Bureau of Statistics, Victoria is the safest state in Australia. It has the lowest assault rate, and all of the things that started to shoot up in the statistics when the opposition was in government have been turned around. The government has only just finished undoing the damage done by the opposition during its seven years in government. The police taken out by the opposition have just been replaced and their resources restored.

Mr Leigh interjected.

The ACTING SPEAKER (Mr Loney) — Order! The honourable member for Mordialloc took great pains a short while ago to tell me that it was not him.

Mr HAERMEYER — The government's measures are starting to have an effect. In most categories the overall crime rate is coming down; we are starting to have a significant impact on Victoria's crime rate. The opposition has offered not a single solution other than cutting police numbers. Its members lied about the crime rate the first time, they lied about it again and they are lying about it now. They lied about police numbers. They were the people who said they would increase police numbers by 1000 yet cut them by 800. You do not get softer on crime by cutting police numbers, and that is the opposition's only answer to crime.

Last week the new shadow Attorney-General said that the criminals should be able to keep their assets. He was against the new assets confiscation legislation. I find these people absolutely breathtaking. They have

not provided a single solution. Victoria is now starting to feel the effects of the government turning around the damage done by the opposition when in government.

Across a variety of fronts the opposition's ads are misleading and quite dishonest, including the stuff about waiting lists and crime. Under the previous government Victoria was like the *Titanic* heading towards an iceberg. The government has had to try and turn that around, but you do not turn the *Titanic* around on a pinhead. It has taken time but it has been turned around. By some indicators we may be closer to the iceberg than we were, but we are now sailing away from it rather than sailing deliberately towards it, which was the case under the people opposite.

The opposition cannot be trusted on law and order. It lied about the crime rate and it is lying about it again. Quite deceitfully it again has the figures wrong. It lied about police numbers; it promised 1000 extra police but cut the numbers by 800. Not a word it says can be trusted. It has not come up with a single solution.

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

Gaming: regulation

Mr BAILLIEU (Hawthorn) — Today is a day of great grieving for the whole world. My thoughts, and I am sure the thoughts of all honourable members, are with the people of the United States of America and the families and friends of people who lost their lives 12 months ago. In joining in the grievance debate today I feel a little humbled that we should be having this debate in the face of such worldwide grieving.

I grieve today for the integrity of gaming regulation in Victoria. Three years ago, when this government came to office, the integrity of gaming in Victoria was beyond dispute. The state had a reputation of the highest possible worldwide standard. Sadly since that time that reputation has been dramatically and significantly eroded. Confidence in the Office of Gambling Regulation (OGR) and the Victorian Casino and Gaming Authority (VCGA) has plummeted, the morale in those offices has plummeted, and the minister is out of touch with the industry and is not involved in any of the decision making.

The industry and all of its associated stakeholders have been taken by the ineffective measures introduced by the government and its failure to address problem gambling. There are now three Ombudsman's investigations into the Office of Gambling Regulation, and there is a downgrading of inspectors in the VCGA and the OGR.

What has occurred most recently and what warrants this particular grievance is the unprecedented and unlawful acceptance by the government of \$400 000 from a gaming company to settle an investigation. The history, which goes back a couple of years, is simple. The director of gaming and betting, who is answerable to the Minister for Gaming, initiated an investigation into a company called International Gaming Technology (IGT), which is a leading provider of poker machines to the Australian industry. That investigation involved international travel by a number of investigators and legal teams.

As a consequence of the investigation it was decided that the government would accept US\$200 000, equating to \$400 000 in Australian money, to settle the investigation so it would not continue. This occurred in September last year but no-one knew about it. It was only when an announcement of sorts was posted on the VCGA web site — an announcement that was unattributed, undated and unexplained — that any revelation of this information appeared. Not until I raised the matter in this house on 10 October last year did the Minister for Gaming choose to act. He did not believe there was any problem with the acceptance of this payment.

At the time this was drawn to my attention I looked at the act and made a judgment that it was an illegal and unlawful payment which should not have proceeded and which jeopardised the integrity of gaming in Victoria. It was an extraordinary proposition for the government to even consider accepting such a payment.

At the time the minister chose to say, 'There is not a problem here at all. This is fine. Everything is hunky-dory and going according to process'. And he enjoyed bagging me in the house. Well, events have turned on him. The minister drew the Ombudsman's attention to the matter, but at the same time he told the Ombudsman that he did not want to be known as a complainant, all he wanted to do was draw it to the Ombudsman's attention. But he told the people of Victoria that he had asked the Ombudsman to investigate — a bob each way, and excuse the pun!

The Ombudsman investigated thoroughly and relentlessly and prepared an extensive report which was not tabled in this house until this morning. The irony is that the Ombudsman's report was delayed in its release by actions of the minister and undoubtedly — —

Mr Pandazopoulos — On a point of order, Mr Acting Speaker, I would like the former shadow Minister for Gaming to indicate whether it is the Ombudsman who presents the reports or whether the

minister can hold them up. It is a slur on the Ombudsman.

Mr BAILLIEU — In his report the Ombudsman draws attention to the fact that he invited the government to respond to it. He set deadlines for that response which would have allowed the report to be released when this house was last sitting in the autumn. But the minister and the director delayed their responses and by their actions delayed the tabling of the report, and what I just said is absolute fact. The minister deliberately — —

The ACTING SPEAKER (Mr Loney) — Order! Before the honourable member for Hawthorn goes down that path I remind him of the requirement for a substantive motion in relation to attacks on ministers or members of the house.

Mr BAILLIEU — Mr Acting Speaker, I am passing comments about the actions of the minister that are listed in the Ombudsman's report, but the reality is that the Ombudsman's report very explicitly criticised the VCGA and the OGR and the director of gaming and betting. Let me quote some of the items from that report, which reveals that the investigation by the Office of Gambling Regulation cost taxpayers more than \$680 000, including \$375 000 for legal advice and \$200 000 for travel for those undertaking the investigation. The investigation was undertaken by the director because he believed the actions of International Gaming Technology were not suitable to permit IGT to remain in the role of gaming suppliers in Victoria. But the Ombudsman found that the investigation had 'little or no formal operational planning'.

Those several individuals who undertook the investigation travelled to Europe and the United States of America, visiting France, Germany, the Netherlands, London, Reno, Las Vegas, Colorado, Turkey, Estonia, the Dutch Antilles, Memphis and Detroit, and after all that the investigation 'revealed nothing new'. The subsequent acceptance of that money by way of payment of part of the costs of the investigation was according to the Ombudsman 'inappropriate and a poorly judged decision'. The Ombudsman further found no legal basis for the acceptance of that payment and quite rightly said that a court of law would have to decide that.

He further said that acceptance of the payment by the OGR:

... invites allegations of impropriety and failure to act independently and impartially ... and may be perceived as a threat ... and ... may be seen as an inducement for a favourable decision.

He said that the director was 'fully aware' that there was no power to recover costs and that the lawyers providing advice to the OGR and the VCGA:

... could not be said ... to be providing 'independent' legal advice.

He went on to explicitly criticise the director for his response to the Ombudsman's report and said the response constituted 'attempts at obfuscation by resort to bluster and rhetoric' and could be seen as an attempt to 'diffuse criticism by confusing issues, deflecting blame and generally muddying the water'. What an extraordinary report from the Ombudsman into the state of the minister's own department and his senior gaming officials!

What was the government's response? Its response was to do nothing. The Premier shot through overseas, and the minister went into hiding. The Acting Premier said, 'There's no problem here; we'll change a few structures'. It was not until the Premier returned from overseas that he said he had referred the matter of whether the payment should be returned to the Ombudsman. He said it 10 times on radio 3AW — yet only the next week he revealed that that was not true. Meanwhile the minister had again attempted to avoid scrutiny on this issue. According to the minister's spokesman the money was not going to be returned. It was not until some weeks later, when the ABC was about to do a piece on it, that the minister came out and said that the matter of whether the money should be returned was being referred to the Victorian Government Solicitor.

When the government solicitor provided his advice, saying that the payment was unlawful and should be returned, the money was returned — eventually and reluctantly. Only then did the minister address the question of the role of the director. Could the minister make a decision about that? No, he could not. He referred the matter to the Commissioner for Public Employment and told Victorians that it would be months before he reported back. From the very first revelation of the matter this was an extraordinary abrogation of his responsibility as a minister. Why did he abrogate his responsibility? Because he thought the acceptance of the payment was a good idea, and he said as much to the ABC reporter on the *Stateline* program. What's more, he signed off on proposed legislation to legalise such payments several months in advance of the acceptance of the payment, which the Ombudsman revealed. His own department leaked the information to the ABC. That is the sort of confidence it has in him.

The result is that we have an outcome where the money has been paid back. That is fine, but investigations are

continuing. The Ombudsman is investigating further matters in the Office of Gambling Regulation, the Commissioner for Public Employment is conducting an investigation into the director's performance, and a structural review of the OGR and the Victorian Casino and Gaming Authority is taking place.

Who has copped the flak? Who has taken the fall? No-one — not the Premier or the Deputy Premier who have been involved, not the minister or the director. So this debacle has gone unpunished. Requests have been made through freedom of information (FOI). What a surprise! Nothing has been returned. By the 45-day limit FOI officers asked for an extension to avoid this very discussion. They know what is coming!

The minister should be held to account. The director should go; the minister should go. The irony of this is that the minister is setting up the director as a scapegoat for his own inadequacies.

Werribee: health infrastructure

Ms GILLETT (Werribee) — I wish to grieve today for the complete lack of health infrastructure provided by the previous Liberal government to the people of the electorate of Werribee. It is a sad and sorry tale, especially when one takes into account the fact that Werribee is a growth corridor with population increases of between 4 per cent and 6 per cent per annum.

For seven years, under constant lobbying not just by me but by health professionals and those who provide primary health care under the most difficult of circumstances in and around Werribee, the Liberal government refused to act. For seven long years not one single dollar of health infrastructure was provided to one of Victoria's most vibrant growth corridors. That resulted in a set of primary, secondary and tertiary health statistics for the community of Werribee that was shameful. Seven years of that sort of neglect takes some time to assess and to then turn around.

However, it has been my absolute privilege over the past two years, as I have driven around the electorate to and from the sorts of things to which members and parents go, to have watched the planning and now the building of a primary health care centre for which the Werribee community has been waiting for 10 long years. I am pleased to say that the new community centre will be open and available for use later this year.

This is a remarkable story of the Kennett government's complete lack of care and its completely biased approach. I understand that some electorates, perhaps on the other side of town, had two primary health care

centres at a time Werribee and its community did not even have a commitment for one.

From the day I was elected in 1996 I was lobbied strenuously by the community and by primary health care providers for the provision of this facility. I wrote to the minister at the time, the Honourable Rob Knowles, who is now retired, and received correspondence from him. Admittedly it took some time and a number of gentle and polite but assertive reminders that my community needed his care and attention as much as any other community did, but I was pleased with the responses I received. The first assured me and asked me to assure my community that the provision of an integrated primary health care centre was the Kennett government's highest priority in the western region. I subsequently found that it had been that government's highest priority since it was elected in 1992.

However, the Kennett government had a funny way of dealing with its priorities: it did not act on them. It had plenty of money to spend in its Community Support Fund, which I think it would be fair to say was more or less a slush fund; it had plenty of money to spend on yachts that sank and on all sorts of bizarre and trivial matters. But it had no money and I would assert no commitment to do anything about providing dollars for health infrastructure in the growth corridors of the western suburbs that so desperately needed them.

It was just before the election in 1999 when I received some very reliable advice that perhaps the correspondence I was receiving from the minister was bureaucratic gobbledegook, that perhaps while the health centre was a priority there may have been others. So again I wrote to the Honourable Rob Knowles and asked him to confirm that the integrated primary health care centre would be provided to my community after such a long wait. The correspondence I received in response was again very reassuring and indicated that the centre was the top priority — there was no higher priority for the Kennett government. Yet in seven years it had not provided the centre.

Perhaps a little naively — one should not be generous in accepting what one sees as the truth — Labor drafted its financial statement which contained the costed promises it took to the Victorian people in 1999, and on the basis of its health proposals it took into account that what the Honourable Rob Knowles said was true — that the then government had demonstrated its commitment to provide an integrated primary health care centre. Labor therefore looked to other important health infrastructure investments in a range of communities including, I am pleased to say, my own.

Understanding as we did, and perhaps believing naively that what the Honourable Rob Knowles said was true, a commitment was made to upgrade the urgent care unit at the Mercy Werribee Hospital to an emergency unit. I am sad to say that not only were Rob Knowles's promises untrue but that the government — thankfully Labor became the government — into a difficult situation of having made a promise that needed to be kept but of having to make up for an absolutely appalling lack — not one dollar's worth — of health infrastructure having been invested into my community in the past seven years by the Kennett government.

A difficult decision had to be made, and I am pleased to say that that difficult decision was made. Whilst it is disappointing that we were unable to do both, I have to say it gives me great pleasure to be part of a government that in its first three years was able to deliver a \$10 million, integrated primary health care centre in a community that had seen no health infrastructure dollars invested in it for a period of seven years.

It is also my pleasure to be able to advise the house that significant investment has been made at the Mercy Werribee Hospital. As anybody with any commonsense knows, one cannot stop investing in health infrastructure nor in health service provision in a growth corridor. Growth corridors like the one I represent and the one so ably represented by the honourable member for Melton need constant attention and investment. It does not have to come in a flood, but it does need to be provided on a very regular and measured basis. I am pleased and proud to say that this Labor government has done just that, firstly, by playing massive catch-up football to provide that integrated primary health care centre, and also by constantly investing in important things like the mother and baby unit that is being transferred from the Mercy Hospital for Women here in the city to the Mercy Werribee Hospital.

It is important that we keep investing in this way. It is important to thank the Minister for Health on this occasion for having real courage and a real commitment to the primary health of the people of Werribee and for making that difficult decision to change the promise we made to provide that integrated primary health care centre. Everyone in this chamber knows it is true that in any service provision area every dollar you can invest in a primary provision service adds enormous benefit compared with a tertiary injection of funds.

I look forward to the opening of the Wyndham Primary Integrated Health Care Centre, which will take place, as

I said, later on this year. I also look forward, with the Minister for Health, to turning the sod for the building of the mother and baby unit at the Mercy Werribee Hospital. This will provide mums who find themselves suffering from that awful condition of postnatal depression much-needed care at home in the community where they live so that their families will not have the additional burden of having to travel in and out of the city to visit them.

I also place on record my gratitude to the providers of primary health care in the electorate of Werribee and its surrounds. They have been providing very important primary health care in the most awful and awkward of circumstances. They are soon to have a new home, which will provide them with the capacity to grow their service provision and to work in an environment where they can collaborate rather than compete, which is the way they had to behave under the Kennett government. It will turn around their capacity to look after and care for the community, and most importantly to work together as an integrated team in a collective and collaborative way rather than being in a set of circumstances where they had to outdo, compete and basically damage their relationships between each other as service providers to fight for every tiny trickle of funds that came through for service provision.

I need to place on record too my gratitude to the providers of primary health in Werribee in terms that are fairly plain — that is, to say thank you to them for not fully embracing that competitive approach, because it means now that collaboration is coming more easily for them than it is for some in other parts of Victoria and Melbourne who wholly and solely embraced this obsession with competition in an area of service provision where demonstrably competition just does not work.

To the Minister for Health, who has made such a wonderful and long-awaited investment in the desert that was health infrastructure funding, and to those wonderful people on the ground in Werribee and surrounds, I say thank you. I look forward to celebrating with them the first demonstrated action — that is, a commitment — to the provision of good primary health care in Werribee; and that will be the opening of our integrated health care centre later on this year.

ALP: union candidate

Mr LEIGH (Mordialloc) — I, like the honourable member for Hawthorn, would like to talk about other things on this day, 11 September, but given that the world continues I grieve today for a number of small

businesses in the City of Kingston because of the effects that a union election has had on them.

The Victorian branch of the Australian Labor Party, through its puppet the Trades Hall Council, has recently announced it will pour thousands of dollars in campaign funds into my electorate and the next-door electorate of Bentleigh. The honourable member for Bentleigh and I are delighted the ALP wants to do that. Bring them on! I will provide the buses for them all to come down, because I am about to expose the Trades Hall Council and the like for certain dealings in relation to three businesses in the City of Kingston. A dastardly act has been perpetrated by a particular union against these three printing companies as a result of the internal fighting that has been going on in the Victorian ALP between Mr Bill Shorten's faction and the faction led by the national president, Mr Greg Sword.

The three companies concerned are Priority Mailing Solutions, of Braeside in my electorate, which is owed \$38 341.38; Ace Printing, of Seaford in the electorate of the member for Carrum, which is owed \$10 000, and which I am told does quite a bit of work for the Victorian ALP; and Associated Printers, of Moorabbin, which is owed \$30 911.16 for printing relating to the union elections. I will happily make the material I have here available to the house, so members need not raise that issue.

I have copies of correspondence involving a gentleman by the name of Mr Nick Church, who was the candidate for secretary of the Australian Liquor, Hospitality and Miscellaneous Workers Union (ALHMU); Ms Cathy D'Amico, who was the candidate for assistant secretary; and Mr Ross Leo, who was the candidate for president. I might add that all three also work with Crown Casino, which is interesting. These three people, as part of a campaign to unseat the existing left wing — —

Mr Nardella interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! I heard the comment made by the honourable member for Melton. I ask him to keep his voice down.

Mr LEIGH — I understand that the incumbent secretary, Mr Brian Daley, is a member of the left wing of the Labor Party. When you look at the ALP web site you will find that the union is also an affiliate of the ALP, and I am told on very good authority that Mr Church is a very significant member of the Centre Unity faction of the Victorian ALP.

Mr Nardella interjected.

Mr LEIGH — The honourable member for Melton knows who I am talking about. In his campaign to get elected as union secretary, Mr Church went to three different companies and said to them, ‘I have this mail-out I want you to do for me’, but what he did not tell them was, ‘But I am only going to pay you if I get elected and can use union money to pay for the campaign I am going to run’. I am told that Mr Bill Shorten — that great future leader of the ALP — advised Mr Church to approach Ace Printing to do the work for him.

I have spoken to all three of these printing companies and there is no doubt that they are owed these amounts of money. Mr Church is involved with at least two companies which appear to be \$2 companies. One is a company called Pacific Insight Direct Marketing, which has Mr Church’s post office box number as its address; and the other is called CMC Administrative Services, the company secretary of which appears to be Mr Church. You might be interested to know, Mr Acting Speaker, and I am sure the honourable member for Melton will be interested to know, that all Mr Church’s phone numbers have been disconnected. I have even tried ringing him to have a chat about what he owes the businesses in my electorate, but without success.

I am very happy that the union movement wants to come down to the southern suburbs — but not if its members want to run their organisations by coming into the business community in my electorate, cheating people and potentially sending one of them out of business because of the large amount of money owed to him!

Priority Mailing Solutions actually wrote to Mr Church and received a response from — I am sure the honourable member for Doncaster will know this bunch — Maurice Blackburn Cashman, a firm acting on behalf of none other than Mr Church. That firm wrote on 25 July 2002 saying it wanted to be contacted by Priority Mailing Solutions as to the costs involved in what was going on.

I have spoken about this to some of my close friends in the Victorian ALP, and what is clear is that a campaign is being — —

Mr Nardella — You don’t have any close friends anywhere!

Mr LEIGH — Yes, I do. I have more friends on your side than on my side. They want to talk to me!

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The house will come to order. The honourable member for Mordialloc should ignore interjections.

Mr LEIGH — Indeed, I will. I can assure the house that I have spoken to a number of high-ranking union officials both this morning and yesterday afternoon about what has been going on with this issue, and I have one of them chasing that company. What is worse about Mr Church’s campaign is that Australian Workers Union headquarters were used as part of his assault on the ALHMU, and AWU members’ money — Mr Shorten organised it through his office — was used to help in the campaign to undermine Mr Daley. The reason for that appears to be that Mr Daley is in cahoots with Mr Sword and Mr Church is in cahoots with Mr Shorten.

What we have now in the City of Kingston is three small businesses in potentially diabolical trouble because collectively they are owed almost \$80 000 as a result of a scandalous misuse of money which the candidates did not even have because they did not win the election. What is going on when candidates think they can run up bills with three different companies to help them get elected and then use union members’ money to pay them off?

The Minister for Small Business keeps talking about how the Labor government under this Premier is interested in small business. I will be seeking her support on this matter because I am told she is not factionally aligned with either of these two characters, so maybe she will be a bit more encouraged to help these small businesses that are suffering because of an internal ALP game, which is a disgrace!

I will also seek support from the Minister for Consumer Affairs because Mr Church has fraudulently attempted to use money he did not have, and I will be taking the matter to the Minister for Police and Emergency Services. The only telephone number I have for Mr Church is the phone number of his mother. I am not prepared to ring his mother and raise the matter with her because I do not think that is appropriate, and I know he does not live at that address. Mr Church somehow has to make restitution because this is a very serious matter that is damaging these businesses.

I say to Mr Hubbard, ‘Please fund the campaigns against me as much as you like’. I know three printing companies — and at least one of these fellows lives in my electorate — that are very upset. What they did was simply to operate a business and do the right thing. One company told me they had no idea that Mr Church was dealing with other companies.

It is not just Mr Church. Cathy D'Amico, who works for Crown Casino, was running for the position of assistant secretary. She knew what was going on, or she should have. Mr Ross Leo knew about this. He was running for president and campaigning to unseat the people running that union. It is one of the reasons why Greg Sword tore up the agreement between the Victorian ALP and himself, particularly the Premier's faction. Why? Because he saw behind the scenes the activities of people like Mr Shorten, who is proposed as one of these great new heroes of the Victorian ALP of the future. If this is how a great new hero works for the Labor Party, I think it has a serious problem. Given that Mr Shorten was involved and his clones perpetrated this — —

Mr Nardella interjected.

Mr LEIGH — Foghorn Leghorn from Melton might carry on about it, but his buddies — —

Mr Nardella — You are a coward!

Mr LEIGH — The honourable member for Melton's buddies were the ones who did this. The honourable member for Melton is one of the factional warlords involved in these arrangements. He laughed when I said Nick Church was influential in centre unity. He either laughed because he does not think he is or because he lives in fear of what Mr Church might do to him.

Mr Nardella — Ha, ha! You really are a fool.

Mr LEIGH — The honourable member can say what he likes, but the fact is that three businesses in my community have been cheated. As a result they need some kind of restitution. This information comes from the Australian Labor Party's web site. This union is an affiliate of the Victorian ALP. What are they collectively doing?

Mr Nardella interjected.

Mr LEIGH — This is not something that happened last year or the year before. The correspondence I have dates from 5 June to 23 June this year. So we have a debt to three small businesses that is not even a year old; it is now, it is immediate. Someone is paying Maurice Blackman Cashman to represent Mr Church. Who is it?

Who set up the \$2 companies? That is what I would like to know. When you look the matter up, you see that Nick Church has everything to do with them. He seems about to become the fall guy for what was going on. Who authorised Mr Church to go to Priority Mailing

Solutions in Braeside and say, 'Spend \$38 341 in my name'. What did we get for this money? What we got was the laser printing and merging of 3000 letters; the laser printing and merging of 18 779 letters on another occasion; and he did the same thing again involving almost 20 000 voters. This man fraudulently used money he did not have to write to every member of a union and say, 'Vote for me'.

This is not just the responsibility of Mr Church, this is the responsibility of the Victorian ALP — if it is serious. It is part of the games that have gone wrong in the Labor Party, the games that did not work. It is a pretty serious thing when the federal president walks out on the Premier's faction, which is what he did. This is what the federal president is reported as having said:

'There are common issues we have in the Left such as party reform, but there is no formal long-term agreement', he said. The 'common issue' is code for defeating the union boss, Bill Shorten, in his bid for Victorian president and the subsequent removal of his close ally David Feeney as state secretary.

What happened? The Premier stood up and said, 'You cannot do this, Bill is going to be president. You cannot do this, David is going to be state secretary'. What happened? Bill did not get to be president and David has been dumped. What did he do? He put another member of the centre unity faction in his place, none other than that new member of the Carrum elite, Mr Roland Lindell, the husband of the honourable member for Carrum. Between the two of them they are taking home \$300 000 from the taxpayer and the rest. They are part of the new elite of Chelsea.

What are they doing? They are part of the same faction that is destroying a local business in the member's own electorate. What action has the Labor Party taken? Zero!

Mr Nardella — On a point of order, Mr Acting Speaker, under standing order 108 the honourable member for Mordialloc has impugned the reputation of the honourable member for Carrum, and I ask him to withdraw his remarks.

The ACTING SPEAKER (Mr Kilgour) — Order! It is not up to another honourable member to ask for something to be withdrawn on behalf of an honourable member. If the honourable member for Carrum had been in the house and had felt aggrieved she could stand up in her place.

Mr LEIGH — Let me make a final point. I do not think the honourable member for Carrum knows anything about this. I do not think she is that high up in the hierarchy, given how we lost the Dingley bypass to the Burwood tramline. I think she is irrelevant to the

scheme of things in the southern suburbs. I am not impugning her as being part of it, I am saying she is part of the factional thuggery that has led — —

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

United States of America: terrorist attacks

Mr SEITZ (Keilor) — I shall refer to two items in my grievance debate, the first being to express my sympathy and support to the people of New York and America and those who have suffered from that tragedy. In particular, I put on the public record the support of my daughter, my son-in-law and my grandson, Adam, who live in America. Before the tragedy in New York on 11 September last year my daughter was on an excursion to visit another friend of mine, an American field service student we had hosted. Having family and friends we know so well there at that time was traumatising for our family because when I came home from Parliament House that night, which was very late, my wife was watching cable TV. She had seen the impact of the second aeroplane. The concern of the family was, 'Where are our daughter, son-in-law and grandson?'

Of course my wife waited for the right time to telephone America to find out if they were safe. As God would have it, our daughter had left New York earlier. It was common for people who visited New York to pay a visit to the twin towers, and she was at the twin towers on an excursion two days before. I understand and express my sympathy and hope that the American people can get on with their lives and progress into the future. It is a tragedy for all those involved.

Former government: record

The second matter I raise is the subject of the Liberal Party and former Liberal ministers telling untruths and trying to rewrite history. The holocaust created by the Victorian Liberal government of seven years with the slash, burn, destroy psychology that existed at that time has left the Bracks government in the position where it has to repair the damage, and we are continuing to do so.

Seven years of such atrocities on the people of Victoria takes a long time to repair. I am not talking from an economic sense but when one looks at the creation of the City of Brimbank, which is part of my electorate, one sees that it is debt ridden. Before the election of that Liberal government the City of Keilor, which was the major part of the state seat of Keilor, was financially in the black — not in debt. We had seven years of no

progress and no development: it was a process of paying off debts and selling of properties and assets so that the city could survive and there could be economic progress.

Today in the media former ministers and other members of the current opposition are trying to restate history. The truth has to be said again and again about what happened in 1992 when Labor lost government in Victoria. In my electorate the electrification of the train line to Sydenham was stopped. Funds were available from the federal and state governments but the project disappeared. The progress of schools disappeared, hospital staff disappeared, waiting lists increased, police numbers disappeared and even with the police station that was being built in my electorate under a Labor government the incoming Premier threatened the contractors and builders, saying that anybody who signed a contract with the Labor government would have that contract dishonoured — that is, it would not be agreed to. Again we had to fight for and defend the things that were already started by contractors, such as building a police station in Keilor Downs, to develop the needs of the community.

Those items have to be stressed again and again. Members of the media, particularly in my electorate — I will draw attention to my involvement in politics in the first place — are today being confused because they have forgotten by not reading history. My involvement started when the then federal member Reg Pollard was defeated in exactly the same sort of climate that is being created now through lies, falsehoods and dishonesty. St Albans and part of Keilor ended up being represented by a gentleman representing the Liberal Party by the name of Mervyn Lee. I then became very active because that was not acceptable — progress was not taking place and nothing was happening in my area. We were still waiting to have sewerage connected to my house and for a road to be built, let alone bus services and the other needs we had as a growing community.

Today I warn the people of St Albans and the western suburbs generally not to be fooled by the Liberal Party propaganda because the western suburbs cannot afford the luxury of the return of a Liberal government or Liberal Party in any sense at any level of government, community organisation or representation because they are not there for the people — they are there to take the resources away from the people in the western suburbs, as has been the case in the past.

History has proven that, and I invite in particular the local journalists to research the history and be wary of what they write and what they accept as fact or how

they portray history and not to be gullible and swallow untruths that are dished up to them by the Liberal Party machine and the so-called Independents who say, 'We are not involved; we are not members of the Liberal Party'. We know the Liberal Party rules. You can be endorsed as a Liberal Party candidate without being a member — you just become a member the day after. These processes have been followed before.

I looked at the situation since the Bracks government has been in power, particularly in my region. I will not talk about the western region because I am the convenor of the western region politicians group. Just in my area, including the surrounding districts, we have a new junior campus for Copperfield Secondary College, a large benefit for the growth area of Sydenham — thanks to the honourable member for Melton, who worked hard to achieve that outcome, plus a grant for a primary school in that area. A second school will now be built, and that is just one example. We also have new resources and initiatives for local TAFE colleges, again something over \$6 million that Victoria University has spent developing its big projects in the St Albans district.

Those things do not get front-page headlines in the local media. When the Premier comes out to open up a building we get a tiny little line on about page 4 or 5 because journalists seem to be swallowing the untruths being peddled by the Liberal Party, not only by journalists but also in Liberal Party circles, their clubs and organisations, the bastions of the Liberal establishment like the RACV, the racecourse fraternities and the various other Liberal networks where they peddle their untruths. I wish those people in business, who are supposed to be honourable people, would bother to look and check the truth before they simply pass information on and continue with the untruths being peddled around.

An allocation of \$4.5 million has been made for a new primary school in Gourlay Road, Hillside — commonly known as Melton West — and there will be new hard-court tennis courts at Gilson College as well as extensions for Holy Eucharist school. Kings Park Primary School will get new classrooms and Taylors Lakes Secondary College will get a library upgrade.

In transport \$2.24 million is allocated for two new bus routes for St Albans, Hillside and Deer Park; \$30 million for electrification of the railway from St Albans to Sydenham; money for the Sunshine Road duplication; \$5.5 million for safety barriers on the Western Ring Road; \$242 000 for the old Calder Highway resurfacing; and \$20 million for duplication of the Melton–Keilor highway. The list just goes on. In

its short period in office the Bracks government has tried to repair the damage left in the west of Melbourne by the former Liberal government. The wounds are so big they will take a long time to heal.

In the health portfolio \$193 000 has been allocated to the Western Drug Service for its Saving Lives initiative; \$275 000 for St Albans drug rehabilitation service; \$1.2 million for better school dental services and \$44 million for the redevelopment of Sunshine Hospital to introduce 24-hour emergency care. Health is one of the areas that was absolutely slashed and destroyed, and pensioners and people on welfare payments in my area were very concerned about the news on the radio all the time about waiting lists: 12 months to wait, 18 months to have a hip replacement — all those issues were of great concern.

Let's remind the media of the truth of what happened under the former government. The destruction took seven years, so it will take some time to repair it and for the people to realise, understand and accept what has happened.

Nine new dental chairs have been provided for St Albans at the dental hospital in addition to the one at the St Albans Community Health Centre, making a total of 10 dental chairs for people on welfare payments in our district. These are commitments by the Bracks government to repair the damage created by the previous Liberal government.

It is important that our new young journos, who do not have time and who are underpaid and work with insufficient resources to do the research properly and correctly, should not believe and peddle in their papers and on the radio and elsewhere the stories fed to them by the Liberal Party and their quasi in-closet supporters — particularly during the sudden emergence of a Liberal Party in St Albans that is not game enough to come out and say that it is part of the Liberal Party or that its members are Liberal Party members. They are hiding behind various facades.

I have seen it all before, such as when Reg Pollard, the federal member for Lalor, was defeated and St Albans was lost to the Liberal Party. We cannot afford that luxury. I urge the people to open up their eyes and have a good look because the businesses are supporting some of those media outlets by placing great big advertisements. They should look at the idea again. I remember that in the past papers folded up once the public realised and their eyes were opened, because those papers were then not able to sell their goods and products and people did not advertise in those papers any longer.

For the disadvantaged there is a new Freeza music program, another new project development, for the young people in Brimbank; and 96 new public housing units, a matter totally ignored by the former Liberal government. We heard Liberal members speaking before about housing needs. It has taken a Bracks Labor government to repair the damage, and a number of years will be needed to catch up after the neglect of seven dark, dim years of Liberal government with its slash, burn and destroy mentality that existed then and seems still to be in the back of the minds of some of the Liberal Party members currently in this chamber.

In the area of job creation in our electorates, since the Bracks government came into power a large number of jobs have been created. We have recently had a program in Footscray celebrating the number of job seekers to have been placed into employment, more than 1000 people, which is a tremendous effort by that particular group. The group said, 'Yes, we will put people into jobs'. It is a very important campaign and again possible only under a Labor government. It would never have happened under the former government.

We must be vigilant at all times to inform our community of the facts. The facts are that we cannot afford or even contemplate the luxury of going back to those dim, dark ages of a Liberal regime in Victoria. The people of the western suburbs know what they suffered then and are more educated now. They will not tolerate again the things that happened in the seven years they spent under the former Liberal government, with the total destruction of a society and a community.

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

Drought: government assistance

Mr PLOWMAN (Benambra) — I feel compelled to join the grievance debate this morning, particularly after having listened to and following the honourable member for Keilor. I am concerned to bring to the house's attention the seriousness of the drought that is spreading right across this state. What worries me about this most serious issue is that metropolitan members of the government like the honourable member for Keilor do not understand and are not even prepared to look at what is happening out in country Victoria.

I am asking the state government to open its eyes, and I am also asking it to open the purse strings. This situation is getting serious. It is imperative that the state government declare drought affected those areas of Victoria where it is too late — where the crops have

already failed and where people are selling their herds and selling their sheep or shooting them.

There are areas in northern and central Victoria that have never been drier since records have been kept. I refer to a map in the *Herald Sun* of 8 September showing the extent of this drought across Victoria. The darkest area, which covers 25 per cent of the state, has never been drier in 100 years of record keeping. The slightly lighter area is in the lowest 11 to 30 per cent of winter rainfall ranges. That shows how widespread this drought is across Victoria. There are areas of this state, as I said, where the crops are dead. There are many more areas where crops are so short that you would not be able to put a harvester through them.

The other concern I have is that although in my area of the state there is still time for rain, things are so dry that unless we get substantial rainfall all of the state north of the Divide will be in drought by the end of this month or early the following month. The darkest patch on the map, which includes the area that has never been drier since records have been kept, extends into Gippsland and up to Sale. In south-western Victoria, thank goodness, there are some areas that are still getting very good rainfall, and the same is true in south-eastern South Australia; but north of the Divide every area is dry, much of it at record levels.

Twenty per cent of the state of Queensland, which is an enormous area, has already been declared drought affected. In New South Wales, 82 per cent of the state is drought affected, and much of that has been declared. In Victoria wheat yields are predicted to be down by 36 per cent, barley yields by 41 per cent, and canola yields by 46 per cent. This is indicative of a shortage of grain to feed livestock.

Mr Maughan interjected.

Mr PLOWMAN — As my friend the honourable member for Rodney indicates, these levels are falling. For every week that goes by without rain, those predicted levels are falling.

In some areas sheep are selling for as low as 20 cents a head, and in other cases — and I have been through this myself — farmers are being forced to shoot their sheep. The major dams of Hume and Eildon are respectively 26 per cent and 23 per cent full. That is a true indicator of the extent of the drought in Victoria and its grip on the higher rainfall areas as well as the lower rainfall areas.

Melbourne's water supply storages sit precariously on 53 per cent, and it will not be long before that level drops to the point where restrictions will have to be

imposed. Even the fire season has started. In some areas there have been minor bushfires even before the end of winter. I have never before seen that in my lifetime.

There is also a growing problem with the starving kangaroos and emus that are roaming looking for feed, causing increased danger on our roads. Members on both sides of the house should be particularly careful when they drive out on country roads at night time, because there are a greater number of animals around now, particularly kangaroos, and this is creating a real problem.

The trauma that is drought affects everyone. All country communities are being affected by the drought as it gets worse. A classic and sad case of that is the young schoolboy who was in tears and had to be given counselling and assistance because his father was shooting the livestock on his farm. Having gone through that, luckily not with young children witnessing it, I can understand the difficulty that families have. It is not just financial; it is that whole feeling that you cannot beat it. It is a very emotional and unhappy time for farming families.

We are now starting to see dust storms that I do not think we have seen since the drought of 1982. The other night my car was covered in a brown film after a light rainfall which carried a lot of Mallee or western Victorian dust. In my 40 years of farming I have never seen it worse at this time of the year. The drought of 1982 is the worst drought I have been through, but at this time of year I have never seen it as bad as it is right across Victoria. It is very serious. But what is the government doing about it? Nothing!

The Premier of this state visited Kerang for a few hours. His footsteps are in the sand up there, but his head is in the sand down here.

Mr Helper — Doom!

Mr PLOWMAN — It is doom. I accept the interjection from the honourable member for Ripon, and he should know just how serious this is. He is laughing about the impact of this — he says ‘doom’. It is doom for some families; it is certainly not a laughable situation.

It is extraordinary that this government will not even allow its members or the public service to use the word ‘drought’. It is a drought; everyone in those areas of the state realises the seriousness of this impending drought. How can you rename the drought committee of Victoria the dry seasonal conditions task force and be serious about it? It is a drought; it is not just bad seasonal conditions. To think that any difference is

going to be made by changing the word ‘drought’ in the drought committee to ‘seasonal conditions’ is just abhorrent to me.

You have a classic situation, and the honourable member for Rodney would be well aware of this, where in Moama you have a drought declared yet 50 to 100 metres south, in Echuca, you are met with the total indifference of this government.

Mr Dixon — Stunts!

Mr PLOWMAN — It is purely a stunt when the Premier goes up to have a look at Kerang and then flies back again. How many of the honourable members of that side of the house were there with him to see for themselves how serious it is?

Mr Maughan — Let’s ask them. How many went up?

Mr PLOWMAN — Through the Chair, can I ask that question: how many of the honourable members on that side of the house have been up to inspect those drought areas?

An Honourable Member — Zero.

Mr PLOWMAN — It is zero.

Ms Beattie — On a point of order, Mr Acting Speaker, the honourable member for Benambra knows full well that you do not ask questions now; question time is for asking questions.

The ACTING SPEAKER (Mr Kilgour) — Order! I do not uphold the point of order.

Mr PLOWMAN — One of the sad things about this is that you have a drought declared in New South Wales and assistance given to those farmers, and 50 to 100 metres south you have farmers that are not in a drought — no drought declaration and no assistance — who have to compete with their neighbours over the river who are getting assistance. Think about it. Think about our country towns that are not getting assistance. It is not just the farmers; it is all those people who live in those country towns.

We have a government here that at the last election made the proud claim that it was going to represent country Victoria better. I promise that just at the moment it certainly is not. A look at the Agepoll shows the view of the people out there is that this government is forgetting those responsibilities and the promises it made at the last election, but I can tell the house that the electors will not.

The other major inequity at this stage — and it is a great inequity — is that while our farmers are starving for water this government has gone about the stunt, as the honourable member for Dromana put it, of turning water down the Snowy River. It is a stunt. All those farmers who are desperate for water in the Murray and Murrumbidgee areas of New South Wales, and all those farmers in the Goulburn area who are even more desperate, are going to be denied water that is currently being turned down the Snowy, where there is not a drought. There is no drought in that area of Victoria, and that water cannot even be used for irrigation; it is going to end up in the sea.

Why was that done now, when this state is facing the worst drought in my memory, and certainly in the history of Victoria? How can that much-needed water be turned down the Snowy by this government for political advantage when farmers in the north of this state and in the Goulburn Valley desperately need that water to keep their farms alive and to keep their livestock alive? Hopefully this stunt will be reversed. Hopefully this government will recognise that this is sheer folly. Hopefully it will turn off that tap and allow all the water possible, which should be flowing down the Murray system, to get down to those farmers. Hopefully it will understand how serious this is for Victoria.

This issue is divisive. At times of drought governments should be pulling communities together and helping them through their time of hardship. I call on the government to use all the unspent money for the fast trains project, which has come to nothing, and allow the Rural Finance Corporation to act, to bid for those funds and use them wisely on behalf of all farmers. This situation is serious. The Minister for Agriculture realises how serious it is, but the Premier is carrying out stunts and the Treasurer is keeping the purse strings well and truly tied.

The very serious question has been asked of me, ‘How many suicides will it take in country Victoria for this government to realise the seriousness of the drought conditions in the state?’. I have seen this happen in my lifetime. How long will it take for the government to change its policy on this very vital issue for country Victoria and declare a drought over those areas which are irreparable — where the crops will never grow and the livestock have to be shot or sold for as little as 20 cents a head? This is the most serious problem facing Victoria, and this government is treating it with indifference.

United States of America: terrorist attacks

Mr LANGUILLER (Sunshine) — I grieve today about the tragic events that occurred in New York on 11 September last year. I particularly grieve about the many Australians who were there. Amongst those who perished were several strangers united by a common thread, Australians who did not come home.

Question agreed to.

SPORTS EVENT TICKETING (FAIR ACCESS) BILL

Second reading

Debate resumed from 14 May; motion of Mr PANDAZOPOULOS (Minister for Gaming).

Government amendments circulated by Mr PANDAZOPOULOS (Minister for Gaming) pursuant to sessional orders.

Mr BAILLIEU (Hawthorn) — Here we are at the start of the spring sitting and the first item on the government’s agenda is the Sports Event Ticketing (Fair Access) Bill, otherwise known as the Dream On Bill. This bill is a symbol of the Bracks government. It is now being debated after three and a half years of bluster, but it will not produce a result. The Liberal Party will not oppose the bill because it does not think it will achieve anything. More than that, we do not think it will be used. I can foresee the day when the bill will be repealed because it is redundant legislation that will not have served any purpose other than occupy the time of the house and involve the expenditure of a fair bit of money and bluster along the way.

The purpose of the bill is to oppose ticket scalping at sporting events. Clause 1 states in part:

... to maximise access by members of the public to tickets to certain sports events ...

So we are maximising public access to sporting events. The reality is that this bill is one of the policy dogs left over from the last election and those dogs have come back to bite the government. It is a promise made in opposition to opportunistically secure the support of some people at a time when the then opposition never expected to be in government, but it is left with its own policy and wants to go to the next election after putting a ticket beside that box and saying, ‘We did something’ — and this is what Labor has done. We have got all con and no content; all spin and no substance; all sham and no reality. Everyone in the events industry knows the bill is a joke. Everybody in

the events industry knows the process which has seen its preparation and consideration has been a joke. Who says this bill is a joke? Who is the one person we ought to acknowledge who says that this bill is a sham? None other than the Premier himself.

Yesterday on 3AW the Premier admitted to the Victorian public that this bill will not apply to this year's AFL Grand Final and that it is unlikely to apply to any sporting events other than possibly a grand final in the future and that it would have no power to control activities beyond the state border, despite the circulated amendments. Perhaps the greatest irony is that the Premier admitted that the value-added packaging of grand final tickets by AFL clubs would be okay. Essentially the Premier was telling the Victorian people that the no. 1 piece of legislation for the spring session of Parliament is a useless piece of legislation.

The history of the bill is that in 1999 the Labor Party had an election policy to do something about ticket scalping. In 2000 it set up a hotline to do something about ticket scalping. In 2001 it prepared a discussion paper to do something about ticket scalping, and in the autumn session of 2002 legislation was introduced to do something about ticket scalping. I refer to the sports minister's press release at the time and the sense of urgency that he implied in the press release that this legislation would solve the problems of the world. Nothing could be further from the truth.

The second-reading speech refers to hallmark events, major sporting events and prescribed major events as being the target of this legislation but, as the Premier admitted yesterday, it is likely to only ever apply to a future grand final and even then there is a maybe. We have had three and a half years of talking about doing something about ticket scalping but there has been no action. The bill was finally introduced in the middle of the autumn sittings but it did not proceed and there was no further discussion.

The stated purpose of the bill is:

... to maximise access by members of the public to tickets to certain sports events ...

Now here we are: are we coming up to an election, and are the footy finals on? Yes, they are and this bill is suddenly no. 1 on the notice paper and we are debating it. This has obviously been timed for no other purpose than to attract attention during the footy finals and seek publicity in the run-up to the election. We saw that start in a media article on the weekend.

The fascinating thing about this bill is that it requires a minimum of nine months notice before any event can

be the subject of this legislation. After three years of government the best Labor can do is come up with a bill which requires nine months notice — and here we are, it seems, just a few months from an election!

The bill requires the sports minister to 'declare' an event to which this legislation will apply and it requires the promoter of a declared event to have the government approve its ticketing system. I note that the very generous amendments which have been circulated provide an opportunity for promoters to ask the minister to declare an event. Event organisers all over Victoria will be rushing to ask the minister to declare an event so the government can approve their ticketing system — people will be knocked over in the rush!

The reality is that there is no similar legislation anywhere in the world. According to the briefing the opposition was given by the department officers during the autumn sittings, any arrangements undertaken elsewhere in the world have been unsuccessful in preventing ticket scalping. The industry has simply laughed at this bill and said it is unworkable — people have said the pleasant things — and they will not say so publicly because they do not want to offend the government.

This bill cannot and will not apply to this year's football finals and it will not apply to the grand final. It cannot and will not apply to this year's Melbourne Cup; nor does Racing Victoria think it should apply to the Melbourne Cup. It will not apply to the Australian Open or the grand prix. In fact, it seems that it will not apply to any event before the election. It cannot apply to the Davis Cup because Davis Cup ties are arranged within a nine-month framework. It is unlikely to ever apply to the Bledisloe Cup because of the international nature of that event. In reality this is just another Bracks exercise in all spin and no delivery.

Furthermore, this bill does not and cannot apply to interstate events. If it is applied to a national football competition there will be a serious question mark over the ticketing system of interstate finals and interstate clubs which would not otherwise be affected. There is no jurisdiction over international or interstate actions. The amendments which have been circulated have the most limited capacity to control any actions of an interstate nature.

Given that the purpose of this bill is 'to maximise access by members of the public to tickets to certain sports events' and given that the question of venue size was raised significantly in the discussion paper, ironically there is no capacity in this bill to force the relocation of a game to a bigger venue to maximise

access. How many times have we heard footy fans complain about being stuck at Docklands stadium when a game should be held at the Melbourne Cricket Ground? That is what maximising access would be about.

Perhaps the biggest irony is that the bill includes powers of inspection. It gives government inspectors the power to walk into a sporting club or sports event organiser's premises and do just about anything. The government inspectors will be able to walk into a footy club in Victoria and demand to see the books — they will be able to demand to see absolutely anything.

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

Mr BAILLIEU — We wondered whether we were having quarter-time or half-time in this debate.

Mr Robinson interjected.

Mr BAILLIEU — No, we were having fun here, waiting for you. We assumed you were outside selling tickets to be here. This was your chance! Unfortunately supply has outstripped demand.

As I was saying before the luncheon break, one of the ironies of this bill is that its stated purpose is to maximise access by members of the public to certain sports events, but of course, and rightly so, the bill does not contemplate requiring the relocation of games from small stadiums to big stadiums. Switching games from Colonial Stadium to the Melbourne Cricket Ground is much talked about not only because of the merits of the MCG but because of the size of the stadium. One would have thought that if the government were serious it would have at least struck some arrangement with the Australian Football League or the relevant sporting venues to assist in such relocations on a more regular basis, being mindful that they do occasionally occur.

One of the other great ironies of this bill is that it gives authorised officers the right to enter the premises of sporting clubs, venue managers or event organisers and provides them with a full range of inspection powers, to the extent that those inspectors can look at the books. They can look at just about anything they may require to look at. The irony is that those powers are greater than the powers which would have been afforded to the federal employment advocate, whose presence on the MCG redevelopment was rejected by this government. The government is obviously happy to have those powers for one purpose but not for a purpose for which there is a real use. It is a tragedy for the people of Victoria that some \$90 million has been lost as a consequence of that action by the government in failing

to embrace the federal government's offer to assist in the redevelopment of the MCG.

The application of this piece of legislation, as I said before the luncheon break, was conceded by the Premier yesterday when he spoke on 3AW and said that it will effectively have no application whatsoever to any event other than possibly a grand final. It will not be this year's grand final and it certainly would not have been any grand final so far conducted under the regime of the Bracks government. If it were to be applied to next year's grand final we would have to have a declaration by December. We will wait and see whether there is such a declaration.

The further irony is that for the next three years the grand final, which is scheduled to be at the MCG, is going to be subject to reduced capacity because of the demolition and construction of the new stands at the ground. As I understand it capacity will be down from some 96 000 to 75 000 or 80 000 during the construction period, so there will be even less ability to influence ticket sales at that time because most of the tickets will be accounted for in advance of the sales just because of the tickets that go to the clubs in the ordinary scheme of things.

Some aspects of this legislation are patently absurd. The administrative costs of requiring the names of all authorised ticket sellers, and that will run to every ticket seller at Ticketek or elsewhere, to be registered will be ridiculous.

Ultimately this legislation depends on two things: the minister declaring an event and the minister approving a ticket scheme. That leads to combinations. The minister can declare an event and then not approve a scheme or the minister can declare an event and approve a scheme or he can choose to not declare and in the process not approve. But if a minister declares an event and approves a ticketing scheme that currently exists the reality is that nothing has been achieved, and that is likely to be the outcome of this legislation.

In the event that the minister does declare an event, and it is certainly debatable whether that will occur, the chances are the minister will simply be approving a scheme that is already in place. The government does not want to rock the boat — and I will come in a minute to some commentaries from industry members — and, as the Premier has already told Victorians, there is only one event that it looks like this will apply to, and the consequence of that will be that the price of the tickets will go up. If the event is declared and a ticketing system is approved, the chances are the price will be substantially more. That has been acknowledged in the

discussion paper, which was released in July 2001, and I want to make some comments about that. The concept we are dealing with here is neatly outlined on page 9:

Whatever the form scalping takes, it is considered as inevitable where demand for tickets exceeds the number of tickets available. In such circumstances promoters need to find mechanisms to ration demand or increase supply: for example, scheduling additional concerts or moving the event to a larger venue.

That is the concept I was talking about. It goes on to say:

In some instances such as the AFL grand final it is not possible to increase supply, so alternative measures to ration demand are needed. Price is generally considered an effective means to ration demand. Thus, for example, tickets for the opening ceremony at the Sydney Olympics —

obviously one of the more popular events at the Olympics —

and for the most popular events were substantially more expensive than for less popular events.

This is a simple equation involving supply, demand and price. Where there is a property right attached to the purchase of a ticket it is almost impossible to prevent the further on-selling of any ticket by an individual and there will be a price on the demand for those tickets, so the chances are that the price will go up.

Earlier I said a view was expressed during the briefings that no other regulation or systems had operated successfully anywhere else in the world, even though those systems are outlined in the discussion paper. The United States of America example is referred to. I quote from page 28:

However, as outlined previously in this paper, the US experience indicates that regulating ticket brokers and the pricing of tickets does not necessarily reduce the incidence of scalping or moderate clandestine ticketing distribution practices.

Again that is a confirmation of the folly of this legislation, particularly when you assign this folly to the potential for only one event to be dealt with under the legislation. Further, on page 31:

Formalising and regulating ticket brokering in the USA appears to have failed to manage the well-organised and covert actions of scalpers.

That is simply a reality. The discussion paper also makes a couple of other commentaries on this proposition, one of which I quote from page 29:

The disadvantage of legislation is that the costs of administration together with the resources required to pursue and prosecute cases may outweigh potential public benefits ...

Another negative impact of legislation could be to drive the practice of scalping further underground, forcing resale prices higher and making exposure and monitoring as problematic as prosecution.

There is also a myth attached to this concept of anti-scalping legislation. It is a myth associated with the viability of Australian Football League clubs, given that, by the Premier's own remarks, we have reduced this to a discussion about the grand final. There is a view that expensive media rights have salvaged AFL clubs across Australia. Nothing could be further from the truth. A number of clubs are still suffering financially. The acquisition of expensive media rights deals has not led to the increased viability of those clubs. The AFL has commented on this. I quote from a letter from the AFL addressed to a colleague in the other house, which states:

The legislation has the potential to severely impact on all clubs but particularly the Victorian clubs.

The revenue from finals tickets is critical to the financial viability of our clubs and given the financial pressure many are now facing and which we are supporting via a special financial assistance fund it is not inconceivable that some Victorian clubs could be forced out of business if finals ticket revenue is significantly impacted upon by the proposed legislation.

The proposed legislation is unworkable on three counts:

1. Six of our clubs are based outside Victoria and would not be subject to the legislation.
2. Once tickets to a major event are sold, there can be no control over what the purchaser does with those tickets.
3. Why will a Victorian club not enter into some form of a joint venture with a non-Victorian club?

They are just some small examples of the situation facing those AFL clubs. The notion that expensive media rights have delivered financial salvation to AFL clubs is nonsense. As many of us know, some of those clubs are still very much threatened.

As I said before, this depends on the declaration and the approval. The Premier has conceded that it is likely to be only the one event. If that event is declared it will be for next year's grand final. It will be for a reduced capacity of between 75 000 and 80 000. The price of tickets for that event will go up, and the government will have no choice but to approve the ticketing scheme of the AFL because it cannot contemplate imposing conditions on a ticketing system which would leave Victorian clubs at a disadvantage compared with interstate clubs. It is just further evidence of the nonsense of this legislation. Effectively nothing will be achieved as a consequence.

I refer to a further comment from Tennis Australia. While acknowledging it would be nice to have some anti-scalping proposals, that organisation does not think there is any purpose in those proposals applying to the Australian Open. Indeed it is critical of some aspects of the legislation detail and notes that it could not possibly apply to the Davis Cup, even though those tickets would be in great demand. It also comments that the definition of 'public' in the legislation seems to be very fuzzy at best because access to the public is part of the purpose, so the definition of public ought to be defined. Tennis Australia had this to say:

At the forum we asked for public to be defined, as this is the clear focus of the bill, but this has not been included. We need some reassurance that we will all have the same objectives for the success of the event. For example, in the interests of encouraging tourism to Victoria we make a reasonable number of tickets available to Qantas and selected other tourism operators, which are then packaged, but are naturally available to any member of the public to purchase and consequently should be considered public access.

Indeed anyone who goes to an event is a member of the public, and it is hard to conceive otherwise.

A further briefing with the AFL led to the comments that this legislation, if declared and if a ticketing scheme other than the one proposed by the AFL is required before approval is given, has the potential to force two or three Victorian clubs to go to the wall and ticket prices will go up remarkably. The rhetorical question is asked by the AFL: how does the minister see Victorian clubs surviving under this legislation?

Why has this legislation taken so long to get here? It has taken the better part of three years. The reality is that the government knows it cannot afford to have an impact on the only event that it now sees as targeted by this legislation — the grand final — and it cannot afford to have an impact on Victorian clubs. This legislation is a folly but, as I said earlier, the chances of it ever being implemented are slim.

What will it apply to? It will not apply to the other footy finals — which brings into question the notion of series tickets — or to the Melbourne Cup, the grand prix or the Australian Open or Davis Cup tennis tournaments.

The question has to be asked: is it to apply to the rugby World Cup next year? If it is, that declaration will have to happen very soon. If the government seeks to impose a declaration on the rugby World Cup, it should watch out, because the International Rugby Union (IRU) is a very sophisticated body, and if requirements are put on its ticketing schemes which are adverse or contrary to

its own proposals, the chances are that Melbourne will lose rugby World Cup events.

If the government does declare those events, I bet it will simply be an approval of the schemes that have already been put up by the IRU and its organising committee. Will it apply to the Commonwealth Games? The chances of it having an impact on the games are slim because with the games supply invariably outstrips demand. The ultimate irony is: we have a minister who will be doing the declaring and the approving. You have to ask yourself: how many times in his illustrious football career has the minister himself sold on tickets?

Ultimately the opposition is not opposed to this bill. It does not see it as having any material impact on anybody, because it will not be used that way. You have to ask yourself: if this is the No. 1 item on the government's agenda for the spring sittings, what is it all about? Then you have to ask yourself: what will the Bracks government be remembered for when it passes into the abyss? This sort of phoney legislation — which does nothing but appear to do something — will probably be the abiding memory of the Bracks government.

Mr MAUGHAN (Rodney) — Victorians' love of sport — any sport — is well known and well documented and is a very important part of our way of life. Many people would suggest that in Victorian society if you cannot discuss the footy, the cricket or the races, you are functionally illiterate. I think that is somewhere near the mark. I think we all take a great deal of interest in the footy, the cricket or whatever sporting events are on, and they provide for a great deal of conversation between people.

An honourable member interjected.

Mr MAUGHAN — Perhaps that is another sport that could be introduced.

Melbourne is rightly regarded as the sporting capital of the world. To see that one only has to go through a number of the sporting icons that are located in this city, perhaps starting with the venues for the Olympic Games that it hosted in 1956. I have to declare that as a very young man I attended every day of the athletics contest at the Melbourne Cricket Ground (MCG). I remember it very clearly. It was a great coup for Melbourne at that time. The MCG is the mecca of Australian Rules football, the home of the Australian Football League (AFL) grand final and, as has recently come out, the ground that Don Bradman considered to be the best of any he played on anywhere around the world.

An Honourable Member — Our Don!

Mr MAUGHAN — Our Don. It was his ground. The MCG is an icon, and people from all over Australia and from other parts of the world aspire to attend major sporting functions there, such as the AFL grand final, the subject of the legislation we are discussing today.

At this stage I do not want to get into an argument about who will win the grand final, but will declare that I have a very vested interest in Collingwood and that, along with some of my colleagues, I am absolutely delighted to see that they are still in there with a chance. Come on the Magpies!

Melbourne is also mad about tennis. It has the magnificent National Tennis Centre which stages the Australian Open, where the world's best tennis players come each year. We have the Melbourne Cup, which also attracts people from other parts of Australia and the world. We also stage the Bledisloe Cup, and of course we will ultimately have the Commonwealth Games — all of which supports my contention that Melbourne is the sporting capital of the world and that Australians, particularly Victorians, are sports mad and very interested in sporting events.

I would argue that practically all the events that I mentioned are sell-outs as demand exceeds supply. As the events become more popular, the problem of demand exceeding supply will be exacerbated. That includes demand by international visitors, who come here for a whole range of reasons. Many of them are initially attracted by our sporting activities but they then go on to travel around the state and other parts of Australia, staying in our hotels and visiting restaurants and adding to Victoria's economic activity. That also applies to interstate visitors.

The demand from corporations for tickets to all of the major sporting events is evidence of what is becoming an increasingly popular way of corporate life. The corporations buy large numbers of tickets to the events to entertain their clients. It is a sensible way of entertaining and showing some hospitality to clients in the hope of doing business with them, or alternatively, rewarding them for their business over the years.

The point I make is that demand is exceeding supply, and that people are prepared to pay the premium for tickets to avoid the hassle of queuing up to secure tickets and so on. That is a fact of life.

It goes without saying that it is also a fact of life that the growth in corporate and tourist markets reduces the number of seats available to the general public. In his contribution the honourable member for Hawthorn

talked about the number of seats available to the general public, the people who, week after week, follow the game — and I am talking about football now — and their clubs, making Australian Rules football the spectacle that it is. As more and more tickets go to the corporate and tourist markets they are finding it increasingly difficult to get tickets.

Many of those people who would like to go to the football when their team gets into the grand final are priced out of the market because they cannot afford or are unwilling to pay the price the tickets are commanding. I make the point that the excess of demand over supply is what creates the market for scalpers.

What do we mean when we talk about scalping? I have read a number of definitions over the past couple of months and the best one says that scalping essentially means the unauthorised onselling of tickets to sports or entertainment events at a price well above the face value of the ticket. I think we are all agreed that that is what scalping is.

I was fascinated to read that the scalping market in the United States with its much bigger economy — not necessarily bigger sporting events but more popular sporting events in the sense of the number of people with money who want to attend — is estimated to be worth US\$20 billion, which is a huge market. Some of the top US operators earn US\$300 000 per annum by plying their trade of scalping. It is a big trade there; obviously Australia has nothing of that scale, but it shows what can be achieved in a large economy.

The discussion paper put out by the government and released early in July gives some good examples of what scalping is about, and I will quote a couple of them. The first one is from the discussion paper, and it states:

I have been sent a flyer from a restaurant in East Melbourne. A grand final reserve seat, two-course lunch, beer, wine, spirits, official football record. \$750 per person.

The person concerned says that essentially that means a seat at the footy would cost \$600. Another example says:

My neighbour offered me four tickets for \$750–\$1000 each.

She goes on to say that she was not going to pay that amount but was sure that somebody else in the corporate market would. There are plenty of other examples, such as:

Rang 1300 number in paper, AFL Grand Final tickets for sale, new seats being released, all major credit cards accepted.

Thought it must have been Ticketek or something, but it was a scalper, and he wants \$600 each for his tickets and he's got heaps.

The final one I will quote states:

... looked in the paper for grand final tickets, rang a mobile number, met him in the city. Paid \$1400 for them and don't think they are legit.

Some people out there are vulnerable: to pay \$1400 for a ticket and not be sure they are legit! He continues:

They look just like paper, the three tickets have the same barcode ...

They are some examples of what scalping is about and the price range of tickets in Melbourne.

The second thing I want to quote from in the discussion paper concerns evidence regarding the reselling or onselling of AFL Grand Final tickets, and I think this is where most of the problems occur. People desperately want to get to the AFL Grand Final. It is a marvellous event and we would all love to be there, but we cannot because the ground is limited to its capacity of 100 000 or thereabouts. The discussion paper states:

The primary source of resold AFL Grand Final tickets appears to be the AFL clubs themselves. It is estimated that between 1000 and 5600 AFL Grand Final tickets were made available, on the secondary market in August 2000, at an average price of \$500 each.

Again, that gives some idea of the profit to be obtained by scalping.

The discussion paper essentially posed a number of questions, including, 'Does Victoria need a code of conduct for ticketing agencies and their contracted clients?' and 'Should such a code of conduct be voluntary or legalised?'. It is fair to say that there are arguments both for and against those questions, and many of them appear in the discussion paper.

The arguments against legislative controls — and they are essentially coming from the league clubs themselves — are that, firstly, scalping is a traditional feature of major sporting events; it adds colour and interest to the event — and I agree with that; it does no harm; there should be a free market for people to dispose of any excess tickets or tickets they are unable to use; and that legislative controls are impractical.

Mr Tony Peek, the AFL's corporate affairs manager, argues:

It doesn't matter whether it's a ticket to the Australian Open or the AFL Grand Final, once person A sells a ticket to person B then what happens to that ticket, how you control that, is beyond anybody's capacity to come up with a system that regulates it.

Essentially he is arguing that it is simply not possible to properly regulate scalping.

Those who argue for legislative controls are essentially led by the government in order to implement one of its pre-election commitments. In passing, I say that at least this is one of its pre-election commitments it is doing something about keeping. Many others were expendable, such as saving the Waverley Park football stadium. The promise was, 'Only Labor has a plan to save Waverley as a football venue'. What happened to that promise? I don't see footy being played there at the moment.

Another promise was, 'Victorian Labor will soon be releasing details of how we can protect AFL footy in Victoria and produce a huge income stream for the AFL' — that was the ill-fated Footybet — meaning that they can earn income and keep Waverley Park. That wording was on a petition circulated by the former Minister for Major Projects and Tourism prior to the election, in his role as shadow minister for sport and recreation. I am pleased that the government is implementing at least some of those pre-election promises.

The arguments in favour of any legislative control are that scalping is not victimless and the victims are the ordinary fans who are unable to access the major sporting events at a price that is acceptable to them.

They also argue that it is the athletes, the performers, the producers, the promoters and the investors who create the event, whatever it is, in the first place who are entitled to keep any rewards, not the speculators. In philosophical terms I agree with that notion. They also argue that there is a risk of bogus tickets being printed, and we saw that in the example given in the discussion paper.

The final argument — and I do not have a great deal of sympathy with this one — is that the tax office is missing out on revenue. I do not think we want to shed too many tears over the tax office, but I mention in passing that the GST is going to catch up with the scalpers who are dealing in cash because the money they get from scalping is of no value to them until they come to spend it, and at that stage the GST catches up with them. In that sense there are some benefits to the GST.

I congratulate Sport and Recreation Victoria on the production of the discussion paper. It is excellent and canvasses half a dozen legislative options. I will not go through all of them. It is fair and reasonable and puts the arguments for both sides. It invites comment, and I

noticed that in his second-reading speech the minister said amongst other things that the response had been disappointing. He said there had been few responses, little new information or insight and no evidence to demonstrate how the reselling of tickets for sporting events was in the public interest or in the interests of the sport. It would appear that there was no demand for legislation to deal with scalping, otherwise I would suggest we would have heard about it from the minister during the discussions that have been held.

The National Party was disappointed with the response it got from the industry. My colleague the Honourable Ron Best in the other place mailed a copy of the bill and the second-reading speech to all Australian Football League clubs and the AFL itself in about the middle of May, but he received only three responses. The St Kilda Football Club responded promptly on 3 June, the West Coast Eagles Football Club responded on 5 June and the AFL's response turned up a matter of days ago.

The National Party was disappointed with the lack of response it got from the people who are going to be most affected by the legislation. National Party members can only conclude that, apart from St Kilda and West Coast, the AFL clubs are not greatly interested in the legislation currently before the house, legislation that has the potential to seriously compromise the way clubs operate. I would have thought the clubs would be concerned at some of the draconian powers the legislation will give to inspectors.

As I said, the National Party got three responses, and I will quote from them. The first was from the St Kilda Football Club and states:

It is of great concern to us that the St Kilda Football Club may lose some or all of its rights to sell AFL final series tickets. In particular, we are concerned that the minister would be entitled to publish guidelines ... that will restrict such sales without any opportunity for public comment or review. This is tantamount to a quasi-legislative power without proper review or debate.

In light of this, we strongly request that the bill be amended by including at least one of the following provisions —

and it sets out three provisions that it would like to see included.

In its letter of 5 June the West Coast Eagles Football Club says:

The bill is vague and general and ... might also have the capacity of allowing governments to take actions which are not currently intended.

Of specific concern to us ... is the ability to package grand final tickets that are allocated to the club with other club activities.

Its final comment is:

If the packaging component of the ticketing arrangement was attacked to the extent that it forced unbundling of package elements we would face significant income implications.

That sentiment is shared by most of the other clubs, and I wonder why they have not put their concerns in writing.

Those concerns are summed up in the letter received from the AFL, signed by Mr Tony Peek, the general manager, corporate affairs and communications. He says:

During the past 12–18 months we have consistently advised the government via the minister ... the legislation has the potential to severely impact on all clubs but particularly the Victorian clubs.

He continues:

The proposed legislation is unworkable on three counts.

He spells out the three reasons why he believes it is unworkable. He talks about the draconian provisions for inspectors to enter the premises of AFL clubs and says:

At a time when state governments are competing to attract national and international sporting events, this legislation introduces a confusing and unnecessary regulation and sends a message that the Victorian government may choose to play politics with sporting events in Melbourne.

The AFL believes that all clubs, particularly Melbourne-based clubs, have the right to be part of the finals series excitement. The grand final is Australia's premier sporting event, which attracts millions of dollars to the local economy and in which the whole of Melbourne participates. To introduce legislation that punishes Victorian clubs for participating in fundraising activities around the grand final is heavy handed and short sighted.

That is what the AFL clubs think about the legislation, but what does the National Party think about it? The National Party argues that there is no demonstrable public demand for the legislation. It argues that it is intrusive, it interferes with the running of the AFL and it gives enormous powers to inspectors.

The National Party also argues that the Labor government is being hypocritical because on the one hand it did not want anything to do with federal inspectors being on the Melbourne Cricket Ground redevelopment site but on the other hand under its new sports event ticketing legislation it is proposing to grant

exactly the same powers to inspectors to go into AFL clubs.

We would argue that it does not stop people scalping tickets to Victorian events if they happen to live in Sydney, Brisbane or elsewhere. We do not think it will achieve its objective, and in that sense it is not unlike the ill-fated footy tipping competition, which is certainly not achieving its objectives. We pose a question to the minister as to whether the legislation applies to AFL clubs in other states.

The previous Labor government attempted to pass legislation to restrict scalping and failed. This government went to the last election promising to address the issues associated with the sale of tickets to the AFL Grand Final, and hence this legislation three years later. The government is bringing it in on what I suggest is the eve of an election. It wants to tick off some of the promises it made so it can say, 'Yes, we have done this one and we have done that one'. It has not done any of the major ones but it has done all these fiddly things that may or may not work so it can say, 'Yes, we can tick off this one and tick off that', and I think that is what all this is about. We would argue that there is no strident demand from the public for this legislation. It is hardly earth shattering. It is certainly not a life or death issue.

I note with interest that the government can find the time and resources to introduce and debate this legislation to regulate scalping, but it cannot bring itself to assist farmers to deal with the terrible drought we are facing at the moment. It is the worst drought in living memory and it cannot bring itself to do something about that, or even to say the word! It can bring in legislation to deal with the very important issue of ticket scalping, but it cannot bring itself to reduce kangaroo numbers, which are causing enormous distress not only to the farming community but to motorists. I think the Royal Automobile Club of Victoria reckoned that kangaroos were its greatest source of claims — about 1300 claims last year for death and injury caused by hitting kangaroos. The government cannot bring itself to deal with that but it can bring in this very important legislation to deal with this no. 1 item, the very important crime of ticket scalping. Isn't it terrible?

The government cannot find the time to properly consult with the timber cutters in the box-ironbark forest, the people I represent around Heathcote and Rushworth. The government will not talk with them but brings in a package whereby those people who have worked in the forest for years have a matter of about

10 days to take the package or be kicked out of the forest.

The government has the time to do that but has not got the time to attend to some of those other major issues. But hallelujah the government is prepared to step in and deal with this terrible social issue of scalping.

An Honourable Member — Except it won't.

Mr MAUGHAN — Except it won't, that is right, and we have said that. Meanwhile the problems continue to escalate and we cannot do anything about them. We say that the legislation is vague, that it poses more questions than it answers, and that it is unnecessary and is not wanted by the AFL clubs. Finally, we say there is no documented evidence that it is wanted by consumers. However, we will not oppose the legislation — —

Mr Nardella — Ah!

Mr MAUGHAN — Let me explain why: because it was part of the government's election policy, but we will have more to say when the legislation is debated in the upper house.

Ms BEATTIE (Tullamarine) — As the honourable member for Rodney rightly said, this bill delivers on one of the Bracks Labor government's promises, along with the \$98 million Craigieburn electrification, the \$4 million Macedon Street bridge, the duplication of Pascoe Vale Road, the Craigieburn bypass, the \$8.3 million integrated health centre in the electorate of Macedon, an extra 3000 teachers and 3000 nurses and more than 800 extra police. I could go on about the Bracks government delivering on its promises but I have not time for that.

The honourable member for Hawthorn, while making his boring old joke about this being a dog of a bill — I think I will buy him a joke book for Christmas, because he has done that one to death — says this bill is not needed. That goes to the heart of the difference between the government and the opposition because he believes the bill is not needed. However, this is a bill for the general public, not just for the top end of town where the honourable member for Hawthorn comes from. The honourable member does not understand the notion of a fair go. He thinks if you put your hand in your pocket and can pay enough you can get anything you want, yet that actually encourages scalpers. This bill is about a fair go for everybody, not just for the top end of town.

The minister has lost patience with major events organisers. As I said, the discussion paper and the legislation is about a fair go. The government gave the

Australian Football League and other major events organisers more than a year to come up with an industry code of conduct, and they could not. We wanted to provide fair and transparent ticketing. The minister talked to industry for nine months about that voluntary code, but some rogue sections of the community were not prepared to change. That is why we have had to bring in this bill as well as make the promises.

The bill is about to crack down on scalpers and we will have new laws governing major sports events in Victoria. It will make organisers provide fair and transparent access to ticket sales and force organisers to provide the minister with the names of authorised ticket sellers and distributors. It will allow the minister to issue guidelines on individual events. It will also apply penalties, which I will go into because they are rather severe. The corporate scalpers face up to \$300 000 in fines. As the honourable member for Rodney said, scalpers can make a lot of money out of reselling or on-selling tickets. These are not people who have a few excess tickets; these are people who are profiteering in a huge way. Corporate scalpers face a \$300 000 fine and individuals can face up to \$60 000 fines for each event.

It is about the definition of a major event. A minister may consider a sports event as major, and it is appropriate that he can declare the event for the purposes of the proposed act. The minister may notify the event organisers not less than nine months before the event is to be held and that he intends to declare it an event. If the minister declares the event, a copy of the declaration must be published in the *Victoria Government Gazette*.

As I said, time limits us, and I know others want to speak on this bill. It is a good bill because it will prevent profiteering through the making of money out of an event for which, as has been said before, demand outstrips supply. We will see that in the AFL Grand Final when Collingwood is there and the Collingwood army comes out, as it does every year. I am talking about next year, because we will get back-to-back premierships and will have to declare that event! The bill will stop that profiteering; it will stop some AFL clubs making money out of clubs less fortunate than themselves. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is with pleasure that I take part in this debate. I do so with the understanding that something has to be done in relation to the distribution of tickets, especially for the Australian Football League (AFL) Grand Final, but this bill is all

show with very little substance. The bill looks good on the outside, but if you look at its details, there are none.

This is the bill we had to have, because when in opposition this government promised it would do something about AFL tickets. The main purpose of this bill is to maximise access by members of the public to tickets to certain sporting events. Why now? It is because, as we all know, we are going to an early election and the AFL Grand Final is approaching. Although this will not apply to this year's grand final I think the government's public relations unit thinks it is a good exercise to show that the government is attempting to do something about it.

An article in the *Age* of 26 September 2001, under the heading 'Supporters the victims of legal scalping on a grand scale', states:

Someone I know has lived all her life in Melbourne, but never been to the football, doesn't follow either Essendon or Brisbane and, in fact, doesn't follow football ... But her husband works for a company that has a commercial arrangement with an AFL club, so she is going to the grand final.

Others who are not regular match goers and have only a loose attachment to the game, and none to the grand finalists, will also be there because they 'won' tickets from radio stations that simultaneously broadcast the wailing of long-time Essendon members who have missed out.

Once again the supporters remain out in the cold. This happens every year, every time. Constituents have come to see me complaining that they are unable to obtain tickets; however, when they turn up to the Melbourne Cricket Ground (MCG) people are eagerly selling those tickets at anything between \$500 to \$1000 each.

Ticket scalping is the unauthorised onselling of tickets to sporting or entertainment events at a price above the face value of the ticket. Naturally this can be viable only if the event is popular and there is a huge demand for tickets. Normally the scalpers stand outside the venue such as the MCG or place advertisements in newspapers — or in these days on the Internet. Other ways that scalpers acquire these tickets include high-speed phone technology, using mail order systems, insider trading, purchasing multiple memberships to be used in clubs, employing people to queue and purchasing tickets from fans.

In relation to the AFL, research has found that the problem has been with the ticket distribution practices — the way tickets are allocated to non-competing clubs who may then sell the tickets at a higher price. Some will agree that ticket scalping is part of the tradition of major events, and that it supports a

free market and enables the selling of tickets at market prices. Those who are of this opinion feel that if you try to regulate the industry you would be attempting price fixing and would drive those people further underground, that it would add to the cost of administration and enforcement and that it would not enable the fans who bought tickets to onsell them if they were unable to attend.

They also find it difficult to see how with this bill a state government could regulate a national competition. Victorian clubs would be under financial pressures and Victoria would be placed at a competitive disadvantage so that a major event might go to Queensland or New South Wales rather than Victoria. All these are fair concerns. Unfortunately I do not think this bill takes up these issues, and that is why I think there will be further amendments in years to come.

On the other hand there are those who believe that ticket scalping has no place in our community. I believe the public should be given a fair go. Members of the public should have the opportunity to purchase tickets for major events in Victoria and not have to pay enormous amounts for this right. True and loyal fans should not be allowed to miss out.

Our current system, which provides access to quality seating on the basis of how much money one has and is at the expense of the true football fans, should not be tolerated. Getting access to tickets by unfair means at the original point of sale should also not be tolerated. On many occasions I have seen people who have missed out feeling so desperate that they have been prepared to pay anything just to secure some tickets.

I will read from a report on ticket distribution practices in the United States of America, which is headed *Why Can't I Get Tickets?*:

This problem is not simply the result of the law of supply and demand. Rather, the availability of tickets and the outrageously high — and illegal — prices that brokers charge, to a large extent, can be laid at the door of illicit practices in the ticket industry and other practices that, although possibly not unlawful, are deceptive, unfair to the ticket-buying public and supportive of the corrupt ticket distribution system.

...

Indeed, Billy Joel stated in a recent interview that he would in fact stop doing live concerts because the system did not permit the 'real fans' access to tickets.

He announced that he was going to stop touring in part because:

'I am tired of being part of the rip-off.

...

The brokers that drive the prices up are ripping me off because I'm not getting the money ... and they're ripping off the customer because the customer wants the ticket and they know that the market will bear a certain price'.

At the end of the day it is, unfortunately, the loyal fans and families who miss out. We therefore need laws to protect the public and to provide penalties against those who try to take advantage of sporting fans simply to satisfy their own greed.

We need to ensure that loyal fans are not priced out of being able to attend sporting events. In America scalping is a \$20 billion industry, and if we allow it to continue here it will also become an integral part of our major events.

In recent times scalpers have been active at the 2002 World Cup soccer final, the 2000 Sydney Olympic Games, the United States Masters Golf Tournament and the baseball finals series in New York. Closer to home, between 1000 and 5000 Australian Football League Grand Final tickets were sold in 2000 for approximately \$500 each.

That is unacceptable and should be stopped for a number of reasons: there is a high risk that people purchasing fake and worthless tickets for up to \$500 or \$1000 will not in the end be able to watch what they have paid for; it results in a loss of public confidence in major events; and revenue is lost by performers and organisers, not to mention the Australian Taxation Office.

The bill attempts to alleviate some of these problems, but it fails because despite taking three years it was drafted too quickly simply because we are approaching an election and because the AFL Grand Final is nearly upon us. Under the bill certain events will be declared major events, thereby requiring the organisers to present their ticketing proposals for approval by the Minister for Sport and Recreation.

An honourable member interjected.

Mr KOTSIRAS — There aren't any, because this will not come into effect until next year, so the AFL will miss out this year.

The bill will ensure that organisers provide fair access to tickets and that ticket sales are transparent, and it will insist that organisers provide the names of authorised ticket sellers and distributors. The bill will apply penalties of \$60 000 to individuals and \$300 000 to corporations involved in the unauthorised sale of tickets.

Under the bill officers of corporations found to have breached the ticketing laws will face individual charges and inspectors will be able to apply for search warrants. While the bill attempts to solve these problems, it does not go far enough and, as I said, we will probably need to have the legislation amended in the years to come.

This bill looks good on the outside, but it has no substance on the inside. It was brought in simply because we are approaching an election and because the AFL Grand Final is almost upon us. Imagine what will happen if it is a Collingwood–Essendon grand final! There will not be enough tickets to go around and loyal fans will miss out once again.

The government sits there with its good spin doctors who can put out the message and talk it up, but at the end of the day they cannot deliver substance in this bill. I hope the amendments will be made soon.

Debate adjourned on motion of Mr LANGUILLER (Sunshine).

Debate adjourned until later this day.

Business interrupted pursuant to sessional orders as varied by resolution of the house.

UNITED STATES OF AMERICA: TERRORIST ATTACKS

Mr BRACKS (Premier) — I move:

That, remembering all those who tragically died a year ago today in the United States of America, this house reaffirms its deepest sympathy with all those who suffered as a result of such horrifying terrorist attacks.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places for 1 minute.

DISTINGUISHED VISITOR

The SPEAKER — Order! It gives me great pleasure to welcome to our gallery today the Honourable Rob Kerin, the Leader of the Opposition and former Premier of South Australia. Welcome to you, Sir.

QUESTIONS WITHOUT NOTICE

Drought: government assistance

Mr DOYLE (Leader of the Opposition) — Does the Premier agree with the Victorian Farmers Federation that a quarter of Victoria is now in drought?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. As most honourable members probably know, a dry seasonal conditions task force has now been established. That goes to the very heart of the question which was raised, which referred to the Victorian Farmers Federation, and the VFF is a part of that group which will be assessing the conditions — —

Mr Mulder interjected.

The SPEAKER — Order! The honourable member for Polwarth is interjecting in a manner which is not acceptable to the Chair. I ask him to desist.

Mr BRACKS — The Victorian Farmers Federation will be part of the group assessing the conditions which must exist if a drought is to be declared. I will quote the words of an authority in the past on the appropriate measures to be taken in assessing whether a drought is to be declared or not. This quote goes back to April 1997 and it says:

It was the creation of state and territory governments, together with the federal government, which thrashed out the issues around the table in a variety of forums, after which policies were agreed upon. It was the sensible thing to do because it benchmarked the process upon which assistance can be made available ... We are in the process of satisfying the various criteria needed to establish exceptional circumstances. If that can be done, it will trigger a number of mechanisms that will bring in the assistance that is needed.

These are the very words of the current Leader of the National Party, speaking at the table in April 1997. I have to say that the Leader of the National Party is absolutely correct on that matter. He was correct then and he is correct now.

I am glad the question has been asked because the government is obviously currently assessing whether those conditions exist for drought conditions to be declared. As some honourable members of this house know, the declaration of a drought is a very important and profound matter because it goes to the very sustainability of those farms. Once the federal and state governments together declare a drought zone, they are really saying that assistance is required and those farms are under question and no longer viable.

In outlining the procedures we have taken, I am pleased to say that the Minister for Agriculture, with the Victorian Farmers Federation, the Rural Finance Corporation and others, is overseeing a system to assess those matters.

It goes also to a response made by the local Victorian Farmers Federation in the area which is currently the most affected by dry conditions, and that is Normanville. It goes to the point that was raised by the Leader of the Opposition where he said in a media release on 5 September 2002 — and I am quoting from the VFF in the region where we went to see drought conditions:

We are extremely disgusted with the manner in which the National Party leader Mr Peter Ryan and Liberal Party leader Mr Robert Doyle viewed the Premier Mr Bracks and agriculture minister Mr Keith Hamilton's visit to Kerang as a political media stunt.

It goes on to say — I will quote one more matter, and I know I have to be succinct — —

Honourable members interjecting.

The SPEAKER — Order! The government benches will come to order!

Mr Doyle — On a point of order, Mr Speaker, the question, unlike the answer so far, is very clear and simple. Does the Premier agree that there is a drought or not? It is a very simple question.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition is clearly not taking a point of order. There is no point of order. However, I remind the Premier that sessional orders require succinctness, and I ask him to conclude his answer.

Mr BRACKS — Thank you for that advice, Mr Speaker, and I will conclude on this matter. The media release goes on to say — and this is a very telling point:

The Liberal and National parties have never offered to come and visit our area first hand.

Honourable members interjecting.

The SPEAKER — Order! I ask all honourable members of the house to come to order!

Mr BRACKS — A drought will be declared when the conditions meet the exceptional circumstances. The criteria for that have been set by federal and state jurisdictions and reaffirmed by the National Party

leader previously. It is a very important matter on which the government will seek advice: we have an expert committee doing that. The answer to the question will be that which is delivered by the task force which is charged with that responsibility.

Drought: government assistance

Mr RYAN (Leader of the National Party) — I refer to the Premier's comment on ABC radio on Monday morning of this week, and I quote:

It is a very, very serious matter to declare a drought.

After the Premier's visit to a drought-affected farm in Kerang last week, are we to assume that he deduced that the situation was not very, very serious?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question. I can report to the house that certainly in that region it is serious for two particular reasons: firstly, the water catchments are down; and secondly, there has been no rainfall subsequent to significant investment being made by some farmers which has been sunk and lost because no rainfall followed up those crops in the first place. It is serious, and that is why we have the Victorian Farmers Federation and others who will be advising us on that very matter before those exceptional circumstances are met.

As the National Party leader would know, the criteria to declare a drought are very strict and onerous. The National Party leader knows that; he knows that in his heart of hearts. He made that clear in 1997 in statements he made publicly. Despite that, even if those conditions are not met technically, and they may not be, we will provide necessary assistance and support as a state government unilaterally. We will not wait for the federal government. We have said we would do that, and certainly the visit I undertook reinforced a need for that.

United States of America: terrorist attacks

Mr HOLDING (Springvale) — Will the Premier inform the house how the government and all Victorians are commemorating the anniversary of 11 September and outline what action the government is taking to help reduce the risk of such terrorist attacks here?

Mr BRACKS (Premier) — I thank the honourable member for Springvale for his question. We can all be proud in this house of the response of the Victorian public to the anniversary of what was a dreadful terrorism attack on the United States of America and

therefore on the friends of the United States, including Australia. We can be proud that Victorians responded to the call to commemorate one year on the dreadful events of 11 September last year by schools observing a minute's silence, which was recommended by all schools in Victoria. I thank the school principals and school councils for working with the state government to adhere to that.

In all public buildings in Victoria flags will be flown at half-mast for the remainder of today in commemoration of those tragic events of 12 months ago. The call for Victorians to turn their lights on for 10 minutes at 8.47 this morning was heeded by a large number of Victorians. Certainly police, firefighters, ambulance workers, state government officials and key private sector companies and citizens of Victoria responded to that call. I thank them very much for what they have done in observing what is an important anniversary of an event that has changed the world and our response to such events for all time to come.

Also this morning, with other members of this house I attended an interfaith service at St Paul's Cathedral. I know that as we are sitting here in Parliament there has also been a commemoration service going on at St Patrick's Cathedral. I know many other MPs have attended other services around the state, including the Leader of the National Party, who attended one in his region. I thank all honourable members for being involved in those events. It is important that we not only appropriately commemorate what is a profound event but also look to what we can do to build tolerance and further peace into the future.

I shall briefly go to some major efforts the government has undertaken in Victoria to learn lessons from the events of 11 September last year in relation to terrorism and attacks on facilities which could happen in Victoria and other parts of Australia. The disaster plan — Victoria has had one of the best disaster plans of any state or territory government in Australia — has been re-examined and updated to take account of potential sabotage and terrorism. That work has been ongoing for the past 12 months and has now concluded.

Secondly, a historic agreement was reached between state and territory leaders and the Prime Minister at the Council of Australian Governments on the measures that can be taken against terrorism activity in our country, preparedness for terrorism and transnational crime.

Thirdly, a number of bills will be introduced in this sitting of Parliament, including a new bill relating to saboteurs and sabotage, that will effectively mean there

will be new penalties in place for any attack on public facilities in Victoria, and those attacks will be punished by stiff penalties and stiff sentences. New powers to search for weapons will be introduced during this sitting of Parliament.

Fourthly, we have had a comprehensive examination of all security of supply issues. Importantly and usefully for Victoria, the last time there was an examination of security supply issues was after the gas disaster at Longford. We have done that again following the terrorism threat to the United States last year, and that has been undertaken in all essential services such as gas, water, electricity and transport.

Finally, I can report to the house that a successful full-scale exercise on counter-terrorism was undertaken in Victoria in conjunction with the commonwealth government. That exercise trialled the emergency response system in Victoria with the Victoria Police and other key government agencies and emergency services. It was a very successful exercise. It will now go to the commonwealth as part of an examination of our capacity across the nation. I was pleased that Victoria responded extremely well and was able to respond in a superior way to a similar exercise earlier this year.

Drought: government assistance

Mr DOYLE (Leader of the Opposition) — I refer the Premier to his answer to the Leader of the National Party and ask: is the Premier aware that the New South Wales Labor government has provided access to subsidies of up to 50 per cent for drought-affected farmers, and will the Premier immediately and unilaterally provide the same assistance for Victorian drought-affected farmers as he has just promised?

Mr BRACKS (Premier) — As I indicated to the Leader of the National Party, and I will affirm again, we are not waiting for the commonwealth on these arrangements because we know the consequences.

An honourable member interjected.

Mr BRACKS — You used to; you used to wait. We know the consequences to certain farming areas of Victoria of waiting for those emergency circumstances to be adhered to. Therefore we will be seeking advice on the best possible course of action to take for those farmers who are having difficulty with drier conditions. The measures taken in New South Wales are not necessarily the correct ones for Victoria — not necessarily. In fact what has happened is —

Mr Doyle — So you are ruling them out, then?

Mr BRACKS — You don't know, you have never been there.

What has happened in certain circumstances is that the price of fodder and other things has gone up because of the New South Wales measures. They are not necessarily the measures we will take in Victoria. In fact I have heard directly from farming communities across Victoria that there are other measures that could be taken, and the National Party leader agrees with me, whilst the Leader of the Opposition does not because he does not understand the issue. I can accept that there is some understanding from the Leader of the National Party, but there is nil from the Liberal Party here in Victoria.

We will continue working with the task force established and continue to take advice. That advice will go to the forms of assistance required, which will not, I stress, necessarily be the same as those employed in New South Wales.

Hospitals: infection control

Mr VINEY (Frankston East) — Will the Minister for Health advise the house of the latest action the government is taking to improve the quality of patient care in the public hospital system and explain why this has been necessary?

Mr THWAITES (Minister for Health) — I thank the honourable member for Frankston East for his question. I am very pleased to advise the house that the Bracks government has established the new Victorian hospital acquired infection surveillance centre, known as Vicniss. That \$3 million centre will have the job of reducing hospital-acquired infections such as golden staph and vancomycin-resistant enterococci (VRE), which can cause great damage and distress to patients and readmissions to hospital.

The new Vicniss system will collect data on infection rates from the various hospitals. It will do that at the bedside. Then it will provide the support and information necessary for hospitals to improve their infection control practices. This infection control strategy builds upon the extra positions we have put in for nurses who are experts in infection control. We have put extra infection control nurses across the hospital system to reduce infection.

Honourable members opposite try to dismiss quality issues; but they are absolutely fundamental if we are going to do what is necessary for our patients. In order to improve the quality of care we have to have senior and expert nurses who are able to educate, manage and mentor other nurses. That is why this government, the

Bracks government, has employed a net extra 3300 nurses.

The honourable member asked why the government has had to take this action. It is because it has had to clean up the mess the other side left. It is because the previous Liberal government cut 2000 nurses from our hospital system. As the report into the Royal Melbourne Hospital by the independent Health Services Commissioner says about the previous government:

There had been an undue emphasis on commercial viability at the expense of considerations of quality of care.

She went on — —

Honourable members interjecting.

Mr THWAITES — The independent Health Services Commissioner's report says, and I quote:

Resource constraints during the latter part of the 1990s at Royal Melbourne Hospital had a serious adverse impact on nursing services. High workloads, exposure to stressful situations, poor roster and shiftwork arrangements, combined with a reduction in staff support positions, contributed to low staff morale and a drop in standards.

She goes on:

More recently budgets have been improved to address these problems but full recovery will take time.

That is what we are on about.

The opposition promises to cut taxes, but how it is going to pay for that? Another 2000 nurses sacked? Another 12 hospitals closed across the system? The shadow minister admitted on TV that he got it wrong with nursing. He admitted that. But who was running the show at the time? Who was the assistant health minister? The now Leader of the Opposition! Who was the chief of staff? The now shadow minister!

Honourable members interjecting.

The SPEAKER — Order! I ask the house to cease interjecting. I advise the minister that under sessional order 3 he is required to be succinct, and I ask him to conclude his answer.

Mr THWAITES — I am very pleased that we are taking the action — —

Honourable members interjecting.

The SPEAKER — Order! The minister, concluding his answer.

An honourable member interjected.

Mr THWAITES — I am happy to have a debate — at any time.

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Doncaster to cease interjecting. I ask the minister to cease responding to those interjections.

Mr THWAITES — I am very pleased that we have been able to put back these 3300 extra nurses who can provide better quality of care and continue to reduce the risk of infection in our hospitals.

Cardinia Primary School

Ms DAVIES (Gippsland West) — My question is for the Minister for Education and Training. Cardinia Primary School has been allocated funds for its long-awaited upgrade, but these will not cover the cost of the second classroom to which the school is entitled. When will the government provide this much-needed classroom and the necessary realignment of portables on the site?

Ms KOSKY (Minister for Education and Training) — I thank the honourable member for Gippsland West for her question. I did, during the parliamentary break, go down and visit Cardinia Primary School. I spoke with the school principal, the teachers, the parents and also with the school council president, and indeed the honourable member for Gippsland West was there during that visit. I had an opportunity to see the facilities down in that area, and I must say that the people there have struggled over the last eight years. They got very little under the previous government. They got very small amounts of money. We have, under our major capital works program, provided \$500 000 for a new classroom facility as well as additional facilities.

I had further conversations with the honourable member for Gippsland West and also with the school council president, and there has also been correspondence. I sought further information from the department about the entitlement of the school. I can inform the honourable member for Gippsland West that we have made a decision to provide additional funding for a second classroom, which is within its entitlement.

Honourable members interjecting.

Mr Phillips — Even Susan is not surprised!

The SPEAKER — Order! The honourable member for Eltham!

Mr Phillips — Ask her why she is not surprised.

The SPEAKER — Order! The honourable member for Eltham will find himself outside the chamber.

Mr Maclellan interjected.

The SPEAKER — Order! Similarly the honourable member for Pakenham!

Ms KOSKY — And certainly that second classroom is within the school's entitlement. When I noticed that other schools in the area had received major capital works, it was my view that we needed to provide that extra — —

Ms Davies — On a point of order, Mr Speaker, I seek your guidance. I would really like to hear the minister's response, and I really cannot hear it.

Honourable members interjecting.

The SPEAKER — Order! I have asked the house to quieten down. A point of order has been taken that an honourable member cannot hear. The Chair is having difficulty in hearing the minister. I will not hesitate to start using sessional order 10 to restore order to the chamber.

Ms KOSKY — So we can indeed provide that extra much-needed facility within the school's entitlement and will realign the portables as a result.

I should say that the reason we have been able to do this is because of the amount of additional funding we have provided for capital works — \$880 million into capital works — since we have come into government: that is, one in every three schools is getting access to major capital works in this state.

I should also say that in the almost three years that we have been in government we have provided more than double the funding for capital works that the previous government provided in the same period — \$822 million compared with just over \$300 million. So I am very pleased to be able to inform the honourable member for Gippsland West that we will be providing the extra classroom within the school's facilities, but we can do so because of the investment we have made in education in this state.

Central City Studios: Docklands tender

Mr DOYLE (Leader of the Opposition) — I ask the Premier what security the government has demanded for its loan to Central City Studios, and will the Premier guarantee that the government is not putting more than \$40 million into the project?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. We are examining the contractual and probity issues with the final tenderer for the project. Once they are finalised, those matters will be released and announced. We did commit as a government to a \$40 million contribution to a studio with the private sector. That remains the commitment.

Schools: retention rates

Mr HARDMAN (Seymour) — I have a question for the Minister for Education and Training, who is receiving accolades from right across the education community at the moment. I ask the minister to inform the house about the government's recent initiatives to improve school retention rates and to explain why these initiatives have been needed.

Ms KOSKY (Minister for Education and Training) — I thank the honourable member for Seymour for his question. As some in this house will be aware, retention rates have been increasing under the Bracks government. In fact, they have increased right across schools — they were at 85.3 per cent as of February 2002 — and are increasing in government schools as well. Years 7–12 retention rates have increased to 80.7 per cent. This is 4 per cent higher than when we came into office; 4 per cent more students are staying on to the commencement of year 12. Under the previous government we saw a slide of 8 per cent in the retention rate. So retention rates were going down under the previous government, and under this government they are increasing. We are very proud of that.

We are also narrowing the gap in regional Victoria. We narrowed it with a 2.2 per cent increase last year. It has improved for girls, it has improved for boys, it has improved across government schools and across non-government schools, and it is improving in rural and regional Victoria. But of course this has not happened just by accident. It has happened because as a government we made a major investment in those critical years in secondary schooling. After we came into office we put in \$65 million over a four-year period to improve post-compulsory education and training pathways. Just last week I announced an extra \$47.7 million for the new Victorian certificate of applied learning, which was in the budget that came down earlier this year. That is almost an additional \$50 million for the new Victorian certificate of applied learning, which will provide another pathway for young people in years 11 and 12.

In the last budget we also committed over \$165 million for the middle years initiatives, which are around

access, excellence and innovation. We have made this investment so that we can have additional teachers working with students in our classrooms as well as new programs. Through these programs, from the beginning of next year there will be 925 extra teachers in government schools. This comes on top of the 3000 extra teachers and staff we have already put into our schools. But of course we had to do this, because the previous government decimated education, with 9000 teachers sacked from the system. What is interesting if you look at that cut of 9000 teachers is that cuts happened every year under the previous government. Every year we saw cuts across the state, and they occurred in regional and rural Victoria and also in metropolitan Melbourne. They slowed down around 1996 — isn't that interesting? — but the previous government continued to cut.

This government has put an additional \$2.75 billion into education since it came to office because it believes education is so important and because it made a commitment to improve literacy and numeracy standards in our schools and to improve retention rates.

The question is what would the opposition do next time. We read in its ad just last weekend that 'practical solutions are just as important'.

Mr Perton — On a point of order, Mr Speaker, the minister is debating the question. She has also reached the 5-minute mark, which is your definition of exceeding the succinctness requirement.

Mr Batchelor — On the point of order, Mr Speaker, the minister was responding directly to the question asked. She was asked to comment on recent initiatives and explain why those initiatives have to be taken. She is answering that in its entirety and is entitled to do that.

The SPEAKER — Order! I am not prepared to uphold the point of order at this point in time, but I remind the minister that she must not debate the question.

Ms KOSKY — So the suggestion is that practical solutions are just as important and it is not only about how much governments spend, it is also about whether the community benefits. This is Doyle-speak for cuts to education — sacking teachers and closing schools. The question is of course what would the opposition do in its policies. What is its intention? Is it going to cut taxes? Is it going to cut teacher numbers and close schools? The public should know, and we would like to know as well.

The SPEAKER — Order! I ask the minister to come back to answering the question. She has concluded her answer.

Central City Studios: Docklands tender

Dr DEAN (Berwick) — I refer the Premier to the fact that six months after it was chosen as the preferred tenderer for the Docklands studio project and at the deadline set by his government Central City Studios had no builder for the project, had no financier for the project, had no guarantee of operating capital and owed up to \$1 million to creditors, and I ask: will he assure the people of Victoria that the firm to which he is about to pass over \$40 million of taxpayers' money was and is currently solvent?

Mr BRACKS (Premier) — I thank the honourable member for his question. We have spent six months examining this project because we want to get it right. We do not want to do what the previous government did and sign up a Seal Rocks contract, which successive governments have — —

Honourable members interjecting.

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

Mr BRACKS — As I indicated in a previous answer, we are examining the probity and contract issues; we are confident it can be secured. We will have as a result of this is a studio that can be compared with any other studio in Australia — in Brisbane, Sydney or internationally — the very thing we are lacking. We have great talent, capacity and ability and a great film industry, but what we do not have is the space and the studios in which to do those films. This will give us the capacity for the first time in many years.

Economy: performance

Mr ROBINSON (Mitcham) — Will the Treasurer explain to the house how the government is implementing its policy of fiscal responsibility and advise what other policies the government has rejected and why?

Mr BRUMBY (Treasurer) — I thank the honourable member for Mitcham for his question. I put on the record the achievements of the Bracks government in terms of the fiscal responsibility of the last three years. The fact is that over the last three years the Bracks government has consistently recorded substantial budget operating surpluses. We have managed to substantially cut general government net debt. We have managed to fund \$6 billion of

infrastructure funding without borrowing one additional cent. We have managed to employ thousands of additional teachers, 3300 more nurses and turnaround the education and health systems, and we are committed to \$1 billion in tax cuts. We have done that while maintaining a substantial budget operating surplus.

I want to say that we have done that because we have got the strongest economy in Australia. We have the standout economy in Australia. Let's look at the achievements of the Victorian economy during the three years of the Bracks government: unemployment rate 5.3 per cent — the lowest in 12 years; the lowest in Australia; building approvals over the past year — a record high and the highest number of approvals of any state in Australia and the highest ever share for Victoria of national building approvals. In economic growth — the June quarter economic figures — we had the fastest economic growth in Victoria for four years, but over the three years of the Bracks government which state has averaged the highest rate of economic growth? Yes, Victoria.

In investment, per capita investment is at record levels, and expenditure on research and development is at record levels; and as for net interstate migration, not only is the capital for investment moving to Victoria but people are voting with their feet and moving to Victoria from other states. What started as a trickle three years ago has now become a stream, and in the last year more people moved to Victoria than ever before in our modern history.

If you were an objective person you would say that is a pretty good record. The other day I read in the newspaper an advertisement headed 'Robert Doyle on economic management ...'. It was a fairly brief advertisement, but one of the things he said was:

... but there are storm clouds on the economic horizon.

I have looked around — where are the storm clouds? There they are! There they are on the opposition benches!

Honourable members interjecting.

Dr Dean — On a point of order, Mr Speaker, the Treasurer is getting into a debate in relation to this matter. When he talks about the highest this and the highest that he should also advise the house that he is the highest taxing and tax-collecting Treasurer in the history of Victoria.

The SPEAKER — Order! The honourable member for Berwick rose to take a point of order that the

Treasurer was debating the issue, but proceeded to make a point in debate himself. I will no longer hear him. The Treasurer, answering the question.

Mr BRUMBY — We can see the storm clouds on the southern side of the Parliament, were they ever to be elected to government. The only storm clouds for Victoria would be seen if this opposition were ever elected to government, because it has promised \$2.77 billion of tax cuts and spending commitments. This is the magic pudding. Everywhere around the state the Liberal Party is promising things — \$2.77 billion worth of promises! One thing the new Leader of the Opposition needs to learn is that you cannot have your pudding and eat it too!

Honourable members interjecting.

The SPEAKER — Order! I ask honourable members to cease interjecting. I ask the Treasurer to conclude his answer.

Mr BRUMBY — The point is that \$2.77 billion worth of promises would throw the Victorian budget into a huge deficit — and the Leader of the Opposition knows that. Alternatively if you did not want to throw the budget into a huge deficit you could apply the euphemism ‘good management and practical solutions’, which is really Liberal Party code for spending cuts, sacking nurses, sacking teachers and cutting the size of the police force.

The Bracks government is absolutely committed to responsible financial management. The only storm clouds for Victoria are over there on the southern side of the Parliament — you cannot have your pudding and eat it, too!

The SPEAKER — Order! I ask the Treasurer to cease debating the question and conclude his answer.

He has concluded his answer.

AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL

Second reading

Debate resumed from 9 May; motion of Mr HAMILTON (Minister for Agriculture).

Government amendment circulated by Mr HAMILTON (Minister for Agriculture) pursuant to sessional orders.

Mr MULDER (Polwarth) — I rise to make a contribution in relation to the Agriculture Legislation

(Amendments and Repeals) Bill and briefly comment on some of the technical aspects of it.

The Agriculture Legislation (Amendments and Repeals) Bill makes miscellaneous amendments to the Plant Health and Plant Products Act 1995 to improve its administration and enforcement and repeal redundant provisions. It amends the Sale of Land Act 1962 to require vendor statements to include a warning to prospective purchasers of land that commercial agricultural production could affect their enjoyment of the land. The bill also repeals the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993, both of which are redundant.

The bill provides for the expansion of the definition of ‘prescribed materials’ to include livestock and livestock products, such as beehives, which can be vectors of exotic pests or diseases. In certain parts of the state we have exotic pests like branched broomrape and fire ants. Clause 10 of this bill allows the minister to restrict the movement of livestock and livestock products because it is known that the movement of animals and animal products can spread particular pests and seeds.

I will not go into some of the finer details of the bill because the clause that interests most members is clause 30. We have been waiting for some three years for the introduction of legislation that protects farmers in their day-to-day activities — that is, right-to-farm legislation. It has taken three years for these 13 lines to be introduced into the Victorian Parliament to be debated so that we can offer protection to farmers by dealing with the issue of disputes between farmers and the people who choose to move into country areas without understanding what it means to live in a country area.

Also, we believed this legislation was going to be brought forward in a manner that would protect farmers in their existing activities against people who currently live in rural Victoria and decide, for some reason or other, that they do not like to live alongside a farmer who is conducting his business under normal circumstances.

For all of the noise that had been made about the Labor government and its willingness to work with country Victorians and support farmers, this whole section of the legislation does one thing and one thing only to a potential buyer of land in a rural area: it says, ‘Buyer beware!’. That is the extent of the right-to-farm legislation that has been introduced by the government. That, along with glossy brochures, long and drawn-out committees and inappropriate measures do nothing to

assist farmers and protect them in their day-to-day activities.

This is brought to light in the nice glossy brochure that the minister has put out — with a lovely photo, I must say — entitled *Living Together in Rural Victoria*. It goes through the issues of odour, noise, dust, smoke, roads, land use, planning and subdivision. When we get right through the brochure to the last sentence it gets down to the real issue as to why the matter of right-to-farm legislation was first mooted and needed to be brought into this Parliament so the issue could be sorted out. Under the section headed ‘Legal’, it states:

For some disputes, a formal legal procedure might be the only appropriate course.

This is what this whole issue is about — that is, we continually meet people who move into rural Victoria and say, for example, ‘We came here for the lifestyle, but there are certain issues about the lifestyle in country Victoria we just don’t like’. We, as members of Parliament, are visited in our offices on a regular basis by constituents who have moved out to the country after they have decided they want the lifestyle but who do not like living alongside some farmers and being associated with some of the farming practices.

People coming into my office raise issues about cattle crossing the road causing them to have to have their cars washed. What else would you expect in country Victoria? The simple facts are that farmers do move cattle around the roads, someone is likely to drive through what cattle leave on the road and the car has to be washed!

Issues are raised about cattle crossing the road in summer months, milk tankers turning manure into dust, and the dust settling on house roofs, so people end up with a water quality problem. People visit their local members and say, ‘We want you to deal with this particular issue. We moved into rural Victoria after we bought a 2-acre property in the middle of a very large farming area and we would like you to do something about getting those farmers to change their practices because, quite simply, it doesn’t suit us’.

I have had people come into my office with complaints about farmers’ practices when weaning calves. The calves had been put in a yard or paddock close to the neighbour’s home, and the people have complained about the bellowing of calves all night. Anybody who has lived in rural Victoria would know that there is nothing worse than the noise that goes on night after night when calves are weaned. However, it is all part of living in rural Victoria and par for the course. If you want to buy your little block or plot in rural Victoria

and take up residence there, that is one of the issues that you have to be prepared to deal with.

I have even met people who had moved to a small township just out of Colac where they had bought a small holding alongside a little hall. We all know the role that small country halls play for rural communities — they are the focal point for weddings, 21st birthday parties, Saturday night dances and so forth. These people had moved down from Melbourne into the small town and the complaint to me was that every Saturday night there was a function in the hall. I was asked, ‘What can you do about closing the hall down? We bought this property for lifestyle and you’ve got these farmers coming in regularly on Saturday nights. What do you intend to do about it?’. My comment was, ‘Go over and join in! It’s most likely that you’ll get a drink and have a dance, but don’t expect me, as your local member of Parliament, to go and tell farmers that they don’t have a right to use the hall on a Saturday night!’.

Some issues include people living close to farming communities complaining about the smell of thistle spray. However, a year after you talk to the farmer about that particular practice you get complaints that he has done nothing about the thistles. So these issues go on and on.

The problem that we face — and I suppose you could take it to the issue that we currently have in some of the drought-stricken areas of the state — is that a lot of the people from Melbourne who have weekenders in the country are usually fairly well connected. A lot of lawyers and planning professionals who move into country areas have the resources, including the money and the time, to cause a great deal of discomfort to farmers and other people who live in rural Victoria.

I expected and hoped that this piece of legislation would have gone to the point of dealing with these issues rather than coming on board with this point of ‘buyer beware’, because that does nothing about the problems that exist and the issues I have already raised.

We had a situation in Deans Marsh, just out of Colac, and ended up receiving some funding assistance from the Victorian Farmers Federation to address it. The case involved a farmer who was moving cows along the road and a businessman who had bought a property in the area and who decided that he did not like the road getting cut up. The farmer was put to enormous difficulty. He went through two legal disputes over the issue, and finally the case was decided in his favour. However, it does not stop the fact that people, such as

that businessman, can arrive in an area and, if they wish, take legal action.

There are other courses — I know dispute mechanisms exist — but unless you can get the person who is taking action against a farmer to go down that pathway there is still nothing to stop him from taking a legal approach, and that is what causes most of the pain and angst in addressing this particular issue.

We have waited three years for this and we have 13 lines in a bill. I believe that Victorian farmers would be, rightly, very disappointed that the Labor government has let them down very badly in the way that it has handled this piece of legislation. The legislation does nothing to stop these disputes; they will continue. Certainly the farmers in the Polwarth electorate will be bitterly disappointed that their interests have not been taken on board.

It is interesting to read the ALP policy on the right-to-farm legislation, which a small section of this amendment bill takes on. One paragraph of the ALP policy states:

Provided farmers can show that the activity complained of falls within acceptable industry performance standards, they will be able to argue in defence of a nuisance action that the farm was in operation and the conditions complained of were in existence prior to the complainant coming to the area.

It does not say anything about the fact that they have to go to court to fight for it. Imagine people, particularly farmers from our drought-stricken areas, being caught up in a legal dispute while trying to fight all the other issues they are faced with at the moment.

The government promised that the legislation would deal with those issues, that it would help farmers and ensure they did not have people turning up on their doorsteps wanting to determine how they lived their lives and carried out their farming practices. It happens time and again, and will continue. The legislation is a disappointment because it does nothing to assist those farmers.

I wonder how farmers, particularly those I visited on a recent tour of the drought-stricken areas in the north of the state, could possibly endure such a process on top of the current conditions that they are experiencing. I started my tour at Shepparton, went through Numurkah and down to a little place called Timmering, where I met with farmers. The issue in front of us today, whereby the Premier and the Minister for Agriculture are not prepared to declare a drought in Victoria or to offer any assistance to those farmers, defies any form of logic whatsoever. I was taken on a trip of the area by the farmers and was told that some of those properties

have not had water in their dams for three and a half years. If that does not tell us that there is a drought in the area, I do not know what does.

I was taken for a drive down past the Tongala abattoirs. In the holding paddocks at the abattoirs prime dairy cattle with milk dripping out of their teats were standing shoulder to shoulder waiting to be slaughtered. Farmers in the Timmering area are milking cows in the morning and then walking the cows to the Tongala abattoir to be slaughtered. That abattoir is slaughtering 4500 cattle a week, and the majority are dairy cows. Those people have put huge amounts of money and years of work into improving their herds, using technologies such as artificial insemination. They have built up great herds of dairy cattle, and they are being slaughtered. It is an absolute disaster!

I sat around a table with about a dozen of those farmers and the message I got was, 'Yes, some fodder assistance would be great, but will you please tell the people in Melbourne what is happening to us, because no-one is listening and the message is not getting back'. That was clearly demonstrated by the Premier, who was happy enough to go up to Kerang and leave his footprints in the dust in the paddock and then come back to Melbourne and put his head in the sand at the Williamstown beach and pretend the drought does not exist in northern Victoria.

Enormous social problems will come out of this current situation. The Premier and all his ministers should be mobilising their departments. I am not just talking about some assistance with fodder; I am talking about the little kids who go to school with the trauma of saying, 'Dad, the whole farm has gone down the chute'. Kids are arriving at school carrying all this on their shoulders.

The drought will place pressure on the health systems in the area. It will place pressure on small business. It is not just an issue of some drought assistance for north and north-eastern Victoria; this will require considerable effort by the government of the day if and when it recognises that a drought exists. I assure honourable members that I have never seen the area I travelled through as dry or as bad as it is at the moment, and I have never seen people in such a distressed state as they are in that part of Victoria at this time. In terms of the support needed, those people will need one-on-one critical stress debriefings given what they are going through at this time.

I also refer to an article from the *Australian Financial Review*, where Mr Bracks argued that such a move —

and I am talking about declaring a drought — should not be taken without strong evidence — —

Mr Hamilton — On a point of order, Mr Acting Speaker, I know the honourable member is a relatively new shadow minister and a relatively new member of Parliament, but it would be appreciated if he confined his remarks at least to those with some relevance to the bill. We can hear that speech any old time. I ask that he be directed to confine his remarks to the bill.

Mr Plowman — On the point of order, Mr Acting Speaker, the difficulty is that you cannot divorce the two. The right to farm and the current circumstances of the drought in Victoria go hand in hand, and it is almost impossible to separate them. Therefore, I suggest that the shadow minister is within his rights in introducing the subject matter of the drought as part of the business of the right to farm.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Benambra makes a very valid point — that the honourable member for Polwarth is talking about the drought and that it is difficult to separate the two — but the Minister for Agriculture is correct in saying that the honourable member for Polwarth has strayed considerably from the purpose of the bill. I ask the honourable member to confine his remarks to the bill being debated at the moment.

Mr MULDER — Earlier in my contribution I linked the financial pressures placed on farmers to the proposed right-to-farm legislation, which the government has failed to introduce.

I linked that to the issue of continued financial pressure on farmers who are currently facing drought conditions. In putting my case forward I would like to expand on those conditions, because the two are directly linked.

I raise the issue of the impact of comments made by the Premier, as published in the *Australian Financial Review*, when he argued that there would be no move to declare a drought without strong evidence, because it could have a significant impact on the capacity of the affected farmers to raise finance. I assure the house that the impact of there being financial implications for farmers who were relying on government support through the proposed right-to-farm legislation is already there. It is not a matter of whether financial assistance comes or does not come, the impact of not having it is already there.

In front of me is a list from one of the farmers in an area I visited who is calling on the government for assistance in this regard. It indicates that without sufficient rain his grain and hay costs alone from

September to June total about \$108 000. He does not know where assistance will come from. He is one of very many in the area I visited.

Having visited that area I can say that the farmers would be right in assuming that they have been let down, and not just by the lack of legislation to protect them with day-to-day activities on their farms. The minister suggested that I was straying by raising concerns about drought when talking on this legislation. But it may well be that those farmers will have to change their practices. It may well be that some of those dairy farmers who have sold off their herds or had them taken to the Tongala abattoirs and slaughtered cannot re-enter dairy farming. They may have to enter into some other form of agriculture until they get back on their feet. Once again that brings on board the issue that no matter what activity they have entered into — whether it be pig farming, broiler farming or what have you — they would have expected some sort of assistance from the government.

The farmers also asked that I lobby the government for some certainty from Goulburn-Murray Water about their water entitlements. At the moment they have a 34 per cent water entitlement. They are hoping to get some certainty because currently there is no subsoil moisture in the land surrounding that drought area. Some of them have enough water for three waterings of their farms, and then they are finished. They do not know whether to water now or to wait to see whether they will get further water entitlements.

That situation is having an impact on their ability to determine whether to buy grain or fodder or to destock or even get rid of their properties. They do not have that certainty at the moment. They have asked that I lobby the government to contact Goulburn-Murray Water and make it aware of the situation they are in. They cannot plan what to do until the government determines what type of assistance they will get.

The people I sat with at Timmering said, ‘In three weeks time it will be too late anyway’. The decisions they will have had to make about slaughtering their prime dairy herds will have been made, and any assistance that comes from that point onwards will come too late for them. On that note I conclude, and I wish the bill a speedy passage.

Mr STEGGALL (Swan Hill) — I do not know where to start after that, but it would help if I spoke on the bill we are debating — that is, the Agriculture Legislation (Amendments and Repeals) Bill. This piece of legislation includes right-to-farm provisions but otherwise amends the Plant Health and Plant Products

Act by tightening up requirements for the prevention of, reporting on and responses to incursions of exotic pests and diseases. It is in that context that I will address some of my remarks.

The amendments to the Plant Health and Plant Products Act are a case of government regulations catching up with industry practice. Industry practice has got away, and I am pleased with the way this part of our agricultural industry has developed. Basically most of these changes are a catch-up to the current requirements and practices of our horticultural industry in particular. They also reflect the need for an efficient and rapid response to new pest outbreaks, improved product movement and better certification measures. Weeds like branched broomrape, exotic pests like fire ants and diseases like fire blight are significant threats. I will discuss them in detail.

These amendments are welcomed across the board and, as I said, are a catch-up for those areas. I will run through some of them. The amendments allow the minister to make an interim order regarding an unidentified pest or disease which is suspect rather than confirmed so as to hasten the response. In this day and age the response is vital for our state and country and for what may follow.

If you look at problems such as bovine spongiform encephalopathy, foot-and-mouth disease and others that the Europeans and the Malaysians have had, you see the need for a minister to be able to intervene very quickly. Not always will he get it right, and hopefully the suspicions will not turn out to be the fact, but this legislation gives the minister the ability to intervene pronto and to take actions he deems fit. Of course a minister would have to justify publicly why he or she had taken those steps. If there were a threat or a suspicion of exotic pests or diseases I am sure the people of Victoria would support that action.

The amendments also extend the interstate requirements for moving prescribed materials from a restricted area to apply within the state. That will make it a lot easier to move those materials. They reduce penalties for a number of amended offences to allow infringement notices to be issued to individuals and bodies corporate. It makes me feel a lot better to know that that is there!

The bill allows diseased material to be imported into Victoria — which we have had trouble with from time to time — for specific purposes with the written consent of the Minister for Agriculture. That material, of course, would be heading for our laboratories. Livestock, livestock products and beehives are added to

existing vectors of plant pests and diseases, which really raised people's eyebrows and made them sit up and take notice, but their addition makes people realise that livestock, livestock products and bees can be vectors for disease.

The Minister for Agriculture is empowered to grant consent for entry into Victoria from interstate of suspect plant material for diagnosis, except where the material is known to be infected. Laboratory staff, contractors and consultants are required to report suspect or identified exotic pests. Inspectors are empowered to direct those in charge of suspect material to either return the item to the sender or treat or dispose of the item. At the moment there can be a few problems, so that is a nice clean-up.

Because of the implementation of the industry code of practice, regulations about the quality of labelling of seeds for sowing sold in Victoria have been repealed. I am pleased to see the reference to the code of practice, and I suggest that the honourable member for Polwarth give consideration to and understand the use of codes of practice in the future, which will give agriculture a better and stronger base to argue its case. It is interesting to see that a code of practice is preferred to the regulations.

The expression 'clean' packaging is redefined, and inspectors are empowered to require that used packaging be cleaned, destroyed, disposed of or repaired as specified. Some cowboys in the industry use second-hand packaging, which gives Victoria an enormous headache. Basically the industry is cleaning itself up in this regard, and the amendment applies to those who act outside the law concerning clean packaging. The meaning of 'clean' packaging is clarified.

With the growth and development of horticultural and other products as retail-ready products as opposed to commodities, one of the biggest problems lies with exporters, who in some cases buy second and third-rate material, package it up and ship it overseas. How do we as a nation stop inferior exports going out of the country and giving Australia a bad name? In the 1980s the table-grape industry was lost because of that practice. We are now getting it back, but it has taken nearly 15 years. The rubbish with Australian labels in the markets is a huge problem for horticulture and stone fruits in the Swan Hill area. People travel the area at the end of every season. Between the states and the commonwealth there must be a way to solve the problem.

Mr Hamilton — Quality assurance.

Mr STEGGALL — QA is fine if people play by the rules, but we virtually have illegal exports even though they are not illegal because you do not have to export top-quality products.

Mr Hamilton interjected.

Mr STEGGALL — It is not giving Australia a quality standard but putting rubbish into the market. The people who participate in that market are oncercs — in with a quick hit and out — and the rest of us are left with the results. As I said, it took 15 years to get back the market for table grapes. Clean packaging is a very important part of the bill.

There is another bit that is not quite right. I do not have the answer, but the state and federal governments should come up with the answer. We need it.

Mr Hamilton interjected.

Mr STEGGALL — Yes, she would get it right; she would know exactly what it was.

The legislation also allows growers and packers to use location codes on fruit and vegetables, rather than the address of origin, for traceability and compliance purposes. This can also be done electronically, which is a classic example of the legislation catching up with practice, because that is already done and is working well.

The bill repeals requirements for labelling plant products with grade and quality descriptions because the alternatives are far better. Once again that is a clean-up of present practices. The reference to intentional or reckless failure to comply with section 43 of the act is removed, and a defence that all reasonable steps have been taken is included. We are starting to move and getting there, but I will not go into that too much.

The bill empowers the minister to delegate only to the secretary the making of interim orders on exotic pests and diseases. I do not have a problem with that; I would have a problem with the secretary if he made a mess of it, and so would the minister. It allows the secretary or an inspector to fix a minimum of two days for a person to comply with an order rather than the current minimum of seven days, which is a perfectly agreed position. Bearing in mind the speed with which some disease problems move around the world, two days might be a long time.

The power of inspectors to detain or seize seeds because of mislabelling is removed because it is no longer required. Inspectors are empowered to detain

packaging used to pack fruit, nuts or vegies for 48 hours for inspection. Again it is the packaging that causes the problem, and it is not included in the legislation, although I do not believe this bill is the place to have it. Inspectors powers are expanded in relation to exotic pests and diseases, and the bill makes it an offence to hinder an inspector and increases penalties for offences against inspectors.

Anyone, particularly any of my legal friends, who starts delving into and looking at the powers that we give inspectors and the rights of people that are taken away by the powers in our agricultural bills will see that those powers are quite phenomenal. This legislation can be seen as very draconian, and it would be if it were to be used in the wrong way — and if it were, the political fallout would be very great. Our agricultural legislation relies entirely upon the goodwill of the minister and the department for its operation. Where that goodwill fails the whole of the legislation will fail, and very quickly — and so will the minister and the bureaucrats.

There are two other parts in this bill. Part 4 repeals the redundant Wheat Marketing Act and Egg Industry (Deregulation) Act. My goodness, do honourable members remember the problems we had with the Egg Industry (Deregulation) Act? The eggs are gone, the deregulation is complete and the act is no longer required. Those parts of the bill are reasonable and the National Party has no problems with them.

Part 3 of the bill deals with the amendment of the Sale of Land Act. The National Party has been looking at this for some time as part of the mosaic of legislation coming in to cover the so-called right-to-farm issue. While the minister has tried desperately to change the name of it, I can assure him that it will always be called right to farm and no Labor minister will be able to change the terminology of it. Living Together in Rural Victoria will always be —

Dr Napthine — It sounds like St Kilda.

Mr STEGGALL — It does. It will always be called right to farm.

Dr Napthine interjected.

Mr STEGGALL — Yes, that's right; I thought they fixed that up in St Kilda!

We have made some progress on the right-to-farm issue; it has been slow but we are getting there. The Victorian government has acted slowly on its election promise to protect the right of Victorian farmers to farm. The minister has established his working group. It met over a long period and brought out six

recommendations, and the government is slowly ploughing through them. This legislation is part of that process.

Before I get onto the Sale of Land Act I refer to the recent case at Swan Hill in which I appreciated the minister's support for actions that I and others took. The result of that right-to-farm issue worked out the way I thought it should and justice was done at not a huge cost, although it could have gone on and been very costly. I wonder whether our planning policy framework and planning laws are going to deliver the planning side of the right to farm.

At the end of the 1990s the National Party was prepared to look at the planning laws and planning practices to see whether the right of farmers to carry out proper practices through the planning procedures was going to be good enough and strong enough. I am starting to wonder whether we should revisit that just to check that the policy framework being used today is adequate. The planning people will tell you that it is; I am just not convinced in my mind that I can rely enough on the planning laws to look after the right of people to farm, particularly where world best practice is carried out.

The other aspect of the right-to-farm issue which has not yet been resolved — and I appreciate the minister's response to me of recent times — is the nuisance provisions of the Health Act, which were the key areas I wanted to get at when the paper on the right-to-farm issue was done in 1997. In the minister's response to me he says that he will look at the nuisance provisions the next time the Health Act is before the Parliament and points out that there are some good bits and some bad bits for farmers in those provisions. I have been looking for the good bits, and I have a bit of trouble finding them! I still believe that the nuisance provisions are a major obstacle to the right to farm. I appreciate through the government and the bureaucrats that there will be some difficulties, but if we are going to have the right to farm in a proper and sustainable manner they need to be addressed. The nuisance provisions are something that the National Party will continue to chase down.

The minister has started work on the area of educational awareness. I go back to the 1997 document, which tried to paint a picture of how farming was perceived at that time. A 1997 survey of Australian schoolchildren showed that only 18 per cent believed that people in the cities did not need farmers and only 55 per cent of schoolchildren believed that the food they ate came from farms. That was in 1997, when this was started and education awareness of farming was brought to the fore.

While I know the government has accepted that position and made some noise about addressing it, I do not believe that at the moment when you listen to some of the comments, particularly as we get into a drought debate, we are adequately addressing it. The drought is very much part of the Australian scene and part of the angst of being a farmer and living in or being a businessman in a country community.

I had three huge droughts in my farming career — in 1967, 1972 and 1982 — and believe me, they are very hard for families and communities to handle. One of the things we have to be careful about and that horrified me a little was the types of comments we heard earlier today. Please, do not denigrate our farmers. Do not run them down. Do not make them look as if agriculture is a business which will fail completely in whole communities. Droughts are very much a part of life in Australia and when they come they hurt. Governments can do a series of things, and I believe this state government needs to do them very quickly and set the process in place.

I point out to the minister — he would know this — that it is the state government that declares the drought and that puts in its programs. It is the state government that will then apply to the commonwealth for a declaration of exceptional circumstances. But the first issue is that the state government is the responsible body, and that is why the Premier copped the flak when he went to my area in Kerang last week. We honestly believed he was going to announce some commencement, and to go there and not do that was the thing that made us wild. Then there were his comments on television that night along the lines of, 'Well, if the commonwealth does not do it, we will'. The commonwealth cannot do anything about a drought in the state of Victoria until the state of Victoria declares it. Victoria has that responsibility, and I hope that the process in place now will come to fruition very soon.

I also hope the government will look at the many areas of assistance that are available, some of which are not all that expensive. We used them in Gippsland when we had the last drought. We contacted all those agricultural people personally to try and get advice. When we had the bad droughts one of the things we found in my electorate is that at such times people need advice and to feel that the whole world is not against them. When people are in the middle of a drought and they are struggling there as a family operation, when they and their kids are having all the emotions and problems that were mentioned earlier, they need to be given some confidence that the banks, the government and the community will do their best to steer them through.

The other thing we brought in in Gippsland, again for the first time, was the purchase of farms. It was something I desperately needed when I was in Sea Lake in the mid-1980s and I had a little triangle that got wiped out. It was not a statewide drought; it was just a little triangle that got wiped out three years in a row. In Sea Lake in those times there were people who wanted to get out but could not. For some families the drought becomes the restructure process that they go through.

I appreciated the Premier's comments at question time. The provision of subsidies for transport and fodder has not always proved to be the best operation in some areas. In some cases it might be very suitable but there are other areas that need to be attended to, and people do need to have some confidence that they are not going to carry this drought.

How could you explain it to someone in Melbourne? I have a lot of trouble doing that. It is like the situation when someone has lived all year and had their salary paid every week; they have spent their money and when they get to December they have to pay back not only all the income — the farmer does not get any income in the drought — but they have to pay back all the money they have spent as well. It becomes very difficult. However, in the grain areas we have had some good seasons at times so the banks should give strong support to a lot of our areas.

The issue in this drought that is different from the others that I have been involved in is that in the Wimmera–Mallee we are only delivering 50 per cent of our water and are in danger now of having a carryover; and in the Goulburn system there is a very low water allocation, even though it is early in the season. That is new. I do not believe our irrigation areas will get over the exceptional circumstance hurdle; they just will not make it, so they will need some state assistance — and state assistance alone. I was disappointed that the state of Victoria and all the other Labor states did not agree to the Truss changes to the exceptional circumstances provisions.

Mr Hamilton interjected.

Mr STEGGALL — Yes, well you'd better go back and fix that one up. If this drought continues through for a period of time yet the minister will need all the tools at his disposal to assist those communities and families through. I thought the federal agriculture minister's package was helpful and would be helpful to the government in that regard.

The sale of land issue is another small piece in the package. As I said, the big one that I am after is the

nuisance provisions in the Health Act, but this was one we had identified so that when people purchase land in a rural area, their section 32 statement will spell out what they are buying and point out the things that may or may not happen. It is not as strong as some of the American provisions, but the provision in clause 30 gives a warning to the following effect:

Important notice to purchasers:

The property may be located in an area where commercial agricultural production activity may affect your enjoyment of the property. It is therefore in your interest to undertake an investigation of the possible amenity and other impacts from nearby properties and the agricultural practices and processes conducted there.

I do not have the examples that are used in the paper with me but they were a lot stronger than that. The Americans brought it in because they had trouble with all the movie stars around Hollywood going around and buying up all sorts of things.

Mr Hamilton — They had problems with the farm subsidies.

Mr STEGGALL — Yes, that is right. But they also had a lot stronger wording than that. However, this is a move in the right direction, and we need to have this one passed. We need also to have more awareness, particularly as our agricultural areas get into strife with the drought. We need some public relations assistance from the government and industry to create that awareness.

On the right to farm, with the frosts we are having at the moment I am sure I am going to have a frost machine complaint any day now because we have had two bad frosts in a row at home. An earlier speaker mentioned some of the right-to-farm areas in the south, and I will cover some of the others. I have had police called to some of these in the middle of the night — for example, wine-grape harvesting, laser grading and lights on tractors. The police have actually been called out to stop those activities because a person has said it was a nuisance and he did not want it. The local member intervened after that happened, and basically we have had the problem fixed up, but I tell the house that only to illustrate where we are at.

Among the issues I have dealt with personally have been people complaining in connection with dairy farming about the early-morning milking of cows, irrigation pumps and frost machines. They have complained about wine harvesting, dust, laser grading, lights on tractors and other matters. The biggest problem is with the broiler farms, for which codes of practice must come in. Codes of practice are the only

way we will ever handle that. Another problem was the colour of plastic nets in the Yarra Valley — and I went off the deep end with that one!

People must remember that in our state most councils — not all, as we have a bad one locally that kills the story — will support agriculture in their area but, particularly close to Melbourne, there are councils that are totally opposed to many of the practices that are followed in their areas. This is not an easy issue, and it is one we need to work through.

That is why I have always wanted that nuisance provision in the Health Act, so that people cannot say properly accepted farming practices are a nuisance. That is all I have been after. I have not got it yet, and I do appreciate the difficulties, but that is what we require, plus a government and a minister that will defend, promote and drive the public awareness of agriculture.

Mr Hamilton — We've got one here.

Mr STEGGALL — Well, we might have, but he's not getting the message over too well.

We have difficulty, with 25 per cent of the population living outside Melbourne and 75 per cent living in it, in getting the country story across. That is our problem, and that is the politics of where I come from. As a minority party how do we get the message of our people across? Where do we go to get the information and advice for the future and for the issues that arise?

The role of government in the future will involve more and more work for some ministers. Ministers will be in conflict from time to time. Conservation and agriculture will be in conflict, but it is the agriculture minister's responsibility to make sure that he has a loud voice in the metropolitan media so that agricultural issues are widely discussed in the metropolitan area and in our schools and so on.

The National Party will not be opposing this legislation. We wish it a speedy journey.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Agriculture Legislation (Amendments and Repeals) Bill. As we have already heard, there are several aspects to this bill. One of the key parts of the legislation attempts to ensure that we are as vigilant as possible in tightening previous provisions of the Plant Health and Plant Products Act to protect the fine quality of the agricultural produce of this state and to ensure that we have the best possible agricultural practices to both detect any intrusions of exotic diseases as soon as they happen and to put in place a range of strategies —

we can be proactive and prevent the diseases coming in if possible — that ensure that anybody who is carrying out poor practices which endanger our agricultural industries can be brought to account for their activities.

Our history shows that several diseases have already been found in Victoria and a number of pests have been introduced, to our great cost on a number of occasions. We have managed to eradicate them, but they still present reason for ongoing vigilance.

We certainly do not want to see diseases and pests like fire blight, which we know affects apples and pears, and Pierce's disease, which is an insect-transmitted virus that has caused major damage to the Californian grapevine industry, taking hold in our agricultural industries. Branched broomrape is a pest that has very fine seed that is easily transferred. We need to ensure that we can put in place procedures that will reduce the contamination across the state by the seed of this small plant and also deal with a number of other pests like Mediterranean fruit flies and fire ants, which have been found in Queensland and which, if they did come to Victoria, could very quickly cause devastation.

We need to be very proactive in ensuring that these sorts of pests and diseases do not enter this state, and that if they do we can detect them and respond very quickly.

This part of the bill, which was not referred to by the honourable member for Polwarth at all in his contribution, is vitally important to the ongoing health of our agricultural industry in this state. It brings in procedures for ensuring that early reporting is the responsibility not just of producers but also of crop consultants, who are in a better position to detect incursions of pests and diseases that producers might not be aware of, and of laboratory managers, who may pick up these diseases in material they are testing but who in the past may have been reluctant to expose that detection for reasons of confidentiality. This bill now requires laboratory managers to report any evidence of diseases they might detect.

People can certainly be put in a difficult position, and this bill will help tighten up the existing legislation so that all bodies who may become aware of early incursions of exotic pests and diseases will know what their responsibilities are and be able to respond appropriately. In the past, slow detection has caused this state great cost, and the government wants to ensure that that does not happen in the future. It also wants to tighten up declarations made by the Governor in Council when pests have been found, which can take a few weeks. This bill enables the minister to declare

suspect pests on an interim 28-day order while awaiting the formalities of a Governor in Council declaration to take effect. Again, the bill is a means of being very proactive.

The proposed legislation also looks at how to restrict the transfer of potentially contaminated materials not just into our state from interstate but also from state control zones into other parts of the state. The bill also ensures that inspectors have increased powers to detect dirty packaging, for example, and to order its disposal. As we have heard from the honourable member for Swan Hill, reused packaging can be a serious cause of contamination of plant produce and the government wants to ensure that it can also control that aspect of the industry.

The bill also puts in place enforcement provisions to ensure that a range of offences and penalties will be correctly dealt with by the courts and that people will comply with the legislation. The bill contains a range of provisions that will help, as I have said, to protect the quality of our produce and ensure that we can maximise export potential and detect any incursions as soon as they occur, thereby reducing the costs incurred when detection is slow.

The bill also addresses other very important aspects of the legislation which have been raised by the right-to-farm working party, including the concern quite rightly held by farmers across this state that with the growth of urban development into previously rural zones, or with people simply moving from urban areas into rural areas, the history of farm management is not fully understood, resulting in many objections being made to some of the farming practices that take place.

Honourable members would be aware that the Minister for Agriculture established a working party which involved the Victorian Farmers Federation (VFF), the Municipal Association of Victoria (MAV), the Department of Natural Resources and Environment and the Department of Infrastructure working together and consulting broadly across the community to develop ways to protect our farmers and ensure they maintain their right to farm.

The bill amends the Sale of Land Act to provide that when properties are sold, land-holders must indicate in their vendor statements the nature of the amenity of the area so that the purchasers of land cannot say, 'We were unaware that this might happen or that might happen in this area'. That is a very important aspect of the recommendations put forward by the right-to-farm working party, but it is not the only one. The honourable member for Polwarth tried to score political

points in regard to this bill but to no avail, because this government has worked very responsibly by establishing the right-to-farm working party; by working with the VFF, the MAV and other community members on the recommendations the working party has put forward; and by implementing those recommendations quite sensibly.

As the house has heard, several of those recommendations have already been enacted. A rural disputes system was a key recommendation of the working party, and that was established in February to ensure that mediation can occur between parties who have concerns to enable them to work through those concerns. Another of the working party's recommendations related to an extensive public education campaign. As the house has already heard, appropriate leaflets have been developed and made available to local government, real estate agents and all government agencies, and the government is trying to get those out to the community.

Obviously there is still a large job to be done in educating the urban-based communities about these important issues and ensuring that they are aware of the needs that farmers have in carrying out a range of activities so that they are also put in place. As we have already heard, some of those recommendations have not been finally put in place but are being evaluated: for example, those looking at the planning laws and the review on rural zones. They are being examined at the moment with a view to ensuring that they can more satisfactorily meet the needs of farmers. The right-to-farm issues that this government has been working through have been developed very responsibly and in consultation with the whole community.

Mr Mulder interjected.

Mr HOWARD — Certainly the former government did very little. In terms of the right to farm, this government came in with a clean slate. It had to put the mechanisms of consultation in place, something that the former government did not seem to understand. Consultation is a term that this government has had to reintroduce into the lexicon of the Victorian community. It has followed through with this process on every piece of legislation it has brought forward. On that score I am pleased to inform the house that overall on this legislation we consulted with the Victorian Fruit and Vegetables Wholesalers Association; the Vegetable Growers Association; the Orchards and Fruit Coolstores Association; the Northern Victorian Fruitgrowers Association; the Murray Valley Citrus Growers Association; the Victorian Farmers Federation, as I have said before; the Australian

Nutgrowers Association Council; the Seed Association of Victoria; the Murray Valley Tablegrape Growers Council and the Victorian Livestock Industry Consultative Committee.

I want to again emphasise the point that this government is all about consultation, ensuring that people across our community have an opportunity to provide appropriate input in regard to management issues in this state, and the government is working with that input in a practical way. The honourable member for Polwarth, however, wanted to try some political point-scoring with the comments he made. Rather than talking about this legislation in a meaningful way, he resorted to point-scoring in regard to right-to-farm issues and then wanted to talk about the serious issue of dry conditions in the north and other parts of this state.

This government is not treating those issues in a trite manner. It is following a very responsible process. It does not see this as an opportunity for political opportunism; it wants to get on with the job of supporting farmers who are undergoing difficulties. It has already put systems in place to offer additional counselling, and technical advice is available through additional Department of Natural Resources and Environment offices in parts of the state — —

Mr Mulder interjected.

Mr HOWARD — Well, they are out there. The government is doing its best to ensure that they know about these facilities that have been put in place, because we understand that the key things farmers need at the moment are support and technical advice to assist them. The Rural Finance Corporation is also available to provide advice and support to land-holders who need it. So this government has been working very seriously and sensibly. I am glad that the honourable member for Swan Hill seemed to recognise that fact in the comments he made. The government wants some bipartisan support to deal with this serious issue for our state. There is no place for political opportunism in regard to this important issue.

I will leave it at that point. I am pleased to support this legislation. No doubt the issue of the dry conditions in many parts of the state, if we do not have rain in the very near future, will be discussed in future and the people of Victoria will see that this government will be responding in a responsible way to ensure it can support those people who need it. I am very pleased at this stage to support the legislation before the house.

Dr NAPTHINE (Portland) — The Agriculture Legislation (Amendments and Repeals) Bill has two

components. The first component deals with legislation to assist in the prevention of and response to exotic pests and diseases such as fire ant, which is causing enormous problems in Queensland and proving to be a very difficult pest to control and eradicate. I think it will be just about impossible to eradicate fire ant in Queensland because the nature of the ant and the way it has spread will make it very difficult. One of the reasons it has become difficult is because quick and decisive action was not taken earlier. Hopefully this legislation provides a framework to not repeat that mistake in Victoria.

Obviously there is also the issue of fire blight, and we have had an instance in Victoria of suspected fire blight — a very spurious suspected fire blight — in the Royal Botanic Gardens which caused enormous anxiety and economic loss for our apple and pear producers throughout Victoria. The way that was perpetrated was disgraceful, but the response from the Victorian government department at the time was very significant and appropriate. Issues such as branched broomrape and fruit fly are also enormously important.

The other major component in the legislation is amendments to the Sale of Land Act, which I will come to at the end of my speech.

The issue of exotic diseases and pests is a very important one for Victoria and Australia, which are large agricultural producers. Agriculture is the economic powerhouse of this state and of Australia. Comments have been made in the past about riding home on the sheep's back. What we are symbolically saying is that agriculture is an important industry, economically, to Victoria and Australia and will continue to be important during this century. Despite people's comments about agriculture being a sunset industry, nothing could be further from the truth. Agriculture is on a new wave of productivity, a new wave of diversification and a new wave of opportunity throughout rural and regional areas.

Agricultural producers deserve our thanks and praise for the way they have improved their productivity and efficiency, the way they have responded to economic challenges and because they are, without doubt, the most efficient in the world, despite competition from hugely subsidised producers in both Europe and the United States of America. We have to protect our agricultural industries with all the opportunities we can. When I talk about protecting I am not talking about financial subsidies, I am talking about protecting them in terms of providing technical, professional, and research and development support, support in legislative frameworks, and responses to perceived and

real threats. Exotic disease and pests are one of those real threats to agriculture.

We are fortunate in Victoria and Australia that we live in an island country. In the establishment of this country, often more fortuitously than anything else, when we established our agricultural industries, whether the livestock industry or agricultural production industries such as cereal, fruit growing and other industries, we largely established industries with a relatively disease-free status by world standards. We must protect that status to the nth degree.

The cost of any exotic diseases and pests can be devastating. We have seen the cost of the foot-and-mouth disease outbreak in England, which has been estimated to be £10 billion, which is close enough to \$30 billion. An outbreak of foot-and-mouth disease in Australia would be devastating for our livestock industries and our export trade. We must make every effort to prevent foot-and-mouth disease ever coming to Australia. I applaud all governments for being involved in Exercise Minotaur, which is in place at the moment to help us to hone our skills in dealing with exotic disease.

There are similar diseases in plants which could be similarly devastating, such as Russian wheat aphid, barley stripe rust and fire blight in pears and apples. There are pests such as the African giant snail, which could similarly have a significant effect on our agricultural industries.

I had the experience in my veterinary career with the agriculture department in dealing with the fowl plague outbreak at Bendigo, and I saw at first hand the effect of that exotic disease on that individual enterprise. It was devastating. I am pleased that the operator has been able to rebuild some years later and now has a successful enterprise. The effect on our poultry industry was significant. I was amazed at the warnings we had to give people. Although the scientists said that fowl plague does not affect humans — there is no harm from eating poultry meats and no harm from eggs — the sales of chicken meat and eggs plummeted, and overseas countries just shut off. It did not matter whether you were from northern Australia or Tasmania, once fowl plague was diagnosed in Victoria exports were shut off across Australia; and it took a lot of effort to export from other parts of Australia. Exotic diseases can have a significant effect.

We need legislation that provides power for the department and governments to act quickly and appropriately in dealing with those issues. As the honourable member for Swan Hill said, it is important

that we have the powers and that the powers are broad ranging. I remember after I was sworn in as an inspector of stock under the Stock Diseases Act being told by the chief veterinary officer, ‘Now you have the power to do everything just about except declare war’. You have enormous powers, but it is important to use them wisely, well and judiciously. The honourable member for Swan Hill said that those powers need to be used with goodwill, but they also need to be used with a degree of competence and technical skill.

I am concerned about the decline in the level of confidence and technical skill within the Department of Natural Resources and Environment. I make no comment about individual officers. There are many highly qualified and competent officers within DNRE, but there are too few of them, they are too sparsely spread and they are not being provided with enough resources and training to ensure that we can respond properly to an exotic disease, whether it be an exotic pest, an exotic plant disease or an exotic animal disease. For example, in the department in western Victoria there is a shortage of qualified veterinarians, a critical shortage of qualified animal health officers and a shortage of experts in plant diseases. There has been a significant decline in expertise, technical skills and specialisation within the amalgamated DNRE. There are too many generalists and not enough specialists. That certainly needs to be addressed.

The Liberal Party policy of having a separate specialist department of agriculture that is highly geared towards technical skills and confidence is an important part of going hand in hand with this sort of legislation.

Mr Helper interjected.

Dr NAPHTHINE — The honourable member for Ripon, if he understood rural Victoria, would understand the need to have a strong, technically skilled department of agriculture backed up by appropriate legislation. They go hand in glove; you cannot have one without the other. That is the point I am making. Similarly when dealing with issues of exotic diseases, be they plant or animal diseases or exotic pests, it is important to re-emphasise the need for our commonwealth colleagues in the Australian Quarantine and Inspection Service to be ever vigilant and continue to have high standards in protecting our clean, green and disease-free image. Many farmers are concerned about the direction in which AQIS is going — being pushed, I believe — by the concept of freer world trade and the pressures that come from other overseas countries that imply that Australia is using disease protection as a barrier to trade.

I believe we must stand our ground. We must be strong. When we need measures for disease protection we should stand by that and should not be bluffed or bullied into weakening our quarantine provisions on the basis of trying to do deals on trade. That message may get through to AQIS. I hope it does.

Drought is another issue affecting pests, plants and animals, and the honourable member for Swan Hill said it very well. There is clearly a drought on in northern Victoria. The only ones who have their heads in the sand on this one are the government — the Premier and the Minister for Agriculture. It is clearly a state responsibility to declare a drought, and it is a state decision that would allow programs to be implemented to help farmers and help them now. Farming families require people assistance as well as the assistance needed to help farm businesses and communities.

It is also important that the minister and the Premier be aware of the fact that many of the original drought provisions that have been used in the past have been geared around a philosophy of protecting breeding nuclear stock on a livestock industry basis rather than being adjusted to assist people who are just about 100 per cent cropping people — people involved in horticultural industries and people in irrigation areas who have never experienced the problem of not getting 100 per cent water rights. These people may actually have green grass but still be significantly affected by the drought. All of those things need to be taken into account.

There is no doubt that there is a drought on. The Victorian Farmers Federation says there is a drought on, the farmers know there is a drought on and the rural communities know there is a drought on. It is about time this government recognised it and did something about it. The reason I talk about drought in the context of this bill is important. Drought relates directly to the bill because when there is a drought on there is a higher risk of spreading plant diseases and plant pests. There are significant moves of fodder over long distances from areas that do not traditionally send fodder.

Mr Howard interjected.

Dr NAPHTHINE — For example, I am sure the honourable member for Ballarat East would understand what ARGV, or annual ryegrass toxicity, is and the significance of that disease. He would understand how in a drought situation there is a significant risk that ARGV would be spread from South Australia and other areas into the northern areas of Victoria. Similarly there is the risk of the significant spread of noxious weeds and diseases. They are very significant issues in a

drought situation. It is appropriate that we have this legislation, but we have to be more conscious as a community that in a drought situation these things come to the fore and there is a higher risk of them spreading.

Again, the legislation talks about honeycomb and bees, but we have read that because of the drought situation existing in northern Victoria we are now having to import honey into Victoria for the first time. That imposes some significant disease risk for our bee industry. It is important that AQIS and the department work closely together to reduce that risk.

For our cereal growers in the northern area, planting next year's crop is going to be a difficult and important issue. They need financial assistance, and many of those farmers will be tempted because of their financial straits to look to buy cheap seed. There is a real risk in that for us of diseases getting into our wheat, barley and other crops. If we do not ensure that those farmers do not take a short cut we will live to regret it. We need to ensure there are adequate and secure supplies of clean seed of the right varieties for those farmers who have lost all their crops this year to plant next year, or we will run into a real problem. The legislation is, therefore, about protection of our agricultural industries. Because of the drought we have significantly higher risks in this very area addressed in the legislation. It is important that the minister be aware of that.

Finally, let me refer to part 3 of the bill, which amends the Sale of Land Act. I will quote from the bill because it is instructive. It says that people who buy land now under section 32 of the Sale of Land Act will be told about the risks and impacts of agricultural practices. What is going to happen? They are going to get a notice under section 32, as follows:

Important notice to purchasers:

The property may be located in an area where commercial agricultural production activity may affect your enjoyment of the property. It is therefore in your interest to undertake an investigation of the possible amenity and other impacts from nearby properties and the agricultural practices and processes conducted there ...

To quote a rural expression, that is stating the bloody obvious. Anyone who is buying land may be in an area where there may be agricultural practices that may affect them! If anyone goes out there and looks at land they are purchasing anywhere in rural Victoria, that is bloody obvious. It is about time this government got serious about the right-to-farm issue rather than putting up what can hardly be described even as token or window-dressing efforts. That does nothing to assist the

right-to-farm issue. It is a serious issue right throughout Victoria but particularly in and around regional centres and in and around Melbourne. The government needs to get serious about that. The legislation is a disgraceful token effort. It states the absolutely obvious that anyone would see and that anyone purchasing land anywhere would know.

Mr Helper interjected.

Dr NAPHTHINE — The honourable member for Ripon would be embarrassed by having this — —

Mr Helper interjected.

Dr NAPHTHINE — If the honourable member for Ripon is proud of this legislation I suggest he go and talk to people buying land in Ripon, talk to the estate agents in Ripon, and see what they think about putting that on to vendors statements. He will see that it will make a real difference to people buying land in that area; it will make them sit up and take notice! That will make them think about it! It is stating the bloody obvious. It is absolutely a waste of time and a waste of effort. It is about time the government got serious about right-to-farm legislation.

Debate adjourned on motion of Mr HELPER (Ripon).

Debate adjourned until later this day.

AGRICULTURAL INDUSTRY DEVELOPMENT (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 6 June; motion of Mr HAMILTON (Minister for Agriculture).

Government amendments circulated by Mr HAMILTON (Minister for Agriculture) pursuant to sessional orders.

Mr MULDER (Polwarth) — I rise to contribute to the Agricultural Industry Development (Further Amendment) Bill. The bill implements the recommendations of a national competition policy review of the Murray Valley citrus marketing acts of Victoria and New South Wales. The principal purposes of the bill are to repeal the Murray Valley Citrus Marketing Act 1989 and establish a new committee under the Agricultural Industry Development Act 1990; to make orders to allow a committee to operate both within Victoria and in a participating jurisdiction; and to provide for Victoria to recognise an instrument made under an act of another state or territory which

corresponds to the Agricultural Industry Development Act 1990 to apply in Victoria.

The bill has been circulated widely. It has the support of the industry and the Victorian Farmers Federation. The National Party does not oppose the bill. In fact the amendments that have been circulated are of a technical nature, and we do not have any problems with them.

The bill before Parliament is, as stated, the result of the national competition policy to review the Murray Valley citrus marketing acts of Victoria and New South Wales. The review was commissioned by the Victorian and New South Wales governments in 1998, as both governments agreed to implement the recommendations which stemmed from the review.

In simple terms we have two boards, one in New South Wales and one in Victoria. We have mirrored legislation and, as honourable members can appreciate, both boards are working in the interests of the citrus growing regions and are mirroring each other with the administration and other necessary costs that go with that process. Both of the boards, as I indicated, service the interests of the industry in the whole region. We have a border and a river separating the two boards.

This legislation deals with that issue in disbanding the current boards and setting up a new board. A poll will be conducted so that growers will be able to put in place a new committee that will continue the work of supporting the citrus industry, assisting with research and development and with marketing, and providing a whole range of administrative support to that particular industry.

Not a lot of citrus is grown in the electorate of Polwarth. The minister has even offered to move some cold climate growers into the region, which would be gratefully accepted because, as honourable members know, the seat of Polwarth is a tremendous agricultural base in Victoria, providing enormously to the overall economic benefits of the state of Victoria.

The following appears on the home page of the Murray Valley Citrus Marketing Board:

Citrus in the Murray Valley

Citrus production in the Murray Valley stretches south-east from the South Australian/Victorian border through the highly productive areas of Sunraysia, mid-Murray (Swan Hill and Barham) to the area surrounding Wangaratta.

Broadly speaking, it covers a distance of more than 600 kilometres along the Murray River.

There are over 73 registered approved receivers (packers and processors), and a number of merchants in the Murray Valley

area. Merchants handling fresh citrus are predominantly located in the capital city markets whilst the packers and processors are generally located in the production area.

A wide range of citrus is grown in the region: navel oranges, valencia oranges, mandarins, lemons and grapefruit. The home page also lists some interesting facts about the growing area:

Citrus is grown commercially in all states of Australia except Tasmania.

Irrigated production conditions provide the best results due to the citrus liking an arid climate where insect pests and fungus diseases are rare.

The two varieties of oranges grown commercially in Australia are navels, which mature from May to October, and valencias, which mature during October to April.

To be grown successfully, citrus trees need a well-drained soil, an arid climate, an abundance of sunshine and some frost to assist with colouring rind.

An Honourable Member — It should be good this year.

Mr MULDER — It should be excellent this year.

Interestingly the Murray Valley market distribution — and these figures quite astounded me — for the product that comes out of that region shows that the total tonnage forwarded to markets for Melbourne is 25 100; for Sydney, 5700; for Brisbane, 1260; and for other areas around Australia, around 1000 tonnes — a considerable contribution from that region.

For the short periods I have travelled through the Murray Valley region over the years it has always been indicated to me that that region, as much as other parts of the state, had suffered significantly from a downturn in returns on investment and problems that agriculture has experienced from drought. That region has a great number of seasons where things seem to work very well, and all of a sudden it will cop a problem, usually associated with overseas markets where products flood into Australia. We have had many periods where orange groves have been ploughed into the ground and trees ripped out. That has always indicated to me the real difficulty that agriculture, not just in my part of the world but certainly throughout the Murray Valley, suffers as a result of overseas intervention in our markets and products coming in that are highly subsidised.

On that note I will conclude my contribution. As I said, the amendments are of a technical nature and the Liberal Party does not oppose any of them. I wish the bill a speedy passage.

Mr STEGGALL (Swan Hill) — It is an interesting piece of legislation. If you look at the history of the Murray Valley Citrus Marketing Act you will see that following the national competition policy review of the Murray Valley citrus marketing acts of Victoria and New South Wales in 1998 it was recommended that although the board should continue to be underpinned by legislation and supported by levies, its power to intervene directly in markets should be repealed, the accountability of the growers strengthened, and large growers given greater influence, which is one of the great issues we have in these things. These recommendations have already been enacted.

This bill repeals the Murray Valley Citrus Marketing Act of 1989 and enables the establishment of a single new cross-border committee with New South Wales, pending the result of a poll of citrus growers in both areas. Although the national competition policy's recommendations relate specifically to the Murray Valley Citrus Marketing Act of 1989, the bill has been drafted so that its proposed extraterritorial powers are generic and could apply to any agricultural commodity and govern our relationship with any other state or territory. This is a most fascinating little piece of legislation.

Firstly, the Murray Valley Citrus Marketing Act was, of course, based in Victoria, from Koondrook to the South Australian border. The 1989 act actually exempted the Cobram and Wangaratta citrus industries because they did not want to be part of this operation, and that has actually operated quite well. I should advise the house that there are actually two industries in citrus: there is the fresh industry, which is the one you make money from, and the juice industry, which is the one you do not. We in Australia have enormous difficulty if we think we are going to compete with the Brazilians on the juice market, but changes have recently been made throughout northern Victoria particularly, and some parts of New South Wales — the clearing of old varieties and the replacement with new varieties of citrus. It is the most sought after commodity, and it still is sold, unfortunately, as a commodity around the world.

Some of the recent work in Mildura in marketing and packaging has been extremely good. I think we are slowly getting there, although I do get very wild when I hear of knock-backs because of snails still being found in the citrus, or some other problems which do crop up. We are getting better at it; the quality assurance programs are getting better, and citrus in northern Victoria, southern New South Wales and also in the Murray irrigation area in South Australia has an enormous future. The more work we do with varieties

and the more we learn to have quality assurance programs that solve our problem with exports, the happier I will be. It is a great industry and one which I believe has not lived up to its potential in recent times.

Interestingly this year America, because of the events of 11 September last year, has brought in two changes which will or could impact on our citrus industry here. It has brought in a law that provides that if you are going to sell to America you have to register your packing shed or factory with America, as is done with meat. I am not sure if our citrus packing sheds are registered with America. I think they are; they have been in the past. Also the Americans — God bless their little souls! — need to be advised 72 hours before the product arrives. In my recent journeys the issue of the use of that as a non-trade barrier for exports of any product or commodity into the United States has been of great concern. It is doing it to stop the poisoning of the food chain — and I think most people understand that the poisoning of the food chain is a very difficult task to carry out and the risk is generally, internationally, regarded as being low. However, America has done that, and if it implements this for Australia we will have some difficulties.

Although the legislation amends the Murray Valley Citrus Marketing Act, it is a far more interesting piece of legislation than that. It brings together areas that can work across jurisdictions. Although people just think of the Victorian–New South Wales border as the area or the South Australian Riverland or Sunraysia areas, there are other areas, and the legislation will allow it to happen.

One of the things that came out of my recent journey occurred when I visited Spain. I went there to see what the next phase of our type of agriculture was and how they organised themselves there, what they do. I went to a place called Almeria in southern Spain where the farmers have 30 000 hectares of fruit and vegetable production under plastic, in greenhouse production. Thirty thousand hectares is 100 kilometres by 3 kilometres wide — it was absolutely amazing. The greenhouses were mainly not of the Dutch and Israeli type — only 1 per cent were — they were not heated, and as a result in the middle of winter they had trouble with the Dutch with their heated products, so that was a little downturn for them.

What I wanted to find out was how the producers marketed their products. They produce 2.8 million tonnes, which they marketed throughout Europe in both the European Union and non-European Union countries, America and Canada. At home we have been wrestling with the next phase in intensive agriculture,

looking at the use of water, soil and the climate, particularly the climate, the hours of sunlight and all the rest. I have always been interested in the intensive agriculture of greenhouse production, but how do you do it?

The Spanish work in cooperatives — not the cooperatives that we know from the old days of labour-based cooperatives but groups of companies working together to coordinate the selection of varieties, the time of planting, the harvesting, the production, the marketing, the packaging and all that. They then bring together all the service industries, which include the plastic provision, fertilisers, drip irrigation, the pumps — they are all ground water pumps in Spain — so all the service providers, including the transport providers, come together in an overall body to produce and coordinate the marketing, production and packaging of these products. They export about 47 different varieties and have nine main varieties of product. Using their quality assurance programs and looking after all the food safety requirements of the market, we saw what they are putting together and how they have organised themselves.

Where we wish to have an industry operating as a cooperative venture, with planning provisions and necessary ministerial orders to assist it, this legislation would allow it to operate in the Murrumbidgee irrigation area (MIA) of New South Wales, the Murray Valley of Victoria and New South Wales and the Riverland region. The areas do not have to be contiguous, as I read the bill; they could be declared and do not need to be adjacent to one another. That overcomes one of the problems that we have had in Australia, particularly in northern Victoria. The River Murray would have to be the worst boundary any community could put on itself. Why you would run your border down the middle of the river or on the Victorian side of the river beats me.

The New South Wales and Victorian sides of the border have a lot in common. You see that particularly in Mildura where similar industries are operating on both sides of the river, more so than they do in my area. The reason is that the water law in Victoria is so superior to the water law in New South Wales, especially in my area, that you cannot get guaranteed supply. It is different in Mildura because there you have high security New South Wales water which equals our water rights. They can do it there. It is a different secured water right in New South Wales in the Mildura area than it is in Swan Hill for New South Wales. That is why the development is there and not on the New South Wales side down our way.

However, there is quite a bit of development happening down our side where this type of arrangement may be useful. It is operating where it does not need government, but if something happened, and I am thinking it would come into the regulatory treatment methods for food safety or quality assurance or something like that — for example, if we were exporting to the Americans and they decided to use this new law that they have put in place against our exports — we might need to assist our communities in South Australia, the MIA and the Murray Valley either to overcome or abide by that requirement. This legislation will be extremely good in that regard.

The exciting thing that I have found — and I know I have been criticised by some for doing it, but I knew that what I was looking for existed somewhere in the world, and I found it — is that the cooperative approach to export is vital. The honourable member for Polwarth read out the figures for the Murray Valley citrus marketing volumes — 25 000 to Melbourne, 5000 to somewhere else and a couple of thousand elsewhere, but unfortunately he did not give us the American volumes because we have quite a bit going to America.

Mr Mulder — You can do it.

Mr STEGGALL — I don't know it; I would if I did.

Mr Mulder interjected.

Mr STEGGALL — I was not knocking you at all. I think it is probably less than the 25 000, but it would be far greater than the other volumes, but the honourable member for Mildura might know how much is going overseas. It is for us a very small industry compared with what it can be.

The people who are in the industry have been wrestling with the issue for some time and looking for ways through. I believe they will eventually work out a cooperative arrangement and some planning with regard to their varieties, their plantings and their different seasons in different parts of Australia to enable them to supply a retail-ready product — not a bulk commodity — over a greater period of time than they do today. One of our weaknesses as agricultural people is that we do not have enough varieties and enough volume of product, so we just do not do it. Because we do not have enough volume we are not able to participate in the good, high-value markets to the extent we should.

I am advised that we export 1200 tonnes to the United States of America out of Mildura. I thought it would have been higher than that. There is potential. I know

we have received a lot of interest in citrus from various parts of the world such as Italy, but there is a bit of a twist in it — they want mandarins in here from southern Italy.

Mr Hamilton — It is not a lemon twist?

Mr STEGGALL — This is a mandarin twist.

The Koreans had the same thing — when we were in government they were looking at us exporting into Korea but they wanted their mandarins into Australia. I do not know where that has got to. The beauty of this legislation is if we require it, we could take that next step. This is not government intervention, it is private enterprise, which may ask government for some protective mechanism to ensure food safety or quality assurance programs. Let it be known that a cooperative approach is being taken where huge communities are working together to get big volume and big investment and then service markets using the latest science. We are on the cusp of that. In my own electorate of Swan Hill the stone fruit people are slowly getting going with that.

Mr Hamilton — Doing very well.

Mr STEGGALL — They are doing very well. They are working cooperatively and coordinating their plantings, their quality assurance and their packaging. They are now coordinating their marketing and the provision of retail-ready product throughout Asia. I hope after my journey they will do it in steadily increasing volumes through Italy and Europe, because once you get into Italy the rest of Europe opens up to you. I believe this legislation has more potential than we probably considered it to have. Whoever put the thing together — —

Mr Hamilton interjected.

Mr STEGGALL — A good minister? I think it might have been a bureaucrat who thought we should maybe extend this a little bit.

I see that in Australia we can have cooperative ventures without government interference but maybe with some government umbrellas. I can give the house the example of table grapes going into Robinvale. They start in October just south of Ayers Rock, go to southern and south-western Queensland after that and then they come down to Menindee and then to Mildura, Robinvale and Swan Hill. That is a private enterprise operation. We have apricot producers from Pooncarie, Swan Hill and New Zealand looking at coordinating production, packaging and marketing in those areas.

This does not help us with New Zealand, but that does not matter.

Mr Hamilton — It is the eighth state.

Mr STEGGALL — They do not like you saying that, but it is very true.

The National Party believes that maybe we should have a bit of a think about the opportunities that exist and the requirements of different communities if we are going to have the citrus industry grow and develop like the stone fruit and table grape industries.

Another interesting industry in Mildura is the new dried fruit industry. We will see how that goes. It is a new type of operation which is very exciting. It will be good to have this type of legislation sitting there for communities spread throughout Australia to use if they have the requirement. The National Party will be supporting this legislation and wishes it a speedy passage.

Mr HOWARD (Ballarat East) — I am pleased to be able to speak on the Agricultural Industry Development (Further Amendment) Bill. I note that as Parliamentary Secretary for Natural Resources and Environment I often tend to speak on bills that you could describe as being green; however, I think you have to describe this one as an orange bill. I am very pleased to see that the bill is very appealing to the honourable member for Swan Hill. I am sure it is equally appealing to the honourable member for Mildura, whom I understand wants to speak very soon on this matter.

In regard to the issue contained within the bill, although we know you cannot compare apples with oranges in this case we are comparing oranges with wine grapes, strawberries and tomatoes, as they all come under the gamut of the bill. The bill aims to ensure that there are opportunities for particular fruit organisations within this state to continue to be able to promote and market their products, to rely on the state to assist them in bringing together their particular bodies, and to enable them to levy compulsory charges on producers of those fruits.

The honourable member for Swan Hill eloquently described the citrus industry in this state. He will be missed in this house in the next Parliament given the extensive amount of information he has provided in his various speeches. His most recent speech explained many details in regard to the citrus industry, and we know it does not just operate on this side of the Murray River; while the larger component of the citrus industry operates here, it also operates in New South Wales.

The bill enables the citrus organisation to be recognised under the Victorian act and perform functions and duties interstate.

As we have heard, it is somewhat symbolic as legislation because it explores the opportunities of being able to market Victorian produce together with produce from other states and ensures that we have a facility which enables those organisational bodies to be recognised within one state but is able to enact their functions in other states. The legislation opens the door for a lot of opportunities in the future. Certainly no-one could describe this bill as a lemon.

Mr Mulder interjected.

Mr HOWARD — You have to try, with a bill like this, to find a way of making it a little more entertaining.

We have done a lot of consultation within the industry — however, I would not describe the activity as navel gazing — and that has enabled the industry to evaluate the best way to move forward. In doing so, what was the citrus industry board will be reconstituted — although we notice that its juices are not reconstituted — and, as we have heard, this will allow a poll to be taken of the producers to establish the new board. While that is happening the existing legislation will be allowed to provide a transitional support base until July 2004, but if these arrangements can be put in place sooner this will override that.

This is a fine piece of legislation. It supports the citrus industry in particular; however, it also opens the door for the advanced opportunities to market and promote other agricultural produce within this state in the future.

I do not want to speak too long on this bill because I might give some people the pip and the minister might want to put the squeeze on me.

Mr Richardson — On a point of order, Madam Acting Speaker, the honourable member for Ballarat East is badly in breach of standing order 3284, which relates to bad gags.

The ACTING SPEAKER (Ms Barker) — Order! While I rule that there is no point of order, I tend to agree with the honourable member for Forest Hill.

Mr HOWARD — In closing, I just want to say that I support this legislation wholeheartedly and believe it is certainly in the interests of the agricultural fruit industry within this state.

Mr SAVAGE (Mildura) — In view of the fact that Mildura is probably the heart of the citrus growing area — —

An honourable member interjected.

Mr SAVAGE — I am not going to have any jokes. I leave that to my colleague over there. I could not possibly beat some of those jokes.

Because Mildura is the heart of the citrus growing area it is beholden on me to make some observations about the Agricultural Industry Development (Further Amendment) Bill. It is a vibrant industry, but it has been under incredible pressure over recent years from a dismantling of all forms of protection from foreign trade, and it works only one way. Brazil has a tariff procedure that is about 45 per cent — I think ours is about 5 per cent or 6 per cent at the moment — and, needless to say, Brazil has very low cost production. Large companies like Amatil own huge areas of production in Brazil, so it is not in some ways helping a Third World nation. Those sorts of pressures apply extreme outcomes on our industry and there are pockets of it that are very successful.

I look with concern when I read about national competition policy driving these agendas, because I am yet to see anything that has come out of national competition policy that brings out competition that produces good outcomes for the people at the bottom end of the production market. Perhaps it is good for supermarkets and foreign traders, but it is not very good for many producers.

A good example of the way that these industries are under significant pressure is a recent occasion that I bought some oranges in a supermarket when there was a shortage of supply for local product. The label on the fruit said, 'Australia: nature's best', so I purchased it. When I got home I looked at the back of the product and a label said, 'Produce of the USA'.

I have been hearing for many years since I have been the member for Mildura that the government is going to address the issue of labelling. Obviously it has not. If you can put 'Australia' on one side of a label and purport the product to be Australian but look on the other side and see that it is from the USA, that is not fair and these are not equitable outcomes for our industry.

Mr Mulder — Did you eat the Australian side of the orange?

Mr SAVAGE — It did not go to waste, put it that way. The other thing that is having an impact on the

industry is the predatory nature of supermarkets. If you consider the price that a supermarket charges for something and the price that the grower receives for it you see a huge disparity. Some products at the farm gate would be worth thousands of dollars if they were translated at a product price.

Mr Mulder — Farmers markets are the go!

Mr SAVAGE — Yes. I visited the Mildura Cooperative about 10 days ago and saw how efficiently our produce is marketed, its quality and the hard work that our local population puts in to making sure this product is acceptable to the American market, which is a unique market. The United States of America has restrictions on our fruit when it has its own fruit, yet it can come into our market 12 months of the year.

I wish to make a couple of comments on the bill. As has been mentioned by previous speakers, it will combine two marketing boards into one as part of a recommendation from a national competition review held in 1998. The review made 12 recommendations, which both New South Wales and Victoria have accepted.

Citrus marketing boards in both states provide a range of research and market development services for the industry in the Murray Valley, but for practical purposes the boards have operated out of Mildura as a single entity.

There are some good and positive outcomes from this. There will be democracy; orders will be made after the industry has been consulted, and that is appropriate; and it will be back to square one if the producers decide they are not prepared to accept the structure of the new board. I commend the fact that both parliaments are considering the element of democracy which is most appropriate. There will be some cost savings with the reduction of two boards to one. I understand that committees for the wine grape, strawberry and tomato industries are also operating under this act successfully.

The citrus industry in both states has recommended that the boards be reconstituted under Victorian legislation because the board office and the majority of citrus production is here in Victoria. I have been in communication with Mr John Braniff, who is the head of the Murray Valley Citrus Marketing Board, and it supports the bill. On that basis, I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

UTILITY METERS (METROLOGICAL CONTROLS) BILL

Second reading

Debate resumed from 16 May; motion of Mr BRUMBY (Treasurer).

Mrs PEULICH (Bentleigh) — The opposition does not oppose the Utility Meters (Metrological Controls) Bill. The purpose of the bill is to extend the operation of current trade measurement laws to utility meters, which are used to measure quantities of reticulated electricity, gas and water, and to ensure that utility meters will be subject to the same regulatory framework and scrutiny which currently applies to other measuring instruments under the Victorian trade measurement legislation.

The bill is necessary because some trade transactions were exempted from section 6 of the Trade Measurement Act, and that included the measurement of reticulated electricity, gas and water, because at that time it had been under direct government control. Of course since the corporatisation of utilities in Victoria that direct government control no longer applies, and there is a need to make sure we have a coherent and integrated system.

The uniform adoption of trade measurement legislation occurred in 1990, except in Western Australia. It was put in place to ensure accuracy and consistency in measurement across Australia. It is obviously in the national interest to have a formal system that ensures measurements are consistent throughout the country and that the data provides a quantitative basis for decisions in many aspects of our life, especially commerce, industry, science, engineering, international trade, government regulations, health and safety.

The national system was designed to ensure transactions involve verifiable measurements that are conducted accurately and consistently across all states and territories. However, it was the responsibility of the states and territories to operate the trade measurement authorities and the verifying authorities. The national legislation is obviously clearly necessary to promote commercial certainty as well as the confidence of consumers in the market, which is needed to maintain suitable protections for those consumers.

The opposition has consulted widely and the legislation has received general support, with the exception of some aspects of it — that is, the regulations which are yet to be developed. I will speak to that in some greater detail.

The Trade Measurement Act 1995, along with the Trade Measurement (Administration) Act 1995, forms the basis of Victoria's uniform trade measurement legislation commitments. This bill ensures that utility meters for electricity, gas and water will be subject to the same regulatory framework and scrutiny that applies to other measurement instruments under Victorian trade measurement legislation. It effectively means that those companies responsible for meter accuracy will be subject to oversight by Trade Measurement Victoria inspectors and licensees.

The bill provides for separate commencement in respect of each of the utility sectors of gas, electricity and water to ensure it is systematically implemented and that utility meter accuracy is put in place to enhance both business and consumer confidence.

Some concerns about the qualifications of inspectors were raised during the briefing. The department was good enough to provide information that all inspectors currently appointed under the Trade Measurement Act hold national accreditation as inspectors through the National Standards Commission and that in relation to qualifications applicable to inspectors appointed under the Utility Meters (Metrological Controls) Bill existing inspectors appointed under the Trade Measurement Act 1995, who will generally play a minor role in the process, will be appointed as inspectors as a result of their previous experience, including ongoing training, but not on their technical experience in respect to utility meters. There will also be training in the operation of utility meters on an ongoing basis.

I understand the new inspectors, who will be dedicated to utility meters, will be required to have specialist knowledge about a specific utility — water, electricity or gas — but may interchange to another utility through multiskilling and to suit staff leave arrangements. There will be a need to ensure that the training of inspectors covers such things as customer relations and possibly some negotiation skills.

The opposition is quite confident that this aspect of its concerns has been addressed. However, numerous concerns were raised by those with whom the shadow Minister for Small Business in the upper house consulted. They focus predominantly on clause 72 of the bill which deals with other fees and charges being prescribed. It is clear that under this provision a regulatory impact statement will be required and that regulations are yet to be developed along with that process.

Concerns were also raised with the opposition about the possible cost of compliance and the level of

consultation that is to occur as part of that process. The opposition would like a guarantee that there will be extensive consultation on the process of developing those regulations and that when writing the regulations the government consults with all utilities and utility meter manufacturers on the regulations and their impact on businesses. Clearly business is concerned when there are mounting imposed business costs, many of them resulting from increased costs of doing business as a result of government policies. There is a concern about more regulations causing heightened compliance costs being passed on to business.

I would welcome the minister, in summing up, giving some assurances about and the process of developing regulations. I look forward to the implementation of a consistent and systematic regulatory framework for ensuring the accuracy of utility meters used for trade, so that it is consistent with current Victorian trade measurement legislation. With those few words, I commend the bill to the house.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Swan Hill — again!

Mr STEGGALL (Swan Hill) — To whoever put these three bills together I say: at least we will clear the decks in one fell swoop.

The Utility Meters (Metrological Controls) Bill is probably a strange one for me to be handling in this house. I am sorry that the minister responsible, the Treasurer, does not see fit to join us for this short debate. It is always a pity when ministers — and I am afraid the Labor government is quite often that way — do not come in for the debate on their own bills. That is disappointing. I admit that the Minister for Agriculture was there for the whole debate on the two previous bills. It is valuable when ministers are here.

The history behind the bill is that in 1990 all states except Western Australia agreed to adopt uniform trade measurement legislation. The Victorian Trade Measurement Act 1995 and the Trade Measurement (Administration) Act 1995 comprise Victoria's uniform trade management legislation. Utility meters measuring the consumption of reticulated electricity, gas and water were exempted from those acts. This bill brings the law governing utility meters into line with other trade measurement legislation.

In general, the bill establishes conditions about the use of utility meters for trade, sets out requirements for the reverification and certification of utility meters, covers licensing and enforcement issues, and allows the administering authority to adopt codes of conduct

governing utility meters used in an industry. I say that because each of the industries is different and is treated as such.

This bill is really an enabling bill and, as currently drafted, will not affect our irrigation districts — and we are rather interested in water being put into those areas — but it will impact on our stock and domestic supplies. So it will certainly impact on urban areas and in rural areas it will affect stock and domestic supplies. That is important because currently we do not have the science to accurately measure, to the extent that this legislation requires, irrigation waters — our detheridge wheels are not as accurate as they could be. Science is catching up and it will not be very long before the accuracy of that measurement will be sufficient to be included but it is not here at the moment. If irrigation water had been included in this bill, there would have been quite an argument against it, because it would have been impractical.

We have had advice from Goulburn-Murray Water, the major irrigation organisation that has examined the legislation. It has had legal advice and was told that the priority areas for legislation are gas and electricity, and then water, in the following order: metro urban, metro rural, and waterworks districts, stock and domestic. At this stage irrigation is well down the priority list. The intent is eventually to cover the whole water industry way down the track. Irrigation is well down the list and Goulburn-Murray Water is not aiming to pick it up at this stage. As I said, if the detheridge wheel was included we would have many concerns, but based on legal and other advice people in the irrigation industry are comfortable with the situation.

It is interesting to wander into the area of gas. Origin Energy finds that the principles are okay but it has not been thought through well; it is messy and it is not clear what the Essential Services Commission or Trade Measurement Victoria will do, but it will all be sorted out at the coalface and be made to work.

The purposes clause of the bill covers a series of areas: as I said, it is an enabling bill that will enable ministers and governments to bring different industries into the legislation as they are ready and to set dates and times. It provides for a scheme similar to the national model, the uniform trade measurement legislation, to apply to utility meters used for trade. It enables the scheme to be applied to utility meters used in the gas industry, the electricity industry and the water industry from a relevant prescribed date, and that is the key part of that provision. This provision could be put in place some time in the future when those industries are ready.

The bill provides for transitional arrangements with respect to existing and new utility meters; provides for the director of Trade Measurement Victoria (TMV) to be both the administering authority and the licensing authority; provides for the verification of utility meters in specified cases and for reverification and certification of all utility meters; provides for the granting of servicing licences; and also provides for the enforcement of the act, including the appointment and powers of inspectors and the issue of infringement notices.

The bill enables the making of codes of conduct, which will be interesting to see and hear, and provides for the approval of codes of conduct operating under existing arrangements. Codes of conduct are starting to spread right throughout our legislation, which I welcome.

Further, the bill empowers the making of regulations for the purposes of the act and makes consequential amendments to the Water Act. The legislation is part of necessary continuing legislation required in these areas, and I hope that as it is administered and introduced into those various areas people can maintain confidence in the measurement of these liquids or electricity for their commercial use in trade.

At the moment the Swan Hill area is starting to put meters in for the new Woorinen irrigation district, which will probably be the most accurate in the irrigation system. I believe it will not be long before that type of meter can be used under this legislation and that the tolerance levels achieved through the science going into the production of those meters will be acceptable for this legislation and will give confidence to those who will use it in the area around Swan Hill.

The National Party will not be opposing the bill and wishes it well on its journey.

Ms BEATTIE (Tullamarine) — The Trade Measurement Act 1995, along with the Trade Measurement (Administration) Act 1995, form the basis of Victoria's uniform trade measurement legislation, which was agreed to by all states and territories except Western Australia in 1990. Unlike other measuring instruments used for trade, measuring instruments used to determine a quantity of reticulated electricity, gas or water are currently exempt from the provisions of the Trade Measurement Act.

This bill essentially transfers the administrative responsibility for enforcing the accuracy of gas, electricity and metropolitan water meters from the Essential Services Commission, and the accuracy of non-metropolitan water meters from the Department of

Natural Resources and Environment to a specialist trade measurement body, Trade Measurement Victoria (TMV), which sits within the Department of Innovation, Industry and Regional Development.

As I said, the instruments were previously exempt, and the exemption was justified at a time when the utilities were publicly owned and directly regulated by Crown authorities. As a consequence of the former Kennett government's policies of privatisation and corporatisation, Victoria's government agencies no longer have a primary service role with respect to the supply of utility meters. Accordingly, so far as Victoria is concerned the initial justification for the exemption of utility meters from trade measurement legislation no longer exists.

As a matter of good public policy, utility meters should be subject to scrutiny. There is nothing more basic in people's lives than gas, water and electricity, and it is important that the measurements of those supplies be absolutely accurate. The scrutiny that existed when utility services were provided by government is now of a different character following the privatisation and corporatisation that has taken place in Victoria. Almost every household in Victoria is supplied by one or more utility service. In terms of both consumer protection policy and business impact considerations there is justification for specific legislative intervention to ensure the accuracy of utility meters.

Given the importance of that accuracy to the Victorian community it is important to assure every reticulated gas, electricity and water customer of the integrity of a utility meter measurement.

Legislative control will also ensure that entities that were corporatised and privatised by the previous government are now appropriately accountable, and that is an absolute necessity. The bill introduces a legislative regulatory framework for ensuring the accuracy of meters that is consistent with what already applies to all other measuring instruments used for trade under Victorian trade measurement legislation. There is nothing dramatic about this legislation; it just brings the relevant areas into line with other trade measurements.

The bill will extend the operation of current trade measurement laws to cover utility meters. It transfers the administrative responsibility for enforcing their accuracy. That is most important because it impacts on every Victorian's life. All businesses and consumers benefit from having accurate utility meters. We know how important it is to give comfort to businesses and landlords that all their metering is right.

Aside from ensuring that customers get what they pay for, precise meter readings send the correct pricing signals to both residential consumers and businesses. It enables efficient consumption and efficient planning decisions — the Minister for Planning would certainly be aware of the importance of the meters — and it enhances certainty. In this way ensuring the accuracy of utility meters promotes the efficient use of energy resources to the overall benefit of Victorians. We have to be careful with our energy resources. We are consuming energy at a great rate and we must be resourceful in the way we use it.

The bill assists by ensuring that our scarce natural resources are not wasted unnecessarily. It is particularly important because Victorians currently spend \$8.5 billion on energy each year. It is important that there be a consistent, systematic regulatory framework in place to ensure that the accuracy of utility meters is maintained.

There has been a great deal of consultation, and the honourable member for Bentleigh expressed some concern about that consultation. Industry consultations have not raised a great deal of concern about the intent and application of the bill. Industry is solidly behind the bill. However, some businesses have misunderstood the intent of certain clauses in the bill and have made assumptions about the requirements and how the bill may be administered. Trade Measurement Victoria officers believe they have provided satisfactory responses to the businesses that have expressed concerns. Trade Measurement Victoria is currently responding to a recent letter from South East Water about certain issues in the bill. It does not believe that any of the concerns need to be addressed but are due to lack of understanding about what is in the bill.

I will go through some of the parties that took part in the consultations. The Bracks government prides itself on its consultation. It is a government that is known for listening and then acting, not acting and then trying to drag the community along with it. The gas and energy companies consulted included Gas Technology Services, Citipower, Origin Energy and United Energy.

We are hearing a lot about water and the very dry conditions at the moment, so it is a wake-up call that meters must be correct. There must not be a drop of water wasted and the readings must be accurate. The water companies consulted were Barwon Water, South Gippsland Water, City West Water, my own water authority, Western Water, South East Water, Goulburn-Murray Water, South West Water, North East Water, Yarra Valley Water, National Metering

Service, Portland Coast Water and the Sunraysia Rural Water Authority.

The irrigators were also consulted and included Naturally Resourceful, Measuring and Control Equipment, AMIAD, Trimec, the ACE Group, ABB Industry Pty Ltd, Rubicon Systems Australia, Manly Hydraulics Laboratory, Murray Irrigation Ltd, Phoenix Metering Services, Combined Instruments, Sunraysia Rural Water Authority, South West Irrigation and Sunwater.

The consultation has been wide and complete. The issues raised in those consultations arose more from misunderstandings than real issues. TXU Australia, which has the gas and electricity business, did not attend the presentation on the bill but was sent a copy of a Powerpoint presentation. TMV officers have had three discussions with TXU Australia's representatives about the bill. The government believes that the concerns of TXU Australia have been addressed. The Bracks government listens and then acts.

Consultation with industry about the bill began in February. In April presentations were made to the businesses that I named. Some of the businesses attended more than one consultation, so they are interested in the bill and involved in it. The government believes they are now supportive of the bill.

Other initiatives surround this legislation, and we have been concerned to ensure that the measurement and pricing of goods are transparent and that businesses and consumers have confidence in the systems in place.

A recent example of the government's initiative in this area is the work currently being done to assist independent fuel retailers to compete against oil company-run service stations by ensuring that fuel is measured for sale at the refinery at a consistent temperature base. Honourable members may be aware — certainly I think most petrol consumers are — that sales of what is termed 'hot fuel' from oil companies have been an issue for small independent petrol retailers for some time. It is certainly an issue for consumers of petrol because it gives a false measurement.

The government recently had draft regulations released to the petroleum industry for comment. The objective of that is to control temperatures at which fuel is measured for sale at refineries and terminals. The Victorian government initiatives will ensure that the problem of hot fuel does not threaten the viability of independent traders, who are absolutely crucial to maintaining long-term competition in the marketplace,

as it will make the measurement and pricing of fuel at refineries more transparent.

The bill comes about as a result of the Kennett government's privatisation policy. Previously meters were essentially controlled by the government because gas, electricity and water were supplied by the government. But with the sale of those companies this legislation became necessary to check the meters and their maintenance, both of which are important. So this is good legislation. It is a further demonstration of the Bracks government's commitment to helping Victorian business grow and succeed. It is a demonstration of how the Bracks government listens and then acts. It is also a demonstration of the Bracks government's commitment to transparency, openness and honesty in government — —

Mrs Peulich interjected.

Ms BEATTIE — That is something which I know the honourable member for Bentleigh absolutely supports. Small business operators in particular will appreciate knowing that their consumption of gas, water and electricity is being accurately measured. Some utility service providers operate in accordance with various codes under the current licensing arrangements and conditions, and the bill also provides that the administering authority may adopt and approve a code of conduct which applies to utility meters used for trade being measured. To ensure a consistent framework part 8 of the bill essentially places limits on the power of an authority to make by-laws under the Water Act 1989 which are inconsistent with the utility meters act.

As I said, we need a systematic approach to measuring gas, water and electricity; we need an open and transparent process so consumers, businesses, landlords and tenants can all go forward knowing that all their essential services are being measured accurately. So it is good public policy. It comes as a result of privatisation which in many cases has been very controversial. We will be bringing in legislation to ensure that water stays in public ownership, and that is an absolutely crucial piece of legislation. Again, the Bracks government listens then acts. I commend this bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

Sitting suspended 6.30 p.m. until 8.02 p.m.

RESIDENTIAL TENANCIES (AMENDMENT) BILL

Second reading

Debate resumed from 14 May; motion of Ms PIKE (Minister for Housing).

Opposition amendments circulated by Mrs SHARDEY (Caulfield) pursuant to sessional orders.

Mrs SHARDEY (Caulfield) — It gives me pleasure to speak on the Residential Tenancies (Amendment) Bill. May I say at the outset that the opposition does not oppose this bill. However, I have circulated amendments which I would like the government to consider and perhaps even support.

The purpose of this legislation is to make various amendments to the Residential Tenancies Act 1997, which regulates tenancies, rooming houses and caravan parks. The background to this bill is interesting. In 1996 the previous government conducted a review of the Residential Tenancies Act 1980 under the chairmanship of the honourable member for Brighton, and as a result it passed new legislation in 1997. It had determined that the three existing acts — the Residential Tenancies Act 1980, the Caravan Parks and Movable Dwellings Act 1988 and the Rooming House Act 1990 — would be streamlined and integrated into a single piece of legislation.

The 1997 act contained common provisions, where appropriate, to provide equity between the three types of tenure. It retained the provisions that preserved the necessary distinction between residential tenancies, caravan parks and rooming houses. The new act aimed to clarify the rights and responsibilities of landlords and tenants. I will briefly mention some of the changes that occurred at that time, because they set the basis for this current legislation and the review that took place over the last couple of years.

First of all one thing that was very specific to that piece of legislation was the removal of restrictions on the period between rent increases, with an increase from 60 to 90 days in the notice period for landlords to notify tenants of rent increases. There was a reduction of the period for notice to vacate for no specific reason from the then six months down to 90 days. That sets the framework for the legislation we are talking about today.

I am sorry, that is the schoolteacher in me.

Mr Hulls — What school?

Mrs SHARDEY — State school, and then Methodist Ladies College — a good school.

That legislation also saw the introduction of fast-track procedures to simplify the ending of fixed-term tenancies and tenancies where there were outstanding rental arrears. It also saw the introduction of a 60-day notice to vacate where premises were to be sold, which meant that a notice could be served before the sale or within 14 days of the contract of sale being entered into. The act also contained an efficiency measure which saw the introduction of a centralised system of bond management, which was one of the most important and far-reaching elements of that piece of legislation. The main objective of having a central bond manager was to ensure the lodgment of all residential bonds and to maximise the return on bond moneys.

A number of new measures were contained in the act to improve the quality of rental accommodation. The act strengthened the provisions dealing with violence and damage to property by both tenants and their guests. The act also contained provisions intended to prevent personal documents and goods left behind by tenants from being destroyed.

The Residential Tenancies Act in its new form was very, very important, and I congratulate the previous government and the then Minister for Housing, the late Ann Henderson, on the enormous amount of work that was done in introducing that legislation. I also congratulate the Honourable Louise Asher, the then Minister for Small Business, on the work she did in the consultation period leading up to that new act.

The Australian Labor Party's promise coming up to the last election was to review the Residential Tenancies Act and to assess the impact of the changes made in 1997. As honourable members know, in August 2000 a residential tenancies working group was set up with stakeholders and a background paper and consultation report were published.

It took two years, but we finally have a bill of some 103 clauses representing what some people would say is a myriad of mostly minor technical changes to the act. I took the time to go back and read the contribution to the second-reading debate on the 1997 Residential Tenancies Bill of the now education minister but then shadow Minister for Housing, and her attack on the former government over that piece of legislation was vitriolic. She certainly stated her party's strong opposition to the legislation at that time.

One has to wonder why the changes to that legislation have not been more profound. Given that at that time

the then shadow minister put forward a reasoned amendment not to proceed with the Residential Tenancies Bill and certainly offered her party's strong opposition to that bill, I would have thought the government would have taken this opportunity to improve on the act we now have.

A number of people from various stakeholder groups have talked about the fact that this piece of legislation could be improved by restructuring it and making it easier to use. Some people find the act somewhat difficult to understand because there are areas common to caravan parks, rooming houses and residential tenancies, and they find it difficult having to dip into each of those parts to find what they are looking for. I was surprised to learn that the government had not been more rigorous in its amendments. Perhaps the exercise was a little too academic — I do not intend to be mean spirited in saying that — and required a profoundly different approach to recast the act in a way that would be more helpful to stakeholders and to users of the legislation. In a sense that opportunity has been lost, and it will be incumbent upon the next government to look at restructuring this act to make it more useful.

I note that many issues raised in the report were not taken up. Last night I finally obtained a copy of the final report of the residential tenancies working group and was able to glance at it. Stakeholders are probably disappointed that some of the recommendations in the report are not taken up in the new legislation. In some areas agreement could not be reached between the parties on a recommendation to address particular problems that had been raised.

The Victorian Caravan Parks Association has complained bitterly that it did not have the opportunity to see any draft legislation or to give its views on it. The final report went forward and that was the last the association saw of it, and that is the basis of the amendments I have circulated. The association takes grave issue with particular clauses in this bill, and it is very important to recognise that even though that association was a stakeholder in the working party it did not have the opportunity to give its final verdict on what the government was proposing.

The Labor Party has been very strong in its talk about the need to consult with the community and to be open and transparent, and many people would say yes, that is a good thing; but to camouflage talking to people as consultation and then ignore what they say is an issue that really needs to be thought about. The actions of this government will be judged by the community, and I doubt whether adopting that particular form of consultation and then not taking any notice of it will

wash with the community as living up to the high jump bar that the government set in terms of being open and accountable.

The main areas of amendment to the act covered by this bill are in relation first of all to tenure and notices to vacate; tenure in caravan parks; rent increases; some administrative issues; the possible misuse of violence provisions; issuing of receipts; penalties; and various amendments to clarify the act and improve processes. With 103 clauses in this bill, a lot of them very minor and technical, it is not appropriate to go through all of them. I will note just 10 of the key changes.

First of all, the period of notice to vacate a rented property without a stated reason has been increased from 90 to 120 days. This applies to tenants, rooming houses and caravan parks. The one thing I would take from the contribution to the original second-reading debate back in 1997 when the Labor Party was in opposition by the then shadow Minister for Housing, currently the Minister for Education and Training, on this issue is that this was one of the areas where she particularly attacked the then government. She said that the six months notice that was required to be given by a landlord asking a tenant to leave without a reason was a provision that the Labor Party supported and that it was strongly opposed to the reduction to 90 days. In that context I would have thought this would have been one of the key areas for this government and that it would perhaps go back to the six months, but it has not — it has gone back to 120 days. The Real Estate Institute of Victoria does not seem to have an objection to that and neither do the other stakeholders.

Additionally there is a series of specific-purpose notices to vacate. For example, the period in which it is possible to apply to the Victorian Civil and Administrative Tribunal (VCAT) challenging the notice if a premises is to be sold and the notice to vacate is taken as unreasonable has been increased from 28 to 60 days.

The second key amendment relates to caravan parks. I will be discussing this a little later. A person has to occupy a site for only 60 consecutive days before being considered a resident with rights under the Residential Tenancies Act. Previously the requirement was for 90 consecutive days.

The third key area of change relates to the number of rent increases, which is now to be limited to two per year, with 60 days notice. Previously the number of increases per year was unrestricted but the notice period was 90 days, so by implication there could be only four per year. Additionally there is now an expansion of the

criteria for determining whether rental increases are excessive. Those criteria require looking at the number of increases in the previous two years, the size of the increases and the period since the last increase. These do not seem to be onerous changes but many people would say that with the current oversupply of property in some areas and the vacancy rates being somewhat higher than they have been in the past — not for all of Victoria but for metropolitan areas — a lot of landlords would think twice or maybe more before they consider increasing rents. The one thing that landlords look for is a stable client to rent their premises and if increasing the rent means their tenant might leave, I am sure they would think twice about it.

The fourth key area is that landlords are now able to apply to VCAT for an urgent hearing if the tenant or resident refuses right of entry to the property for an inspection — for example, for the sale of the property.

The fifth area relates to the provision allowing a landlord to suspend a tenant or visitor for two days because of violent behaviour. There is now a new provision which applies a penalty for the misuse of the provision where a person does not have reasonable grounds to believe that a serious act of violence has occurred or that the premises is in danger. A misuse of the provision incurs 20 penalty units. There had been some concern that this provision had been abused in the past and there was talk of perhaps reducing to one day the time for which a person could be suspended. The two-day suspension was retained but with an overrider which is not too unreasonable — that is, that there must be reasonable grounds for the suspension.

The sixth main area is that there are new offences for the failure of a landlord to provide a copy of a completed bond lodgment form for entering a property other than in accordance with the act and for failure to comply with an order of VCAT. That is replicated in the VCAT act. These are fairly small changes. The requirement for the landlord or agent to maintain records of rental payments is updated, particularly to ensure that electronic payment of rent is efficiently recorded. This requirement recognises that technology is upon us and we need to provide for that.

There is a provision to ensure that only premises owned or leased by or formally affiliated to an education or training institution are exempt from the provisions of this act. This is required to protect students living in non-university quarters.

An amendment extends the time that personal documents left behind at the end of a tenancy are required to be kept from 28 to 90 days. However, there

is a qualification in that it removes the requirement to advertise the disposal of such documents at the end of a 90-day period. This is important. I have seen an example of this in the property next to my office, where a tenant moved out and left goods for a goodly period, and it was a process for the new tenant to have those goods removed. It made life difficult for that new tenant. It is important to have a process to protect the previous tenant's ownership of goods and personal documents but at the same time offer an opportunity for those goods and documents to be moved.

There is also an amendment to provide that a claim for bond moneys for unpaid rent by a landlord or agent and a possession order can be made at the same time. That is a process to assist with the end of a tenancy.

The issue that is of most importance in relation to the bill is the one I have mentioned raised by the Victorian Caravan Parks Association. Its metropolitan division has come to see me, and I have received a large amount of correspondence from caravan parks around Victoria — probably from all areas of country Victoria — that are most concerned about clause 44 of the bill, which amends the period for a person to qualify as a resident with all the rights of a tenant under the act and reduces it from 90 days to 60 days.

This is an area where the opposition will be proposing an amendment. I hope that people who are desirous of caravan park owners being given the opportunity as small business people to run their businesses in the best possible way in providing appropriate tourist facilities for Victorian families, and those who require crisis and transitional accommodation and are in great need, can have their needs met. All of these elements are at risk with this clause.

Members of the caravan parks association believe the change will reduce the capacity of caravan park owners to clearly delineate between on the one hand those who are residents and on the other hand those who require flexible shorter term accommodation, such as transitional housing clients and crisis accommodation clients. We know that the Office of Housing and other agencies are now having to use caravan parks for short-term crisis and transitional accommodation, which is usually about three months. It is incumbent upon government and all of us to ensure that that accommodation will still be available to those people, and that caravan park owners will not feel unhappy about offering that accommodation. There is a great shortage of this type of accommodation, crisis accommodation in particular.

As I move around Victoria the one thing that housing workers say to me is that there is a chronic shortage of crisis accommodation in particular, and also of other short-term transitional housing accommodation. Although caravan park accommodation is expensive they do not believe they could cope with the responsibility they have of housing people who are in terrible crisis if they did not have access to caravan parks.

While that is perhaps something that we in this chamber do not like to think about — we would not like to be in that position — I would hate to think we would take any step that meant a caravan park owner would think twice about offering this form of accommodation. If a person stayed for 60 days they would then have the right to remain as a permanent tenant and a caravan park operator would not perhaps have the opportunity to then fulfil a booking they had for the holidays, particularly the Christmas holidays. I would hate to think caravan park owners would be reticent about offering this short-term accommodation to people in need because we had changed the legislation by reducing from 90 days to 60 days the time frame in which a person could become a permanent resident. I hope the government is cognisant of that. I know that other parties are thinking about it.

Park owners have said to me they believe they would be less inclined to accommodate the more doubtful applicants for occupancy, that it would work against the interests of those who wish to reside in caravan parks, and that welfare agencies would therefore find it more difficult to accommodate those in need and in crisis.

I have received a letter from an operator who has a large number of caravan parks throughout Australia, 33 of which are in Victoria, with a turnover in excess of \$15 million, so there is a tourist element to it. The letter states:

In every state and territory of Australia we have park operators who run caravan parks that focus on tourism, permanent and semi-permanent accommodation.

Currently in all states these accommodation facilities are able to exist in harmony with the needs of the owner, tourist and tenant being well addressed.

However, the proposed changes to the Residential Tenancies Act surpass the mandate of short-term and long accommodation by having a detrimental effect on the ongoing viability of tourism in caravan parks.

To reduce the qualification period of the occupant to less than the current 90 days ... will massively increase costs and have a detrimental effect upon the promotion of longer term tourism stays, which are the very essence of tourist accommodation.

To reduce the qualification period of the occupant to zero nights will make a tourism operation totally untenable as tourism accommodation can no longer be guaranteed.

He goes on to say that every single tourism booking has no value when the previous occupant of that site has the right to claim tenancy. He also says that the rights of the tourist will therefore have been usurped.

I have an email from the president of the Victorian Caravan Parks Association, Phil Redmond, who says specifically with respect to the 90-day provision:

... the association has consistently held the view that there exists no body of evidence to justify either the removal or any reduction in the 90-day 'qualifying' period for caravan park residency. This position was referred to and supported quite specifically when the tenancy legislation was last reviewed by the Asher committee and there has been no contrary evidence, other than hearsay, produced during this most recent review.

The association has not at any stage altered its position being that the 90-day provision should remain unchanged.

He invites the parties to support an amendment. Mr Redmond is one of those who wrote to the minister complaining that at the end of the working party period the draft legislation did not come back to him as a stakeholder representing the large number of caravan parks for that association to respond and to advise government of what it felt about the draft legislation.

I might just add that the metro division of the Victorian Caravan Parks Association, which made representation to me in person, represents some 300 caravan parks throughout Victoria, approximately half of all the caravan parks. It sent me a petition, which I have here, signed by a large number of its members. It is a strong indication of the feeling on this issue.

I have raised in this place today my concern about accommodation being available for those people who require public housing in the state of Victoria and to those in particular who are looking for short-term accommodation because they are in crisis. The government has, in the last budget, cut the budget for homeless assistance programs by \$12.2 million, something that has disturbed me greatly because all I see around Victoria is great concern by welfare agencies, housing agencies and others as to the amount of accommodation available for these people. In the legislation before us I believe we need to take great care not to further disadvantage those Victorians who we should be caring the most about because they are in greatest need.

I will conclude my contribution at this point in time and hope the government thinks it appropriate that we come back into committee stage and are able to consider the amendment I have proposed because I believe it will be

in the best interests of needy Victorians and, indeed, all Victorians.

Mr MAUGHAN (Rodney) — The Residential Tenancies (Amendment) Bill is a compromise. I do not say that in any derogatory sense; it is a good compromise between the interests of the landlord on the one hand and of the tenant on the other. The agreement was reached as part of the residential tenancies legislation working group, whose discussions were chaired by the honourable member for Bendigo East. That group included all the major players in residential tenancies and certainly included the Real Estate Institute of Victoria, the Tenants Union of Victoria, the Victorian Caravan Parks Association and a variety of consumer groups including the Brotherhood of St Laurence and Hanover Welfare Services. It is fair to say that there has been considerable consultation with the various stakeholders on the proposed legislation, and I take this opportunity of commending firstly the minister on that initiative and then the honourable member for Bendigo East on her chairing of that group.

The first stage of the consultation process was excellent. I think the latter part of it fell down because, as the honourable member for Caulfield has already explained to the house, and I will expand on it a little later, there were a couple of participants in the group who felt let down that they were not advised of the final recommendations and of the draft legislation before it was presented in the Parliament. That is a pity, because it was a good process with apparently those few minor deficiencies at the end.

The terms of reference are well spelt out, and they are six. I do not intend to go through all of them except to say that the six terms of reference given to the residential tenancies legislation review group included: to look at certainty of tenure; to review unreasonable rent increases; to minimise the possibility of exploitation; to identify areas to improve the efficiency of the Victorian Civil and Administrative Tribunal; and to examine the decrease in the incidence of substandard rental accommodation. There is still some very poor quality rental accommodation out there, and I think it is important that people have reasonable housing and that government take an interest to make sure there is the absolute minimum of that substandard rental accommodation. Then there is also the normal thing: to look at any other matters and provide advice to the ministers and the Attorney-General on the legislation.

It is interesting to go back through the history of residential tenancies legislation in the state. I note that the first landlord and tenant legislation was enacted in the 1860s and that virtually nothing else was done after

that until World War II, when rent control processes were put in place to stop people charging excessive rents because there was a limited amount of accommodation during that period. Then nothing much happened until the Residential Tenancies Act was enacted in 1980. The prime purpose of that legislation was to reduce the incidence of disputes and to provide some ground rules in resolving disputes between landlords and tenants.

Within the next decade — in 1988 and 1990 — the Caravan Parks and Movable Dwellings Act and the Rooming Houses Act were enacted. Those two pieces of legislation acknowledged that for many Victorians a caravan or a room was their sole place of residence and that they did have some rights but they also had some obligations. I think that trend has continued. Unfortunately more and more people are living in caravans and rooms — that is, living in accommodation that many of us would consider to be inadequate for many members of the community.

The Residential Tenancies Act in 1997 consolidated all of that previous legislation. Like other honourable members I pay tribute to the late Honourable Ann Henderson, of whom we spoke yesterday on the condolence motion, and to the Honourable Louise Asher, who both had a role in bringing together all of that legislation in the act we are looking at amending this evening. As I said, the Residential Tenancies Act of 1997 consolidated the previous acts. It established for the first time a centralised system for holding bonds on behalf of tenants and it removed restrictions on rent increases.

It is interesting to note that in the state of Victoria there are some 250 000 landlords or people who own property for rental. There are 320 000 tenancies in homes, flats, units, rooming houses and caravan parks. It is also important to note that most of the landlords are small-scale landlords; they own only one property. We sometimes think of landlords — sometimes the rhetoric on the other side of the house has us think it — as being capricious people out there to maximise the return from their properties and to extract the maximum benefit they can from their tenants. I would suggest that that is certainly not the case, as these figures show, with 78 per cent of landlords owning one property — in many cases a property they have inherited or a property that a couple or a family have purchased to provide some sort of accommodation for their retirement. I reject the notion that landlords are primarily there to extract the maximum benefit out of tenants. I think most of them are caring landlords.

I need to declare an interest here. I am a landlord, as I have five units in a property at Shepparton. If you want to manage a property properly you need to be able to get on with the tenants and to come to some reasonable accommodation. I would suggest that most landlords are in that category. Sure, we do have landlords who are unreasonable and therefore there is a need for legislation such as this to deal not with the vast majority, who in my opinion are caring landlords, but with the small number of people who do not do the right thing.

I also note in passing that there are some 70 000 households in the public housing sector. That sector makes a very important contribution to the housing of large numbers of Victorians. I note with interest that over the years the standard of public housing has certainly improved. Again I pay tribute to the late Ann Henderson for her contribution in that area. Yesterday in my contribution to the condolence motion I mentioned that as the housing minister at the time she opened a public housing estate of 23 very nice homes in my home town of Echuca. They exemplify the standard of public housing that is now being built.

It is important to get the balance right between the interests of landlords on the one hand and tenants on the other and not to make it so difficult that landlords, as owners of rental property, decide that it is all too difficult and the restrictions are all too onerous, so that they therefore sell their properties and invest in shares or something that is far easier to manage.

It is a matter of getting the right compromise between the legitimate rights of tenants and not making it so difficult for landlords that they decide it is all too onerous and leave the investment in that rental market. It is very important to have that private investment in the rental market because government never has and never can provide all the rental accommodation that is required. We need private investment, and we need to encourage private investors in that market.

I make one other point in passing: I think it is very important that we encourage people in public housing, after they have been there for a while and once they have accumulated some assets, to purchase their homes. I am a great believer in that — giving people public housing accommodation when they need it, but encouraging them to look after that property on the basis that one of these days it will be theirs. The fact that it is a government property does not mean that they can mistreat that property. On the contrary, they should be encouraged to look after it and should be given incentives to ultimately buy that home for their own private home. I am a great believer in that, as I am in

group self-build. My good friend the honourable member for Benambra referred yesterday to the self-build homes in Wodonga. We also have a group of them in Echuca, and I think it is a wonderful way for people to be able to get into their own homes with some assistance being provided by government.

This legislation does three things: it increases the period of notice to vacate a property without a reason from 90 days to 120 days — I think that is not unreasonable; it reduces from 90 days to 60 days the period that a person must reside in a caravan park to be eligible for protection under the act, and I think there will be further discussion on that provision; and it reintroduces a limit of two rent increases per year and commensurately reduces the notice period for a rent increase from 90 days to 60 days.

There are a large number of administrative amendments in this legislation, and I do not intend to comment on those except to say that one of them is that if a tenant refuses the landlord entry to the property, urgent hearings by the Victorian Civil and Administrative Tribunal have now been speeded up. I think that is a very sensible provision and does not in any way disadvantage the tenants. I am pleased to see that one.

In concluding, or getting close to concluding, I want to make the point that it was Labor Party policy prior to the election to review, as a matter of priority, the adequacy of the Retail Tenancies Act. I quote from 'Taking care of small business', Labor's small business election policy, which says:

Labor will, as a matter of priority ... review the operation and adequacy of the Retail Tenancies Act.

Now, if a matter of priority is taking three years to do, so be it, but it does not seem to me to be a matter of priority, and it does not seem that this review has been the extensive review that Labor led people to believe was going to be carried out prior to the election. So in that sense it is another Labor commitment that has been fulfilled in part but certainly not in whole.

I express concern that a section dealing with the rights of people with disabilities living in community residential units has been dropped. I would like to quote from an email from Tony and Heather Tregale of Watsonia. They say:

The Residential Tenancies (Amendment) Bill ... presently before Parliament, has an important section missing!

The missing section relates to the removal or modification of section 25 of the Residential Tenancies Act 1997. This would have allowed those people with intellectual and multiple disabilities living in group homes (CRUs) and paying a

realistic rent, to have rights under the act — 'reasonable rights in their long-term home, like other citizens of Victoria!'.

It seems to me that is not at all unreasonable —

The 'working party' under the chair of the member for Bendigo sat from mid-2000 and recommended that the said people have rights under the act!

Just before the 'amendment bill' was recently presented to Parliament the Department of Human Services, with the stroke of a pen —

I do not know whether this is accurate or not, but this is what these people are saying —

disallowed the recommendations of the working party and, consequently, the election platform of the government — that of improving the lives of those with a disability!

They conclude by saying that they call upon, in this case, the National Party and also the Liberal Party to:

... secure a commitment from the Department of Human Services that those living in the said group homes throughout Victoria will have reasonable rights in their long-term homes within a reasonable time frame ...

I would be very interested to hear the comments, particularly of the honourable member for Bendigo East, to learn how she feels about that, and would be very interested to hear the minister's comments in the summing up. I conclude by saying that it would appear that all groups involved in the consultation process reached a consensus, and I again congratulate the honourable member for Bendigo East on reaching that consensus.

Mr Plowman interjected.

Mr MAUGHAN — No, I won't do that — she'll get a swelled head!

I conclude by quoting from Hanover Welfare Services, which says — and I think this is typical of a number of those who were involved in the process:

We support the proposed changes to the act in the areas of tenure security, rent increase limits and violence provisions. We also support the changes to the old section 22 in terms of the definition of crisis accommodation and the retention of this section (clause 10) that excludes such accommodation from the operation of the act. Hanover also supports the introduction of clause 25 that allows for transitional housing providers to issue a 30-day notice to tenants who act unreasonably in failing to seek/accept long-term housing.

I support the comments made by the honourable member for Caulfield, who talked about the need for crisis accommodation in the community. I certainly find through my office that there is great difficulty in finding crisis accommodation when it is needed; I hope that this legislation does nothing to reduce the amount

of crisis accommodation available. I conclude by referring to late correspondence that was only received by my colleague in the other place, the Honourable Ron Best, a week ago — it was dated 3 September and it comes from the Victorian Caravan Parks Association, proposing amendments. The National Party will not be opposing this legislation, but will have some further comments to make on it when it is in the other place.

Ms ALLAN (Bendigo East) — I am very pleased to contribute to the debate on the Residential Tenancies (Amendment) Bill and I would like to thank the honourable member for Rodney for his kind words during his contribution. I had the honour to chair the residential tenancies working group, which reviewed the changes made in 1997 by the previous working group, which had considerably reviewed and changed the original act, but I will come to that in a little while.

The Labor Party took to the 1999 state election an explicit commitment to review the Residential Tenancies Act of 1997 and, in particular, to look at the impact these changes had had, particularly on the issues around security of tenure and fair rent mechanisms. Through that, the minister for community services and housing established a working group and, as I mentioned, I was very pleased to chair that group. I thank the minister for that opportunity.

I think the working group has had successful outcomes in many ways. There was a lot of material to go through, and all the stakeholders, who were well represented around the table, made a contribution while working towards a commitment to improve the conditions of the residential tenancies market.

In going through some of the background to the bill other honourable members have talked about factors that led to the review over the last couple of years. The Residential Tenancies Act 1997 replaced the Residential Tenancies Act 1980, the Rooming Houses Act 1990 and the Caravan Parks and Movable Dwellings Act 1988. As I said, a review of the three acts started in 1995 and before the principal act was introduced to the house in 1997 it underwent a review in accordance with national competition policy principles.

That led to a number of major changes to the bill that in my view and in the view of many people adversely impacted on the security of tenancy and fair rent mechanisms. Many people across a number of sectors were concerned about this issue, and it was one of the key issues that was considered around the working group table.

The working group was asked specifically to balance the rights of tenants on the one hand and landlords on the other. Already tonight we have heard a lot of discussion about balancing those rights, and I am sure we will hear more during the debate. It has always been a key issue with residential tenancies, and at every point the working group was grappling with that issue. It is important to note that the working group grappled with not tipping the balance too far one way or the other. It strove for an appropriate balance between the rights of tenants and landlords, and the outcomes of the group have been welcomed by all sections of the community.

The working group met on a number of occasions between August 2000 and October 2001 in considering the terms of reference put forward by the government. Some play has already been made about the draft legislation going back to the committee. At every stage the committee was well consulted. A number of working documents containing great detail went back to the committee and were worked through at each meeting. In developing the working drafts and dealing with the material presented for consideration the committee went through its share of forests! A number of working drafts were presented to the committee, and in the end that strengthened the outcomes of the working committee because they were considered in great detail.

The house has heard a bit about the consultation process. A strong consultation process was worked through right across Victoria. Public meetings were held in metropolitan Melbourne and a couple were also held in country Victoria, two of which I attended in Bendigo and Wangaratta. Those meetings were fantastic because we heard the views of members of the community, including tenants, landlords and property managers, about residential tenancy. Those meetings were very useful in instructing the final outcome of the working group.

A number of special interest consultations looked at issues such as supported accommodation, people from cultural and linguistically diverse backgrounds, rooming house and student accommodation and caravan parks. Indeed, it was the Victorian Caravan Parks Association that approached the Office of Housing for a second consultation, which was duly given, specifically on the issues that were of concern to the association. Members of the public who forwarded their written submissions to the working group also made a strong contribution to the process.

I will not go through all the changes in detail, but a number of the amendments that we are considering in the bill are of a technical or administrative nature, and

there are far too many to go through in the time available tonight. I will refer to a number of the key amendments. The first is to increase the period of the no-reason notice to vacate from 90 days to 120 days. This goes to the issue of security of tenure. Another amendment that affects security of tenure and people on low incomes is a reduction in the number of rent increases allowed per year to two, whereas the principal act allows for a rent increase to occur on every single day of the year. There is a 90-day period of notice, but the present legislation allows for the possibility of a tenant being faced with a rent increase on every single day of the year. Clearly that is something the committee discussed at length, and I think we have a great outcome in reducing that to two increases per year and the period of notice from 90 days to 60 days.

A further amendment introduces new offences and penalties for such things as misusing the violence provisions; the failure of the landlord to provide a copy of a completed bond lodgment form to the tenant; and a number of other issues that will attract penalties under the proposed legislation.

Another key focus of the working group was to make the act more user friendly. Members of the working group often referred to the amendments made in 1997. Indeed, the first item raised at the first meeting by Phil Redmond of the Victorian Caravan Parks Association was the difficult construction of the present act. The association found it cumbersome and difficult for people in the industry to deal with. We have striven to make the proposed legislation more user friendly and easier for people to go through and apply in their own areas. Where possible the government has sought to apply a consistent approach to language and terminology across all areas of the act. This should be welcomed by many sections of the community.

Another key part of the bill I am particularly pleased with is the clarification of the exemption for student accommodation, which was a key area of concern for a number of student bodies around the state, but particularly for the National Union of Students.

Currently student accommodation classified as ancillary to an education institution is exempt from the act. In the current era forced upon us by the federal government, where universities need to attract a number of fee-paying students from overseas, the area of student accommodation has become quite blurred, and there have been some issues of insecurity of tenancy for a number of students. It is great to see that this bill clarifies the type of student accommodation that is exempt from the Residential Tenancies Act and the

type that is covered by it. I think that clarification will be welcomed by many students around the state.

The final major change I will touch on is that the bill makes practical amendments in the area of the keeping of receipts. Technology changes frequently, and the introduction of things such as Bpay through telephone and Internet banking has led to the amendments contained in clause 11 under the heading 'Record of rent payment' so that the legislation can keep pace with changes in technology.

I touch briefly on the issue of caravan parks and the amendment proposed by the honourable member for Caulfield. At the outset I express my disappointment with the amendment. It is contrary to the outcomes of the working group and certainly goes against the spirit of the discussions that took place within that group. I am pleased that the government will be opposing this amendment. The Victorian Caravan Parks Association made a submission to the working group which I will touch on in a moment. The reduction of the period for granting a tenant right in a caravan park from 90 days to 60 days is not that dramatic a change, and I find it a bit surprising that this has become a threshold issue at this point in time.

The caravan parks association was very well represented on the working group by Phil Redmond. At all stages he understood the nature of compromise and that we were striving to get the right balance between the rights of tenants and the rights of landlords. He well expressed the needs of caravan park owners and well represented the industry at the table. As I said, he understood that the review aimed to restore balance in some areas. Mr Redmond acknowledged that the caravan parks association preferred 90 days, but when the association presented its submission to the review it recognised that a compromise had to be found and said that it had determined that a resident should be defined as any person who has occupied any site in the caravan park for at least 60 consecutive days. This was agreed around the table and has since been supported by the caravan park association in its application, but at the 11th hour has been raised in an amendment proposed by the honourable member for Caulfield. I wonder if this was the only change the honourable member could find to make in this bill. However, it is an important change for tenants in caravan parks.

Mr Vogels interjected.

Ms ALLAN — The honourable member for Warrnambool is absolutely right that this is a really important issue for people who depend on caravan parks for their accommodation. The question that

crosses my mind is: what is so different about day 60 from day 89? The anecdotal feedback is that retaining the 90-day period before someone becomes a tenant in a caravan park allows the caravan park owner to determine if that person will be a suitable tenant. If you have not determined someone's character after 60 days, I do not see what an additional 30 days will give you. Quite frankly two months is an adequate period for someone to display their behaviour.

Mr Plowman interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Bendigo East, without assistance.

Ms ALLAN — Goodness knows country Victorians have only taken four weeks to determine what the new leadership of the Liberal Party is going to be like! I am surprised the caravan park owners need more than two months.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Bendigo East should talk about the bill.

Ms ALLAN — We should also consider the vulnerable nature of tenants in caravan parks. These people rely on this transitional form of accommodation. They are quite vulnerable in many respects, and that is why the issue was well and truly thrashed out around the table. The views of the Victorian Caravan Parks Association were put forward quite clearly by Phil Redmond, and he understood the need for compromise. I am disappointed that the opposition has chosen this path, because it goes against the spirit of the working group and the fact that at all stages we sought to get agreement by consensus. I am sure there are many other honourable members who would like to comment on this matter.

The government reiterates its position, particularly with this amendment, that it is striving to put in place a bit of a better balance following the changes made in 1997 and provide some security, not just in caravan parks but right across the industry as a whole.

I conclude by thanking all of the people involved in the working group. It is important that I put their names on record, because they did an incredible amount of work, and not just during our regular meetings — a number of them put in above and beyond the call of duty outside the meetings. I thank Mark MacDonald and Roslyn Jenner from the Real Estate Institute of Victoria, Richard Watling and Michelle Marven from the Tenants Union of Victoria, Ken Dyson from Shelter Victoria, Chris Momot and Anne Donovan from the

Statewide Women's Community Housing Service, Rose Banks from the Port Phillip Private Hotels Association, and Phil Redmond from the Victorian Caravan Parks Association.

I also thank Steve Bevington from the Community Housing Federation of Victoria, Diana Haward from the Brotherhood of St Laurence, Janine Mayhew from the Springvale Community Aid and Advice Bureau, John Chryssomallos from the Newlands Public Tenants Association, Michael Horn from Hanover Welfare Services, Brian Beecham from Consumer and Business Affairs Victoria, Michael Levine from the Victorian Civil and Administrative Tribunal, and Louise Johnson from the Department of Infrastructure.

I also thank for their support, of both me and the working party, staff from the Office of Housing, Ken Downie and Claire Brown. I am sure Ken will not mind my saying this: I particularly thank Claire for the work put in throughout the period of the working group. She certainly was fantastic in the support she provided to me as chair. It is important that we put on the record the contribution of these people who made a wonderful commitment to restoring some of the balance in the residential tenancies legislation.

As I said at the outset, that was the brief given to the working group. It was a commitment that we, in government, made in our Better Housing policy and during the last state election. It is pleasing to see that this is a commitment that is being delivered through the passage of this legislation. However, I again note that the amendment put forward by the honourable member for Caulfield is personally unacceptable to me, not just as chair of the working group but also as one who seeks the protection of the rights of caravan park tenants.

I finish by again thanking the Minister for Housing for giving me the opportunity to chair this group. It certainly has been a very instructive and worthwhile process. I am confident that the outcome of this legislation, hopefully without amendment — —

The ACTING SPEAKER (Mr Plowman) — Order! Honourable members at the table will keep their voices down!

Ms ALLAN — The legislation is certainly trying to provide a better balance, not tipping the balance too far one way or the other; it is about a better balance for the rights and responsibilities of all stakeholders within the residential tenancies market. I wish the bill a speedy passage.

The ACTING SPEAKER (Mr Plowman) — Order! I call the honourable member for Brighton.

Mr Hulls — Welcome back!

Ms ASHER (Brighton) — And welcome back to you. I hear you have been busily involved in the parliamentary recess. By way of background, I also chaired a review — —

Mr Hulls interjected.

Ms ASHER — I do not understand these timing issues.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Brighton shall not be distracted by the Attorney-General's interjections.

Ms ASHER — By way of background, I too chaired a backbench committee under housing minister Rob Knowles when I was on the back bench, which was quite historic, to review the Residential Tenancies Act. We did a wholesale review trying to strike the right balance between tenants and landlords.

Mr Ryan interjected.

Ms ASHER — Indeed, the Leader of the National Party reminds me that he too was on that committee and played a pivotal part in moving forward that residential tenancies legislation, particularly the rights — the delicate rights — between landlords and tenants and, I think, achieving some good results. Another housing minister, Ann Henderson, for whom we had a condolence motion yesterday, implemented the majority of that particular review. She was to be congratulated for taking that very fulsome step forward.

The ALP, quite understandably, when it was elected to government decided it would do its own review of residential tenancies legislation, and we have heard from the chair of that particular committee. The review was not as comprehensive as the review done previously, but nevertheless obviously sought to meet some of the goals that the government has. One aspect of this review that disappoints me is that the review was not as consultative as one would have expected from this government, given its rhetoric, and that it did not consult as widely as the former review committee under the Kennett government did.

If I can digress just momentarily, Mr Acting Speaker, one of the issues for this government, given that it has had some 700 reviews and task forces and working parties, is at what point you make a decision, or at what point you actually listen to what people are telling you and act on what people want from you as a government. The amendment put forward by the honourable member for Caulfield goes to the crux of this dilemma.

The ALP said it would consult. The Victorian Caravan Parks Association said very clearly what it wanted, and I believe what it wanted was reasonable, but the government just ignored it. So at what point do you move on from this rhetoric of consultation if you do not want to listen to what people are telling you in the first instance?

I want to focus on one element of the Residential Tenancies (Amendment) Bill and it is an element that impacts on me as shadow Minister for Tourism — —

Mr Hulls interjected.

Ms ASHER — It is not an electorate issue. It concerns small businesses — that is, the issue of tourism services provided by caravan parks. Caravan parks, as much as the Attorney-General might like to scoff, are an integral part of the tourism industry. Metropolitan caravan parks provide 1.4 million site or cabin nights per annum — a very significant part of an industry that was worth, when we left government, about 10 per cent of Victoria's gross state product. In these parks we have caravans and a range of cabins, and the parks are becoming more modernised in recent times.

Caravan parks often have a multiple role: some have a totally tourism focus, some have a short-term accommodation focus, and others have a longer term, almost semi-residential-style accommodation focus. I think it should be up to the owner, the small business person, to determine the focus of how his or her small business will operate. It is at this point that I will diverge from the government and support the amendment proposed by the honourable member for Caulfield.

A key recommendation of the government's bill, not of its working party, is to change the definition of 'resident'. I take up the comments of the honourable member for Bendigo East and also refer to the Residential Tenancies Legislation Working Group report dated October 2001, which I understand she chaired. The report says that the Victorian Caravan Parks Association does not support any change to the current qualifying period for residency in caravan parks. The working party report notes this. Recommendation 3.7 was that unanimous agreement could not be reached on this issue.

It is all very well for the honourable member for Bendigo East to talk about her report. Her report notes what the Victorian Caravan Parks Association said. The recommendation clearly indicates there was no agreement, and yet the government has decided, off on

some sort of crusade on its own, to bring in this substantial change, which impacts adversely on small business owners and on tourism operators.

In essence, the government is proposing to change the definition of a resident of a caravan park. I refer to the Residential Tenancies Act 1997, which provides under section 3, definitions, that:

“resident” means —

...

(b) in relation to a caravan park, a person who occupies a site in the caravan park as his or her only or main residence and —

(i) who has obtained the prior written agreement of the caravan park owner to do so ... or

(ii) who has so occupied any site in the caravan park for at least 90 consecutive days.

In other words, the trigger for residential tenancy rights to kick in — if I can use that vernacular terminology — is 90 days of residence. However, the government has decided to introduce — and this has nothing to do with the working party report from which I have just quoted — under part 5, clause 44 of the Residential Tenancies (Amendment) Bill, a change to the caravan park residency period from 90 days to 60 days.

Ms Allan interjected.

Ms ASHER — The honourable member for Bendigo East, who I suspect has not run a business, asks, ‘What does it matter?’. It matters a great deal to the caravan park owners, to small business operators and to tourism operators.

I refer to the minister’s second-reading speech in which she says that this particular change will not interfere with the provision of accommodation for tourism. It is on that point that the opposition and I disagree with the government’s rationale. This contention is wrong. It flies in the face of the government’s so-called consultation and it flies in the face of good tourism and small business operation.

The Victorian Caravan Parks Association is opposed to this particular clause. Phil Redmond, the president of the Victorian Caravan Parks Association, has sent an email to the shadow minister, the honourable member for Caulfield, indicating that there has been no contrary evidence during the recent review that this should actually be changed. The same Phil Redmond wrote to the Minister for Housing on 20 May, saying:

I am disappointed to have only just become aware of the intention to introduce the amendment bill as early as next

week without the association being provided with an opportunity for final comment.

He then requested a postponement of the introduction of the bill. What sort of consultation is this from the open, transparent and consultative government we are told we have? A small business group has put in a submission saying it does not want this, the working party said it did not want it and there was no recommendation — the government proceeds with the bill. The Victorian Caravan Parks Association, made up of genuine small business operators, has said it has only just become aware of it and has sought a postponement of the introduction of the bill, but this government just forges ahead with something that quite frankly is anti-business.

We then see further consultation, if the government wants to listen to it, from the Big 4 Holiday Parks group. For honourable members who are not aware, Big 4 Holiday Parks runs 33 caravan parks in Victoria with a tourism turnover in excess of \$15 million. These small businesses add up to tourism jobs in Victoria. It has written to the residential tenancies legislation working group secretariat expressing exactly the same view. I quote from the letter:

However, the proposed changes to the Residential Tenancies Act surpass the mandate of short-term and long accommodation by having a detrimental effect on the ongoing viability of tourism in caravan parks across Victoria.

That is what worries the opposition — the ongoing viability of a very important sector of the Victorian economy.

I refer to the fact that individual operators have signed petition after petition to the honourable member for Caulfield claiming also that it — meaning the government’s legislation — will also complicate the reservation of sites for future tourist bookings. This is what the small business operators and the tourism operators are saying — that this change from 90 days to 60 days in terms of the classification of residents will actually impact on these businesses and on tourism.

I do not think that is good enough. It is a very small change to ask the government to accept. The opposition is asking for one change for the caravan parks association. Out of all this legislation, which is not an insubstantial bill, it is asking the government to accept one change: to change the definition of ‘resident’ from a person who has occupied a site for 60 consecutive days back to the 90 days it was. Is this philosophical? Is this earth-shattering? It certainly is important for these small businesses. It is important for tourism operators. However, it is not important to the ALP.

That is the amendment the opposition will move in this place, and it will move it in the other place. That is the amendment the opposition believes is right and just for small business operators and for tourism.

I also want to make a general point in relation to the issue of consultation. I refer again to a letter from the Vic Parks metro group addressed to the Honourable Ron Best in the other place, who happens to be the National Party spokesman on housing — and I consult with him regularly!

Honourable members interjecting.

The ACTING SPEAKER (Mr Plowman) — Order! Personal imputations are not accepted.

Ms ASHER — I did not hear anything — there was such a barrage of comment over that! I did that deliberately just to see what would happen.

The Vic Parks metro group has written to the Honourable Ron Best making the point that the department — —

An honourable member interjected.

Ms ASHER — No, he gives me his mail.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member should not respond to interjections.

Ms ASHER — The credit cards are next! The letter refers to the Department of Human Services residential tenancies legislation review letter to operators. The Vic Parks metro group indicates that:

... there was wide opposition to a change in the definition of resident from both operators and tenants who attended the consultation session for caravan parks held at Frankston Cultural Centre on 18 April 2001.

The letter notes the wide opposition. Where is this consultation? There was wide opposition at the consultation. The opposition was noted in the working party report. There is no recommendation in the working party report, and yet the government brings forward a bill absolutely killing the operators in terms of what they want.

Finally I turn to the Vic Parks metro group document entitled *Submission on Proposals of the Residential Tenancies Legislation Working Group*. This was its submission to the consultation the government had. At page 12 at dot point 1 the submission states:

Automatic residence i.e.: removal of the 90-day rule will discourage owners from accepting people in need of emergency accommodation as temporary occupants ...

This is one of the things the Labor Party often does in its ideological desire to effect change. In fact what will happen is that these caravan park operators may well knock back people in need of emergency accommodation. So at dot point 1 of the submission the caravan park operators said no. Dot point 2 goes to my point about tourism. It states:

The reduction of the 90-day period jeopardises future tourist/short-term bookings as an individual can decide to stay over the prescribed time, declare residential status, stay longer and possess the premises/site. How can we protect the rights of booked and paid customers —

read ‘tourists’ —

if occupants can change their status?

The caravan park association goes on to make some very legitimate comments about the value of the businesses if this legislation is brought in.

I think the consultation the Labor Party has undertaken on this aspect is a sham. As this house has heard me comment before, I am very concerned about the state of tourism in this state, particularly domestic tourism. Good cabins and caravan parks are part of the accommodation available to tourism. I want small business operators to keep the value of their businesses. If this government wants to set up a consultation process, at the end of which it does not bring forward a recommendation of the type seen with this bill, the process is a sham and there is no need to proceed with this amendment.

I support the amendment proposed by the honourable member for Caulfield. It is hard enough for tourism operators in this state in the current climate. It is hard enough for small business operators in this state under this government. I support the amendment proposed by the honourable member for Caulfield, and I hope the government is big enough, honest enough and pro-small business enough to change its mind on this amendment.

Debate adjourned on motion of Mr VINEY (Frankston East).

Debate adjourned until next day.

GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 21, page 13, line 8, omit “.”.
2. Clause 21, page 13, after line 8 insert —
 - ‘(3) The administrator must notify (in writing) the Tribunal if the value of the gift, or total value of the gifts, of the represented person’s property to the administrator, or a charity with which the administrator has a connection, is \$100 or more.’.”.

Mr HULLS (Attorney-General) — I move:

That the amendments be agreed to.

In so moving, I will speak very briefly to the amendments. This is a very important piece of legislation. As I set out in the second-reading speech, its whole purpose is to provide an effective substitute decision-making regime for people with a disability in relation to medical and dental treatment and to improve the effectiveness of services provided by the Office of the Public Advocate and the Victorian Civil and Administrative Tribunal to people with a disability who are under a guardianship or administration order.

The underlying principle of the bill is to balance the personal autonomy and bodily integrity of individuals with the need to ensure that people with a disability receive appropriate and timely medical treatment.

When the bill was debated in this place a number of issues were raised by the opposition, including the ability of administrators to give themselves a gift and whether there should be an appropriate regime around that to ensure transparency and stop administrators simply gifting themselves substantial amounts of money without some oversight. Of course, situations where administrators would give a gift to themselves on a regular basis would be if the person subject to a guardianship order were to give them a regular Christmas present. In those types of situations it would be appropriate for administrators to give a gift to themselves.

The amendments deal with these situations. They are aimed at improving the effectiveness of services and providing an even better substitute decision-making regime for people with a disability by giving it more transparency in those types of situations. The amendments insert subsection (3) in proposed section 50A of the Guardianship and Administration Act, which is inserted by clause 21 of the bill.

Subsection (1) of proposed section 50A provides that an administrator may make gifts or donations of the represented person’s estate under certain circumstances. Proposed subsection (2) provides that neither administrators nor charities with which they are

associated are precluded from receiving gifts or donations from the estate of the represented person. This would apply to many situations which are common in practice, such as, as I said, an administrator who for example is also the child of the represented person and receives annual birthday or Christmas gifts from the represented person. Proposed subsection (3) provides that where administrators are proposing to make one or more gifts or donations totalling \$100 or more to themselves or to a charity with whom they are associated, they must notify VCAT of the expenditure in writing. That will certainly add a layer of transparency in relation to such gifts.

Where administrators are making a gift to themselves or a charity with which they are associated the government believes that the amendments act as an added protection to ensure that there is no actual or apparent conflict of interest between their role as administrators and their role as beneficiaries. That is exactly what the amendments do. This government is always happy to listen to reasonable proposals put by the opposition. In that context can I say that I had discussions with the former shadow Attorney-General on this matter — —

An honourable member interjected.

Mr HULLS — Absolutely supported by the Leader of the National Party. In seeking support for the amendment, I welcome the new shadow Attorney-General to his role. I am delighted that he is in this position. I have always believed — my view may change over time, who knows — that he is a man of integrity.

Ms Campbell — You think he’s a man!

Mr HULLS — Like me, recently married, and — —

The ACTING SPEAKER (Mr Plowman) — Order! The Attorney-General should return to the bill.

Mr HULLS — On many of the views held by the shadow Attorney-General on issues of social justice and social reform I think we will be able to reach some substantial accommodation. I hope that his promotion to higher office, if I can call it that, does not change him. Don’t go changing, Victor, don’t go changing!

In making those brief comments, I say these amendments are appropriate and give more transparency to the legislation. I wish them a speedy passage.

Mr PERTON (Doncaster) — I thank the Attorney-General for his welcome, and I look forward to working in my new role of shadow Attorney-General. Obviously there are issues where both sides of the house must cooperate in terms of the justice system. Just last Friday the Attorney-General and I and a representative from the National Party were present at the opening of the Koori court in Shepparton, which is an excellent bipartisan measure designed to improve the efficacy of justice in the area and also to enable the community to have a better role in both the prevention of crime and the diversion of people who enter the criminal justice system.

As the Attorney-General said in respect of this bill, it is a good example of bipartisanship. The issue in respect of gifts by an administrator to himself or herself or to a charity associated with the administrator was raised in the house by my predecessor, the honourable member for Berwick. As he indicated, there was no difference between the parties on the appropriateness of such a gift being made. Among the examples given by my predecessor were, firstly, regular gifts of charity by a person who might now be incapacitated by Alzheimer's or some other disease which ought to be continued both in the interests of the community and in respect of the wishes of the person; and secondly, where a grandmother or grandfather contributed to the education or wellbeing of grandchildren or the like and those sorts of gifts ought to be continued.

As the honourable member for Berwick said in the debate, it places the administrator in a perceived position of conflict and there needs to be some protection in that respect. The honourable member for Richmond, who followed the honourable member for Berwick in the debate, indicated that while it could not be dealt with at the time, it ought to be dealt with when the bill is between houses. Again it is a great argument in favour of having a system of two houses of Parliament.

The amendment was ultimately moved by the Minister for Sport and Recreation with the support of the Liberal and National parties in the upper house and the Leader of the National Party in this chamber. This was a defect picked up by the honourable member for Berwick, recognised by the Labor Party and the National Party, and this amendment and the bill in general will benefit the community.

Mr RYAN (Leader of the National Party) — In the midst of this very serious outbreak of cordial relations between the Attorney-General and the newly appointed shadow Attorney-General, far be it from me to interfere with that welcome process.

An honourable member interjected.

Mr RYAN — Under no circumstances. The National Party supports — —

The ACTING SPEAKER (Mr Plowman) — Order! Through the Chair.

Honourable members interjecting.

Mr RYAN — No, Mr Acting Speaker, I have just determined that under no circumstances will there be a hug, be it through the Chair or otherwise!

This is a very sensible amendment for all the reasons that have been explained eloquently by both the Attorney-General and the shadow Attorney-General. It places a measure of accountability into the legislation which was otherwise absent and in circumstances where a conflict of interest could well have been interpreted. This amendment will resolve that circumstance and therefore it is supported by the National Party.

Mr WYNNE (Richmond) — I rise to speak briefly on the amendment and to join with the Attorney-General in welcoming the new shadow Attorney-General.

Ms Campbell interjected.

Mr WYNNE — It is important that we acknowledge that on many aspects of the reforms which have been so ably led by the Attorney-General we have received bipartisan support in a number of instances on a couple of quite controversial matters over the years, particularly in relation to legislation relating to same-sex couples. The shadow Attorney-General was a leading proponent for it, and the government thanks him for the leadership he showed at some difficult times during that particular debate.

As indicated by the Attorney-General, this amendment arose when the bill was debated during the last sitting of Parliament. A quite reasonable proposal was put forward by the then shadow Attorney-General, and also picked up by the Leader of the National Party, that we needed to have some checks and balances in place to ensure that those people who were administrators of estates — and it is quite an onerous task and responsibility that people take on — should be provided with some protections. There was also the important aspect of being able to report to an independent authority where a gift with a value in excess of \$100 would be notified to the relevant tribunal — in this circumstance being the Victorian Civil and

Administrative Tribunal. The insertion of clause 21(3) requires in those circumstances that the administrator must notify the tribunal of a gift in excess of \$100 monetary value.

The government fully supports the amendment moved in the upper house. I indicated in debate that the government would have a look at it when the bill was between houses. It was subsequently moved and supported in the upper house and has come back here for ratification. Obviously there is bipartisan support for it.

Mr Wilson interjected.

Mr WYNNE — I briefly take up the interjection of the shadow Minister for Health. The government welcomes him to the front bench. It is an important advancement for him, but he needs to be clear that later on in this sitting of the Parliament we will be debating some fundamental reforms to the upper house and the government looks forward to his support in relation to that. Nonetheless, this is a useful amendment. It enjoys the support of both sides of the house. I commend it and wish it a speedy passage.

Motion agreed to.

JURIES (AMENDMENT) BILL

Second reading

Debate resumed from 9 May; motion of Mr HULLS (Attorney-General).

Mr PERTON (Doncaster) — This legislation is designed to provide several amendments to the Juries Act 2000 which was based on the fine report of the Law Reform Committee, entitled *Jury Service in Victoria*. That inquiry commenced in late 1994 because of concern that the range of people sitting on juries was so narrow that many juries were unrepresentative of the general community.

The committee, firstly under the leadership of the Honourable James Guest and subsequently under my leadership, addressed this concern and other matters during a two-year investigation. The cautious approach of the bipartisan committee and the implementation of its recommendations was designed to lead to a resolution of problems without undermining other cornerstones of our system of justice and government.

Jury service is an important civic duty and provides an opportunity for members of the community to actively participate in the administration of justice. Public

participation in the jury process is important. In my foreword to that report on juries I quoted the English author, G. K. Chesterton, who sat on a jury and, in his own words:

... saw with a queer and indescribable kind of clearness what a jury really is, and why we must never let it go.

He wrote:

A civilisation has decided, and very justly decided, that determining the guilt or innocence of men is a thing too important to be trusted to trained men. It wishes for light upon that awful matter, it asks men who know no more than I know, but who can feel the things that I felt in the jury box. When it wants a library catalogued, or the solar system discovered, or any trifle of that kind, it uses up its specialists. But when it wishes anything done which is really serious, it collects twelve of the ordinary men standing around.

The members of Parliament who took part in the inquiry included the Honourable James Guest; the Honourable Bill Forwood; the Honourable Jean McLean; my predecessor, the honourable member for Berwick; the Leader of the National Party; the now retired Dr Gerard Vaughan and the now shadow Minister for Police and Emergency Services, Mr Kim Wells; and then subsequently under my chairmanship the Honourable Carlo Furletti; the Honourable Monica Gould; the former member for Narracan, Mr Florian Andrighetto; the former member for Melbourne, Mr Neil Cole; the member for Geelong North; the member for Rodney; the member for South Barwon, and the Deputy Premier. They all took part in the construction of the report of the Law Reform Committee.

The legislation that was brought into this house in 2000 represented a bipartisan effort to make juries more representative and to ensure that the pool of jurors would be sufficient. While in the city of Melbourne that might have been relatively easy, the exclusionary rules had actually made it more difficult to have a representative jury, particularly in many country jury circuits where it was becoming increasingly difficult to put together a representative jury. Given that there is agreement on this legislation and there was a long debate in 2000 on the Juries Act, there is no need for me to go into this debate at great depth.

The act has now been in operation for some two years. The purpose of this bill is to deal with some particular issues that have arisen. One of those issues arises out of the redistribution. The impact of this legislation and the redistribution make it difficult, for instance, for a court in Horsham, which can now no longer select jury members from the nearby town of Warracknabeal as it is located in a different electoral district. So the effect of these changes is to permit jury districts to be developed

by the Victorian Electoral Commissioner in consultation with the Juries Commissioner before being signed by the Governor in Council by order published in the *Government Gazette*.

Of course there are some automatic amendments that are consequent upon the new electoral act as well. There are other provisions relating, for instance, to appeals against decisions of the Juries Commissioner, and those amendments are relatively small but important. In essence when a questionnaire is returned to the office of the Juries Commissioner a juror may be contacted informally by telephone about their application for deferral or excusal. If the office is not satisfied the person should be excused or their service deferred, a summons to attend for jury service is issued. As the Attorney-General said in his second-reading speech:

Questions have, however, arisen as to whether the telephone call or the service of the summons constituted notification of the decision. In order to clarify and give flexibility to the appeals process, clause 3 allows appeals to be lodged at any time before the person becomes a member of a panel.

There is another change relating to the calling out of jurors' names. Increasingly these days people are concerned for their security, and the repetitive calling of names in court is regarded as compromising people's security, so this bill will amend section 31 to make the preliminary process discretionary rather than mandatory. Again the Liberal Party supports the view of the Attorney-General on this issue, that the only time the potential juror's name should be called out before the accused is during the empanelment process.

There is a change in respect of the acceptance of majority verdicts in civil trials, where the jury has been reduced from six to five. Clause 7 provides for that situation, and that amendment in the bill will enable a trial to continue rather than requiring a retrial, which of course is an unreasonable cost and burden to the parties in the matter.

Lastly there are some small amendments relating to the disqualification of jurors. The committee worked very hard to work out what were the appropriate exclusions of those who have been convicted of crimes involving a sentence of imprisonment, and there was some question as to whether it was the actual term of imprisonment or the sentence. These amendments clarify these provisions to ensure that a person is disqualified on the basis of the length of sentence rather than the actual time spent in prison or in detention.

The last one provides a little amusement. While all of us believe that serving on juries is important, I still find

remarkable the excuses people can arrive at so as not to serve on a jury. What we tried to do in the committee was to say, 'All right, there is one side of the bar table' — people who are involved in the investigation of crimes and in arguing the law at the bar table — 'and other people should see jury service as a real community contribution'. But the Attorney-General in his second-reading speech said that persons have claimed ineligibility on the basis of their roles as traffic by-laws officers, neighbourhood watch committee members and bank fraud investigators.

I do not think it was ever intended by the committee that those roles should prevent people from exercising their responsibility to be jury members and also providing the accused with the right to have a jury constituted by their peers, so it is quite appropriate that this amendment be made to give voice to the original intention of the committee.

I believe it is the view of the whole community that jury service is extremely important, and whilst there are some people who ought to be excluded because their particular roles make it inappropriate for them to go from one side of the bar table into the jury box, on the other hand all other Victorians should see service on a jury as an important service as a citizen. Also, should they ever be accused of a crime they would be right to expect that a top-quality jury, representative of their community, would be there to adjudge their guilt or innocence. These amendments go forward with the support of the Liberal Party, and I wish the bill a speedy passage.

Mr RYAN (Leader of the National Party) — The National Party supports this legislation. The bill introduces a series of substantially mechanical amendments to the existing Juries Act 2000. I have listened with interest to the honourable member for Doncaster, the shadow Attorney-General, tracing the history of the development of that legislation which occurred under a committee of his chairmanship in the course of the previous government. Prior to his having the role it was chaired by the Honourable James Guest. In any event, some very sensible changes were made to the jury system arising from the work of that committee of which I had the pleasure to be part. It was pleasing to see that legislation enacted by the current government after it assumed responsibility for the administration of the state. We now have before us a series of amendments which have arisen because of some relatively minor issues with regard to the administration of this new act.

The first of these, which appears in clause 3 of the bill, relates to appeals against decisions of the Juries

Commissioner. A difficulty has now arisen because under the act as it now appears any person who is aggrieved by a decision of the Juries Commissioner may appeal against that decision within 14 days after notification of the decision by the commissioner or before the date on which the person is required to attend for jury service, whichever is the sooner. There has been some argy-bargy over the definition of the expression 'notification', so to resolve this issue that expression has simply been taken out of the legislation. Now the amending provision within clause 3 serves to amend section 10(1) of the act so that it reads:

A person aggrieved by a decision of the Juries Commissioner . . . may appeal against the decision at any time before that person becomes a member of the panel.

So that issue is thereby resolved.

The second issue that is dealt with, under clause 4, relates to jury districts. This is a very important provision. I am interested to see that the second-reading speech makes reference to a very good example of what will be the new seat of Lowan which arises from the recent redistribution. Just as an observation, I suspect that someone from New South Wales and now within the minister's department could have written the second-reading notes because, going back to that first point about appeals to the Juries Commissioner, there is reference on page 2 to appeals being made to the Supreme Court or the District Court, which is a New South Wales court. I am sure it was intended to be the County Court.

Returning to the issue of jury districts, there is an example which I will briefly quote from the second-reading speech:

This amendment is necessary because the latest electoral boundaries, which will come into operation upon the calling of the next election, have restricted access to potential jurors for various courts throughout Victoria.

For example, the proposed electoral boundary for the new Legislative Assembly district of Lowan encompasses both the towns of Horsham and Hamilton. Both the Supreme and County courts sit in these towns.

As section 18 now operates, under the new electoral boundaries jurors for the court in Horsham could not be selected from a nearby town such as Warracknabeal (which is less than 60 kilometres away) as it is located in a different electoral district.

Of course these are matters which have been of great concern to the current member for Wimmera — who will certainly be the new member for Lowan. They are matters of great concern to him and the people whom he currently represents and those additional folk whom he will represent once the impending election is over.

The example given is a very good one of the practicalities that make the act fall short of what is necessary to accommodate today's needs. The National Party supports the amendment set out in the legislation.

This provision also touches upon the very core issue of jury districts under the provisions of the act. Under section 18(1) the act recites that:

There shall be a jury district for Melbourne and each circuit town.

Circuits are absolutely imperative to the administration of justice throughout the state of Victoria and in the almost couple of decades that I practised law, particularly in Sale but in Bairnsdale also, the circuit system was utterly critical to the administration of justice. Back in the mid-1980s in Sale the County Court sat for anything up to six months of the year and the Supreme Court sat for up to three months.

Mr Perton interjected.

Mr RYAN — Correct. There was a huge involvement of the court system in those times, and that system is as important today as it was then.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

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

Bentleigh West Primary School

Mrs PEULICH (Bentleigh) — I raise with the Minister for Education and Training a matter I flagged with her at a recent civic reception when she visited the Bentleigh electorate — another event to which I was not invited but was happy to attend to use the opportunity to try to maximise the outcomes for my community. One of the issues I drew to the minister's attention at that civic reception was the issue of 400 square metres of land that the Bentleigh West Primary School has occupied for some 75 years. The local council now wishes to reclaim that land, but because it is surplus to its needs it wants the education department to formalise the exchange by buying it. I understand the council claims the land is worth \$170 000.

The school uses this land as an exit from the back of the school and for a number of other purposes. If it were not available for continued use the school would need to shift drainage as well as paths to its oval, which

would clearly not be a desirable outcome for the 330 students who attend the school.

A number of parents have been in contact with my office over time and I have spoken to the school principal, and they would all like to see negotiations speeded up. A feasibility study has been undertaken and they would like a decision to be made. I encourage the minister to do what she can to ensure that the land is not lost. I ask her to ensure that her department continues negotiations to secure the land for Bentleigh West Primary School and to ensure that the school's curriculum, its activities and its open space availability are not diminished.

Cobram District Hospital

Mr JASPER (Murray Valley) — I raise with the Minister for Health an issue that was brought to my attention by the Cobram District Hospital when I visited there recently. The hospital is looking to get funding for an additional 15 beds for its nursing home, but it also raised with me a number of other issues of concern, in particular the increase in charges to the hospital for ambulance services.

As I understand it the ambulance services being provided to the Cobram District Hospital are being funded on the basis of 45 per cent from the Department of Treasury and Finance, 35 per cent from the hospital and 20 per cent from membership subscriptions collected over the financial year. The 35 per cent contributed by the hospital has been funded by way of a stabilisation grant which has been made available to the hospital over a number of years, but I understand that that funding has now been rolled into the weighted inlier equivalent separation (WIES) that is allocated to the hospital — that is, the funding provided to the hospital for the work it undertakes.

I met with the chairman of the board, Mr Phillip Pullar, the director of nursing and chief executive officer, Mr David Wenban, and other members of the board, who indicated to me that the shortfall for the ambulance services as a result of the funding being rolled into the WIES will be \$120 000. They also indicated that this is an impossible amount of money for them to have to find. It is difficult to understand why the Department of Human Services would say, 'We will not provide the stabilisation funding grant to the hospital, but the extra funding will be included in the allocation made under the WIES program'.

I ask the minister why this stabilisation grant will not continue to be provided to the hospital and why the ambulance services funding which the hospital must

meet has been included in the total funding provided to the hospital. The minister should be able to explain to the house why the additional funding is being required from the hospital and not from the stabilisation grant.

I also ask the minister to indicate if changes will be made to the procedures so that extra funds can be provided to the hospital to cover the shortfall of \$120 000, and, if that is the case, if it will apply to all hospitals across Victoria. If that is the position, surely something can be done to assist the hospitals, in particular the Cobram District Hospital.

Consumer affairs: soccer clinic

Mr ROBINSON (Mitcham) — I ask the Minister for Consumer Affairs to urgently investigate claims being made by a company advertising soccer clinics. In the aftermath of the World Cup excitement, the *Whitehorse Leader* carried an advertisement on 26 June — I understand the advertisement was circulated in other papers as well — under the heading of the Australian Soccer Scouting Organisation (ASSO). It posed the question:

Are you aged 12–20 and want to play international soccer?

Do you want an opportunity to play against English premier league and Italian seria A soccer teams?

Do you have direct access to top FIFA managers and world-class coaching?

The advertisement makes a number of claims: firstly, it claims that the ASSO is a division of the European Football Institute; secondly, that the organisation is affiliated with over 30 of the world's top clubs including Manchester City, Newcastle United and Chelsea; and thirdly, that an EFI elite squad will be selected to participate in an annual European tour to play against premier English and Italian soccer clubs.

I was curious about these ambitious claims in the advertisement, so I wrote away and had material sent to me at my office and I checked out the web site. On the web site it is claimed that a direct affiliation with English premier league clubs exists. Furthermore it features a number of alleged endorsements from senior English soccer league players, including a Lucas Neil from the Blackburn Rovers Football Club. I made further inquiries and found out that Blackburn Rovers checked with their player, Lucas Neil, who reported that he had never heard of the ASSO or the EFI and could not recall the endorsement. The EFI endorsements for the ASSO on the web site turned out to be useless, because the ASSO and the EFI are the same company. They were both started up early this year and operate out of suburban Melbourne.

The asking price for the forthcoming clinics is not cheap — it is \$495. I have made repeated inquiries of the ASSO via telephone, fax and email, asking it to explain this situation. I indicated to the minister's office some time ago that I was going to undertake this task. I pointed out that consumers could be misled into handing over a lot of money. Their aspirations and their children's aspirations could be dashed if the company does not deliver what it has promised. Sadly after four weeks these questions have not been addressed. I am mystified about a number of things, including how a 12-year-old whose parents might pay a lot of money could end up playing in a European tour against a European football team.

I ask the minister to conduct, through Consumer Affairs Victoria, an urgent inquiry into these claims, preferably before the commencement of these clinics, which I understand is scheduled for late September and early October.

Lysterfield Road, Lysterfield: safety

Mr McARTHUR (Monbulk) — I wish to raise an issue with the Minister for Transport concerning a black spot application made last year by the City of Knox for Lysterfield Road, Lysterfield. For the information of honourable members, Lysterfield Road is a goat track with a sad history of accidents over many years, many involving serious injuries. As I understand it, records show that there were 62 accidents on Lysterfield Road between 1 January 1995 and 30 April 2000. Worse than that, there were nine accidents over the 2001–02 Christmas holiday break, including a head-on collision which resulted in severe injuries and almost caused a fatality. There were five accidents in the seven days from 19 to 26 June this year.

It is a notorious section of road with high traffic loads and many heavy vehicles. It is dangerous for all people who use it and desperately needs work to improve its safety. It is made even worse because the government is not prepared to go ahead with the Dorset Road extension; therefore it is urgent that black spot funding be allocated for Lysterfield Road. The Minister for Transport should be well aware of this issue as it has been raised several times by the City of Knox. When this application was first considered by the Blackspot Funding Advisory Committee in March this year, the committee agreed to approve the application and provide the funding. Strangely it was later rejected and eventually overturned in August this year.

I ask the minister to urgently have a look at the situation and find out why that decision was suddenly and inexplicably reversed, and I ask him to take action to

ensure that black spot funding for Lysterfield Road is approved as a matter of priority. The condition of this road will result in a tragedy soon if nothing is done.

Pawnbrokers: residual equity

Mr LEIGHTON (Preston) — I raise a matter for the attention of the Minister for Consumer Affairs concerning the provisions of the Second-Hand Dealers and Pawnbrokers Act that deal with residual equity. The action I seek from the minister is to ensure that her department provides the relevant information to consumer affairs-funded programs and that they be provided with information on residual equity. In referring to consumer affairs-funded programs I am thinking of those such as the Consumer and Tenant Advice Service Northern at 251 High Street, Preston, in my electorate, which is ably led by Mr Mark O'Brien. Those organisations do an important job in informing consumers of their rights.

The reason for raising it at this time is that from 1 September 2002 the act provides persons who pawn goods but do not redeem them with a statutory entitlement to claim the residual equity within 12 months of the date of the sale of the pawned goods. The residual equity is the amount, if any, that is left over from the proceeds of the sale by the pawnbroker of the unredeemed goods after the amounts owing on the loan, the pawnbroker charge and the reasonable costs of sale have been deducted.

It is an offence for a pawnbroker to refuse to pay the residual equity if the claim is made by the owner of the pawned goods within 12 months of the time they were pawned. A pawnbroker is also required to send the person who pawned the goods a notice that the goods have been sold within 14 days of their sale if the residual equity is \$10 or more or another amount as prescribed. It is important to point out to the house and to consumers that the threshold amount is \$10.

In consultation on the regulations views were put by the industry that it should be a much higher amount. I am aware, for instance, that Cash Converters argued for a threshold of \$500. I am not sympathetic to that suggested amount. There is a Cash Converters in my electorate, and I can say that \$500 is an enormous amount of money to many people in Preston, particularly those who might in the first instance have to pawn their goods to a pawnbroker. As well as Cash Converters, I recently noticed a couple of pawnbrokers in High Street, Preston. It would be a good time to ensure that consumer-affairs funded programs have this advice.

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

SES: Stratford unit

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Minister for Police and Emergency Services. Last Friday the Stratford State Emergency Service (SES) shed was destroyed by fire. This is a disappointing outcome because it appears that the fire was deliberately lit, which is of concern to the community.

In that fire most of the equipment from that SES unit was lost, including its four-wheel drive and most of the safety equipment such as the jaws of life. The action I seek is for the minister to assist the Stratford SES unit to basically reinstate its equipment by providing funds so that the unit can replace its four-wheel drive, safety equipment and the jaws of life and facilitate the unit's full return back to active duty.

The building that housed all that equipment has been lost and the unit's members will need new facilities urgently. They will be required to work with the local shire to co-locate that equipment on the one site across the road with the Country Fire Authority. That issue was raised when I was there last Sunday for the launch of a new fire truck handover for the CFA. The community is extremely disappointed about the fire because a huge amount of work had been undertaken by the community in raising funds for that equipment. The cost of the equipment lost is approximately \$260 000. A lot of that was raised by the local community, and 25 local volunteers put in an enormous amount of work.

It is an extremely dangerous section of the Princes Highway and many road accidents occur there, so the volunteers do a lot of road accident response work with the police and the Country Fire Authority in that area to service that dangerous stretch of highway.

The action I seek from the Minister for Police and Emergency Services is to facilitate the replacement of that equipment, including the hydraulic rescue gear — the jaws of life — the rescue vehicle, the storm response trailer and the general rescue and communications equipment, including —

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

Pawnbrokers: motor vehicles

Mr TREZISE (Geelong) — I raise for action by the Minister for Consumer Affairs a matter concerning the

pawnbroking industry, which is prevalent in my electorate, and not only in Geelong but in surrounding regions. On several occasions I have visited a number of pawnbrokers within the central activities area of Geelong to discuss with them their businesses and, for want of a better term, their business ethics. The businesses I have visited appeared to be professionally and ethically managed, but I am well aware that that is not always the case within the industry. For example, earlier this year the government recognised that there was a problem with people pledging their motor vehicles for very small advances of cash. In recognising this issue the government passed legislation that essentially prohibits the pawning of motor vehicles. That is important legislation that protects people who are generally in great need.

The action I seek from the minister is for her to take appropriate steps to ensure that all consumer affairs agencies throughout Victoria are provided with relevant materials and information on the laws as they relate to the prohibition on the pawning of motor vehicles in this state. As I said, it is important legislation that will protect people who are seeking to pawn their motor vehicles and are thus, it would be fair to surmise, in a very vulnerable financial position.

Prior to the passing of that legislation there were instances of pawnbrokers advancing disproportionately small amounts of money on the pledge of a motor vehicle that was obviously of far higher value than the amount of money being sought. That is, many people were basically being ripped off by a number of members of the pawnbroking industry. Because it is important legislation it is absolutely essential that, for it to be effective, it is disseminated throughout the consumer affairs organisations of Victoria.

In my electorate of Geelong the relevant organisation is Jindarra, which recently changed its name to Consumer Affairs Geelong (Jindarra). It is a great organisation which, through its very competent and effective manager, Tom Morrison, and his consumer affairs staff, Paul Keating and Gary Jennings, is providing a very good, worthwhile service to the community of Geelong.

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

Schools: innovation excellence program

Mr HONEYWOOD (Warrandyte) — I raise for the Minister for Education and Training through the Minister for Senior Victorians a matter for her to investigate and take action on. It relates to her budget speech. Since that time schools have been kept in the

dark about the so-called innovation excellence program. That program is designed as a diversion behind which the minister can hide the fact that her government has not provided any middle-years funding for primary schools, despite the fact that the program is meant to cover all of years 5 to 9 inclusive.

Government schools received a memorandum on the afternoon of Monday, 9 September — this week — informing them that if they wanted to receive any of the funding for that program they would have to form so-called clusters and lodge expressions of interest outlining proposals for the use of this funding.

This was the first official notification to principals about this program and the first time any forms or guidelines in relation to the program had been distributed. According to the memorandum sent to schools this week, the proposals by school clusters have to be submitted to the regional offices by no later than Friday, 20 September. That gives schools a whole nine working days to form a cluster, meet with that cluster, discuss ideas and then submit a formal proposal to the minister's department for funding. This is despite the fact that the innovation excellence program was announced in early May this year, some five months ago. Even the clusters involving secondary schools and primary schools have to be based on geographic proximity.

This is totally ridiculous, for two reasons. Firstly, true innovation surely will not be achieved by schools that only have geography in common working together rather than by schools that share genuine ideas that go beyond geographic boundaries or that go across common curriculum issues — for example, between a school in the western suburbs and a school in the eastern suburbs — forming a cluster. Secondly, this is a ridiculous notion because most government schools have been working in informal geographic clusters for many years anyway. So here we have a bureaucratic mess-up with five-months-too-late forms going out, and even then no innovation, geographic proximity only being the common glue that is meant to hold them together.

Gunnamatta: sewage outfall

Mr DIXON (Dromana) — I wish to raise a matter with the Minister for Environment and Conservation concerning the sewage outfall at Gunnamatta beach. I ask the minister to overturn the Environment Protection Authority's decision to basically build a brand-new 2-kilometre extension of the outfall and to set a goal of eventually closing the outfall.

The construction of this 2-kilometre outfall is going to do more environmental damage to a wider area than the existing outfall does when it discharges at the rock shelf at the moment. A roadway will have to be built to the construction site. Quite a few hectares of natural sand dunes would need to be levelled as a work site, let alone the construction of the actual pipeline, or, if it is a drilled pipeline, there is going to be a massive lot of earthworks in a very sensitive environment.

There is absolutely no support for this option of extending the outfall by 2 kilometres from any of the stakeholders, let alone the community, which is sick of having Melbourne sewage dumped in its own backyard. With this extension the effluent will be spread over a larger area because it will be caught up in the ocean currents and the effluent will flow right over to the Heads and into Port Phillip Bay, right through our brand-new marine park. The two just do not go together at all.

In this day of drought — yes, drought — the shortage of water that we have and the low levels of our dams, and we even have talk now of a brand new dam being built, I think it is criminal to have millions of litres of effluent pouring out into Bass Strait every single day. The \$50 million to \$60 million that is going to be spent on this extension to the outfall would be better used reducing the inflows into the treatment plant at Carrum, upgrading that treatment plant even further and eventually closing the treatment plant because it would have a far better quality of effluent that could be utilised in a wider range of uses.

Maribyrnong: aquatic centre

Mr MILDENHALL (Footscray) — I raise a matter for the attention of the Minister for Sport and Recreation in another place and ask him to review and clarify the guidelines for the government strategy of funding regional aquatic centres and brief the opposition, where appropriate, on the rationale for the government's strategy, as there is obviously some confusion on the other side of the house.

I had the bizarre spectacle in early August of the then Deputy Leader of the Opposition criticising me for getting too much money for my electorate — a combination of a Community Support Fund and Better Pools funding allocation of \$6.75 million towards a \$17 million regional indoor aquatic centre in Maribyrnong.

I am used to being criticised by the Liberal Party for many things, like the drug strategy to fix the crisis it left for us, traffic and truck management strategies after

years of inaction by the Kennett government and soil recycling facilities after the Kennett government's attempt to dump contaminated soil in landfill, but never for getting too much money for the electorate! The simple fact is that the west needs a regional indoor 50-metre pool and the government has provided additional funds beyond the Better Pools funding to achieve that.

It is based on a similar project in the City of Casey, where \$5 million was allocated to provide a 50-metre indoor pool in Melbourne's south-east region. Like Casey's pool, which is adjacent to the Fountain Gate shopping centre, the Maribyrnong pool, which will be located next to Highpoint shopping centre, will receive a grant for \$5.25 million from the Sussan Corporation — a magnificent philanthropic contribution to the welfare and health of the western region.

I am waiting with bated breath for the honourable member for Brighton to criticise the Casey pool, which I understand is in the electorate of the honourable member for Berwick. I am sure that the residents of Casey will be impressed with the honourable member for Brighton's insinuation that they were not entitled to financial support for their very successful new pool. The Maribyrnong pool is a tremendous project for the western region, as the Casey pool was for the south-east of Melbourne. The inconsistency and hypocrisy of the opposition is there for all to see. I ask the minister to examine and clarify the regional pools funding and let these brain surgeons on the other side of the house know how these facilities can be justified and funded so the community can take advantage of them.

Dorset Road, Ferntree Gully: safety

Mr LUPTON (Knox) — I raise a matter for the Minister for Transport in relation to black spot funding for Dorset Road, Ferntree Gully, in the vicinity of Edina Road and Francis Crescent. This particular application for black spot funding was first submitted by the City of Knox. It was originally for a roundabout but was later amended to cover widening the four-lane road into five lanes and providing right-hand-turn references, sets of traffic lights, et cetera.

I have personally written seven letters to the minister, and on two occasions I have had a letter back advising me that the matter was receiving attention and being investigated. It was recommended by the black spot committee in March this year, and then for some unknown reason it was referred to the federal government's black spot committee for consideration and was apparently rejected. The concern I have is

based on the fact that in the first place it met the criteria established and approved by this government's black spot committee, because there were 20 casualty accidents over five years.

Lysterfield Road, which the honourable member for Monbulk has already mentioned tonight, was recommended for upgrading by the black spot committee in March this year at a cost of \$2.281 million. I have raised the matter in the house twice, and I have written four times and received one response indicating that it is being looked at. For some unknown reason, in this particular case the black spot committee said, 'We've changed our minds and we are not going to recommend it'. This is after it had already done it!

There have been a number of deaths on this road, and there have been in excess of 70 casualty accidents in the last five years. It is nothing but a goat track — in fact, when the old Shire of Sherbrooke had control of this road I think for a period of three years signs were up on the road saying, 'Careful: road surface dangerous'. Yet we still cannot get any funding for this road.

Dorset Road, Ferntree Gully, and Lysterfield Road, Ferntree Gully, going up to Lysterfield, have both been recommended for upgrading in accordance with black spot committee funding in this state. On each occasion the decision has been reversed — one having been referred to the federal government and the other having just been reversed altogether — with it being said that they do not meet the guidelines. I ask the minister to investigate what is going on with this committee. Surely the members of the committee should have enough commonsense to know that if they recommend something of this magnitude they should be prepared to stick to their guns.

Small business: share buybacks

Mr SEITZ (Keilor) — The matter I raise for the Minister for Small Business in the other place concerns letters people receive asking them to sell their shares. Most mums and dads have become shareholders or small businesspeople by purchasing shares in Telstra and insurance companies. They are now receiving letters offering to buy their shares at a price lower than the market value. They only have to sign the letter and put it in the self-addressed envelope enclosed, and they think that when they sign it that is it and they will get some cash money — —

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

Mr Honeywood — On a point of order, Mr Acting Speaker, the house has now been in recess for just over three months. During that time honourable members have had many pressing issues, which they have raised this evening for the attention of specific ministers, yet I notice that not one minister other than a very junior minister is at the table. Are we to understand that not one minister will answer their portfolio issues and that urgent issues raised by members will not be addressed to members in this chamber this evening?

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

Responses

Ms CAMPBELL (Minister for Consumer Affairs) — The honourable member for Mitcham eloquently raised a very serious matter about claims made by the Australian Soccer Scouting Organisation (ASSO). He said that the organisation claimed that for the grand sum of \$495 parents are offered great hope for their children's future in the soccer world. I will be pleased to pass on this information to the department. Consumer Affairs Victoria administers the Fair Trading Act, which contains provisions dealing with misleading advertising. I will ask it to conduct a thorough inquiry to fully investigate the issue and advise the honourable member of the results of its work. I advise that Consumer Affairs Victoria has already made preliminary investigation in relation to ASSO and has written to it requesting additional information. I will pass on the results of that information to the honourable member.

The honourable members for Preston and Geelong raised for my attention matters concerning pawnbroking. Both honourable members referred to the importance of the consumer-affairs funded community programs and the need for them to be kept up to date with the latest information on pawnbroking as it affects many vulnerable consumers in the state.

The honourable member for Preston raised an issue about residual equity. He outlined eloquently the change in the legislation on residual equity. That information will be passed on, particularly the fact that it is an offence for a pawnbroker to refuse to pay residual equity if the claim is made within 12 months of the sale of the pawned goods. I am proud that Consumer Affairs Victoria has ensured that vulnerable consumers will get residual equity. Consumers will be informed of their rights for any amounts of \$10 or more. Consumer-affairs funded programs meet on a daily basis with some of the most vulnerable consumers, and it is important, as the honourable

member outlined, that those people be fully abreast of the latest information.

The honourable member for Geelong asked that the pawnbroking issue he raised be passed on to funded agencies. The honourable member commended Consumer Affairs Geelong (Jindarra) on its wonderful work. It does truly excellent work, as the honourable member outlined, and three of its outstanding workers are recognised not just in Geelong but far beyond. The information requested by the honourable member will also be conveyed to the consumer-affairs funded programs.

The honourable member for Bentleigh raised a matter for the Minister for Education and Training — —

Mrs Peulich — On a point of order, Mr Acting Speaker, government ministers are very good at coming out to the electorate to pull stunts and take photo opportunities, but I would like them to pull the stunt of actually appearing here in Parliament and responding to very serious issues raised on behalf of the community.

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

Ms CAMPBELL — The honourable member for Bentleigh raised a matter for the Minister for Education and Training in relation to negotiations for lands around Bentleigh West. That will be conveyed.

The honourable member for Murray Valley raised a matter for the Minister for Health concerning the Cobram District Hospital and concerns about charges for ambulance services. I will convey that to the Minister for Health.

The honourable member for Monbulk raised a matter for the Minister for Transport concerning black spot funding in the City of Knox, particularly for Lysterfield Road. I will convey that to the Minister for Transport.

Another matter concerning black spot funding was raised by the honourable member for Knox. This concerned black spot funding for Dorset Road. I will convey that to the Minister for Transport.

The honourable member for Gippsland East raised a matter for the Minister for Police and Emergency Services in relation to the Stratford State Emergency Service brigade. Fire has destroyed most of the equipment its members had worked so hard to acquire, including a four-wheel-drive vehicle, jaws of life safety equipment and communications equipment. I will convey that to the minister.

The honourable member for Warrandyte raised a matter for the Minister for Education and Training requesting an explanation as to why correspondence concerning the innovation and excellence program was circulated on Monday, 9 September. That will be conveyed.

The honourable member for Dromana raised a matter for the Minister for Environment and Conservation regarding an extension of the sewage outfall and the importance of an effluent upgrade. I will convey that to the minister.

The honourable member for Footscray raised a matter for the Minister for Sport and Recreation in another place and asked for a briefing of members regarding the rationale for allocation of the Better Pools program funding. I will convey that.

The honourable member for Keilor raised a matter for the Minister for Small Business in another place in relation to small shareholders. I will convey that to the Minister for Small Business.

The ACTING SPEAKER (Mr Nardella) —
Order! The house stands adjourned.

House adjourned 10.37 p.m.

