PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

12 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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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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Library Committee — (*Council*): The Honourables the President, E. C. Carbines, M. T. Luckins, E. J. Powell and C. A. Strong. (*Assembly*): Mr Speaker, Ms Duncan, Mr Languiller, Mrs Peulich and Mr Seitz.

Printing Committee — (*Council*): The Honourables the President, Andrea Coote, Kaye Darveniza and E. J. Powell. (*Assembly*): Mr Speaker, Ms Gillett, Mr Nardella and Mr Richardson.

Public Accounts and Estimates Committee — (*Council*): The Honourables D. McL. Davis, R. M. Hallam, G. K. Rich-Phillips and T. C. Theophanous. (*Assembly*): Ms Barker, Mr Clark, Ms Davies, Mr Holding, Mr Loney and Mrs Maddigan.

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. NAPTHINE (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 Margret [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	Napthine, 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

CONTENTS

THURSDAY, 12 SEPTEMBER 2002

CONTENTS

Thursday, 12 September 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.34 a.m. and read the prayer.

PETITIONS

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

Schools: student welfare officers

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

The humble petition of Myrtleford Primary School council and undersigned citizens of the state of Victoria sheweth the increasing frequency and severity of significant social and educational welfare issues encountered by primary schools.

Your petitioners therefore pray that Parliament agrees to the provision of ongoing, professionally trained welfare officers in state primary schools.

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

By Ms ALLEN (Benalla) (1124 signatures)

Ombudsman: investigation

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

The humble petition of Christopher Healy of 2 Girdwood Parade, Eildon, Victoria 3173, sheweth that in my dealings with the Ombudsman Victoria from 1998 until this year relating to the Ombudsman's duty to investigate under section 27 of the Freedom of Information Act the Ombudsman's investigations were conducted in a partial and unsatisfactory manner.

I have documentation to support this claim.

Your petitioner therefore humbly prays that Parliament inspect the documents that I hold with a view to ensuring that the Ombudsman's investigation of my case is revisited and with a view to ensuring that the Victorian public is properly served by their Ombudsman.

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

By Ms ALLEN (Benalla) (1 signature)

Buses: Glen Waverley–Blackburn service

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 Ventura Bus Lines route service 736 does not currently operate between Glen Waverley railway station and Blackburn railway station on Saturdays.

Your petitioners therefore pray that the Minister for Transport facilitates operation of route 736 between Glen Waverley and Blackburn on Saturdays because of the community demand for such a service.

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

By Mr WILSON (Bennettswood) (73 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 Mr LUPTON (Knox) (125 signatures)

Laid on table.

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

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Vagrancy Act

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

Laid on table.

Ordered that report and appendices be printed.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Fisheries management

Mr SEITZ (Keilor) presented second report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

PAPERS

Laid on table by Clerk:

Melbourne Water Corporation Act 1992 — Ministerial direction pursuant to s 45(3)

National Parks Act 1975 — Advice pursuant to s 11(3)

Parliamentary Committees Act 1968 — Response of the Minister for Environment and Conservation on the action taken in response to the recommendations made by the Public Accounts and Estimates Committee in its final report on Environmental Accounting and Reporting

Victorian Environment Assessment Act 2001 — Request pursuant to s 16(1)

PARLIAMENTARY COMMITTEES

Reports

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That:

1. the resolution of the house of 28 November 2001 providing that the Law Reform Committee be required to present its report upon its inquiry into possible mandatory codes for consumer protection in certain industries to the Parliament no later than 30 September 2002 be amended so far as to require the report to be presented to the Parliament no later than 30 September 2003;

2. the resolution of the house of 28 November 2001 providing that the Road Safety Committee be required to present its report upon its inquiry into fluctuations in the number and severity of crashes on Victorian roads from 1988 to the Parliament no later than 31 October 2002 be amended so far as to require the report to the Parliament no later than 31 May 2003.

Motion agreed to.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

That the house, at its rising, adjourn until Tuesday, 8 October.

Motion agreed to.

MEMBERS STATEMENTS

Disability services: funding

Mrs ELLIOTT (Mooroolbark) — The launch of the state plan for disability has been a huge disappointment for the disability sector. The level of unmet need for disability services has never been higher than right now. More than 3000 people are currently waiting for disability services such as accommodation, in-home support and day programs. The rate of people with severe to profound disabilities is increasing at the rate of 4 per cent each year. The family carers of children with a disability, who save the government millions of dollars each year, are exhausted and are not being provided with adequate respite breaks. Perhaps most urgent is the issue of the ageing baby boomers with a disability whose parents are becoming too frail to look after them and are asking, 'What will happen to my child when I am no longer around to care for him or her?'.

Despite this, the Bracks government has spent three years producing a plan that has no dollars attached to it. It was no surprise that the sector received it half-heartedly and with much cynicism. When a draft of the plan was released in October 2001 many in the sector were dismayed that the plan did not reflect their contributions. The release of the plan again ignored the contribution of those in the sector and thus failed to address the biggest challenges facing the community: the current level of unmet need and the magnitude of the looming problem as thousands of other Victorians with a disability require services.

This government has employed self-indulgent rhetoric about inclusion — —

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

Drought: government assistance

Mr DELAHUNTY (Wimmera) — Western Victoria's economic and employment activity reflects a strong reliance on the agricultural sector, so with the current dry conditions there is great concern not only for the farming families but also for the agricultural services sector staff. We cannot afford to lose the skills of our rural people, for if they have to move away for work they could be lost to our rural communities forever. I call on the government to bring forward local employment projects such as rail standardisation and river restoration work to utilise and preserve these skills in western Victoria.

A number of councils and community people have contacted me regarding increasing numbers of corellas and kangaroos. Corellas are causing extensive damage to farmland and community facilities, including heritage buildings. Kangaroos are a safety concern on roads, particularly for school buses. They are also causing enormous damage to the environment and farm enterprises. The government must take up its responsibility for the control of corellas and kangaroos.

Education and training is vital for the continuing development of western Victoria. Schools in western Victoria are experiencing difficulty in attracting staff. There are extra costs with advertising, and programs are being either cut or run by unqualified personnel. What is the government doing to immediately help reduce the shortage for these country Victorian schools and reduce the long-term effects on staff and students?

This matter is very serious and has implications for the quality of education available in our western Victorian communities. I ask the government to improve access to teachers in the system and to bring teachers to country Victoria.

Reservoir: mobile phone tower

Mr LEIGHTON (Preston) — Earlier this year I attended a public meeting of over 100 residents in Reservoir objecting to the proposed location by Orange of a mobile phone tower in Banff Street, Reservoir. The residents maintain their objections and concerns at the tower being located in a residential area which includes four schools and a child-minding centre.

Hutchison Communications, the owner of Orange, claims to be willing to work with local communities. Its web site states:

> Hutchison is working with local communities as it plans and builds its wire-free communications networks, including the Orange network. We appreciate that councils and communities sometimes have environmental, health or visual concerns about communications equipment, and we always try to accommodate these concerns when proposing new installations … There have been many instances where consultation with communities and councils has produced innovative solutions that satisfy both local site requirements and network design …

However, Orange has not applied its own policy to Reservoir and has refused to work through it with the local community. I have now written to Orange calling upon it to enter into genuine discussion with my local community.

I believe solutions are available. If its own policy on how it treats communities is to be anything more than words, Orange should put it to the test by entering into discussions with the residents in and around Banff Street, Reservoir.

Warrnambool dental clinic

Mr VOGELS (Warrnambool) — I wish to bring to the attention of the house the plight of an elderly constituent of mine who has undergone partial dental treatment in Warrnambool and who must now attend a Melbourne public dentist in order to complete the procedure.

My constituent, Mr Arthur Peart, requires a root canal filling. He has had partial treatment in Warrnambool, but is unable to have the procedure completed due to the unavailability of the appropriate implement. I understand this implement falls 1 millimetre short of the desired piece of equipment, a no. 24 file. Mr Peart, who is 76 years of age, has now been referred to the Royal Dental Hospital of Melbourne clinic for the procedure to be completed. This is a huge burden on Mr Peart. The situation is further exacerbated for Mr Peart because, apart from travelling expenses, there will be the additional costs of accommodation in Melbourne.

It would be greatly appreciated if the Department of Human Services could make the appropriate dental implement available to the Warrnambool public dental clinic to alleviate any further need for public dental patients in Warrnambool to attend Melbourne to undergo treatment.

It was only last month — August — that the Minister for Health launched the department's action plan called 'Practical guidelines for aged care dental services'. With this in mind, I am sure the minister will agree that the situation in Warrnambool I have outlined is deserving of attention to resolve the unhappy situation.

Highfield Road, Camberwell: speed limit

Mr STENSHOLT (Burwood) — I would like to thank the residents of Highfield Road and surrounding streets in Camberwell, Surrey Hills and Canterbury for their feedback and advice in the successful campaign that we waged on their behalf to get the speed limit reduced from 60 kilometres per hour to 50 kilometres per hour.

Highfield Road runs between Canterbury and Toorak roads and clearly was not suitable to be a 60-kilometre per hour zoned road. In fact, all of us as local residents knew that it was dangerous to drive at such a speed in many parts of the road, especially near Lynden Park.

Armed with feedback from local residents, I had productive discussions with the Boroondara council and Vicroads. I would like to particularly thank Bruce Gidley, Jim Hondrakis and Evan Boloutis, among others, for their help in achieving the change to a 50-kilometre per hour speed zone. Their action has been well received by the long-suffering residents. It was a matter of putting these people together and having discussions on how it was possible to make the change.

I understand the council is looking at further initiatives with traffic treatments, such as road markings and parking arrangements, to ensure improved and sensible traffic flows in the area. Indeed the feedback I got from many residents was a whole lot of ideas for improving traffic arrangements in the local streets. This is grassroots democracy at work.

Once again I thank the local residents and assure them that I will continue to be their strong local advocate on issues of community concern.

John Wilkinson

Mr SAVAGE (Mildura) — I wish to raise for the attention of the house the passing on 28 August of one of our finest citizens, John Leslie Wilkinson. John, or Jack as he was known, was born on 18 December 1918 and was a great contributor to my community. He joined the 2nd AIF in 1940 and served for 1948 days, 1188 of those overseas.

Jack was the president of the Meringur school committee for 15 years. The committee built a swimming pool and every child who has passed through that school since has had the opportunity to learn to swim. He was also the president of the Victorian Wheat and Woolgrowers Association, then the VFGA, and was instrumental in the electricity connection for the whole of Millewa in 1959. He also played a key role in the pipelining of the Millewa.

He was captain of the Meringur Fire Brigade for many years, and that brigade won the region 18 rural fire brigades competition several times. He was awarded the Queen's Medal for his contribution to Victorian rural fire brigades. Jack was a keen shooter and was president of the Mildura gun club. He and his wife, Gwen, did Meals on Wheels for 14 years after they retired.

Jack was a patriot, a war hero, a good father and husband, and a great community contributor. He will be sorely missed. I pass on my sympathies to his family.

Yarra Valley: health infrastructure

Mrs FYFFE (Evelyn) — When will the Minister for Health respond to the numerous requests and petitions from the residents of the Yarra Valley for equal treatment in the provision of health services? We do not have a public hospital close by, and we do not have emergency facilities or after-hours medical care.

Three hospitals have closed — Yarra Junction and District Bush Nursing Hospital, Lilydale Hospital and the Warburton Hospital — and what is this minister doing? He has wasted a minimum of $20 million in direct costs in his personal vendetta on the ambulance royal commission. He is part of a government that has bungled the Seal Rocks matter to the tune of a potential $60 million. He is part of a government that turned away $77 million of Melbourne Cricket Ground funding from the commonwealth to appease its union mates. These three things alone total $157 million — just a fraction of which would provide emergency after hours care for the people of the Yarra Valley.

I have a constituent in Healesville who suffers from Parkinson's disease and is distressed because she faces a 3-hour return trip to see her doctor. She cannot make the trip by herself so her ill husband has to travel with her in the taxi. Her doctor suggested he could monitor her progress with a new drug she is trialling by video link to avoid her travelling so frequently. Guess what? The only video link is at Maroondah Hospital, and she cannot use that because it is only used for psychiatric patients. This minister does not care about the people of Yarra Valley. He has no interest in providing care and health facilities.

CFA: Carrum brigade

Ms LINDELL (Carrum) — I would like the Parliament to join with me today in acknowledging the triumphant service given by the Carrum Fire Brigade to my local community for the last 90 years. Carrum Fire Brigade was established in 1912, and in the last 12 months its service delivery standard was at 98.29 per cent, which makes it one of the four best contributing brigades in the state.

The Country Fire Authority (CFA) long service awards were handed out at a recent dinner. Those awards are given to people who have made a great sacrifice and commitment to their communities. I acknowledge ex-captain John Cruise and firefighter Harold Taylor, who were given long service awards for 50 years service to the CFA. A 40-year service award was given to ex-captain Peter Davis; 35-year service awards were presented to firefighter David Adams, to secretary Gary

Best and to first lieutenant Jamie Milburn; 30-year service awards also went to operational support member Ian MacLeod; a 25-year service award went to firefighter Doug Taylor; and 20-year service awards went to a second lieutenant, Andrew Rawlins, and to firefighter Ian Kerboeuf.

The ladies auxiliary at Carrum also has a longstanding commitment to —

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

ALP: union donations

Mr McINTOSH (Kew) — For the financial year concluding 30 June 2001 we have seen donations from the Construction, Forestry, Mining and Energy Union to the Australian Labor Party to the tune of $150 000 and for the three years concluding 30 June 2001 we have seen donations totalling some $300 000 given to the Australian Labor Party. There is no doubt there is a strong connection between this and this government's response to the CFMEU of giving it favoured treatment.

We have seen this government and indeed the Premier forgo $100 million for the Melbourne Cricket Ground project and put in some $77 million of Victorian taxpayers' money just so they could maintain a closed shop at the MCG and do a shabby deal with the CFMEU.

On top of that we have seen this government in relation to the National Gallery of Victoria and the Latrobe Regional Hospital enter into a shabby little deal to postpone the awarding of a demolition contract to Able Demolitions simply on the basis that that corporation did not have an enterprise bargaining agreement with the CFMEU, which is the favoured union for this government. Three hundred thousand dollars over three years!

One wonders, considering that the Premier has given every indication that we are leading up to a state election, just how much money they are likely to get for the financial year ending 30 June 2002.

TAC: claims

Mr LIM (Clayton) — I draw the attention of the house to complaints made to my office about the operation of the Transport Accident Commission. The TAC was established by the previous Labor government in 1986 to pay for treatment and benefits on a no-fault basis to victims of car accidents. It has also conducted internationally recognised road safety campaigns. Last year I commissioned a parliamentary intern to study just this matter.

As I said, my office has received a number of complaints regarding the TAC's operation. Car accident victims who have suffered horrific injuries often feel that they have been treated like criminals simply for trying to exercise their right to compensation. Constituents have expressed feelings of having been bullied and intimidated and having their very spirits crushed by the TAC. At the time when the injured most desperately need help and understanding the TAC, with its army of legal bullies, intimidates these unfortunate people whose money it has been happy to take when they paid their insurance premiums but whom it then treats in a callous and shameful manner.

Car accident victims can often suffer traumatic injuries, including brain damage and paralysis. Many car accident victims will need lifelong support and assistance, and some will never be free of pain and suffering. A society should be judged not just on how rich it is but also on how it treats its most disadvantaged.

The TAC needs to take stock. It should also remember that it exists only to serve the needs of the injured. Fraudulent claims need to be investigated but not through processes — —

The SPEAKER — Order! The honourable member's time has expired, and the time set down for this debate has also expired.

ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL

Introduction and first reading

Ms CAMPBELL (Minister for Consumer Affairs) introduced a bill to amend the Estate Agents Act 1980 and the Sale of Land Act 1962 and for other purposes.

Read first time.

WRONGS AND OTHER ACTS (PUBLIC LIABILITY INSURANCE REFORM) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to amend the Wrongs Act 1958, the Coroners Act 1985, the Food Act 1984, the Goods Act 1958, the Essential Services Commission Act 2001, the Country Fire Authority Act

1958 and the Metropolitan Fire Brigades Act 1958 and for other purposes.

Read first time.

Second reading

Mr BRACKS (Premier) — By leave, I move:

That this bill be now read a second time.

This bill continues the government's wide-ranging response to problems in the insurance sector that have impacted on all sectors of the Victorian economy and community.

An insurance sector is vital to the performance of the Victorian economy and the security of our community. Without insurance, a lot of economic, social and community activity would not take place.

The government's objective is to ensure insurance is available and affordable for business and the wider community, to protect Victoria's reputation as a good place to live and do business.

The insurance market has always been cyclical in nature. But the collapse of major insurer HIH and the impact on worldwide insurance markets from the tragic events of 11 September make the current episode unique in its extent and impact. This is why this government is taking action to address the problems that have emerged.

The pressures on the availability and price of insurance are not unique to Victoria, or indeed, Australia. However, it is important that the strategy adopted by government specifically addresses the Victorian situation.

The government has listened to the community. We have seen the cost that instability in the public liability insurance market is imposing on Victoria's small businesses and tourism operators, our sporting and cultural activities, and our local communities.

The Minister for Finance outlined the government's strategy in his ministerial statement to the Legislative Assembly on insurance on 26 March 2002.

The government's approach has tackled the insurance problems on several fronts. The focus has been primarily on prudent and short-term interventions to help the most severely disadvantaged.

We recognise that some areas have their own special problems requiring specialised analysis. To this end the government has convened a medical indemnity working group to provide expert advice on a series of reform measures in relation to medical indemnity.

The major components of the Victorian government's response to problems in the insurance sector are as follows:

First, the government is making useful information available to insurers and consumers so they can make informed decisions. Potential new insurers will be provided with information on claims, premiums and profitability, making it easier for them to enter the Victorian market.

Second, the government has targeted those sectors where insurance has been withdrawn meaning no insurance cover is available for a particular group or activity. The Victorian government is proud to have led Australia in bringing specific groups — such as not-for-profit community groups and pony clubs — and the insurance industry together to develop appropriate coverage and group buying arrangements.

Third, where necessary, the government is making changes to the institutional and regulatory arrangements faced by insurers and some industry sectors. For example, the government successfully averted an insurance crisis in the plumbing sector by reforming the licensed plumbers insurance order and has made other regulatory changes to help the construction sector more broadly.

Fourth, the government is providing short-term, last-resort insurance to areas suffering 'insurance market failure', such as the building and adventure tourism sectors, to ensure goods and services remain available. Importantly, this type of intervention has included incentives for private sector insurers to re-enter the market.

Finally, the government is introducing a comprehensive range of legislative reforms, including tort reform, to tackle a range of areas that over the longer term have put upward pressure on insurance prices.

None of these approaches in isolation will provide a solution to the complex insurance problems being experienced. It is essential to complement and coordinate government policy initiatives to make insurance more readily available and affordable to Victorians.

In relation to tort reform, the government has strongly maintained that Victoria would move cautiously in the

absence of reliable data and a strong indication that changes to tort law would benefit the community.

At the same time, the government reserved the right to implement further tort reform should the lack of affordable and accessible public liability insurance coverage threaten the state's economic and social objectives.

The government has now had time to carefully consider the findings of the Trowbridge report on public liability insurance; to monitor and assess developments in the insurance market; and to consult key community stakeholders.

The Trowbridge report proposed measures for tort, compensation and process reform to improve the affordability and availability of insurance. Importantly, the report and subsequent data have shown that Victoria does not face, to the same degree, the problems experienced by other states such as New South Wales.

Nevertheless, the information does suggest that, without further government tort law reform, there is a risk that the trend in public liability claim costs will remain unchecked. Failure to act now would only continue to create uncertainty about movements in premiums and the availability of insurance products.

The bill I am introducing today builds on the commitment the government made on 30 May 2002 to introduce specific legislative changes into this sitting of Parliament. This bill includes:

provision for waivers that will allow people to accept responsibility for their participation in risky activities;

protection of volunteers and good Samaritans from the risk of being sued;

provisions that substantial amounts of damages can be paid in regular instalments (structured settlements) instead of one lump sum;

ensuring that saying sorry does not represent an admission of liability;

providing that the fact that some people have suffered injuries as a consequence of their own criminal activity, or their own ingestion of alcohol or drugs, is taken into account by the courts;

protecting food donors from liability where they have donated food to charities in good faith;

enabling the Essential Services Commission to collect insurance data to ensure transparency and fairness in the pricing of premiums;

requiring insurers to account clearly for the collection and remission to the fire brigades of amounts the insurers collect from insurance policyholders as 'fire services levies';

creating a cap on loss of earnings of three times average weekly earnings;

creating a cap on non-economic losses of approximately $370 000; and

setting the discount rate at 5 per cent and adjusting this rate from time to time to reflect actual real investment returns.

These Victorian legislative measures are well targeted and comprehensive to our circumstances here in Victoria. But part of the government's strategy also involves cooperating in coordinated actions at the national level. This reflects the government's position that insurance is both a local and national product, with the federal government being primarily responsible for insurance supervision, regulation and consumer protection.

Going forward, the Victorian government will emphasise to the federal government their responsibilities. These will include seeking measures that will increase the competence of the national regulator of the general insurance industry, the Australian Prudential Regulation Authority, the quality of data collection, oversight of consumer interests and premium movements.

I now turn to the specific proposals in this bill.

Intoxication and illegal activity

There is a perception in the community that the courts have been too quick to establish a duty of care owed by a defendant in some situations where the plaintiff should have exercised greater care for their own safety. This concern has focused on plaintiffs who have been intoxicated by alcohol or drugs, or engaged in illegal activity, at the time they were injured. It is important that these concerns are addressed.

This bill amends the Wrongs Act 1958 to provide that in actions in negligence for personal injury or death the court must always consider: the plaintiff's level of intoxication by alcohol or drugs; and whether the plaintiff was engaged in illegal activity, in determining whether a defendant owed a duty of care to a plaintiff

and, if so, whether it has been discharged. This bill also imposes a specific duty of care in relation to occupiers' liability.

These amendments are significant as they will provide the courts and the public with certainty by establishing intoxication and engagement in illegal activity as matters that must be taken into account by the courts in cases of personal injury or death.

Apologies

There is considerable confusion in the community about whether a person who is alleged to have injured a third party admits legal liability by simply apologising to that third party.

This bill aims to encourage the use of apologies. It applies to expressions of regret, sorrow or sympathy by any person, where a death or personal injury is relevant to specified proceedings. The bill provides that the giving of an apology, or a waiver of fees otherwise payable for a service, does not in itself amount to an admission of:

legal liability in civil proceedings (such as in negligence, or for breach of a statutory duty or a contract); or

unprofessional conduct or professional misconduct; or

responsibility for the cause, or regarding the manner, of a death, in coronial proceedings.

The bill does not render an apology inadmissible, where it could be admitted or taken into account under the general law for another purpose. If an apology includes a statement of fact, this statement may be relevant to a fact in issue that is to be determined by the court or body.

This bill does not apply to an apology where there is a clear acknowledgment of fault. In such a case the maker of the apology has in effect fully admitted legal liability, or unprofessional conduct, or that they bear responsibility for a death.

Caps on certain heads of damages

The introduction of caps in this bill provides increased certainty to the public liability insurance market. They define potential claimants' rights more clearly in terms of their potential claim while also providing insurers with greater certainty with respect to potential claim costs.

The principle underpinning the award of damages by courts, where negligence has been proved, is that plaintiffs should be restored to the same position that they were in before their losses or injuries. It is the responsibility of the courts to determine, in a particular case, such matters as:

what costs has the plaintiff incurred, or will incur, that he or she would not have incurred if the incident had not taken place;

what income will the plaintiff not receive that would have been received had the incident not taken place; and

what amount will compensate the plaintiff for non-economic losses the plaintiff has suffered, such as pain, or loss of enjoyment of life?

Such matters necessarily involve some level of subjectivity and estimation. No-one can know with certainty whether a permanently incapacitated plaintiff would have enjoyed the same real income, or a higher or lower real income, for the rest of his or her working life. Compensation is generally based on an assumption that the current real income of the plaintiff would have continued into the future.

It is appropriate that a reasonable limit be imposed on the amount of damages for loss of future earnings that can be awarded by a court. This bill imposes a limit of three times average weekly earnings. This is a high level of earnings enjoyed by only a few per cent of the Australian population. A cap at this level will therefore apply to only a few per cent of successful plaintiffs.

Similarly, the bill imposes a cap on general damages — that is, on awards for pain and suffering, or loss of enjoyment of life. Such awards by the courts are necessarily subjective. No-one can doubt that there is a genuine loss of amenities suffered by a formerly healthy and active person now, say, confined to a wheelchair for life. Imposing a cap sets out for the court a community expectation of the maximum monetary compensation that is reasonable for these non-economic losses.

The bill provides that the maximum amount that may be awarded for non-economic loss is $371 380. This is the same as the maximum currently provided for court awards for these damages under the Transport Accident Act 1986. As with the maximum under that act, the bill provides for this cap to be indexed annually by the consumer price index.

Discount rate

In making an award for lump sum compensation, the court has to determine an amount that can be invested to provide the claimant with an income sufficient to cover the claimant's ongoing economic requirements, for as long as the claimant needs.

Discount rates are used to turn projected future streams of dollars into an equivalent lump sum amount now. In cases of major permanent injury, lump sum compensation is intended both to replace loss of future earnings and to provide funds for payments that will have to be made in the future, such as ongoing medical expenses and attendant care.

In Victoria, a discount rate of 3 per cent per annum currently applies to all court awards of lump sum compensation. Outside transport accidents and workers compensation, most Australian jurisdictions have now legislated to apply a discount rate of 5 per cent, or higher. In Tasmania, for example, it is 7 per cent.

The bill sets a basic discount rate of 5 per cent for awards for economic loss, with a power to vary this rate by regulation. This rate reflects the five-year average return on 10-year commonwealth bonds (the best proxy for risk-free investment) since the Australian financial markets were deregulated in the 1980s.

It is the government's policy that any such regulation will specify a rate based on the average real rate of return, over at least the previous five years, on 10-year commonwealth bonds. It may be reasonable, in some circumstances, to vary this basic rate. If so, the amount of such variation and the reasons for it will be stated in the regulation.

Structured settlements

A structured settlement is a settlement in which all or part of a damages award is paid in the form of an annuity or annuities and may include a deferred lump sum. It is only reached when all parties agree and the defendant, or defendant's insurer, purchases the annuity or group of annuities out of the lump sum compensation payment.

The primary barrier to the broader use of structured settlements in Australia has been the current uncertainty regarding their tax treatment.

The federal government has now introduced amendments to the commonwealth Income Tax Assessment Act 1997 to provide an income tax exemption for annuities and certain lump sums paid under structured settlements to seriously injured persons, where a structured settlement meets certain eligibility criteria. The written agreement of both parties is necessary for the structured settlement to be tax exempt. These amendments are expected to pass in the current spring sitting of the commonwealth Parliament.

The amendments contained in this part of the bill encourage effective financial management of compensation to promote the financial security and independence for the seriously injured. These amendments, coupled with the federal tax amendments, help ensure that more after-tax dollars can be provided to the accident victim in a way that does not impose additional administrative burdens on defendants or any additional cost.

Good Samaritans

The legislation in respect of good Samaritans, volunteers and apologies will clarify issues of indemnity and risk, so that members of the Victorian community continue to act in a socially responsible manner without fear of litigation for negligence.

This bill provides good Samaritans with protection from civil proceedings where they have rendered assistance, advice or care in good faith to other persons in an emergency or accident. Well-intended efforts voluntarily undertaken by would-be rescuers, including health care professionals, are protected and encouraged by this government.

The bill covers the actions of any emergency worker, Country Fire Authority (CFA) member or volunteer whose actions as good Samaritans are outside the scope of the relevant acts that establish their duties and authorised activities.

The proposed bill seeks to provide immunity from civil proceedings for good Samaritans as long as they have acted in good faith. By providing an immunity with a good faith requirement, it is proposed that the legislation will reflect the position of rescuers or good Samaritans at common law and that the flexibility of the common law will be retained in determining whether a person has acted in good faith in emergency-type situations. A flexible standard of care in such circumstances will also provide for the differing competencies brought to the scene by good Samaritans, including professional health carers.

Food donors

The bill provides protection from legal liability for food businesses to encourage them to donate safe food that would otherwise be thrown away. The bill will provide

immunity to those who act in good faith in donating food to charities. In 1996 the estimated amount of food thrown out each year in Melbourne was 280 000 tonnes — a figure likely to be significantly higher today.

The immunity only applies in certain circumstances:

A donor will be exempt from liability from a negligence claim if the food is donated to a not-for-profit charity distributing free food to those in need;

The food must be safe to eat at the time it is donated. The immunity does not protect a food business that donates unsafe food. It therefore does not detract from the approach encouraged by the Victorian food safety regime that if there is any doubt, food should be thrown out. The definition of safe food is adopted from the Food Act; and

The legislation provides that a donor must inform the charity receiving the food of appropriate arrangements for the safe storage and processing of the food after donation.

A person harmed by the consumption of donated food may still take legal action, but only if the food was unsafe when it was received from the donor will the food business be liable.

Volunteers

Volunteers play an invaluable role in the life of the Victorian community. In Victoria it is estimated that around 1.2 million of the adult population participate each year in voluntary activities. Voluntary work in the areas of sport and recreation, welfare and community and religion and education accounts for most of the volunteer hours worked in Victoria. The government wants to foster and encourage volunteering in the community.

This bill strikes a reasonable balance between the need to protect volunteers against personal liability and the interests of those who suffer injury. This balance is achieved by providing that a volunteer cannot be held personally liable for anything done, or not done, in good faith by the volunteer while providing a service within the scope of community work organised by a community organisation. However, the personal liability that the volunteer would otherwise have had is transferred to the community organisation.

Waivers of implied conditions

The bill will strike the right balance between risks inherent in the supply and participation in recreational services.

This bill amends the Goods Act in line with proposed amendments to the commonwealth's Trade Practices Act, which has similar implied conditions, to allow waivers for recreational services. All providers of recreational services in Victoria will then be able to use the waivers.

The bill goes further than the commonwealth's proposed amendments, and ensures that some consumer protections are preserved. A waiver will not be effective if the provider is grossly negligent, meaning that the provider has done an act or has omitted to do something with a reckless disregard for the consequences, the provider has not complied with a prescribed form of waiver or the provider has made a false or misleading statement in relation to the waiver.

Essential Services Commission

One of the most frustrating issues that all governments have faced in responding to the current problems regarding availability and affordability of insurance is the lack of consistent, comprehensive, accurate and up-to-date data.

The Australian Prudential Regulation Authority (APRA) is now examining the issue of compulsory provision of insurance data on a national basis. It is hoped that APRA will proceed quickly to develop an agreed aggregated data reporting set for insurers. However, there remains a need for such data to be provided at the state as well as the national level.

The bill empowers the Essential Services Commission (ESC) to collect data from insurers on their Victorian risks. It is the government's aim and expectation that the ESC will work closely with APRA to ensure that, as far as possible, the data set required by the ESC on a state basis is identical to that required by APRA nationally.

I emphasise that the state requires this data for policy development purposes, and therefore is interested in aggregated data for insurance products. It is not part of the state's role to examine the financial results and commercial viability of individual insurers — that is APRA's responsibility. The bill therefore does not make the insurance industry an essential service regulated by the ESC, nor extend the powers of the ESC, other than information collection, to cover the insurance industry.

Statements under section 85(5) of the Constitution Act

I wish to make the following statements under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of this bill to alter or vary that section.

Clause 7 of this bill proposes to insert new sections 28D and 28J into the Wrongs Act 1958. Section 28J states that it is the intention of section 28D to alter or vary section 85 of the Constitution Act 1975. Section 28D provides that a court cannot award damages to a claimant contrary to new part VB of the Wrongs Act 1958. Section 28D therefore has the effect of limiting the Supreme Court's ability to determine the amounts that may be awarded in respect of both non-economic and economic losses in claims for damages for death or injury.

The purpose of part VB is to restrict the amounts of damages that defendants will be liable to pay if they have been found negligent. In order for this purpose to be achieved it is essential that this limitation applies to the Supreme Court. This will ensure that defendants, and their insurers, can be confident of the maximum liability they will face for these categories of damages in the event of a successful claim.

Clause 9 of this bill proposes to insert new sections 31B and 31D into the Wrongs Act 1958. Section 31D states that it is the intention of section 31B to alter or vary section 85 of the Constitution Act 1975. Section 31B provides that good Samaritans acting in good faith in the circumstances set out in the section are not liable in civil proceedings for anything done, or not done, by them. It therefore has the effect of preventing the Supreme Court from exercising its jurisdiction in relation to certain possible claims arising from the activities of good Samaritans.

The purpose of section 31B is to encourage members of the community to come to the aid of people in need of assistance in situations of emergency or accident. In order for this purpose to be achieved it is vital that the immunity that the section provides to good Samaritans applies to the Supreme Court. This will ensure that good Samaritans can act confident in the knowledge that they will not be liable in civil proceedings before that court for any mistakes that they make in good faith in trying to help someone in the circumstances set out in the section.

Clause 10 of this bill proposes to insert new sections 31F and 31H into the Wrongs Act 1958. Section 31H states that it is the intention of section 31F to alter or vary section 85 of the Constitution Act 1975. Section 31F provides that a person donating food in the circumstances set out in the section is not liable in any civil proceeding for any death or injury that results from the consumption of the food. It therefore has the effect of preventing the Supreme Court from exercising its jurisdiction in relation to certain possible claims arising from food donations.

The purpose of section 31F is to encourage members of the community to donate for charitable purposes edible food that they do not want, rather than to throw it away. In order for this purpose to be achieved it is vital that the immunity that the section provides to food donors applies to the Supreme Court. This will ensure that food donors can donate food confident in the knowledge that any incident arising from food that they donate in good faith in the circumstances set out in the section will not expose them to civil liability in that court.

Conclusion

This bill enacts substantial reforms that will provide the opportunity for significant insurance premium relief. It will help attack the culture of blame and make insurance more affordable and accessible over the longer term. It is a balanced approach that meets the government's commitments to act in the interests of the people of Victoria in dealing with the current insurance industry problems. It represents the result of considered and detailed research and analysis into these issues, rather than knee-jerk reactions.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 26 September.

CONSTITUTION (WATER AUTHORITIES) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to amend the Constitution Act 1975 so as to entrench the responsibility of public authorities for ensuring the delivery of water services and their accountability to responsible ministers for ensuring that delivery and for other purposes.

Read first time.

Second reading

Mr BRACKS (Premier) — By leave, I move:

That this bill be now read a second time.

Honourable members will agree that the provision of water services, at reasonable cost, is a matter of primary importance to our community. It was for this reason that, at the last election, this government made a commitment to ensure that our water authorities remain publicly owned and directly accountable to the people of Victoria. To secure the public control of water services an amendment to Victoria's constitution was proposed to entrench the public ownership of our water authorities.

This bill implements that commitment. The ownership of our water authorities and the dams and major pipes that deliver water to Victorians will be entrenched in state ownership by amendments to the Constitution Act 1975. Once this bill is passed, any bill that removes the responsibility for ensuring the delivery of water services from a public authority or enables the sale of a dam or major pipe must be passed in accordance with the entrenchment requirements in section 18(2) of Constitution Act.

A new part VII will be added to the constitution to require public ownership of water authorities and dams and major pipes. If a public authority has the responsibility for ensuring the delivery of a water service, that responsibility must be carried on by that authority or another public authority. This does not exclude public–private partnership arrangements whereby the private sector provides infrastructure or performs services under contract with a water authority. This bill makes it clear that a public authority may enter arrangements with the private sector for the provision of water services but cannot abdicate its ultimate responsibility for ensuring the delivery of water services under these arrangements or have that responsibility removed from it.

The publicly owned dams and major pipes that will be prevented from sale or transfer out of public ownership will be included on a publicly available register. A sale or transfer of those assets contrary to this bill will be void. To enable water authorities to manage their assets, the bill provides for the decommissioning of dams and major pipes that are no longer required for Victoria's water supply. These assets can be removed from the register by an order in council that includes a statement by the minister of the reasons why the dam or pipes are no longer necessary.

I am sure that all members will support the retention of water authorities and their primary resources in the public ownership for the benefit of future generations. The bill strikes the right balance between that aim and accessing the benefits of private sector involvement in the delivery of water services.

I commend this bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Thursday, 26 September.

CONSTITUTION (PARLIAMENTARY REFORM) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to reform the Parliament of Victoria, to amend the Constitution Act 1975 and the Electoral Act 2002, to consequentially amend certain acts and for other purposes.

Read first time.

Second reading

Mr BRACKS (Premier) — By leave, I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Constitution Act 1975 and the Electoral Act 2002 to modernise the Parliament so that it is responsive to the needs of all Victorians in the 21st century.

This bill is based upon the recommendations contained in the report of the commission, entitled *A House For Our Future*.

The proposed amendments to the Constitution Act 1975 and the Electoral Act 2002 will reform the upper house to provide the Victorian Parliament with a house which is democratic and a genuine house of review. This will, in turn, enhance the effectiveness, accountability and representativeness of the Parliament as a whole.

All members will be pleased to see that the bill provides Victorians with a say in their own constitution for the very first time. In doing so we are bringing Victoria into line with most modern democratic states.

The bill includes three methods of entrenchment: by referendum, by a majority of three-fifths and by an absolute majority.

The provisions which are entrenched by referendum are the core provisions of the constitution. These include the numbers of members of both houses, new regions for the Council and Assembly districts, local government, Director of Public Prosecutions and Auditor-General and Supreme Court. In addition,

referendums will be required to alter other provisions added by the bill — those which:

establish a deadlock process for disputes between the houses;

prevent the Legislative Council blocking supply;

fix the term of Parliament at four years and make the terms of the houses concurrent;

establish the offices of the Ombudsman and the Electoral Commissioner as independent officers of the Parliament;

include the functions of the Freedom of Information Act 1984; and

require that there be an act requiring that electoral boundaries functions be conducted by an Electoral Boundaries Commission.

Other provisions which are generally of a procedural nature are given additional protection by being entrenched by means of a special majority, comprising a three-fifths majority of all members of both houses.

Part III of the constitution, which deals with the detailed operation of the Supreme Court, remains unchanged and will continue to require an absolute majority of both houses. The requirement for an express provision and a statement in the house on a bill affecting the Supreme Court's jurisdiction remains in place.

The measures in this bill are strongly supported by the Victorian community as reflected in the constitution commission report.

One of the important findings in the commission's report is that Victorians are seeking increased diversity of representation in the Council. It therefore recommended a new system of multimember regions in the Legislative Council, using the proportional representation voting system, be introduced.

The bill provides for such a system with eight regions each electing five members. The government believes this model, which is one of four contained in the commission report, ensures the highest level of regional participation possible, in a way that is consistent with democratic principles of one vote, one value.

The bill provides that these new regions are scheduled to the Electoral Boundaries Commission Act 1982; the boundaries having been drawn up by the electoral commission to assist the constitution commission.

These regions are available to be used, in the event that the Electoral Boundaries Commission has not determined new boundaries in the ordinary way, before any election under the new system. The bill makes it clear that the Electoral Boundaries Commission is to proceed to determine the new regions once the bill is passed.

The bill provides that any election held after 1 July 2003 will be held under the new regions and new electoral system for the Legislative Council. This is to provide time for the Electoral Commissioner to implement the changes in the bill.

Names for the new regions shall be allocated by the Electoral Boundaries Commission which is empowered by the bill to consult with the public in respect to the new names. They will then be tabled in the Parliament and gazetted in the usual way.

As recommended by the constitution commission, the bill adopts the commonwealth Senate style of voting for the upper house, with the major reform of optional preferential voting below the line.

This bill is the culmination of the work of the Constitution Commission Victoria, and reflects the views of the Victorian people. A number of other recommendations of the commission will be implemented by the government in a variety of other ways, including referral to relevant parliamentary committees at a later stage.

The government places on record its appreciation of the time and effort expended by the three constitution commissioners as well as the many Victorians who took time to contribute to the work of the commission. All of the people who attended consultation sessions or provided written submissions are to be congratulated because they are the people who have shaped this bill.

The provisions in this bill meet the government's commitment to review the operation of the Legislative Council to truly make it 'a house for our future'.

I commend this bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Mr BRACKS (Premier) — I move:

That the debate be adjourned until Thursday, 26 September.

Mr PERTON (Doncaster) — I note that in the Premier's second-reading speech he said that the bill provides that any election held after 1 July 2003 will be held under the new regions and new electoral system

for the Legislative Council. If the Premier is serious in his commitment to this, is he going to give a commitment that there be no election until this legislation is debated and until the trigger date is reached?

The DEPUTY SPEAKER — Order! That is not a comment on the question of time.

Motion agreed to and debate adjourned until Thursday, 26 September.

Mr Ryan — Madam Deputy Speaker, I wish to raise a point of order concerning a response provided by the Premier during question time yesterday, and if it is timely I would like to proceed with it now since the Premier is in the chamber.

The first question yesterday in question time was posed by the Leader of the Opposition. The question was: does the Premier agree with the Victorian Farmers Federation that a quarter of Victoria is now in drought? In the course of his response the Premier sought to incorporate a quote taken from a speech made by me in 1997. Indeed I can tell the house that speech was made on 23 April 1997. Before quoting me the Premier said, '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'. That was the Premier's preamble. He then went on to read from *Hansard* of 23 April 1997 where he quoted me.

Madam Deputy Speaker, I am prepared to accept that with the best will in the world these things happen by accident rather than design and that sometimes advisers thrust things into the hands of Premiers and things get read out, so I accept that the situation can arise by accident. But what has happened here is that the debate in which I was involved when I made the comment in 1997, which was referred to by the Premier, was made in an entirely different context from that in which the Premier sought to use it yesterday for the purpose of responding to the question which had been put. In raising it in the manner in which he did, the Premier very clearly misled the house. What I am seeking as the end result of this argument is that the record be corrected to reflect the proper situation. What happened in 1997 — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Leader of the National Party is engaging in a personal explanation. It is not a point of order. I ask him to speak to the Speaker in the normal way and organise the presentation of that personal explanation to the house.

Mr Ryan — What is of significance in this, Madam Deputy Speaker, is that it is an imperative that the Premier of the state should not mislead the house, be it by accident or design.

The DEPUTY SPEAKER — Order! I have already responded to the Leader of the National Party informing him that I believe his statement is in fact a personal explanation, and I ask him to go through the normal procedures in relation to that. It is not in fact a point of order.

Mr Ryan — I respect your ruling and I will adhere to it.

HEALTH LEGISLATION (RESEARCH INVOLVING EMBRYOS AND PROHIBITION OF HUMAN CLONING) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) introduced a bill to amend the Infertility Treatment Act 1995 so as to make fresh provision for the regulation of certain activities involving the use of human embryos and for the prohibition of human cloning and certain other practices associated with reproductive technology, to make consequential amendments to the Gene Technology Act 2001 and certain other acts and for other purposes.

Read first time.

ROAD SAFETY (RESPONSIBLE DRIVING) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to make miscellaneous amendments to the Road Safety Act 1986, to amend the Marine Act 1988 and for other purposes.

Read first time.

MURRAY-DARLING BASIN (AMENDMENT) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to amend the Murray-Darling Basin Act 1993 and for other purposes.

Read first time.

NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to amend the National Parks Act 1975 to create new parks and make further provision in relation to existing parks and other Crown land, to create new reserves under the Crown Land (Reserves) Act 1978, to otherwise amend the Crown Land (Reserves) Act 1978, the Mineral Resources Development Act 1990, the Reference Areas Act 1978 and the Forests Act 1958 and for other purposes.

Read first time.

COMMISSIONER FOR ECOLOGICALLY SUSTAINABLE DEVELOPMENT BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to provide for a Commissioner for Ecologically Sustainable Development, to facilitate a periodical report on the state of the environment of Victoria and annual reporting on the implementation of environmental management systems, to consequentially amend the Public Sector Management and Employment Act 1998 and for other purposes.

Read first time.

FEDERAL AWARDS (UNIFORM SYSTEM) BILL

Introduction and first reading

Mr LENDERS (Minister for Industrial Relations) introduced a bill to amend the Commonwealth Powers (Industrial Relations) Act 1996 to refer to the Parliament of the commonwealth a further matter relating to industrial relations, to empower the Victorian Civil and Administrative Tribunal to make orders applying federal award conditions as common rules in Victoria and for this purpose to amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes.

Read first time.

CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Police and Emergency Services) introduced a bill to amend the Control of Weapons Act 1990 and the Firearms Act 1996 and for other purposes.

Read first time.

SENTENCING (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Sentencing Act 1991 so as to empower the Court of Appeal to give guideline judgments and to establish a Sentencing Advisory Council and for other purposes.

Read first time.

CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Crimes Act 1958 to create offences relating to bushfires, computers and sabotage, to amend the Bail Act 1977 with respect to the granting of bail on a charge of arson causing death, to make consequential amendments to other acts and for other purposes.

Read first time.

REGIONAL DEVELOPMENT VICTORIA BILL

Introduction and first reading

Mr BRUMBY (Minister for State and Regional Development) introduced a bill to establish a body to facilitate economic and community development in rural and regional Victoria to be known as Regional Development Victoria and for other purposes.

Read first time.

JURIES (AMENDMENT) BILL

Second reading

Debate resumed from 11 September; motion of Mr HULLS (Attorney-General).

Mr RYAN (Leader of the National Party) — I spoke yesterday on the first two elements of this amending legislation. I now want to move onto the other matters dealt with in the bill. The next matter, which is contained within clause 5, is essentially a consequential change, and I do not intend to deal with that in any detail.

Clause 6 deals with the principles relating to the calling of a jury panel. What underpins this amendment is the concern that persons involved in the jury system, particularly in criminal cases, feel about the fact that their names are repeatedly called throughout the course of the jury empanelling process. For example, a panel might be called for three days and at the start of each day the names of those who are not actually engaged in jury service at the time — people sitting in the body of the court — are called out. There has been an expression of concern that in that sort of repetitive instance, particularly in criminal cases, there is a risk to security. Accordingly, the amendment proposed would leave to the discretion of the court whether that process should occur.

I query whether this ought to apply in civil cases as well as in criminal cases. It may be too unwieldy to make an amendment of this nature without it applying to both. However, in about 20 years of running civil cases I cannot think of an instance where anybody was fearful for their security because of an issue relating to their name being called as part of a jury panel.

It may have been thought appropriate by the government to make it all encompassing, but I ask the government to comment on that issue.

I want to be certain how the proposed amendment to section 31(1), will operate. Section 31(1) of the principal act states in its opening:

> When the panel is present in the court, the proper officer must …

The section then outlines certain things he must do. The key words I want the government to comment on are 'When the panel is present in the court'. The circumstance I have in mind is that in non-metropolitan areas over the years there has evolved a process whereby jury panel members come to the court building but their names are called in the Magistrates Court as opposed to the court where the trial will proceed. For example, in Sale it would often happen that 75 or 80 people would gather in the morning to comprise the panel from which juries would be empanelled. Those people would have their names called in the Magistrates Court and during the course of the day move across to the Supreme or County courts, which sat in the same building, and the trials would get under way.

I wonder whether we need a further amendment to section 31 to deal with the situation where if one reads the provision literally the expression 'in the court' means just that. If you take those words literally it seems to me the jury panel should be sitting in the court where the subsequent trials are to be conducted. It might be a matter to which the government needs to direct its attention so we can ensure we do not have a problem in case someone takes that point.

Clause 7 amends section 47 and deals with the failure to reach unanimous verdicts in civil trials. It is a sensible provision. Changes were made historically — I would be showing my age if I said how long ago, so I won't — that meant you did not have to have a unanimous verdict among six jurors, but subsequently that was changed to the way the act now reads. The amendment proposed in clause 7 will mean you can have a verdict from four jurors if you are down to five jurors. That can happen for all sorts of reasons — injury, ill health or a variety of things with which we are all familiar. The National Party supports the proposal and believes it is a sensible way to deal with that issue in the event it should arise.

Clause 8 deals with the remission of fines for failing to attend jury service. It is a sensible provision. Indeed, over many years I have seen the situation in courts where this provision would have been appropriate, particularly in a country location where a person who was to attend for jury service was not present for a variety of reasons ranging from not having received the summons through to any of a number of events occurring to prevent them being able to attend. Even with the best will in the world, whatever their intentions might have been, they could not attend.

On the other hand I have seen a judge impose a fine on a person in their absence. The police have been sent out to enforce the fine only to find that the person concerned has come to court the next day with a perfectly proper explanation as to why he or she could not attend the court on the previous day. There has never been in the statute a mechanism by which the judge who imposed the fine in the first instance could withdraw it the following day. I have seen that awkward situation occur on many occasions. The

proposed amendment is a sensible provision whereby if an appropriate explanation has been made to the court to satisfy whomever is on the bench as to the circumstances of the person's absence when the fine was imposed, there is a capacity to remit that fine.

The honourable member for Doncaster dealt well with proposed new paragraph (f) of clause 1 of schedule 2, which is substituted by clause 10 and which deals with persons disqualified from jury service. When we were part of the all-party parliamentary committee which gave rise to the proposals that brought about the changes embodied in the Juries Act it was not intended that the breadth of excuses would extend to those that have emerged, such as parking officers using their role as a means of avoiding otherwise proper service as a juror. It is a sensible amendment, and the National Party supports it.

The amendments to clause 2 of schedule 1 dealt with in clause 9 refer to persons disqualified from jury service. These are important amendments because they are intended to reflect that having regard to the purposes of the act in respect of a sentence imposed, the original intention was that it be the sentence imposed literally as opposed to the amount of time served as a result of parole being granted or whatever other intervening factors there may have been. This is a sensible amendment because it will give effect to what the all-party parliamentary committee intended when it examined the issue.

The whole question of the distinction between the original intent and the way it has panned out is a can of worms in itself because we could potentially get into issues about sentencing regimes and the intent of the court at the time a sentence is imposed, and questions of parole, remissions and all those sorts of things. The committee's intention when it was considering the matters which gave rise to its findings was that this provision should apply on the basis of being related to the nominal time the person would serve, with that period being reflected by the length of the sentence. It was never intended that this provision would be given effect on the basis of the actual time of imprisonment after such sentence was imposed. Again, we think this is a very sensible provision.

Clause 11 is a catch-all measure and deals with the saving provisions that accompany these sorts of amending bills.

In essence, the National Party supports this legislation. The overriding thing to reinforce is the fact that the jury system is utterly critical to the way we demonstrate and discharge the enormous benefits and rights that run in our democratic system. The jury system compromises people who are the best judges of the facts — that is, people in the general community. It is very important that the system be retained. I say that in relation to both civil and criminal trials. I know there is a drive in many circles in both civil and criminal forums to do away with juries altogether. I am opposed to that principle. Although there are methods of election so that a jury is not involved in a civil or criminal trial, it would be a sad day if by legislative imprimatur the jury system were removed entirely from the way our judicial function is carried out in this state. I for one strongly endorse it and hope that forever after it continues to be part of the way our democratic systems function in Victoria.

Mr WYNNE (Richmond) — I rise to support the Juries (Amendment) Bill. I thank the honourable member for Doncaster and the Leader of the National Party for their contributions to the debate. The Leader of the National Party sought some clarification on one matter dealing with proposed section 31(1) of the bill in relation to the calling of the panels. We now have an officer present, so I hope to satisfy the Leader of the National Party on that in discussion prior to debate on this bill being completed.

Nonetheless, as has been indicated by both the previous speakers, there is strong support in our system of justice for the idea that we are tried by our peers. We must ensure that in that process we have the broadest catchment of people available to serve on juries. It is a public service, it is the only fair and reasonable system available and it is really one of the hallmarks of our system of justice.

The Juries Act 2000 implemented a number of reforms recommended by the parliamentary Law Reform Committee in its 1996 report on jury service in Victoria. I understand that the honourable member for Doncaster and the Leader of the National Party were key members of that committee — if I am not mistaken, the honourable member for Doncaster was the chairman of that committee. Our parliamentary committees report in a bipartisan way on proposed reforms which, from time to time, are necessary in a whole range of areas. Obviously the Law Reform Committee, from its name alone, from time to time takes references, most particularly from the Attorney-General of the day, in relation to various pieces of reform that may be required. By and large because of the bipartisan nature of these committees there is debate, discussion and eventually a conclusion reached and more often than not the suggested reforms are taken up by the government of the day. Indeed, that was the case here.

This bill introduces a number of technical amendments to the Juries Act 2000. In May 1999 the then Attorney-General, Jan Wade, introduced the Juries Bill and said that participation by the community to ensure that the justice system remains in touch with and accountable to all Victorians is fundamental to the basis of our judicial system. I think we all agree with that. Participation of the community is critical to good government and is equally critical to the administration of justice.

The amendments contained in this bill are firmly directed at increasing and broadening community participation and diversity in the jury system. This is very much in line with what the honourable member for Doncaster, as chairman of that committee, was seeking to do by way of the work of the committee. I suggest that the modern-day jury really reflects the voice of the community conscience — a voice independent of the arms of government and the judiciary and a voice which reflects the values and standards of the community from which it is drawn. In essence, juries are a microcosm of us all. In order for a jury to reflect the diversity of views held in the community it needs to be representative of the community. The Bracks government has provided for this in the Juries Act 2000 and the subsequent amendments in the bill we are dealing with today.

The current act states that:

> A jury district is the area comprising the electoral districts for the Legislative Assembly …

These jury districts are assigned on the recommendation of the Electoral Commissioner after consultation with the Juries Commissioner and having regard to the needs of each court.

Since the revision of electoral boundaries this year it has been evident that an amendment to the Juries Act 2000 would be necessary. We all pored over the electoral maps when they were brought out in their draft and final forms. Indeed the Attorney-General is responsible for the Electoral Act, and the significant changes that were made needed to be reflected in consultation with the Juries Commissioner.

The new boundaries will come into operation upon the calling of the next election and in their revised form will restrict access to potential jurors for the various courts throughout Victoria. The new electoral boundaries will make jury pools for some towns too small, and therefore amendments to sections 18 and 19 of the act will remove references to electoral districts. These amendments enable areas of the state, rather than electoral districts, to be assigned as jury districts. This will spread the obligation of jury service more equitably and result in juries being more representative of the community. We cannot afford to be in a situation where, as would be the case under the current regime, an electoral district would not necessarily draw a satisfactorily wide net to provide a pool of people.

The bill also deals with appeals against decisions of the Juries Commissioner, which currently must be made within 14 days of notification of the decision. In order to clarify and give flexibility to the appeals process clause 3 of the bill will allow for appeals to be lodged at any time before the person becomes a member of the panel.

Another important amendment is to provide that the calling out of jurors' names prior to empanelment will now be discretionary rather than mandatory. The practice of calling out names has been seen as unnecessary and potentially compromising of a juror's security during and after jury service. I note that the names and occupations will still be called out during the empanelment process, because it is appropriate that people are aware of the particular background a potential juror is coming from. Put simply, the additional process by which names are called out when potential jurors arrive at the courtroom will no longer be mandatory, and that is supported by both sides of the house. If I were involved I would not need to know the name of the person — that is not necessarily relevant — however, I would be interested to know the person's background.

An amendment is also made to allow for majority verdicts in civil trials where the jury has been reduced from six to five jurors, which may occur as a result of the illness or death of a juror, to enable the continuance of such trials and avoid the expense of a retrial.

There has been some confusion as to whether the length of sentence given or the length of time actually served in prison determines disqualification from jury service. Clause 9 of the bill amends clauses 2 and 3 of schedule 1 of the Juries Act to clarify that it is the length of sentence given or detention order made that is relevant in determining a person's period of disqualification from the capacity to serve on a jury.

Clause 10 amends schedule 2 of the act to limit ineligibility for jury service to persons in the public sector employed or engaged in law enforcement, criminal investigation, the provision of legal services in criminal cases, the administration of justice or penal administration. The reason for this change is

self-evident: it is aimed to provide the broadest possible range and base for jury service. Without this amendment those in roles such as traffic by-laws officers and neighbourhood watch committee members would arguably not be eligible to serve their community in this way. However, that was never the intent. The intent has always been that the broadest possible range of people make themselves available, as we all should, to serve in this public service role on juries.

An amendment is also made to section 81 of the act to give the court flexibility in dealing with persons who fail to attend for jury service or as jurors. If they subsequently attend with an acceptable excuse the court may remit, or overturn, that fine or imprisonment immediately. This is an important change, as it takes into account the complexities of people's lives. Life is exceedingly complex on occasion, and sometimes people may have a legitimate excuse for why they were unable to appear on a particular day to undertake their public service role and carry out their jury duty.

Finally, the amendments in this bill reflect the thrust of the recommendations made back in 1996 by the Law Reform Committee, which is a bipartisan body. The legislation reflects the sense in which we want the jury system to encompass the whole and diverse nature of our community, and that must in every way be a good thing for the administration of justice. The jury system is without doubt a cornerstone of our judicial system and is fundamentally supported by the government on a bipartisan basis. I wish the bill a speedy passage.

Mr HULLS (Attorney-General) — I thank all honourable members for their contributions to this important debate on the Juries (Amendment) Bill. This is all about making the jury system more effective and, if you like, more efficient than it already is.

I am sure all honourable members would agree that juries are fundamental to our justice system. But simply having a jury system does not mean that our justice system is fair, because unless the jury system works appropriately — and when I say appropriately I mean in a democratic way — the system can be unfair. I am not talking about jury decisions but about the selection of jurors, because trial by jury is meant to be trial by one's peers.

The legislation will ensure that a jury district will be the electoral district of the Legislative Assembly. That has not always been the case, particularly in other parts of Australia. I vividly recall acting as a solicitor with an Aboriginal legal service in North Queensland. I acted for many Aboriginal people who were charged with various offences. In the years I undertook that work I do not recall there ever being an Aboriginal person on a jury in the trial of an Aboriginal person — not once — and I did that work for five years and was involved in hundreds of trials.

Why was that? I will tell honourable members why — and this bill seeks to address the issue. It was because the jury district from which jurors were chosen for trials that occurred in Mount Isa involved a different electoral roll to that which covered those Aboriginal people. In other words, any Aboriginal person who lived on Mornington Island in the Gulf of Carpentaria or at Doomadgee up in north-west Queensland lived in a different electorate from those in Mount Isa. However, if you were charged with an indictable offence and you lived on Mornington Island or at Doomadgee, your trial took place in Mount Isa. That effectively excluded trial by your peers because your community, if you lived at Doomadgee or on Mornington Island, was totally different, demographically and otherwise, from Mount Isa.

Aboriginal people who came down to Mount Isa for trial were trialled by their fellow Queenslanders, but those fellow Queenslander were not from the electoral district in which the Aboriginal people lived. It was even worse than that. Aboriginal people were brought down to the trial by the police. They were left in Mount Isa, often locked up pending the trial, and if they were found not guilty of the offence they were simply given a handshake and told to do their best, and that was the end of the matter.

For those who do not know North Queensland, Mornington Island is nowhere near Mount Isa, nor is Doomadgee. Many of these people were penniless and it was impossible for them to get back to their own community. As a result they became bridge people. They lived under the bridges in Mount Isa and were invariably charged by the police with further offences, including vagrancy and other offences. So there can still be pretty rough justice even though there is trial by jury.

This is appropriate legislation. It ensures we bring our jury system into the 21st century. Let's hope that the situation that existed in North Queensland when I was there has changed. We should all work to ensure that we have a modern, relevant jury system. It is a cornerstone of our justice system. It should be maintained and strengthened. I thank all honourable members for their contributions to the bill. I wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL

Second reading

Debate resumed from 11 September; motion of Mr HAMILTON (Minister for Agriculture).

Ms DUNCAN (Gisborne) — I am pleased to speak on the Agriculture Legislation (Amendments and Repeals) Bill. It is a fabulous bill that does a number of things. What I particularly like about the bill, and it is the reason I support it so strongly, is that it recognises what we might call the right to farm. The proposed amendments will enable us to respond more effectively and appropriately in prevention reporting and to incursions of exotic pests and diseases and also improve our powers of inspection and enforcement.

I have the privilege of being a member of the parliamentary Environment and Natural Resources Committee. In the past the committee has looked at how the state is set up to respond to any outbreaks of animal diseases. In the course of that investigation the committee was concerned about how quickly we could respond to an outbreak of a particular disease.

The timing of the response is critical to the effective management of the outbreak and to a large extent determines whether the impact is devastating or minimal. So the timing of detection and action is critical. This bill seeks to do that by recognising the fact that animals can be carriers of those diseases. So part of the bill includes amendments to the Livestock Disease Control Act. The new definitions will ensure that livestock are recognised as plant vectors and that appropriate action will be taken to protect them as well.

The particular part of this bill I would like to speak on primarily is what we might call the right to farm. People may be aware that the government set up a right-to-farm working group. I would like to thank the members of that group for the work they have done in making the recommendations that the government has accepted. The government endorsed the six recommendations of that working group. Its report was designed to recognise and help resolve what are often great tensions between people farming in areas where there are also other residents.

That particularly impacts on my electorate, where a lot of people are moving as a lifestyle choice. They want to get out of the city and live in a country environment. When they come to regions like ours they may or may not be aware of the farming activities around them and what impact those activities may have on them.

The response to the recommendations of the working group has been the amendments to the Sale of Land Act 1962. The bill contains an amendment which inserts in section 32(2) — the section provides for the vendor statement which all sellers of land must prepare — the requirement that there be a warning to purchasers that the property they intend to purchase or may be in the process of purchasing is located in an area where commercial agricultural production is occurring and that that activity could impact on their lifestyle and their intended use of the new property. It is in the purchaser's interest to undertake an investigation of the possible amenity impacts from nearby properties, and the warning will alert them to that possibility.

The sorts of things the bill seeks to alert them to is the possible impact on them from such things as noise, odour, dust, visual amenity and livestock on roads. Many of us will recall the case a year or so ago of a couple arriving in an area and finding the movement of cows along the laneways offensive and seeking to have the practice stopped. That was a very difficult thing. The farmer had been using the laneway for a very long time. I presume the new arrivals were not aware of that impact. The new provision will make that sort of thing less likely to occur, as the vendor statement will include the clause alerting purchasers to the fact that there could be activities that may make it difficult for them. It is a case of buyer beware, but the provision will alert the buyer to the fact that there may be impacts on them.

I can recall instances in my own electorate a couple of years ago involving a housing development that backs onto agricultural land. When the residential land was subdivided, the blocks that abutted the farms were highly sought after because they gave people a beautiful vista to look out onto: farmland and cropping. But in the first season when the farmer sought to start up the tractor at 3.00 a.m. because that was the optimum time to cut the crop, we were inundated with complaints from neighbours who, while they liked the look of the farm, did not want any of its activities to impact on their lifestyle. I am not suggesting that it is easy to be woken up by a tractor at 3.00 a.m., but the sort of provision being inserted into section 32 of the Sale of Land Act will make people aware that those sorts of things are possibilities. Hopefully, that will help prevent some of the mounting tensions that have been

experienced in rural areas, particularly where increasing numbers of people are moving to as a lifestyle choice.

The bill does a number of critical things. It certainly assists farmers in asserting their right to farm. It also addresses the way we manage exotic pests. One of its key features is that it enables the minister to make an interim order on a particular exotic pest. Instead of the response time being about three weeks, under the new section 5A the minister will be able to make an interim order for a maximum of 28 days declaring a suspected exotic pest or disease to be an exotic pest or disease if he or she is of the opinion that it is harmful to the growth or quality of plants or plant products. The order can be made on the basis of a description of the organism or symptoms or condition of the affected plants. The purpose of that is to reduce the response time to a few days from about three weeks, which is currently the situation. As I said, it was found from the inquiry into animal diseases that the response time is critical to the effectiveness of the management of a disease.

The bill contains a number of clauses which clarify the role of consultants and contractors who are employed by the grower — that is, the farmer — as pest monitors and laboratory owners, and require that they report suspect or identified exotic pests and diseases without delay. It really is putting into place the sorts of things that arise with a lot of livestock diseases, and effectively provides for a mandatory reporting regime in which reports are to be made without delay.

Those sorts of measures will help ensure that Victoria remains a clean, green state and that our plant health is maintained and our plant products industry remains viable.

The bill, particularly in regard to the right to farm, has been through extensive consultation: many stakeholders have been consulted in its preparation. It goes some way towards reducing the tensions we have seen in the past in rural communities, particularly communities where there is an increasing growth in residential properties surrounding working farms.

The recommendations of the right-to-farm working group form the basis of the Bracks government's strategy entitled Living Together in Rural Victoria, and we are seeing the progressive implementation of those recommendations. One of the key features of those recommendations was the setting up of a rural disputes settlement centre, which was launched in February. The bill goes some way towards implementing the six recommendations: some of them have been implemented previously and more are being implemented by this bill.

This is a critical bill for rural and regional Victoria, making us more consistent with rules and regulations that exist in other states. Pests and diseases do not respect state borders, and we must make sure that as a country we have a united front in managing these diseases. As honourable members are aware, some of them are devastating in their impact on our agricultural produce, and we must avoid them at all costs. If we get such outbreaks we must be able to respond in a timely manner, and this bill seeks to do all that. It also supports the right to farm, and the specific recommendations from the working group form part of the legislation. I am pleased to speak on the bill and I commend it to the house.

Mr VOGELS (Warrnambool) — I am pleased to speak on the Agriculture Legislation (Amendments and Repeals) Bill. Other speakers have dealt with the pest and disease aspects of the bill, especially the honourable member for Portland, who did an excellent job with his knowledge and background in that field.

I will concentrate mainly on the right-to-farm part of the legislation. People in rural Victoria have been waiting three years for this government to honour its commitment, made prior to the last election, to enshrine the right to farm in legislation. That commitment states:

> Victorian Labor recognises the need for legislative protection of farmers' right to farm.

It goes on to say:

> Labor will ensure that there are mechanisms in place to avoid farmers becoming tied up in expensive and time-consuming legal battles resulting from conventional farm practices that predate the arrival of the complainant.

It continues:

> … we will protect farmers from complaints about accepted agricultural practices and reduce the number of constraints on farmers from all levels of government.

In a nutshell, all that this legislation will require — and it does not go anywhere near far enough — is a vendor's statement explaining that agriculture is being carried out in the area. Blind Freddie should be aware of that! If you are going to buy a house or an acre block in rural or regional Victoria, surely you would understand that there are agricultural practices out there.

The section 32 vendor statement is only a warning and carries no enforcement powers. You may not be happy subsequently because as an urban dweller you did not

previously realise that a dairy farmer's day begins at 5.00 a.m. when the milking machines are cranked up, or that cow manure is sticky and smelly when it gets onto your car, or that dogs bark as they are bringing in the cows, or that farmers sometimes — though rarely! — use four-letter words which may echo across the valley when Daisy the cow does not want to be milked or artificially inseminated. A farmer may get kicked where it hurts most and sometimes you may hear some strange language. All these scenarios plus many more could still find a farmer in court, so this legislation does nothing to protect farmers and their right to farm.

It is clear that the Labor Party in government has adopted a very different approach on agricultural issues from when it was in opposition. I have a copy of the Labor Party's agricultural policy put out prior to the last election. It speaks about the right to farm. It also mentions a review of the Fences Act, which has proved to be an empty promise. The Fences Act is very important to right-to-farm people, telling them what sorts of fences they can put around their place. Before the election the Labor Party stated:

> … Labor supports in principle —
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> > The Victorian Law Reform Commission's recommendation to rename the Fences Act as the Dividing Fences and Boundaries Act including a requirement that the Crown should contribute half the cost of constructing or repairing a dividing fence between Crown land and private property …

I have not seen it on the agenda yet, and I do not believe the Labor Party has any intention of doing it now. After three years of governing the state and promising to bring in a bill with real teeth, I am disappointed that this is it.

Mr Maxfield interjected.

Mr VOGELS — You wouldn't know! Commercial farming can be noisy and dusty, with odours at various times of the day. Combined with the management of crops and livestock, that can have a big impact on the way a landscape looks.

There is no doubt people are attracted to rural environments for many reasons. It may just be to get out of the hustle and bustle of the city into the wide open spaces — perhaps the kids have a pony or two. Some families like to have a vegie patch or a hobby farm. After purchasing their getaway property there is a realisation that farming is a commercial activity that requires the use of machinery and chemicals and the usual activity of managing animals in order to maintain the land.

In a survey recently conducted by the Victorian Farmers Federation 82 per cent of primary schoolchildren aged between 9 and 13 years said they would not consider a job in agriculture and over 50 per cent thought that cotton came from sheep. It also revealed that approximately 18 per cent of city children said they would not work on a farm and only 55 per cent of the children believed that the food they ate came from a farm. So somewhere we are losing the plot.

We do need legislation to protect farmers' right to farm. If we really want to get this right we need to have written into our local government planning schemes in rural zones the following wording, which is something like the wording used by a county in California:

> If you buy a property in a local government rural zone you may at some time be subject to inconvenience or discomfort arising from agriculture operations including but not limited to noise, odours, fumes, dust and the operation of machinery, storing and disposing of manure, and applying chemical fertilisers, herbicides and pesticides. If conducted in a manner consistent with proper and accepted standards, these inconveniences or discomforts are hereby deemed not to constitute a nuisance under the council's planning scheme.

This is the sort of legislation our farmers have been looking for, not this wishy-washy, lacklustre attempt by the government to try to please everybody. What the government has done will have the opposite effect and will achieve nothing.

I saw a media release put out by the Minister for Agriculture and the Attorney-General in which they announced that 20 new rural mediators had been appointed to resolve farming conflicts. That is a good start. However, unless you have the local planning scheme laws to back up what those mediators can actually do it is all airy-fairy, because farmers usually do not have a lot of money. I will relate a story about the time I was at Corangamite. A Supreme Court judge who owned a property on one side of the valley did not like what was happening on the other side of the valley and objected. If in that situation the local dairy farmer or whoever is on the other side of the hill wants to take on a Supreme Court judge, they first of all need good legal counsel or they are going to lose, so basically it does not happen. We need local councils in rural zones to spell out loud and clear with no ifs and no buts, 'This is a rural zone, and once you buy into this area what was happening previously goes on'. I do not believe this legislation goes far enough. However, it is a start.

Mr MAXFIELD (Narracan) — I rise today to support the legislation before the house. I commend the Minister for Agriculture on what is clearly a well-thought-out bill which recognises the needs of the farming community while also recognising that people

like me who live in rural Victoria also have rights as members of a community. This bill reflects the focus this government has put onto important rural issues. Of course, that Labor has more members representing rural Victoria in this house than the Liberal Party shows strongly that we focus on rural Victoria. During the Kennett years if you lived beyond the tram tracks you did not rate or count. We have turned that around with a strong focus on rural Victoria.

This legislation is quite extensive. It amends the Plant Health and Plant Products Act 1995 and the Sale of Land Act 1962 and repeals the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993. I will touch briefly on some of the issues affecting this bill and comment on its local impact and the issue of dealing with pests. As one who has the apple industry in his electorate, I was very much concerned about the proposals to allow into Victoria apples from areas where there is already fire blight. It was very worrying for the local apple producers, and I here recognise Helene Armour, who contributed to the debate locally. The Armour family have a very productive apple orchard, and I know they were very strong in ensuring that their needs were protected from the risks posed by fire blight.

For those who are unaware, fire blight is an insect-transmitted virus which affects apples and pears. It has produced major damage in the Californian fruit industry and would have a major impact here. If fire blight came in it would cost industry a huge sum of money to eradicate it and would jeopardise our exports of apples. Some people say economic rationalism has its place, but we cannot allow the concept to ride roughshod over our farmers, because ultimately the cost to them and the community would be absolutely horrendous. I am keen to support the apple and pear industry in my electorate.

I turn now to early reporting. If tragically some of these exotic diseases did get in we could eradicate them relatively inexpensively by having an early reporting regime in place. As we saw in England with foot-and-mouth disease, by the time they found out about it, it had spread across half the country. If we could react by having the right powers under the act for inspectors and authorities to act quickly we could restrict the dangers and the risk that could flow through to areas like the apple industry.

I now go to some of the right-to-farm issues raised in the legislation. This is where we need to have a careful balance because farmers should have the right to conduct legitimate farming practices.

All honourable members will be aware of the farmer who ended up in court because a city-based neighbour — probably a Lib — did not want cow manure on his car. The thought of having to wash it off was obviously too much for him!

People who come into rural farming communities have to acknowledge that farming activities do occur in those areas. I live on a 5-acre lot out of town, surrounded by beef and dairy farms. The rights of those farmers to productively run their farms have to be acknowledged. Dairy farmers may get up at 5 o'clock in the morning and start milking early for a range of reasons. Obviously they need to space their milkings as far apart as they can to allow for the maximum possible production of milk by their cows. Early milking also enables them to access the cheaper off-peak power rates which TXU, for example, provides for the running of their sheds, the cooling of their milk and so forth. TXU's recent behaviour in ramming up the price of off-peak power is quite disgraceful, and unfortunately it has certainly discriminated against our dairy farmers. It is another tragic legacy of the former Liberal government, which privatised our power industry without any regard for our local dairy farmers.

Milking sheds certainly do start up early and make noise. If people buy a 5-acre lot next to a dairy farm they have to expect that there will be an element of noise relating to what occurs on that farm. To be quite honest with honourable members in the house, I — —

Ms Asher — This will be a first!

Mr MAXFIELD — I will ignore the bizarre interjection from the other side of the house. The needs of our farming community have to be recognised. I grew up in the dairy industry — both my parents came from dairy farms and I worked in the dairy industry for 10 years — and I know it is the lifeblood of our area. If a farmer has to start a pump at night to pump water up to his cattle and if a potato grower like the one near me has to start his pump to irrigate, they should not have to fear that somebody will make complaints about it which might result in restricting their ability to start their pumps up when they need to.

The truth is that farmers are very caring, understanding and obliging people who go out of their way to keep noise to a minimum and to fit in with their neighbours and their local communities. Members of the farming community certainly try to keep any disruption to their neighbours to an absolute minimum. There is a need for tractors to be started up, for other noise to occur and for various farming practices to take place, but those things are done in a considerate and caring manner. However,

given the risk these days of litigation against farmers, I certainly support the legislation before the house today on this matter.

I turn to the issue of exotic diseases. I note that the bill will empower inspectors to gain the necessary disposal orders for dirty packages and bins containing fruit and vegetables. The power handed over to our inspectors has to be very carefully managed. I am suffering from a sore throat, so I will just pause.

Ms Asher — Fire up; you're getting towards the end. Give us a big finish!

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Narracan, without assistance.

Mr MAXFIELD — Mr Acting Speaker, I acknowledge your ruling and assure you I do not need assistance in regard to this bill. The sad thing about some of the members opposite is that they cannot come to grips with this issue. During their seven years in government, did they come to grips with this issue and deal with it? No!

What is happening now that we have a very strong rural-focused government in power? It is coming up with the sort of legislation that is required for our rural communities so that our farmers can be confident in the knowledge that their government is backing their right to conduct their farming enterprises productively. As I said before, the days of having a city-centric government are gone. We have a Minister for Agriculture at the table who has strongly driven the agendas before us today and who certainly understands and respects the needs of farmers.

I am not keen on having too much regulation and too much control. We do not want to regulate or control our farmers out of existence, but we have to understand that our farmers need to have confidence that their entitlements and rights are being protected. The fact that the government engaged in significant consultation prior to bringing in this bill has meant it has come up with a very well-structured and well-packaged bill that recognises the needs of our rural community.

I will conclude my remarks by saying that as someone who lives in a rural community I very much support our local farmers and their right to be able to run very productive businesses. The state needs its farming community to be as strong and healthy as it can be, and this government will continue to provide the support that community needs.

A good example of that support is cattle underpasses. Previously when I travelled around my electorate I would see large number of cows crossing the roads, but now I see significant numbers of cattle underpasses which were built as a result of the commitment the Bracks government made during the election campaign to put $4 million into the building of cattle underpasses.

Ms Asher — How many do you have in your area?

Mr MAXFIELD — There is certainly a significant number. In fact, the program has been so popular that there is now a waiting list of people wanting to access it. I am very keen to lobby the Treasurer — I know that other members of this house are more than happy to assist me — to provide additional funds to continue this project for our dairy farmers.

When the cattle travel across the road they are at risk of cars ploughing into them. A farmer that I spoke to the other day had one of his good cattle dogs killed when it was crossing the road. Obviously there is a risk to people driving along the roads who encounter the cows crossing the road.

Ms Asher interjected.

Mr MAXFIELD — I shall ignore the comments from the honourable member opposite.

This is something the Bracks government has delivered: it has delivered cattle underpasses. How much did the previous government give for cattle underpasses? Zero! This government has contributed millions of dollars for the building of cattle underpasses, and certainly we now have safer roads.

Mrs Fyffe — On a point of order, Mr Acting Speaker, the honourable member for Narracan is not talking about the bill. Cattle underpasses have no relevance at all to this bill, and I ask you to direct him back to it.

The ACTING SPEAKER (Mr Kilgour) — Order! I uphold the point of order and ask the honourable member for Narracan to ensure that his remarks involve the bill before the house.

Mr MAXFIELD — Certainly, Acting Speaker, but my understanding of the right to farm and the right of farmers to conduct their business is that farmers need to be able to drive cattle across roads when going to and from milking. Those are certainly rights that farmers need. If farmers were faced with having to stop allowing their cattle to cross the road that would certainly impact on their right to farm and their ability to milk their cows.

I conclude my remarks by saying this is a fine and well-structured bill and one that not only I support but my community of rural farmers also supports.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Agriculture Legislation (Amendments and Repeals) Bill. Clauses 1, 2 and 32 repeal the Meat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993, which are both redundant. Part 2 of the bill makes changes to the Plant Health and Plant Products Act 1995. These changes give the minister the ability to quickly proclaim an area and restrict the movement of stock.

The presence of fire ants and outbreaks of branched broomrape in Australia bring home to us the vulnerability of our farming businesses. Early reporting and rapid response are essential. For instance, at present branched broomrape is growing in South Australia around the Murray Bridge area — so it is a little bit too close for comfort. In South Australia there is a system of quarantining stock from an infected area into clean paddocks for, say, a couple of weeks before they are transported. These amendments to the act will permit the department to carry out such procedures if they are deemed necessary. This is a very important part of the bill. This part of the bill reflects similar legislation in other states and hopefully will reduce response times — because it is essential that we have quick response times to any incidence of disease.

The bill also makes it mandatory for consultants and contractors who are employed by growers as pest monitors and laboratory owners to report suspect or identified exotic pests and diseases without delay.

Amendments under clause 6 ensure consistency by requiring importers of produce from fruit fly and other pest-affected areas to obtain certification. This will bring intrastate movements into line with interstate movements of produce from affected areas. The changes in the provisions controlling the movement of plant vectors from interstate quarantine or restricted areas into Victoria are timely.

Clause 8(3) enables an inspector to require the owner or person in charge of the plant, plant product, plant vector, package, agricultural equipment, soil or beehive to have it returned, treated or disposed of at their expense. That is a fairly important part of the bill. It really sends the message home to any producer or owner of product that it must comply and be of the standard expected in Victoria.

The repeal of provisions in clause 15 for the labelling of seeds has the great expectation that producers will be members of the Seed Industry Association of Australia and will be complying with a voluntary code of practice. I have concerns about what happens with producers who choose not to belong to the seed association. What will they be doing and what voluntary codes of practice will they be following? If there is no law about the labelling but only a voluntary code of practice, how can anything be enforced? It is an area that should have been looked at a little bit more closely.

I support and have no problems with the parts of the bill I have just mentioned. However, part 3 of the bill is very disappointing. Firm promises were made by this government to introduce right-to-farm legislation. And what have we got here? I shall quote from clause 30, 'Statement of matters affecting land being sold':

> 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.

It is a weak statement that has no power, no enforcement provisions — really it says bugger-all! It achieves nothing. In contrast to that — —

The ACTING SPEAKER (Mr Kilgour) — Order! I believe I heard an expression that was unparliamentary.

Mrs FYFFE — I withdraw the expression. I am afraid I am so much of a country person that those expressions spring to mind.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member continuing her remarks, with parliamentary expressions.

Mrs FYFFE — I repeat that that statement is weak, it has no power, no enforcement provisions and really it says very little and achieves nothing.

I shall quote from a right-to-farm disclosure statement of the County of Sonoma in the United States of America:

> Residents or users of property located near an agricultural operation on agricultural land may at times be subject to inconvenience or discomfort arising from that operation, including, without limitation, noise, odours, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilisers, soil amendments, seeds, and pesticides.

> One or more of these inconveniencies or discomforts may occur as a result of any properly conducted agricultural operation on agricultural land.

It goes on further to say:

> … inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land will not be considered a nuisance for purposes of —

that state's regulations. I quote again:

> … residents or users of nearby property should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector.

It is very clear, it is very firm and it is telling the facts to intending purchasers moving into a rural area. If that can be done in Sonoma, why can it not be done in Victoria? Fifty states in America have right-to-farm legislation, so clearly it is possible to devise schemes that protect the rights of farmers to go about their lawful business.

This part of the bill shows how out of touch this government is with the people of country Victoria. It is more concerned about looking after the chardonnay socialists in Richmond, Carlton and Albert Park who want the rural vistas when they deign to drive out to the country in their country clothes and immaculate four-wheel drives to visit a winery or stay at a B & B or their holiday cottages than it is about the decent, hard-working farmers who just want to be allowed to get on with the job of putting food on the tables of Victoria, interstate and overseas.

Victorian farmers are constantly searching for and changing to best practice. They are constantly looking at various ways to improve their operations, not just for production profits but also to minimise the effect on their neighbours. They need real support, not a namby-pamby, wishy-washy statement. This government has missed an opportunity. It has let down rural and regional Victoria, and it has let them down over the drought. It has formed another task force — Lord Almighty!

If they got out of Spring Street for long enough they could see what is happening and could see the damage that is being caused. It is not just the financial implications of slaughtering stock, having to purchase feed from other parts of the state and trying to find somewhere to agist — and those places have run out by now; there are also the emotional implications of the drought, the effect it has on families, on the wives and children of the farmers. They would see the practical effects where there is no water at all, and no water for personal needs. Because farmers have been frantically trying to buy whatever feed they can afford to feed the few stock they have left, there is no money left to buy water for the family.

It is time this government acted, because the implications of what will happen with the movement of stock and feed because of the drought very much apply to this bill. The government is introducing regulations to cover the drought, but it is not bringing in anything to help the people who are suffering.

I will close by quoting from an article in the *Herald Sun* of 11 September headed 'Drought's dire effect emerges':

> A spokesman for Victorian agriculture minister Keith Hamilton said the ABARE report provided no major surprises on the effect of the drought in the state's north.
>
> The seasonal conditions task force is expected to report to the government this week on what measures are required to assist drought-affected farmers.

There certainly are no surprises. We have been through drought in this country and we all know what effect drought has on whole communities and on the whole state. But most importantly, we must not forget the effect this drought is having on individuals and their families. It is devastating. The government must use every power it has to get some action very quickly.

I have friends and relatives in the country, and I know it is not just another story of farmers doing it hard. Yes, there are parts of the state that are not drought affected, and there are parts of the state where farmers are okay. I think Gippsland is in a reasonable position, as is the Yarra Valley. We have not had the same rainfall as in previous years, but there is enough rain for people to survive. But in the north of Victoria they have not received rain.

When you have children going to school distressed because dad had to destroy the stock or mum cannot give them the money to go on the school camp because there is no money left — with the banks circling around as they always do at this time, there is no relief from the payment of debt — the government has to do everything in its power to do something about it now, this week. Do not leave it any longer! The pain will last too long and be too devastating, and it will take a long time for people to recover.

I am pleased with the majority of this bill but disappointed on the right-to-farm aspect. I had hoped it would have teeth.

Mr Hamilton — But you are not going to vote against it!

Mrs FYFFE — No, I will not vote against it, but I am so disappointed, Minister, I really and truly believed you were going to do something strong about it. All the interface areas of Melbourne have this problem. We have gone into intensive agriculture because that is the way of the future, and this causes problems because people are allowed to move into inappropriate subdivisions that have been allowed by successive councils and governments over the years. We are eroding our valuable farmland. There is less and less of it around the city. We really need some protection.

If the climate changes continue are we going to have enough viable agricultural land to support the population in 30 years time? Are we going to have enough to sustain our exports, or will it all have been eaten away because farmers will throw up their hands and stop farming and apply to subdivide because it is just too hard to comply with all the councils and all the complaints so that it eventually wears them down?

I appreciate the opportunity to speak on the bill. I will now sit down and allow my colleagues time to speak.

Mr HARDMAN (Seymour) — It is a pleasure to speak on the Agricultural Legislation (Amendments and Repeals) Bill. This is a very important bill for the Seymour electorate and other electorates that surround Melbourne in particular, but also right across country Victoria, essentially because people are moving from city areas to an idyllic country lifestyle. They know that if they are an hour away from regional centres like Wodonga, Shepparton, Ballarat and Bendigo they are close to good services, particularly since the Bracks government has improved health and education services in the country and across the state.

The first part of the bill is about the Plant Health and Plant Products Act 1995, an important part of the bill. We must ensure that we protect our farmland, crops and produce from exotic pests and exotic weeds, including fire ants, fire blight, branched broomrape and fruit fly, all of which are a threat to viable farming. In some respects they go to the part of the bill on which I wish to speak, the right to farm, which is part of the amendments to the Sale of Land Act 1962.

The right-to-farm task force, one could call it, which is made up of representatives of the Municipal Association of Victoria (MAV), the Victorian Farmers Federation (VFF), the Department of Infrastructure and the Department of Natural Resources and Environment, put together six recommendations. One which I know is working successfully is the Rural Disputes Settlement Centre, which is now well accepted and solving disputes in cases where there may be two parties that are more reasonable than the harder-to-solve disputes which remain ongoing.

Recently the Minister for Agriculture, Paul Weller from the VFF and Rob Hauser from the Shire of Yarra Ranges conducted a Living Together in Rural Communities seminar in the Yarra Valley for the Yarra Valley Beef Producers Association. I know the honourable member for Evelyn was invited but could not attend and sent an apology on the night. It was a successful seminar attended by about 100 people, if not more, from throughout the Yarra Valley as well as from Murrindindi.

An interesting conversation took place that night. Bev Schmolling from the Yarra Valley Beef Producers Association rang me a few months ago to try to secure the minister to talk to the people of the Yarra Valley about the importance of the right to farm in their particular area, which is extensive. The speech that the Minister for Agriculture gave was well received, and it was notable that the president of the VFF, Paul Weller, was very supportive of the minister's statements, as was the chief executive officer of the Shire of Yarra Ranges, Rob Hauser, in talking about the shire's plans.

Obviously a conflict of interest now occurs in country areas, especially in areas like the Yarra Valley in my electorate, which includes places like Yarra Glen, Dixons Creek, Healesville and also places around Lilydale, because of the use of gas guns, which are obviously needed for the protection of the higher value horticultural crops that are grown in those areas now. The neighbours of those properties often have opened up bed and breakfast establishments or have moved out there for lifestyle reasons and do not like those gas guns going off.

Conflicts can now be resolved through negotiation using the Rural Disputes Settlement Centre, but as we heard on the night, there are other issues where people have to learn to be reasonable about when to use guns and where to put a gas gun in relation to a person's house next door, et cetera. I read in one of the local Yarra Ranges newspapers yesterday of a controversial issue about the Shire of Yarra Ranges implementing laws on the use of gas guns. There was conflict not only between the farmers but also among the land-holders. That will be an interesting one for people in that particular area to solve.

When people move out into country areas they have to realise that they are moving into an industrial area, although it is just farmland. What comes with that is noise from a variety of sources, be it tractors, baling hay in the middle of the night before the dew gets it, or

something along those lines; odours from a chook shed, spreading of fertilisers or the dust that is created by farmers ploughing their land. The visual amenity may not always be the same because those farmers also have to look at the use of their land and say, 'For this to be a viable producing farm in this district I need to be able to do some high value adding with my land and I cannot afford any more to run beef; I now have to have higher intensive crops, be they cherries, grapes or flowers'. As a result, the landscape will change around those people who move out there for certain reasons.

The honourable member for Narracan spoke about livestock on roads. You cannot hurry in the country as you can in the city because if the cattle are on the road you have to wait for them. They are big, heavy animals and will damage your car. Those things have to be looked at. The person who moves out there must understand those issues. Although you may have gone there to buy because it was a tranquil and peaceful place, a place with plenty of fresh air — as plenty of country areas are — it may not be like that all the time. For example, the wind might be blowing in a different direction when you go to buy a house next to a chook farm and then when you move in you find that there is a very big difference.

On that basis there is a need for the legislation, and the amendment to the Sale of Land Act 1962 is important to ensure that those people are aware of what they are moving into. While a country property may look idyllic, it may not be the reality. People moving there also need to know that on top of the rights which they have there is not only an amount of reasonableness in farming practices but there are also responsibilities of ensuring that the weeds and pests on their properties are kept down and maintained, in my electorate especially.

I am finding that not so much in the Yarra Valley areas but further north around the Seymour, Glenaroua and Kilmore areas. One of our biggest problems is absentee land-holders who come up and buy the idyllic block of land. They might want to move up there one day when they retire, and they just let the gorse, the blackberries or Paterson's curse grow. The farmers around them get very frustrated, and this causes a great many complaints to the Department of Natural Resources and Environment and to me about the DNRE not doing something. The DNRE tries to work out some resolutions to problems and is doing a great job. In the areas surrounding Seymour it is making sure it gets communities talking to each other about what expectations people have of each other to control weeds and pests. That is important.

If you move into one of those areas these days probably the first thing you should do is join the Country Fire Authority and then join the local Landcare group to learn about how to access government assistance for the control of pests and weeds. That way you can improve the productivity of the land through better farming practices, planting of trees and revegetating recharge areas — if that is where you are — to prevent salinity.

The bill is good legislation. After a great number of people from the VFF and the MAV have sat down with people from the DNRE with their resources and expertise and agreed on the six recommendations, it is a bit unfair to criticise them the way the previous speaker did. I thought it was insulting to a great number of people who put a lot of effort into producing a policy. Their intent was to ensure that the right to farm is considered to be important in Victoria. It has happened under this government. The work may have started under the previous government, but it has happened under this government through talking with a lot of people. I think it is a worthy piece of legislation. I commend the minister again on his fantastic work and on getting a great outcome for country Victoria.

Mr PLOWMAN (Benambra) — The first part of the Agriculture Legislation (Amendments and Repeals) Bill amends the Plant Health and Plant Products Act 1995 and is designed to more effectively stop the movement of exotic pests and diseases into Victoria — a very necessary and commendable aim. Diseases and pests covered in the legislation include fire ants, fire blight, fruit flies and branched broomrape. I note that when the honourable member for Seymour talked about branched broomrape he called it 'branded broomrape'. I do not have any question about that, however, because until very recently I did not know what branched broomrape was.

There are three types of branched broomrape and already in Victoria it has been located in fodder that has come into the drought areas of Victoria — and I emphasise the word 'drought' — from Murray Bridge in South Australia. It has been identified and located and, as far as is known, it has been controlled. It is, nevertheless, a matter of real concern and worry for those people bringing fodder in under these drought circumstances that it could be brought in with fodder, particularly from South Australia. It is a woody plant and grows from rhizomes, and is very hard to identify unless you know what you are looking for. It is most important that with this legislation the schedule of regulations cover all types of branched broomrape because of the difficulty of identification.

Fire ants, another area of concern, came into Australia through the port of Brisbane, apparently from South America. It took two years to identify what was causing the total denuding of all ground plant life. In those areas where the fire ants were found every ground plant disappeared as a result of the devastation those fire ants cause — and it is total devastation! I am delighted to see that these two significant areas of concern for primary producers are being covered by this legislation.

The main improvement to the existing legislation is the opportunity to make an interim order for 28 days to declare an exotic pest or disease. As is indicated in the second-reading speech this should cut down the time for implementation from about two to three weeks currently to about two to three days. That, in turn, will reduce the possible spread of either the disease or the pest.

I question the need for the provision in the bill, as mentioned in the second-reading speech, that it will be mandatory for consultants and contractors to report their suspicions about any occurrence of exotic pests, plants or diseases. Is there any evidence to suggest that they do not do that? Frankly, I think all people in consultancy and contracting roles in the industry are just as concerned about the movement of exotic pests and diseases as we are as farmers, producers or consumers.

I have nothing that suggests that this provision should not be in the bill, but equally I question why it has been included in the bill and whether there is any evidence to support the need for it.

It is interesting to note also that vectors that can carry some of these diseases, like bees, livestock or livestock products, may be restricted in movement from a suspect area or a quarantine area. I think this is valuable, but thankfully it will probably be used only infrequently. Most of us are fully aware of the damage fruit fly outbreaks do in the fruit-growing areas in central and northern Victoria. It is good to see that these areas within the state will be treated in the same manner as they would be if they were outside the state.

I note also that scientific research will require ministerial approval. Given the sensitivity of the concern about the impact these diseases and pests can have, I think scientific research into areas like biological control must go ahead. I have no problem at all with ministerial approval being granted, because I am quite sure that any minister of agriculture would look at that appropriately and make sure that the research goes ahead with absolutely minimal risk of infection outside the research area.

I noted with interest the concern registered by the honourable member for Swan Hill about the reuse of packaging without sufficient decontamination. Hopefully the improvements to this legislation will make a difference there and improve the conduct of, as the honourable member for Swan Hill described them, some of the cowboys in the industry. It is a problem; it has always has been a problem. I am not sure that the legislation will overcome that problem, but if it reduces it then it will certainly be a good thing.

The bill also talks about the implementation of grade standards for fruit and vegetables and says that the grade labelling has been revoked for fruit and vegetables, as it has with seed labelling. What is obviously required is the implementation of a national grade standard for fruit and vegetables as is the case where the Australian seeds association has implemented a national code of practice that is largely being complied with by the industry.

As is always the case, inspectors are given more power. I think the honourable member for Swan Hill suggested that the powers that are given to inspectors in the agricultural and food produce area are second to none in this country. Again, I have no argument with that, because I have not run across any constituent of mine in either the food or the agricultural area who has believed that that power has been abused. If that additional power to seek further information gets compliance down from about seven to two or three days, that will be a great improvement in the management of this area. I would suggest in the main that this part of the bill is very sound. It certainly has the support of this side of the house.

The second part of the bill, though, which has raised the ire of many members of the opposition is the proposed amendment to the Sale of Land Act 1962. All six of the recommendations of the right-to-farm working group are worth while. I do not think any of us has any argument with the recommendations that were brought down and the fact that they are an attempt to improve the situation where the rights of farmers need to be protected. But clearly the provision in the bill for the inclusion in a section 32 vendor statement of a warning to purchasers of property that the property may be located in an area where commercial agricultural production activity could affect their enjoyment of the property they have purchased is as weak as water.

I really am surprised that the minister has allowed this provision to get through without his having put more teeth into it. The honourable member for Evelyn quoted a provision in some United States legislation — I cannot remember in which state it was — that clearly

identified what was required. I would have thought, with the efforts of the department to look worldwide at what was required to give greater certainty to primary producers, that farming practices would be protected under this legislation. Much more could be done and should be done, and in fact it will be done when the Liberal Party gets into government.

This is one of the issues that we in the Liberal Party will push very hard to make sure that primary producers' rights are protected. One of the things I have noted over the last three years is that the rights of farmers are being attacked on all sides. This area is one where we cannot allow that attack to continue.

One of the problems — and I say this through the Chair to the minister — is that this bill does not in any way cover the introduction of new management practices. It only suggests that there are existing management practices that might affect the enjoyment of a property, but there is nothing about the introduction of new farming practices. A classic example is in the fruit-growing areas where to avoid the damage done by frost they now use big wind machines that create a fair bit of noise. They turn on prior to the frost settling at about 3 or 4 o'clock in the morning, when most people are enjoying their sleep — and I can understand their displeasure — but if farmers were to be prevented from using those machines because this legislation is not strong enough, we would have missed a really good opportunity to do more to protect the interests of primary producers.

The opposition supports this legislation inasmuch as it does not oppose it, but it is disappointed that the bill does not cover what it set out to do.

Mr LEIGHTON (Preston) — There was a cartoon in Tuesday's *Herald Sun* — I am resisting the temptation to try to have it incorporated — that shows Fred Basset in his car thinking, 'We do enjoy a leisurely drive through the country'. In the second frame we see that that drive is perhaps a bit slower than expected as Fred's car is following a slow-moving tractor pulling a trailer laden with hay bales. I think that encapsulates the fact that people move to the country for a quieter, peaceful and more tranquil existence but that in doing so they have unrealistic expectations to do with the noise and activity they find on farms or sometimes even on the urban fringes of Melbourne, resulting from activities such as poultry production. At times this can lead to social tensions.

I believe this bill will go a long way to reducing those tensions and supporting the activities of farmers. Indeed, the Bracks government's agriculture policy at the 1999 election had a right-to-farm section which included a commitment to protect good farming practice from complaints, to increase community awareness of the importance of agriculture and to implement an education campaign to reduce the number of disputes between farmers and the community.

After listening to this debate I want to respond to the honourable members for Evelyn and Benambra, who seemed to criticise the right-to-farm provisions. They ignored not only the work of the working party the government set up but the fact that the section 32 amendments to the Sale of Land Act have been endorsed and supported by all the players. The Municipal Association of Victoria, the Victorian Farmers Federation, the Law Institute of Victoria and the Real Estate Institute of Victoria have all been consulted and support these amendments. It would seem that once again it is the opposition that is the odd one out.

There is an agreement to restrict the amount of time members can speak, but I will mention the other area — the protection the bill provides to Victorian agriculture. Victoria's food and fibre export industries are worth $7.6 billion annually. Food processing is the largest single component of Victoria's manufacturing sector at 19 per cent, generating an annual turnover of $12 billion and being responsible for 35 per cent of Victoria's export earnings. However, under the previous government Victoria's agricultural sector did not have the support and protection it deserved. Not only did the Kennett government close country hospitals and schools, but it was responsible for the loss of 50 per cent of Victoria's scientific, technical and regulatory staff from the department of agriculture. The previous government not only did not support country areas but in the area of agriculture put it in much jeopardy.

It is worth looking at some of the agricultural activities that we need to support. Australia is the world's biggest exporter of goat meat. Fodder crop production is valued at $323.1 million per annum and exports of fodder crops are increasing by approximately 20 per cent per annum. Beekeeping in Victoria is an essential service industry for the agricultural and horticultural sectors, with more than 38 000 hives playing a vital role in the protection of many crops such as fruit, vegetables, pastures and field crops; and exports of Victorian honey and honey products are valued at more than $10 million per annum. The horse industry contributes more than $200 million to the Victorian economy, with a key driver being the vibrant thoroughbred and racing industry. Exports of live horses for breeding purposes

doubled in the year 2000 and were valued at $21.38 million. There has been a substantial increase in activity in the production of Asian vegetables in the last few years. The wildflower industry has achieved 80 per cent growth.

This bill contains a number of very important measures, such as increasing the power of inspectors, the interim 28 day order that the minister can undertake and more timely reporting by producers.

I want to finish on the point that if you look at one of the pests, fire blight, it is not only a disastrous disease in California but much closer to home in New Zealand, where it has devastated the apple and pear industry. If honourable members from the Liberal Party and the National Party wanted to do anything for rural Victoria they would use their influence with their federal colleagues to insist once and for all that the importing of New Zealand pears not be allowed, as I do not believe our local industry can be protected 100 per cent. Pears and apples should not be imported from New Zealand. With those comments, I support the bill.

Mr DELAHUNTY (Wimmera) — I am pleased on behalf of the Wimmera electorate to rise and speak on the Agriculture Legislation (Amendments and Repeals) Bill. As I said earlier this morning, western Victoria's economic and employment activity reflects a strong reliance on the agricultural sector.

It is important that I make some comments on this bill, even though it does not take in many of the concerns we have in my electorate.

The purpose of the bill is to amend the Plant Health and Plant Products Act 1995 by tightening up requirements for the prevention of, reporting on and responses to incursions of exotic pests and diseases; it amends the Sale of Land Act 1962 by requiring vendor statements to include a warning that nearby commercial farming activities could affect purchasers amenity; and it repeals two redundant agricultural acts, the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993.

I take up the point raised by the honourable member for Preston regarding putting pressure on our federal colleagues about quarantine and importation laws. In Australia we often get accused of using our quarantine laws as a de facto trade barrier. We take pride in the fact that we have a clean and green industry. We benefit from our tough importation laws. We need to make sure it is done on a scientific basis and is not just a knee-jerk reaction to concerns raised by competition. None of us like competition if we do not win. We compete on a world global market and we export two-thirds of our agricultural products, so Australia does well in that area, but at times with tariffs and those types of things we are disadvantaged enormously.

To use our quarantine laws as de facto tariffs is wrong because it should be done on a scientific basis. I know the federal Minister for Agriculture, Fisheries and Forestry, the Honourable Warren Truss, has done a lot of work on scientific controls and in making sure that our quarantine standards meet the standards Australians require to protect our important industries, whether they are pears or apples or something else.

This legislation covers the certification measures to protect and address issues such as weeds, broomrape, exotic pests like fire ants and diseases like fire blight. These are significant threats to our agricultural industries and the legislation will do something to address those concerns. I know there has been a lot of discussion in this debate about the right to farm. My colleague the honourable member for Swan Hill has done enormous work with the previous government and this government to develop proposals in relation to the right to farm. The vendor statement is a further small protection for farmers rights to conduct their commercial operations in rural areas. I know it is of major concern to the broiler and vine industries. The vendor statement is a small step forward because at the end of the day I am sure people who purchase land in rural areas are aware that commercial farming operations occur nearby. Having it in writing is a small step forward.

Agriculture is part of the food industry and it is important that the necessary laws are established to protect the industry, including matters such as labelling and vendors which are set out in the bill. The reporting requirements of laboratory staff, contractors and consultants to report suspect or identified exotic pests is an important step, and it goes further than what we have had before. It even involves contractors who do a lot of work in rural enterprises these days.

In talking about pests I should say that we have major problems in western Victoria with corellas, which cause considerable damage to farming enterprises and buildings, including historic buildings in places like Stawell. Councils in the area have been contacting me about this matter and have been asking when the government will take responsibility for these pests, including kangaroos, that are causing major worries. The only people who are happy about the number of kangaroos in country areas are the panel beaters, because they are getting plenty of work out of them. No-one is happy about the damage being done to the

environment and farm land and, importantly, to people travelling along rural roads. I include in that school buses. I have been made aware that in the Balmoral area bus drivers have been told to slow down because of the fear of hitting kangaroos. The numbers have grown too much and I again ask the government to take up its responsibility to control these problems, particularly when kangaroos come from Crown land. Some councils have talked about the government putting up fences around Crown land so those animals are kept inside the fence.

This bill also covers labelling and allows growers and packers to use the location code of fruit and vegetables instead of the address of origin for traceability and compliance purposes. As I said earlier, the agricultural industry is very much part of the food industry and it does not take much to turn around the perceptions of consumers, so labelling does play an important part. It is another reason why the government has brought in the national livestock identification scheme for cattle because there are concerns in the meat industry, particularly in the beef industry, about Victoria being the first — and I hope we are first when we play Port Adelaide in Adelaide on Friday night. We want to be the first because we want to protect the clean green image that we have in country Victoria. It is important that labelling meets the requirements.

I was involved in the all-party parliamentary ovine Johnes disease inquiry and it highlighted to me again, even though my background is in the meat industry, that we need appropriate trace-back mechanisms to protect the food industry. I call on the state government to make sure that it cooperates with the national program on ovine Johnes disease and I congratulate it on bringing in the national livestock identification scheme because even though there are some problems with implementation, I think it will be a great boon to our agricultural industries.

I know the legislation adds livestock products and beehives to existing vectors of pest plants and diseases. That is appropriate and I support it coming from the Wimmera area.

I want to finish soon so a few other speakers can get up and address other matters, but I note that the legislation gives the minister the power to delegate the authority to make interim orders on exotic pests and diseases to the secretary of the department.

Members will also see in the second-reading speech that the bill gives greater powers to inspectors. My colleague the honourable member for Swan Hill highlighted the fact that it is important that the inspectors, who have wide-ranging powers, have an appropriate way of dealing with and talking to people. These powers have been greatly extended. This legislation makes it an offence to hinder an inspector and increases the penalties for offences against inspectors. Being an old inspector from way back, I know it would have been nice to have had that in my day.

I would like to finish off by saying that I think it is important that the government conduct an education program about the implementation of this bill. It is important that our rural communities be aware of the changes affecting farming operators, inspectors, contractors and the like. It is also important that that education go into the schools. There is not a great awareness of where the food products in kitchens in metropolitan areas come from, and I think that is important. I know the Minister for Agriculture is working on developing an education awareness program for metropolitan areas. With those few words, I will be supporting this legislation and wish it a speedy passage.

Debate adjourned on motion of Mrs ELLIOTT (Mooroolbark).

Debate adjourned until later this day.

RESIDENTIAL TENANCIES (AMENDMENT) BILL

Second reading

Debate resumed from 11 September; motion of Ms PIKE (Minister for Housing).

Mr VINEY (Frankston East) — It is with pleasure is that I rise to support the Residential Tenancies (Amendment) Bill. Changes to residential tenancies legislation have some history in Victoria, but the most recent changes were made in 1997, when there was a reduction in tenure security and fair rent mechanisms. In the view of this government that shifted the balance of power between landlords and tenants in the Victorian rental market a little too far towards landlords. This legislation aims to restore some balance to residential tenancies legislation in Victoria.

The bill reflects the style and approach of this government to a raft of social and economic legislation in Victoria. The legislation before us today is really about restoring some balance to the market. The bill represents a moderate and responsible change in that process of incremental improvement.

The residential tenancies working group was chaired by the honourable member for Bendigo East. I would like to take this opportunity to congratulate the honourable member on the work she did. The working group comprised a number of representatives from various interest groups in the residential tenancies market, including both tenant and landlord representatives and people from the caravan parks. Each of these groups lobbied hard for their particular positions. It was a difficult job done with distinction by the honourable member for Bendigo East to ensure that there was balanced discussion in the working group and that the legislation we have before us now reflects the spirit of those consultation processes.

One of the terms of reference for that working group was a commitment to increase tenure security, look at fair rent mechanisms and improve the useability of the principal act. I want to touch particularly on the increased tenure security and fair rent mechanisms in my brief comments today.

A key amendment to be made in the area of tenure security is the increased notice period for no-reason notices to vacate from 90 days to 120 days. That is a fairly moderate position between the preference of tenant organisations to remove these notices from the act or reinstate the much earlier six-month provision of the 1980 act and the preference of property owners and agents who wanted to maintain the 90-day period. It was clear from the evidence before the group and the government that there had been an increase in the number of no-reason notices issued since the 1997 changes. The proposed amendment will provide sufficient distinction in the notice periods to deter landlords from using the no-reason notice where they have grounds for a notice to vacate which requires only 60 days notice. By increasing the no-reason notice period to 120 days landlords will be encouraged to provide notice where they have reason rather than rely on the no-reason system.

In relation to fair rent mechanisms, a key amendment is the return of provisions to limit the number of rent increases permitted per year. There will be a limit of two rent increases per year, with a simultaneous reduction in the notice period for rent increases from 90 days to 60 days. This provides further balance in the legislation and affords tenants protection by limiting rent increases in any 12-month period to two. Meanwhile landlords are offered the opportunity in a shifting market to give notice of those rent increases with 60 days reduced from 90.

It is also proposed that rent increases in the previous 24-month period since the last rent increase could be added to the list of factors currently considered by the Victorian Civil and Administrative Tribunal when determining whether a rent increase is fair. This provides an opportunity for the history of rental increases to be considered in those determinations by VCAT.

I turn to the issue of tenancy rights in caravan parks. I understand that we may be going into committee later and will touch, perhaps, on some of these issues in more detail during that stage. However, I believe that what we have before us is a reasonable balance between the two competing interests of landlords and tenants. What has been faced by the working group and by the government is a view being expressed and evidenced by comprehensive case studies of the need to provide better protection for low-income people who move into a caravan park often when they have no alternative accommodation in permanent dwellings.

It was the view of tenant representatives that the people moving into such parks should be given tenancy rights from the first day that they move in. That proposal was not supported by representatives of the caravan park industry. I have had the opportunity of having discussions with representatives of this industry who came to my office to meet with me on it. They took a very fair, balanced and reasonable view in their presentation to me, but they argued strongly in favour of the 90-day period. However, they recognised that there has been a clear case put on the other side.

In these areas the business of government is to make a judgment. Where you are consulting with two groups that have different and conflicting views, the government is required to make a judgment. The judgment call of the minister, including this provision in the legislation to reduce the period where a resident would be considered a permanent resident and to get tenancy rights from 90 days to 60 days, was a balanced one.

This view has been and is still resisted by representatives of the caravan park industry, and that is understandable from their perspective. Equally, there is a strong position being put by representatives of tenants for a need to provide improved protection for tenants in caravan parks.

The representative of the caravan park industry on the working group, Phil Redmond, after various discussions, while continuing his view that the industry wanted to maintain the 90-day qualifying period, proposed to the committee that a compromise might be 60 days, and this was documented in various

correspondence to and from the minister. In all these things reaching a compromise is what is required.

I commend the legislation to the house as balanced and appropriate legislation. From having gone a little too far towards the landlord in the 1997 legislation, these amendments restore the balance and result in an equitable position between the landlord and the tenant. This is another piece of legislation that is delivering on the government's commitment given at the last election to provide that balance. It is delivering on the style and approach of this government to ensure that we involve all of the interest groups in the process of coming to decisions, but in the end where consensus cannot be reached between competing groups and interests ultimately the government is required to make a judgment, and that has been done in relation to the 90-day to 60-day period for tenancy rights. It is with pleasure that I commend the bill to the house.

Sitting suspended 12.59 p.m. until 2.04 p.m.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Central City Studios: Docklands tender

Mr DOYLE (Leader of the Opposition) — I refer the Premier to his claim on 3AW on 27 August that the company the government intends to sign its film studio contract with is the same company as the successful preferred tenderer. I ask: is it not true that he is proposing to sign the contract with a different company — one that never tendered for this project?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. The company which has been the preferred successful tenderer, and with which the government is negotiating, is Central City Studios and it remains CCS. Peter Bartels, who was one of the principals, is still one of the principals involved. I have to say that right the way through this the government has been acting properly, appropriately and responsibly.

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster!

Mr BRACKS — Not only do we have involved in the selection on this matter a probity auditor who has been involved in a one-step-removed examination of the project but also we have probity advisers who are advising the government. Two departments — the industry department and the Department of Treasury and Finance — are also advising the government.

We want to make sure that we get the details right before agreeing to this project. I am very confident that, once we get this right and once it is signed, this will be a great boon for the film and TV industry in Victoria.

Tourism: rural and regional Victoria

Ms ALLAN (Bendigo East) — Will the Premier advise the house of the most recent statistics confirming the booming Victorian tourism industry, particularly in regional Victoria, and explain why this is so important?

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster!

Mr BRACKS (Premier) — I thank the honourable member for Bendigo East for her question. I am very pleased that today new tourism statistics released by the Bureau of Tourism Research show that Australia has had an increase in the last two years — —

An honourable member interjected.

Mr BRACKS — Yes, yes, that's John Howard! Under the Prime Minister, Mr Howard, and the federal Liberal government Australia has had an increase of about 3 per cent. But in Victoria's case, we have had a 15 per cent increase in tourism! This goes back to the decisions this government made after the tragedy of 11 September last year and after the collapse of Ansett, when we put $10 million straight into the tourism industry of Victoria. The dividends have been shown in this 15 per cent increase in tourism visitors to Victoria over the last two years. As well as the $10 million this government provided as a tourism rescue package following those two dreadful events last year — 11 September and the collapse of Ansett — in the last financial year it has also provided an extra $570 000 to Tourism Victoria to step up the backpacker marketing exercise.

I am very pleased that these figures have been released. They show that Victoria is performing better than the rest of Australia on tourism. That is very pleasing. What is also pleasing is that the unemployment figures released today show that 31 400 of the 88 000 new jobs created in Australia are in Victoria. That represents 35.5 per cent of all the new jobs in Australia, whereas Victoria is 25 per cent of the economy and 25 per cent of the population.

No better evidence of this good performance can be found than in regional and country Victoria, which has moved from the position we inherited of 10 per cent plus unemployment to around 6 per cent now. I am proud, therefore, of the initiative that will be debated in this house of the proposed regional development authority, which will make a further difference to infrastructure development and growth and development in our regions. The next logical step from the advances we have made is to move on to a new authority, and we will do just that.

The real question is why the opposition is about to oppose the establishment of the regional development authority, because it would mean jobs for regional Victoria. The Liberal Party is reported as saying in Ballarat that it will not support this arrangement when it comes before the house.

The government has driven a good economic performance. It has new tourism figures showing that Victoria is the best state in the nation. It has new job figures showing it has the highest job growth in the nation. The government wants to drive it further in the regions, and that is why this house and the Liberal Party should get behind the excellent initiative of the regional development authority.

Electricity: Basslink

Mr RYAN (Leader of the National Party) — My question is to the Premier. Given I have provided to the Premier, the Treasurer and the Minister for Planning material clearly indicating that the Basslink cable can be put underground, both technically and commercially, and that the Treasurer has publicly agreed to consider that information, I ask: will the Premier guarantee that his government will not approve the project unless Basslink is buried underground?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his good question. The government has received the material from the Leader of the National Party, and I thank him for providing it. It has been considered properly and appropriately as part of the planning decision which the government has to make as the responsible planning authority for the decision on ground of the Basslink project as it enters Victoria. The infrastructure department will be giving advice to the planning minister on this matter and it will be taken into consideration, as will the Leader of the National Party's request.

Where these alternative technologies have been employed, that has been in areas which did not have the same capacity that the Basslink project will be required to have. That is a matter which is being investigated appropriately and properly, but obviously that technical advice is very important as part of the decision that will finally be made by this government.

Two levels of government need to approve this. The Tasmanian government has already approved it, following the joint advisory panel report. The Victorian government is considering whether or not to approve the project on advice that has been received. The federal government is also appropriately considering this matter. I would hope and pray that the Leader of the National Party has also taken this matter up with the federal government; I assume he has. This government can give him an undertaking that it will thoroughly examine these matters. I urge him also to make sure that the federal government also has the benefit of considering the matters.

Transport: major projects

Mr LANGDON (Ivanhoe) — Will the Minister for Transport update the house on the major transport projects presently being delivered by the government and advise what other projects the government has considered?

Mr BATCHELOR (Minister for Transport) — I thank the honourable member for his question and advise that the Bracks government has developed a very comprehensive and strategic approach to transport issues in Victoria. It has developed and is delivering its $3.5 billion Linking Victoria strategy, which is a strategy to revitalise Victoria's roads, rail and ports to link them together.

There are lots of tremendous initiatives as part of this strategy. Progress is under way to duplicate the Calder Highway. The Carlsruhe section is currently under way, and if you drive up the Calder you can see it from the existing roadway. There is the government's $70 million commitment in this year's budget for the Kyneton-to-Faraday section. There is the fast rail project, the Spencer Street — —

Honourable members interjecting.

Mr BATCHELOR — The Hallam bypass is due for completion one year in advance and under budget. There is the Scoresby freeway. It was this government that delivered federal funding for this project. The previous government did nothing in seven years: it could not deliver a cent. It could not complete the planning process. It could not even complete the purchase of the land — it was hopeless!

The government is delivering a strategic approach which is very different to that of the other side. I understand that the opposition's no. 1 priority is the Dingley bypass in the electorate of the shadow Minister for Transport. It has a policy based on providing roads in the shadow minister's area and looking after him: $180 million is their no. 1 priority in the south-east of Melbourne, more important than the Scoresby freeway, according to the Liberal Party, and more important than the Pakenham bypass.

Mr Leigh — On a point of order, Mr Speaker, the minister seems to have missed one — —

Honourable members interjecting.

The SPEAKER — Order! The government benches will come to order so I can hear the point of order.

Mr Leigh — I understand why the minister does not want to discuss it, but he seems to have missed one — the Geelong freeway!

The SPEAKER — Order! The honourable member is clearly not taking a point of order.

Mr BATCHELOR — Another proposal that the government has considered is the duplication of Princes Highway West from Geelong through to Colac.

Mr Paterson interjected.

Mr BATCHELOR — The honourable member for South Barwon says the opposition is going to reject federal funding and go ahead and build it itself without it being declared a road of national importance. This would cost some $350 million on top of the $180 million for the Dingley bypass.

The previous Leader of the Opposition promised to build the Eastern bypass across Corio — —

Mr Perton — On a point of order, Mr Speaker, the minister is clearly debating the question. He is entitled to look to proposals that have been generated within government that have been rejected by the government, but your rulings through the last sitting and those before it indicate that ministers cannot use question time as an opportunity to attack opposition policies.

Mr BATCHELOR — On the point of order, Mr Speaker, I was asked what initiatives the government had undertaken and what ones it had rejected. What I am talking about are projects that the government is going ahead with and those that the government has rejected — and the Eastern bypass is one of those.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Doncaster, but I remind the Minister for Transport that he must not debate the question.

Mr BATCHELOR — The Eastern ring road at Geelong across the Corio is an option that has been considered in many of its manifestations. Its cheapest form, that suggested by the previous Leader of the Opposition, involved a causeway and a bridge at a cost of some $600 million, so you have $1.1 billion worth of proposals that have not been developed in a strategic or cohesive way. There is a very clear distinction in the way this government deals with its transport projects — in a strategic, integrated way forward — which is in stark contrast to these other sorts of proposals that are ad hoc, inconsistent and incoherent. That typifies the approach of the opposition.

However, the real issue is that the now Leader of the Opposition has indicated that he is going to rule these out, and we need a clear indication of what is actually happening. We are looking at all these proposals, and it is quite clear that the way this government is putting forward transport initiatives is the cohesive way and is in stark contrast to the opposition, which believes there is only one way — and that's the magic pudding approach.

Dr Dean — On a point of order, Mr Speaker, the minister is clearly debating the question.

The SPEAKER — Order! I ask the minister to desist debating the question and come back to answering it.

An honourable member interjected.

Mr BATCHELOR — It was all right!

The SPEAKER — Order! The minister, ignoring interjections.

Mr BATCHELOR — The government rejects the opposition's magic pudding approach. We will put forward transport proposals that are cohesive, strategic and deliver economic, regional and employment opportunities to the whole of Victoria.

Central City Studios: Docklands tender

Mr DOYLE (Leader of the Opposition) — Can the Premier confirm that the original tender for the Docklands studio project provided only for leasehold land, but that this fundamental plank was changed after the preferred tenderer had been chosen so that the preferred tenderer can have the land freehold, raising

central questions about the probity of the present provisions?

Mr BRACKS (Premier) — I am very happy to answer the question. The government has commissioned, as a probity auditor — which goes to the very heart of the question raised by the Leader of the Opposition — Acumen Alliance. Not only that, we have had a probity adviser, Pricewaterhousecoopers, which has been auditing and examining the whole process right the way through. I am absolutely confident that in the final outcome their work will produce a very good arrangement which will benefit both film and TV industries in this state.

Police: numbers and building program

Ms ALLEN (Benalla) — Will the Minister for Police and Emergency Services update the house on the government's recent progress in increasing police numbers and rebuilding police stations and advise what other policies the government has considered?

Mr HAERMEYER (Minister for Police and Emergency Services) — Fundamental to delivering a safer community is very much the issue of having sufficient police on the ground and having them appropriately equipped and resourced. That is why we committed to 800 additional police. The house has heard before: we have done it in spades. We have done it 18 months ahead of the schedule we set ourselves — the schedule the opposition said we could not meet. We have done it and the police are deployed across the state in rural and regional Victoria as they are in metropolitan Melbourne.

We are now starting to see the results. We have had the first significant turnaround in eight years in the crime rate — a 4.9 per cent reduction in crime after a consistent upward trend throughout the 1990s. There have been big turnarounds in robbery, aggravated burglary, car theft and drug offences. The opposition came out last week and claimed crime was going up 45 per cent. At the end of the day it had no proof to back it up. It was a fanciful figure and now it has come out with a 25 per cent figure. The only 25 per cent figure I can see is the Leader of the Opposition's approval rating!

Honourable members interjecting.

Mr HAERMEYER — You can change the leader but you cannot change the rabble that sits behind him.

The SPEAKER — Order! The minister, on the question.

Mr HAERMEYER — Of course more can be done and more will be done, and that is demonstrated by what we have already done — more police, better conditions and better pay for our police officers.

Our police force now has the lowest attrition rate of any police force in the country, and it has come down from the highest! Victoria was losing nearly 1 in every 10 police officers — they were voting with their feet and leaving the police force — and that is now down to 1 in 100. That is a sign of excellent morale in our police force.

The government is not stopping at police numbers. It has the biggest police station building program in the history of this state. We promised to build 16 police stations but we are actually building 63 stations at a cost of $125 million — including police stations that some members opposite did not argue for and some that they even argued against — in Belgrave in the electorate of the honourable member for Monbulk; in Rowville in the electorate of the honourable member for Wantirna; in Endeavour Hills — the one the honourable member for Berwick said he did not want; and in Eltham, Mordialloc and Ocean Grove. Unlike the previous government, which had a plan to close 34 police stations — stations like those at Queenscliff, Drysdale and Portarlington — this government is opening them.

Mr Honeywood interjected.

Mr HAERMEYER — Bring back Louise. Her interjections were nowhere near as inane as that!

The SPEAKER — Order! The minister will address the Chair and ignore interjections.

Mr HAERMEYER — I have also been asked about other policies I have considered. I have considered a few policies but I have had to reject them, particularly the ones that deal with cutting police numbers and closing police stations. That just does not work as a means of dealing with crime. You cannot go out there and talk tough on legislation and then not provide the law enforcement agencies and resources to do anything about it. It just does not add up.

No wonder crime soared throughout the 1990s when police numbers and law enforcement resources were being cut. We have just heard from the Minister for Transport about the rather astronomical promises that were being made in his portfolio by members opposite. Yesterday we heard about the promises of massive tax cuts that the Leader of the Opposition and the opposition have already made. This is just another example — —

Mr Perton — On a point of order, Mr Speaker, the minister's response has now reached 5 minutes duration, and in accordance with your guidelines on succinctness I ask you to ask the minister to conclude his answer.

The SPEAKER — Order! The honourable member raised a point of order referring to my guidelines on the time to be taken for question time. He will recall — if he does not, I will provide him with those guidelines again — that I have stated and my expectation is that question time will generally be finished in approximately 40 to 45 minutes. I am not of the opinion that the minister is contravening those rules; however, I remind him of the need to be succinct in accordance with sessional order 3. If the minister keeps going for much longer he will not be succinct, so I ask him to conclude his answer.

Mr HAERMEYER — I will try to remain succinct, Mr Speaker. What we have here is just another example of that magic pudding mentality. No doubt the opposition will come out very soon and promise more police, but it has done that before. The opposition promised 1000 police officers when it came into office last time, and it did the opposite. The opposition has been caught out lying about police numbers, it has been caught out lying about its own statistics, and it just cannot be believed.

The SPEAKER — Order! The honourable member should cease debating the question and come back to answering it.

Mr HAERMEYER — Nothing the opposition says about law enforcement and crime can be believed. Magic puddings do not ring true with the electorate. The only people who believe in magic puddings — —

Dr Dean — On a point of order, Mr Speaker — —

Mr Robinson interjected.

Dr Dean — Sit down, that's a good boy. On a point of order, Mr Speaker, we have listened to the ministerial statement, we have listened to you telling the minister to stop debating the question, and now we are listening to him defying your ruling. You should sit him down permanently.

The SPEAKER — Order! Even allowing for interruptions, the minister is now not being succinct and continues to debate the question. I ask him to conclude his answer.

Mr HAERMEYER — I was just going to conclude by saying that magic puddings belong next to Pooh Bear and Noddy on the library shelves. No-one believes them, but the criminals wish they existed!

Central City Studios: Docklands tender

Mr DOYLE (Leader of the Opposition) — I refer to my previous question and ask the Premier how he can justify selling the Docklands studio land, now freehold, for $150 per square metre when the commercial value set out in Central City's own memorandum is $340 per square metre, representing a loss to Victorian taxpayers of approximately $9 million and making the real cost of this project close to $50 million — not $40 million, as the Premier claimed yesterday.

Honourable members interjecting.

The SPEAKER — Order! I ask all sectors of the house to quieten down so I can hear the Premier.

Mr BRACKS (Premier) — Part of the arrangement, which is publicly known, with the $40 million contribution from the state was to allocate $8.5 million for the land, which has been undertaken. All the way along in this process the government is being advised by both a probity auditor and a probity adviser. I have much more faith in them than I do in any misplaced allegations from the Leader of the Opposition.

Justice: government initiatives

Ms OVERINGTON (Ballarat West) — Will the Attorney-General advise the house about recent initiatives implemented by the government to improve access to justice and explain what other policies the government has considered?

Mr HULLS (Attorney-General) — The Bracks government is absolutely committed to building a fair, accessible and responsive justice system for all Victorians. We think that is absolutely crucial. The government believes it has moved forward with viable, sound and progressive policies which actually strengthen our justice system and improve access to justice. The government has listened to the community and it has acted. In fact, it is undoing the damage of the Liberal government and the havoc that it wreaked on the justice system.

On Friday I was very pleased to launch the Koori court pilot in Shepparton to address the injustice of the overrepresentation of Kooris in our criminal justice system. This gross overrepresentation should shame us all. As many people would know, we are piloting a drug court, which will adopt a new and therapeutic approach to sentencing of drug offenders. The government believes these two initiatives have been

very carefully crafted and developed as pilots, and it wants to ensure they are effective and indeed address Koori overrepresentation and reduce drug dependency and related crime.

Because the government's policies aim to enhance and strengthen our justice system it has rejected some approaches and policies. It has carefully weighed up the financial costs on the one hand and the social benefits on the other of every initiative. Without any evaluation of a trial, for instance, the opposition has actually committed itself to statewide drug court divisions in every Magistrates Court and in the County Court throughout Victoria. That would cost an estimated $89 million in recurrent funding, or $356 million over the life of the next Parliament. The opposition has to say where the money will come from.

Unlike the opposition, this government will not tinker with policies that undermine our justice system and produce unfair results, such as mandatory sentencing, so it has rejected that policy.

Mr Perton — On a point of order, Mr Speaker, you will recall that in the last sitting the government introduced this device at the end of every question basically to allow ministers to attack the opposition rather than to answer questions on government administration. You have now heard government members on at least five occasions use the term 'and what other policies has the minister considered' or similar words. Were the minister to talk about policies that had been generated within government or elsewhere and give an analysis of that, that would be in order, but it is quite clear the government is using this as a pre-election opportunity to attack the opposition.

In accordance with your rulings in each of the previous sittings I ask you to bring the minister back to order and have him speak about government administration rather than debate the question or use question time as an opportunity to attack the opposition.

Mr Batchelor — On the point of order, Honourable Speaker, there are two elements to this. The first element is that the Attorney-General was asked to explain recent initiatives the government has undertaken and also to have a look at those that the government has rejected. The Attorney-General was commenting on those, saying that mandatory sentencing had been rejected. If the opposition self-identifies with those policies, that is not our problem. We have rejected it, and that is what the Attorney-General was saying.

The second element that you, Sir, need to take into account is the recurring pattern of points of order that are being taken by the honourable member for Doncaster, where he makes statements and comments — all the things that members are not allowed to do in a point of order. I suggest to you, Honourable Speaker, that you need to have a device whereby you cut him off when he flagrantly abuses the point of order process, as he has just done today and will do subsequently time and again.

The SPEAKER — Order! The latter part of that point of order is out of order.

The honourable member for Doncaster has essentially raised a point of order requesting the Chair's intervention in regard to the answer that was being provided by the Attorney-General. At the time of the taking of the point of order I was listening carefully to the Attorney-General. He was referring to the decision-making process that he had undertaken in a particular area he was referring to, and I do not believe that at that point he was attacking the opposition.

Mr HULLS — We certainly reject mandatory sentencing. We believe it is ill conceived. It reflects a simple, one-size-fits-all approach to sentencing, but there is a cost to it as well — there is a cost to mandatory sentencing. It was estimated it would cost $18 million in recurrent funding and also $48 million in capital funding — in other words, $120 million over the life of the next Parliament. Again in relation to mandatory sentencing — —

Dr Dean — On a point of order, Mr Speaker, on the ground of relevance, given that the Attorney-General has been asked to talk about policies that his government has looked at and given that the opposition also has no policies in relation to mandatory sentencing, discussing the cost of mandatory sentencing is totally irrelevant.

The SPEAKER — Order! I cannot uphold the point of order raised by the honourable member for Berwick. The Attorney-General was asked a question in regard to recent initiatives that his government had considered, and I believe he was providing information in that regard. So long as his remarks are relevant to the question I will continue to hear him.

Mr HULLS — Unlike the opposition, this government's justice initiatives are sound and will enhance access to justice. They are sustainable and based on reasoned judgments. The government rejects the ill-considered magic pudding, voodoo economics

approach to policy development by the opposition, where it believes it can spend more, get in less — —

The SPEAKER — Order! The Attorney-General should come back to answering the question.

Mr HULLS — These two initiatives we have rejected would cost $476 million. The opposition must say where the money would come from. It ought to spend less time concentrating on Bunyip Bluegum and the magic pudding. It actually looks like a couple of people over that side!

Honourable members interjecting.

The SPEAKER — Order! The government benches will come to order! On a number of occasions the Chair has intervened and restricted honourable members from making a farce of question time with displays or exhibitions. I warn the Attorney-General again, and I ask him to refrain from displaying such documents in the house.

Mr HULLS — In conclusion, it is voodoo economics to think that you can actually spend more, get in less and have a budget surplus. It is nonsense!

Central City Studios: Docklands tender

Mr DOYLE (Leader of the Opposition) — Is the Premier aware of correspondence from the solicitors of the shareholders of the successful Docklands studio tenderer warning that signing with a different company, namely, Central City Studios Holdings, will result in the government being sued for breach of the Corporations Act and breach of fiduciary duty?

Mr BRACKS (Premier) — I have absolute confidence in the processes within the Department of Treasury and Finance and also in the probity advisers and the probity auditors. This government will make sure it receives adequate and appropriate reports before it signs off on this matter.

On a general note, I am not surprised that the Liberal Party is continuing its opposition to having film and television flourish in this state. That was the pattern right through the seven years of the Kennett government, with the result that the film and television industry, which was once a proud Victorian industry, faltered unbelievably and went interstate. This government is intent and keen — —

Mr Doyle — I raise a point of order on debating and relevance, Mr Speaker. This question was perfectly clear. It was about whether the Premier knew of this letter or not. It was not a debate about a range of other issues which he is now canvassing.

The SPEAKER — Order! The latter part of the honourable member's comment merely repeated the question and was not a point of order. I ask the Premier to come back to answering the question.

Mr BRACKS — I have absolute faith in the probity auditor and the probity adviser and, as a consequence, in the outcome, which will see the film and television industry flourish in this state.

Taxation: government policies

Mr TREZISE (Geelong) — Will the Treasurer advise the house what policies the government has recently implemented to deliver tax cuts and fiscal responsibility and explain what other policies the government has rejected and why?

Mr BRUMBY (Treasurer) — The Bracks government has introduced the most significant tax reform in our state for more than 20 years. In its first term it has allocated $1 billion to tax cuts. It has taken Victoria from being the state with the highest number of business taxes to being the state with the equal lowest number. It has introduced fewer, simpler, lower and better business taxes while maintaining Victoria's tax position below the national average and 0.63 per cent below the tax level of New South Wales.

The government has managed to do all that while maintaining strong budget surpluses, turning around the health and education systems and halving general government net debt. You would have to say it is a pretty good — —

Mr Honeywood interjected.

Mr BRUMBY — I think you want to be the fourth shadow treasurer, don't you! You want to be no. 4!

The SPEAKER — Order! I ask the Deputy Leader of the Opposition to cease interjecting, and I ask the Treasurer to cease responding to interjections!

Mr BRUMBY — They are all sitting down — 1, 2, 3, 4!

Mr Honeywood interjected.

The SPEAKER — Order! I have just asked the Deputy Leader of the Opposition to cease interjecting, and he continues to defy me!

Mr BRUMBY — The government has managed to do that — it has managed to commit to $1 billion of tax

cuts and has reduced the number of taxes; it has done all of that — while keeping our tax levels below the national average. It has done that with strong budget surpluses and a halving of general government net debt.

I was asked whether the government had examined other policies and whether in examining them it had accepted or rejected them and why. We did see one alternative policy, a policy which proposed a retrospective reimbursement scheme for stamp duty. That was a policy which was costed at in excess of $300 million per annum. That was a policy which was described by the Real Estate Institute of Victoria as half baked and unworkable. That, of course, was the policy espoused by the former Leader of the Opposition. We rejected that.

More recently we have seen a second policy proposal, one which has been released by the present Leader of the Opposition, and this is related — —

Mr Perton — On a point of order, Mr Speaker, I do not know what has changed between last sitting and this sitting — —

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Tullamarine. That level of interjection from the government benches is totally unacceptable.

Mr Perton — In terms of your rulings, Mr Speaker, in the last sitting you constantly ruled against ministers and questioners from the government benches using this sort of device to avoid answering questions on government administration and instead to attack the opposition. On many occasions you ruled against this minister answering in precisely these terms. I ask that, to be consistent with your previous rulings and to uphold the traditions of this house, you rule this minister out of order, as you should have ruled the others out of order.

Mr BRUMBY — On the point of order, Mr Speaker, I was asked about the policies of the government. I was asked if we had examined alternative policies and whether we had rejected them and why. The record will show that I was barely 1 minute into my answer before the first point of order came from that side of the house. I had the opportunity to add what would have been 15 or 20 seconds of an answer before a second point of order was raised.

The point is that members of this opposition are embarrassed by their policies. The honourable member for Monbulk has spent all of question time reading a book on the back bench — have a look at him!

The SPEAKER — Order! The Treasurer, on the point of order!

Mr BRUMBY — My answer was strictly in accordance with the question. I had barely got started. The fact of the matter is that I would ask you, Mr Speaker, to refer to the standing orders which specifically prohibit vexatious and repetitive points of order which are taken in this house by certain members, and I ask you to rule them out of order.

The SPEAKER — Order! I have heard sufficient on the point of order raised by the honourable member for Doncaster.

The point of order was essentially that in answering the question the minister was using the opportunity to attack the opposition. The question posed by the honourable member for Geelong as I heard it at the time was in regard to what the government has done in this particular area of tax cuts and fiscal responsibility and what policies the government had taken into consideration in coming to its decision. The Treasurer should confine his remarks to what his government is doing in regard to this particular area and what policies his government has considered rather than canvassing what might be opposition policies.

Mr BRUMBY — As I said, we have cut taxes and rejected other policy proposals which would have been fiscally irresponsible. In doing so we appear to have been joined by other members of this house who also, it seems, may support the government's view. I refer to an article in the *Age* of 24 August headed 'Libs may break stamp duty pledge'. It states:

> Victorian Liberal leader Robert Doyle has cast doubt on the state opposition's promise to give stamp duty relief to home buyers — —

The SPEAKER — Order! I ask the Treasurer to come to his point quickly. The Chair is having difficulty with his answer.

Mr BRUMBY — Mr Speaker, I am coming to the point — —

Mr Perton interjected.

The SPEAKER — Order! I have asked the honourable member for Doncaster on a number of occasions to cease interjecting. I warn him.

Mr BRUMBY — It's a tragic pudding, isn't it, over there!

The SPEAKER — Order! Similarly, I ask the Treasurer to address the Chair.

Mr BRUMBY — Here I have another policy which, I have to say, has been rejected by the government. This policy states:

> Are you aware of the Liberal Party's policy to return some of the windfall stamp duty collected from family home buyers in the Berwick area?

The SPEAKER — Order! The honourable member for Berwick on a point of order.

Dr Dean — Mr Speaker, as I understand it the rules of the house require that when a member takes a point of order the other member takes his or her seat.

Honourable members interjecting.

The SPEAKER — Order! I have called the honourable member for Berwick on a point of order; he has the floor.

Dr Dean — On a point of order, Mr Speaker, you made it quite clear in your ruling just a moment ago that you will not tolerate the government using a device like this to attack the opposition and to make comments that are clearly debating the question. Every time you uphold that point the Treasurer comes back with another note or some other process to defy your ruling. I would ask you, Mr Speaker, to not allow that to even begin, because if it does it is incumbent upon us to get up and take points of order. We would much prefer it if you, as the Chair, could simply ensure that your rulings were not defied.

The SPEAKER — Order! I do not uphold the point of order. I do not believe the Treasurer was at that point attacking the opposition. He was conveying information to the house about some matters he had taken into consideration in making his decision.

Mr BRUMBY — That is a view that has been put by many people. This statement is by Michael Shepherdson, Liberal for Narre Warren South. It has been put too by the honourable member for Monbulk. This material, which has circulated, says 'Take a stand on Labor's stamp duty'. I guess the question today is — —

Honourable members interjecting.

Mr BRUMBY — We have not changed the stamp duty rate, but we would like the Leader of the Opposition to take a stand on stamp duty. We would like to know whether he supports the former leader's policy, the backbencher's policy or — —

The SPEAKER — Order! The Treasurer is now clearly debating the question. I ask him to come back to answering it.

Mr BRUMBY — The Bracks government has cut taxes by $1 billion. It has been fiscally responsible and, as I said yesterday in question time, the only threat to Victoria's fiscal responsibility is coming from that unreconstructed rabble on the other side of the house. The commitments that have been made in relation to stamp duty are extraordinary. If I could give the new shadow Treasurer — —

Mr Clark interjected.

Mr BRUMBY — You should be thinking of spending a bit more time in your electorate.

Honourable members interjecting.

The SPEAKER — Order! I have asked the Treasurer on a number of occasions to address his remarks to the Chair.

Mr BRUMBY — Our position is clear. The public deserves to know which of the three policy positions is supported by the new Leader of the Opposition.

RESIDENTIAL TENANCIES (AMENDMENT) BILL

Second reading

Debate resumed.

Mrs ELLIOTT (Mooroolbark) — In addressing the Residential Tenancies (Amendment) Bill I state again that the opposition is not opposing the bill. However, we have signalled through the honourable member for Caulfield that we will be seeking an amendment to clause 44.

The press release on the bill by the Minister for Community Services and the Minister for Housing includes this comment:

> The Bracks government is improving the Residential Tenancies Act 1997 to make it fairer for landlords and tenants, housing minister Bronwyn Pike said today.

There is one group for whom the bill will not make the legislation fairer. The Victorian Caravan Parks Association opposes clause 44 of the bill, mainly on the basis of the impact it would have on tourism, as very well expounded by the honourable member for Brighton. The association also said, however, in its submission to the working group chaired by the

honourable member for Bendigo East that automatic residence — that is, the removal of the 90-day rule — would discourage owners from accepting people in need of emergency accommodation as temporary occupants, people who would not be accepted as long-term residents. Clause 44, therefore, which proposes to reduce the period under which people can be considered as permanent residents from 90 days to 60 days, will in fact hurt not only the tourism industry but also some of the neediest people in our community.

In an article appearing in the *Sunday Age* of 14 July by John Elder we read:

> Caravan parks in Melbourne's outer suburbs —

and I represent an outer suburban constituency —

> had become miniature suburbs for poor and unstable families, with demand for residential sites so great many parks had waiting lists of homeless people or families in crisis, welfare agencies reported.
>
> Some park owners said that they were turning away couples and families with children on a daily basis.

John Dalziel of the Salvation Army, well known to honourable members, was quoted in the same article as saying:

> We've put families into caravan parks in the outer suburbs when there has been nothing else. We don't like to do it … but every night we turn homeless people away from our centres.

Organisations like Hanover Welfare Services, Wesley Mission, which operates from Ringwood close to my electorate, and the Salvation Army started using caravan parks as last-refuge crisis and refugee accommodation some years ago due to the dire shortage of public housing.

I took the time to ring Wesley Mission and they reinforced the fact that caravans parks are not their preferred option for crisis and transitional housing. Nevertheless, they have their place for people in urgent need of short-term accommodation.

Any move on the part of the government to reduce from 90 days to 60 days the time within which people become permanent residents and are therefore entitled to certain advantages under the Residential Tenancies Act is going to impact on these people very severely. I am sure the minister would not want that to happen.

Recently the minister opened a new crisis service in Lusher Road in part of the electorate that I hope to represent after the next election. It provides short-term emergency accommodation for 22 people in houses and motel-style units, and obviously they are preferable to caravans parks. Nevertheless, caravan parks have their place and will continue to be used until the stock of public housing and more permanent crisis accommodation is replenished by this government.

Forcing caravan park owners into a situation where they will be very wary of taking people in need of crisis accommodation and forcing them to turn them away for fear that they might become permanent residents is a very deleterious move.

The government has said that the only reason the opposition wishes to move the deletion of clause 44 from the bill is that we are acting on behalf of tourism and small business. I reinforce that the government is in severe danger of hurting some of the most disadvantaged people in our community. I am very concerned about that. Every member who has caravan parks in his or her electorate should be very concerned as well.

We as a society do not like to see people unsheltered and homeless. Indeed, the government has made much of the fact that on any given night many people in Victoria do not have a bed. Caravans parks often fill that need, and the government is in severe danger of making sure that that option for crisis housing is removed.

I am also pleased to note from the minister's press release that she is going to work with the Victorian Caravan Parks Association to meet the needs of people with disabilities. It will be another review but nevertheless, if it has a good outcome, I am in favour of it. I regularly receive *Quadrangle*, the magazine for people with quadriplegia and paraplegia, and also the MS Society of Victoria magazine. I am aware that there are many operators in the private sector who do offer accommodation in caravan parks and in motel-type units for people with disabilities. Nevertheless, it is more difficult for people with disabilities, particularly physical disabilities, to have the sorts of holidays that those of us who are able-bodied are able to enjoy. Any move to make caravan parks, motels and other forms of rental accommodation more accessible to people with disabilities is to be commended.

I give notice that as shadow Minister for Community Services I will be supporting the opposition's proposed deletion of clause 44, because it will have a bad effect on people who deserve better — certainly from a government which has made much of its commitment to social justice.

Ms DAVIES (Gippsland West) — I will be supporting the main thrust of the Residential Tenancies

(Amendment) Bill. This is another of those bills that this government has developed after an extensive consultation period and a lot of discussion, and I commend the process that they have been using. It is slow and steady, but it does usually end up with a good balance of opinions and recommendations.

There was the discussion paper in October 2001, and then a working group made up of representatives from lots of different organisations, including real estate interests, caravan parks, tenants and community organisations. I note that that does not mean I necessarily feel obliged to accept all the recommendations made through those processes, which are not perfect and do not have any sort of objective truth about them.

The bill amends the Residential Tenancies Act of 1997, but not in radical ways. As we have seen, both sides of the house are able to support most items in the bill. It does reduce the number of rent increases that can be permitted to two in any one year. As an ex-renter I have to tell you that even that will not be easy for renters to cope with, but it is certainly better than the number of increases that were allowed under the previous legislation. The Victorian Civil and Administrative Tribunal will be able to take the previous number and size of increases over the preceding two years into account when deciding if a rent increase has been excessive.

Where owners choose to give no reason for a notice to vacate a premises, they will now need to give 120 days notice and not 90 days, as previously. I note that the number of disputes which have been arising from the use of that type of eviction has risen from 33 to 275 notices in 1999–2000 to 409 applications of dispute in 2000–01, so there is a very noticeable need to reduce the potential misuse of that type of eviction.

The bill also includes measures to give additional powers to managers of high-density accommodation like rooming houses or caravan parks. They will have an increased power to remove residents where there is a real risk of violence. To counterbalance that, there are also increased measures to penalise any managers who may choose to misuse that power.

The bill contains measures to ensure proper records are kept of bonds and rent paid and that they are handed to tenants regardless of the method of payment. It provides additional penalties for unauthorised entrance by landlords to properties. Landlords will only be able to inspect a property three months after the start of a tenancy agreement.

I note that there was agreement to exclude from this bill issues relating to community residential units and supported accommodation, or supported residential services. That has ostensibly been deferred to ensure that issues arising from a review into disability services which is currently planned by the Department of Human Services can be taken into account before legislation is put into place.

The issue of supported residential services and community residential units troubles me. It is important that that review happens without too much more delay, and I assure the minister that I will be following that issue up.

I will be supporting the Liberal amendment to delete clause 44 of the bill, which means that caravan park users will continue to need to be resident in a park for 90 days before being considered permanent, and therefore covered by residential tenancies legislation.

More and more, caravan parks seem to be taking a role in filling in for the lack of affordable, accessible public and private rental housing. Parks are being used for emergency short-term accommodation; they are being used for accommodation of last resort, when there is no other accommodation available. I recognise that there are people who voluntarily live in caravan parks — the term ‘grey nomad’ has come to be used for those people — but I do not believe that is true of the vast majority of people who currently live in Victorian caravan parks.

The idea of caravan parks taking on this role is not a great alternative to proper, affordable public housing. I believe the government must take up the challenge of making sure that appropriate accommodation is more often available than it is now, and that means proper short-term emergency accommodation. It also means proper support services for people who have social, behavioural, psychiatric or economic difficulties, which is many of those people who currently find themselves living in caravan parks.

Caravan parks are a very high-density form of accommodation. They are asked to provide an increasing range of services. You have the traditional focus of caravan parks, which is for holiday-makers. They are obviously a big focus in my particular area of coastal resorts from Inverloch round to Phillip Island, Coronet Bay and Corinella. We have a developing range of permanent accommodation, where residents own their own house within a so-called caravan park. Then there is the mid-range type of use where we have temporary short-term rental accommodation. Those three types of usage do not necessarily sit very

comfortably together on one caravan park site, and the reason I have supported the continuation of the 90-day rule is my discomfort with the notion of changing the balance of control that is given to managers to deal with issues which may arise from having those two or three different types of focus in the one caravan park.

In my particular area, I have reports of welfare agencies placing individuals in need of short-term accommodation in caravan parks and then, when problems arise with those tenants, putting the onus back on the caravan park manager to deal with the problem.

I have, on the other side, anecdotal evidence from the Tenants Union of Victoria of park owners abusing the power of immediate eviction that they currently have and evicting people who only asked for additional services or made it clear that some services offered are not satisfactory. However, I am not persuaded that there is enough evidence to change the current rules. I have spoken to many of the park owners in my electorate, including park owners in Inverloch, Wonthaggi and Phillip Island, and they are all in agreement that it is best to leave that 90-day rule as it is.

I do not believe we should try to entrench caravan parks as being the same as permanent rental accommodation: caravan parks are not suitable residential accommodation for everybody. I would not like to see an attempt to look after tenants backfire, and I believe that reducing that 90-day requirement could backfire. I would not like to see park managers feel that they had to allow people less time in their caravan park merely to make sure they could guarantee the holiday accommodation which is the main focus of their business. If we leave the 90-day rule as it is, then that gives park owners a bit more flexibility in the length of time they can permit people to stay.

I have signalled already that the generic term of caravan parks seems to be less useful in ensuring regulations around caravan parks are able to suit the needs of different types of uses of so-called caravan parks. I have encouraged the Minister for Senior Victorians to include retirement resorts-cum-caravan parks that are becoming an increasing feature of my area to be part of the review she is doing into retirement villages.

This legislation and further action resulting from the legislation could well look into those issues. Some caravan parks are virtually retirement villages; some are virtually emergency accommodation facilities and many, in my area, have as their primary focus providing traditional holiday accommodation. The traditional ways of dealing with tenant rights, as laudable as they may be, do not necessarily fit comfortably within that range of uses. I do not believe it is appropriate to try and squash another sort of regulation into caravan parks in a way that may have unintended and negative consequences, both for the traditional purpose of the business and for people in need.

Apart from that one issue I am pleased to support the bill. I urge the government to continue to improve the availability of affordable and accessible public housing. The private sector cannot and will never be able to fully meet the housing needs of all members of the population: it does not matter what sort of regulation you put in, it does not matter what protections you give tenants, sometimes the private housing market is not appropriate for certain people.

In coastal, rural and growth areas such as Bass Coast we have an ongoing shortage of rental accommodation. The area has a strong tourist focus in much of our housing accommodation — not just caravan parks — and that type of tourist accommodation is expected; it is a highly desirable and vital part of our regional economy. However, it means we have a significant ongoing issue of holiday homelessness. People who may be given rentals in houses or caravan parks during the off-season are expected to vacate that accommodation during the height of the tourist season because that is the primary purpose of those holiday accommodation units, houses or tourist caravan parks.

The reason it is an ongoing issue is that we do not have enough housing alternatives. That needs to be addressed. Although I support the thrust of the legislation I ask the government and the opposition to work towards developing better policies that will deal with the ongoing issue of inadequate housing alternatives as we lead into the next election.

Mr LIM (Clayton) — I rise to support the Residential Tenancies (Amendment) Bill and in so doing I note that with 49 pages it is a fairly long bill, but its intent is simple, which is to amend the Residential Tenancies Act to make it clearer and fairer for all parties concerned. I have in mind in particular tenants from a non-English-speaking background, and in particular the new arrivals coming from a different background, often from a rural setting, who have to settle in a metropolis like Melbourne and learn how to manage the system. It is often mind-boggling for them.

The bill goes a long way to address those concerns. I refer to the thrust of the bill as referred to by the minister in his second-reading speech. He states:

> This bill balances tenants' needs for security of tenure, the need for landlords to protect their assets; and maintains market investment incentives, thereby strengthening the role

> of private rental accommodation as part of the total housing system.
>
> Furthermore, this bill addresses the government's commitment in the better housing policy to review the Residential Tenancies Act 1997 with a particular focus on tenure security and fair rent mechanisms.
>
> This bill builds on the protections for both landlords and tenants contained in the current act and addresses areas of concern for a number of key stakeholders about the operation of the act. In this way, the best features of the current act have been maintained and the intention to simplify the operation of the act is given effect through streamlining the administrative processes.

Before going to the main thrust of the bill I draw to the attention of the house the breadth and scope of the bill, which is testimony to the excellent work of the honourable member for Bendigo East, who chaired the Residential Tenancies Legislation Working Group. It is an understatement to suggest that she and her working group have done a tremendous job. The group included representatives of the Real Estate Institute of Victoria, the Tenants Union of Victoria and the Victorian Caravan Parks Association, amongst others.

It was a wide-ranging group whose members were very much aware of their different interests, so you can imagine the amount of work and chairmanship that the honourable member had to do to bring them together.

However, there are many problems with the present act. That is one of the reasons the honourable member for Bendigo East and her working group had such a difficult and demanding task. The principal problem is that the law is very much slanted in favour of the landlord rather than the tenant. In the Australian Bureau of Statistics 1996 census the private residential rental market consisted of 296 251 Victorian households, which is something like 25 per cent of the total number of households in the state. In the same year 9362 Victorians — just under 1 per cent of the total number of households — lived permanently in caravan parks. This is a substantial number of people, and it is dreadful that when the Kennett government framed the Residential Tenancies Act in 1997 it was so scornful of the interests of such a great number of people.

The existing act offers tenants little protection from excessive rent increases, and it places no limit on the number of rent increase notices a landlord can serve. Tenants are discouraged from exercising their tenancy rights for fear of retaliatory rent increases, and they may be evicted without reason on 90 days notice.

I have spoken on other occasions in this chamber about the need to protect tenants, particularly tenants of non-English-speaking background, because of their inability to negotiate the system let alone properly understand it when they first arrive in this country. I have been pushing very hard for the reintroduction of the bilingual tenant support program. This bill, in conjunction with a program like that, would go a long way to addressing the concerns of the newly arrived community. I commend that to the house.

Honourable members need to note that residents of caravan parks are particularly disadvantaged under the present act because they are not regarded as permanent residents until they have occupied a caravan for at least 90 days. Caravan parks accommodate some of the most financially and socially disadvantaged members of our community, and this bill goes a long way to addressing their needs.

The amendments retain the best features of the current act, as the second-reading speech shows, while modernising it significantly and making it fairer for all stakeholders. The extensive consultation with all parties — landlords and tenants — has assured that the bill has broad acceptance in the community. The government has effectively removed the taint of social divisiveness so characteristic of the Kennett years from this important act. I would even venture to say that this bill and the fantastic work done by the honourable member for Bendigo East and the residential tenancies working group characterise what the Bracks government is all about — it is a government that will listen carefully and then act. I commend the bill to the house.

Mr STENSHOLT (Burwood) — Thank you, Honourable Acting Speaker — —

Ms McCall — No — the minister, summing up.

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! With respect, and I thank the minister for intervening, the honourable member for Burwood was on his feet first. I called him, and accordingly the honourable member for Burwood will speak.

Mr STENSHOLT — Thank you, Honourable Acting Speaker. I also rise in support of the bill. I very much commend the bill. Like others before me I commend the review undertaken by the honourable member for Bendigo East.

I had the good fortune of attending one of the consultation sessions at the Box Hill town hall. There were quite a number of people in attendance on that occasion — there were tenants, tenant advocacy groups and landlords as well as real estate agents. All these

parties were able to put their views on the residential tenancies review. I must admit that it was quite a vigorous session. Views were expressed but what was notable was that the various parties listened to these views and were prepared to respond to them because they were seeking reasonable outcomes in respect of residential tenancies.

One of the issues discussed at that meeting concerned the period of notice to vacate. Some residents felt that the no-reason provisions were far too draconian, while the landlords felt that they needed to have some power to deal with what they regarded as difficult tenants. The debate ranged from bringing back the six months, to not having it at all, to whether it should be 90 days or 120 days, and to what was a reasonable process in dealing with the termination of a tenancy. This bill seeks to take a moderate position in this regard, which is entirely appropriate. The government has listened to what was said and is seeking to act. This bill has done that in regard to many aspects of the legislation. Overall it makes for a far more comprehensive and sympathetic passage. I commend the bill to the house.

Ms PIKE (Minister for Housing) — I take this opportunity to make some summary comments. First of all I congratulate the honourable member for Bendigo East for overseeing a very broad consultation process which has given us the opportunity to do some good work in policy development. As a consequence the government has delivered to the community a very balanced, fair and reasonable piece of legislation.

My staff within the Office of Housing have worked very hard to support the residential tenancies legislation working group and the honourable member for Bendigo East, and I thank them.

I am also pleased to note that the opposition and the National Party are not opposed to this bill, and as the honourable member for Rodney described it, the legislation is a good compromise between the interests of the landlord on the one hand and the tenants on the other. The whole tenor of the consultation process engendered a genuine dialogue about these issues, and that was most welcome.

I note with great disappointment the opposition's proposed amendment, which was tabled, I might add, without any prior consultation either with ourselves as the government or with the broad membership of the working group. It will undermine our efforts to protect the rights of low-income caravan park residents.

What we have sought to do, and it has been our fundamental objective, is to better support low-income Victorians by improving their security of tenure and giving them the basic rights that are available to other Victorians. I would have thought that this bill might have provided the opportunity for the opposition to deliver on some of its high-minded rhetoric we hear — that is, the role and responsibility of government in supporting low-income people. However, the proposed amendment is delivering and communicating to the Victorian community a message that a lot of that rhetoric is rather meaningless and hollow, and that the opposition does not stand for much at all.

If the opposition really did have some vision, commitment and leadership it would have joined with us on what is a fundamental principle of human rights. And this is a matter of principle for us! It is one of those very defining differences between what it means to be a Labor government and what some other groups in the community might stand for. We believe that this is a social justice issue and that low-income people, people who are of limited means and who find themselves living in caravan park accommodation, do need to be given every opportunity to have their rights upheld.

We need to make sure that they are not vulnerable to the whim and caprice of a particular owner who may choose just to evict them willy-nilly for no particular reason. The very reason that the working group struggled and worked with this issue in trying to reach a form of compromise was because of its absolute commitment to the principle that people have a right to access the benefits of the residential tenancy legislation and cannot just be put out on their ears after a short period of time for no adequate reason.

I reject the claims by the opposition that this amendment would hurt people seeking crisis or transitional accommodation in caravan parks. Far from it; I think it is just a furphy. Rather, the government's proposal would protect the rights of residents and give ample opportunity for caravan park owners to make an assessment. For goodness sake, we are not trying to cut out people's opportunity to draw in resources for tourism! We are not trying to banish people who are genuine tourists and make it difficult for people who own caravan parks to have those kinds of residents alongside long-term residents. Sixty days is absolutely ample time for people to make an assessment of the success or otherwise of a long-term tenancy arrangement.

I am also extremely disappointed that the honourable member for Mooroolbark would draw upon the names of organisations, such as Hanover Welfare Services, Wesley Central Mission and the Salvation Army, who have been standing alongside the government at every

point in this process because they know that they use these facilities for short-term accommodation for homeless people. But we are not talking about those people, we are talking about people who are in a longer term residency situation. The drawing back from 90 days to 60 days to give them the rights to access the residential tenancies legislation is not going to make it difficult to have access to these facilities for short-term accommodation in the least.

The opposition is telling longer term residents of caravan parks, particularly low-income people, that they are second-class citizens, that they are not worthy of rights and that they do not deserve to have access to the Residential Tenancies Act. That is absolutely shameful and totally inappropriate! But I might add that I am not surprised that this is the stance the opposition has taken. Its rhetoric regarding the whole homelessness sector has been slippery, wrong, unfounded and demonstrates an ignorance of the true situation. For example, the opposition has repeated in this debate again and again its false and misleading claim that the government has cut the funding of the homeless service system by $12.2 million. I reject this claim absolutely and utterly! I say to the opposition spokesperson that this is just plain wrong, that her figures are slippery — as they are in many instances — and that she is ignorant of the housing budget.

In fact, these kinds of comments in the public arena give evidence to the fact that she does not understand how to read a budget paper, she does not understand the housing budget, and she does not understand that this government has increased the funding for homelessness services by some 40 per cent — nearly $20 million. That is in sharp and defined contrast to the previous government, which added not one zip of additional funding to the homelessness budget in the time it was in government.

In summing up I indicate that I will certainly be advising residents of caravan parks right across Victoria that the opposition has rejected an amendment that stands up for their basic human rights and is not prepared to accept the fair, balanced and principled response that not only the government but the Residential Tenancies Working Group put forward.

I am extremely disappointed that the opposition has not taken note of the submission the Victorian Caravan Parks Association gave to the working group. On 16 May 2001 it clearly gave agreement for the time period to be changed from 90 days to 60 days. It was done in a spirit of compromise; it was part of being part of a consultative process and of working together. For the opposition to now come along and undermine that compromise and cooperation and listen to a small but disaffected group of people is extremely disappointing. It is certainly disappointing to those people in the tenants association and other groups who work tirelessly in our community on behalf of people in insecure accommodation. I know that they are very disappointed; I know that they will stand with this government in condemning the opposition.

With those few comments I must say that I am pleased that the other dimensions of this bill are supported. I am extremely disappointed about the amendment, but I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 43 agreed to.

Clause 44

Mrs SHARDEY (Caulfield) — I move:

1. Clause 44, omit this clause.

Clause 44 of the bill proposes to amend the period for a person to qualify as a resident from 90 days down to 60 days. The opposition moves the amendment to delete this clause because it believes it is not in the interests of caravan park operators and of the thousands of Victorian families who access caravan parks to reside in and for holiday purposes, both in school holidays and particularly at Christmastime. We believe this clause is not in the interests of those requiring short-term accommodation because they are in crisis and in need of support.

Briefly, I would like to reject some of the claims made by the minister. She has claimed that the tenants themselves were seeking and support her clause 44 in the bill. I refer her to a letter written by the Victorian Caravan Parks Association (VCPA), in which it talks about the consultation process. It says:

> … 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 …

The minister also claims that in its submission to the working party the Victorian Caravan Parks Association supported this change. I have a copy of that submission, which says the following:

> Automatic residence i.e.: removal of the 90-day rule will discourage owners from accepting people in need of emergency accommodation as temporary occupants, who would not be accepted as long-term residents.
>
> 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 —

if the occupants can change their minds?

Finally, I refer to the report of the working group itself. Both the honourable member for Bendigo East and the minister have claimed that there was support in the report from the Victorian Caravan Parks Association. I do not find that to be true. On page 19 the VCPA says that it does not support any change to the current qualifying period for residency in caravan parks.

I note, as others might, the recommendation 3.7 on page 20 which, for those who cannot read, says:

> Unanimous agreement could not be reached on this issue.

That makes the position very clear. Some honourable members need to take a lesson in how to read reports and understand what they truly mean.

At that point I will resist the temptation to go any further. It is very clear what the opposition's position is and I understand that other parties in the Parliament support that position. I thank the government for giving us the opportunity to go into the committee stage. It is important to examine these issues and to find resolutions.

Mr VINEY (Frankston East) — I rise to say that the government does not support this amendment. As I said earlier in my contribution on the bill, the proposal to bring back tenancy rights from the current 90-day qualifying period to 60 days is about balance. There were competing interests in the process being considered by the working groups — the interests of people representing tenants and the interests of the Victorian Caravan Parks Association. The VCPA put forward a proposal of 60 days notwithstanding it preferred 90 days — and that has never been in dispute. But it did put forward the option of a 60-day period, in the spirit of compromise.

I quote from the minister's letter dated 28 May to Mr Redmond of the Victorian Caravan Parks Association. The minister wrote:

> I understand that the preferred position of the Victorian Caravan Parks Association (VCPA) was to retain the 90-day qualifying period for residency status in caravan parks. I understand also that the 60-day position was put forward by the VCPA as a possible compromise, in response to the concerns raised by other organisations on the working group. I note that this position is clearly detailed in the working group report.

It is quite clear that there was a proper consultation process. A compromise position was suggested and taken up by the minister and the government. The position is one of balance and reason. Therefore it is appropriate for the government to continue to hold its position of saying that in the spirit of trying to improve tenancy rights and to make tenancy more secure for people in caravan parks, who are often on low income and unable to get other sorts of permanent accommodation, it will give them tenancy rights after 60 days. Surely it is possible for caravan park managers to use the 60-day period to assess whether they are a suitable tenant. It is difficult to understand what the difference between day 60 and day 89 is in making that assessment. It is reasonable and balanced and the amendment should be voted down.

Ms ASHER (Brighton) — I want to comment briefly on this amendment because I had an opportunity to make a number of comments during the second-reading debate.

In its second-reading speech the government claims that this alteration to the period, from 90 days to 60 days, where the Residential Tenancies Act kicks in is not going to interfere with the provision of accommodation for tourism. It is at that point where there is fundamental disagreement between the government and the opposition — —

Ms Pike interjected.

The CHAIRMAN — Order! The Minister for Housing!

Ms ASHER — The fundamental point of difference between the government and the opposition, notwithstanding the government wants to help a certain group of people who will be disadvantaged, is the impact this will have on tourism. For the minister's assistance, I refer her to an email from Phil Redmond, the president of the Victorian Caravan Parks Association to — —

Ms Pike interjected.

Ms ASHER — Mr Duplicitous he has just been called by the minister, and the opposition is happy to pass that on to him. The email states:

> The association has not at any stage altered its position being that the 90-day provision should remain unchanged.

That is the position of the Victorian Caravan Parks Association. Further the Big 4 Holiday Parks Group has also written to the minister's department saying — and I wish to quote from this in relation to tourism:

> To reduce the qualification period of the occupant to less than the current 90 days, say 14, 30 or 60 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.

It is for those reasons that I support the amendment put forward by the honourable member for Caulfield. Over and above that, the honourable members for Mooroolbark and Caulfield have pointed out that while the Australian Labor Party seeks to assist people in need — those people who are homeless and those in greatest need in our community — those people may well end up being disadvantaged.

Mr Nardella interjected.

Ms ASHER — We have here the honourable member for Melton, who is the biggest landlord in this Parliament and who once sought to use the other chamber to raise the issue that his own tenant was behind in rentals. So I would not make too much noise, given your performance as a landlord!

The CHAIRMAN — Order! I ask the honourable member for Brighton to return to clause 44.

Ms ASHER — For those reasons and for the reasons outlined in the VCPA submission, I support the amendment moved by the honourable member for Caulfield.

Mr WYNNE (Richmond) — I rise to oppose the opposition's amendment. At the end of the day this is essentially a philosophical divide between the government and the opposition. Do you stand with low-income people and try to support them, try to reach down to provide some support and security to them — —

Dr Napthine — You look down on them, do you?

Mr WYNNE — No, not at all, because — —

Dr Napthine interjected.

The CHAIRMAN — Order! The honourable member for Portland!

Mr WYNNE — I seek to represent the electorate with the most public housing residents in the state. It is below the former Leader of the Opposition to try some sort of pathetic cheap shot like that.

This is about whether you would seek to provide a level of support to the most vulnerable, poor, low-income people in this state, people who are forced through circumstances often not of their own making to live in caravan parks for short periods of time. For a period of between 1 and 90 days currently they have no rights whatsoever and no protection under the Residential Tenancies Act. They are simply open to the whims of the marketplace and the proprietor of the caravan park in which they live. We are seeking to redress that through the proposal before us today.

Why should the period be extended? What is the magic of 90 days? What changes between 60 days and 90 days? We know from the inquiry undertaken by the honourable member for Bendigo East that most people who are tourists stay for short periods of time in caravan parks. This is not about clogging up caravan parks or about seeking to ruin the businesses of caravan park owners. This is an issue that is quite fundamental to honourable members on this side of the house. It is about an issue called social justice and providing a level of protection to low-income people.

That might be anathema to honourable members on the other side of the house, because it was the current opposition that over seven years when in government — this is a startling figure, and I am going to leave you with this — spent only $7 million on the high-rise public housing estates of Melbourne — on those 40-odd public housing towers and on low-income families. That is how much commitment they had to low-income people and public housing tenants. This is an issue about social justice and equity. It is about protecting the rights of people. We oppose the amendment.

Committee divided on omission (members in favour vote no):

Ayes, 40

Allan, Ms	Kosky, Ms
Allen, Ms	Langdon, Mr (*Teller*)
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms (*Teller*)
Cameron, Mr	Loney, Mr
Campbell, Ms	Maxfield, Mr
Carli, Mr	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Pandazopoulos, Mr
Garbutt, Ms	Pike, Ms
Gillett, Ms	Robinson, Mr
Haermeyer, Mr	Seitz, Mr
Hamilton, Mr	Stensholt, Mr
Hardman, Mr	Thwaites, Mr
Helper, Mr	Trezise, Mr

Holding, Mr
Hulls, Mr
Viney, Mr
Wynne, Mr

Noes, 41

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Davies, Ms
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Elliott, Mrs
Fyffe, Mrs
Honeywood, Mr
Ingram, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr
Maclellan, Mr
Maughan, Mr (*Teller*)
Mulder, Mr
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Steggall, Mr
Thompson, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr

Amendment agreed to.

Business interrupted pursuant to sessional orders.

The CHAIRMAN — Order! Under sessional orders I am now required to put the questions necessary for the passage of the bill.

Clauses 45 to 103 agreed to.

Reported to house with amendment.

Remaining stages

Passed remaining stages.

SPORTS EVENT TICKETING (FAIR ACCESS) BILL

Second reading

Debate resumed from 11 September; motion of Mr PANDAZOPOULOS (Minister for Gaming).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 3, line 21, omit "10" and insert "11".

2. Clause 3, line 23, omit "24" and insert "26".

3. Clause 3, line 26, omit "7" and insert "8".

4. Clause 3, page 3, line 28, after "event" insert "or a sports event".

5. Clause 3, page 3, line 31, after "event" insert "or a sports event".

6. Clause 7, page 6, line 20, omit "Note:" and insert "Note 1:".

7. Clause 7, page 6, line 21, omit "40" and insert "42".

8. Clause 7, page 6, after line 21 insert —

   "Note 2: Under section 12, an event organiser may seek to have the event declared by giving the Minister a ticket scheme proposal for the event. If the Minister makes the declaration, it is taken to have been made under this section but the event organiser cannot apply for review of the decision to declare the event.".

9. Page 8, lines 1 and 2, omit the Part heading and insert —

   "**PART 3 — APPROVAL OF TICKET SCHEME**".

10. Clause 8, line 24, omit "7" and insert "8".

11. Clause 9, line 9, omit "15" and insert "17".

12. Clause 10, page 9, line 13, omit "15" and insert "17".

13. Clause 10, page 9, line 30, omit "40" and insert "42".

14. Clause 11, line 22, omit "10" and insert "11".

15. Clause 14, line 25, omit "12" and insert "14".

16. Clause 16, line 15, omit "10" and insert "11".

17. Clause 18, lines 15 to 22, omit sub-clause (1) and insert —

    "(1) A person is guilty of an offence if —

    (a) without reasonable excuse, the person knowingly contravenes a condition that —

    (i) is printed on a ticket to a declared event; and

    (ii) prohibits or restricts the sale or distribution of the ticket by a person who is not authorised in writing to sell or distribute tickets on behalf of the event organiser; and

    (b) the approved ticket scheme for the event requires the condition to be printed on the ticket.".

18. Clause 29, line 4, omit "28" and insert "30".

19. Clause 29, line 19, omit "28" and insert "30".

20. Clause 40, line 4, omit "7" and insert "8".

21. Clause 40, line 6, omit "10" and insert "11".

NEW CLAUSES

22. Insert the following new clause to follow clause 5 —

"**AA.** ***Extra-territorial operation of Act***

(1) This Act operates both within and outside Victoria.

(2) This Act operates outside Victoria to the extent that the legislative power of the Parliament permits.".

23. Insert the following new clause to follow clause 10 —

"***BB. Ticket scheme proposal for an event that has not been declared***

(1) An event organiser of a sports event that has not been declared for the purposes of this Act may give the Minister a ticket scheme proposal for the event (regardless of when the event is to be held).

(2) If the Minister considers it appropriate to both —

(a) declare the event for the purposes of this Act; and

(b) approve the ticket scheme for the event set out in the proposal (with or without modifications) —

the Minister may do so and must notify the event organiser accordingly.

(3) If the Minister declares the event and approves the ticket scheme —

(a) the declaration must comply with section 8(2); and

(b) the Minister must ensure that a copy of the declaration is published in the Government Gazette; and

(c) the declaration is taken to have been made under section 8 but the decision to declare the event is not, despite section 42(1)(a), subject to review by the Tribunal; and

(d) the ticket scheme for the event is taken to have been approved by the Minister under section 11.

(4) However, if the Minister decides not to declare the event and approve the ticket scheme —

(a) the Minister must notify the event organiser accordingly but is not required to give reasons for the decision; and

(b) the Minister's decision is not, despite section 42(1)(b), subject to review by the Tribunal.

(5) The Minister must notify the event organiser in accordance with sub-section (2) or (4) within 28 days after receiving the ticket scheme proposal.

(6) In this section, **"Tribunal"** has the same meaning as in section 42.".

Remaining stages

Passed remaining stages.

AGRICULTURAL INDUSTRY DEVELOPMENT (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 11 September; motion of Mr HAMILTON (Minister for Agriculture).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 10, page 8, line 32, after "industry" insert "development".

2. Clause 16, lines 6 to 8, omit "Electoral Commissioner or a person nominated under section 58 to be the returning officer" and insert "Victorian Electoral Commission".

3. Clause 17, lines 18 and 19, omit "Electoral Commissioner" and insert "Victorian Electoral Commission".

4. Clause 17, line 20, omit "Electoral Commissioner" and insert "Victorian Electoral Commission".

5. Clause 21, page 25, line 9, after "Victoria" insert "for".

Remaining stages

Passed remaining stages.

UTILITY METERS (METROLOGICAL CONTROLS) BILL

Second reading

Debate resumed from 11 September; motion of Mr BRUMBY (Treasurer).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HAMILTON (Minister for Agriculture).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PERSONAL EXPLANATION

Mr RYAN (Leader of the National Party) — Yesterday in question time the Premier incorporated into his answer to a question from the Leader of the Opposition a quotation from a contribution I made to the house on 23 April 1997. The comments to which the Premier referred related to the national drought policy of 1992, which governs applications from state governments to the federal government for exceptional circumstances assistance.

My comments were unrelated to the question of a declaration of drought by the Victorian government, which is an entirely separate process. In selectively quoting me as he did, the Premier has misrepresented my position. I now correct the record.

HEALTH LEGISLATION (RESEARCH INVOLVING EMBRYOS AND PROHIBITION OF HUMAN CLONING) BILL

Second reading

Mr THWAITES (Minister for Health) — By leave, I move:

That this bill be now read a second time:

Societies around the world are grappling with the speed of research developments and new technologies that are emerging. The discovery of possibilities poses questions about what should be allowed, what should not, what could be achieved, and under what conditions. The potential to alleviate significant human pain and suffering is great, however, we also need to closely consider the mechanisms and safeguards that would allow this research to progress.

This bill is about providing an opportunity to explore the potential benefits of advanced research. The bill also ensures that the application of this research strictly prohibits human cloning.

Victoria has been a leader in the field of regulation of assisted reproductive technology (ART) and the related field of embryo research, with the passage of the Infertility (Medical Procedures) Act 1984, followed by the Infertility Treatment Act 1995.

Victoria's research and scientific community also leads the way in the field of stem cell research. Existing research work is being undertaken in Victoria by the Monash Institute of Reproduction and Development, and ES Cell International. The recent establishment and funding of the national Biotechnology Centre of Excellence — the stem cells and tissue repair centre — here in Victoria recognises that leadership. The Victorian government has also invested significantly in medical research infrastructure funding and in the biotechnology field.

One of the greatest potential applications of embryonic stem cell research is the generation of cells and tissues for therapeutic purposes. This may lead to the replacement of diseased or damaged tissue in a range of conditions, which may include Parkinson's disease, diabetes, liver and other organ failure, a variety of cancers, spinal cord injury and genetic conditions such as cystic fibrosis. These potential benefits will take some time to be realised, and considerable further work will be needed.

The challenge for government is to find a way to provide legislative parameters that will guide the work of the biotechnology field which is rapidly changing and developing.

Following our history of leadership, Victoria has now become part of a commitment to implement nationally consistent legislation to prohibit human reproductive cloning and regulate assisted reproductive technology and related emerging human technologies. This commitment was made at the Council of Australian Governments in April this year.

The decision of the Council of Australian Governments requires legislation to be passed by the commonwealth and all Australian states and territories. This bill is Victoria's contribution to that national scheme. The bill will provide all Victorians with the reassurance that reproductive cloning cannot happen in Victoria or Australia. It will also provide reassurance that there is strict regulation of permitted research on excess

embryos that were produced for the purpose of infertility treatment.

It should be noted that the debate in the commonwealth House of Representatives has not yet concluded and that the commonwealth bill has been split into two separate bills, with one bill banning human cloning and the other considering the use of excess embryos for stem cell research.

It is important for Victoria to go forward with the introduction of this bill, which will allow research which has such enormous potential benefit to proceed. Two years of consultation across Australia has contributed to the recommendations that have informed the development of this bill. It is time to progress the parliamentary debate in Victoria now in order to ensure that a decision can be reached to allow Victoria to lead the world in embryonic stem cell research.

The major elements of the bill are:

Creation of embryos

Embryos can only be created to treat a woman undergoing infertility treatment. This bill prohibits the creation of embryos for research purposes.

Any fear that there will be a commercial incentive to create more embryos than a particular woman needs for infertility treatment purposes is therefore unfounded.

Research involving embryos

In Victoria embryos created for a woman are kept in storage until such a time as they are no longer required by her and her partner (if any). At present, the maximum period of storage is five years, unless a longer period is authorised by the Infertility Treatment Authority. At that time, the woman (or couple) can choose to donate those embryos to another woman or to take the embryos out of storage and allow them to succumb. This bill creates another option — donation to research.

The bill permits destructive research on excess IVF embryos. This is a major decision that has been informed by more than two years of consultation at both commonwealth and state level. The choice facing us is to simply discard these excess embryos, or to allow the use of some of them for potential good. There is a responsibility to sufferers of conditions such as diabetes, spinal cord injury, and Parkinson's disease to at least explore the potential benefits that may be derived from embryos that would be destroyed anyway. Although there is promising research work on adult stem cells for some of these conditions, the consensus of the scientific community is that research involving both embryonic and adult stem cells should proceed.

Once defined as excess, the woman (or couple) is able to consent to the embryo being used in research. Destructive research will only be permitted on embryos already existing at 5 April 2002. This is another safeguard to preclude the formation of embryos specifically for research.

Consent

The proposed bill requires consent of all individuals who contributed to the creation of the embryo and the woman or couple for whom the embryo was made. These consent requirements have been documented in national guidelines — Ethical guidelines on assisted reproductive technology. These require that the consent of donor gamete providers and their spouses (if any) be obtained before an excess embryo may be used for research.

Consent has always been central to IVF practice in Victoria. The consent requirements of this bill add further requirements that will ensure all people contributing to the creation of the embryo give permission to it being used in research. For the majority of embryos, this will mean the consent of the couple undergoing treatment. It may also involve a donor of sperm or eggs and their spouse (if any).

Embryo research licensing committee

All research on excess embryos will be regulated by the National Health and Medical Research Council (NHMRC) embryo research licensing committee. This national committee will be responsible for issuing licences to conduct research and reporting to Parliament and the public about such research. Limited research on embryos prior to the embryos being declared in excess which is currently provided for under the existing act, will continue to be regulated by the Infertility Treatment Authority, which can only approve research that does not harm the embryo.

The complex task of issuing a licence to conduct research on embryos will be governed by the following requirements:

the woman for whom each embryo was formed and her partner (if any) at the time the embryo was created have determined the embryo to be excess to their needs;

that each responsible person in relation to each embryo has given proper consent to the donation of the embryo;

that the activity or project proposed has been assessed and approved by a properly constituted human research ethics committee (HREC);

that the embryos were in storage at 5 April 2002 if the proposed research will result in the destruction of the embryos.

In addition, the licensing committee must also have regard for the following:

the number of embryos likely to be required to achieve the research goals — to ensure that only the minimum number is used;

the likelihood of a significant advance in knowledge as a result of the research which could not be achieved by other means — if other means (such as adult stem cells) had a realistic chance of achieving the result, the embryo research would not be approved;

any relevant guidelines issued by the NHMRC;

the human research ethics committee assessment of the application; and

any other matters as prescribed by the regulations.

The new licensing system will mean that if Victorian ART clinics wish to conduct research on excess embryos, they will be required to seek a licence from the NHMRC embryo research licensing committee to do so. This will be in addition to the licence to conduct ART clinical practice that is required from the Infertility Treatment Authority.

This will mean that separate parts of clinics' work will be licensed separately, but that there will not be dual licensing for the same activities.

Ban on cloning

Reproductive cloning has always been banned in Victoria. This bill replaces the existing ban on human cloning by adopting the wording in the commonwealth legislation. The wording in the commonwealth bill is adequate to cover foreseeable changes in technology and this will satisfy any community concern that the current provisions are not adequate.

Other prohibited practices

Other practices, which will be banned by the bill, include the practice of somatic cell nuclear transfer (SCNT), sometimes referred to as therapeutic cloning. This practice is banned under the provision banning the formation of embryos by a process other than the fertilisation of a human egg by a human sperm.

The creation of hybrid embryos and commercial trading in human reproductive material is also banned.

Penalties

The penalties listed in the bill for cloning and other prohibited practices are significantly higher than those in the Infertility Treatment Act 1995. The higher penalties reflect current concerns in the community about the significance of cloning and the lack of support for such a practice.

Review

The commonwealth bill will be reviewed two years after the date of royal assent. The Victorian government will be consulted by the NHMRC in determining the persons who undertake this review. This will ensure that the Australian scheme of legislation keeps abreast of developments in this area of technology and reflects current community attitudes.

This bill is comprehensive. It protects as well as enables. It is a bill that will allow Victoria to continue to lead the world in IVF clinical practice and embryo research.

I commend the bill to the house.

Debate adjourned on motion of Mr WILSON (Bennettswood).

Debate adjourned until Thursday, 26 September.

ROAD SAFETY (RESPONSIBLE DRIVING) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That this bill be now read a second time.

The main purpose of this bill is to amend the Road Safety Act to encourage responsible driving. To this end, the bill will introduce measures to deter excessive speeding. It will allow on-the-spot licence suspensions for first offender drink-drivers with high blood alcohol concentrations and for repeat drink-drivers. The bill will also set a lower threshold for demerit point licence loss for probationary and learner drivers, namely 5 points in 12 months.

Speeding

Excessive speed is a major contributor to road trauma in Victoria. This is particularly true of very high-level speeding. In this bill, the deterrent against excessive speeding is strengthened by redefining it as exceeding the speed limit by 25 kilometres per hour, rather than 30 kilometres per hour, as at present. Excessive speeding incurs a minimum licence suspension of one month.

In cases where a driver exceeds the speed limit by 35 kilometres per hour or more, the bill sets a minimum suspension period of six months. And exceeding the speed limit by 45 kilometres per hour or more will now incur suspension for at least 12 months.

It is a strange thing that many people think that the risk of speeding is the risk of getting a ticket, as if they do not really understand or believe the risk of causing injury or death. Such people need to understand that there is no such thing as safe speeding. They might get away with it for a time, but it is dangerous and unnecessary and eventually they, or someone else, will pay the price.

There is a direct and proven statistical relationship between speed and crash risk. The odds are that if you continue to speed, sooner or later you will crash. In a very real sense, speeding is high stakes gambling. But it's not gambling only with money. It's gambling with lives. Drivers who speed need to hear the message: don't be a mug punter with your life.

On-the-spot licence suspension for drink-driving

Drink-driving is also a major factor in road trauma. Again, it is a statistically proven fact that drink-driving kills people. On average, only 1 in 200 drivers tested at police booze buses is a drink-driver. Yet about 1 in 4 driver fatalities are drivers who had a blood alcohol concentration of 0.05 or more. Put simply, a person who drinks and drives is not fit to hold a driver licence until he or she reforms. They are a danger to themselves and to others.

The bill contains provision for the immediate suspension of learner permits or probationary driver licences of drivers detected with a blood alcohol concentration of 0.07 or more.

The Road Safety Act already provides for the interim suspension of the licence of first offenders whose blood alcohol concentration is 0.15 or higher and repeat drink-drivers. At present, suspension can be imposed after the person is charged with drink-driving, and lasts until the case is heard, but can be appealed in the meantime if there are exceptional circumstances.

These existing interim suspension provisions have several defects.

First, it may take some time for a charge to be laid. Typically, it may take a week or more for a drink-driving charge to be laid because of the various procedural steps involved. In the meantime, the person can continue to drive. This does not sit well with the main purpose of interim suspension, which is to remove from the roads as quickly as possible a driver who poses an unacceptably high risk to the community.

Secondly, interim suspension is only an available option, at present, if the driver is charged with drink-driving under the Road Safety Act. It therefore may not be an option if a person is facing more serious criminal charges, such as manslaughter or culpable driving, arising out of driving a car whilst under the influence of alcohol. In any case, possible offences of this nature generally take even longer to investigate than simple drink-driving.

Thirdly, the 0.15 threshold for interim suspension applies to all first offenders, even though the legal limit is different for different categories of driver. In particular, learner and probationary drivers are subject to a zero alcohol limit because inexperience and alcohol is a lethal combination.

For these reasons, the bill proposes amendments to permit the police to suspend the licences or permits of drink-drivers on the spot wherever they could be suspended following charge under the current law. In essence, this is a timing change, designed to get the person off the road immediately.

To achieve this, the bill proposes that suspensions may be imposed on the basis of the same certificates of analysis that can presently be used to prove a drink-driving charge.

For repeat drink-drivers, interim suspension can be imposed for any drink-driving offence, as at present. For a first offender with a full licence, interim suspension can be imposed if the person's blood alcohol content is 0.15 or higher. Again, this is the current threshold for interim suspension.

In the case of learner drivers and probationary drivers, however, the bill proposes to lower the threshold for interim suspension to 0.07. These are inexperienced drivers, who are subject to a zero alcohol condition. A learner or probationary driver who drives with a blood alcohol concentration of 0.07 or higher represents an

unacceptable risk and should have his or her licence suspended immediately.

The procedural safeguards in relation to these on-the-spot suspensions will be similar to those already in the act. As at present, a certificate of analysis can only be relied on if the sample tested was taken within 3 hours of driving. There will be a right of appeal, as at present, in exceptional circumstances and, in addition, any court hearing proceedings arising out of the incident will be able to cancel the suspension on similar grounds. The period of interim suspension will be discounted from any period of disqualification that is subsequently imposed by a court. Unless charges are laid, interim suspensions cannot last longer than 12 months, or the relevant minimum disqualification period under the act, whichever is the less.

The bill also proposes an amendment to section 49(1)(f) of the Road Safety Act. That section defines the drink-driving offence of failing a breath test within 3 hours of driving. The act already enables further tests where the first breath test does not produce a result for any reason. To remove any possible doubt on the matter, the amendment makes it clear that a drink-driver may be prosecuted on the basis of the results of these further tests.

A similar amendment is proposed to section 28 of the Marine Act 1988, which deals with corresponding offences by persons in charge of vessels.

Demerit points

The changes introduced by this bill will make licence loss a more likely consequence for persistent speeding offenders. There are a number of penalties for speeding, one of the most effective being the allocation of demerit points. Demerit points are added to a driver's record whenever the driver pays an infringement notice or is found guilty by a court of specified offences. Points remain on a driver's record for three years, and then lapse.

Because of the risks associated with inexperience, most states of Australia impose a lower demerit point cut-off for probationary and learner drivers than for full licence-holders. This bill will introduce similar measures in Victoria.

Too many novice drivers are dying on our roads. There is a need to deter high-risk behaviour, especially speeding, by these drivers.

Probationary and learner drivers will risk licence loss if they incur 5 points in any 12-month period. They will also remain subject to the 12 points in 3 years threshold that applies generally.

This limit of 5 points in 12 months will allow these novice drivers to learn from their mistakes but will reduce the likelihood of bad habits becoming established. If novice drivers will not drive responsibly, they will lose their licences.

To keep this in perspective, most probationary licence-holders have no demerit points. These are responsible drivers and will not be affected by these measures.

For any penalty to act as an effective deterrent, the driver must be aware of both the penalty, and of the consequences of reoffending. To this end, the bill amends section 92 of the Road Safety Act to allow the Victoria Police to access driver demerit point records. The police will notify a person who has incurred demerit points of the possible consequences of incurring further demerit points — namely, loss of their licence to drive. It is expected that this will have a positive influence on driver behaviour.

Conclusion

Taken together, the bill represents a significant package of measures to improve the safety of all road users. It introduces more measures to deter the highest risk speeding offenders. And it will enable drivers who flout drink-driving laws to be removed from the road sooner.

These drivers have to understand that the community will not tolerate their gambling with the lives of others as well as their own.

I commend the bill to the house.

Debate adjourned on motion of Mr LEIGH (Mordialloc).

Debate adjourned until Thursday, 26 September.

MURRAY-DARLING BASIN (AMENDMENT) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — By leave, I move:

That this bill be now read a second time.

In 1999 the Bracks government committed to negotiating with the New South Wales and commonwealth governments to seek agreement to return 28 per cent of original flows to the Snowy River.

This was the start of achieving a real outcome for the Snowy River and its surrounding communities and providing a significant investment in the future of water infrastructure in northern irrigation communities.

Twelve months later, on the banks of the Snowy River, Premiers Bracks and Carr announced their commitment to revitalise the river. A long-term target of 28 per cent was agreed, to be delivered through partnerships with the private sector. The governments committed to an investment of $300 million over 10 years to return 21 per cent of original flows to the Snowy, as the medium-term target.

On 6 December 2000 the agreement of the commonwealth was secured. The heads of agreement to the outcome to the Snowy water inquiry was released. The commonwealth added $75 million to the $300 million investment of the states. The governments also agreed to allocate an additional 70 gigalitres of environmental flows for the River Murray and agreed to improved environmental outcomes for rivers in the Kosciuszko National Park.

The governments further agreed that increased Snowy River flows and dedicated environmental flows allocated to the River Murray will be implemented primarily through water savings, environmental improvement and regional development projects in diversions from the River Murray and in the Murrumbidgee and Goulburn–Murray river systems. Only if necessary would water be acquired through the purchase of water entitlements and rights and then in a manner which promotes the water trading market.

This arrangement is a key element of the agreement as it maintains the principles that there will be no adverse impacts on existing irrigators' water entitlements, South Australian water security or water quality or on existing environmental flows.

The agreement represents a major commitment by the Victorian, New South Wales and commonwealth governments to invest in regional infrastructure projects to achieve the water savings necessary to offset the increased environmental flows to the Snowy River and the River Murray. It will also provide significant benefits to regional communities in northern Victoria in terms of employment and improved water quality and reliability of supply.

Corporatisation of the Snowy Mountains Hydro-Electric Authority, a 50-year-old institution, enabled the agreement to increase environmental flows to the Snowy River to be put into effect. Corporatisation has now been achieved after more than eight years of negotiations. The respective Snowy Corporatisation Acts of 1997 were proclaimed by the commonwealth, Victorian and New South Wales governments on 28 June 2002.

With corporatisation of the Snowy Mountains Hydro-Electric Authority, water-sharing arrangements previously approved by the Commonwealth Snowy Mountains Hydro-Electric Power Act 1949 and the Victorian and New South Wales Snowy Mountains Hydro-Electric Agreement Acts of 1958 have lapsed and are included instead in the Murray-Darling Basin Agreement.

The Murray-Darling Basin Amending Agreement, as agreed by the Murray-Darling Basin Ministerial Council and recently signed by the Prime Minister and the premiers of Victoria, New South Wales and South Australia, provides for increased certainty and security of water-sharing arrangements within the Snowy scheme.

The Murray-Darling Basin Amending Agreement amends the Murray-Darling Basin Agreement as set out in the Murray-Darling Basin Act 1993 and codifies the arrangements for the operation of the Snowy scheme to protect Victoria's water rights and interests.

The amending agreement provides for the necessary water accounting arrangements to recognise states' shares of water made available from the Snowy scheme to the River Murray catchment above the Hume Dam. It also provides for the protection of Victoria's share from any future decisions by the New South Wales government as the regulator of the scheme.

The amending agreement provides the means of accounting for the increased environmental flows to the Snowy River and the River Murray and provides arrangements to support the Murray-Darling Basin Commission's management of environmental flows in the River Murray.

This bill gives effect to the Murray-Darling Basin Amending Agreement. The amending agreement has undergone a rigorous approval process following extensive negotiations between the Victorian, New South Wales, South Australian and commonwealth governments and with the Murray-Darling Basin Commission and council. The amending agreement has a high level of support from all governments. The Murray-Darling Basin Ministerial Council approved the amending agreement on 5 October 2001. The Prime Minister and the premiers of Victoria, New South Wales and South Australia signed the amending agreement in June 2002.

Under clause 6 of the Murray-Darling Basin Agreement any amendments to the Murray-Darling Basin Agreement agreed by the ministerial council must be submitted for the approval of the respective parliaments as soon as practicable after such agreement is reached.

The bill seeks the agreement of the Parliament to the amending agreement. Parliamentary approval in all the relevant jurisdictions is necessary for the amending agreement to be fully effective.

I understand that the necessary legislation has been drafted and either has been or will shortly be introduced as a matter of priority into the commonwealth, New South Wales and South Australian parliaments.

The amending agreement removes references to the former Snowy Mountains Hydro-Electric Authority, amends part twelve of the Murray-Darling Basin Agreement and adds a new schedule G to the agreement. Schedule G provides for the new detailed water accounting arrangements.

The new arrangements will protect Victoria's rights and interests and facilitates procedures to account for increased environmental flows to the Snowy River and River Murray. Schedule G also includes provisions for:

(a) the transfer of water savings to environmental entitlements and the subsequent reduction in the respective states long term Murray-Darling Basin caps;

(b) the release by the Murray-Darling Basin Commission of increased environmental flows to the River Murray; and

(c) the necessary additional water accounting, notification, consultation and modelling mechanisms.

The amending agreement also provides the arrangements to support the release of increased environmental flows to the River Murray, consistent with the outcomes of the Snowy water inquiry. The Murray-Darling Basin Ministerial Council will be required to develop environmental objectives and a strategy for the increased environmental flows to the River Murray.

The allocation of 70 gigalitres of increased environmental flow to the River Murray is a very significant step towards the rehabilitation of this mighty river. It also demonstrates the commitment of all River Murray states to the long-term sustainability of the river and the communities which depend on it.

The bill represents a major step forward in achieving improved environmental outcomes for both the Snowy River and the River Murray and is essential to protect Victoria's existing water allocations from the scheme.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Thursday, 26 September.

NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — By leave, I move:

That this bill be now read a second time.

The National Parks (Box-Ironbark and Other Parks) Bill will protect significant parts of our natural and cultural heritage and implement several of the government's key environment policy commitments. More specifically, the bill will do three things:

it will establish a significantly expanded parks system in the box-ironbark region of north-central Victoria totalling more than 105 000 hectares;

it will enhance and further protect Wilsons Promontory National Park; and

it will enhance Mitchell River National Park and in doing so help prevent the damming of the Mitchell River.

A new future for Victoria's box-ironbark forests and woodlands

The box-ironbark forests and woodlands of north-central Victoria are a special part of the state's natural and cultural heritage. Images spring to mind of the dark and deeply furrowed bark of ironbark trees standing amongst spring wildflowers, the light flaky appearance of the box trees, and the dryness of the forests. The legacy of the gold rushes, the legends of the bushrangers and the Kelly Gang, and our national floral emblem, the golden wattle, are all reminders of this distinctive environment. For those who live in the region, the forests play an important part in the everyday lives of the local communities that depend on them for various products and visit them for recreation.

However, the box-ironbark forests and woodlands that exist today cover only a small proportion of the area they once did. Since European settlement, the box-ironbark region has been substantially cleared. The remaining native vegetation covers only some 17 per cent of the original cover and has been heavily modified by ongoing land-use activities. This has had a dramatic impact on the region's biodiversity, so much so that more than 350 plant and animal species in the region are now classified as threatened, near threatened, or, in some cases, extinct.

Our knowledge of these forests and woodlands has increased significantly since the Land Conservation Council (LCC) studied them during the 1980s. So, too, has our concern for their future and our awareness that they are under-represented in Victoria's parks and reserves. It was this concern that led to the LCC in 1996, and subsequently the Environment Conservation Council (ECC) in 1997, being requested to carry out an investigation into the future use of the public land in north-central Victoria that supports box-ironbark forests and woodlands.

Following an extensive period of investigation and consultation, the ECC completed its final report in 2001. It made many important recommendations aimed at finding a balance between protecting, restoring and enhancing the natural values of the forests and woodlands on the one hand and providing for the range of existing uses to continue across the region as a whole on the other. Importantly, the ECC noted the need for urgent action if we are to halt the rate of species loss from these ecosystems.

In accepting the vast majority of the ECC's recommendations, the government has taken up the challenge to pursue a new direction for the forests. However, in doing so, it recognises that this involves change, and it is committed to working through the transitional issues with the community.

An expanded parks and reserves system

A key element of the ECC's recommendations is the establishment of a comprehensive, adequate and representative system of parks and reserves. The bill will create five new or expanded national parks (Chiltern-Mount Pilot, Greater Bendigo, Heathcote-Graytown, St Arnaud Range and Terrick Terrick) and five new or expanded state parks (Broken-Boosey, Kooyoora, Paddys Ranges, Reef Hills and Warby Range). These are representative of the natural diversity across the box-ironbark region: the dry forests and woodlands of the inland hills of the Great Dividing Range, the woodlands and grasslands of the northern plains and the distinctive Mallee communities of the Whipstick, for example.

The bill will also create Castlemaine Diggings National Heritage Park. This is a new category of park recommended by the ECC to protect the nationally significant historic and cultural heritage and cultural landscapes on public land around Castlemaine, as well as the significant natural values of the forests.

Most of the nature conservation and other reserves recommended by the ECC will be reserved over time through the standard administrative processes. However, the opportunity is taken through this bill to create seven new conservation reserves under the Crown Land (Reserves) Act 1978: Deep Lead Nature Conservation Reserve (No. 2) near Stawell, the Black Dog Creek Natural Features Reserve near Chiltern, and five natural features reserves along the Broken, Boosey and Nine Mile Creeks on the largely cleared northern plains between Nathalia and Tungamah.

The decision to establish the six linear natural features reserves, which are a variation to the ECC's recommendations, results from additional consultation which the government has carried out with adjacent landowners and further consideration of the issues associated with implementing the original recommendations. Management of the reserves will focus on protecting the natural values along the narrow creek frontages but will allow a wider range of uses than originally proposed.

The bill will also create an historic reserve along Reedy Creek at Eldorado instead of including part of the area in Chiltern-Mount Pilot National Park. This area is highly modified but has significant historic values associated with dredging for gold, including the famous Eldorado dredge. An historic reserve is a more appropriate category for the area and will help to provide a focus for the promotion of Eldorado's mining history.

The bill will also update the Reference Areas Act 1978 to enable the proclamation of three new or amended reference areas recommended by the ECC.

In creating the new park areas, the bill will excise some areas from existing parks, in addition to transferring several areas from one schedule of the National Parks Act to another. In accordance with the ECC's recommendations, three shooting ranges (which are inappropriate uses of a park) will be excised from what is now Reef Hills Park, and land more than 100 metres below the surface will be excised from the existing Deep Lead Flora and Fauna Reserve. Parts of several

roads will also be excised from the existing Chiltern Box-Ironbark National Park, Kamarooka, Kooyoora and Whipstick state parks and Beechworth Park to enable future road proclamations. In accordance with section 11 of the National Parks Act 1975, the National Parks Advisory Council has provided advice for tabling in both houses of Parliament.

Enjoying the parks

In addition to their primary conservation role, the parks will be places for visitors to enjoy and appreciate the diversity of the box-ironbark country. They will cater for a wide range of recreation activities. Importantly, they will provide an added stimulus to the region's tourism appeal, which will provide a boost to local economies. Walking, picnicking, camping, car touring, birdwatching and other nature study, visiting historic features, orienteering and rogaining, horse, mountain and trail bike riding on formed roads and, in some parks, car rallying are among the activities which will be permitted subject to the protection of park values.

In recognition of the popularity of prospecting in the box-ironbark region and in accordance with the ECC's recommendations, prospecting using hand tools under a miner's right (referred to in the legislation as searching) will be permitted in many of the parks. Current levels of access for prospecting will continue in the parks in which this activity is to be permitted until prospecting and protection zones are formally defined through the management planning process involving community and stakeholder groups.

Parts of Greater Bendigo and Heathcote-Graytown national parks are located close to urban areas and are used for the walking of dogs. On creation of these parks, zones will be set aside as areas where dogs can be walked on leads. These zones may be refined through the management planning process in consultation with the community.

In a broader context, a region-wide recreational framework is being prepared, with the assistance of a 13-member recreation advisory group, to help provide certainty to those who use public land for recreation. This will identify opportunities for all current recreational endeavours across the region, regardless of land status, and will provide a guide for the subsequent preparation of management plans.

Providing for particular uses

In accordance with the ECC's recommendations, apiculture will generally be permitted in the box-ironbark national, state and national heritage parks. The bill will enable existing apiary licences or permits to continue to the end of their current term, when permits will be granted under the National Parks Act. Because of the particular circumstances, the bill also continues various authorities relating to water distribution works and small dams in Greater Bendigo, Broken-Boosey and Castlemaine Diggings parks and inserts new provisions in the National Parks Act relating to future authorisation of those uses.

In recognition of the special circumstances surrounding the highly auriferous nature of the box-ironbark region and its long history as a major gold-producing region, the bill will implement particular recommendations of the ECC relating to mining activities that depart from the current legislative provisions applying to such activities in parks. It is stressed that the government views this as an exceptional case.

In this instance, however, the bill will:

establish the depth limit to parts of Greater Bendigo National Park, and also the Castlemaine Diggings National Heritage Park and Deep Lead Nature Conservation Reserve, at 100 metres below the surface;

treat Castlemaine Diggings National Heritage Park as restricted Crown land under the Mineral Resources Development Act 1990, rather than it being subject to the exploration and mining provisions of the National Parks Act; and

enable the minister responsible for the National Parks Act to consent to minor mining infrastructure under a mining licence in the existing Deep Lead Flora and Fauna Reserve and those parts of Greater Bendigo National Park which extend only to 100 metres below the surface without the consent being subject to the tabling provisions of section 40 of that act — the government is consulting with industry over the nature of minor mining infrastructure.

The bill will also update the definition of restricted Crown land in the Mineral Resources Development Act to include land recommended by the former ECC or the new Victorian Environmental Assessment Council for particular conservation and other purposes similar to those already included in the definition. It will also prohibit surface mining and prospecting in the two Deep Lead nature conservation reserves.

Helping to make the transition

In accepting the ECC's recommendations and establishing the new parks, the government recognises the impacts on individuals in the timber-based

industries in particular, and it is committed to providing equitable transitional assistance for those whose livelihoods are affected.

The box-ironbark implementation panel chaired by the Honourable John Button was established to consult with the community and advise the government on key implementation issues. The government has subsequently developed a box-ironbark structural adjustment package to assist those businesses and self-employed operators and employees in the forest-based industries who are directly affected by the adoption of the ECC's recommendations. Proposals put forward by Timber Communities Australia have been considered, and in many cases incorporated, to produce a package involving financial, retraining and relocation assistance that is fair and equitable.

One of the big issues confronting the box-ironbark region is the future availability of firewood for local communities. To address this issue, the government is developing five-year firewood plans for the supply of firewood to towns in the region and a community energy plan which will consider long-term energy solutions to reduce firewood dependency and explore alternative energy sources. Licences have also been issued to enable the timber which has already been felled in the forests to be collected.

As part of the transitional arrangements relating to the new park areas, the bill will provide for:

eucalyptus oil harvesting in parts of Greater Bendigo National Park until 26 February 2008;

the cutting of forest produce in part of Heathcote-Graytown National Park until 31 December 2002; and

the collection of firewood that has already been felled in previous harvesting operations in Greater Bendigo, Heathcote-Graytown and St Arnaud Range national parks, Kooyoora State Park and Castlemaine Diggings National Heritage Park until 31 December 2005 — priority will be given to meeting demand for local domestic purposes.

In view of community concerns over the proposal to phase out timber harvesting in the Killawarra addition to Warby Range State Park over a six-year period the government has decided to give earlier protection to this important area by ceasing timber harvesting and firewood collection on 30 June 2003.

In accordance with the ECC recommendations, grazing will not be permitted in national, state or national heritage parks but will be used as an ecological management tool in Broken-Boosey State Park. However, to provide a phase-out period for existing licensees, the bill will permit grazing to continue until three years after the parks are created or the expiry of the current term of the licences, whichever is the later.

Community ownership and involvement

The ongoing success of the new parks and reserves and the other initiatives across the box-ironbark region will, to a large extent, depend on the degree of community ownership and cooperative partnership with government. To encourage this, the government is piloting a number of initiatives. Conservation management networks will be established to encourage biodiversity conservation across the landscape through a partnership arrangement across both public and private land, and initial trials will be held in the Broken–Boosey and Wedderburn–Wychitella areas.

Community advisory groups are being, or will be, established to advise on a range of issues including recreation and park and forest management plans. The development of park management plans within three years of the creation of the parks will provide a further opportunity for the broader community to be involved in the future of the parks. A grievance process is also being established, involving input from stakeholders, to ensure that any concerns over discretionary decisions made by land managers can be dealt with in an open and transparent manner.

Enhancing Wilsons Promontory National Park

The second feature of the bill relates to Wilsons Promontory National Park, one of the state's most precious national parks and highly valued by the community for more than a century. The government is strongly committed to its ongoing protection. The bill will enhance this outstanding park by adding the two lighthouse reserves at South East Point and Citadel Island and designating additional parts of the park as remote and natural areas.

Adding the lighthouse reserves

Including the two lighthouse reserves will permanently protect their significant natural and cultural heritage values within the national park and will also ensure that all of Wilsons Promontory and all of the adjacent islands are included in the park. The reserves are natural additions to the park.

Both areas were returned to state ownership by the commonwealth in 1995, when they were reserved under the Crown Land (Reserves) Act 1978. Small areas of the two reserves were leased to the Australian

Maritime Safety Authority for maritime navigation aids and to the commonwealth of Australia for meteorological observation equipment. The bill saves those leases and enables new leases to be granted for similar purposes.

Further protecting the park's coastal wildness

The title to David Neilson's photographic tribute to Wilsons Promontory, *Wilsons Promontory — Coastal Wildness*, sums up what for many is the essence of the Prom, and the photographs in that book are a reminder of the special qualities of the park that need to be protected so vigilantly.

The relative lack of disturbance by vehicular tracks and structures in the southern and south-eastern sectors of the park and the need for managers to recognise and protect these attributes was noted by the LCC in its 1991 statewide wilderness special investigation. A 1996 analysis of wilderness quality in eastern Victoria, as part of the process leading to Victoria's regional forest agreements, also identified the high remote and natural values of the southern section of the park.

The bill will enhance the protection of those values by designating a southern Wilsons Promontory remote and natural area and also by including Citadel Island in the existing Wilsons Promontory islands remote and natural area, as proposed in the recently released park management plan. This will give statutory recognition to their relative lack of disturbance and, particularly in relation to the southern part of the park, will help to protect it from new and incremental development which, over time and perhaps quite unintentionally, will erode the very qualities that make the area so valued by park visitors today. Existing uses, such as walking and camping on the popular circuit walk, are not affected.

Protecting the Mitchell River

The third feature of the bill is the addition of 2160 hectares to Mitchell River National Park. This addition will not only enhance and broaden the conservation values and recreational opportunities of the park but will, through including the formerly proposed dam site at Angusvale, help prevent the damming of the largest free-flowing river in the state, a heritage river which provides about one-third of the total flow into the Gippsland Lakes.

The addition includes remote and scenic river frontages adjacent to the Mitchell and Wentworth rivers, the popular camping area and canoe launching site at Angusvale, and areas of significant grassy woodland vegetation. It comprises land acquired by the former state Rivers and Water Supply Commission for the dam, the recently acquired Mitchelldale, adjacent Crown land water frontages and some linking areas of non-productive state forest. Parts of the addition are areas of former farmland which progressively will be revegetated. The bill provides for the phase-out of one grazing operation.

Conclusion

It is just over a century since the royal commission into state forests, timber reserves and their management (constituted in 1897) commented on the condition of the forests in the box-ironbark region. This inquiry led eventually to the state's first effective forests legislation, the 1907 Forests Act. A century later, as a result of the ECC's investigation, this bill, together with other ECC recommendations adopted by the government, also seeks to establish a new direction for the box-ironbark forests and woodlands and their role in the community — a direction which aims to ensure the survival of what remains of this remarkable ecosystem before it is too late. The bill also seeks additional protection for one of our most cherished national parks and for the free-flowing Mitchell River.

The National Parks (Box-Ironbark and Other Parks) Bill is therefore an important measure for the further protection of our state's natural and cultural heritage. It is also important because it reinforces both the government's vision for a more sustainable Victoria and the government's resolve to work with the community on difficult but necessary transitional issues to achieve that vision for the benefit of this and future generations and the environment.

I commend the bill to the house.

Debate adjourned on motion of Mr WILSON (Bennettswood).

Debate adjourned until Thursday, 26 September.

COMMISSIONER FOR ECOLOGICALLY SUSTAINABLE DEVELOPMENT BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — By leave, I move:

That this bill be now read a second time.

This bill to establish the Commissioner for Ecologically Sustainable Development, whom I will refer to as the

commissioner, fulfils a major environmental policy commitment by this government.

The government's vision for Victoria, as outlined in Growing Victoria Together, includes a transparent commitment to ecologically sustainable development and identifies the need to ensure that protecting the environment for future generations is built into everything we do.

This commitment to balance environmental, social and economic outcomes for all Victorians will achieve a number of goals including the protection of the environment; thriving, innovative industries; and safe, healthy communities.

The establishment of a Commissioner for Ecologically Sustainable Development supports this strong sustainability agenda. It is a clear demonstration of the government's commitment to promoting and implementing ecologically sustainable development to ensure that the total quality of life can be improved for current and future Victorians. Importantly, through this bill, the government will enshrine in legislation the nationally agreed definition of ecologically sustainable development as set out in the 1992 national strategy for ecologically sustainable development.

The government believes that it is important to lead by example in the adoption and promotion of decision making that facilitates ecologically sustainable development. In this respect the government has built environmental, economic and social considerations into its cabinet processes. The government is also committed to reducing its own environmental footprint and will implement environmental management systems throughout its departments.

Establishment of the Commissioner for Ecologically Sustainable Development further builds on the government's commitment to promoting ecologically sustainable development, as the office will be a valuable source of advice to both state and local government, industry and the community on these matters.

A key role of the commissioner will be to undertake public education programs. The objective of this role is to enhance the knowledge and understanding of the Victorian community about ecologically sustainable development and to encourage decision making that promotes the adoption of international best practice in ecologically sustainable development. Through this role the commissioner will also support state and local government in implementing measures which promote the adoption by industry and the community of practices that facilitate ecologically sustainable development.

Through state-of-environment reporting, another important role to be undertaken by the commissioner, Victorians will be kept informed about the health of their environment and whether through the combined actions of government, industry and the community environmental gains are being made.

This government is committed to improving the environmental performance of public sector work sites by tackling energy efficiency, water use, paper use and transport. Through annual strategic auditing of agency environment management systems the commissioner will keep the community informed about the rate of the government's progress in improving the environmental performance of its work sites, and how the environmental management systems compare with international best practice approaches and targets.

The state-of-environment and environmental performance reporting roles are further examples of the government implementing its commitment to being open and transparent and keeping the community informed.

I will now turn to the particulars of the bill.

Part 1 of the bill is where the definition of ecologically sustainable development has been enshrined. Until this time, no other Victorian legislation has incorporated the principles of ecologically sustainable development that were agreed by the commonwealth and all state and territory governments in 1992 under the National Strategy for Ecologically Sustainable Development.

Part 2 of the bill establishes the Commissioner for Ecologically Sustainable Development and the office of the commissioner. The objectives, functions, powers and accountabilities of the commissioner are also set out in this part.

The Governor in Council will appoint the commissioner for a term of up to five years. The commissioner will also be eligible for reappointment, as set out in clause 6. The commissioner may only be removed from office if there is a failure to carry out the duties of the office or if the commissioner demonstrates inefficiency or misbehaviour in carrying out those duties. If the commissioner is removed from office, the responsible minister must lay a statement of the grounds for the removal in both houses of Parliament.

Clause 7 highlights the four objectives of the commissioner. These are to report on matters relating to the condition of the natural environment in Victoria; to

encourage decision making that facilitates ecologically sustainable development; to enhance knowledge and understanding of issues relating to ecologically sustainable development; and to encourage sound environmental practices to be adopted by state and local government.

The commissioner has three key functions to undertake in delivering on its objectives. As set out in clause 8, the commissioner is to prepare a report on the state of the Victorian environment and conduct annual strategic audits of the implementation of environmental management systems by agencies and public authorities. The commissioner will also conduct public education programs that promote an understanding of ecologically sustainable development. Through these programs the commissioner will support state and local government in implementing measures that encourage industry and the community to adopt practices that facilitate ecologically sustainable development.

As the functions of the commissioner are proactive and facilitative, the commissioner will not require powers to enter premises and seize information. It will be important that agencies and public authorities support the commissioner in the provision of information. In this respect, clause 9 provides for the commissioner to make formal requests to agency and public authority heads for information required to undertake the functions as set out in the bill.

The commissioner will also be able to establish a reference group to provide advice on the undertaking of its functions and may also appoint committees to provide advice on specific matters.

In carrying out its functions the commissioner must have regard to a set of principles including the need to integrate economic, environmental and social considerations, the need to add value, the need to develop solutions and achieve improvement, and the need to be impartial, open, transparent and accountable. These principles in clause 10 are strong principles that the government is promoting in all that it does.

This clause also sets out a process by which the responsible minister may give specific directions to the commissioner. It is envisaged that the commissioner could be asked to investigate and report on specific matters that relate to ecologically sustainable development. Given that this investigatory role is not a core function of the commissioner, it is considered that it will be used sparingly. Where specific directions are given, the responsible minister must also table the directions in both houses of Parliament. This will ensure that any directions are transparent.

The commissioner will be able to appoint its own staff under clause 12 and engage consultants as necessary under clause 13.

Part 3 of the bill refers to the reports that the commissioner is required to prepare as part of meeting the functions set out in the bill.

One of the first roles that the commissioner will need to undertake once appointed will be to develop a framework for state-of-environment reporting in Victoria. In developing this framework the commissioner will consult extensively with state and local government, industry and the community. It is expected that the framework will identify the form and frequency of the reports and a mechanism for review of the framework.

As set out in clause 17, the framework must be approved by the responsible minister. Once approved the responsible minister has 10 sitting days to table a copy of the framework in both houses of Parliament. The minister is also required to table state-of-environment reports in both houses of Parliament within 10 sitting days of receiving reports.

Clause 18 sets out the requirements for preparing reports on the implementation of environment management systems by agencies and public authorities. This will include an analysis of the progress of agencies and public authorities in meeting objectives and targets for implementation. In the first instance only agencies will be mandated to report on their implementation in their annual report. However, given that there are a number of public authorities that have voluntarily implemented environment management systems, the commissioner will also be able to comment on their progress as well.

The responsible minister is required to table the report on environmental management systems in both houses of parliament within 10 sitting days of receiving the report.

To ensure that the public has easy access to directions given to the commissioner by the responsible minister and the reports prepared under the bill, the commissioner is required to publish them on the Internet.

In conclusion, this bill is evidence of the government's commitment to facilitate a greater understanding, across all sections of the community, of ecologically sustainable development and to promoting the adoption of practices that encompass this approach.

An important aspect to Victorians taking this approach and encouraging others to follow is through the greater provision of relevant information, such as the state-of-environment reports. The government is also prepared to lead by example by implementing environmental management systems and opening up its reporting on implementation to the scrutiny of the commissioner.

I commend the bill to the house.

Debate adjourned on motion of Mr THOMPSON (Sandringham).

Debate adjourned until Thursday, 26 September.

FEDERAL AWARDS (UNIFORM SYSTEM) BILL

Second reading

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

> That this bill be now read a second time.

The Federal Awards (Uniform System) Bill has been developed after a comprehensive process of consultation with employer groups, unions, employers and employees. The bill is an important step in establishing a truly unitary system of industrial relations in Victoria and will help restore the balance between the rights of employees and employers that are not covered by federal awards or agreements.

The bill represents a key part of this government's commitment to fairness. Since 1996 the gap between conditions enjoyed by those employees protected by federal awards or agreements and those under schedule 1A of the federal Workplace Relations Act 1996 has steadily increased. The bill is designed to remove this artificial gap, and ensure that all Victorians are entitled to similar minimum conditions of employment. This is good for employees, and it is good for employers.

In the face of a lack of commitment from the federal government to reform the Workplace Relations Act, and on the recommendation of the independent industrial relations task force, the Bracks government introduced the Fair Employment Bill in November 2000. As honourable members will recall, the bill received significant support, not just from unions and community groups but also from employer groups, such as the Victorian Automobile Chamber of Commerce, the Housing Industry Association, the Victorian Road Transport Association, and the Master Builders Association of Victoria.

Despite the significant level of support it attracted, that bill was defeated in the Legislative Council.

The bill will ensure that Victoria operates under a unitary system of industrial relations. This attempt to develop a unitary industrial relations system underpinned the 1996 referral of industrial relations powers to the commonwealth, pursuant to the Commonwealth Powers (Industrial Relations) Act 1996.

In 2000 the independent industrial relations task force identified over 561 000 employees who were supposedly covered by the Workplace Relations Act but were treated differently from other employees also covered by the act. These 561 000 employees, covered by part XV and schedule 1A of the Workplace Relations Act, are only entitled to five basic conditions of employment. Award employees, on the other hand, are entitled to a statutory 20 minimum conditions.

The schedule 1A category of employee is a result of the abolition of state awards by the Victorian Parliament in 1992.

The bill will remove the artificial barrier between those covered by awards and those covered by schedule 1A.

The need for a unitary system

As members are aware, in 1996 the Victorian government utilised section 51(37) of the Australian Constitution to refer a limited number of industrial relations matters to the commonwealth. This represented the first time any Australian state had referred an industrial relations power to the commonwealth.

In November 1996 Victoria enacted the Commonwealth Powers (Industrial Relations) Act 1996. This act then enabled the commonwealth to legislate to amend the Workplace Relations Act 1996 to include specific provisions relating to Victoria.

At the time, the then shadow spokesperson and now Premier, the Honourable Steve Bracks, said:

> The Opposition supports in principle the concept of a single national system of industrial relations, and it always has. It can deliver benefits to both employees and employers by creating a uniform national framework for dispute resolution and the application of minimum employment standards that can be more easily complied with and enforced.

Despite the stated intentions behind the legislation, the Commonwealth Powers (Industrial Relations) Act 1996

did not see the establishment of a true unitary industrial relations system. A true unitary system could only exist if all Victorian employers and employees were subject to the same rules, under the federal Workplace Relations Act. This clearly was not brought about by the referral.

What the Commonwealth Powers (Industrial Relations) Act 1996 did was create a hybrid system. Victorian employers and employees, previously subject to the Employee Relations Act 1992, found themselves, from 31 December 1996, subject to a discrete part of the Workplace Relations Act 1996, part XV, as well as schedule 1A.

In its report published September 2000 the independent industrial relations task force concluded that:

> In practice and at law, the current system of industrial regulation in Victoria is not the unitary system as has been advocated by some parties. It is true to say though, that all of Victoria operates under federal industrial law. But there are two completely different systems that operate for Victorian employees and workplaces under this federal law. This has been described as a dual system of industrial relations in Victoria.

Nor is the current system fair to employers and employees. The work of the industrial relations task force exposed the disadvantage suffered by schedule 1A employees. Schedule 1A only operates with respect to Victoria and ensures that schedule 1A employees have the worst minimum employment standards of any Australian employee.

Employers too have suffered as a result of the 1996 referral. Schedule 1A employers have been disadvantaged because they lack proper information on their rights and responsibilities under the act.

Federal award and agreement employers have been disadvantaged because they have to compete against employers who may legally offer their employees lesser wages and conditions — that is, a policy premium is placed on the so-called 'race to the bottom' for paying wages and conditions.

In 2000 the independent industrial relations task force also found that, while Victoria operated under a significantly deregulated labour market after 1992, there has been no significant increase in jobs growth levels or decrease in unemployment levels compared with the national average, or in relation to other states. This runs counter to the unresearched claims by some that the deregulation of Victoria's labour market has somehow given us an advantage over other states.

In 1999 the Australian Labor Party went to the Victorian people with a firm commitment to reform the state's industrial relations system. Our policy stated in part:

> Labor supports a unitary national approach to industrial relations and will make the demand of the federal government that the Workplace Relations Act is made fair for all workers. This should include the re-establishment of national awards with comprehensive standards.

Purpose of the bill

The main purpose of the bill is to refer to the commonwealth Parliament a further matter relating to industrial relations, and to empower the Victorian Civil and Administrative Tribunal (VCAT) to make orders applying federal award conditions as common rules in Victoria.

The bill, in fact, has two stages:

Stage 1 involves a referral of further industrial relations power to the commonwealth so it can legislate to apply federal award standards (the 20 minimum conditions) to Victorian schedule 1A workers.

Stage 2 will be implemented if the commonwealth refuses to legislate to adopt the proposed referred power. It involves federal awards applying on application by common rule, under Victorian legislation. In other words, stage 2 will only be implemented if stage 1 fails due to a lack of cooperation on the part of the commonwealth.

I should take a little time to clearly articulate our government's preferred approach under this legislation. The fairest, easiest and least complex approach is for the commonwealth to accept Victoria's referral of the common rule power. To do so would confirm the commonwealth wants a true uniform industrial relations system in Victoria.

It is only if the commonwealth refuses the referral of the common rule power that the remaining provisions in the legislation will be implemented.

Who does the bill apply to?

The Federal Awards (Uniform System) Bill will apply to persons whose wages and conditions of employment are not covered by an award or agreement under the federal Workplace Relations Act. In other words, the bill will only apply to employers and employees covered by part XV and schedule 1A of the Workplace Relations Act.

There is a tendency, although an erroneous one, to assume that big business is covered by awards or agreements, whilst small business is award free.

One hundred and eighty-five thousand Victorian businesses with fewer than five employees are already covered by a federal award. This represents over 39 per cent of all businesses of that size. Fifty-seven per cent of businesses with between 10 and 19 employees are covered by a federal award, and this rises to 60 per cent if you include those with both federal award and schedule 1A employees. Clearly, hundreds of thousands of Victorian small businesses are already covered by a federal award and/or a certified agreement.

The bill will have no direct impact on employers bound by a federal award or certified agreement. It should be noted, however, that the Australian Centre for Industrial Relations Research and Training (ACIRRT), which conducted research for the industrial relations task force, found that a number of Victorian workplaces continued to operate under a mixture of regulatory regimes. ACIRRT found that 2775 Victorian workplaces were regulated by both federal awards or agreements and schedule 1A. Fourteen per cent of workplaces with between 20 and 99 employees had both federal award and schedule 1A coverage. Those workplaces will benefit from this bill, as it will rationalise the industrial relations regimes they are currently subject to.

Also worthy of consideration are the conclusions of the independent industrial relations task force that:

> Victoria has, compared to other states, a disproportionately large low-wage sector. Low-income earners also tend to be concentrated in small workplaces, in certain industries, and in rural and regional parts of the state. The task force identified links between this low-wage sector and Victoria's dual system of industrial relations.
>
> Some 356 000 Victorian employees (approximately 21 per cent of the Victorian labour force) rely almost entirely on schedule 1A of the Workplace Relations Act 1996 for their conditions of employment. Schedule 1A employees have limited access to benefits that are standard among federal award employees.
>
> Approximately 235 000 Victorian employees receive only the minimum rates under industry sector orders.
>
> The geographical differences in workplace minimum rates are also pronounced. For instance, in non-metropolitan workplaces 22 per cent of schedule 1A workplaces fall in the under-$10.50 wage bracket compared with 8 per cent of workplaces with federal award coverage.
>
> When compared to standards and employment conditions applying under federal awards and in other jurisdictions, employees who rely solely upon schedule 1A of the Workplace Relations Act 1996 receive fewer conditions and entitlements than other employees. For instance:
>
> > no personal and carer's leave or bereavement leave;
> >
> > no entitlement to redundancy;
> >
> > no entitlement to be paid for hours worked in excess of 38 per week; and
> >
> > sick leave benefits are prescribed at lower levels in schedule 1A than they are in many federal awards.

Referral of power allowing VCAT to determine common-rule orders

The bill provides that VCAT may make a common rule order on application by the minister, a registered organisation, a peak body or an interested organisation in the relevant industry.

A common rule order is an order made by the VCAT, having the effect of binding all employers and employees in the industry concerned. The order establishes and relates only to minimum terms and conditions of employment. It is not a code on other employment matters. A common rule order is limited to the 20 allowable matters defined in section 89A of the federal Workplace Relations Act 1996.

VCAT will make a common rule order in relation to a particular industry if satisfied that there is an award in force, and the award would be binding on an employee if he or she were employed by an employer party to that award. VCAT is also required to determine the most appropriate award to apply, if more than one award covers the particular kind of work, subject to specified conditions.

VCAT may impose a condition, limitation or exception on a term or part of a term of an award in a common rule order under certain circumstances. These circumstances relate to the term not being relevant to the employer/employee relationship or economic incapacity on the part of the employer.

Where the federal commission varies a term of an award, the common rule order is varied accordingly with effect from the end of 28 days after the date of effect of the variation of the award. Notification will be generally provided to anyone bound by the common rule order of a variation by the federal commission of an award.

The party notified may lodge an objection to the proposed variation of the common rule order under certain circumstances. The variation is not enforceable against the objector until determined by the VCAT.

Information and compliance

There are two arms for compliance under the bill, the provision of information, and in certain circumstances, prosecutions for breach of the legislation.

In its report, the independent industrial relations task force identified a lack of information as a serious problem faced by employers and employees covered by schedule 1A. The taskforce report stated:

> The issue of advice and education is important in dealing with schedule 1A workplaces. Employers in this sector are less likely to belong to an employer association at the same time as employees are less likely to belong to a union. It is this group of employers and employees on which the taskforce has had to focus in developing more innovative ways of dealing with employment issues. The needs of schedule 1A employers and employees may well be different to that of many federal award workplaces. For instance, the vast majority of schedule 1A workplaces are categorised as small, the employees are generally less likely to be unionised, and the employers are less likely to belong to an employer association, than is the case in federal award workplaces.
>
> From the public consultations and submissions received by the taskforce it is apparent that a new approach is needed to information and advice in this sector. There was a particular level of dissatisfaction with the current information provided through the Office of Workplace Services (the federal department) by both employers and employees. A different approach is clearly needed to address the individual needs of schedule 1A employers and employees. In summary, information and advisory services are critical to the success of good employment and industrial laws.

In 2001 Industrial Relations Victoria established a workplace information unit. The unit provides educational and information services to schedule 1A employers and employees. However, the bill provides a more comprehensive service.

In 1996, when Victoria referred most of its industrial relations powers to the commonwealth, it also ceded responsibility for providing information and inspectorial services. The Victorian Wage Line service was abolished, and only a limited advisory service relating to long service leave was retained.

The bill provides for the appointment by the minister of suitably qualified information services officers. Their primary function is to provide information about the operation of the legislation. They also have the function of ensuring compliance with the legislation.

It is important to note that the powers and responsibilities of the information services officers are similar to or no greater than those exercised by members of the federal Department of Employment and Workplace Relations inspectorate.

Prosecutions, evidence and recovery of money

The industrial division of the Magistrates Court will hear prosecutions for breaching this legislation. A prosecution for an offence may only be brought by a person authorised by the minister, the secretary of the department or another person in the department authorised by the minister.

An employee who believes that they are owed money may take proceedings to recover money owing in the industrial division of the Magistrates Court. The proceedings must be started within six years after the entitlement arises. The court may charge interest on any money it finds the employee is entitled to.

Summary

The Federal Awards (Uniform System) Bill provides a logical step on the path to a truly unitary industrial relations system. It is important to stress that the bill does not represent the Fair Employment Bill under a different guise. The contrast between the two cannot be starker. The Fair Employment Bill sought to establish a new Victorian industrial relations system, operating separately from the federal system.

What this new bill represents is an opportunity for all Victorian employers and employees to operate under a common set of minimum conditions of employment, not the hybrid we have at the moment.

It will mean that a minority of Victorian employees have the same basic entitlements that are enjoyed by the majority, under the federal Workplace Relations Act, legislation that I need not remind you is enacted by the current coalition government.

It will mean that for the first time since 1996 all Victorian employees will have an entitlement to enjoy conditions of employment that are fair and reasonable.

The bill also means that all Victorian employers operate on a level playing field. No longer will some employers be able to undercut others, just by virtue of the fact they

are bound by a different section of the Workplace Relations Act. This will help ensure business confidence by providing consistent terms and conditions.

This bill represents the best opportunity this state has ever had to provide a fair unitary system of industrial relations in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 26 September.

CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL

Second reading

Mr HAERMEYER (Minister for Police and Emergency Services) — By leave, I move:

That this bill be now read a second time.

This bill aims to improve safety, and the sense of safety, in the Victorian community by providing our police with a greater capacity to search people for dangerous weapons and firearms. Through this enhanced power, police will be better able to prevent crime by detecting weapons before such weapons are used in the commission of crimes. In addition, the increased likelihood of detection should act as a deterrent to the carriage of weapons and complement the government's recently launched Weapons Community Education Campaign, which seeks to discourage the carriage of weapons, particularly among young males.

Lowered search threshold

To achieve that end, the bill lowers the standard of conviction required by a police member to justify a search without warrant for prohibited or controlled weapons under the Control of Weapons Act 1990 and firearms under the Firearms Act 1996 from reasonable grounds for 'belief' to reasonable grounds for 'suspicion' that an offence is being or is about to be committed. The courts have held that 'reasonable grounds to believe' is usually taken to mean something more than 'reasonable grounds to suspect' in that 'belief' connotes a higher standard of conviction than 'suspicion'.

The exercise of such search powers impinges upon the integrity of individual persons and the possession of their property. For this reason, under both legislation and the common law such powers are generally limited to emergencies or dangerous situations. Therefore, an important consideration in considering the lowering of the search threshold is whether the increased powers are justified in terms of the risk and gravity of the behaviour sought to be prevented. This involves striking an appropriate balance between individual rights and the interests of the larger community.

Weapons-related offences in Victoria have risen alarmingly in the past six years. A weapon was used, threatened and/or displayed in an average of 14.2 per cent of reported personal offences (including homicide, rape, robbery, assault and abduction) in 1996–97. This figure had risen to 20.4 per cent of such cases in 2000–01. This trend of increased weapon use and the proliferation of knives and other dangerous weapons in the community is disturbing. The government is determined to tackle this problem and considers that this trend justifies the need to increase the police's capacity to detect and remove weapons before any offence (other than carriage of the weapon itself) can be committed.

The increased carriage and use of non-firearms weapons has been the primary policy concern leading to the introduction of these amendments. However, the government considers that any reduction in the threshold for searches without warrant under the Control of Weapons Act 1990 must be accompanied by a like amendment to the Firearms Act 1996. The rationale for this extension is not only for the sake of consistency but more importantly due to the potential for a firearm to cause significantly more injury and death than a non-firearms weapon.

The proposed change to 'reasonable grounds for suspicion' will bring the threshold test in Victoria into line with that adopted in comparable legislation in the United Kingdom and most other Australian jurisdictions. It will also make the standard of conviction necessary to conduct a search for weapons and firearms without warrant consistent with that applying to a search for drugs under Victoria's own Drugs, Poisons and Controlled Substances Act 1981.

Additional safeguards

Given the intrusive nature of a search, the increased search powers will also be accompanied by additional safeguards against the potential abuse of the increased powers at both an individual and organisational level.

A police member proposing to conduct a weapons search is currently required to:

inform the person of the grounds for his or her belief justifying the search; and

if requested, state, orally or in writing, his or her name, rank and place of duty.

In addition, the chief commissioner has issued detailed instructions under section 17 of the Police Regulation Act 1958 on the conduct of searches, including recording, authorisation and other procedural requirements, in Victoria Police's operating procedures manual.

The bill supplements or revises these existing safeguards by:

making it mandatory for a police member to inform the person to be searched of his or her name, rank and place of duty in all cases regardless of whether or not the information is requested;

requiring the member, if not in uniform, to provide evidence that he or she is a police member;

requiring the member to make a record of the search as soon as practicable;

providing a right for a person searched to obtain without fee a copy of the police's record of the search; and

requiring the Chief Commissioner of Police to provide an annual report to the minister on the details of searches without warrant.

Besides providing an accountability measure on the exercise of the increased search powers, the annual reporting obligation will assist the government to evaluate the effectiveness of these reform measures.

In addition to the safeguards proposed for the legislation, the bill amends both the control of weapons and firearms acts to enable regulations to be made prescribing:

the manner in which searches are to be conducted; and

record-keeping requirements upon the conduct of such a search.

Examples of the procedural safeguards proposed under the expanded regulation-making power include limiting the power to direct the removal of items of clothing to coats, jackets, hats and gloves and requiring the presence of a nominated adult during the search of a student in a school.

Complementary measures

To complement the revised search threshold, the bill also amends the threshold for a police member to demand production of a firearms licence to 'reasonable ground for suspicion' that an offence against the act has been or is about to be committed. It also introduces a new power under the Control of Weapons Act 1990 to enable police members to demand production of an approval to carry a prohibited weapon where the member has reasonable grounds to suspect the person is committing a prohibited weapons offence. Failure to comply with such a demand without reasonable excuse will be an offence with a maximum penalty of 30 penalty units, which is the same maximum penalty for the offence of failing to produce a firearms licence upon demand under the Firearms Act 1996.

The bill introduces a new power for police members to demand production of an article suspected of being a prohibited or controlled weapon or firearm detected during a search without warrant under the weapons and firearms legislation respectively. The person being searched must be informed that it is an offence not to comply with the request. This new demand power is designed to assist in minimising the intrusiveness of a search and also protect the safety of the searching police member. Failure to comply with such a demand will be an offence attracting a maximum penalty of 30 penalty units.

The bill also amends both the control of weapons and firearms acts to make explicit that the presence of a person in a location with a high incidence of violent crime may be taken into account by a police member in determining whether he or she has reasonable grounds to suspect the person is carrying a weapon. However, it should be emphasised that, while this factor may be a relevant consideration in forming the necessary conviction to justify a search, it will not in and of itself be sufficient to form reasonable grounds for suspicion.

Authorised natural resources and environment officers

The Firearms Act 1996 gives authorised natural resources and environment officers the power to search without warrant for firearms and demand production of a firearms licence in circumstances connected with their duties provided the necessary criteria are met. The bill amends the search and demand production of licence powers for these officers in an identical manner to the amendments to the police search powers that I have previously outlined.

In addition, the bill creates a new offence of hindering or obstructing an authorised officer without reasonable excuse in the exercise of his or her powers to search or demand production of a licence with a maximum penalty of 30 penalty units. This new offence is consistent with recommendation 45 in the parliamentary Law Reform Committee's recent report on the powers of entry, search, seizure and questioning by authorised persons. Such a specific offence is not necessary in relation to hindering or obstructing police members in exercising their powers to search or demand licence production as the general offence of hindering or obstructing a police member in the performance of his or her duties under section 52 of the Summary Offences Act 1966 already applies.

Extension of the Control of Weapons Act search powers to non-government schools

Under the Control of Weapons Act 1990 searches without warrant can only be conducted in a public place as defined in the Summary Offences Act 1966. This does not include non-government schools. This creates the anomalous situation where searches can be conducted in government schools (where the principal authorised the police to enter), but not in non-government schools. To address this anomaly, a definition of 'non-government school' has been included in the bill. This allows for the police to exercise their increased search powers in a non-government school (once the principal has authorised their entry in line with current protocols), but does not undermine non-government schools' status as private places.

Metal detectors

This bill also complements Victoria Police's recent acquisition of 420 metal detectors for use in every police station and criminal investigation unit across the state.

One of the government's election commitments was to ensure that Victoria's police officers are the best-equipped serving officers throughout Australia. Part of that commitment included the supply of metal detectors to search for knives. The government delivered on that commitment in the 2000–01 budget where it committed $12 million over five years for a package of personal issue and operational safety equipment, including the acquisition of these metal detectors.

Weapon searches conducted with metal detectors have two potentially significant advantages:

first, as they do not involve physical contact with a suspect, they are safer for the searching police officers; and

second, as no physical contact is made with the person being searched, this form of search is less invasive than an initial pat search or full search.

The passage of this bill with its increased search powers will facilitate the use of this new equipment across the state.

Conclusion

This bill is an important element in the government's strategy to tackle the prevalence of dangerous weapons in the community. Together with the provision of metal detectors and the recent launch of the weapons community education campaign, this legislation forms a comprehensive package of measures aimed at preventing weapons-related crime and improving community safety for all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Wantirna).

Debate adjourned until Thursday, 26 September.

SENTENCING (FURTHER AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — By leave, I move:

That this bill be now read a second time.

The Sentencing (Further Amendment) Bill 2002 reflects this government's commitment to deliver improved justice services to the Victorian community, with the introduction of guideline judgments and the establishment of a Sentencing Advisory Council.

These two major reforms will modernise the criminal justice system and ensure that it is more responsive and better informed about community views on sentencing issues.

Sentencing is one of the most visible and public aspects of the criminal justice system and is at times the subject of community disquiet. In response to community concern about sentencing, in October 2000 this government commissioned Professor Arie Freiberg of the University of Melbourne to conduct a review of Victoria's sentencing laws and to consider ways in

which informed community input could be incorporated into the sentencing process.

Professor Freiberg prepared a sentencing review discussion paper, which was released for the purpose of public comment on 13 August 2001. Following a period of extensive public consultation, Professor Freiberg prepared a final report, *Pathways to Justice — Sentencing Review 2002*.

Sentencing is a highly complex task. The Sentencing Act 1991 sets out the five basic purposes for which a court may impose a sentence, namely, punishment, deterrence, rehabilitation, denunciation and protection of the community. In sentencing an offender, a court must also have regard to a range of matters, such as the seriousness of the offence, the personal circumstances of the victim and the offender's culpability. A sentencing court must consider all of these matters and balance the interests of the community in denouncing criminal conduct with the interests of the community in seeking to ensure that, as far as possible, offenders can be rehabilitated and reintegrated into society. In each case the court must formulate a just sentence having regard to all of the relevant evidence.

Sentencing cannot be reduced to a simplistic formula. To do so, would lead to error and injustice.

The courts are uniquely placed to deliver justice by applying the law fairly and consistently to the individual circumstances of each case. It is vital that the courts are supported in this difficult and important role.

Sentencing Advisory Council

The establishment of a Sentencing Advisory Council will allow properly ascertained and informed public opinion to be taken into account in the criminal justice system on a permanent and formal basis.

Functions of the council

The bill sets out the functions of the council. The council's functions will include providing written views to the Court of Appeal in relation to guideline judgments, providing statistical information on sentencing to members of the judiciary and others and conducting research and disseminating information on sentencing. The council will also gauge public opinion on sentencing, consult on sentencing matters with members of the general public and advise the Attorney-General on sentencing issues.

The council will promote greater transparency and accountability in the criminal justice system and stimulate balanced public debate on sentencing issues.

Structure of the council

The bill outlines the structure of the council. One of the key features of the council's structure is its broad membership. The governing body of the council will be a board consisting of 9 to 12 directors appointed by the Governor in Council on the nomination of the Attorney-General. The directors of the board will include persons who have broad experience in community issues affecting the courts, persons with experience in issues affecting victims of crime, and persons with experience in both the defence and prosecution of criminal offences. At least one director of the board will also have an academic background.

This balanced membership will facilitate broad community input into the activities of the council. Importantly, the composition of the board will ensure that the justice system is informed by the views and experience of the community.

The council will have a chief executive officer and staff to support the work of the council on a day-to-day basis.

Accountability

Whilst it is critical that the council is independent, like all modern statutory corporations it must also be subject to appropriate levels of accountability. Accordingly, the bill contains a number of mechanisms to ensure the accountability of the council in relation to its operations and expenditure. For instance the bill provides that the council must comply with a lawful requirement made by Parliament for information concerning the performance of its functions, the exercise of its powers or its expenditure.

Guideline judgments

The bill empowers the Court of Appeal to give guideline judgments. The bill defines a guideline judgment to mean a judgment that is expressed to contain guidelines to be considered by courts in sentencing offenders. In essence, guideline judgments are judgments which go beyond the facts of an individual case before the court to deal with variations of the offence and suggest relevant sentencing considerations.

Power of the Court of Appeal to give a guideline judgment

The bill provides that, on hearing an appeal against sentence, the Court of Appeal may consider whether to give or review a guideline judgment. This may be done on the court's own initiative or on the application of a

party to the appeal. The Court of Appeal may give a guideline judgment even if it is not necessary for the purpose of determining any appeal in which the judgment is given. This gives the Court of Appeal the flexibility to deliver a guideline judgment outside the context of an individual case.

Content of a guideline judgment

The bill sets out a range of matters that may be included in a guideline judgment, such as the criteria to be applied by sentencing courts in selecting among the various sentencing alternatives, the criteria by which the sentencing court is to determine the seriousness of an offence and the weighting to be given to relevant criteria.

Procedural requirements

The bill provides that where the Court of Appeal intends to give or review a guideline judgment it must notify the Sentencing Advisory Council and give the council an opportunity to provide written views to the court within a specified time period. The court must also give the Director of Public Prosecutions and a legal practitioner representing Victoria Legal Aid an opportunity to appear before the court and make submissions.

Matters to which the Court of Appeal must have regard

The bill respects and promotes the principles of judicial discretion and judicial independence. Accordingly, the content of a guideline judgment is a matter to be determined by the Court of Appeal in accordance with the principles contained in the Sentencing Act 1991. However, in giving or reviewing a guideline judgment, the bill provides that the Court of Appeal must have regard to —

the need to promote consistency of approach in sentencing offenders;

the need to promote public confidence in the criminal justice system; and

any views of the Sentencing Advisory Council or a legal practitioner who makes a submission.

These requirements recognise the need for the criminal justice system to be responsive, representative, transparent and accountable. Significantly, the Court of Appeal will be assisted in its difficult task by the views of the Sentencing Advisory Council.

Consistency

Guideline judgments provide a mechanism to promote greater consistency of approach in sentencing. Guideline judgments can also provide an opportunity for appeal judges to share their collective experience with primary judges and articulate unifying principles to guide the exercise of judicial discretion.

The introduction of guideline judgments in Victoria will allow an appropriate balance to be struck between the broad discretion of the judiciary to take the individual circumstances of each case into account and the desirability of consistency in sentencing. Importantly, guideline judgments are consistent with the nature of the existing appellate process, whereby decisions of the Court of Appeal guide the decisions of lower courts.

The principle that like cases be treated alike is fundamental to the fair operation of our justice system. Consistent with this principle is the ability of judges to exercise their discretion to fix a just sentence according to the individual circumstances of the case before him or her. The introduction of guideline judgments conforms with these fundamental principles.

The government is committed to providing improved justice services to the Victorian community and enhancing public confidence in the justice system. The establishment of a Sentencing Advisory Council and the introduction of guideline judgments are major steps towards delivering this commitment.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 26 September.

CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL

Second reading

Mr HULLS (Attorney-General) — By leave, I move:

That this bill be now read a second time.

Victoria faces difficult challenges to ensure that the criminal law is adequately equipped to deal with new and emerging types of crime. The Crimes (Property Damage and Computer Offences) Bill will introduce a new range of criminal offences to help ensure that Victoria is prepared to meet these challenges.

The bill reflects the government's determination to provide a modern and effective Victorian criminal justice system. The government is committed to providing safe streets, homes and workplaces for the Victorian community.

The bill will introduce the following new offences into the Crimes Act 1958:

a bushfire offence directed at those individuals who intentionally or recklessly cause a fire and who are reckless as to the spread of the fire to vegetation on property belonging to another person;

computer offences directed at individuals who impair the security, integrity and reliability of computer data and electronic communications; and

sabotage offences directed at individuals who damage publicly or privately owned public facilities, with the intention of causing major disruption to government functions or public services or major economic loss.

The new offences are based on the model provisions contained in the model criminal code report entitled *Damage and Computer Offences*, which was published in January 2001.

The model offences establish the framework for a coordinated and uniform national approach to these serious crimes. There is national agreement to implement the model offences:

at the Standing Committee of Attorneys-General meeting in March 2002 all jurisdictions agreed to introduce the model bushfire offence;

at the leaders summit agreement on terrorism and multijurisdictional crime in April 2002 all jurisdictions agreed to introduce the model computer offences in 2002. Introducing the model sabotage offences is also consistent with this agreement.

This bill will implement Victoria's commitment to introduce the model offences and will ensure that there is a comprehensive and consistent response across Australia.

Bushfire offence

Every year Victorians are threatened with the possibility of bushfires spreading out of control. These fires can endanger life and property and cause significant damage to the environment. This bill recognises these potentially devastating effects by introducing a new bushfire offence into the Crimes Act.

While Victoria already has a range of offences covering the destruction of property by fire and lighting fires, these offences do not deal with the situation where a person recklessly creates the risk of a fire spreading uncontrollably to vegetation belonging to another.

The new offence will focus on people who create the risk of the spread of fire, rather than the infliction of actual harm. The offence will target people who intentionally or recklessly cause a fire and who are reckless as to the spread of the fire to vegetation on property belonging to another person. The offence will provide a maximum penalty of 15 years imprisonment, which is equivalent to the existing offence of arson.

However, persons who create the risk of a fire, where there are legitimate reasons to do so, will not be liable. The bill specifies that a person will not be reckless as to the spread of fire where the person:

carries out fire prevention, fire suppression or other land management activity;

in accordance with a provision made by or under an act or by a code of practice approved under an act; and

they believe that their conduct in carrying out that activity was justified having regard to all of the circumstances.

While unfortunately it may not be possible to stop all bushfires from occurring, this offence is an important step towards preventing unnecessary fires that occur because of the intentional or reckless conduct of individuals. The bushfire offence will help to deter these avoidable fires by ensuring that the full force of the law will be brought to bear on these offenders.

The bill will also amend the Bail Act 1977 to include the offence of arson causing death in the list of show-cause offences in that act. This will require a court to refuse bail where an accused is charged with arson causing death, unless the person can show cause why bail should be granted.

Arson causing death is an extremely serious offence carrying a maximum penalty of 25 years imprisonment. A person should not be able to receive bail for such a serious offence unless they can show cause why it would be appropriate.

The offence of arson causing death will now be treated in the same way as other serious show-cause offences such as aggravated burglary or stalking (where violence is used or threatened against the person stalked).

Computer offences

Victorians are among the earliest adopters of new technology and this government has taken an active approach towards growing information and communication technologies and sharing the benefits of such technologies across the entire Victorian community. World-class information and communication technology companies have been developed and nurtured — right here in Victoria.

However, as a result of this huge growth in the Internet population and in electronic commerce, the integrity and security of computer data and electronic communications has become increasingly important. Cybercrime activities, including hacking, virus propagation and web site vandalism pose a significant threat to computer systems.

This bill recognises our growing reliance upon computers and as a result introduces seven new offences to ensure that the Victorian criminal laws are adequate to deal with the latest advances in computer technology. These laws will ensure that we can continue to nurture and share the benefit of technology within our state.

The main Victorian offence currently dealing with this type of conduct is section 9A of the Summary Offences Act 1966. Section 9A prohibits gaining access to, or entering, a computer system or part of a computer system without lawful authority. This offence is badly outdated and does not adequately cover new opportunities and avenues for the commission of computer crime.

Section 9A will therefore be repealed and replaced with the new computer offences which will be inserted into the Crimes Act. While section 9A is directed solely at unlawful access to a computer system, the new offences will cover a much wider range of conduct, including unauthorised modification or impairment of data.

The first new offence in the bill will prohibit a person from causing an unauthorised computer function. The person must know that the function is unauthorised and have the intention of committing a serious offence or facilitating the commission of a serious offence. This offence is particularly targeted at situations where the person takes action to prepare to commit another offence, such as obtaining property by deception, but the intended offence is not committed. This offence is punishable by the maximum penalty equal to the maximum penalty for the offence intended.

The second offence is directed at persons causing any unauthorised modification of data in a computer. The person must know that the modification is unauthorised, and intend to impair access to, or the reliability, security or operation of, any data held in a computer or be reckless as to any such impairment. The offence will not require that data impairment actually occur and will cover a range of situations where:

a hacker obtains unauthorised access and modifies data to cause impairment; and

a person circulates a disk containing a computer virus that infects a computer.

The offence is punishable by a maximum penalty of 10 years imprisonment.

The third offence will prohibit causing an unauthorised impairment of electronic communications to or from a computer. The person must know that the impairment is unauthorised, and intend to impair electronic communications or be reckless as to any such impairment. This offence is particularly designed to prohibit tactics such as denial of service attacks, where a web site is inundated with a large volume of unwanted messages thus crashing the computer server. The offence is punishable by a maximum penalty of 10 years imprisonment.

The fourth offence will prohibit possessing or controlling data with the intention of committing or facilitating the commission of a serious computer offence by that person or another person. This offence is akin to offences such as going equipped for stealing, although the offence will extend beyond cases where the data is in the physical possession of the offender to situations where the data is in the offender's control even though it is in the possession of another person. The offence is punishable by a maximum penalty of three years imprisonment.

The fifth offence will prohibit producing, supplying or obtaining data with the intention of committing or facilitating the commission of a serious computer offence. The offence is designed to prohibit devising, propagating or publishing computer programs which are intended for use in the commission of a serious computer offence. The offence is punishable by a maximum penalty of three years imprisonment.

The sixth offence will prohibit causing unauthorised access to, or modification of, restricted data held in a computer. The person must know that the access or modification is unauthorised and intend to cause the access or modification. Restricted data is data that is protected by a password or other security feature. Since the offence is limited to restricted data, the offence will not apply to innocuous conduct such as using another's

computer game without permission. This offence is punishable by a maximum penalty of two years imprisonment.

The final offence will prohibit causing any unauthorised impairment of the reliability, security or operation of any data held on a computer disk, credit card or other device used to store data by electronic means. The person must know that the impairment is unauthorised and intend to cause the impairment. The offence is a less serious version of the offence of unauthorised modification of data to cause impairment. The offence will apply to data stored electronically on disks, credit cards, tokens or tickets, while the more serious offence is confined to 'data held in a computer'. This offence is also punishable by a maximum penalty of two years imprisonment.

All of these offences will be supported by extended extraterritorial jurisdiction in recognition of the reality that computer crime may often operate across state and territory borders. This means that the offences will apply not only to crimes committed wholly within Victoria, but also in appropriate cases where either the conduct which comprises the offence or the target computer that is harmed is located outside Victoria.

The model offences adopted in the bill reflect the combined wisdom of computer experts, experts in criminal law and academics from around Australia. The bill has utilised the world's best experience in the formulation of such legislation and will position Victoria to keep ahead of the perpetrators of computer crime. The bill will also continue to allow e-commerce to continue to flourish in Victoria so that people can transact their business confident that the Victorian criminal law is also up to the challenge.

Sabotage offences

Tragically, as a result of recent world events, the government has a responsibility to ensure that Victoria's criminal laws are properly equipped to respond to all forms of terrorist conduct. This is a responsibility that this government takes very seriously.

Victoria currently has a number of offences aimed at those who cause damage to property. However, these offences are ill equipped to deal with conduct which is directed at the government or the community at large and which has the potential to cause massive damage and disruption to public services and facilities.

This bill creates new offences of sabotage and threatening sabotage to fill this gap in Victorian law. The offences provide for more severe maximum penalties in recognition of the seriousness of the conduct involved.

The new sabotage offence is directed at individuals who damage a public facility by committing a property offence (such as destroying or damaging property) or by causing an unauthorised computer function, with the intention of causing:

major disruption to government functions;

major disruption to the use of services by the public; or

major economic loss.

The offence is punishable by a maximum penalty of 25 years imprisonment, which reflects the gravity of the offence involved. It will not be necessary to prove that the actual damage caused involved major disruption or economic loss.

The offence of threatening sabotage is punishable by a maximum penalty of 15 years imprisonment.

The government is committed to providing a modern and effective criminal justice system that meets the needs of the 21st century. The new offences in this bill will help to ensure that the Victorian criminal law effectively responds to those who start bushfires, carry out sabotage of public facilities and commit computer crimes.

I commend this bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 26 September.

REGIONAL DEVELOPMENT VICTORIA BILL

Second reading

Mr BRUMBY (Minister for State and Regional Development) — By leave, I move:

That this bill be now read a second time.

Honourable Acting Speaker, it is with great pride that I introduce the Regional Development Victoria Bill into the house today, because this bill is testament to the Bracks government's commitment to rebuilding rural and regional Victoria.

This bill is further proof of the Bracks government's determination to put rural and regional Victoria at the

centre of our decision making, at the core of our economic policies and at the very heart of our drive to take Victoria forward as a thriving and innovative economy.

We are making sure that the people in rural and regional Victoria get the investment and opportunities that they need to look to the future with confidence.

Jobs; health; education; innovation and IT; local government; road and rail transport.

In all these areas, for the first time in many years we are making the investments, building the infrastructure and delivering the services that people in country Victoria want and need.

I am proud to be part of a government that understands the importance of sharing the benefits of economic growth across the whole state.

I am proud to be part of a government that recognises the necessity for exciting new projects like the regional fast rail links and the Wimmera–Mallee pipeline.

And I am proud to be part of a government that appreciates Victoria cannot go forward if we do not find the means to generate even more new jobs and opportunities right across the state, and connect and link rural and regional Victoria to each other, to Melbourne and to the world.

These are big tasks — and they are not always easy tasks, but they are tasks this government has taken on, working alongside the people, businesses and councils of country Victoria.

Much has already been achieved. Much more is to come. And there is still a lot to be done.

It requires commitment, coordination and a constant focus on the people, communities and industries outside metropolitan Melbourne.

That is why the government is proposing legislation to establish Regional Development Victoria — the very first time in our history that country Victoria will have a dedicated body with a specific role to facilitate the coordinated delivery of government programs, services and resources in rural and regional Victoria.

Regional Development Victoria will be a practical, no-nonsense body that gets on with the job, working alongside local councils to put projects on the ground and create local jobs.

Back in the 1970s the state government of the day released a 10-point plan that promised a similar regional advisory body, but it was never delivered — indeed, it was never even considered by the previous state government.

These sorts of bodies are commonplace overseas, including the United Kingdom, and if we are serious about competing for a fair share of investment for country Victoria we must use the best tools, the best practice and the best ideas available.

This bill will lead the way in Australia when it comes to regional development.

Since coming to office in 1999 the Bracks government has worked towards a vision of Victoria in which every part of the state contributes to our growth — and shares in that growth.

And we have seen strong and solid progress in rebuilding country Victoria.

Building approvals are at record levels, reaching $2.7 billion in the last financial year compared to $1.7 billion in 1998–99 — a phenomenal growth rate of nearly 60 per cent in the three years the Bracks government has been in office.

Regional exports are increasing, with food and fibre exports reaching $7.6 billion last year — up by a massive 43 per cent over the past two years. This growth puts Victoria well on track towards our target of $12 billion of food and fibre exports by 2010 and is proof that country Victoria can compete with anyone in the world.

The Bracks government has facilitated and attracted new investment of almost $1.5 billion in country Victoria — working together with regional businesses to explore new markets, develop new products and increase exports.

Our pro-business approach, our commitment to winning investment and creating jobs has delivered:

businesses like Sage Computer Support in Gippsland, which now employs 50 staff and pays out more than $2 million in wages each year in Gippsland;

businesses like Murray Goulburn Co-operative, with its major new investment in Koroit, with total sales of around $2 billion and exports of more than 400 000 tonnes of dairy products;

businesses like Pasta Master in Bendigo, Alstom in Ballarat, Kooka's Country Cookies in Donald, Visy Industries in Wodonga;

businesses big and small — working alongside our farmers and primary producers — contributing to prosperity in country Victoria and mixing it successfully with the rest of the world.

The government has also backed innovation and agricultural research in country Victoria with major new initiatives to promote innovation and research, and to improve skills and business management.

We have invested $50 million in creating modern science, innovation and education precincts at Ellinbank, Tatura, Horsham and Mildura and institutes at Hamilton, and modernised facilities at Bendigo, Kyabram and Rutherglen. In addition, we have provided a further $25 million in funding for projects in country Victoria under the government's science, technology and innovation program.

More generally, through the Regional Infrastructure Development Fund we have allocated nearly $96 million to 54 projects throughout regional Victoria with a value of more than $218 million.

And we have not been afraid to take on the big issues that should have been tackled years and years ago.

Through the work of the Latrobe Valley task force we are providing more than $105 million to boost business and community confidence and improve economic and social opportunities for those most disadvantaged in the Latrobe Valley.

There is no shortage of talent, ideas, determination and courage in country Victoria.

The difference is that now, at last, Victoria has a government ready and willing to back that talent and to encourage and support those ideas.

From massive undertakings like the regional fast rail links to projects that help small country towns carve out new opportunities for themselves, this government has gone out and worked with rural and regional communities to try and give them what they need and want.

Unlike our predecessors, this government has not walked away from its responsibility to country Victoria — and that can be seen very clearly when you look at employment growth in rural Victoria.

In country Victoria the average unemployment rate over the last 12 months has been 6.3 per cent — two percentage points lower than for the year to October 1999.

In absolute terms the unemployment rate is currently 5.4 per cent — the lowest in more than a decade.

This translates to more than 45 000 new jobs created in country Victoria over the past three years.

The government's decisions to relocate the State Revenue Office to Ballarat and the Rural Finance Corporation to Bendigo have helped this strong growth.

Three years ago morale in country Victoria was low as infrastructure was either closed down or run down.

Over our first three budgets we have invested more than $2 billion in raw infrastructure, more than doubling the levels of infrastructure spending made under the former government.

Hospitals and aged care services are being redeveloped and upgraded.

New schools are being built — and existing schools are being modernised.

Old and run-down police stations in country towns are being replaced.

Community halls are being rebuilt and restored.

Regional rail lines are being reopened.

Over the coming decade country Victoria will be even further transformed:

the rail freight system will be standardised for the first time in Victoria's history — and there will be better access for regional exporters to our ports;

the Melbourne showgrounds will be reinvigorated with over $100 million invested to showcase the best of country Victoria;

the Wimmera–Mallee pipeline will be built;

environmental flows will be restored in our great rivers — the Snowy, the Murray, the Glenelg and the Wimmera;

there will be fast rail links to our provincial centres and beyond;

our country roads network will be the best in Australia;

we will lead the nation in Internet access and communication connections in regional areas;

and our dairy and barley markets will be thriving and our food and fibre export targets achieved.

Over the last three years we have taken a partnership approach with the people and communities of rural and regional Victoria to make them part of a better, fairer, more prosperous state.

Right around the state people have come along to our regional community cabinets, to the rural and regional mayors summits and to forums about the future of their particular region or town — and spoken up about what they want for their communities.

One consistent theme coming out of those forums was the need for better coordination across government on regional matters.

This bill today addresses that issue — and it is proof again that we are a government that consults, that listens and then gets on with the job.

This bill creates a new statutory body that will work in partnership with regional Victorian communities, business and all levels of government to attract new investment and generate jobs.

Regional Development Victoria will ensure there is a strong and coordinated focus on regional Victoria across all state government programs, services and resources.

It will help regional Victoria boost its competitive strengths — the strengths that are so vital to competing in world markets and generating export opportunities.

Regional Development Victoria will facilitate infrastructure projects that build on regional strengths and provide scope for new business activity and public and private sector cooperation. And it will help plan and build the social infrastructure necessary to complement economic growth and create strong, thriving communities.

When we won office we set out to ensure rural and regional Victoria won a bigger slice of the action — not just a few crumbs now and again, but in everything this government does, and in every budget we deliver.

We have met that commitment and we have shown the leadership and taken the responsibility to give rural and regional Victoria a voice — and a future.

We have put rural and regional issues back where they belong — at the heart of government.

Purpose of the bill

The bill:

creates Regional Development Victoria as a statutory body;

defines its role to facilitate economic and community development in rural and regional Victoria;

provides for a chief executive; and

creates an advisory committee.

The primary purpose of Regional Development Victoria is to facilitate economic and community development in rural and regional Victoria. Its principal functions are to:

facilitate new investment in rural and regional Victoria;

facilitate the operation and growth of existing businesses in rural and regional Victoria;

facilitate the creation of jobs within the private and public sectors in rural and regional Victoria;

propose rural and regional infrastructure development opportunities.

It will be required to facilitate the coordinated delivery of government programs, services and resources in rural and regional Victoria and to facilitate consultation between governments at all levels, business and community organisations.

It will report to the minister on the state of rural and regional Victoria having regard to economic, social and environmental matters.

The bill provides for a chief executive to be appointed by Governor in Council.

The chief executive reports to the minister and is required to advise on the development and implementation of economic and community development policy for rural and regional Victoria.

On matters relating to the general conduct and management of Regional Development Victoria the chief executive is responsible to the secretary of the Department of Innovation, Industry and Regional Development.

Regional Development Victoria's role

Regional development must involve an integrated effort between those who promote economic development,

those who build community capacity, those who plan and build physical infrastructure and those who deliver services.

It also involves a special partnership with local government.

Regional Development Victoria will lead this coordinated effort.

It will deliver the government's commitment to generate jobs within both the public and private sectors in country Victoria.

It will work to ensure infrastructure development in country Victoria.

It will smooth the way for projects that enhance the economic and social wellbeing of country Victoria and administer money paid out of the Regional Infrastructure Development Fund Act 1999.

It will work in partnership with all tiers of government to improve government planning and policy for country Victoria.

And it will promote country Victoria as a great place to live, work, invest and visit.

Regional Development Victoria will be resourced to deliver the range of programs that will make a difference to rural and regional Victoria.

The bill provides that staff transferred, seconded or assigned work in Regional Development Victoria will continue to be employed under part 3 of the Public Sector Management and Employment Act 1998. It is intended that staff from the Department of Innovation, Industry and Regional Development will be transferred to the new body to coincide with its establishment.

Staff will be drawn from the following areas: those administering the Regional Infrastructure Development Fund, regional industry specialists, the regional network of staff located throughout the state, the Office of Rural Communities and regional policy groups.

The advisory committee

The bill also establishes a Regional Development Advisory Committee to advise the government on matters relating to economic and community development in country Victoria.

The advisory committee will also play a major role in promoting rural and regional Victoria.

Members of the committee must come from rural and regional Victoria and they will have between them skills and knowledge in economic development, community development, finance and marketing.

The committee will build on the partnerships the government has developed with business, local government and the community — and it reflects, once again, our determination to achieve even greater things for country Victoria.

The bill provides that the minister's power of direction extends to the nine interface councils that are specified in the bill — namely, Cardinia shire, Hume city, Mornington Peninsula shire, Whittlesea city, Yarra Ranges shire, Casey city, Melton shire, Nillumbik shire and Wyndham city.

Interface councils are those that have significant rural areas within their boundaries.

We now have a number of regions across the state with both urban and rural areas — and we face a challenge in getting the right mix of services and infrastructure into those areas.

There is a tendency to steer resources into the more heavily populated areas — often to the detriment of smaller towns and communities.

So it is particularly important that Regional Development Victoria will focus on specific rural and regional issues within the boundaries of those nine councils.

When the Bracks government came to office we said we would do a number of things to boost economic development in country Victoria.

The first was to create the Regional Infrastructure Development Fund. We did set up that fund, and it has been a spectacular success.

We said we would create a new Office of Rural Communities — and we did.

We said we would strengthen the regional office network and ensure its expansion into smaller rural communities — and we did.

We promised to abolish the catchment management authority tax — and we did.

We said we would abolish compulsory competitive tendering — and we did.

We said we would place a significant emphasis on industry sectors that have particular relevance to rural

and regional Victoria — and we did, delivering jobs and investment to the regions.

This bill represents the next step. It is another first for this state — a dedicated body for rural and regional Victoria.

When this bill becomes law, Regional Development Victoria will review more fully the findings from the government's series of consultations held throughout rural and regional Victoria. As a priority it will be required to advise on further action required to deliver on our commitment to regional Victoria. In doing so, it will have regard to economic, social and environmental issues.

It will adopt a whole-of-government, coordinated and collaborative approach.

When this bill becomes law, Regional Development Victoria will also turn its attention to the extension of natural gas into regional Victoria.

During the last five years there have been very few gas extensions to the reticulated system.

This new body will have a specific role to help councils build a business case to attract investment from gas distributors — something that will be of enormous benefit to country consumers and regional businesses.

This is a priority for the government, and it is a good example of how Regional Development Victoria will focus on the needs of country Victoria and then coordinate action to ensure priority projects are delivered.

And it will not be doing it alone.

This bill recognises the hard work, talent and commitment of so many people, organisations and businesses in rural and regional areas — and it represents the next step in a strong and ongoing partnership between country Victoria and the Bracks government.

The establishment of Regional Development Victoria will deliver real and lasting benefits to the people of rural and regional Victoria — and it deserves the support of all members of this house.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (Portland).

Debate adjourned until Thursday, 26 September.

Remaining business postponed on motion of Mr BRUMBY (Minister for State and Regional Development).

ADJOURNMENT

Mr BRUMBY (Minister for State and Regional Development) —

That the house do now adjourn.

Brimbank: levy

Mr LUPTON (Knox) — On 7 May I called upon the Minister for Local Government to conduct an urgent investigation into the City of Brimbank in relation to special charges payable to the St Albans Business Group. The minister wrote back to me on 5 June and indicated that everything was hunky-dory and the money was all going to be released. On 28 June the mayor wrote to the association indicating there were some outstanding matters and called for an independent auditor, despite the fact that the same auditor had been auditing the books for some years.

On 31 July Mr Foster, the coordinator of organisation support for the City of Brimbank, wrote to the same organisation repeating the statements made in the letter to the mayor. On the very same day an independent auditor advised that he would be able to perform the duties of the auditor but required an extension of time because of the end of the financial year. That was faxed to the council on 1 August. On 13 August the St Albans Business Association advised Mr Foster that it had not received a response to the fax of 1 August. On the same day the City of Brimbank cancelled the contract between it and the St Albans Business Association.

What has happened is that the St Albans Business Association has an amount of, I am advised, something like $70 000 in the coffers of the City of Brimbank. The Brimbank City Council is refusing to release that money to the St Albans Business Association so it can continue to look after the local business association.

The council has a bad stench to it over a number of matters, and this matter is only making things worse. Will the minister again have a look at this and call an urgent investigation into the City of Brimbank and the handling of matters in relation to the St Albans Business Association and the levies imposed upon that organisation by the council? It is obvious that the council is playing funny games with the business association and holding the money because it does not happen to agree with what the St Albans Chamber of Commerce is trying to do.

This is a matter for urgent investigation, and I ask the minister to act promptly to try to rectify this problem so that the people of St Albans can get on with their lives instead of kowtowing to a crooked council.

Dr Timothy McArdle

Mr MAXFIELD (Narracan) — Will the Minister for Health take action to recognise the wonderful work of the late Dr Timothy McArdle, who died last night in a tragic accident while cycling?

Dr Timothy McArdle was 46 years of age and was born in Ballarat. He has three brothers and three sisters, and his father was also a doctor. He graduated with honours from Monash University in 1980, being in the top 10 students of his year. He commenced practising in Warragul at the end of 1987 and joined the local medical group. He instigated a health column, called 'Dr Kev', in the local newspaper in 1988 and continued that column through until today. He has been attached to the West Gippsland hospital since his position was confirmed in 1988. He served a term as secretary and chairman of the medical staff association and was the medical staff representative for a number of years to the West Gippsland Healthcare Group board.

Tim is the fifth valued member of the West Gippsland Healthcare Group staff to die in the last nine months — the others being Ms Heather Murray, Mr Alan Rouget, Mr William Ralph and Ms Heather Colbert. Each made a fine contribution to the hospital, and each is sadly missed.

His dedication to the profession saw him take on duties beyond his general practice. He mentored junior doctors at the hospital. With local nursing staff he presented seminars on contraception and sexually transmitted diseases at local schools. His last seminar at the Warragul regional college was two days ago. His belief that young people should have access to a clinic ensured that the clinic was open at least once a month for the students.

His interest in obstetrics resulted in an average of 50 deliveries per year for the 14 years he practised in Warragul, which means 700 children were delivered with the caring dedication he provided. He was also a humanitarian. Seeing the plight of the people of East Timor, at his own expense he spent four weeks in the highlands of East Timor providing medical care in mid-2000. He dealt with TB, meningitis, malaria and other diseases not often seen in the country.

He was a well-known fitness fanatic and took up cycling as part of the Great Victorian Bike Ride last year, and within the last six months he started to compete in cycling events at the local cycling club. He was also a long-time keyboard player in the local band, the *Beetroots*. I and many others have enjoyed the occasions when the *Beetroots* played at private engagements and at community events as well.

He was a well-respected doctor in the community. We are all extremely saddened by this tragic loss. He was certainly a doctor who cannot under any circumstances be replaced. Many people in our community are feeling devastated at the moment and are mourning the loss of an absolutely wonderful GP in our community. I acknowledge my real sadness, and my sympathy goes out to his family, his friends and all his patients.

Kangaroos: control

Mr MAUGHAN (Rodney) — I call on the Minister for Environment and Conservation to immediately approve the commercial harvesting of kangaroos as part of an overall management plan to reduce kangaroo numbers in northern Victoria and particularly in the Heathcote, Rushworth and Seymour areas.

Kangaroos are in plague numbers in northern Victoria. They come out of Crown land, causing damage to the crops and pasture of neighbouring farmers, who are already under enormous pressure because of the drought — a drought that this government so far refuses to acknowledge even exists.

Kangaroos are a menace to motorists. Every week there are dozens of accidents where cars hit kangaroos, and the cost of repairs runs into thousands of dollars. Last year RACV Insurance had 1373 claims for kangaroo-related accidents costing that company, which handles about one-third of Victoria's motor vehicle insurance, about $10 million. We do not know how many lives were lost, but undoubtedly there will be more.

A petition presented to this Parliament this week by the honourable member for Seymour had 1777 signatures calling for a kangaroo cull. The Shire of Campaspe and the City of Greater Bendigo have both called for a reduction in kangaroo numbers. Numerous residents in northern Victoria, including Cr Greg Williams of Heathcote, Colin Barlow from Rushworth, Ray Crawley from Seymour and Lyn Denison and Yvonne Shaw, also from Heathcote, organised the petition, which calls for a reduction in numbers, as does the Mount Pleasant Creek catchment Landcare group.

Commercial harvesting of kangaroos would reduce kangaroo numbers at no cost to government, produce both meat and skins that are in demand by the market, create employment and economic activity in country

areas, and reduce the cost to farmers and motorists of damage caused by kangaroos.

I therefore call on the minister to immediately approve the commercial harvesting of kangaroos as part of an overall management plan to reduce kangaroo numbers rather than let them continue to increase to the point where they destroy the very environment that supports them and ultimately starve to death.

Calder Highway: funding

Ms ALLAN (Bendigo East) — Through the Treasurer I ask the Minister for Transport what action he is taking to progress the completion of the Calder Highway duplication to Bendigo by 2006.

As members of this house know very well, the Bracks government is committed to the progress of the duplication to Bendigo by 2006. In the budget handed down by the Treasurer in May this year, $70 million was allocated for further works on the Kyneton-to-Faraday section of the road. However, as the house also well knows, the federal government still refuses to commit its $70 million under the roads of national importance (RONI) agreement.

It is no wonder that the federal government will not commit to the completion of the Calder Highway duplication, because their Liberal mates in Melbourne are telling them well and clearly that they do not have to commit — they are letting them off the hook. Even the shadow Minister for Transport let them off the hook when he made this comment to the *Bendigo Advertiser* last year:

> The federal government is under no obligation to pay for improvements to the Calder Highway.

The message members of the federal Liberal Party are getting from their mates in Melbourne is that they do not have to commit to the completion of the Calder Highway to Bendigo. It is interesting to note that the new state Liberal Party policy on the Calder Highway is for them to turn up the RONI agreement and give the Calder the big flick.

It is also interesting to note that in the past week a group called Bendigo Plus has launched a community petition in support of the state government's 2006 deadline for the completion of the Calder Highway duplication to Bendigo. This is a petition I well and truly support, along with the honourable member for Bendigo West, Bob Cameron, the Minister for Local Government.

The members of Bendigo Plus are quite clearly a non-political, community-based people who are very keen for the economic development future of Bendigo, and more importantly, they understand that far too many lives have been lost on the Calder Highway. This petition was launched on Friday; yet last Monday, only three days later, another life was lost on the unduplicated part of the Calder Highway between Bendigo and Melbourne.

The SPEAKER — Order! The honourable member must ask for action, and she has not done so at this point in time. What is the action that she is requiring?

Ms ALLAN — I ask the Minister for Transport what action he is taking to complete the progress of the Calder Highway duplication to Bendigo? Very clearly we need the support of the federal government on this petition. I urge all members of the Bendigo community to support and sign this petition, and to lobby the federal government in the strongest possible way to secure the completion of the Calder Highway duplication to Bendigo by 2006.

Royal Melbourne Hospital

Mr WILSON (Bennettswood) — I wish to raise a matter for the attention of the Minister for Health. The action I am seeking is for the minister to finally accept responsibility for the serious deterioration of Victoria's public hospital system and, in this particular case, the Royal Melbourne Hospital. I ask the minister to intervene at the Royal Melbourne Hospital to ensure that all patients are receiving timely and appropriate care.

Last Sunday morning 73-year-old Mrs Yovanka Bekut was taken to Royal Melbourne Hospital by ambulance suffering from a severe heart condition and allied complications. I am advised that Mrs Bekut was diagnosed promptly, and then her most unfortunate experience began. At some stage after diagnosis Mrs Bekut was moved onto a trolley, and that is where this 73-year-old lady stayed until Wednesday morning when she was finally placed in an appropriate ward and an appropriate bed, some time between 10.15 a.m. and 12.30 p.m. In the intervening period, some 72 hours, Mrs Bekut had to experience the indignity of lying on a trolley close to reception in a noisy, very public and totally inappropriate setting. Mrs Bekut was greatly stressed by this treatment at the Royal Melbourne Hospital, and her family has given permission for this issue to be raised in public and brought to the attention of the minister.

Yesterday in this house during question time we heard the Minister for Health inappropriately using the report

of the Health Services Commissioner to score cheap political points against the former government over its management of the Royal Melbourne Hospital. The circumstances I have just outlined have occurred nearly three years into this minister's stewardship. On behalf of Mrs Bekut and all other Victorians who need access to appropriate and timely public hospital services, I implore the Minister for Health to take responsibility and to intervene.

Police: Footscray

Mr MILDENHALL (Footscray) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services and Minister for Corrections regarding a review of the effectiveness of police activities in Footscray. I request the minister to examine the progress of police operations in Footscray and take the results into consideration in the planning of the recently announced new police station proposal.

It is no secret that the central area of Footscray was in some difficulty when the government changed, with a high level of street heroin dealing, supported by a high level of petty crime in surrounding residential areas. The previous government was aware of the issue. With adverse media reporting, the whole of the state was aware of the difficulties that Footscray was in.

The problem in responding was that the previous government was in the process of cutting 1000 officers from the force, so the only way it was able to get additional officers onto the street was to close three other police stations and jam the officers that that freed up into the woefully inadequate white-ant-ridden Footscray police station. The former government also shamefully used trainees in positions normally occupied by bona fide constables and then did not replace the trainees when their placements finished. It was little wonder that the police at Footscray had the highest workload of any police staff in the state. It was little short of a scandal that they had to face this challenge and the drugs issue in Victoria's worst police station.

Since the change of government there has been a significant improvement in police numbers and the crime situation. It is probably no surprise in terms of this government's effort and commitment that in the final year of the Kennett government the drug crime rate was twice the current rate — it has been halved since the government changed. It is also timely that these factors be taken into account in planning the recently announced station. The announcement has been greeted very warmly in the community, but we need to attune the design requirements to the current crime situation and be aware of current trends.

Workcover: Arthritis Foundation of Victoria

Mr CLARK (Box Hill) — I raise with the Minister for Workcover the bullying of a highly respected Melbourne charity by the Victorian Workcover Authority. This bullying was instigated by the minister referring a complaint to the VWA. The complaint was made against the Arthritis Foundation of Victoria after the foundation gave an employee a first warning about irregularities in that employee's record keeping and other practices, irregularities which subsequently led to that employee being dismissed.

The VWA started its investigation with a raid on the foundation's offices, a raid attended by the media. Inspectors emptied rubbish bins and shredders, and reduced a secretary to tears by falsely suggesting she had improperly shredded documents. The investigation has now dragged on for more than a year, with no outcome in sight. The foundation has been forced to spend more than $250 000 defending itself against various accusations.

When the matter was raised on Melbourne radio on 4 September, a talkback caller rang in. He gave his name as Paul, and said he was a VWA investigator and an occupational health and safety rep. He defended what the VWA had done and suggested that the foundation was wasting money trying to defend itself. His call came after the VWA itself had said it would be unfair to comment on the case.

I am now told that foundation employees believe that this caller, Paul, is in fact a Mr Paul Anton, one of the VWA inspectors who took part in the initial raid on the foundation. If that is so, the bias shown by this call would seem to have seriously compromised the integrity of this investigation and further compounded the injustice already caused to the Arthritis Foundation by the VWA's bullying and harassment.

I ask the minister to have the handling of this investigation reviewed immediately by either the chief executive officer or other senior management of the VWA and to ensure either that charges are laid promptly or that the VWA publicly clear the name of the foundation so it can resume its valuable work for the people of Victoria free of the victimisation it has suffered to date.

The mishandling of this investigation reinforces the increasing fears of many employers that the Victorian Workcover Authority is being used as a tool to further industrial relations and political agendas.

Consumer affairs: lottery scams

Mr NARDELLA (Melton) — I seek action from the Minister for Consumer Affairs to publicise overseas money and lottery scams by informing the Victorian community of these scams and warning people off them. Further, the minister should take action to stop these scams at their source — for example, by discussing these matters with her counterparts in Canada and the United States of America to stop these rip-offs.

It has come to my attention that unsolicited mail has been sent to quite a number of people in Victoria from places as far away as Canada and the United States. The mail entices people to send money or fill out Mastercard or Visa card authorities to these companies for the processing of lottery winnings which are never there, or the purchase of wallets which are purported to enclose within them lottery winnings or cheques that are not there either.

We also have the ludicrous situation of Victorian residents winning unclaimed motor vehicles — for example, a left-hand drive Volvo valued at US$33 135. These scams rip money off the people who are sucked in by these promotions and who fail to understand that the slick advertising is a fraud.

Some of the names of the scammers are Worldwide Lottery Commission, La Navidad, El Gordo, The Fat One and Towery Grupo Seg — and they emanate from Canada. From the United States of America there are Willoughby and Johnson and Royal International Jewellers of Antwerp — although Antwerp is certainly not in the United States. Also from Canada there are Consolidated Award Services, Prize Masters Media (World) Inc., National Sweepstakes Documents and Victory Awards.

The operators are quite slick and target their scams to vulnerable people in our society. They are leeches who suck the lifeblood from many people. Work needs to be undertaken so that other global jurisdictions act on these scam companies to stop them operating not only in Victoria but inevitably within their own countries.

The scammers use a sophisticated combination of words in their letters and promotional material, which have an air of excitement, a deadline by which the claimant needs to make a claim, supposed independent letters of reference for goods under offer and return addressed envelopes with postage estimates for Victorian residents to place the correct amount of postage on the envelope. They include false documents such as audited notification, certificates of authentication for goods under offer, certificates for confirmed cash awards and scratch tickets. Inevitably the goods are never available, and I seek the minister's assistance in this matter.

Dingley bypass

Mr LEIGH (Mordialloc) — On 7 May this year the Minister for Transport cancelled a long-term Labor commitment to a southern suburbs bypass known as the Dingley bypass. He announced he was moving the money to the Burwood East tramline. On 29 May the honourable member for Carrum said about the Aspendale Gardens Residents Association president and its organisation that the government had redirected its commitment. She said that the Bracks government was delivering for all Victorians and not just pandering to every group that asked for funding. She said this about Mr Ken Carney, the head of the association. As a result of these issues, this week elements of the City of Kingston are now planning to take back control of White Street in Mordialloc and turn it into a local road, which, if they do — —

Mr Nardella — What action do you want?

Mr LEIGH — Keep the commitment they made. The fact is that the Bracks government, from the Premier down to the Minister for Transport, has lied about what has taken place on this issue. It has never bought any land and has taken no action. The government has to realise that the bypass is part of the Scoresby arrangement. I am calling on the Bracks government to ensure that the City of Kingston does not close White Street. I ask the government to get on with what it said it would do — purchase the land and begin the construction of the freeway, which Labor promised in its first year of government. Frankly, if it does not do that, from the Labor Party's point of view the honourable member for Carrum is in very serious trouble.

The Aspendale Gardens Residents Association and many others understand what the Labor government has done to them and what effect it will have on their local roads. I am delighted that the Minister for Gaming is at the table because he should know this issue well; after all he is part of the betrayal of the southern suburbs by his actions in cancelling Dingley.

Wattle Park: advisory group

Mr STENSHOLT (Burwood) — The action I seek from the Minister for Environment and Conservation is to effect the early implementation of her recent decision to establish an advisory reference group for Wattle

Park. Local residents and stakeholders are awaiting as I am the terms of reference for the group and the subsequent first meeting.

I am happy to take the opportunity to remind the house of what a great natural asset we have in Wattle Park, which is located in Burwood. Honourable members will recall the debate we had when passing the Wattle Park bill, which enshrined in legislation its status as Crown land. Over the last three years we have been working hard to enhance this wonderful park, and I am pleased to report great progress. When I was elected Wattle Park was somewhat run down, looked after by contractors on an occasional basis, and there was the threatened loss of a 60-year tradition of Sunday concerts by the tramways band. I consulted the residents and various groups and stakeholders and presented the minister with a set of proposals for improving the park and returning it to its former prominence as a great local asset.

We now have Parks Victoria rangers working in the park on a full-time basis, and you can see the difference in the way it is cared for. I am happy to report that the Melbourne Transit Band has received support from Yarra Trams and continues its popular concerts in the park. Funding has been provided to the Friends of Wattle Park for plantings and restoring historic bird boxes. Funding has also been provided to the West of Elgar Road Residents Association for a nature trail which has recently been instituted.

Last year an Anzac Day service was again held at the Lone Pine memorial after a gap of many years. This year it was an even bigger event, and maybe one day it will again rival the event it was in the 1930s, when thousands attended the trooping of the colours in Wattle Park. Best of all, at my suggestion Parks Victoria has reinstated Wattle Day, and on 1 September we all had a marvellous time in Wattle Park in honour of Wattle Day.

Hundreds of local residents came out in response to the invitation from Parks Victoria and me. Native grasses, trees and shrubs were planted. The Melbourne Transit Band began its 63rd session. Balloons were provided to the kids by Parks Victoria with Jackie Oxer, Lindsay Bergin and the staff in attendance. Nature walks were run by the West of Elgar Road residents association. The Father's Day lunches and afternoon teas held in the chalet were a great success. A free sausage sizzle was put on by Parks Victoria. Hundreds of locals had family picnics. The golf shop used one of its buggies as a mobile shop, and the Friends of Wattle Park, the Wattle Park Primary School and the basketweavers had displays in the cottage and the stables.

It was an enormous effort by Parks Victoria and the volunteers. I want to thank everyone who was involved for making it a marvellous community day and a great success in Wattle Park.

The SPEAKER — Order! The honourable member for Benambra has 2½ minutes.

Wodonga: adolescent residential care

Mr PLOWMAN (Benambra) — The issue I wish to raise for the attention of the Minister for Community Services arises from the purchase of a house in Batt Avenue, Wodonga, to provide adolescent residential care. On 2 September I wrote to the minister asking that this decision be reconsidered. I said that I fully supported the department in its attempts to provide adequate assistance to people in this age group who require residential care. However, one universal concern has been expressed by the community — the price paid for the property, which was bought prior to auction, was well in excess of the expectations of the agent and the owners. The block has on it a substantial brick house, which has been recently renovated and painted, and the department is going to demolish the house and erect a purpose-built building on the site.

The house was purchased for more than $170 000 when there are many substandard houses that could be demolished and there are vacant blocks available for sale, including one immediately over the road from the house that has been purchased. I advised the minister about these houses and vacant blocks in my letter and pointed out that any of them could be bought for a lot less than $170 000 — many for about $100 000. Further, that would not lead to the demolition of a substantial home.

I have since been advised that the purchase has been completed by the department. I now ask the minister to reconsider the use of the house the department has purchased and to look for a block that could be developed without the need to demolish a substantial and recently renovated home.

I have received more than 40 letters and been telephoned by more than 40 residents in the area. I will quote briefly from one, who said:

> … to pay $175 000 is an astronomical amount for a house when they will turn around and pull it down and then spend the same amount plus to rebuild. I am sure there would be something more suitable elsewhere with less hassles.

That is from a resident in the area. He is an old man. He has come to this area to retire, and he does not want this on his doorstep.

I ask that the Minister for Community Services reconsider this decision and in doing so consider how this house might be used for other residential care. I support the need for adolescent residential care in the area, and there are plenty of other houses that could be demolished in order to build this residential care facility that I ask the minister to reconsider.

Responses

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Footscray raised for my attention the issue of police requirements in Footscray. He cited some of the litany of neglect over some years, particularly in the late 1990s under the previous government, which led to Footscray developing a reputation for crime and drug dealing.

Last year the honourable member for Footscray asked me to visit the Footscray police station. I was absolutely astounded at the working conditions in that establishment. It was overcrowded, appalling, and had all sorts of occupational health and safety risks.

I congratulate the honourable member for Footscray on the efforts he has made on behalf of police in Footscray and on behalf of the local community in trying to attract more police and get a better facility for the police to work from. It is now a matter of record that this government has committed to a new $12.1 million police station in Footscray. The honourable member has been quite helpful in working with the police and helping us identify the best possible site so we can get the best possible outcomes for the police and the local community.

Currently some 74 police are stationed at Footscray, which is almost a 50 per cent increase on the 50 who were there barely three years ago when we came into government. Although that is a significant increase, the station is still overcrowded and neglected. The new police station, which we expect to open in 2004–05, will accommodate 133 members from day one. It will have a designed-in capacity for an additional 40 members from areas including the uniform branch, criminal investigations unit (CIU), traffic management unit, regional response unit, sexual offences and child abuse unit and a proactive programs unit. Big things are happening with police out in Footscray.

The additional police who are out there already have had an effect on the district. As I said in question time today, the number of police bears a relationship to the crime rate. It is not a direct relationship, as some honourable members opposite seem to think — that is, less police means less crime. It is an inverse relationship — more police means less crime — and that is something the opposition does not seem to understand. Already the additional police in Footscray have had a big effect, to the extent that this year we have noticed a decrease of 16.1 per cent in the total number of recorded offences. That is a big drop in crime in Footscray.

The number of crimes against the person reduced by 1.5 per cent; property crime is down 17.8 per cent; robbery offences — one of the big problems, particularly around the railway station and the shopping centre — is down 57.4 per cent; property damage is down 11.6 per cent; burglaries are down 18.6 per cent; aggravated burglaries are down 55.6 per cent; other burglaries are down 30.1 per cent; theft of motor vehicles is down 26 per cent; theft from motor vehicles is down 5 per cent; shop stealing is down 26.7 per cent; other theft offences are down 15.3 per cent — —

Mr Leigh interjected.

Mr HAERMEYER — I know it irks you because all your criminal mates don't like it!

The SPEAKER — Order! The minister should address his remarks through the Chair.

Mr HAERMEYER — I am sorry, Mr Speaker, I should not rattle his cage.

Handling stolen goods is also down 39 per cent. It is great news all around in Footscray. This was one of those areas that was being stigmatised as a high-crime, high-drug-dealing area. People are coming back into the shopping centre, and the atmosphere of the entire suburb has changed. It shows the difference that can be made when you put police on the street rather than cutting police numbers. With the new police station things can only improve.

Ms CAMPBELL (Minister for Consumer Affairs) — The honourable member for Melton asked me to inform the Victorian public of some of the scams in get-rich-quick schemes that are operating in Victoria.

Honourable members would be quite familiar with a number of these scams as over the last month a number of us have received scam requests for urgent assistance and to provide our personal bank details to various scam operators. Since I issued a number of warnings on get-rich-quick schemes the consumer affairs department has been receiving increasing evidence of these schemes operating in Victoria. One lady who has corresponded with me has received approaches from half a dozen different get-rich-quick schemes and

requests for her to provide transfer fees for property bonuses, lottery bonuses and great jewellery offers.

I am happy to do as the honourable member suggests — that is, to inform the Victorian public yet again of the dangers of falling for these get-rich-quick schemes. I am pleased to inform the honourable member that at the ministerial council in August the various ministers for consumer affairs collectively worked to put together information that can be distributed throughout Australia. We will be working with our international counterparts to stop this information at its source.

Of particular concern at the moment are a number of schemes that are emanating from the United States of America and Canada. I will be taking that up, as the honourable member suggested, with my counterparts internationally.

Mr THWAITES (Minister for Health) — The honourable member for Bennettswood raised a matter in relation to the Royal Melbourne Hospital, and I will seek some advice on that. I should point out that in recent months the Royal Melbourne Hospital has been treating many, many more patients. It has been able to do that with the extra nurses and resources that the government has provided. Indeed, in the last 12-month period we have seen an increase in emergency admissions at our major metropolitan hospitals of more than 10 per cent.

Mr Wilson — Why?

Mr THWAITES — I think the honourable member asks why. There are a number of reasons that seem to be contributing to the increase in the number of admissions. One is that there appears to be a problem with after-hours GPs, because we are seeing a major increase in the number of people coming through in the Sunday–Monday period. There seems to be a substantial increase in the number of primary-care-type admissions which would otherwise be treated by GPs. That is one of the factors.

Another factor, which has particularly affected the Royal Melbourne Hospital, is the number of elderly patients in the hospital who are assessed as requiring a nursing home bed but who are unable to obtain one because of the shortage of nursing home beds. Victoria is some 5000 beds short of the commonwealth benchmark for nursing home beds. The area around the Royal Melbourne Hospital, the inner west, is one of the areas of great need for nursing home beds — it has the greatest shortfall in beds. That is a contributing factor.

It appears, just in terms of the Royal Melbourne and other hospitals, that the number of ambulance call-outs has increased very substantially. Once again there is around a 10 per cent increase this year. The government, and the Royal Melbourne Hospital, I might say, have done a great deal to enable those extra patients to be treated. A short-stay unit there has been successful, extra beds have been added, and the services at the aged care facility associated with the hospital have also improved. I am very pleased that they have been able to achieve that substantial increase in patients treated.

Certainly there are still things to be done and improvements to be made. Additional funds are being set aside for the Royal Melbourne Hospital to take additional action to ensure that it can treat still further patients and do so in a timely manner.

The honourable member for Narracan raised with me the very tragic passing of Dr Tim McArdle, who was a very dedicated local doctor. The government and all members of Parliament would be very sad at the passing of Dr McArdle, who was a well-loved doctor in his community and contributed so much over many years. Since 1988 he had been attached to the West Gippsland hospital, served as secretary and chairman of the medical staff association and was the medical staff representative for a number of years to the West Gippsland Healthcare Group board. He was very dedicated to the profession. He mentored many of the junior doctors in the area.

As well as his local contribution he was also a humanitarian. He assisted the plight of the people of East Timor at his own expense. In the middle of 2000 he spent some four weeks in the highlands of East Timor providing medical care.

As a community we owe a great debt to our dedicated general practitioners, especially in country areas. Over time I will examine what further action might be taken to recognise his contribution, but in the meantime all our thoughts are with the community and with his relatives at this very sad time.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Rodney raised with me the issue of the problems of kangaroos and commercial utilisation. It is clear to everyone that in the current drier-than-normal circumstances kangaroos are coming out of parks and Crown lands where they do not have their usual feed, and coming onto private properties and even into towns to feed.

The government has already acted to fast-track permits for farmers to control wildlife, in particular kangaroos. I have instructed the Department of Natural Resources and Environment to issue permits to farmers for as many kangaroos as need to be controlled, and that it should be very flexible in the way it accepts those applications. Whether they are faxed, emailed or whatever it takes, DNRE officers will accept the applications in that form so that they can be fast-tracked and farmers can get the permits very quickly.

The issue then comes up about commercial utilisation. The government does not believe that in the long term Victoria can sustain a commercial kangaroo harvesting industry. Despite what we see at the moment, generally Victoria has far fewer kangaroos than New South Wales and South Australia, where they kill hundreds and thousands every year and have established industries. The government does not believe that an industry in Victoria would be viable in competing against those established industries.

However, under the circumstances the government will examine whether commercial utilisation of kangaroos, taken under the authority to control wildlife — which are the permits I just mentioned — is a practical option in the short term. It would be subject to commonwealth requirements. The overwhelming majority of the industry is directed at export, and the commonwealth requirement for the commercial harvesting of kangaroos is for an approved management plan. That is quite a lengthy and onerous task, and it is very unlikely that we would be able to develop it and get it approved by the commonwealth in less than at least three months, which is not going to help in the short term. The government would be seeking exemption from federal government requirements for that to occur.

Any arrangement for commercial harvesting would only be under the conditions currently being experienced, and when our weather returns to something wetter, which is what we usually expect, we will see that kangaroos will disperse and go back to their normal habitat.

The whole question of kangaroo culling for commercial purposes was triggered by the Puckapunyal debacle when the Department of Defence allowed the kangaroo population to get totally out of control. After months of asking I am now quite disturbed to learn that the kangaroo management plan that was developed there by the Department of Natural Resources and Environment and the Department of Defence is still sitting on the desk of Fran Bailey, the Parliamentary Secretary to the Minister for Defence. It has been sent through and it is still sitting there. Unfortunately over 25 000 kangaroos have starved at Puckapunyal while the Department of Defence and Fran Bailey have sat on their hands.

Regarding towns, which were also mentioned by the honourable member for Rodney, I have instructed the DNRE to work with local government to mitigate the damage done by kangaroos in and around towns. Obviously you cannot shoot in towns; there is a major safety issue there for populations and it is an unacceptable risk. However, I have instructed DNRE to do what it can with local government around towns. As I said, I do not think that commercial usage of kangaroos is viable in the long term, but we are making inquiries with the commonwealth government about the short term.

The honourable member for Burwood also raised with me an issue about the Wattle Park advisory reference group. The honourable member for Burwood is a wonderfully dedicated campaigner for Wattle Park. He is constantly raising suggested improvements with me, and the park has improved out of sight since he became the local member. One of the park's features is the dedication of the friends groups there, and the number of people who are willing to promote the park and to work in the park has been amazing. That park is a wonderful heritage as well as being of great recreational value to the community.

Parks Victoria is moving to establish a reference group and there will be some public announcements shortly. I will check with Parks Victoria to ensure that it is moving quickly. I congratulate the honourable member for his constant and successful campaigning on behalf of Wattle Park.

Mr CAMERON (Minister for Local Government) — The honourable member for Box Hill raised an operational matter concerning the Worksafe division of the Victorian Workcover Authority. I will take that matter up and refer it to the board of the authority.

The honourable member for Knox raised a matter for me in my capacity as the Minister for Local Government concerning the City of Brimbank. I will refer that matter to the Department of Infrastructure to obtain advice.

Mr PANDAZOPOULOS (Minister for Gaming) — The honourable member for Bendigo East raised a matter for the Minister for Transport in relation to the very necessary Calder Highway duplication, the lack of action by the federal government and the need

for the minister to lobby the federal government. I will pass on that information.

As Minister for Tourism I note that Katherine McKenzie, the head of Bendigo Tourism, was praising the work being undertaken on the Calder Highway so far, with the upgrade at Ravenswood, and saying how important it is for Bendigo by reducing travelling time to the area. Certainly the community sees that as very important. It is a road of national importance which has been funded like that in the past, which means that the federal government has to pay 50 per cent of it. If it does not the road does not get made, so I will pass that on to the minister.

The honourable member for Mordialloc, as a hypocritical member of Parliament, raised another matter for the Minister for Transport about the Dingley bypass. When the Liberal Party was in government the Dingley bypass was so important, but then it took the money away from the bypass — and he criticises this government for doing exactly the same.

Mr Leigh — On a point of order, Mr Speaker, this minister knows as well as I do that the money got changed because his local Labor council wanted Westall Road finished first. He knows it, I know it. Why doesn't he simply pass it on — —

The SPEAKER — Order! The honourable member for Mordialloc is clearly not taking a point of order. The minister, concluding.

Mr PANDAZOPOULOS — As a local member of Parliament I know that the reality is that the biggest road priority in the region is the Scoresby freeway and that the federal government in partnership with this government has to pay 50 per cent of the cost. There are so many road projects around the state, how many can this government do with a limited budget?

This is a classic example of the way this opposition is operating. It wants all these things and it wants tax cuts. It wants it all done with less government money. That is the reality.

Mr Leigh — On a point of order, Mr Speaker, we know this minister is in trouble over the issue, but I simply asked him to pass the matter on to the Minister for Transport. If the Minister for Gaming wants to get into an argument, I am quite happy to keep raising points of order. I suggest that he do the right thing and simply pass the matter on to the Minister for Transport.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Mordialloc. The minister will conclude his answer.

Mr PANDAZOPOULOS — The honourable member said I know a lot about the issue. I am just responding and showing that I do. There has been $2.7 billion worth of promises from the opposition so far, and it wants all these projects done. The only thing is — —

Mr Leigh — On a point of order, Mr Speaker, the minister is not the Minister for Transport. I simply asked this minister to pass the matter on to the Minister for Transport. He sold out the area in the southern suburbs and he is now trying to defend his record. If he wants to stay here for much longer, that is fine, but I suggest in the interests of all honourable members that he simply pass the matter on to the Minister for Transport, or I will continue taking points of order.

The SPEAKER — Order! On the point of order raised by the honourable member for Mordialloc, it has been a longstanding practice of this house that when a member raises an issue on the adjournment the minister at the table can respond on the matter raised. There is no point of order. However, I ask the minister to conclude his answer.

Mr PANDAZOPOULOS — The real issue is what the opposition will do about it. It is talking about it, but will it commit to it? I will pass the matter on to the minister.

The honourable member for Benambra raised for the attention of the Minister for Community Services a matter relating to an adolescent residential care house in Wodonga and some other possibilities. I will pass that on to the minister.

Motion agreed to.

House adjourned 7.16 p.m. until Tuesday, 8 October.