PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

30 October 2002

(extract from Book 4)

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

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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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
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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

WEDNESDAY, 30 OCTOBER 2002

Wednesday, 30 October 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

PETITIONS

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

Melbourne 2030 strategy

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that: the state government and the Minister for Planning release the overdue metropolitan Melbourne strategy to protect local streets and suburbs in the Glen Eira area and specifically the suburbs of Bentleigh, Bentleigh East, McKinnon, Ormond and Moorabbin from high-density developments.

Your petitioners therefore pray that Premier Bracks will take action to ensure that state planning policies secure our suburbs from inappropriate development, especially residents of:

Bentleigh including: Arthur Street, Bendigo Avenue, Bent Street, Blair Street, Bleazby Street, Brewer Road, Burgess Street, Bruce Street, Campbell Street, Cairnes Grove, Centre Road, Coates Street, Dickens Street, Gilbert Grove, Godfrey Street, Hamilton Street, Horsley Street, Jasper Road, Loranne Street, Mavho Street, Mitchell Street, Morres Street, Robert Street, Ward Street, Nicholson Street, North Avenue, Oak Street, Patterson Road, Phillip Street, Railway Crescent, Rose Street, Todd Street, Uonga Street, Vickery Street and Wheatley Road;

East Bentleigh including: Chesterville Street, Wingate Street, South Road, Highview Road, Brady Road, Bignell Road, Matthews Road, Tucker Road, McKinnon Road, Shanahan Court, East Boundary Road, North Road, Melva Street, Poet Street, Parkmore Road, Orange Street, Mackie Road, Richards Street, Centre Road, Box Court, Gray Street, Alexander Street, Becket Avenue, Browns Road, Allanby Grove, Benina Street, Deborah Avenue, Omeo Court, Hill Street, Wards Grove, Gardiners Road, Larnan Street, Quinns Road, Theresa Street, Bardolph Court, Maron Street, Lydia Street, Evelyn Street, Duckmanton Court, Filbert Street, Agnes Street, May Street, Ellen Street, Charles Street, John Street, Daphne Street, Laurel Street, Quinns Road, Street George Avenue;

McKinnon including: Lees Street, McKinnon Road, Foster Street, Claire Street, Wattle Grove, Elm Grove, Graham Avenue, Penang Street, Malacca Street, Wheatley Road, Jasper Road;

Ormond including: Queen Street, Anthony Street, Glenorme Avenue, Cadby Avenue, Wheeler Street, Carlyon Street, Dunlop Avenue, Lenster Street, Wicklow Street, Oakleigh Court, North Road, Wheatley Road, Jasper Road;

Moorabbin including: North Avenue, South Avenue, Plym Street, Barry Street, Gilmour Road, Fairbank Road, Castles Road, Werona Street, Jasper Road, South Road.

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

By Mrs PEULICH (Bentleigh) (70 signatures)

Karingal Secondary College site

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

The humble petition of the people of Karingal and Frankston sheweth their concern to retain the southern section of the old Karingal high school site as a recreational reserve.

Your petitioners therefore pray that state government will support Frankston City Council to preserve this land for community use.

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

By Ms McCALL (Frankston) (990 signatures)

Frankston: performance

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

The humble petition of the people of Frankston sheweth their concern over the performance of Frankston City Council.

Your petitioners therefore pray that the community of Frankston has no confidence in the performance of Frankston City Council, and we the undersigned request that Parliament refer the Frankston project (revised) to an independent panel in order that it be the subject of full community scrutiny and comment.

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

By Ms McCALL (Frankston) (459 signatures)

Botanic Road, Warrnambool: safety

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

The humble petition of Emmanuel College, St John of God Health Care and St Joseph's Primary School, together with the undersigned citizens of the state of Victoria, sheweth [they] are extremely concerned about and fear for the safety of schoolchildren and pedestrians along Botanic Road, Warrnambool, who are endeavouring to access their daily educational and health care facilities, all of which are located in a 60 km/h speed zone. The area is also residential and is the main road accessed by motorists to a major hospital and three schools and is widely used from all directions of the city. Clearly, this creates enormous traffic flow, including school buses, and thereby presents many dangers to not only schoolchildren but to the general public, due to the current 60 km/h speed zone.

Your petitioners therefore pray that we, the undersigned, seek immediate action by this government to authorise implementation of a reduced speed zone along Botanic Road,

Warrnambool, to 40 km/h before a serious accident occurs and/or lives are tragically taken.

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

By Mr VOGELS (Warrnambool) (269 signatures)

Laid on table.

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

Ordered that petitions presented by honourable member for Frankston be considered next day on motion of Ms McCALL (Frankston).

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

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Cultural, heritage and infrastructure assets

Mr LONEY (Geelong North) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

LAW REFORM COMMITTEE

Multicultural affairs: oaths, statutory declarations and affidavits

Mr THOMPSON (Sandringham) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

PAPERS

Laid on table by Clerk:

Auditor-General — Performance Audit Report — Management of food safety in Victoria — Ordered to be printed

Chief Electrical Inspector — Report of the Office for the year 2001–02 (two papers)

Duties Act 2000 — Report of exemptions and partial exemptions approved and refunds made pursuant to s 250 for the year 2001–02

Fisheries Co-Management Council — Report for the year 2001–02

Gas Safety Office — Report for the year 2001–02 (two papers)

Melbourne City Link Act 1995:

Melbourne City Link Eighteenth Amending Deed

Exhibition Street Extension Sixth Amending Deed

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

Ombudsman — Report of the Office for the year 2001–02 — Ordered to be printed

Sustainable Energy Authority Victoria — Report for the year 2001–02

Treasury and Finance, Department of — Report for the year 2001–02

Victorian Energy Networks Corporation — Report for the year 2001–02 (two papers).

MEMBERS STATEMENTS

Melbourne 2030 strategy

Mr BAILLIEU (Hawthorn) — The government hid its metro strategy for more than 12 months, and in Burwood we know why — there will be more than 30 000 additional households in Boroondara and Whitehorse. That means 'intensive housing development' and 'higher density housing'. The St Leo International College site on the west of Gardiners Creek in Box Hill South is targeted for a huge residential development. Some Labor members have made noises opposing the development, and the Department of Innovation, Industry and Regional Development even made a submission to the panel. Members opposite hope that will keep voters in the dark. It is funny then that the Department of Infrastructure has given the development the nod. Guess who makes the decision?

Just down the creek the government has conned locals into believing it will oppose the development of a student activity centre at Deakin University. The Minister for Planning will not make a decision. Put it off until after the election is the idea. Why is that? The metro strategy declares Deakin's Burwood campus as a specialised activity centre which means 'development should reinforce its specialised economic function … consistent with continued growth in their primary function'. The student activity centre has also been given the private nod. No wonder all my freedom of information requests on the Deakin student activity

centre have been obstructed by this obstructionist government.

Road safety: Liberal Party strategy

Mrs MADDIGAN (Essendon) — This morning I would like to support the right of P-plate drivers to carry multiple passengers in their cars. I believe the policy the Liberal Party mentioned last week on this issue is absolutely outrageous. It is quite discriminatory against young drivers. It shows that the Liberal Party knows absolutely nothing about the way young people operate in this state. I am sure the opposition will hear from those people in the future, as the government is now.

The Liberal Party should be aware that the designated driver program, which young people have adopted very strongly, has been significant in reducing deaths on our roads in metropolitan Melbourne. It should also be aware that many P-plate drivers car pool and travel to school or university together in an effort to save money. Young people are using some great initiatives to share cars and protect each other when they are on the roads by driving in a very safe manner.

The Liberal Party's policy totally overlooks the fact that not everybody who gets a P-plate is 18 years of age — there are many older residents who get a licence and have P-plates. This includes parents of children. As one woman said on the radio, she has two children and her question is which child does the Liberal opposition want her to leave at home when she is driving down the street in her car. In fact, older people with more than one child can have P-plates and to suggest that they should be disfranchised is not only stupid but totally unjust.

Wangaratta Festival of Jazz

Mr JASPER (Murray Valley) — I wish to bring to the attention of honourable members the fact that the now internationally recognised Wangaratta Festival of Jazz will be held over the coming weekend at Wangaratta. From humble beginnings 13 years ago a small dedicated group of Wangaratta people developed a vision for this special event. It is history now that the jazz festival is a multiple award winner: it is a state and national tourism award winner, part of the Victorian Hall of Fame and a declared Victorian hallmark event.

Wangaratta is now the jazz capital of Australia and is a mecca for jazz bands including Australian and international jazz musicians. Thousands of jazz enthusiasts will be descending on Wangaratta over this coming weekend. I pay tribute to the committee chairperson, Patti Bullus, and her committee who, together with over 500 volunteers, work to make the Wangaratta jazz festival a fantastic, now world-renowned event which injects an estimated $20 million into the local economy.

The Victorian government has supported the jazz festival at Wangaratta since its inception. Additional major sponsorship has been provided by the Transport Accident Commission, Bruck (Australia) Ltd and other major sponsors. More than 90 events are programmed over the weekend with an expanded range of venues including hotels, halls, wineries, the Holy Trinity Cathedral, the golf club and outdoors. I invite members of Parliament to join me at Wangaratta this coming weekend for a fantastic experience and relaxed enjoyment at the 13th TAC Wangaratta Festival of Jazz.

Roxburgh Park Residents Association

Ms BEATTIE (Tullamarine) — The Roxburgh Park Residents Association is an outstanding community group that other groups and clubs should use as a role model. This group recently lobbied government for a second basketball stadium for the relocated Roxburgh Park Secondary Collage. The association worked to bring all the stakeholders together and has achieved financial support for the stadium project. The Urban and Regional Land Corporation contributed $200 000, Sport and Recreation Victoria contributed $200 000 and Hume City Council brought forward $50 000 from its budget. The Upfield and Roxburgh secondary colleges raised $50 000.

None of this would have happened if not for the great work of the association led by Ewan Wright, Tony Crouch, Phillip Spencer, Wreford Blake, David Rhodes, Bob Miller, Les Jeffs, Jodi Bull, Darren Smith, Maureen McKeown and Ian Ashby. This group consults with its members and residents to achieve outcomes in a proactive cooperative manner. In recent years the association's Carols by Candlelight service has grown from a few dozen people to thousands of residents flocking to celebrate Christmas together as a community.

I commend the work of the association and invite all honourable members to participate with me in the Roxburgh Park Carols by Candlelight service. It is a fantastic service led by the community for the community. I applaud the great work of the Roxburgh Park Residents Association.

Melbourne 2030 strategy

Mrs PEULICH (Bentleigh) — In opposition the Bracks Labor Party promised to defend communities against inappropriate development, to oppose medium-density housing and to consult local communities. In government there has been nothing but hypocrisy, insensitivity and bungling in the planning area.

A number of local examples include the Wickham Road and Nepean Highway development which is proceeding at a rate of knots despite opposition by the local community and with no consultation. The Chesterville Road development was pushed through by the government despite having 20 units and only five car parking spots. It will be a high-density development.

Most recently the Labor candidate for Bentleigh, who is a resident of Northcote, said that he opposes medium-density housing and any sort of change to the Linton Street venue of the St Kilda Football Club. However, a week later the Labor government released its 2030 metropolitan strategy which will cause urban nightmares for my constituents.

The suburbs which are being targeted by the strategy include Moorabbin, Bentleigh, East Bentleigh, Ormond and McKinnon. They will all be designated as areas for high-density housing. In Bentleigh 120 streets have been designated. In Moorabbin there are fewer designated streets but nonetheless it will change the landscape of our suburbs and I condemn the Bracks Labor government — —

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

Benalla and Mansfield: proclamation

Ms ALLEN (Benalla) — Last Sunday celebrations were held in Mansfield and Benalla as the Minister for Local Government and the previous chief executive officer of the Shire of Delatite, Rob Dobrzynski, proclaimed both the new Rural City of Benalla and the new Mansfield shire.

I would particularly like to acknowledge and thank all the councillors: Geoff Oliver, Peter Brown, Eric Brewer, Ken Whan, Will Twycross, Steve Junghenn, Jessica Graves and in particular the mayor, Don Cummins. I would also like to say a very big thankyou to Rob Dobrzynski, who as chief executive officer provided me with lots of support, advice and cooperation when dealing with some very difficult and contentious issues. I wish Rob, Sue and family all the very best in Rob's new position at Moorabool shire.

The new Rural City of Benalla and Mansfield shire can now stand proud in their own right as they always should have been. With the help of everyone in the community, Benalla and Mansfield will continue to be vibrant and proactive municipalities that everyone who lives in those communities will be proud of. There are still many exciting projects and events to be developed and completed for Benalla, and I look forward to seeing them come to fruition over the coming months and years.

I wish the Benalla and Mansfield councillors all the best and know that their experience and contribution to the future of Benalla and Mansfield does not end here. I am very proud to be part of the Bracks government, which has given something back to the people instead of taking it away as the previous Liberal–National Party government did.

Congratulations Benalla and Mansfield — you are now officially municipalities in your own right!

Melbourne 2030 strategy

Mr LEIGH (Mordialloc) — Today I wish to raise the decision some two weeks ago by the Victorian Civil and Administrative Tribunal to allow a multistorey tower to go to Richmond, which means that under the Melbourne 2030 strategy of the Bracks Labor government railway station sites such as Chelsea, Mordialloc and Parkdale will be targets for high-rise development. That is quoted. Worse than that, Southland is designated for high-rise development; the Nylex site is about to be put on the market; and the state government is attempting to sell the old spastic centre site in Mordialloc.

Our community is about to change in a way that nobody has any idea of. The Bracks Labor government's plans for medium-density development make the *Good Design Guide* block look like a quarter-acre block. The government is proposing to turn us into St Kilda! We do not want to be St Kilda; we do not want to be inner Melbourne; we are the outer suburbs of Melbourne.

I quote Mike Hild, who said it was time the outer suburbs of Melbourne took the pain in the same way the inner suburbs have. I do not want to represent St Kilda, although I am sure it is a nice area. The Bracks Labor government is about to destroy our community. It is a scandal and an outrage, and the sooner the government is defeated the better we will be.

Fitzroy Learning Network

Mr WYNNE (Richmond) — The Fitzroy Learning Network is a warm and welcoming neighbourhood house in my electorate of Richmond. The coordinator, Anne Horrigan-Dixon, and her staff are tireless and compassionate workers for the community, and I have a great admiration for them.

In August 2000, 50 Hazara men walked through the doors of the learning network seeking to learn English. These men were refugees taken out of detention, put on a bus and dumped in the centre of Melbourne by the heartless federal government with only a few dollars in their pockets. Somehow they found their way to the Fitzroy Learning Network to seek the most obvious and basic level of assistance — housing, English language and a support network. Many of the asylum seekers had major psychological and health problems, particularly from their time in detention.

I am pleased to say that the Bracks Labor government has provided tangible support for these temporary protection visa (TPV) holders and asylum seekers. The $100 000 provided to the Fitzroy Learning Network has been much welcomed by that organisation. It builds on a $1.1 million package of humanitarian support for refugees and TPV holders announced last weekend by the Bracks Labor government. The other side of this house is silent on these issues.

Melbourne 2030 strategy

Mr CLARK (Box Hill) — I wish to express concerns about the implications of the 2030 metropolitan strategy for suburbs such as Box Hill, Box Hill North, Mont Albert, Surrey Hills, Balwyn and North Balwyn. Throughout this document the government refers to proposals for so-called higher density housing. However, the minister's news release of 7 September about new guidelines for higher density development makes clear that these higher density guidelines are 'to complement Rescode' — to use her words. Rescode applies to developments of up to three storeys, so it is clear that these new guidelines are focused at developments of four storeys and higher.

That is what the government has in mind when it talks about higher density development. The government is trying to give the impression that these plans are focused on principal activity centres and transit centres, but it is quite clear that these proposals are intended to extend to local shopping centres, because the metropolitan strategy makes it clear that they cover neighbourhood activity centres. So while the government is trying to sneak up on people in established, well-regarded and well-valued suburbs with this strategy, it has to be recognised that this is what it is up to, and the damage it is threatening to these suburbs should not be accepted.

Employment: Bendigo

Ms ALLAN (Bendigo East) — Bendigo received a fantastic jobs boost recently, thanks to $180 million of vital assistance from the Bracks government through the Regional Infrastructure Development Fund (RIDF). Empire Rubber, an important company in Bendigo, will create 140 new jobs in Bendigo with its expansion onto the former railway workshops site. Through the RIDF and Victrack the Bracks government played a crucial role in securing these jobs for Bendigo. This is great news for Bendigo. It is an example of the Bracks government helping industry put new jobs onto a site that was scaled down by the former Liberal–National Party government.

The former government sold off the railway workshops through its extensive privatisation policies for the transport system and watched as the jobs at the railway workshops withered away until the workshops closed. The workshops had played a very important role in Bendigo's economic past and had employed many thousands of people for a number of decades. Without the assistance of the RIDF and the commitment of a number of key people these jobs may have been lost to Bendigo and Victoria. It is great news for Bendigo that the workshops will again be used for industrial activity and it shows what can be done when you have a state government that is committed to boosting jobs in country Victoria.

I congratulate the people at Empire Rubber, the City of Greater Bendigo, Victrack, the Department of Innovation, Industry and Regional Development, and the Minister for State and Regional Development for making the announcement.

The SPEAKER — Order! The time set down for members statements has expired.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Education and Training: performance

Mr HONEYWOOD (Warrandyte) — I grieve today because there is a smell around this government, whether it be the political cover-up by the Minister for

Police and Emergency Services or the orchestrated cover-up that is taking place on a daily basis in the Department of Education and Training. There are at least seven examples within the education department alone of an orchestrated cover-up designed to ensure that the election campaign is out of the way before the bad news hits home to schools and school communities.

Here is example 1. Every year for many years the education department has published a benchmark document — I have one in my hand — that provides transparent information about a wide range of education indicators. These include student absenteeism, delivery of the key learning framework and subjects, adherence to the curriculum standards framework and student destination information. School principals and education experts look forward to this important publication being available to them by August in the year following the relevant school year. Thus, as per usual practice, the year 2000 data was made available in August 2001.

The benchmark indicators are used by principals to identify areas of strength and weakness within their school communities when comparing their individual school data with the data of other like schools. Publication by August then allows principals to organise changes to staffing profiles and subject delivery for the next school year in order to improve and strengthen their particular school community and performance. But this year, for the first time in memory, the Minister for Education and Training has chosen not to release the year 2001 school management benchmark report. In fact, the report has been sitting on her desk at 2 Treasury Place since early August this year.

What could be the possible motivation for the Minister for Education and Training for over three months denying principals, education experts and the wider public access to this important education information? Could it be that she is worried that some of the 2001 education data is worse than that of 2000? Could it be that she is worried that if the media were to gain access to this objective comparative data she might get a bad report card for the Bracks government's performance in its no. 1 area of priorities mentioned and campaigned for at the last election?

This is a minister who only three weeks ago shouted from the rooftops about the reforms to accountability in schools that her government was bringing in. The opposition was surprised, because the reforms she was trumpeting seemed to smack of Liberal Party policy; however, the fact of the matter is that when transparent, comparative data is available this government chooses to let it gather dust in ministerial offices rather than have a genuine debate about the raw education data that can and should be used to evaluate the government education system in our state.

The second of the seven examples of contrived cover-up in the education department includes the Bracks government's record when it comes to reports. In late 2001 the then Minister for Education contracted a company to carry out a review of the education maintenance allowance (EMA). When in opposition the Labor Party campaigned heavily on this issue. Labor was going to increase the EMA for families who are doing it hard. The consultants in question were paid a handsome sum of money, but by all accounts are considered to have carried out a fair and reasonable evaluation of the EMA for the government. They also provided some worthwhile recommendations to the minister; however, the Minister for Education and Training did not like the conclusions the consultants brought forward. They actually recommended the government spend more money for poor families. Apparently the consultants had not followed the Bracks government model of asking what the conclusions should be before beginning their research.

Instead of taking the report seriously, what did the minister do? She commissioned another report designed to evaluate the first report and then provide conclusions that are more friendly to the government. Although this second report was watered down slightly, it still did not give the minister the conclusions she was after. Both reports were swept under the carpet, and the Bracks government announced its own changes to the EMA, which incidentally did not raise the allowance by one cent, let alone by one dollar. All it did was say to single parents, 'Guess what? You can have two-thirds of the allowance to spend in the first half of the year and one-third in the second half of the year'.

As education spokesperson for the opposition I was curious about these decisions, and on good information through leaks within the department I decided to inquire about these documents by a freedom of information request, which is still going through the process in the Victorian Civil and Administrative Tribunal. So much for open and accountable government! The government wants to deny access yet again.

The third of the seven cover-ups is another controversial report that failed to live up to what it promised: the *Better Services, Better Outcomes* review, which took place at the end of 2001. This review was conducted in relation to the provision of services in schools for students who have special needs, students

with disabilities that a so-called caring government should do something for. The review consisted of a report providing a number of recommendations. Interested groups in the community were called on to make submissions to yet another review. It sounds fair and good; however, the submissions were scheduled to take place over the summer school holidays. Clearly that is great timing on the part of the government if it wants people not to focus on an issue that it wants to sweep under the carpet: when special schools are closed and the schoolchildren are on holidays and require extra care.

Needless to say, special schools and parents of children with disabilities were outraged. After a massive public backlash the consultation period was eventually extended, but only until mid-January. So much for open and transparent government yet again. Not only were the consultation processes of this report a sham, the recommendations were met with utter disbelief by those who work in the special needs and disability sector. The end result of this review did not come out until a month or two ago, despite many recommendations in the original review being designed for implementation at the start of this school year. My office requested a copy of the report from the department within days of its being released. We are yet to receive a copy of that report.

The fourth area of cover-up in the education department involves the physical resources management system (PRMS) audit report — in other words, school maintenance. Not only does it reveal there is a massive maintenance backlog growing under this regime, a $200 million increase in the last three years, the minister and her media spokesperson have been caught out contradicting each other on the issue of maintenance backlog in schools. While the media spokesperson has been telling local newspapers around Victoria that all schools with zero priority — in other words, those that need the most urgent maintenance works — have been funded by the government, the minister has documented in a question on notice that only one-third of schools with zero priority have received that money.

Only the other day at Horsham Secondary College did I find that we have a situation where the school was given half of its zero priority or most urgent maintenance money, and it did not even cover 40 per cent of the fire service remediation that it had received the money for. The lowest tender came in at 60 per cent higher than what the school was funded for in that crucial area of school maintenance. It is a sham when it comes to school maintenance. This government should be ashamed of itself.

Equally we find that with capital upgrades right around the state, particularly in regional Victoria, there are appalling situations. At Portland Secondary College all teachers and students, the whole school community, have been absolutely disadvantaged by the fact that this government promised a major new school building program. The contractor has been involved in financial difficulties. We find a government that has failed. Even though it has a massive industrial relations bureaucracy across the road, it has failed to provide any leadership to ensure that this school project in Portland gets up and running. There are other similar projects in Echuca and Swan Hill and in many parts of regional Victoria where school buildings are suffering because the government, in going for the lowest possible tender, may not have chosen the appropriate contractor and is not willing to take any guarantor responsibility to get these vital school projects finished. Another school year will go by with many of these buildings incomplete.

The fifth area of cover-up in this government and its education report card is security in schools. Under the previous government there was a professional security unit located in the Beaumaris area which looked after much of the security problems and break-in situations at schools. There is now a situation in which school principals may receive phone calls at 3.00 a.m. that require them to drag themselves out of bed to attend burglary scenes at their schools. Because the security provisions by this government have been so appallingly lax, it is left to school principals to risk their lives by going out in the middle of the night to check on burglaries and robberies. In relation to each regional requirement and extra security demands, the opposition finds they are not being met.

In another example of ministerial subterfuge, when these reports on the increased number of security incidents and the lack of resources available to ensure schools are properly secure seven days a week, 24 hours a day, were called for through questions on notice in another place, the Minister for Education Services denied their existence.

The opposition knows that they exist and that each regional manager of the education department has to provide those security incident reports, but the minister is claiming they do not exist. Perhaps she has made them secret under cabinet confidentiality; perhaps she has required them to be named in such an extraordinary manner that nobody can access what is going on with school security.

The next issue concerns foreign languages and the languages other than English (LOTE) report. After two years of saying it would do something on foreign

language delivery in government schools — the previous government made foreign languages and LOTE a key learning area — this government has dropped the ball. LOTE in Victorian regional primary schools is no longer a priority, because the government has said it is reviewing it over a two-year period. The principals are being told, 'If you cannot resource it, do not worry about it'.

If we have another outbreak of Hansonism around Victoria it will be largely because the Bracks government does not want to teach foreign languages and cultures to our young people. It does not want our young people, who often do not get exposed to foreign cultures, particularly in regional Victoria, to understand the importance of being part of a world community. It has dropped the ball completely on LOTE delivery across Victoria. The LOTE report is a sham.

The seventh area is the new Victorian certificate of applied learning (VCAL) report. This so-called alternative certificate to the Victorian certificate of education commenced in about 29 schools at the start of this year. It was meant to be a pilot project — it is a two-year course — and the pilot schools were part of an evaluation program conducted by the Victorian Qualifications Authority. However, less than a quarter of the way through that first pilot program on the new certificate of education the minister announced that the VCAL will undergo a major increase next year and be rolled out to 189 schools by 2004. No evaluation report has been completed, and employers have yet again been left in the lurch as to what this new certificate means. This is clearly yet another cover-up where in order to get a headline the education minister is willing to sit on vital reports and hide information from the public, just to get across the line in the next election.

Drought: government assistance

Mr RYAN (Leader of the National Party) — I grieve on behalf of those many communities across Victoria, particularly in western Victoria and the northern parts of the state, who are caught in the grip of the drought. It is a significant issue to those communities — and I emphasise that it is about those communities — and to their basic structures in a generalist sense. I refer first and foremost to the farming families that are caught directly in the grip of this drought. Those families are engaged in growing grain crops, as well as in dairying and horticultural enterprises. It needs to be also understood by honourable members that this issue reaches beyond the immediacy of those farming families, difficult as it is for them. It reaches into our towns, the small business sector and community structures in every sense. It not only touches the parents of children who are caught up in the first line of this on farms and in businesses, but it also impinges on the children, who are in a direct sense feeling the terrible impositions of the drought.

Over the past weeks and months I have toured extensively throughout those parts of Victoria which are caught in the grip of this terrible problem. Only recently I went up through western Victoria, and then in another visit I travelled to Kerang, St Arnaud and Swan Hill. I have visited Echuca, Mitiamo, out and around the town where I was born, Lockington and Bamawm. Last week I visited Shepparton, Numurkah and Cobram, going up to Yarrawonga and across to Wangaratta and Benalla. To differing degrees the position is generally the same — that is, our communities, in that generalist sense that I now describe them, are in a 1-in-100-year drought.

They have problems that in a generational sense I am told they have not faced previously, and I believe that unless something significant is done in granting relief to those families we will have ongoing difficulties which will be with us for years to come. In some instances that will be the case anyway, but there is a need to offer ongoing and immediate relief to these families to ensure that we get them through this terribly difficult time.

I pause to say that what I am talking about here is edging these families through, ensuring that there is a tomorrow for them, and maintaining an aspect of our communities which is fundamental to our way of life in Victoria. I do not confine this only to country Victoria; all Victorians are involved in this. We are talking about the basic capacity to produce food to enable us to feed the people of this state and to ensure that our great agricultural enterprises, in the various forms that have been developed over the years, are able to be sustained and to flourish into the future. I am talking about major industry, which contributes an enormous amount to Victoria's export sector.

Therefore I completely reject the sort of nonsense we have heard in various forums over these past weeks and months about whether assistance in different forms should or should not be advanced to these communities. It is to me a non-argument. It is in the state's interest that we make certain we have the appropriate mechanisms in place to enable these families to get through these present times and to ensure they can continue into the future.

As I said, this is the worst drought in living memory for many of these people. It applies in the grains areas and in the dairying industry. I have spoken to grain growers

over in the western parts of the state and in central Victoria, and the fact is that in many parts they simply do not have a crop. Many to whom I have spoken have invested literally $200 000 or $300 000 in getting their crops into the ground, only to see them completely fail. In some instances they will get back seed grain for next year; in other instances there will be nothing.

Many of these families are facing the crunch now in the sense of just getting food on the table, but they will also feel the crunch coming up to March next year, when they will need money to plant next season's crops. That raises the issue of their association with their banks and making sure they get long-term measures in place.

In the dairying industry we are seeing events of calamitous proportions. I understand from United Dairyfarmers of Victoria figures that something in the order of 60 000 cows have been slaughtered over the past few months and that farmers in the industry are setting themselves for an average loss of about $145 000 per farm. They are faced with the facts of increasing costs of feed and water. In the case of hay, if they can get the feed it is often of very poor quality. They have terrible difficulty being able to access it at all. If they can access it, the price of it is going up at an alarming rate.

Where they can they have tried to move the herds out to different parts of the state such as Gippsland, where I live, but the fact is that any available space is just about taken up. They are facing issues of farm management that certainly in a generational sense have not been faced before by farmers involved in this industry. This is truly the worst situation in living memory.

The government eventually stepped up to the mark. An initial package of $2.6 million was advanced and then recently, on a day when I was at the Elmore field days, the government announced a further package of about $28 million. Although this is a start, I regret to say it is not enough. We will need to do more to make sure we get our people through these difficult times.

The National Party has carefully considered the available options to assist and to ensure that we achieve this vital outcome of seeing our families through. We believe this is a time for looking at these issues from a lateral perspective. It is not a time to be standing on ceremony or to be pontificating about what may or may not be appropriate if all things are equal. The fact of the matter is that all things are not equal — far from it. We need to take steps which are imaginative and intended to achieve the bottom-line outcome of assisting the families we are looking after to ensure that in the state's interests we get them through these current problems.

Water is one of the critical issues. With the Goulburn system up in northern Victoria we are now looking at a delivery of about 47 per cent of water right. It may creep into about 60 per cent in the new year, but in any event this will be the first time in the history of the system that we have not been able to see water right delivered. In recent discussions Goulburn-Murray Water was able to demonstrate very conclusively to me that we are in completely uncharted territory. The extent of the resource we currently have available is the lowest we have seen. On the other hand the window of opportunity for infilling rains to make up that deficiency is steadily closing; it is a terrible combination.

That is to be contrasted with the position that last applied in 1982–83, when we had a very severe drought. At that time we had the complications to which I have referred with regard to feed — namely, the ability to access it and the price of it. We have to be prepared to look at this issue on the basis of what is the best mechanism of giving some direct relief to the farmers who are caught up in this.

The National Party, having very carefully considered the position and having spoken to all stakeholders about these critical issues, has a proposal which it thinks will offer direct assistance. It is related specifically to the water industry. We propose that Goulburn-Murray Water should be paid by the government an amount of money which represents the last instalment on the water invoices which farmers in these regions are to receive. In a normal year about 6800 customers are supplied by Goulburn-Murray Water at a total cost of about $32 million. Our proposal is for the government to meet the final instalment on these water invoices. It would mean that in or about December when that instalment is due the government will pay across to Goulburn-Murray Water an amount of $8 million or thereabouts.

We also believe that as a matter of equity a rebate in a similar proportion would need to be given to customers on the Wimmera-Mallee Rural Water Authority system, and that would mean a rebate of about $2.5 million. The total package therefore for this proposal is approximately $10.5 million. We believe the government should immediately implement a system whereby, as a third stage to the proposals which it has advanced so far, $10.5 million or thereabouts is made available to the water authorities for the purpose of granting relief to our farming communities in the way I have indicated.

At first blush $10.5 million might seem to be a significant amount of money, but by comparison with

some of the other expenditures that are happening in this state at the moment it pales into absolute insignificance. You need only look at the Melbourne Cricket Ground fiasco, where $77 million has been burnt by this government because it rejected assistance that was available through the federal government, and you need only look at the fact that about $60 million has been burnt by this government over the Seal Rocks fiasco. You need only look at the various other initiatives which this government is advancing by way of policy coming into this imminent election that will be related to the development of various infrastructure projects around metropolitan Melbourne to see that it is demonstrable that $10.5 million is literally a drop in the bucket.

We believe that for the purpose of getting these families through and ensuring that they can see their way to a future for themselves, for their children, for their communities and for Victoria as a whole, the government should make available by way of rebate to their customers this $8 million or thereabouts to Goulburn-Murray Water and $2.5 million or thereabouts to Wimmera-Mallee Water, making approximately $10.5 million. If this funding is made available to these authorities in the way we have indicated it will be of enormous benefit to those many communities of the nature I have described.

It is very easy when having this discussion to tell some of the poignant stories that highlight the difficulties these families are facing. I have seen it; I have sat with these families in their lounge rooms and their kitchens; I have walked around their farms; I have talked to their representatives; and I have had numerous representations from them over these previous weeks and months. We are in a state of crisis.

These families do need help. It is imperative that just as Melburnians yesterday began to understand that the drought has come to them — that they have had imposed upon them the fact they will not be able to use sprinklers as they might otherwise choose; that they cannot wash the car in the driveway; and that they cannot wash the driveway down with the hose for a bit — they also need to clearly understand that across northern and western Victoria people are in a parlous situation.

There is a responsibility which befalls all of us in this chamber to make certain that in the state's interests, first and foremost, we take the appropriate steps to ensure that these families, whether they be on farm, in small business or involved in our communities in any way, are sustained for this period to make sure we do have a tomorrow in those important agribusiness enterprises which not only underpin those parts of country Victoria that the National Party is proud to represent but are also so fundamental to the future of the great state of Victoria.

Consumer affairs: justice strategy

Ms CAMPBELL (Minister for Consumer Affairs) — Today I grieve for the thousands of consumers around Victoria who are locked in disputes with people who have sold them goods and services that are totally inappropriate for them. I grieve for those whose dream homes have turned into nightmares or whose renovations seem to be interminably incomplete. I grieve for those who are in rental accommodation and who have been unable to resolve disputes alone, and I grieve also for those who have been ripped off by scamsters and those engaged in unfair business practices.

This year alone, 10 000 consumers have sought the assistance of the staff of Consumer Affairs Victoria in resolving their written complaints. As well as those written complaints, over the same period 20 times that number have phoned and received assistance from the call centre staff at Consumer Affairs Victoria. I pay tribute to those involved in that call centre who give important information to consumers and assist them to resolve disputes. The Labor government has listened to those complaints and has acted to assist the consumers of Victoria.

I turn to the government's consumer justice strategy and the priority that it allocates to vulnerable consumers. The first step for the government was to better understand those who use the services of Consumer Affairs Victoria and those who do not. For many of us it would be no surprise to realise that the most vulnerable groups tend to be those who do not initially make written complaints or phone Consumer Affairs Victoria. As a result of research to identify the vulnerable and find how Consumer Affairs Victoria can assist them to obtain their rights, we have particularly targeted non-English-speaking people, low-income households, blue-collar-occupation groups, consumers who are not in the paid work force, and the elderly who, even with their years of wisdom, tend to be presented as naive if they are caught by scams.

As a result of identifying these vulnerable groups, Consumer Affairs Victoria has worked conscientiously to educate migrant communities, particularly in relation to rental properties. We have distributed through the Adult Migrant Education Service and other services a fantastic consumer education booklet called *New Country — New Home: Renting Rights and*

Responsibilities. That project aims to assist the 16 000 migrants who arrive in Victoria each year and who obviously require rental accommodation. At this time, when there are many more rental properties available for lease than there were two years ago, it is important for landlords to understand that there is a very strong and vibrant group of people who, perhaps, have been locked out from rental accommodation in the past. The government is promoting through landlords, consumer organisations and migrant education classes the importance of migrants having access to rental properties and of landlords who know and understand that migrants are very good tenants.

In fact, one-third of all telephone inquiries to Consumer Affairs Victoria relate to rental and tenancy matters, and that equates to around 70 000 phone calls this year. Often the call itself can resolve a person's concern, but where further action is required Consumer Affairs Victoria acts strongly on behalf of the consumer.

I turn now to a vulnerable group who have relayed some heartbreaking stories to staff at Consumer Affairs Victoria. These are the elderly who have been scammed and who have sought solace in Consumer Affairs Victoria and its very active staff team. The case I draw to honourable members' attention occurred in February 1998. An elderly man in his 80s purchased a vacuum cleaner from a Lux Pty Ltd saleswoman because, as he said, 'She was nice to me'. That vacuum cleaner cost him $1700. It did not get much use because of the frailty of the gentleman. Four years later, in February 2002, the same saleswoman contacted this consumer and said she needed to do a service check of the unit. On arrival she said the unit's pipe had rusted out and he should update his cleaner. This was a cleaner that only four years earlier he had paid $1700 for. He then bought another vacuum cleaner at a discount price and was given a $55 trade-in on his four-year-old vacuum cleaner. This time he paid $2040 cash. Thankfully Consumer Affairs Victoria was contacted. By that time the man was 87 years of age and so unwell that he was too frail to use the vacuum cleaner.

He has since been admitted to a nursing home and his daughter has power of attorney. When she became aware of what had happened, she worked with Consumer Affairs Victoria, which discussed the complaint with Lux and it agreed to refund the $2040 to the consumer. In addition, Lux agreed to provide him with an equivalent vacuum cleaner for his trade-in with the assurance that it would be in good working order. What is even more important is that Consumer Affairs Victoria can now act to put an end to such practices which seem to target the elderly and the vulnerable.

I also refer to a number of vulnerable groups, families with limited English who have been targeted by some problematic organisations. I give an example of an Asian couple who sought the help of Consumer Affairs Victoria with a problem. They said they were invited to a meeting where ways to make money were outlined. All of us are interested in making money, but not in being conned. They left their phone number and the next day they received a call inviting them to attend a free consultation. At the consultation they were offered an opportunity to attend a course or seminar which would show them ways to become wealthy. They were told that they could make $1 million in 12 months. The couple signed on with a Visa payment of $475 and one further direct debit payment for $12 520 to be taken seven days later.

On the following day they rang to cancel because they realised what had happened. They realised that the course, starting in four weeks time, was not suitable for them. Their English was so limited they wondered how they would understand the intricacies of property investments and the property market. The couple were told that they could not cancel. The next day they were told that they could cancel but it would cost them a 20 per cent penalty fee. Four days later, $12 520 was withdrawn from their account. After representations by Consumer Affairs Victoria, the couple received a refund of the $12 520.

This is not the first complaint that Consumer Affairs Victoria has had about the National Investment Institute. Consumer Affairs Victoria is acting to make sure that where matters are brought to its attention consumers are protected. The scams that have been brought to the attention of honourable members and the general community through media releases have brought to light many tragic cases of people who have been scammed. Two months ago I issued a press release warning people about scams and I invited people to send in examples of cases where they had been scammed. Consumer Affairs Victoria received over 600 scam letters and they are still coming in.

One woman sent me 59 scam letters. She wrote that she did not realise she had been scammed until she read my press release in the paper. This mother of a family had been sending money to all the schemes and scams hoping to win a prize to help her family. She was shattered to realise that she had been conned and she wrote to me in the hope that I and Consumer Affairs Victoria would continue to warn others of this trap. That is something we are committed to doing.

Another women wrote and included about a dozen scams which had arrived in the mail for her elderly

mother in one day. They arrived in official window-faced envelopes and appeared to be convincing, but luckily for the elderly lady her daughter realised that the scam operator was playing her mother, as well as many other people, as a sucker and she made sure that she was not scammed.

This year alone Consumer Affairs Victoria has delivered to consumers a massive $850 000 worth of redress for non-building disputes. This includes amounts credited from the cancellation of inappropriate debt collection, as well as refunds and remedies due for faulty goods or defective services. Some of those I have outlined to the house today.

Consumer Affairs Victoria is very active in enforcement activity. Most traders do the right thing by their consumers. They know that if they look after their consumers word of mouth will ensure that their business is recognised as a good, vibrant and locally responsive trader. Major chains realise the importance of having consumers return because they know they are well looked after, the goods provided are of a high-quality and do what is claimed, and they get good customer service should they require a refund or wish to return faulty goods. Good consumer practice is good for business and most businesses understand that.

The consumer wins and so does the trader when the trader does the right thing. Some traders are unaware of the legislative requirements of their particular businesses. We in Consumer Affairs Victoria are educating consumers and businesses through good partnership with, for example, the Retail Traders Association of Victoria, which has been actively working with us on refund and lay-by policy.

Consumer Affairs Victoria will act to enforce state legislation against people who break the law. This year there have been 67 successful prosecutions, 12 injunctions, 2 disciplinary actions against regulated traders, 102 enforceable undertakings, 238 infringement notices and almost $500 000 in fines imposed against organisations that have broken the state law.

In conclusion, the government has listened to consumers and has acted on their concerns. I congratulate the ethical businesses that have come on board to ensure their businesses are recognised as being consumer wise, consumer keen and consumer alert. As a result of that their businesses have profited, and this government is committed to a fair deal for all.

Unions: industrial action

Mr McINTOSH (Kew) — I grieve for the state of industrial relations in Victoria and the parlous condition in which it places the financial position of this state, particularly with reference to some of the major projects that are being undertaken, one of which is the Melbourne Cricket Ground (MCG), which I will mention shortly. Industrial relations is the soft underbelly of this government. The government has demonstrated a closeness to the trade union movement and a preparedness to be complicit in its appalling behaviour at a variety of locations.

It is probably no secret that the Labor Party is the party of the trade union movement. Over the last three years it has received some $3.5 million from 22 trade unions affiliated to the ALP. Some 47 of the 58 Labor Party members of this Parliament have strong union connections. Indeed, many of them cut their teeth politically in the trade union movement and were senior members of various trade unions — from the Premier down. Not only is the Premier a member of a trade union, but so are senior members of his political staff from his chief of staff down, and other ministers are strongly connected to the trade union movement. The culture of the trade union movement in this government is what drives industrial relations in this state.

We only have to talk about such things as the National Gallery of Victoria redevelopment to see how the government has behaved with the trade union movement. The gallery's early demolition contract involved a senior trade union official from the Construction, Forestry, Mining and Energy Union (CFMEU) telephoning not just somebody in the public service but the Secretary to the Department of Premier and Cabinet on 20 April 2000. A memorandum was sent to the Premier, and from that moment there was a substantial delay in the tendering process. Everybody in the tendering process, including the Office of Major Projects, had signed on the awarding of this contract to Able Demolitions, but from that moment there was about a four-month delay until legal proceedings were issued against the government by the successful tenderer to force it to award the contract. Only then did the government actually buckle and end up awarding the contract to Able Demolitions.

What happened on 10 August 2000? When the contract was awarded and following the discussion between the CFMEU and the Secretary to the Department of Premier and Cabinet, at which time the department was warned that there would be industrial problems if the contract was awarded to Able Demolitions simply on the basis that it did not have an enterprise bargaining agreement (EBA) with the CFMEU, some 400 to 800 members of the CFMEU, depending on what you hear in the press, marched down to the national gallery site and did about $100 000 worth of damage on the site

then occupied by Able Demolitions. Six government sites shut down for four days until injunctions were granted by His Honour Justice Beach in the Supreme Court, who made the comment that this was the worst example of union thuggery in his experience on the Supreme Court bench. On top of the $100 000 worth of damage, there were secondary boycotts. Further, the damage bill was paid by the government, not by any union official — it is all on videotape! — and nobody was charged.

Concerning the demolition contract involving the Latrobe hospital, in the royal commission the government admitted inappropriate conduct in the way it delayed the contract awarded to Able Demolitions because it did not have an EBA with the CFMEU. Freedom of association does not count here in the state of Victoria.

I turn to the Kensington Estate — and I see the Minister for Workcover is in the house. His officers were complicit in rejecting a safety report which gave the estate a clean bill of health as far as safety was concerned, but at the request of the CFMEU they buckled and shut down the site on the basis of a spurious claim.

In the first report of the royal commission into the building and construction industry, dated 5 August, Terence Cole, QC, makes reference to a suggestion that some form of interim task force should be set up. He found, without any great detail but certainly as a matter of fact, that inappropriate industrial pressure was widespread in the state of Victoria, occupational health and safety was used not as a mechanism of protecting workers but as an industrial tool, the making and receipt of inappropriate payments was widespread, and there were unlawful strikes and intimidatory conduct.

In addition, and probably most importantly, everybody knows about the separation of powers. It is one of the principles on which a liberal democracy is based, but even predating that we have the rule of law — that is, that everybody is subject to the same laws, including the Premier, members of Parliament, ordinary members of the community and the trade union movement — which is being ignored in this state. Terence Cole, QC, found widespread disregard for the rule of law.

What was the answer from this government in relation to that finding? Nothing! We have not heard anything except a couple of minor suggestions from minor ministers — and nothing from the Premier about what he is going to do to tackle this unlawful behaviour.

I also refer to a particular major project — that is, the Melbourne Cricket Ground site. Everybody in this place supports the staging of the Commonwealth Games in March 2006. We want them to go ahead and to see athletes from all the commonwealth countries come here and compete in all their sports. The returns from the tourists and spectators who will watch the events will be of enormous benefit to the people of Victoria. It is very much an icon issue that everybody agrees with.

The principal venue, quite properly, will be the MCG. There is no doubt that it is a great stadium. It has been the home of Australian Rules football for over a century. Indeed, it has been a centre of Melbourne sport for even longer, because test matches have been played there for over a century and it was the home of the 1956 Olympic Games. It has also seen rock concerts and religious gatherings. I have even watched a game of rugby union and, alternatively, a game of rugby league played there. It is appropriate that the government should take a lead in the redevelopment of the MCG to enable it to be the principal venue for the Commonwealth Games.

But earlier this year we saw a rather shabby memorandum of understanding entered into between this government and the unions, particularly the CFMEU, whereby as a condition of entering that shabby arrangement there is now a closed shop on that redevelopment. What we also have is $77 million being handed over or promised by this government as part of the redevelopment simply because it did not want to obey the law. It would have been caught out had it taken $90 million from the commonwealth government, which required, as part of the national building code of conduct, that the Office of the Employment Advocate be allowed access to the site. There is no doubt we would have seen a wholesale disregard of the law and the freedom of association provisions of the Workplace Relations Act. The government was not prepared to take the commonwealth's money, but it was prepared to put up its own money for the MCG. In a recent *Age* article Martin Kingham had this to say about the MCG:

> Time is on our side. The beauty about this project —

that is, the MCG —

> is that the pressure is on them, not us.

It will be a complete free-for-all on that site. The CFMEU and the other trade unions will be able to disregard the rule of law, and the government will be compliant in that. What is missing in all this chain is the answer to who is to pay the bills for all this behaviour

by the CFMEU. 'Do whatever it takes' seems to be part and parcel of the Labor Party lexicon now. It is about doing whatever it takes to get this thing built. Earlier this year it was announced that the project would cost $400 million; it is somewhere between a $400 million and a $450 million project.

On Monday the Treasurer released the *2001–02 Financial Report Incorporating the Quarterly Financial Report No. 4*. On page 159 of that report there is a reference to the MCG redevelopment and to events subsequent to the reporting date, which was 30 June. Not only do we find that the government is guaranteeing a loan to the MCC of $360 million, but we also find, stuck away on page 159 of the Treasurer's own document, a reference to the government indemnifying the MCG trust and the Melbourne Cricket Club:

> … in the event that there will be insufficient trading surpluses to meet scheduled debt servicing and repayments, or if the total project construction cost exceeds $450 million …

Not only do we now have a position where the CFMEU is guaranteed a closed shop on the MCG redevelopment, but we now have this government handing over a blank cheque to the CFMEU to get whatever it wants. This government is effectively guaranteeing it will pay the bills. That is what I grieve about: it is a disgrace!

Schools: Mitcham

Mr ROBINSON (Mitcham) — Obviously it is a hard-hitting morning! I grieve this morning for the double standards of the Liberal Party under its new leader, as evidenced in its campaign material being circulated in the Mitcham electorate. There is no truth in advertising when it comes to Liberal campaign propaganda.

A recent flyer made a number of points, and although time will not allow me to go through them in their totality I want to comment on a couple of them. A number of extraordinary claims were made about local schools — for example, that the Liberal Party still pleads for work to be completed on vital upgrades at Laburnum Primary School after three years of promises. This is the school that Liberal Party members went to just a few days before the last election and promised $600 000 for its stage 2 upgrade — an upgrade that has been funded by this government to the tune of $1.7 million.

Mr Wynne — Doubled!

Mr ROBINSON — Almost trebled. The promise for the $600 000 was worked out on the back of an envelope on the basis of 10 classrooms by $60 000 — 'That will do them, that will keep them happy'. At the moment you cannot move on the Laburnum Primary School site because of the work that is going on there!

Similarly the flyer claims that Labor delayed funding for priority upgrades for buildings at Antonio Park Primary School. The Leader of the Opposition might like to come out to the Antonio Park school tomorrow night — although I am not sure he would be entirely welcome! — because it is having a celebration following the granting of approval for the full planning works. It looks forward to getting the upgrades done — the first time upgrades have been done to that school in its 45-year history.

Planning: Mitcham

The recent flyer circulating in the electorate also comments on planning. It made the extraordinary claim that Labor had somehow ignored the community's views on housing and planning. I regularly give out tips on horses, and now I am prepared to give a tip to the Liberal Party on political campaigning — that is, when it comes to planning it should be very careful in Mitcham, because it has form.

This reminded me that just before I was elected to this chamber there was an amazing situation in Blackburn, where the Shell petrol company proposed to develop a super service station on the corner of Middleborough and Whitehorse roads — just opposite the Box Hill football ground. This was considered by hundreds and hundreds of local residents to be inappropriate; it was considered to be a massive overdevelopment of the site. Those objections were taken up by the City of Whitehorse, which refused permission for the development. Of course under the Liberal government and the planning system which operated then you simply went to the minister. In this case the then minister — now the honourable member for Pakenham — overruled what I think was 1000 objections and had the planning scheme amended to remove the right of councils to object. That did not go down very well in Blackburn.

Suffice it to say, the residents were right. Shell did not proceed with that development after four years of toing-and-froing, because it found that the residents were right: it would not have worked. The site was not appropriate for that development; it would not have had the vehicle traffic to justify the expense.

In terms of controversy, there was only one project in the eastern suburbs in the mid-1990s that even comes close. That was the renowned — or infamous, I should say — Hamilton Place poker machine proposal. This proposal, which some honourable members might be familiar with, targeted a former Safeway supermarket site for a poker machine development in Hamilton Place, Mount Waverley. Some 90 machines were to be installed there, and it was going to be a hotel gaming venue. This proposal was — perhaps not surprisingly — strenuously opposed by unprecedented numbers of local residents. They signed petitions, attended meetings, wrote letters to the paper and to local MPs, they attended council forums and were very well backed up by the City of Monash at the time, which I think was headed by Cr Peter Vlahos, an acknowledged member of the Liberal Party. So this was a community opposition which was widely based — —

An honourable member interjected.

Mr ROBINSON — I hear the interjection, 'He is a good man', and I accept that any Liberal who was against this proposal, in line with the community — —

An honourable member interjected.

Mr ROBINSON — Yes. We say, 'Good on them. Fantastic, good to see'.

The developers had an early setback, I think at the Victorian Civil and Administrative Tribunal, subsequent to the council's refusal, but tried a tactic which goes to the very heart of what was wrong with the planning system under the former government — that is, they went to the then Liquor Licensing Commission to get a liquor licence. In 1997 once you had a liquor licence it was very easy to get poker machines installed. This was the easy, backdoor way of getting around the planning laws. It demonstrates why planning laws were at their worst at that time.

The application went to the Liquor Licensing Commission, which was chaired by Commissioner Horsfall, in April 1998. The commission received an unprecedented number of submissions — some 1250 letters of objection were received, all claiming that this was not in the community's interest. Those letters represented a total of 1750 people. Furthermore, some 480 people attended the Liquor Licensing Commission's hearing, which had to be held at the Melbourne congress centre because there simply was not a big enough venue any closer to Mount Waverley. Commissioner Horsfall noted that there were an:

> … unprecedented number of written objections against this application and, even more remarkable, of persons who appeared personally or by representatives at the hearing.

Here we have a very controversial development which goes to the heart of what was wrong with the planning system under the previous government. The objectors were widely based: representatives from the ratepayers association, school principals, ministers of religion, traders and just plain mums and dads from Mount Waverley who did not want to see the amenity of their area destroyed by this horrendous proposal. The City of Monash was also admitted as a party to proceedings, and again we say, 'Good on Cr Peter Vlahos'.

The great thing about Liquor Licensing Commission hearings was that demand witnesses were called forward. The demand witness could come up and explain why a proposal for licensed premises was a good thing. You would have thought that whoever was going to come up and be a demand witness for this controversial development would have had to do their homework, because they would have been so at odds with their community of which they were a member. There were four demand witnesses, but I only want to acquaint the house today with the first. The testimony provided was very interesting because a number of claims were made. I will quote from the publicly available transcript. The first witness:

> … considered the proposed premises would re-establish Hamilton Place as a focal point for residents and enhance retail activity which had suffered since Safeway closed. He saw the hotel as a benefit to families —

that is a good one —

> not a detriment, and as an extension of Hamilton Place's role as a meeting place offering a venue to have a drink or a meal. Also whilst the restaurants are open in the evening he saw the hotel as bringing Hamilton Place to life after 6.00 p.m. when all the shops had closed. He and his wife and children would use it and he saw it as a venue for entertaining clients in the area, and saw the takeaway liquor as a facility useful when the other outlets were closed. He thought Hamilton Place lost its role as a meeting place when Safeway moved and that many shoppers moved to other centres.

There we had the first demand witness who rolled up. Despite the fact that no-one in the community really wanted this facility and that people believed it would destroy the amenity of the neighbourhood in which they had chosen to live and raise children, he put up some reasoning as to why it should proceed. The witness, we must confess, was sadly out of touch with his community. The other great thing about Liquor Licensing Commission hearings was that witnesses could be cross-examined. This witness's evidence was somewhat demolished in cross-examination. I quote from the transcript:

> It appeared in cross-examination that the likelihood of his entertaining clients at the premises would be reduced by his present location in the city —

that was strike one; earlier he said he would go there, but he had to admit that he worked in the city —

> that he had been to most of the restaurants in Stephensons Road and agreed they had a wide range of menus.

That was another strike. He had claimed that this development would be good for the restaurant trade and that he would go there, but he had to acknowledge that he went elsewhere. Finally, he agreed that he occasionally bought liquor at the liquor stores that already existed and agreed that their range was excellent. So we had the first demand witness standing up saying, 'This is a great thing for the community', and in cross-examination just being cut down.

The reason I raise this matter and the evidence of a witness whose credibility was severely dented is that it turns out that the individual who was putting forward that planning monstrosity turns out to be the same individual who is now helping to circulate these flyers taking the high moral ground on planning issues. The first demand witness at that time was a Mr Hannan. He shares the same surname as the Liberal candidate in Mitcham today. Is that not remarkable that a Mr Russell Hannan — —

An honourable member interjected.

Mr ROBINSON — Well, he was the first demand witness. He was a councillor of the City of Waverley for 15 years and was twice mayor, so it would be an entirely remarkable coincidence if it just happened to be another Mr Hannan. But the remarkable thing here is that he has turned up now as the Liberal candidate in Mitcham and is circulating flyers saying that the Liberal Party takes the high moral ground on planning.

I need to qualify or put my remarks into some context here. I am not suggesting that Mr Hannan stood to gain personally from having a poker machine venue. He acknowledged in his evidence that he was involved as a real estate agent in the leasing of the Safeway store to the present owner. That is fine — a real estate agent is entitled to make a buck like anyone else.

I put this take on it: we have to take Mr Hannan's evidence at face value and that is that he thinks putting poker machines into old supermarkets is terrific. He thinks that that is what shopping centres need — as simple as that. We have to take him at face value, and that is terrific. So when it comes to a choice at the next election — whenever that is — people in Mitcham will have a clear choice. They can vote for someone who thinks putting poker machines into old supermarket sites is a good thing and who is prepared to stand up and have his credibility dented in cross-examination.

What an extraordinary situation. The planning system has improved enormously over the past four years and to be lectured by someone who pushed a poker machine development that no-one wanted, through evidence that no-one believed, is simply beyond the pale.

Close Quarter Combat Centre

In the remaining time available to me I want to refer to an advertisement which has been put around in the Mitcham electorate by a company called the Close Quarter Combat Centre and which I have to say I find remarkably offensive. This is an organisation which preaches a new form of combat fighting. It is very heavily biased towards how to survive knife attacks. It is based on an American philosophy which seems to be that in order to protect people from knife attacks we have to train them to fight with knives.

The merchandise available from this company is truly frightening. It features a T-shirt with a kangaroo in fighting gear holding a gun in one hand and a knife in the other. Its advertisement indicates that to train against being attacked by the knife you have to learn to be a knife fighter. It has a timetable that features such exhilarating sports as Combat Kids, from 4.30 p.m. to 5.30 p.m. and Killshot Training between 8.30 p.m. and 9.30 p.m.

It promotes the sale of American-produced material. It asks:

> Interested in learning how to fight with your hands, a stick, a knife or a gun?

Remarkable. It provides:

> … Archipelago Combatives which combines Pacific Island combatives with sticks, knives and hand-to-hand combat.

But most alarming of all is that if you go to this company's web site it features:

> Official Scientific Fighting Congress Combat Knife — Designed by top Australian Knife Maker Tasman Kerly with input from Glen Zwiers. Made from ATS-34 steel, micarta handle and comes with a kydex lock sheath.

You would need one of those, of course! It goes on:

> The knife is razor sharp and will pierce through level 3A body armour. Each knife is hand made to perfection. $275 Aust …

I suspect that these offensive and obnoxious weapons are being made available or produced perhaps in the

United States and shipped here, because you have to allow four to five weeks for delivery.

I would have thought that this community has tolerated far too much in the way of death and maiming from guns and knives. Knife attacks are a huge and emerging problem, and for companies to be going around advertising a form of combat which is little other than a pretext for importing an American gun and knife culture to this country is unacceptable. I will be calling upon the police minister to investigate this matter absolutely. I do not believe anyone of a reasonable mind looking through this material would conclude that this is defensive so much as it is offensive.

I believe this is the sort of thing that needs to be stamped out before we allow it to spread through the suburbs and only contribute to making our suburbs a more dangerous place to live.

Government: four-year terms

Mr INGRAM (Gippsland East) — I grieve for the people of Gippsland East and wider Victoria who are being bombarded with endless speculation about elections. The level of advertising and propaganda that has been run out over the last few months is quite extraordinary considering that in Victoria we are supposed to have a four-year term of government. I hope — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Barker) — Order! I am sure the honourable member for Gippsland East needs no assistance.

Mr Hamilton interjected.

The ACTING SPEAKER (Ms Barker) — Order! The Minister for Agriculture should cease interjecting!

Mr INGRAM — We should have a four-year fixed term of government. I can understand that sometimes we cannot achieve everything we should achieve, but I would hope that the article that appears in the *Australian* today may mean we go closer to a four-year fixed term than racing to an election on the first possible date and exposing the taxpayers of Victoria to the added expense of more elections and not achieving some of the things we really should be achieving.

On behalf of my constituents of Gippsland East, I will raise a number of issues that should have been addressed and that we have been attempting to have addressed over the last couple of years, or in preceding months. Some of the attempts at addressing the issues have been hampered by the endless speculation about the election, because it really is damaging to our economy and to investment certainty in the state.

Gas: Gippsland supply

The first matter is the reticulation of natural gas, which as everyone knows is an extremely important issue in country areas, particularly in my area of Gippsland East. The natural gas that is used by nearly all Victorian residents comes from East Gippsland, yet not one town in my electorate has natural gas reticulation. I have been attempting to achieve an outcome on this issue for my constituents, and there are companies interested in providing opportunities, particularly for Bairnsdale, which they have indicated in the past should be done on an economic basis. But because of the speculation about an election, and with all the political parties apart from the government running around saying, 'We will do this' and 'We will put this much money in', these companies are sitting back on their haunches saying, 'We will wait until after the election and see how much money the different sides will be prepared to provide to subsidise a viable prospect' — that is, the reticulation of natural gas in Bairnsdale.

I would like to see the reticulation of natural gas in all those towns that were initially identified under the original TXU proposal. A lack of proper processes within the local councils and the government at the time meant that that did not occur, and there were no ironclad guarantees that it would be provided. We now see the atrocious situation where natural gas has been pumped from East Gippsland all the way through my electorate to Sydney to light the Olympic flame, but not one town in my electorate has been connected to the natural gas supply. At the moment speculation is holding up the development of the natural gas reticulation, and this is costing businesses in my area a large amount of money.

Health: Gippsland services

I would also like to raise the issue of health services in my electorate. We have an ongoing issue with the provision of emergency and critical care services at Mallacoota and Omeo, which is important to our communities. Mallacoota, which as everyone knows is in the far east of the state, is an isolated rural community that is a long distance from any hospital that provides those types of services. Because of the restrictions placed on volunteer ambulance officers — they do a great job — and the increasing requirement they have for their services, currently they cannot undertake jobs they have been undertaking in the past. It has therefore been left to the resident doctors, who

are now in an onerous position. They have to attend any call-out in Mallacoota. So not only are they performing their normal duties, they are also providing backup services and doing what paramedics should be doing in East Gippsland.

I have raised the issue of an ambulance for Mallacoota with the Minister for Health a number of times, and also an ambulance for Omeo, which people have been waiting on for a long time. These are needed to provide emergency and critical care in those areas.

The public dental situation in Bairnsdale is an absolute disgrace. There is provision for three public dentists at the Bairnsdale Regional Health Service, yet it has not been able to attract dentists, and the waiting list at the hospital is enormous. Some of that responsibility is now falling on the private system, which is doing a job that the government should be doing, because the staff are organising and administering the public system. This issue really needs to be addressed as soon as possible.

I also draw attention to the fact that the accident and emergency facility at Bairnsdale hospital needs an upgrade. Anyone who visits the hospital would be well aware that this is an issue that needs to be addressed. There is currently an issue with safety because these facilities are all in one area, therefore when patients arrive there is no privacy and no protection or separation from people who are coming and going.

Snowy River: intergovernmental agreement

Another issue I want to highlight concerns the Snowy River joint government enterprise, which was supposed to have been set up by December this year. It is essential that this be set up so that the funding and delivery of water efficiency savings for both the Murray and the Snowy rivers, which is provided for in the $150 million that Victorian and New South Wales governments have invested, can be achieved. That entity has not yet been set up, and the issue needs to be finalised in the next month. The commonwealth government is also contributing $75 million to that project. So the three governments need to get together and finalise the establishment of that entity so that the funding and delivery of water efficiency measures can commence, which will assist the northern irrigators to eliminate water wastage.

The New South Wales government has done some good work on the Snowy River, removing willows and managing some of the invasive weeds. Victoria has not started a similar program, and with the downturn of the sawlog volume in East Gippsland and the loss of jobs, it is a very good opportunity for the government to invest money into an existing project. The timber workers could be transferred into contracting willow removal. They use a tomahawk to put a cut in them to put in Roundup and kill them, leaving them standing and not removing them. A large number of willows can be treated in this way. This would get rid of willows from the Snowy River. It would be a good start and a good demonstration of what can be done in the area of river rehabilitation.

Natural resources: Gippsland management

Another issue that is really important is natural resource management generally in East Gippsland, including the provision of real infrastructure in national parks. This was one of the issues that was raised when the Treasurer visited Orbost in response to concerns the community raised about the reduction in sawlog volumes for East Gippsland. Every town came up with the same argument, that the most important thing to be done was to promote our national parks by implementing a tourism package which provides real new infrastructure for our national parks while protecting the existing infrastructure. East Gippsland has some of this country's greatest but most hidden national parks — perhaps this state's most hidden treasures. They are not good assets, however, if people cannot go and visit them and utilise them in a sustainable manner.

Without that investment in infrastructure in East Gippsland the national parks are struggling to gain the community respect they need to have. Some of the proposals that have been put forward in the past include the coastal walk from Cape Conran all the way through the Croajingolong National Park in Victoria to Eden in New South Wales. That is a great area and would be a great facility if we could get it up. That has been put forward, and as a response to the reduction in timber activity it would provide long-term investment in jobs through the tourism industry.

A whole range of things need to be done. I point out that the government still has not announced where the new Vicforests office is going to go, and I again strongly make the point that it needs to be in an area that has a heavy reliance on the timber industry. Vicforests needs to understand the timber industry. East Gippsland is one of the largest producers of sawlogs in the state, so it is essential that it come down our way.

It is disappointing that the government has not enacted resource security legislation. The job creation packages announced recently have shown very little investment in value adding in the timber industry. There is a lot of criticism of the timber industry that a large proportion

of the wood coming out is pulpwood. The East Gippsland forest management agreement areas have the opportunity to invest in the utilisation of low-grade timber using the latest technology for cutting smaller diameter or low-grade logs. Unfortunately, however, that has not happened in East Gippsland because none of the mills has had the certainty or stability they believe they need before investing that money. They do not have faith that Victorian governments on either side can or will deliver that. That is very disappointing and needs to be addressed. We need the highest absolute value out of the resources we have, and currently we could do a damned sight better than we are doing.

Fire management needs to be improved. We had a good fire forum in Bairnsdale recently where a whole range of issues were addressed. I asked the Minister for Environment and Conservation a couple of weeks ago why over the last 10 years we have never met the targets set down for fuel reduction or ecological burning. What had come out at that forum was that we are only achieving less than 50 per cent of the targets for ecological or fuel reduction burnings — and the reason is that we do not have the staff on the ground to conduct those burnings. They find it very difficult to do the zone 1 burns. That is a real concern for residents who live in that public-private land interface, particularly when we are running into a very dangerous bushfire season.

One of the points of view that came out very strongly on that day was about the period of employment of the summer crew fire officers. We employ summer crew fire officers only during the bushfire season. If we extended that time into the time when we do the ecological and fuel reduction burnings we would have the staff and the expertise on the ground to manage the fuel reduction burning in a way that would enable us to get to those targets we need to be getting to. That would also have a great ecological benefit, because the current situation, as acknowledged, is that we are not managing our national parks and state forests in a way that will keep the species that are there. We are losing biodiversity because we are not burning enough. That needs to be acknowledged and addressed.

With regard to fisheries officers, Workcover appears to be investigating the occupational health and safety factors surrounding the safety of the workplaces fisheries officers find themselves in. Everyone knows about the dangerous situation that poaching presents when enforcement officers are dealing with it. One of the factors in the current debate about firearms and hand guns is that since the officers lost their hand guns they have had very little ability to deal with the dangerous situations they face. The last thing we need is to have fisheries officers unable to do their jobs for occupational health and safety reasons.

I have not even mentioned roads yet!

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

Members: safety

Mrs SHARDEY (Caulfield) — I have never considered myself to be fragile in the political sense — far from it! My advice to those entering the political arena is usually to learn how to develop a thick skin and to be an optimist rather than a pessimist if they wish to enjoy political life. I have also never hidden my home address, the address of the place where I live in my electorate — and I do live in my electorate of Caulfield. I have always felt fairly safe in not hiding that from the public. I am on the electoral roll. My address is not in the phone book but I am on the electoral roll. However, something happened last week which I found rather disturbing for a number of reasons. For the very first time I felt a little as though my safety could be at risk.

On Saturday afternoon while I was out my son drove up to my home and parked in front. In front of his car and also in front of our house he noticed a black Ford Fairmont car. It was not parked next to the kerb but was out from the kerb. The engine was running and there was someone at the wheel. My son then noticed that someone was taking photographs of my house. I do not suppose that sounds very unusual, although to some it would. The most unusual part about it was that the man taking photographs of my house was up on my neighbour's fence, on the gatepost. We have a high fence and in order to see over it this person climbed my neighbour's fence at the gatepost and leaned right over with both arms. He had a camera in his hands and was taking photographs of my house. I gather that it was a decent-size camera, most likely a digital camera, and such cameras are quite expensive — an estimate, I have been told, would probably be about $5000.

I found the situation to be quite disturbing, particularly that evening when I was on my own. Because my husband was interstate I decided to ring the police and ask for some assistance. I rang my local police station and gave them the registration number of the car, which was RKI 325. The sergeant on call at that time looked up the registration and said to me, 'Well, normally this probably wouldn't be of concern, but I think it is of concern now because this car is registered to the Victorian government. In fact, this car is registered to the Department of Human Services'.

I discussed with the sergeant the fact that the two portfolios I am responsible for as shadow minister, aged care and housing, are within the Department of Human Services. He thought it was sufficiently serious enough that he informed me that he would be calling DHS and undertaking investigations to find out why this person was taking photos of my house in the way he was — that is, leaning over my fence — and what his reasons were. He also informed me that the police would be monitoring my home during the night and that they would be coming by and getting out of the car to ensure that things were safe.

He also asked me if I would write a letter to the police inspector of the area, which I did, asking that an investigation take place. The sergeant came around to my home on the Saturday night to collect that letter, and it was given to Inspector Parr. I was called a couple of days later and given the most extraordinary explanation for the behaviour of the invasion of my privacy. I was told that the person who took the photos of my house was an architect employed by DHS, and he took the photos in the way he did because he actually liked the style of my home, which he described as art deco. I do not know that I would describe it as art deco, it is a bit of a done-up house, and he did not give a particular reason for climbing the fence nor did he say that he had even bothered to knock on the door to ask permission, but he expected that I should accept this as an explanation.

The one place where architects tend to be employed in the Department of Human Services, if they are architects, is within the Office of Housing. Of course I have raised a number of issues in relation to the Office of Housing and the way it operates, about the minister and so on. I felt that I could not accept the explanation. It sounded like a bit of a tall story, and I do not think I am that gullible. I do not think the police accept the explanation either because they have told me that they intend to investigate this matter further.

One has to ask: what sorts of dirty tricks is this government now up to in this election period? Are photos of my house as shadow Minister for Housing to be used in some sort of sleazy way as part of an advertising campaign for the ALP?

An honourable member interjected.

Mrs SHARDEY — I am trying to speculate as to what the possible reason could be, and the honourable member probably would too. Is this an attempt to intimidate me into not raising issues in this house that I think are important? I certainly hope not. If this is the reason, I say categorically that I will not be intimidated. I demand that this issue be thoroughly investigated. I believe it should be investigated by the Ombudsman because there are a number of things that I want to know. I want to know who this bureaucrat was who holds a senior position in DHS and who has so violated my privacy; I want to know who initiated this idea that it was okay to do what he did; and I want to know why he thought it was reasonable to take such action without bothering to ask my permission. If he really wanted to take a photo of my house because he liked the style of it, I would imagine he would knock on the door like any other normal human being and ask for permission. I want this investigation to be carried out and I want to know the results of the investigation.

I understand that the police may not be able to give me all the details that I would like to know because I know there are certain things that they cannot tell me and I, as a member of this house, will not be pushing the police to give me information as perhaps some other people have. This has been a disgraceful episode on behalf of what appears to be a senior bureaucrat working for the Department of Human Services, and I certainly want an explanation on this issue, which I have reported to the police.

Housing: waiting lists

The second issue I wish to raise briefly is in relation to public housing, one of the portfolios for which I am responsible. Since the Bracks government came into power we have watched public housing waiting lists increase enormously. In the two years up to June this year we saw public housing waiting lists rise by 13 per cent across the state, and 40 per cent in country Victoria.

Since June this year the government has claimed that it has been able to reduce public housing waiting lists. There might have been some slight reduction, but I thought it was hilarious, looking at the spin put on the public waiting list, when the government said that it was not appropriate to count applications for transfers as part of the public housing waiting list. From time immemorial applications for transfers have always been included as part of the public housing waiting list. I can only presume that the minister wanted to put a better spin on the figures to hide the disgrace that we have seen occur under this government, particularly that some $110 million-worth of public housing construction has stalled under this government going absolutely nowhere on seven major projects. Apart from all this, today I grieve for those families who are the most desperate and in need of public housing who have been waiting longer than ever under this government.

These people are those who are on what we call the early public housing waiting list, and an examination of Victoria's early public housing waiting list shows massive increases in numbers. The early housing waiting list really covers those in the first three segments of people waiting for public housing, and they are people who are recurringly homeless, people who are in need of supported housing and people who have very special needs. For instance, they may be people who have been suffering domestic violence or who have been in and out of homelessness.

There has been a huge increase in early public housing waiting lists, and the government should be totally ashamed of that. In fact the increase is so huge that we have seen waiting lists in these segments statewide rising by 227 per cent in the last two and a quarter years, which represents some 4500 Victorian families since June 2000. These figures represent the most needy families and demonstrate that the Minister for Housing really does not care about the battlers in Victoria. On average, metropolitan early housing waiting lists have risen by 216 per cent, while country waiting lists have increased by an enormous 500 per cent since June 2000.

While we hear the Bracks government glibly claiming success in the public housing area, we see this enormous atrocity occurring. There has been a shocking increase in the emergency housing segments, and the Bracks government's cavalier attitude to all this is quite disgraceful. It contrasts very starkly with some issues we have seen brought into this house. For example, last week allegations were made, particularly in the upper house, that a family in Sunshine was given public housing ahead of everybody else at the insistence, so-called, of the Minister for Housing and the Minister for Education Services in another place, when this family was not even eligible for public housing.

One can also compare this situation to the 77-year-old Hampton East woman who was living in public housing and who was hurt by a neighbour wielding an axe on the Sunday before last. This lady had applied for a transfer under the early housing waiting list but her application had been rejected. She then faced the situation where her life was put at severe risk and she finished up in hospital with severe wounds because the Minister for Housing refused to give her a transfer under the public housing waiting list.

The increases in early housing waiting lists in various areas around Victoria are huge, and I have already mentioned the 500 per cent increase in country Victoria. Various groups have complained about this situation. Windermere Child and Family Services has complained to me bitterly that it is unable to assist its clients, in particular those on early housing waiting lists who might have been accepted but who have been waiting for indefinite periods.

Point Nepean: army land

Mr VINEY (Frankston East) — I grieve for the people of Victoria over the potential loss of the Point Nepean defence land on the Mornington Peninsula. As a resident of this region I have visited the Point Nepean National Park, and the defence land there is an absolute jewel of the Mornington Peninsula. It is one of the most visited parks in Victoria, and it is visited not only by the residents of Frankston and the peninsula but also by visitors from all over Victoria and Australia as well as by international visitors. They visit this area because it is an extraordinary piece of land of great beauty that has exceptional vistas both onto Port Phillip Bay and, across the other side, onto Bass Strait.

The land has exceptional environmental value because it has been untouched for many years. The fact that there is extensive unexploded ordnance on the land has meant that people do not visit it, and therefore it has been left very much in its natural condition.

The reason I am raising this matter in the house today is to express the concern I have, which I know is shared by this government, about the consultative process the commonwealth government is currently going through to consider how this land should be used in the future. In the middle of that consultative process the Prime Minister has made a clear announcement that it is the intention of the commonwealth government to sell the land. This announcement was made in a letter written by the Prime Minister to the Premier dated 5 October. The letter, signed by the Prime Minister, was received by the Premier's office on 11 October, and these dates are important.

The letter states that the defence department is proceeding with the sale of this land. The Prime Minister goes on to say that he appreciates community concerns regarding Point Nepean's unique heritage, but he then says that the Department of Defence will continue with the process of sale and that:

> The Victorian government may wish to bid for the property when it is marketed …

The reason I raise the date of this letter is that on 8 October, after the Prime Minister had written the letter but before it was received by the Premier's office, an interview was conducted with the federal parliamentary secretary for defence, Fran Bailey, on

Neil Mitchell's 3AW radio program. In this fairly extensive interview Fran Bailey stated:

> … we've got a community reference group and a planning group working with the community at the moment, working out a master plan … they're all going to be taken into account. In fact the community group has been working now for some months …

Further she says:

> … there are historic and environmental issues of real significance —

I think we can all agree with that.

> At the end of the day … the Mornington Peninsula council, of course … has the jurisdiction on accepting whatever is proposed under its planning …

As we will see a little later in the interview, she is again attempting to shift the blame to others. Further on she says:

> … the defence department will be guided by the recommendations that come forward from the consultants … There's no point in having this and going through the process if they aren't listened to. And I can assure you that they are being listened to.

Fran Bailey goes on to suggest that perhaps Kate Baillieu and her friends might like to buy the land and put it into a trust. Then after much prompting as to how much it is worth, she repeatedly says that she has no idea and then says:

> … the market will determine what it's worth and what it's going to be sold as.

She then says:

> Oh look, defence is … you know, will be putting it on to the open market and we'll see what that brings.

On 5 October the Prime Minister signed a letter to the Premier, which was not received until 11 October, stating that it is the intention of the commonwealth government to sell this precious land. On 8 October, in a most disingenuous interview, the parliamentary secretary for defence appeared to suggest that a consultation process was still taking place and that no decision had been made, when in fact the Prime Minister had already signed the letter.

She would have been well aware at the time of this interview that the Prime Minister had made a decision and that the federal government intended to sell it.

Mr Dixon interjected.

Mr VINEY — I am pleased the honourable member for Dromana has come in here. I notice that on his door downstairs is a little sticker about a people's park; he seems to have forgotten what political party he belongs to. It is a Liberal Prime Minister who is proposing to sell the land, and the honourable member for Dromana is being completely disingenuous in his protestations about it, as is the honourable member for Flinders, and we will come to him in a moment.

At the same time as the Prime Minister has been signing off and saying, 'We will sell this land to the highest bidder and we don't care about its precious environmental values. The money is more important; we will take the money', his parliamentary secretary for defence is trying to pretend that the commonwealth is still interested in the consultation process.

Further on in the radio interview Fran Bailey says that in fact:

> … it is the normal practice of the defence department to remediate land.

I can enlighten the house that it is in fact normal practice for the department to remediate the land. For example, in Sydney various pieces of defence department land are being remediated at a cost of around $12 million. It is good enough for Sydney, but it is not good enough for the Mornington Peninsula and for Victoria. That land has been given back to the community, and $12 million has been spent on fixing it up, but as for the land at Point Nepean in Victoria — no, that gets sold to the highest bidder.

I found myself wondering why on earth the federal government is so keen to protect the land in Sydney. Guess whose electorates it is in? The answer is the electorates of Tony Abbott and Joe Hockey — two of the Prime Minister's ministerial mates. They are getting their bit of land in Sydney looked after, but neither the honourable member for Dromana, the honourable member for Mornington, the Liberal candidate for Hastings nor the federal member for Flinders, Mr Hunt — and let me throw in the Honourable Cameron Boardman in the other place, because he wants to represent that area after the next election, whenever that may be held — can get the Prime Minister to look after the land down here at Point Nepean.

All these Liberals are running around hiding from the fact that their Prime Minister wants to sell this land to the highest bidder. But the federal member for Flinders let the cat out of the bag. The last paragraph of an article in the *Herald Sun* of 18 October states:

> If sold for residential housing, the federal government could expect $500 million in return, Mr Hunt said.

The federal member for Flinders, who has spent his entire time as a member of the federal Parliament talking about schools, a state government issue, TAFE education, a state government issue, and all sorts of other state issues — —

Honourable members interjecting.

Mr VINEY — Police numbers? That is the last one he wants to talk about, forgetting about what the people opposite did while they were in government, promising a thousand police and getting rid of 800. I will tell you what I will do for the honourable member for Flinders. I will send him a copy of the Australian constitution to read so he will understand that some things are state matters and some things are his responsibility — and his responsibility includes protecting this land for the people of the Mornington Peninsula, not flogging it off for $500 million for residential development.

Why would he want to sell off this land for $500 million? I suppose people buying blocks of land for $1 million or more might be inclined to vote Liberal. I suppose that is why he wants to do it. He is protecting his seat and taking the money. The people over there stand condemned. They are running around hiding and pretending they are not Liberals. The honourable member for Dromana stands condemned on this. They cannot hide on this, and they cannot run around saying, 'Oh, we really think it should be protected for a people's park'.

The honourable member for Dromana and other members opposite cannot do that and at the same time be saying yes sir, no sir to the Prime Minister, who is a member of their political party. It is their Prime Minister who is selling off this land, which is so precious and so valuable to the people of the Mornington Peninsula and the people of Victoria.

The Mornington Peninsula Shire Council and a number of other councils, including the cities of Casey and Frankston, had come together and, with commonwealth and state government support, put forward a proposal for a biosphere for the region that would be an important heritage protection and a recognition of the unique values of the area. But the same commonwealth government that agreed to be part of that proposal is now going to flog off a key part of the environment of the Mornington Peninsula.

Liberal Party members cannot hide from the facts. The honourable members for Dromana and Mornington, the Liberal candidate for Hastings and the Honourable Cameron Boardman in the other place as the Liberal candidate for Western Port Province, cannot hide from the fact that their party will destroy the unique heritage of the Mornington Peninsula if it gets a chance.

The Victorian government continues to stand ready to accept this land and work in partnership with the commonwealth government to ensure that it is protected for future generations. However, the Prime Minister has pre-empted all of the consultation processes and written a letter to the Premier — here it is, with his signature signing off on it — saying that the commonwealth government intends to sell this land.

The Liberal Party stands condemned. At the same time as the Liberal Party was trying to pretend that it wanted a park on the Mornington Peninsula, the Prime Minister signed a letter to the contrary dated 5 October and then sent his parliamentary secretary out with the completely disingenuous suggestion that the commonwealth government would still listen to the community. That is what the Prime Minister did. The Liberal Party stands condemned on this. The honourable member for Dromana ran in here when he heard me raise this issue, but he cannot hide from this. At the next election — whenever it is held — the people of the Mornington Peninsula — —

Honourable members interjecting.

Mr VINEY — Some time in the next year; some time in the next 12 months. The people of Dromana, Hastings, Mornington and Frankston — —

Mr Dixon — Get it right — the people of Nepean.

Mr VINEY — The people of Nepean, Hastings, Mornington, Frankston and Western Port Province will have an opportunity to let the Liberal Party know that this action is a disgrace. The Liberal Party is acting in a completely disingenuous manner by pretending to support a park when its own Prime Minister has signed off on flogging off the land. The federal member for Flinders let the cat out of the bag by saying the land is worth $500 million.

ALP: *Integrity in Public Life*

Ms ASHER (Brighton) — I wish to draw the house's attention to a Labor Party document called *Integrity in Public Life*, which was issued prior to the 1999 state election. This document called for an end to political advertising, yet in reality we have more. This document called for an end to consultancies, yet in reality we have more. This document called for transparency in senior appointments in the public sector, yet in reality we have none. This document also called for the freedom of information (FOI) process to

be more open and transparent, yet in reality there is less.

In particular I want to refer to a section of this policy called 'The integrity of public sector employment'. We were told in 1999 that Labor would ensure that:

> … senior executive salary packages are transparent in aggregate with performance bonus payments criteria publicly disclosed …

That was the Labor Party's promise. The reality is that this promise has not been honoured; indeed, it is even worse. The government is fighting in the Victorian Civil and Administrative Tribunal (VCAT) to prevent that particular promise being honoured.

In relation to key public sector salaries in the areas I shadow, I put in a freedom of information application to find out the salary packages of James Cain, the former Premier's son, as executive director of Major Projects Victoria; Neil Edwards, the secretary of what is now the Department of Innovation, Industry and Regional Development; Lois Appleby, the chief executive of Tourism Victoria; and Nicola Watkinson, the director of the Office of Manufacturing.

Given that Labor had this policy on public sector salaries, surprisingly the government refused to release the amount of money these highly paid public servants earn. Oddly enough, the government furnished me with an extraordinary reason in a letter dated 25 January 2002, which said:

> … their release would involve unreasonable disclosure of information relating to individuals' personal affairs.

The government is now arguing that in complete contrast to its promise to disclose senior salaries they are now personal affairs, even though they are paid by the taxpayers. I find this quite extraordinary given that the previous government, in which I was a minister, released contractual details and salaries. In my case the now Attorney-General put in an FOI application concerning the head of Tourism Victoria, and I gave him the information. Unprecedented low standards have been set by this government.

However, the government did release some contracts minus the amounts of money. Interestingly enough, the contract relating to James Cain was only drawn up after my FOI request had been received. My request was sent on 4 October 2001, and the contract was only signed on 16 January 2002, just prior to the government providing me with some documentation. I then moved this process to VCAT to obtain the salaries. To his credit James Cain released his salary of his own volition. He is paid $200 000 per annum for being head of the major projects unit, and he has started no projects. Likewise, Neil Edwards decided it was easier just to capitulate and give me his salary, which is $240 000. However, in terms of the principle, we now have a situation in Victoria where it is at the discretion of individual public servants as to whether taxpayers know their salaries. This is unacceptable to me, and I suspect it is unacceptable to the taxpayers.

We then moved on to the Victorian Civil and Administrative Tribunal hearing. The two public servants, Nicola Watkinson and Lois Appleby, were still holding out, maintaining that their salaries, paid for by the taxpayer, were confidential. In a witness statement presented to the VCAT hearing, Neil Edwards states:

> My contract negotiations with executives in the department are always conducted on a confidential basis.

He also went on to say:

> … I envisage management issues arising if the disparity between remuneration rates paid to individual executives were to become widely known within the department.

So in an extraordinary witness statement, a very senior government public servant was saying that all public sector salaries should remain confidential and that departmental officials might get a bit jealous if they knew someone was earning more than someone else. Indeed in his sworn testimony to the VCAT hearing he said that he had argued with James Cain, urging him not to release details of his salary package.

I move on now to the witness statement of Lois Appleby in which she said:

> My contract is marked 'Confidential'. I would regard it as a breach of that confidence if my remuneration details were now to be released.

She went on to say:

> It would cause me some awkwardness and embarrassment in my dealings with them —

meaning the tourism industry —

> if my remuneration details were to become the subject of public discussion and debate. I can see no countervailing advantages in the release of my remuneration details to the industry.

There is this extraordinary concern. The head of Tourism Victoria is worried that the small business operators who constitute the majority of tourism operators might be surprised at the generosity of her salary package.

I turn now to Nicola Watkinson's statement. She had another problem because she believed she was poorly paid. She said:

> I am confident that my remuneration would compare poorly with that of many of the CEOs and the senior management staff of the manufacturing companies with whom I deal. I am concerned that my authority would be undermined if my remuneration details were to become a matter of public knowledge.

So one public servant said that her salary was so large it was an embarrassment within the tourism industry, and another public servant argued before the Victorian Civil and Administrative Tribunal — as senior representatives of this open, honest and transparent government which promised these salaries would be released — that her salary was an embarrassment. Not surprisingly VCAT ordered the release of those documents to show the salaries. The VCAT judgment indicated:

> The applicant's apparent purpose, namely to use this remuneration package figure as part of the public debate as to remuneration levels and appointment policies of the senior executive levels of the Victorian public service, seems to be a proper and reasonable one for a state politician.

The salaries were ordered to be released. For the record, Nicola Watkinson's salary package is $120 000 and she is now in Frankfurt. Lois Appleby's package is $210 000. Those documents were rightly released.

I now turn to the issue of bonuses. Again the government promised that salary details would be released in aggregate. I found that the contracts being used by the Bracks government are exactly the same as those used by the previous Kennett government and word for word the contracts offer bonuses of up to 20 per cent. I put in a freedom of information application for Neil Edwards's bonus payment. Not surprisingly the government said no and off to VCAT we went. Representing the government was Maurice Blackburn Cashman and in the documents it tabled before VCAT it said:

> The unreleased information is clearly information regarding to Mr Edwards' personal affairs.

Maurice Blackburn Cashman then went on to say:

> The disclosure of the unreleased information would be unreasonable …

That is Maurice Blackburn Cashman arguing for the government. However, the day before the hearing Neil Edwards's bonus details were released to me. The public now needs to know that in two personally signed letters to Neil Edwards the Premier of Victoria awarded this gentleman a 15 per cent bonus in each of his two years service. If I can cause the house to reflect, this man was given a $36 000 bonus. That equates with the average wage for a Victorian for a year. This man, on top of a $240 000 base salary — —

Mr Nardella interjected.

Ms ASHER — I will release the aggregate salary that the government said it would do. His aggregate salary is $276 000. What were the bonuses for? What did the letter signed by the Premier say the bonus was for? Why did this guy get $36 000? Firstly he did a restructure of the department. Secondly, four new divisions were added to the department — more public servants. Thirdly, he achieved his targets — that is, he actually did his job; and fourthly, there was good performance in preparing for Y2K and the goods and services tax. This fat cat public servant received $36 000, which the government did not wish to disclose, for creating more divisions within his department, achieving his own targets and a good performance in preparing for Y2K.

I place on the record my thanks to Michael Adams, QC, my lawyer in those cases, who was unceremoniously sacked by the Labor government. Those two VCAT wins are wins for holding the government to account. They come hard on the heels of another win for my lawyer Michael Adams in relation to Shannon's Way where the government refused to allow the public to know how much money Workcover was paying to Shannon's Way. Again VCAT ordered the release of 10 documents. In three cases, Michael Adams had three wins. That is an excellent performance and I thank him for his role in holding the government to account.

Member for Templestowe Province: representation

Mr LANGDON (Ivanhoe) — My grievance today is on behalf of the people of Templestowe Province for the ineffective representation by the Honourable Carlo Furletti, one of two Liberal Party representatives of Templestowe Province. The lower house seat of Ivanhoe is in the Templestowe Province where Mr Furletti has his office. If that is an example of his work efforts, he has no substance whatsoever. I want to go through this to prove to the house and to my learned colleagues on the other side what little substance Mr Furletti has — —

Ms Asher — Carlo Furletti is 10 times the man you are!

Mr LANGDON — I will ignore interjections because they are disorderly.

The Honourable Carlo Furletti was elected in March 1996 on the same date as I was elected. He had effectively three and a half years in government and, as of early this month, I have had effectively three years in government. I will give you a prime example of how ineffective Mr Furletti has been in that time. In his election pledges he promised — —

Mr Lenders — What about the Austin?

Mr LANGDON — We have not got to the Austin yet, but we will get to the Austin, I can assure you.

He promised there would be a police station in West Heidelberg. There was a full-page ad with the then chief commissioner of the council and the then honourable member for Ivanhoe, Mr Vin Heffernan, advertising that there would be a police station in West Heidelberg. After I was elected we discovered that there could never be a police station on that site because Mr Bruce Mathieson had received the site and put a caveat on the land and it was just never going to happen. It was a completely and utterly hollow promise.

Members of the house may recall that in my time here I have been fighting Mr Bruce Mathieson to stop the old Colosseum Hotel site from becoming the poker machine parlour that he desperately wanted to put there. Town planning amendment 69 said poker machine venues could not be put in shopping centres. The former planning minister, the honourable member for Pakenham, then moved amendment 70, which provided that any hotel burnt down since September 1992 that was in a shopping centre precinct would not be covered by the previous amendment. Guess which shopping centre, which hotel — —

Mr Carli — Tell me how many there were!

Mr LANGDON — There was only one! A whole amendment was put through so that Mr Bruce Mathieson could build his poker machine parlour on this site, the site that Carlo Furletti had promised the people would be a police station. What did Mr Furletti say? Did he stand up for the people? Absolutely dead silence. Not a word. That is what he calls representation.

Let me go to the other enormous issue in my electorate, the Austin hospital. The previous government made a commitment not to close the Austin, but we discovered that it wanted to sell it — to privatise the Austin hospital. The people of Ivanhoe rebelled against that and I was elected on that issue — if for nothing else but to stop the privatisation. I can tell this house that the election of the Bracks government has done that. Within two weeks of becoming the government we stopped the privatisation.

What did the Honourable Carlo Furletti do? Absolutely nothing. He totally ignored the whole issue. The Austin hospital goes back 120 years this year. He totally ignored it. The people wanted the Austin to remain in public hands. From 1996 to 1999, during the period of the Kennett government, it tried to privatise the hospital. I can tell the house about the number of people who came to me through the whole project and said the proposal could not get off the ground. The previous government spent seven years trying to privatise the Austin hospital but the project never got off the ground — it could not do it, and it was a complete shambles. What did the honourable member for Templestowe Province do? Absolutely nothing. Again, stone quiet.

In the 1999 campaign — —

Mrs Shardey — On a point of order, Mr Acting Speaker, the honourable member is impugning the reputation of an upper house member who is not in this place. The upper house member was elected in only 1996 and the period referred to was before that.

The ACTING SPEAKER (Mr Loney) — Order! There is clearly no point of order. That was a point of debate.

Mr LANGDON — The honourable member was elected in 1996 and has remained a member until the current time, the same period I have been here, but I faced election twice, unlike the upper house members who do not like going to elections very often. He has remained completely silent on the issue.

Mr Carli — A stale mandate!

Mr LANGDON — I take up the very good interjection. It is a stale mandate. Not only did he not honour his mandate of 1996; it has been a very stale one ever since.

I go to another issue showing how a member can be effective. Lower Plenty Road was being widened and there was a footbridge across it. The footbridge goes from one side of a very busy road to the other side where there is a Catholic school, a church, another school nearby and a kindergarten. There were steps up to the footbridge. The local community tried to have the steps removed and a ramp installed so that people with wheelchairs and prams could use the footbridge. What happened under the previous government? Absolutely nothing. It would not budge; it would not put another cent into the proposal. What did the honourable

member for Templestowe Province do? Again not a word was said.

Within a month of the election of the Labor government in 1999 the whole thing was changed, and I gladly tell the house there is now a ramp across the footbridge. One or two problems still have to be worked out, but there is a ramp. That is an example of what can be done in government — unlike the situation with the previous government and the honourable member for Templestowe Province, Carlo Furletti.

Let me give another example: Ivanhoe East Primary School. In the dying days of the last government this honourable member for Templestowe Province went to the Ivanhoe East Primary School to promise half a million dollars for a development at the school. Was it in the budget? No, it was not. Was it planned for? It was not in the budget. Three years later, under the Bracks government, the money is now flowing. The school is getting $1.3 million — a substantial increase on the hollow promise of $500 000 from the honourable member for Templestowe Province, Mr Carlo Furletti. Again another detail. He went to the school and he made a promise — no substance whatsoever and deadly silence. This government provides $1.3 million to the school. It is something this government is doing. It is a government of action.

I also go to the issue of town planning. Under the *Good Design Guide* — which in my electorate was aptly known as the *Greedy Developer's Guide*, particularly in East Ivanhoe and Eaglemont — the system was exploited by developers. Many people came to me trying to get my help, and I helped them fight many campaigns. To some degree even today, because of the previous guidelines, I have to put in applications to fight them. Again an honourable member for Templestowe Province, Mr Furletti, is remarkably silent — exceptionally silent.

Another promise I raise relates to the Banyule Community Health Centre. The subject has hit the newspapers recently. The previous Minister for Health, Robert Knowles, in the other house said in April 1999 that the community health centre would be redeveloped. He did not say where. He said it would be in Heidelberg, which was a rather vague promise, and he did not say West Heidelberg which is the health centre's current location. But in the 1999 budget, which was not a Bracks government budget, unfortunately, but the Kennett government's last budget, was there a commitment to develop the site? Not a thing! That is yet another example of a hollow promise not kept and not delivered on by the previous government. I am working very hard to make certain the health centre remains in West Heidelberg and will get funding very soon.

Honourable members interjecting.

Mr LANGDON — I shall ignore interjections. I will put my record of what I have achieved in the Ivanhoe electorate in the past three years against Carlo Furletti's three years in government any day. Some $340 million — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Loney) — Order! The level of interjection is far too high. It seems to be coming from honourable members who have recently entered the chamber. I ask them to desist.

Mr LANGDON — The Austin hospital is a prime example: $340 million has been committed by the Bracks government. If anyone goes past the Austin hospital these days they will see a major development there. The Ivanhoe electorate is thrilled at this prospect. What is also important is that the economic boom this brings to my electorate is starting to take off — for example, developments are proposed not only in the shopping centre but the Warringal Private Hospital is also thinking about expanding to fit in. The Ivanhoe electorate may well become one of the largest health precincts in this country. This would not have occurred under the previous government.

The previous government was doing everything it could by stealth to privatise the Austin hospital, but it would never declare its hand — for example, during the last election campaign it advertised that it would build a bigger and better hospital. Not once was privatisation mentioned. So Templestowe Province has been terribly represented by Carlo Furletti in another place. I commend to the house the Labor candidate for Templestowe Province, Lidia Argondizzo. I urge the Ivanhoe electorate to get behind Lidia to make certain — —

Mr Perton — Mr Acting Speaker, although the grievance debate gives members a wide ambit, there are still rules that apply to the way in which a lower house member can refer to an upper house member and vice versa, and the honourable member is not entitled to use the grievance debate as an election speech to besmirch Mr Furletti or Mr Forwood.

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

Mr Perton — Sorry, there is!

The ACTING SPEAKER (Mr Loney) — Order! Excuse me, honourable member for Doncaster! It is not within standing orders for an honourable member to sit in their seat and scream at the Chair.

Mr Perton — I didn't scream at you; I said you were wrong.

The ACTING SPEAKER (Mr Loney) — Order! There has been a ruling.

Mr LANGDON — Thank you, Mr Acting Speaker, and a very wise ruling indeed!

As I said, after the future election within the next 12 months or so we will have a chance to rectify these problems and elect Lidia Argondizzo, who is a very good candidate for the Labor Party and who will get in there and represent the people of Templestowe Province. We are looking forward to that a great deal.

Another example that demonstrates the difference between the Honourable Carlo Furletti and me is the freeway issue. I think another honourable member may well be speaking on it shortly. The Ivanhoe electorate and indeed perhaps even the Bulleen electorate have been threatened with a freeway. These threats have mainly come from Dr Paul Mees who believes Vicroads has secret plans to put a freeway through. There have been two public meetings.

An honourable member interjected.

Mr LANGDON — He has a very vivid imagination. He tends to think Vicroads has secret plans in bottom drawers constantly and pulls them out whenever it wants to. I attended the meetings, one in Heidelberg attended by about 300 people and the other in the Bulleen electorate attended by some 700 people. Dr Mees spoke to that meeting and said again that Vicroads had plans to put a freeway down the Viewbank area, the Heidelberg area, across the Yarra River and down the Yarra Valley flats and so on, linking up to the Eastern Freeway. I declared at that meeting — and I stand here today to declare to the house and put on the record — that no such freeway is planned by this government.

While I am the honourable member for Ivanhoe and while there is a Bracks government there will be no freeway built. I went so far as to say that I would resign if a freeway was ever constructed in such an area. I must admit the audience was exceptionally pleased at that commitment. But that is what I am prepared to do to represent the people of Ivanhoe. They do not want a freeway carved through the Yarra Valley or Bulleen or Viewbank. I put on record my opposition to it at that meeting, and now in this house I put on record my opposition to it. I commend the Labor candidate, but at the same time I grieve at the inaction of an honourable member for Templestowe Province, the Honourable Carlo Furletti.

Another example of the Liberal Party's performance in my electorate is that a couple of months ago it preselected Andrew Tragardh to be the Liberal candidate against me. But somewhere along the line he must have upset the leadership of Carlo Furletti and Bill Forwood because he was forced to withdraw his candidature. The rumour is that he was forced to withdraw as a candidate. I do not know what the issue was. On the one hand I was told the leadership team did not like him and asked him to withdraw, and on the other I heard he just stood down. I will not mention the current candidate. He suddenly appeared just last week. The Liberal Party had a good candidate, whom I believe the local Liberal Party members preselected, but it has now dumped him; it asked him to withdraw. It is ignoring other Liberal Party members and installing someone else. It is appalling. It is an example of how badly the Liberal Party is doing in the Templestowe Province and the Ivanhoe electorate.

Greek and Slav Macedonian community

Mr KOTSIRAS (Bulleen) — It is with sadness that I stand to grieve for members of the Greek community in Victoria because this government — and especially the Premier as the then Minister for Multicultural Affairs and the minister then assisting him in that portfolio — has misled members of the government, the Parliament, the Greek community and me.

The issue is, of course, the Macedonian issue, which goes back many years. It even goes back to 1984 under a previous Labor government. The then Minister for Ethnic Affairs, the Honourable Peter Spyker, signed off on a memorandum asking for a group of people who came from a region of Yugoslavia to be referred to as Macedonian. I wish to quote from that memorandum. It states:

> I therefore recommend and seek your approval for the use of 'Macedonian' as a heading and as a referral category within our proposed listing of ethnic organisations.

It was signed and also approved by Peter Spyker. The issue caused some friction back then, but it lay dormant for many years. With the break-up of Yugoslavia in the early 1990s one of the states which sought independence wanted to use the Greek name of 'Macedonia'. Of course that caused much friction here in Victoria. There was violence, fire bombs were thrown into buildings, and the government was

concerned. This violence also threatened our schools. As a result of that the previous Liberal government put in a directive to refer to the language that is spoken by people who come from the former Yugoslav Republic of Macedonia (FYROM) or who originate from FYROM or who associate with FYROM as 'Macedonian Slavonic'. The Slav Macedonian organisations objected to this and took legal action.

I will read from a brief from the department an account of what happened during that action:

> A complaint with the Human Rights and Equal Opportunity Commission (HREOC) was lodged by the Macedonian Human Rights Committee Inc. In 1997 Sir Ronald Wilson for HREOC found that the directive did not breach the Racial Discrimination Act …

The Macedonian Teachers Association of Victoria (MTAV) then appealed this decision to the Federal Court. Subsequently it won the case. The Victorian government then appealed that decision to the full Federal Court, which also found in favour of the MTAV. The former government then sought leave to appeal to the High Court, and that is when there was a state election. Labor came into government and promised that it would continue the court case in the High Court and would abide by whatever the High Court said.

On 20 July 2000 the local Greek newspaper *Neos Kosmos* reported:

> The Bracks government has stated that it will await the decision made by the HREOC commission before making any further decision on this issue.

A few days later, on 26 July 2000, I was amazed to read in the *Herald Sun* that the Victorian government, with the knowledge of the Minister assisting the Premier on Multicultural Affairs and the Premier, had sought an agreement with the MTAV. This is despite their assuring the Greek community that no deals would be made and that they would abide by the High Court ruling.

The High Court brought down its decision on 26 May 2000 and referred the matter back to the HREOC. The Premier and the minister again went to the press and said they would not decide on what action to take until the HREOC made its recommendation. So between the High Court and the HREOC the government said it would do nothing, that it would wait for the final decision of the HREOC.

As a result of this article in the *Herald Sun* I put in a number of questions on notice as well as raising the issue in the adjournment debate. On Thursday, 7 June 2001, I asked the Premier whether any secret meetings took place between the government and the MTAV. At the time the Minister assisting the Premier on Multicultural Affairs was at the table, and he said that there were no deals.

I then received a letter from the Premier dated 27 August 2001. It states:

> No agreement for an apology or a contribution towards the MTAV costs or proceedings was made.

I raised the matter again as a question on notice, and on 18 September 2001 the Premier replied:

> No agreement for an apology or a contribution towards the MTAV costs of proceedings was made.

Again, as recently as Tuesday, 28 May this year, I asked a similar question and the Premier replied:

> There was no agreement made otherwise with the Macedonian Teachers Association of Victoria during the term of this government.

So I said, 'That's fine. The government has kept its word in seeing the case through the High Court and through the HREOC'.

Unfortunately just recently I received a leaked document which contradicts the Premier and the minister then assisting him. The document contradicts both of them, and I have to say they have misled this house, they have misled the Greek media and they have misled the Greek community. I will read from this document, which was dropped in the mail:

> After the application to the High Court was dismissed, legal representatives for the government and the complainant … entered into discussions with a view to negotiate a settlement. The MTAV requested withdrawal of the directive, a consent order that the government would not oppose withdrawal of the directive, a new directive, an apology, a public announcement and a contribution to costs.

This is where it is interesting:

> The government agreed to the withdrawal, a consent order, settled the text of an apology and a contribution to costs.

So the government agreed to a secret deal between the MTAV and the government, yet the Premier and the minister were saying in the media that there was no secret deal and that no money changed hands. Was this a brief from a bureaucrat? I say to you, Mr Acting Speaker, it is a cabinet document.

Mr Dixon — A what?

Mr KOTSIRAS — A cabinet document, and it is signed by Steve Bracks, Premier, and John

Pandazopoulos three days before the HREOC brought down a ruling — three days, and in a cabinet document!

The document goes further, one of its observations being:

> … should HREOC find the directive is in breach of the Racial Discrimination Act not issuing a new directive is recommended.

Mr Batchelor — On a point of order, Mr Acting Speaker, the honourable member is quoting from a document. I would like the document made available.

Mr Honeywood — On the point of order, Mr Acting Speaker, I have been watching the honourable member for Bulleen closely. He is not quoting from any document. He is referring to a document, but he has not been quoting from any document. There is a great distinction that needs to be drawn.

The ACTING SPEAKER (Mr Loney) — Order! Is the honourable member for Bulleen prepared to make the document available to the house?

Mr KOTSIRAS — I am. This document was signed by the Premier and the Minister assisting the Premier on Multicultural Affairs three days before the HREOC brought down a ruling. They said that from 26 May until September no decision was made and there was no secret deal, yet the Premier and the minister knew of the deal, approved the deal, and had made a decision regardless of what the HREOC brought down. I find this offensive and I think the Greek community will find it offensive. I will read the apology that the Premier and the minister agreed to, which is attachment C to this cabinet document:

> The Victorian government apologises to the Macedonian Teachers Association, the students and members of the Former Yugoslav Republic of Macedonia (FYROM) community for the directive issued by the former Liberal government. The current government sincerely regrets any suffering caused by this directive and assures the FYROM community of its equal standing in Victoria's multicultural society.
>
> My government calls upon community leaders to come together to develop strategies to resolve any remaining community division on this matter.

It goes further. I also have a copy of a letter signed by the Honourable Steve Bracks, the Premier, some time in 2000, and it is important that I read this:

> Thank you for the documents you left with my office for consideration in this matter.
>
> The history of the fragmentation of the Macedonian people described in these papers has enhanced my appreciation of the attitude of the Macedonian people in this matter.

This is prior to the HREOC's ruling:

> The material you provided does give a strong indication of the frustration which the Macedonian people must feel concerning the international dispute surrounding the naming of the former Macedonian republic.
>
> On coming into government, the litigation involving the state in this matter has been a troubling issue. I am grateful for the manner in which you have indicated the sensitivity of the Macedonian people to this action. As this litigation has not yet been finally resolved, I am extremely confined in the comments that I can make.
>
> I do wish to assure you, however, that my government will make every effort to ensure that, as far as possible, this matter is finalised without further offence to the Macedonian people.
>
> Your documents are now returned with my sincere thanks.

So there was the High Court ruling in May of 2000 and the HREOC ruling in September 2000 — a gap of a few months. On Greek radio the Premier and the then Minister assisting the Premier on Multicultural Affairs promised the Greek community that no decision would be made until after the HREOC brought down its decision. Secondly, they said no special deals were made between the government and the Macedonian Teachers Association of Victoria.

As I said, this cabinet paper, dated 7 September 2000 and headed 'multicultural affairs cabinet committee, 4.30–5.30 p.m.', relates to the meeting to be held in meeting room 1 at Parliament House. The agenda lists: apologies and minutes of last meeting, and then at item 4 the Macedonian Slavonic issue. I am happy to make this document available. It starts with the history and then at item 10 indicates that an agreement was reached between the government and the Macedonia Teachers Association of Victoria (MTAV). For some reason when it went to the HREOC it tried to hide it; this government denied that this ever existed. It denied that it had made a secret deal. The government denied in an answer to a question on notice and again when the matter was raised during the adjournment debate that a deal was made between the government and the MTAV. That has been shown to be false and misleading.

The Greek community will see this for what it is. The government has closed the Hellenic museum after the Kennett government did all the work to establish it. It has now slapped the Greek community in the face by lying and misleading both the Parliament and the community. I cannot understand how three days before the HREOC brought down the ruling the government

was able to make a decision not to issue a new directive, having given a promise previously that it would wait and speak to both communities before it decided on what action to take next.

I ask: how on earth would the Premier and the minister know of the outcome of the HREOC deliberations? It is a pity; it is a shame.

The ACTING SPEAKER (Mr Loney) — Order! The time for grievances has expired.

Question agreed to.

APPROPRIATION MESSAGE

Message read recommending further appropriation for Outworkers (Improved Protection) Bill.

PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Major Projects) — I move:

> That I have leave to bring in a bill to amend the Project Development and Construction Management Act 1994 and the Commonwealth Games Arrangements Act 2001 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister for a brief explanation.

Mr BATCHELOR (Minister for Major Projects) (*By leave*) — This is a bill that largely deals with government machinery matters in two instances. Firstly, it provides for the return of major projects to the Department of Infrastructure and the procedure for nominating projects. It similarly amends the Commonwealth Games Act to provide the Secretary of the Department of Sport, Tourism and the Commonwealth Games with the necessary powers to develop the Commonwealth Games projects.

Motion agreed to.

Read first time.

SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to establish the Southern and Eastern Integrated Transport Authority, to amend the Borrowing and Investment Powers Act 1987 and for other purposes.

Read first time.

MELBOURNE (FLINDERS STREET LAND) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to provide for the divesting of certain land in the vicinity of Flinders Street from the Melbourne City Council, and for the revocation of the reservation of that land, to amend the Melbourne (Flinders-street) Land Act 1958 and for related matters.

Read first time.

OUTWORKERS (IMPROVED PROTECTION) BILL

Instruction to committee

Mr LENDERS (Minister for Industrial Relations) — I move:

> That it be an instruction to the committee that they have power to consider new clauses and amendments to the Outworkers (Improved Protection) Bill to provide for the application of the federal Clothing Trades Award to Victorian outworkers in that industry, the appointment of information services officers and consequential amendments to the Victorian Civil and Administrative Tribunal Act 1998.

Motion agreed to.

FIREARMS (TRAFFICKING) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

> That I have leave to bring in a bill to amend the Firearms Act 1996, the Magistrates' Court Act 1989 and for other purposes.

Mr PERTON (Doncaster) — I ask the minister for a brief explanation of the contents of the bill.

Mr HAERMEYER (Minister for Police and Emergency Services) (*By leave*) — The purpose of the bill is to tighten up laws relating to the trafficking of illegal firearms and to introduce some close associates provisions to ensure that inappropriate people do not have control or ownership of firearms dealerships.

Motion agreed to.

Read first time.

FAIR TRADING (AMENDMENT) BILL

Introduction and first reading

Ms CAMPBELL (Minister for Consumer Affairs) — I move:

That I have leave to bring in a bill to amend the Fair Trading Act 1999, to repeal the Small Claims Act 1973, to repeal part IV of the Goods Act 1958, to amend the Business Licensing Authority Act 1998 and other acts and for other purposes.

Mr PERTON (Doncaster) — I ask the minister for a brief explanation as to the contents of the bill.

Ms CAMPBELL (Minister for Consumer Affairs) (*By leave*) — The bill expands the responsibility of the director of consumer affairs to require traders to substantiate claims. It also allows the director to make public warnings about road traders, it tightens up the Fair Trading Act and it moves provisions from the goods and small claims acts into the Fair Trading Act.

Motion agreed to

Read first time.

UNIVERSITY ACTS (AMENDMENT) BILL

Introduction and first reading

Ms KOSKY (Minister for Education and Training) — I move:

That I have leave to bring in a bill to amend acts establishing public universities in Victoria and the Victorian College of the Arts and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister for a brief explanation.

Ms KOSKY (Minister for Education and Training) (*By leave*) — This bill deals basically with the objects of universities and changes some of those objects. As well it has provision for payment of university council members if they so wish to move that way.

Motion agreed to.

Read first time.

SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Summary Offences Act 1966 to create a new offence and for other purposes.

Mr PERTON (Doncaster) — The Attorney-General with his raised eyebrows clearly invites me to ask him for a brief explanation of the bill.

Mr HULLS (Attorney-General) (*By leave*) — As the current shadow Attorney-General would know, there has been an issue in the St Kilda area in relation to street prostitution. The government is showing leadership on this issue and introducing a new offence and on-the-spot fines for gutter crawlers.

Mr Perton interjected.

Mr HULLS — Gutter crawlers! Gutter crawlers!

Motion agreed to.

Read first time.

CONFISCATION (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to make various amendments to the Confiscation Act 1997, to consequentially amend the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981 and the Sentencing Act 1991 and for other purposes.

Mr PERTON (Doncaster) — I ask the Attorney-General to give a brief explanation of the contents of the bill.

Mr HULLS (Attorney-General) (*By leave*) — This bill again shows that the government is being tough on crime in that it intends to amend the confiscation legislation to lower some thresholds involving drug-related matters whereby people who believe they can profit from crime and the proceeds of drug-related offences will have another think coming. This is a very important bill. I hope the shadow Attorney-General

changes his mind, because he initially went to the media saying he would oppose this legislation. I certainly hope he changes his mind and supports the legislation.

Motion agreed to.

Read first time.

PERSONAL INJURIES PROCEDURES BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to provide for pre-litigation procedures for certain claims for damages for death or injury, to provide for costs in subsequent court proceedings and for other purposes.

Mr PERTON (Doncaster) — I ask the Attorney-General to give a brief explanation of the contents of the bill, particularly in relation to what these 'certain claims for damages' are.

Mr HULLS (Attorney-General) (*By leave*) — In relation to the specifics of the bill, I know the shadow Attorney-General does not like waiting, but he will just have to wait until tomorrow. This bill is all about cost thresholds. As he is aware, there is a problem in the community with insurance. To address that the government has introduced a package of reforms, and this adds to that by introducing thresholds on the amount of costs that can be awarded in any claim. Those thresholds, without going into the second-reading speech, will ensure that bona fide claims will get to court but a range of pre-litigation procedures will be put in place with a view to ensuring that many of these matters will be settled before they get to court.

Motion agreed to.

Read first time.

PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL

Second reading

Debate resumed from 29 October; motion of Ms DELAHUNTY (Minister for Planning).

Mr BAILLIEU (Hawthorn) — This is instalment 2 of what it appears will be a three-instalment response to the bill. As I was saying last night prior to debate on this measure being adjourned, and I reiterate it again today, the philosophy of green wedges is a Liberal legacy, and it is one that we will be honouring. The legacy of the Garden State, inherited from the former Liberal government, is one that resonates with Victorians still and is held in great affection. Right across Australia Victoria is still known as the Garden State, and the numberplate 'Victoria — The Garden State' will live with us for a long time. The Garden State and the concept of green wedges conjures up a tune in the minds of almost every Melburnian. It may not always be the same tune, but it is a tune that is much appreciated and is affectionately held in the minds of those who live in Melbourne.

I made the point that our parks, gardens and green spaces are regarded as very precious in Victoria, particularly in Melbourne. It is not an accident, and I also made the point last night that in this time when confidence and certainty have been put at risk by so many things, particularly of late, it is an understandable and noble sentiment that we should hold our environment as something precious. There are some things that Victorians do not want people to mess with. As I said last night, you can mess with our hearts, our heads and our jobs and sometimes our churches, but when you mess with our beaches, rivers, parks and trees you galvanise a reaction. That to me and the Liberal Party is an understandable sentiment.

Yesterday, those of us who were privileged to attend the event honouring the victims of the Bali tragedy at the Sydney Myer Music Bowl were reminded of how precious things are. Bali is a place of tranquillity, a meeting place and a place where the land, the sea, the surf, the weather and the vegetation blend. When you couple that with the feelings of Australians, particularly young Australians, you can understand the great affection in which Bali has been held by Australians for so long. Seeing that place spoilt by such an outrageous act is an image that has touched us all.

I raise that only so we understand that our land and our parks and gardens are important to Victorians. The tune in our heads is one that we hold dear. The Liberal Party supports the concept of green wedges, and the bill will pass through the house with its unequivocal support for the concept. Nevertheless, I am not sure that the bill actually does much to realise the dream of protecting them. The aim of the legislation as it has been marketed and trumpeted is to protect green wedges, but perhaps the purpose clause in the bill portrays more emptiness, because the main purpose is:

… to require ratification by both houses of Parliament of amendments to subdivision controls in planning schemes …

The bill has been promoted as a cure-all for the protection of green wedges, but the reality is that it does only two things. The community could be forgiven for thinking it does a lot more, but in fact it does a lot less than it claims, and I shall come back to that later. I stress that all we are dealing with is this piece of legislation. The house is not dealing with the various statements of the minister and the Premier about other matters, and I will also come back to that separation in a moment.

Firstly, the bill labels the land between what is now known as the urban growth boundary and the outer municipal perimeter of Melbourne as green wedge land. It does not do any more than that. Secondly, it provides that planning scheme amendments affecting any subdivision in that labelled territory must be approved by both houses of Parliament. That is a planning scheme ratification mechanism, and that is all it is. It applies already to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, and sections 46C and 46D of the Planning and Environment Act 1987 to which this bill applies already entertain that mechanism. That mechanism was introduced by the Kennett government in the 1990s at the time of council amalgamations to protect the Upper Yarra Valley and the Dandenong Ranges in the same way as they had previously been protected by the authority.

I repeat, the bill does only two things: it labels a piece of land around Melbourne which might be described as a doughnut shape, although there are some hundreds of thousands of freckles on the doughnut, as green wedge land; and it applies a planning scheme amendment ratification mechanism to any land in that territory.

The mechanism is, as I said, similar to a mechanism already introduced by the Kennett government and in place successfully for some six or seven years. It is a mechanism that the Liberal Party at the last election intended to have applied to the Mornington Peninsula. We reaffirmed that policy position some months ago — that is, that we would create a regional strategy plan for the Mornington Peninsula in the same way as has been done for the Upper Yarra Valley and Dandenong Ranges and apply to that plan the same planning scheme amendment ratification mechanism as was applied in the Upper Yarra Valley. The mechanism has a history; the mechanism is not unusual. The mechanism is not something that is to be feared.

The label of the territory between the two lines on the map — and I know it is not possible to incorporate the line in this discussion, but it appears on a plan produced by the Department of Infrastructure as a thick, black, squiggly line largely around metropolitan Melbourne, with some variations — is the urban growth boundary. Beyond it is the metropolitan municipal perimeter. There is no definition of that land other than the label.

Perhaps the only other thing the bill could be said to do is expand the territory which is identified colloquially as green wedge land, because there is no current definition of green wedge land. The label does not apply in the planning scheme currently; it is essentially a collection of non-urban zones. To that extent there has been an expansion.

The one thing that can be said about this bill is that it provides no extra power to the government to protect green wedges beyond what the government currently has. I repeat, there is no additional power given to the government to protect green wedges than it already has. Perhaps one could say that a little bit of extra scrutiny is involved. Planning scheme amendments under this act will not go to the Parliament unless the minister wishes, and that is precisely the situation which occurs now with any planning scheme amendment. The only difference between the usual planning scheme amendments and this proposition is that this is a ratification mechanism as opposed to the usual process, which is a disallowance provision. Under that a scheme amendment is tabled and it is up to both houses to consider whether they wish to disallow it. If there is no motion of disallowance then the scheme passes through the house in the ordinary way.

The ratification mechanism requires the amendment to receive positive agreement, and then the motion is put. Honourable members would know that under the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan and the Planning and Environment Act occasionally planning scheme amendments come before this house. The minister moves that the amendment be approved, and that is normally done without debate. There are occasional debates, but the reality is that they are few and far between.

I say again that this bill does not provide the government with any additional power to protect green wedges beyond the powers that already exist. If a planning scheme amendment is not approved by the minister, then it will never come before the Parliament.

I met with many groups in the last couple of weeks — I will come back to the capacity to meet with all of those who have an interest in this legislation — and many of them who would be said to be supporters of the green wedges are now acquainted with this legislation and find that now that they are a little more informed they are a little disappointed. Those who had concerns still have their concerns. Their concerns are largely about

the rhetoric that has gone with the legislation. That makes this a difficult issue to deal with, because we are dealing with the bill and with existing legislation. As I said, the bill in itself does very, very little.

We had the benefit of a briefing after the bill was introduced, and I thank the government for the briefing. My observations about there being no additional power were confirmed at that briefing by the senior Department of Infrastructure bureaucrats who were there.

It is interesting to note that the bill, while being promoted as interim legislation, does not have a sunset clause. I note that the honourable member for Gippsland West has proposed that a sunset clause be introduced. Given that the legislation is so thin on action, a sunset clause is perhaps not required because the bill is not adding powers to protect nor is it doing anything that is unusual in the parliamentary mechanisms in this place. I will come back to the nature of this legislation at the next instalment, presumably after question time.

The planning scheme amendments that will come to this house will still come via the usual process, either at the instigation of the minister or at the instigation and with the support of the council. They will go to the department, and they will be assessed. Invariably there will be panel hearings and a ministerial sign-off. The fact that there will still be planning scheme amendments and subdivisions is confirmed in the minister's second-reading speech. It is not something that the government has chosen to highlight, but it is there, and the minister says quite explicitly:

> … it is not a freeze on subdivision or development in the green wedges.
>
> Secondly —

the minister is at pains to say in the house in the second-reading speech, but not publicly —

> it is not a ban on well-thought-out scheme amendment proposals.

That, again, has been confirmed at the briefing we had with the departmental officers. I say, with just a short moment to go before the luncheon adjournment, that the fundamental thing that everyone in this house and those with an interest in the bill needs to understand is that the bill provides no additional power to protect green wedges beyond what the government currently has.

Business interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Police: confidential records

Mr DOYLE (Leader of the Opposition) — My question is directed to the Premier. Given the statement of the Minister for Police and Emergency Services on 23 October regarding access to confidential police files that:

> We have sought information, that's all we have done, we do that every day … and we respect the basis on which we're given information …

I ask: can the Premier guarantee that no other Liberal, National or Independent member of Parliament or candidate has had confidential police records accessed by or provided to any government minister or any member of their staff?

Mr BRACKS (Premier) — Certainly not to my knowledge. I have no knowledge about any of those matters referred to by the Leader of the Opposition.

Employment: Gippsland

Mr RYAN (Leader of the National Party) — My question is to the Premier. I refer to the Premier's media release last week proclaiming that the 'Bracks government had secured 420 new jobs for Gippsland's timber regions'. One of those initiatives supposedly is the creation of 25 new jobs at N. F. McDonell and Sons mill at Yarram. Is the Premier aware that N. F. McDonell and Sons has not yet accepted any government help nor confirmed any expansion plans and is in fact in the process of laying off casual staff?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bennettswood!

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question. I am very pleased he has highlighted what was a great day and a great announcement for Gippsland. At the announcement we had a large number of the manufacturers, industries and food processors that receive support from the government and from the industry assistance package which enabled some 420 jobs to occur across the region. They were thrilled and pleased. We actually had the announcement at the old Bonlac factory which we have ensured has a new enterprise within it — a new enterprise that is growing and expanding, and new jobs which are occurring as a result of that. I can say that the overall support for the package was incredible at that meeting. I also thank the honourable member for Narracan because his personal knowledge and

commitment to the area is unparalleled, and that is assisted and supported by government.

In this case, if in the total of 420 jobs there is one company that is not finalised, we will examine that, but the overwhelming response from the community was excellent and overwhelmingly it is more jobs for Gippsland.

Manufacturing: employment

Ms GILLETT (Werribee) — Will the Premier advise the house of the latest multimillion dollar investment in Victoria's manufacturing industry and explain how this builds on the government's outstanding record of creating new jobs across all of Victoria?

Mr BRACKS (Premier) — I thank the honourable member for Werribee for her question. She is right in the last part of that question — which state has the lowest unemployment rate in the country? It is Victoria. The lowest unemployment in Australia. We are talking about comparisons. There is a very bright opposition over here.

I was very pleased today to be with the federal minister for industry, Nick Minchin, and the minister for manufacturing in Victoria to announce that as well as the completion of the factory for the V6 engine, which will be fitted out now, a new company called ION Ltd will make the engine blocks for that V6 engine. I am very pleased that that construction has been secured for Victoria. It will mean some $90 million of new investment; it will mean almost 100 ongoing jobs. And this is on top of the $400 million of new investment for the V6 engine plant. This is a great boon and a great addition to the work force here in Victoria.

The whole of the General Motors Holden work force were there to receive the good news that not only would Victoria have this new investment but that their existing jobs are secure, ongoing and long term.

The other important aspect is that it was only 18 months ago that the sod was turned for this new factory to construct these new V6 engines, and 18 months later this project has been completed on time and on budget with not one day of lost time. That is a great credit to the work force, and a great credit to Holden as well.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bennettswood!

Mr BRACKS — It is also important to note that the work force, the management and other car and component part manufacturers have enjoyed a stable period of growth in Victoria over the last three years. Part of that stability has been to ensure that we have had a freeze in tariffs and an ACIS (automotive competitiveness and investment scheme) system in place. The Labor Party knows where it stands on tariffs on the car industry in Victoria: it stands firmly and squarely to freeze tariffs at their current level.

We know that when the previous Premier was proposing a freeze in tariffs he had support from the opposition at that time — the now Labor government of Victoria. But the current opposition has been absolutely mute. What we have learnt from the opposition on this matter is that it does not stand for anything. It cannot stand up to the Victorian manufacturing industry, and it cannot stand up for a freeze in tariffs. There was bipartisan support for this matter in Victoria previously. This crowd does not know what it stands for and will not stand up to ensure that the manufacturing industry is protected in this state.

Police: confidential records

Mr DOYLE (Leader of the Opposition) — Following the Premier's answer to my previous question, will he now initiate an investigation to find out if any others have accessed information from confidential police files?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bennettswood!

Mr BRACKS (Premier) — I was very pleased to answer the previous question of the opposition leader. If he has any concerns on this matter, he can follow the appropriate channels. I have already said that as far as I am concerned and according to my understanding I have no knowledge of any of the matters he has raised. If he has any concerns about any matters — —

An honourable member interjected.

Mr BRACKS — Well, you'll never be!

If he has any concerns he should raise those matters in the proper course of business.

Honourable members interjecting.

The SPEAKER — Order! I have asked the honourable member for Bennettswood a number of times to desist.

Hospitals: waiting lists

Mr LANGDON (Ivanhoe) — Will the Minister for Health advise the house what policies the government is implementing to further improve hospital waiting lists and explain why this is necessary?

Mr THWAITES (Minister for Health) — I thank the honourable member for Ivanhoe, who of course has done such great work with the Austin hospital. The Bracks government is employing 3300 extra nurses and opening beds so that it can repair the damage done to the health service by the opposition when it was in government.

Unlike the Liberal Party, which has no health policy at all, we are acting to provide more nurses and more beds — some 900 extra beds — to reduce waiting lists. Waiting lists are now being reduced for the first time in a decade. In the last two years of the Kennett government waiting lists were up. Under us, they are down.

Honourable members interjecting.

Mr THWAITES — You don't like it, do you?

The SPEAKER — Order! I ask the Minister for Health to desist. I ask the opposition benches to come to order.

Mr THWAITES — Thank you, Honourable Speaker. The Liberal Party has no waiting list policy. It has no health policy. All it has is this — a platform. It is not a platform; it is a platitude. That is all it is — a collection of platitudes. Four pages! The only policy it has is to encourage freedom of choice.

Honourable members interjecting.

The SPEAKER — Order! The minister, coming back to answering the question.

Mr THWAITES — We know what that means. That is code for privatisation.

Our policies, though, are bringing waiting lists down. We know that the health system is under pressure with a huge increase in the number of emergency patients, so I am very pleased to inform the house that the Bracks government is investing a further $9.7 million to establish an innovative new elective surgery program.

Under this program an additional 2200 patients who have been waiting for care because of the extra pressure on our emergency departments will get fast-track service through designated elective surgery centres. This new initiative will concentrate on the specialty areas of ophthalmology — —

Mr Ryan — On a point of order, Mr Speaker, I refer to your directions that ministerial answers be succinct, and I ask you to sit the minister down.

The SPEAKER — Order! I am not of the opinion that the minister was contravening the sessional order. There is no point of order.

Mr THWAITES — Patients in these specialties will be referred to St Vincent's Hospital for orthopaedic surgery, to the Western Hospital for general surgery, and to the Cranbourne Integrated Care Centre.

Opposition members seem to be complaining. They do not like the fact that waiting lists are now lower than when they were in government. They do not like the fact that the Australian Medical Association is backing the government's approach. Indeed, the AMA said the Bracks government has made a concerted effort, supported by the nurses and the doctors, to look at systemic problems in the health system.

I am very pleased to advise the house that as a result of these initiatives and our $1 billion hospital demand management strategy we will be treating 100 000 more patients this year than in the last year of the Kennett government. By treating 100 000 more patients in a year, we are able to do what the Kennett Liberal government could not do, and that is bring down waiting lists.

The SPEAKER — Order! I ask the minister to complete his answer.

Mr THWAITES — I will. Six weeks ago the opposition leader said:

> We have a health policy which I will roll out.

Six weeks ago! Where is it? The reason that they will not roll out their policy is it is going to be the same policy as they had when in government — sacking nurses, closing beds and privatising hospitals.

Insurance: medical liability

Mr SAVAGE (Mildura) — I draw to the attention of the Minister for Health the fact that this year the medical liability insurance premium for one private hospital operator has increased from $2 million to $8 million and I ask: will the minister inform the house what are the amounts of the government's current and contingent liabilities in public hospitals in relation to medical indemnity and the degree to which the

methodology used to determine these liabilities is supported by the actuarial profession?

Mr THWAITES (Minister for Health) — I thank the honourable member for his question. The honourable member has played a key role in ensuring that the house and the government are well aware of the problems of rising medical insurance premiums, and indeed has advocated strongly to ensure that medical insurance premiums are realistic and not continuing to rise at the level that they certainly are in some states.

Certainly there has been a great deal of variability in private medical insurance premiums, and that is the reason that the Bracks government has agreed to provide an insurance cover for bush nursing hospitals. That coverage, through the Victorian Managed Insurance Authority, will mean that bush nursing hospitals which are private hospitals have the same access to insurance as the public hospital system.

Professional indemnity insurance cover for public hospitals is incorporated within a managed fund framework which is operated by the Victorian Managed Insurance Authority. That insures all the state government risk.

I am advised that the state's outstanding liability for medical malpractice insurance is $82.6 million. I am also advised that this liability has been independently assessed by an actuary appointed by the Victorian Managed Insurance Authority and has recently been audited by the Auditor-General. I should also say that that liability is included in the Department of Human Services financial statements as a full liability.

I should also point out that there has been significant growth in the liability between last year and this year. Last year it was some $65 million and this year it has increased to $82.6 million, an increase of $17.5 million.

The public hospital system has a thorough regime of reporting incidents and good risk management systems. That ensures that the public hospital system has the best possible approach to these issues.

However, the government does need to continue to do whatever it can to reduce the premiums and risks in the future. That is why it has introduced a comprehensive indemnity insurance package, led by the Minister for Finance, and that is why it is continuing to work with hospitals and doctors on risk management programs in order to reduce the risk of injury to patients and to ensure that as far as possible premiums are kept down.

Police: confidential records

Mr WELLS (Wantirna) — Will the Premier ask the Ombudsman to investigate why confidential police files on the Liberal Party candidate for Yan Yean were accessed on 22 October, which was after the chief commissioner's office had commenced an investigation into whether the Minister for Police and Emergency Services or his staff had improperly or illegally accessed confidential police files?

Mr BRACKS (Premier) — In response to the honourable member's question, the Ombudsman will fully investigate all these matters.

Rural and regional Victoria: development

Ms ALLAN (Bendigo East) — Will the Minister for State and Regional Development inform the house of the latest government initiative to improve job opportunities across rural Victoria and explain why this and other rural and regional initiatives have been necessary?

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for her question and place on record the extraordinary economic growth that we have seen in regional Victoria during the three years of the Bracks government.

Building approvals are at record levels — $2.7 billion in the last financial year, compared to just $1.7 billion in 1998–99; food and fibre exports are booming — $7.6 billion last year, up a massive 43 per cent over the past two years; and the unemployment rate has averaged 6.2 per cent over the last year, a full 2 percentage points lower than the last year average of the former Kennett government.

This government has provided country Victoria with the strongest economic and job growth compared with anywhere else in Australia. It is also delivering through the $180 million Regional Infrastructure Development Fund. So far this fund has facilitated projects worth almost a quarter of a billion dollars across the state. We are up now to $242 million in levered-up investment across the state as a result of an initiative introduced in the first sitting of this Parliament — an initiative that was opposed by the Liberal and National parties.

Last week I visited Sale in the electorate of Gippsland South, where I announced a $1.96 million grant to develop the port of Sale. The mayor of Wellington Shire Council, Malcolm Hole, is quoted as saying that this grant sent a clear signal to the business sector that the government was serious about regional development. You would not have found a mayor

anywhere in country Victoria under the former Kennett government in the 1990s who would have made a comment like that.

Today I am delighted to announce a further grant from the Regional Infrastructure Development Fund. This is a $500 000 grant to the Livestock Saleyard Association of Victoria for infrastructure development to enable the implementation of the national livestock identification scheme. This is a joint announcement with the Minister for Agriculture, who has been a leader in this area. The funding will be provided to saleyards across the state. It will ensure that Victorian saleyards can take the lead nationally in using new technology and that the quality of the product which is produced for domestic and export markets is the very best in Australia. This will mean that grants are available right across the state.

The government has policies which are working. I have been searching diligently to see if there any alternative policies which are out there for regional Victoria, and I am having trouble finding any.

There is this one — *We Believe* — and I will table this — —

Mr Ryan — On a point of order, Mr Speaker, the minister is debating the question. Apart from anything else I released one for the National Party last Thursday, and it's a ripper. I will give you a copy of it!

Mr Batchelor interjected.

The SPEAKER — Order! I warn the Leader of the House.

The latter part of that comment was clearly not a point of order.

Mr BRUMBY — I will table this for the benefit of the Parliament. This is *We Believe*, and you will not find mention of regional Victoria in there! We looked in the newspapers, we looked for leaflets — —

The SPEAKER — Order! The minister should return to answering the question.

Mr BRUMBY — I am, Honourable Speaker, I am.

The SPEAKER — Order! The minister, coming back to answering the question.

Mr BRUMBY — This government has policies which are giving Victoria the best rate of job growth anywhere in Australia. I printed this off the Internet. It is dated 30 October, and it says 'All policies are currently being reviewed'. This is from the Vic Nats. 'All Vic Nats policies will be made available online as soon as — —

Dr Dean — I think you can guess the point of order, Mr Speaker. The minister is completely disregarding what you have asked him to do, which is to get back to the question. He is back to debating the question, and I ask you to bring him back to answering it.

The SPEAKER — Order! I ask the Minister for State and Regional Development to cease debating the question and to conclude his answer.

Mr BRUMBY — We are out there generating jobs — creating new jobs — but the Liberal and National parties are out there destroying them.

Yesterday the federal Howard government announced a new 3-cent-a-kilogram tax on sugar. This of course has been vigorously opposed by every industry and business organisation across Australia. This is a tax — —

Mr Ryan — On a point of order, Mr Speaker, the minister is very clearly debating the issue. The governance of Victoria is the matter under discussion, not the sugar industry and the rest of Australia.

The SPEAKER — Order! I do not uphold the point of order raised by the Leader of the National Party. However, I have asked the minister to conclude his answer. He is now not being succinct.

Mr BRUMBY — Hansard might pick up the interjection of the Leader of the Opposition when he laughed about the number of canegrowers in Victoria. That sugar tax is disastrous for Victorian food manufacturers. It will add to the costs of all domestic manufacturers, which are placed right throughout the state. Here is a map of all the food manufacturers in Victoria — —

Honourable members interjecting.

Dr Dean — On a point of order, Mr Speaker, not only is the minister not being succinct, he is now branching out into maps. I would ask you to ask him to be succinct, as you already have, or to sit him down.

The SPEAKER — Order! The honourable member for Berwick has taken a point of order that I am not prepared to uphold at this point in time, as I have just issued instructions to the minister to conclude his answer. He is not being succinct.

Mr BRUMBY — The fact of the matter is that we have got policies in place that are generating jobs and giving us investment levels, housing approval levels

and job creation levels that are the envy of the rest of Australia. We need these policies in Victoria, because the policies of the Howard government are destroying jobs across the food manufacturing industry.

We will continue to advance policies to develop the whole of the state, to generate jobs and to boost investment. But we would be interested in the policies of the Liberal and National parties and their implicit support today for a sugar tax that will cost hundreds and hundreds of jobs across Victorian manufacturing industry.

Ulusal Halk Hareketi

Mr PERTON (Doncaster) — Can the Premier assure the house that an investigation has been mounted into the reported links between the electorate officers of the Minister for Sport and Recreation and the honourable member for Sunshine and the Turkish ultranationalist organisation Ulusal Halk Hareketi, the national patriotic movement of Turkey.

Mr BRACKS (Premier) — The honourable members involved have taken action themselves in the matter, and I think they have taken it satisfactorily.

Honourable members interjecting.

The SPEAKER — Order! I have referred to the honourable member for Bennettswood a number of times today. I now warn him.

Forests: government initiatives

Ms DUNCAN (Gisborne) — I ask the Minister for Environment and Conservation to advise the house about the government's latest initiative to protect our national parks and forests and explain what other approaches to this important issue the government has rejected.

Ms GARBUTT (Minister for Environment and Conservation) — I thank the honourable member for her question and for her ongoing interest in and commitment to this area. It is interesting that yesterday the story was about water, the reforms we have introduced there and the leadership we have shown.

Mr Ryan interjected.

Ms GARBUTT — You hate good news, whether it is about water or about national parks.

Today's story is also very good and also about a very proud record for this government in national parks and forests. The Bracks government has created more national parks in this term than any previous government in Victoria's history. I think that is something we should be very proud of — more national parks in this term than in any — —

Mr Ryan interjected.

Ms GARBUTT — It is interesting that the Leader of the National Party should comment, isn't it? The National Party's record is one of opposing every national park ever created in Victoria. That is a consistent record and a bad record.

And what about the Liberal Party, which is absolutely divided when it comes to environmental policy? The Liberal leader attempted to take the credit for box-ironbark national parks — —

Mr Perton — My point of order, Mr Speaker, is on the question of debating. The minister is attempting to debate policy issues. As you know, Mr Speaker, we are happy to have a debate on a ministerial statement or a debate during the course of the election — but it is not the time to do it during question time.

The SPEAKER — Order! I ask the minister to come back to answering the question that was posed by the honourable member for Gisborne.

Ms GARBUTT — It is clear that we have hit a raw nerve there. The Libs are absolutely divided!

In forestry policy we have a proud record, too. We inherited an unsustainable forest policy, and we have addressed that. One of the major announcements I made earlier in the year was the buyback of licences to reduce logging to sustainable levels, resulting in a reduction of 31 per cent across the state.

The voluntary licence buyback scheme ends tomorrow. I am very pleased to be able to advise the house that over 250 000 cubic metres, or around 20 000 truck loads, has been offered up to come out of our bush. That will be a great record. We will reduce logging in our forest by 31 per cent, as we said we would, and that is a great achievement. That is a policy that is working.

We have introduced a policy that is working and are reducing logging by 31 per cent across the state. Of course we have supported the timber industry and the communities while we have been doing that, and the Premier has outlined that today in referring to jobs in logging communities.

It does not stop there, because today I have been able to announce a moratorium on old growth logging in the Goolengook area while we refer to the Victorian

Environmental Assessment Council an inquiry to replace that logging with other forestry. There will be a moratorium on logging in the Goolengook Forest blocks while that investigation takes place, and that will be within the regional forest agreement framework. The industry can be assured that it will still get its allocation, but we will be able to shift the logging — —

Mr Honeywood interjected.

Ms GARBUTT — You just hate good news, don't you! You really hate good news. There is absolutely no policy on that side of the house.

There is more good news. We have another proud record in growing trees, not only of allocating funds for more plantations. The house might be interested in the following figures: over the past three years the Bracks government has allowed for 8 million trees to be harvested but it has planted 52 million trees — around five trees planted for every one cut down. That is a great record. We want to restore public confidence in our timber industry and in the way we manage our forests, and we are doing that.

There is more. Last month I announced that the Environment Protection Authority would take over the role of auditing of the code of forest practices in our forests, and have the confidence that we are managing forest sustainability. That is yet another step. The opposition is absolutely divided, directionless and does not support any of these measures. We inherited unsustainable logging practices and we are restoring public confidence in our forest management. Of course while we are doing that we are supporting the timber industry and the communities that depend on it. It is a great record that we have. It is good news, and the opposition hates good news.

PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL

Second reading

Debate resumed.

Mr BAILLIEU (Hawthorn) — This is the third instalment and, as the honourable member for Mitcham said, it is becoming a miniseries. We have had two interruptions after brief contributions on the bill. To recap, I have said twice that the concept of green wedges is a Liberal legacy and one it will honour.

I was saying before lunch that the bill could be distinguished by the fact that it only does two things: firstly, to label the land area between the urban growth boundary and the outer municipal agreement of metropolitan Melbourne as green wedge land; and secondly, the bill provides a planning scheme amendment mechanism which is essentially an affirmation or approval mechanism of the Parliament in regard to any land subdivision in that area which would be labelled as the green wedge area.

I made the point that that mechanism is one which already exists in the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan and was incorporated in sections 46C and 46D of the Planning and Environment Act under the Kennett government some six or seven years ago. That is a mechanism that the Liberal Party proposed at the last election and recently reconfirmed that it would do if it is elected to government. We would apply it to the Mornington Peninsula as another special region of Melbourne. They are essentially the only two things that the bill does. I made the point that the bill does far less than it does not do. I turn for a moment to what the bill does not do, and it is important for the house and the groups that have a keen interest in this subject to understand this.

This legislation does not establish green wedge zones. At the briefing we had Department of Infrastructure officers were at pains to say that there was no connection. The senior officer said, 'The bill and green wedge zones were not related', and that this bill 'does not do anything about green wedge zones'. The officers even confirmed that the bill might have been better named because the reference to it as a bill of green wedges is really only in the title and as a label, and it does not do anything else.

As I said, this bill — and the minister confirmed it in her second-reading speech — does not put a freeze on subdivision or development in the green wedge areas. This bill does not put a ban on planning scheme amendments.

This bill does not establish or define the urban growth boundary. The urban growth boundary was gazetted some weeks ago under the hand of the minister, and as I said before the luncheon break, the urban growth boundary is shown as a black line around metropolitan Melbourne. It is obviously difficult to describe in detail, but it is a wiggly line around metropolitan Melbourne with some isolated pockets of self-contained areas. So this bill does not define or establish the urban growth boundary and this bill does not establish the metropolitan municipal perimeter. That is already established under municipal legislation and those boundaries are confirmed elsewhere.

This bill does not provide any additional resources for green wedge areas. There is no provision in this bill for funding and there are no appropriations required or suggested. This bill does not include any planning scheme or provision for a strategy plan in the area proposed, unlike the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, which is incorporated in the act where there is a specific reference to a regional strategy plan.

This bill does not refer to a regional strategy. Indeed, the area included, which will now be labelled, is such a diverse area that one might have imagined there would be a number of regional strategies attached to this bill, but there are none.

This bill does not affect planning approval applications. The process of seeking planning approval will be conducted in exactly the same way as it is currently conducted in that territory. Nor does this bill define the purpose of green wedge areas. The officers at the briefing were at pains to confirm that that is the case. The purpose of the green wedge land, as it will be defined under this legislation, is not established by this legislation. All we have is a label. It is a cheerful and pleasant label, but it does not tell us what that land should be. All we can say is that no doubt because the land will have the green wedge label it is meant to resonate or evoke the sort of tune in Melburnians' heads which they associate with the words 'green wedge' — whatever tune that might be, and it is a varied tune. This bill does not define the purpose of green wedge areas, and I will come back to that because it is an important point.

This bill does not change any council powers in the way they process either planning approvals or planning scheme amendments, and that is also an important point because to some extent councils may have expected that their powers would be enhanced by the so-called legislation for green wedges.

Effectively this bill does not indicate that the government will take responsibility for this green wedge land. In fact, by introducing the requirement that planning scheme amendments be approved by both houses of the Parliament, the bill actually deflects some of the responsibility to the Parliament. We already have that experience with the Upper Yarra Valley and Dandenong Ranges regional planning scheme amendments as they come through the Parliament. However, given that this house of Parliament consists of 88 members from a diverse range of areas, and given that there will be a more widespread labelling of the green wedge doughnut, it is likely that only one or two members will be intimately acquainted with any one particular planning scheme amendment. Responsibility is not clearly defined in this bill, and to some extent the Parliament will deflect that responsibility from the minister.

No doubt additional debates will be required. My guess is that when it comes to the Upper Yarra Valley and Dandenong Ranges planning scheme — I am willing to be corrected — three or four such motions would be moved on an annual basis, and they invariably cause little consternation because they have been through a process.

The reality is, as I said, that this bill does not provide the government with any greater power to protect green wedges than it currently has. In the sense that the responsibility is somewhat deflected it may be that a planning scheme amendment ends up being approved and the minister who has approved it along the way will be able to say, 'The Parliament approved it', the Parliament will be able to say, 'The minister approved it', and the council will be able to say, 'The minister approved it and the Parliament approved it', and by that process we may find something of an abdication of responsibilities. That is not to say that that situation has operated in the Upper Yarra Valley and Dandenong Ranges planning scheme mechanisms, but because this is a far more extensive piece of territory we may find that will occur.

As I said earlier, I have met with a lot of groups who have had concerns about this legislation and the things that might follow it and I have met with a lot of groups who are intrinsically supporters of green wedge land. Having met with those who support this concept and having explained the mechanisms of the bill, it would be fair to say that their expectations of the government in regard to green wedges have not been met by this bill.

Mr Carli — They were never meant to be met by the bill.

Mr BAILLIEU — The honourable member for Coburg interjects that the bill was never meant to meet the expectations of the green wedge support group. That is not how it has been marketed at all — the very fact that we have this bill is part of a marketing exercise. As I said, the opposition very strongly supports the green wedge concept, but this bill is significant because it does so little and does not do so much that it could do.

Another thing the bill does not do is in any way suggest that any compensation or public funding or support be given to those land-holders in the green wedge areas.

That is interesting in the context of some decisions which have been taken by other groups. I refer to the City of Manningham, which proposes to increase rates to ensure an improvement in the green wedge territory in the area. That is one approach by a level of government getting involved in the issue. I am interested in the Australian Local Government Association, which has taken a contrary view. At its national conference it proposed rate concessions — and significant rate concessions at that — as a part of its policy.

The bill does very little — just two things. One is the standard mechanism which all of us in this house recognise and about which we have no concerns. All it does is label some territory, and beneath that there is uncertainty. In summary, it does not give the government any greater power to protect green wedges than it currently has.

But the ministerial powers remain. The interesting thing is that determining the urban growth boundary — the wiggly line we now see drawn in thick black texta around metropolitan Melbourne — is and remains at the minister's discretion. If the urban growth boundary is regarded as the boundary likely to face the greatest amount of contention, for want of a better word, the interesting thing is that the power to determine where it falls remains with the minister. It appears there is no intention to do otherwise than to have that power remain at the minister's discretion. The gazettal of the boundary as it currently stands is an indication that that is how the mechanism will work. So that power remains with the minister.

Likewise with the minister's power to elicit and approve amendments — and every planning scheme amendment that comes before this house comes with a ministerial stamp of approval. The minister's power to shift the urban growth boundary and to call in approvals, including if they are planning applications, also remains. All of that is unchanged; this bill does not touch it. Again there are many things this bill does not do.

Of course future proposals are in circulation. They are contained in documents released some weeks before this legislation was produced. They suggest that new zonings, in particular a future green wedge zone and a rural conservation zone, will be created by administrative action and declared in the new Victorian planning provisions. They will then be referred to the planning schemes in individual municipal areas, be subject to the normal processes, and no doubt be returned to Parliament for approval — that is, in the event that those zones are incorporated in the schemes. All of that will be done by standard procedure and mechanism, and nothing about that is changed by this bill. In fact, all of that could be done without this bill. This bill does not in any way prevent the government from now proceeding with that action.

Those future zoning changes have the potential to impact on a lot of land-holders. I will get to the question of consultation shortly, but the reality is that a lot of those land-holders do not know about those processes. Those processes are for the future and they remain debatable. The zoning changes include changing minimum lot sizes from 1 to 8 hectares to a minimum of under 40, providing for no excisions or redivisions and providing for some additional prohibited uses.

It is interesting to contemplate how this legislation has been marketed as a catch-all and cure-all and how it arrived here. I have referred to the documents released under Melbourne 2030, the government's so-called metropolitan strategy which has been released more than 12 months late. Provision has been made for what would seem to be minimum scrutiny of the documents prior to the election which appears to be looming — somewhat prematurely.

I refer to draft implementation plan 5, which I think the honourable member for Coburg referred to, which refers to green wedges and in particular to page 46 of the plan, which proposes related legislative action. As I said, this was released just a few weeks before the arrival of the bill in the house. I will briefly refer to the three proposals it contains:

> The favoured option is to provide for an amendment of the Planning and Environment Act … to include provisions that enable the green wedge area to be defined, and that specify core provisions … with which planning schemes in the defined green wedge … must be consistent.
>
> This would mean that the core requirements applicable to all zones in the defined green wedge … could be changed only by legislation.

That is one proposal. The draft plan mentions two other options, but suggests that the proposals both have drawbacks. The first is that:

> … legislation could give the Minister for Planning powers to develop strategic policy statements for compulsory consideration by planning authorities in preparing amendments to planning schemes. Such statements could give clearer directions to planning authorities about planning aims in different areas or for different issues. However, this option does not directly restrain land uses and subdivision, and closely replicates what could now be included in the state planning policy framework or the LPPF.

It is important to understand that that proposed legislative scheme would essentially do nothing other than replicate the powers that already exist under the Victorian planning provisions.

The third option is the interesting one:

> Another option could require the preparation and approval of planning scheme amendments in a defined green wedge area to be approved by resolution of both houses of Parliament. While this method would prevent planning authorities beginning work on amendments inconsistent with Melbourne 2030, it is administratively burdensome and does not respond to the core requirements recommended above.

They are the three legislative proposals. After the second-reading speech when debate on the bill was to be adjourned and the opposition sought extra time for consultation given the diversity of area covered by and the breadth of interest shown in this bill, the minister was at pains to say, 'You have had plenty of time because the legislative proposals have already been on show'.

That is all the document says about legislative proposals, and you would be forgiven for thinking that, given that they were made only a couple of weeks before the bill was introduced, the recommendations might have accorded with the recommendations in Melbourne 2030.

However, that is not the case. In fact, the legislative provision adopted by the government in this bill is the legislative provision that was not recommended by the government's own Melbourne 2030 strategy. You have to wonder why. The third possible course of action is the one which the government's own document says is merely burdensome and does not achieve anything. That is the substance of the bill we have before us.

In many ways the bill represents a piece of legislation which is largely symbolic — there is a title that refers to green wedges. As I said, the concept of green wedges is a legacy the Liberal Party is proud of and one it will honour. The opposition will not walk away from the title 'green wedges' but the extent and impact of the concept is not reflected in this bill in the event that any further action is taken. There is no reason to think that the current planning scheme amendment processes will change in any way whatsoever, processes which the opposition proposes to extend to the Mornington Peninsula because of its unique character.

Those groups which are keen supporters of green wedges could rightly feel that they have been let down. Those groups which rightly have concerns about where things may be heading may be somewhat confused because this bill does not represent anything of great significance. Many of those groups have legitimate issues.

As I said, members of the opposition were concerned about the short time provided for consultation. We had hoped to be able to provide the house with figures on the number of affected land-holders. Although we asked the government for that information, it was unable to provide it in the time frame. I am sure it tried, but we are unable to provide that information. A lot of land-holders and interest groups will be affected. The reality is that when it comes to Melbourne 2030 the level of knowledge in the Melbourne community is extraordinarily low. The average Melbourne citizen is unaware of many of the changes being proposed, so consultation will be an issue.

The opposition asked the government to notify affected land-holders in advance of the bill because members of the opposition are not in a position to correspond with the hundreds of thousands of land-holders who will come under the new label, but the government did not do that. That is to be regretted. Perhaps the government will see fit to do that in the context of an election campaign, and we might be forgiven for being somewhat cynical about that in the process. Groups and individuals wish to take up a great variety of issues in terms of where they believe action may occur at some stage in the future in this territory which will be called Green Wedge Land. We do not yet know what that action will be, but we know that this bill does not do anything about it.

I have met with a number of these groups, and I want to mention them. I will work through some of them because they have legitimate issues. We have to be very careful to treat people's issues with respect. It is only likely to be divisive if people's legitimate interests are pooh-poohed, frowned upon, ignored or confused with representations made by people who might be categorised as speculators. I am less concerned about speculators; I think those who speculate in land do so at their own peril. However, those who have legitimate issues and have been attached to land holdings over some period need to be treated with respect.

I mention particularly the vegetable farmers in Werribee South. To visit those farms and the people who have run them for a number of generations is to understand that they have serious concerns about their continuing viability and the size of the operations involved. Those concerns are enhanced at the moment. They have perhaps been a little elevated by the fact that the government has made announcements and proclamations about starting a new vegetable growing industry on the western plains of Werribee by pumping

recycled water from the Werribee sewage treatment plant. The message those farmers are getting is that the government is going to start up another industry in competition with them and it is going to do so to the advantage of other land-holders, and they will be left, under changing circumstances, with land they are already struggling to farm viably. I will get to those changing circumstances in a moment. These are legitimate issues which need to be addressed on an individual area basis.

In Werribee itself the former Werribee council, now the Wyndham City Council, has been working for a number of years with what it would describe as growth limits. These growth limits have been passed down by ministerial fiat in the past, and a lot of action has been directed at them in terms of infrastructure planning and the like. The urban growth boundary is not part of this bill. It is not defined or established by this bill, but the issue is real for those people in Werribee who have in the past directed infrastructure efforts to limits which now seem to be redundant.

Groups in Melton and the Melton council are concerned because an urban growth boundary — a thick black line — has been drawn around Melton. I note that the honourable member for Melton is not present; I am sure he would wish to comment. However, as I understand it, the Melton Shire Council is concerned about the way its area has been described by this urban growth boundary. In Sunbury there are primary producers who are concerned not with green wedges — they are actually incredibly supportive of them — but with the changes to the taxation laws.

The capacity to undertake primary production and receive tax deductibility status for that has changed under commonwealth legislation. A minimum $20 000 in on-farm income is now required in order to get that status. I am not in a position to make a judgment about it, but I am advised that it is difficult for some smaller hobby farmers to make that minimum $20 000 in on-farm income. We get caught between the hobby farm and the broadacre farm, and there are issues to be dealt with and understood separately from those in other areas.

It is the same in Nillumbik. The Nillumbik Shire Council has strong views about its future, and individuals in Nillumbik have strong views about their landholdings. It has been the subject of regular debate for some time. There have been panel hearings, and the previous planning minister was at pains to approve a new planning scheme for Nillumbik and in doing so incorporated many of the thoughts of those concerned in that area. It is unique territory and needs careful consideration.

Likewise in the south-east, proposals have been encouraged by both the Premier and the previous Minister for Planning. Those proposals now rest with individuals who are confused about the government's attitude, because they had the support of the Premier and the previous planning minister but now that support seems to have evaporated. I have met with horticultural and vegetable farmers in the south-east who are concerned for a variety of reasons. One poignant story worth repeating is about a vegetable farmer who told me that he has a 400-metre-wide farm but that new provisions under commonwealth and state regulations require a 200-metre spray buffer between his farm and any residential area. As a consequence he cannot spray his vegetables. That is a difficulty in itself. There are also those who have multiple holdings and who, because of transport restrictions, cannot now move between their properties in the way they might like. There are increasing restrictions on the capacity to farm.

The opposition has received correspondence from the Victorian Farmers Federation. It says that it has been concerned about the lack of consultation, the impact of the zones in whatever this next phase may be and the potential impact of those on the capacity to farm. It is concerned to see that the capacity of land to be used on a continuing farming basis is considered.

Equally there are issues in Frankston and Knox, and the Knox City Council has drawn some of them to the opposition's attention. I am not going to labour the point, but the Knox council has written to the opposition saying:

> The draft urban growth boundary is based on current zoning and needs to be reviewed in the context of council's current policies and strategies, including the draft Knox urban design framework …

The council notes that the Melbourne 2030 strategy does not adequately address the significant issue of the transitional areas abutting the green wedges.

There is a widespread interest in this subject across the large area being talked about. The issues raised by most individuals and groups are not addressed by the bill. This bill does very little. All it does is label a large tract of land and then applies to that a mechanism for planning scheme amendments which is common to other areas and which has been accepted over a number of years by this Parliament. So in itself the bill is uncontentious.

The issues that surround the green wedges and the landholdings involved need to be treated with respect. Certainly that is the opposition's intention. I mentioned earlier that everybody has the song about green wedges in their head but that everybody probably hums a different tune which means different things to different people. For some people a green wedge conjures up images of the verdant, and in some it conjures up images of open grasslands, but the reality is that green wedges have never really been clearly defined. There has been an understanding that green wedges are non-urban areas, but their specific purpose has been less well defined. Green wedges have been defined by what they are not rather than what they should be, and in many cases the music that the Hamer government composed has been reinterpreted to suit the purposes of a variety of people. I do not begrudge them that; it is part of the way we feel about things.

But what are those green wedge areas? The original concept was for wedges between the urban corridor development. Now we are talking more about a green wedge doughnut, which is more comprehensive in terms of the label which is going to be applied to this land and by which Melburnians will presumably come to think of green wedges — although probably there will no longer be green wedges, because they will be green doughnuts, or the big green doughnut!

Each of those wedge areas is in a different condition. Some are heavily treed, some have rich green vegetation and some might even be said to be forested. On the other hand some might be said to be open grassland, some might be encumbered by serrated tussock and some might include land which does not lend itself to further agricultural development. Depending on which side of the boundary you stand on, you can find the red-bellied, rusty wrecks of old vehicles around some properties. In many of those cases the reality is not consistent with the tune in most people's heads.

The real question is: what do we want the wedges to do? What do we want this so-called green wedge area to be? If there are to be verdant forests, then let's say so. If there are to be open grasslands, let's say so. If the land is to be wetlands, let's say so. If the land is to be publicly accessible, let's say so. If the land is to engender and ensure a continuation of biodiversity in certain territory, then let's say so. But if the land is to be wall-to-wall greenhouses, then let's contemplate that as well. I am not sure if that is the tune in most people's heads.

If the land is to be broadacre, with shadecloth structures over vineyards, as is beginning to crop up, then let's understand that that is what is intended. Until we get together and work out what we want the land to be, we will continue to have the struggle over what the land should not be. I encourage groups on all sides of the argument, including the government — certainly it will be the approach of the opposition — to work through strategies with local communities to determine the vision. We want to define that vision and do it by consultation not dictation so we can work towards fulfilling the vision rather than simply denying someone else's vision. I have my vision, and the Hamer government had its vision for this land.

As I said in a previous instalment of this contribution, the Hamer government made the additional step: it balanced the proposals by ensuring large tracts of land were made publicly available. It made an investment in the future of the green wedges, and that is in stark contrast to many of the measures of this government. I will mention a few of those. Most of the focus has been on the doughnut, but the other half of Melbourne 2030 is the massive population increase inside the urban growth boundary. Where there is a massive population growth one might have expected a significant or matching increase in public open space, but the contrary has been the case.

Let me give some examples. In Malleehen Street in Werribee the government has sold parkland for a housing development. It is parkland which is well used and well loved in an intensively developed area which in the past has been mostly public housing. The government has sold it without the knowledge of the residents, against their wishes and, as I understand it, the wishes of the council as well. At Karingal Park Secondary College in Frankston the government has seen fit to sell for housing development public open space which is green, verdant and used as a cricket ground. Just in the past few days we have seen the government's announcement about Royal Park. What started as a relatively benign proposal for a Commonwealth Games village with options — it was never a commitment — has become a 1000-unit housing development in Royal Park.

The opportunity to reconsider the original idea about a Commonwealth Games village was acknowledged by the government when it decided to re-tender the proposal and it went out and looked at options. But it did not look at all. For political reasons some attractive options were shut down, and the net result is that the opportunity to enhance and reconstruct the Latrobe-Hoddle vision of Melbourne — which is a fascinating vision to read about and which I plead guilty of having been a great supporter and fan of when I went through university and studied it — and to

reverse the alienation of public open space has now been lost because the government did not have the courage or the imagination to pursue some of the alternatives. That is sad because the previous government, the Kennett government, did just that: acknowledged a vision of green, publicly accessible land for Melbourne. Birrarung Marr, which is the most wonderful space to walk through, is a great legacy of the Kennett government. It is an example of the effort to re-establish the vision originally proposed by Latrobe and Hoddle.

Lately we have seen the release of information about the government again approving residential towers in Jolimont — working in reverse to the Latrobe-Hoddle vision — and it has done that without a transparent public planning process. Kinloch Parade, Wantirna, is another example. If it were not for the honourable member for Bayswater, who has fought ever so vigorously against the proposal to sell open public space for the purpose of housing in Kinloch Parade, Wantirna — this has been going for two years — more publicly accessible open space would be lost to the people of Melbourne.

It is important to understand that this green wedge land, as it will now be labelled, will be predominantly private land-holding held by an enormous number of titleholders — individuals and groups. There is a component of public land in it which has a variety of uses, but there is no commitment on the part of the government to acknowledge the public purpose for which these new territories will be held.

In that respect public support or public funds are not acknowledged. It was interesting to note where the government went when it announced its green wedge proposals. It did not go to a private land-holder. It did not go to open grasslands. It went to an area where the song is sweetest. I mention that because there is a deliberate attempt on the part of the government to portray this exercise as one where we are talking about parkland, public open space and publicly accessible space. The announcement was made in Birdsland Reserve in Tecoma. This is state-managed parkland in an area already long protected by Liberal government legislation in the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan. That was fine, and there were lovely pictures attached to the announcement.

From memory some of the supporters were photographed standing beside — forgive me if I am wrong — a mountain ash. They are very evocative pictures and ones which anyone would feel proud of and comfortable with. But we need to understand that that location is all about public open space parkland in heavily vegetated verdant surroundings; and anyone who thought that was other than the most attractive of propositions would be a complete fool. But it portrays a different image and sings a song which is not necessarily the song being sung by this legislation.

It is interesting that the *Age* picked up the theme in its editorial and supported the concept, as does the Liberal Party. The *Age* chose to use a metaphor from, I think, a correspondent who had said they looked forward to being able to walk their dog in this green wedge land. It is an interesting concept because dog-walking land is pretty much public land. You can walk your dog on the land of friendly land-holders, but that is not always the case. Those who are farming do not necessarily want members of the public walking their dogs on their farms — and for good reason — attractive as that proposition might be.

So the government was singing the song of public open space and parkland, and the *Age* did too. It is a most attractive proposition. That is probably the tune in the heads of most Melburnians when they think of green wedges. But we are a long way from achieving that vision. We have a long way to go if that is the vision we have for green wedges; meeting that vision will require public support, public funds and probably zoning changes.

In the United States of America now it is being undertaken by a partnership of public and private funds and various heritage trusts which are actually acquiring land and meeting the need for public-purpose land. The situation is similar in the United Kingdom.

I could not help but note the remarks of a member of the Labor Party, who said:

> … I say that although we will ensure correct farming practices in the green wedges, we cannot also expect farmers to foot that bill. As a community we have to accept some of the cost of maintaining those green wedges. We cannot just tell the farmers to farm those green wedges; we have to provide the support and assistance they and their communities need.

That statement was by a Labor member of Parliament. It is a remark made in contrast to what is actually in this bill. I have no problems with what is in the bill, but there is so much which is not in the bill.

I mention again the diversity of views held by local government. The City of Manningham wants to increase rates in its green wedge territory, whereas the Australian Local Government Association seeks to invoke some concessions.

At the end of the day, as I said at the start, the green wedges are a Liberal legacy. We honour and will continue to honour that legacy. We want to see a vision realised and to see the groups working towards defining the vision. I hope that is what we can move on to do.

I want to see us all humming the same tune when we think of green wedges. The Liberal Party wants the people involved to be treated with respect. We want to feel good about the music we hear when we hear the title — and that is all we get from this bill — 'green wedges' in the legislation. I want us to feel good about the tune we hear in our heads and to understand the context involved.

As I said, this bill will pass through the house with the Liberal Party supporting the concept of green wedges in the knowledge that this bill in itself does not provide the government with any powers additional to the powers it already has to protect green wedges.

Mr DELAHUNTY (Wimmera) — It gives me pleasure to speak on behalf of the National Party on the Planning and Environment (Metropolitan Green Wedge Protection) Bill, which is commonly known as the metropolitan green wedge protection bill. As honourable members know, the purpose of the bill is to amend the Planning and Environment Act 1987 to require ratification by both houses of Parliament of amendments to subdivision controls in planning schemes applying to green wedge land around the metropolitan area of Melbourne.

The National Party has kindly been briefed and received briefing notes from the department; it has consulted with others around country Victoria who obviously have some interest in this and also with some people in Melbourne itself.

As honourable members know, this has all come about because of the government's plan for Melbourne, which is commonly known as Melbourne 2030, and which wants to continue the trend of Melbourne being Australia's most livable city. I do not want to harp on it, but what the National Party is on about is making Victoria Australia's most livable state.

It is important with this type of legislation and other legislation that country issues are taken into account. The National Party will not be opposing this legislation. We think it is more of an administrative-type bill or a holding mechanism to prevent speculation in land around that area. Without this action there is a possibility of speculation going on which would undermine the integrity of not only the green wedges but also cause some pain to those people involved if this holding legislation were not in place.

As honourable members know, the proposed legislation is interim legislation and it is anticipated that further legislation will be required at a later stage. I note the honourable member for Gippsland West is also proposing some amendments. Unfortunately she has not spoken with our spokesperson on this matter, or with me, about the reasons for the amendments, but we will wait to hear her contribution in the house. At this stage we will not be supporting her amendments.

During our consultations some concerns have been raised, particularly by land-holders, some of whom were represented by the Victorian Farmers Federation. Obviously they are concerned about their right to farm with further urban encroachment on land-holders, particularly those who farm; they are concerned that pressure will be applied on their farming operations. There are also concerns about water, because every 1 megalitre of water taken from country Victoria to satisfy the thirst of Melbourne takes away about $3000 worth of economic activity from country Victoria.

One concern that I picked up was the issue of flight paths of airports. A couple of them are mentioned in the paper and obviously in the Melbourne 2030 discussion document, which talks about them but does not cover the most important ones for us in country Victoria, being those leading to and from Essendon Airport. My understanding of the reading of this is that it does change the current subdivision provisions. It also does not interfere with the local council's role as a responsible planning authority and it does not change the land-holders' existing rights. But as has been highlighted by the honourable member for Hawthorn, who made a very thorough presentation today, which I will not try to emulate, it takes away the concerns — —

Mr Carli interjected.

Mr DELAHUNTY — Sure! I will continue on, if you like.

The National Party's policy is that if land-holders rights and operations are impacted on by government legislation there should be some compensation for those land-holders. As I said, the National Party will not be opposing this legislation. We know that it gives greater control over the planning scheme amendments that are around the urban areas of Melbourne.

It is interesting that the minister's second-reading speech says that planning scheme amendments will increase the subdivision potential of land in the metropolitan green wedges. I am not sure if that is true

because the bill will take away the opportunities. It is important that people understand the long-term visions of any government in relation to land, because many land-holders have farmed their land and the land may be their retirement package. Obviously we could have been looking for other subdivision opportunities, but again it needs a long-term strategy. We agree on that point.

As we know, the green wedges relate to the whole non-urban area within the metropolitan area of Melbourne. As has been said in the second-reading speech, there has been extensive consultation with various groups. As I highlighted before — and I will come back to it later — the Victorian Farmers Federation and land-holders were not part of that consultation process. It is interesting that that did not happen. You would think the people who were going to be the most impacted on by this legislation would be some of the first people to be consulted. This government was supposed to be open and accountable and all those types of things, but when push came to shove the people who are most impacted on by this legislation were not consulted.

My reading of the bill is that it is not a freeze on current subdivisions or developments, and that it is not a ban on further planning scheme amendments under certain criteria. One criterion could be that subdivision potential in green wedges would be upgraded or changed only if approved by both houses of Parliament.

I mentioned the fact that the Victorian Farmers Federation was not consulted. I have a letter dated 28 October from Paul Weller, the president of the VFF, addressed to the Honourable Jeanette Powell, the National Party's spokesperson on planning. It states that two zones have been proposed by this green wedge legislation: a rural conservation zone and a green wedge zone. In the rural conservation zone the VFF has highlighted that farmers will need to apply for permits to conduct any agricultural activity in that area. The letter goes on to say that if any agricultural land use proposal is not consistent with the broad objective of the permit it will not be issued. That puts a lot of pressure on those land-holders who might want to continue their farming practices on their land. Again I highlight that if you are going to take away the rights of land-holders with government legislation I believe there should be some government support through compensation.

The letter states:

> The decision-making guidelines for the proposed green wedge zone are very restrictive making it difficult to obtain a permit for normal agricultural activities. The decision-making guidelines appear designed to create opportunities for non-farm residents of the zone to object to almost any reasonable planning proposal by a neighbouring farmer.

This will make the business activities of those land-holders very difficult. It takes away their right to run a normal business practice that has been going on there for many years.

Mr Weller continues:

> The whole proposal has been formulated without reference to land capability studies. The criteria for the green wedges are simply land that is not urban. No consideration is given to the suitability of land for agriculture or alternative urban development —

or for other green-wedge activities, whether they be wetlands or whatever.

That is a very powerful statement. People in country Victoria are doing this type of work on a continuous basis so that they understand the potential for their land and that it will get what is required in terms of nutrients and the like to make sure they are not only sustainable but also productive. This is a very powerful statement by the VFF, but there has been no reference to land capability studies. We are unsure whether that is going to come up in the future. Mr Weller's letter concludes by saying that the VFF is not opposed to this amendment. However, he believes there needs to be more appropriate consultation with the VFF and other land-holders in the next stage.

I also refer to a letter from the Town and Country Planning Association which shows its address as Collins Street, Melbourne. It refers to various inquiries, including green wedge and green belt land-use planning. I quote from that letter, which is signed by Ray Walford, the president of the Town and Country Planning Association, and states that the green wedge report:

> … referred to above canvasses measures that may be needed to maintain rural area land use such as rate relief, financial environmental incentives and direct grants. Local government cannot be expected to bear these financial costs of the various 'sophisticated programs and policies' needed to manage non-urban areas to achieve desirable outcomes.

That again highlights that if you take away areas of land for use, which may result from the introduction of this legislation, local government and land-holders should not have to bear the financial burden of any compensation or incentives to work in that area. It is my understanding, as I said, that during the consultation process local government planners, environmental groups and academics were consulted, but I again highlight that land-holders, who will feel the major impact of this bill, were not consulted.

The bill will make it harder for farmers to run their businesses. The government needs to do more work on that in the next stage of this 2030 planning process. When this legislation was introduced the Premier's media statement highlighted the point that the government wanted to protect wetlands, native habitat, recreation areas and various sensitive areas and rivers in and around Melbourne. That is to be commended.

Previous governments set up the catchment management authorities to look at salinity and other impacts on our native vegetation and rural productive lands as a result of the unforeseen actions of our forefathers and the like. The good work carried out by the catchment land authorities across Victoria is to be commended and supported.

It is important not only to look at the sustainability of our rural lands, we also need to work with the agricultural sector to make sure we look at the productive sector. We all talk about the sustainability of rural communities and areas. I highlight to the Minister for Agriculture as he walks by that I want to make sure he understands that we need to have productivity to have sustainability.

The Premier's media release and other discussions about the green wedge legislation highlight the need to protect the flight paths at Moorabbin, Avalon and Melbourne airports, but there has been no mention of one of the most important airports for country Victoria — Essendon Airport.

Mr Carli interjected.

Mr DELAHUNTY — Its flight paths go over the city, and so do Moorabbin's; a lot of airports have that.

Mr Carli — Where is the green belt around Essendon Airport?

Mr DELAHUNTY — Many of those airports — for example, Moorabbin — do not have much of a green belt, including Essendon, but the reality is that the houses were built well after the airport was constructed. Essendon is a vital airport. Any city in the world would look at having such an airport. I know the honourable member for Essendon has come into the chamber to hear this: any city in the world would love to have such an airport so close to the city, with a great road network around it so that it can be used by emergency services and ambulance services or for community services. I know many parliamentarians jump in their cars and drive out on the City Link freeway to Essendon Airport to grab a plane in order to meet various parliamentary responsibilities.

Again I highlight that there is no mention of protecting Essendon Airport. The National Party will continue to fight for that because it services our rural areas and provides quick access into metropolitan Melbourne.

The press release also talks about the protection of water resources, and that is understandable because we need to make sure we have water that meets world health standards, not only in metropolitan areas but in country areas. I refer to the work of a former Leader of the National Party, the Honourable Pat McNamara, who drove a $1.5 billion development of water and waste-water facilities across country Victoria. It probably was not sold well and was treated negatively, but more and more country communities are now looking for this type of initiative from the government to make sure water and waste-water facilities meet world health standards. Why shouldn't country people in small towns be as entitled to world health water standards and waste-water facilities as are their urban counterparts? I highlight that because in his press release the Premier mentioned the protection of water and waste-water facilities.

With the large development of Melbourne — and an increase of 1 million people in 20 to 30 years is being talked about — it will be interesting to see some of the developments in Melbourne's urban areas. More importantly, country Victoria's concern is about where the water will come from. I note that the government is now pushing drought management strategies to protect water in metropolitan areas. That is to be commended, but we have been going through that for the last two or three years. Most of the towns in my electorate are up to level 3 water restrictions now, and it is annoying to my country colleagues when they come down to Melbourne, often when it is raining, to see sprinklers going and water going down the drains. It is important to look at ways of using water in Melbourne more conservatively so that water is not pinched from country areas — and I highlight again that every megalitre of water taken from country Victoria also takes about $3000-worth of economic activity and employment out of country Victoria.

Protection of water treatment facilities is referred to. Most country areas now have water treatment facilities that meet world health standards, particularly in relation to their discharge. The days have gone when we could discharge into rivers and streams across country Victoria. There is still a little bit of work to do there, but there is an enormous amount of work to be done here in Melbourne from a planning and environmental point of view. That is one of the issues we debated on the marine parks legislation. Work needs to be done by this government. I know it has started, but it needs to put its

foot on the accelerator to make sure that waste water is not discharged into bays and streams around metropolitan areas.

Mr Hamilton interjected.

Mr DELAHUNTY — I do not think the Minister for Agriculture is going another term. He has another year if the government goes for a full term of four years, but I am not sure if he is stepping out this week!

In researching for this debate I picked up a couple of articles that I want to highlight. One is from the Melbourne *Age* of 1 October this year under the heading 'Melbourne's lungs win protection', and I quote:

> Farmers say encroaching urbanisation makes their land less profitable, and many plan on subdividing their farms to fund their retirement or provide for future generations.
>
> The Victorian Farmers Federation's general manager, Clay Manners, said urban people liked green wedges but did not understand how difficult it was to run a farm near city areas.

This legislation will make farming much more difficult around the urban areas of Melbourne. The article continues:

> Forty-hectare subdivisions would not work, he said. 'Who is going to buy 40 hectares?', he said. 'It is too big for a lifestyle block and too small for a farm'.

I know of the work done by the Department of Natural Resources and Environment in looking at areas right across the state where a lot of these lifestyle blocks are being purchased. Not only does it take away much of our good highly productive land right across country Victoria, but a lot of these people have not had the experience of maintaining the land — for example, looking after the weeds and the vermin and those type of things, which impact greatly on their neighbours. More importantly, it is taking away opportunities for production across country Victoria. If the government is to achieve its $12 billion worth of agricultural and fibre exports in the next few years, this is one of the key issues it has to look at.

I refer also to any another article, this time in the *Age* of 2 October under the heading 'Preserving a livable city for the future'. It is important that we do that, and I compliment our forefathers — —

Mrs Peulich interjected.

Mr DELAHUNTY — And our foremothers, that is true. 'Our forebears' is probably a better way of saying it. Often we get the opportunity during the dinner break to walk around the Fitzroy Gardens and appreciate the work and planning that was done by our forebears. I think that needs to be continued in this Parliament.

I quote from that newspaper article:

> While Melburnians' quality of life will benefit, some will pay a higher price than others. Farmers are entitled to be concerned, despite the Premier Steve Bracks's claim to have crafted 'right to farm' legislation. This proposes a ban on subdivisions below 40 hectares, a size that is of questionable commercial viability, and hurts farmers in another way. Selling land for residential subdivision was the 'ultimate harvest' to fund their retirement.

I know a fellow by the name of Jim Webster, who has written to my leader, as I have mentioned previously. He is concerned that this type of legislation will take away the opportunities he had planned for over many years. He has put up with urban encroachment across his adjoining farmland, and now this legislation will take away some of those opportunities. There needs to be more consultation with people like Jim about the further development of this bill.

Yesterday a few of us from the National Party met with Regional Cities Victoria, a group of people representing 10 cities from across country Victoria who are keen to talk with governments and opposition parties in the lead-up to the next election. They are very concerned about population policy and about infrastructure development. Our leader, the honourable member for Gippsland South, gave them a copy of our rural and regional development plan, with its $1 billion in capital funding to look after infrastructure development in rural and regional Victoria, which I think meets most of their requirements.

One of the key things they were pushing was population policy. Many cities and towns across country Victoria have the capacity to grow. Housing land is available at much cheaper prices than it is here in the metropolitan area. Many of these towns have waste water capacity, therefore making it cheaper for people to come into those areas, and up to this year there was no shortage of water to service their needs. But like Melbourne there is a shortage of water in a lot of country Victoria, particularly north of the Divide.

Mr Carli interjected.

Mr DELAHUNTY — I just want to highlight that this links into the green wedges policy, because I am saying this legislation will make it much more expensive for people to live in the metropolitan area. It will also create high-rises, which people do not like. So I again say to these people who are finding it difficult because of high costs that there are great opportunities to move out into country Victoria, where the air is

cleaner and where the sun and the stars are a lot brighter. If you want to come out to the Wimmera electorate in particular, or the new Lowan electorate, we will cater for you and you will not have to worry about this type of legislation. It is a very lovely place to live in and a great place for people to communicate with each other. People there communicate much more than we do in the city, and on a much friendlier basis. With those few words I advise that the National Party will not oppose this legislation.

Mr CARLI (Coburg) — I rise in support of this bill. I sat through the three parts of the speech on green wedges by the honourable member for Hawthorn. After listening to 2 hours of a long, ponderous speech I must say that I agreed with one point he made, which was that green wedges are a proud Liberal Party legacy.

It is true that 30 years ago green wedges became a permanent part of our urban form and that a green belt was set aside in metropolitan Melbourne for the protection of non-urban uses. It was a great vision, and we still live with that legacy. But we equally live with another legacy of another Liberal Party premier, Jeff Kennett, who allowed enormous infringements into the green wedges and who allowed the green wedges to be put under siege by developers.

He allowed for the whole notion of green wedges to be under enormous stress by giving speculators and developers the opportunity of tearing into them. That is why this legislation is important. I must say the honourable member for Hawthorn did not get it. He did not understand why this legislation is important. He merely said, 'Oh, it just repeats the fact that governments have the right to protect green wedges and the right to control planning schemes'. We know all that, but we also know equally that in seven years of Kennett rule there was an enormous ability to alter the rules and to be flexible on planning schemes to allow developments to occur.

This legislation is an interim measure before the government undertakes what is called implementation plan 5 of the Melbourne 2030 strategy. Implementation plan 5 is about green wedges. It is a process which the Labor Party hopes to undertake together with the other political parties and Independent representatives of this house, because it believes that ultimately we need to share a common vision. It is important that we are up front about it, that this is part of a greater vision. The Melbourne 2030 strategy, released on 8 October, is a vision for metropolitan Melbourne that creates a firm boundary — a hard edge, if you like — between the urban uses of the city and the non-urban uses which will continue to exist within the green belt. The belt is a series of areas running across the whole arc of Port Phillip Bay.

It is important to recognise that when we build a hard edge to the city, we are providing at least 30 years of land for housing and urban development, commercial and industrial development. We are not, as some honourable members insinuate, trying to create a land deficit or shortage. Instead we are providing sufficient land for the growth of Melbourne, sufficient for 620 000 more households in the next 30 years. That is a huge ask of a city. The reason we are doing it in this way is that we want a livable city. We want a viable and sustainable city and they are all the things we have in the vision called the Melbourne 2030 strategy.

This bill is essentially only an interim measure. It does not purport to be everything in terms of green wedges. I am not sure why the honourable member for Hawthorn had to go through all the things it was not. It was never suggested that it was the green wedges strategy. It is only an interim measure to say clearly to land developers where we stand on the issue of the green wedge. What is important is that it is the first step of the implementation of plan 5 under the Melbourne 2030 strategy.

The plan includes all the proposals for the future legislative protection of green wedges. What do we need to underpin the green wedges? That is the issue which the honourable member for Hawthorn said was not in the legislation. Clearly it is not in the legislation because that is what we are going to be consulting about, discussing, debating and bringing the stakeholders together over the period to February 2003 — to work through those processes. Part of it will be ultimate legislative underpinning. It also proposes two new land uses, the green wedge zone and the rural conservation zone. It will involve action plans for green wedges — again, what the honourable member for Hawthorn said was not in the legislation. Clearly it is not in the legislation because it is part of the implementation plan. It is what will come: it is the government's approach and it will be the community's approach.

We as a government are seeking to create a common vision and we would ask the opposition to join us in that vision. But its members say they are proud of the Hamer legacy of green wedges and that they want to protect them. Yet when it comes down to the practicalities of that, the action plans, the legislative frameworks, the use of zoning, all that happens is that the honourable member for Hawthorn becomes negative and critical, and basically finds every possible excuse not to have a position. This is the honourable

member who would want to be the Minister for Planning in a future government.

Honourable members interjecting.

Ms Overington — Leader!

Mr CARLI — That is what he would want to be, and yet he provides no vision. During his contribution I interjected at the moment that he said he had a vision.

Honourable members interjecting.

Mr CARLI — He said he did have a vision. I said by interjection, 'Tell us the vision!'. And what did he say? He said, 'Dick Hamer had a vision'. Dick Hamer had a vision 30 years ago. It is time that that vision was looked at again and reconsidered. It is time that we considered the damage done in seven years of Kennett government that allowed our green wedges, our green belt, to be attacked and to be put under siege by speculators and developers. Many honourable members in the chamber represent large areas of the green wedge. They should be the first to stand up and say, 'We want to protect our green wedges; we have a vision' It is time you said it. It is time you sat down with your shadow minister and said, 'This is our vision'. It is time you did it.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member will address the Chair. I know it is exciting.

Mr CARLI — All the honourable member for Hawthorn could say was that he had a vision. It happened to be Dick Hamer's vision 30 years ago. That is not good enough, and I know there are honourable members on the other side of the house who are committed to green wedges — I know that from conversations I have had — so it is time they got together with the honourable member for Hawthorn and said, 'This is our vision'. Let's share it; let's have a common vision, because that is what we want. This is going to take us through 30 years and by then you might be back in government. If that is the case, let it be a common vision because it is something that makes our city livable and viable.

These are interim provisions that will provide some level of protection. More importantly, they will give a clear signal to the planning authorities and developers that the government is determined to act on green wedges. They will demonstrate that the government will not be compromised by last-minute attempts by speculators or developers to stitch up deals. That is what it is about and it is a clear message from the government.

I am pleased that the opposition parties will support the legislation because it should be a common message. We do not want the green wedges to be damaged or destroyed. We want to protect the green belt that encircles our city. We want to protect our agricultural and recreational land and provide support for our landscapes, our vineyards and agricultural areas for a host of non-urban uses.

The honourable member for Hawthorn suggested that the government was saying that the green wedge area will be parkland or open space. I have never heard anyone in government say that. No-one has said that. It is a complete nonsense. The government knows exactly what it is talking about: it is providing areas for a host of non-urban uses which are important to protect our city. The government is doing this because it knows what has been happening in the green belt, as does the honourable member for Evelyn.

Mrs Fyffe interjected.

Mr CARLI — The honourable member for Evelyn should look at what happened during the seven-year period of Kennett government — the legacy we have inherited.

Mrs Fyffe interjected.

Mr CARLI — Get enthused about the metropolitan strategy because it is a vision for the city, a clear demarcation between the urban and non-urban areas! There will be enough land for 620 000 additional households and enough land for our commercial, industrial and transport needs. That is what the government is talking about and I ask honourable members opposite to get enthused about it and involved in it and not use the scare tactics that we have heard in recent days.

This morning honourable members heard about some of the scare tactics regarding the metropolitan strategy — that it would involve towers in the backwaters of Bentleigh and other nonsense like that. This government has a vision and it wants the opposition parties to share that vision. This vision for the city is more important than being oppositional because it is something that will be in place for 30 years and it will only work if the Liberal Party gets a move on, gets involved and shares in that vision.

The Labor government is prepared to give and take in terms of the vision because it wants to share it and ensure that it exists into the future. Perhaps some time within that 30-year period the Liberal opposition may be back in government and we want it to share in the

metropolitan strategy that the government has developed.

Mr HONEYWOOD (Warrandyte) — I move:

That the debate be now adjourned.

It is with great reluctance that I move the adjournment of this debate given that the government has changed the order of debate on bills, because I am passionate about green wedges — unlike the Minister for Planning, who has left the chamber and is not prepared to listen to debate on her own legislation.

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

OUTWORKERS (IMPROVED PROTECTION) BILL

Second reading

Debate resumed from 10 October; motion of Mr LENDERS (Minister for Industrial Relations).

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

Mr McINTOSH (Kew) — The Outworkers (Improved Protection) Bill is important in that it tries to address an important issue. The opposition, like the government, is concerned that some, if not a lot, of outworkers are exploited. The opposition is also concerned that some outworkers receive unacceptably low rates of pay and that some outworkers experience abysmal hours and conditions. All of those matters are important and the bill seeks to address them. While the opposition has concerns about some of the more fundamental parts of the bill, it supports its general principle.

Essentially the bill falls into perhaps five clear paths, and I will go through them loosely. First, it defines the outworker as somebody who enters into a contract in the textile, clothing and footwear industry. The bill limits the definition to that particular industry because of its having been the subject of longstanding publicity concerning issues of exploited workers.

It is suggested that because of the nature of the work that is done, in that it is not in a normal workplace but perhaps at home, there may be people who are unscrupulous and are using all sorts of mechanisms to ensure that they can enter into unconscionable arrangements with their workers. These arrangements may involve cultural, gender or language issues. Given the nature of the work there may be a mechanism to perhaps hide the reality of the circumstance where an apparent employer is not the actual employer. In the case of a principal contractor engaging a subcontractor to do the work while actually getting the subcontractor to do the work knowing that it will be given to an outworker, under normal contractual law there is a mechanism through which the principal contractor can perhaps be absolved of any legal liability.

There have been many reports and public discussions about these matters. It is of considerable concern to both sides of politics that anybody would be subject to these unconscionable contracts or arrangements, which may mean low rates of pay, abysmal hours and conditions or general exploitation.

After defining that an outworker is not an employer but is deemed for the purposes of this legislation to be an employee, the bill provides a mechanism for recovering unpaid remuneration from an apparent employer if that person is not the actual employer. It provides a mechanism for recovering unpaid remuneration from a principal contractor through a subcontractor where the principal contractor knows the subcontractor is using outworkers. Again, it is a mechanism for dealing with a process where normal contractual principles and contract law that apply in this state — the privity of contract — can be used to exploit or enter these unconscionable arrangements, and the bill provides a mechanism for recovery. Sufficient evidence has been provided to the opposition and exists in the public arena and has been provided by a variety of government inquiries to be able to justify addressing this matter.

The second aspect of the bill as it is currently drafted is the provision of a safety net, for want of a better description, that not only enables you to recover your unpaid remuneration but also allows your remuneration to be defined in accordance with what we would consider to be a social norm — that is, a rate of pay that is commensurate with what we would expect somebody to be paid in our community. It is to get over the issue of slave labour, of adults working for $2 or $3 an hour — or less in some cases. There is much debate about the size of the problem and the numbers involved, but it appears there is an issue regarding the people who are being exploited in this way.

The bill presents a mechanism to provide a safety net. It was through the now negatived Federal Awards (Uniform System) Bill that came through this house about two or three weeks ago and was ultimately negatived in the upper house because of the considerable concerns — —

Mr Lenders interjected.

Mr McINTOSH — It was blocked in the upper house, and I do not resile from that. After a long debate there was clearly a difference between the government and the opposition. It was passed here and it was blocked in the upper house. There are reasons for that. They appear on the public record, and I do not necessarily want to go through those matters, save and except a tad later when I will deal with the underlying parameters of what the safety net should be.

Essentially the government is attempting to address two fundamental problems: firstly, the ability to discover by this process who the employer is in fact if not in law; and secondly, to prescribe an appropriate safety net mechanism to provide what would be considered to be an appropriate level of remuneration in all the circumstances.

With the defeat of the Federal Awards (Uniform System) Bill the common-rule orders that were sought to be implemented in Victoria — the implementation of another state-based industrial relations system, effectively a winding back of the unitary system of industrial relations in this state — we are now left with no safety net. So we have a mechanism for dealing with an unconscionable contract insofar as the levels of remuneration or the conditions of employment are inappropriate.

I thank the minister for providing me with a copy of the amendments he drafted as late as Monday night, although I did not actually see them until Tuesday morning when they were provided to my office. At first blush the amendments appear to indicate that the minister is bringing in a system not necessarily by any industrial or other tribunal process where there is a mechanism to vary it or otherwise, but effectively just by implementing through legislation a federal award holus-bolus in the state of Victoria. Perhaps that alone would be sufficient for the opposition to defeat the bill, but the amendments are only proposed at this stage. As I said, it may be sufficient for the opposition to defeat the bill.

I am concerned about a bill that would introduce a federal award into this state and then essentially set up a process that could be taken through the Victorian Civil and Administrative Tribunal (VCAT) to vary or amend a federal award introduced by statute. I cannot say I am over the entire range of amendments as circulated by the minister, as they run to 13 pages. The amendments are detailed and substantial. They talk about the application of the federal award and the mechanism for varying or altering that award by a process through VCAT, which would in effect introduce through the backdoor a state-based industrial system. That is certainly contrary to the underlying philosophy of the opposition, which is that there should be a unitary system.

The benefits that flow to jobs and the flexibility that the unitary system that currently exists in this state brings to industrial relations are profound and palpable. Accordingly, any winding back through the introduction of a state-based system, even to get around the difficulties that may have been created through the defeat of the Federal Awards (Uniform Assistance) Bill, is, I believe, not acceptable, and it certainly would not be acceptable to the people of Victoria.

As I said, the mechanism to amend or alter the federal award is long and turgid. In that there is a mechanism whereby an employer would have to gain some form of membership to be given a right of audience in front of VCAT; and as I understand it, there is a mechanism through which an outworker could turn around and enforce a breach of the federal award to essentially recover unpaid remuneration in accordance with what the opposition accepts — that is, the mechanism of determining who is the apparent or principal employer in all the circumstances.

The other thing I should say is that the opposition understandably has spoken to a large range of people, including the principal trade groups that are identified under the third part of the bill, which I will go to in a moment, concerning the Ethical Clothing Trades Council of Victoria. The opposition has spoken to the Australian Industry Group, the Victorian Employers Chamber of Commerce and Industry (VECCI) and the Australian Retailers Association, and it is fair to say that those organisations have differing views about the bill generally and about the importance of the process and the way it would be adopted. Their advice would have been a valuable resource had they made a substantial submission to the government, although I understand that the retail traders association made a substantial submission to the government in relation to the bill. It would have been a dramatic step for the government to introduce 13 pages of amendments without the benefit of hearing from organisations such as the retail traders, the Australian Industry Group and VECCI.

During the two weeks since the bill had its introduction the opposition has had the opportunity to speak to members of the Textile, Clothing and Footwear Union, led by its state secretary, Michelle O'Neill. We met here for a couple of hours, and we also had the opportunity of meeting and talking to two outworkers,

with the benefit of an interpreter. That meeting was also most edifying.

We met a large group of employees from Fair Wear, including a range of representatives of both the Textile, Clothing and Footwear Union and a variety of church groups, about this bill. The opposition would have liked the benefit of speaking to those people about the 13 pages of amendments that have now been circulated, which essentially undercut the whole substratum of the bill. It would have been of enormous benefit to have met with all these groups, particularly to discuss these amendments — even though there may have been disparate representations with different desires and wanting different impacts from the bill. I hark back to my days as a barrister.

Honourable members interjecting.

The ACTING SPEAKER (Mr Plowman) — Order! Was that unparliamentary language?

Mr McINTOSH — Thank you, Acting Speaker! Here we are in Parliament making laws that will bind and change or alter the relationships between thousands of people in this state. The new laws will also change the nature of the legal entitlements and rights of many people in this state.

As I said, debate on the bill was adjourned for two weeks, which is the acceptable time in this place for an opposition to consider a bill. In that time a large number of people need to be consulted and the nature of the bill has to be understood, with all its political ramifications — and as well the opposition party has to be briefed. Then the opposition spokesperson has to come into this place as the world's greatest expert and describe what should happen.

I can tell the house that if a barrister were given 13 pages of amendments to a statement of claim that was in its entirety only 20 pages long, they would probably get about a year's adjournment, with costs awarded against the other side. Yet I was expected to deal with these 13 pages of amendments after seeing them for the first time at about 9.30 a.m. yesterday. Although I concede that the amendments were delivered to my office on Monday afternoon, I did not physically get to see them until yesterday morning, about half an hour before I went into the party room to discuss the bill.

I foreshadow that I will be moving a reasoned amendment, because I and the opposition would like to have the benefit of around a two-week adjournment — although we cannot define it, it should be about two weeks — to enable us to consult the stakeholders in relation to the minister's substantial amendments.

As I said, the opposition has consulted widely on the bill with outworkers right through to the Australian Industry Group and other employer groups. But the opposition does not have the benefit of understanding the effect of the removal by the minister's amendments of a whole substratum that defines 'unconscionability' and involves its substitution with a federal award. That causes me a great amount of concern.

I move on to the third part of the bill, which establishes the Ethical Clothing Trades Council of Victoria. I do not have any difficulty with the notion of a body to promote appropriate mechanisms or contractual arrangements — appropriate relationships, if you like — in the industry that avoid exploitation in relation to pay rates, hours or conditions of work. That could be a voluntary process for about 12 months. I have no difficulty with that sort of council. As defined, it would be made up of representatives of both union and employer groups. As I said, the Australian Industry Group, the Victorian Employers Chamber of Commerce and Industry and the Australian Retailers Association, Victorian division, are the principal bodies named in the bill.

There would be a chair of that council, and I presume it would be well resourced. We now have had a Governor's message relating to an appropriation, so I presume we have already had a top-up of the ethical council's budget as a result of that. It could process a mechanism for introducing voluntary codes in the industry that would prevent this sort of exploitation.

However, there is a concern in relation to the ethical clothing council insofar as there is a provision that requires the council to report to the minister after 12 months as to the operation of this bill, the operation of voluntary codes or indeed a voluntary mechanism of compliance in relation to this matter. The council would report on whether the whole system is working appropriately. If it is not, it can make a recommendation to the minister that he introduce a mandatory code — that is, something that would bind the various people in a chain from a large retail store right down to the outworkers themselves. Essentially, it would give the power to the minister to make an award or a common-rule order.

You could see, by the numbers that were there, an astute minister — my counterpart, the Minister for Industrial Relations, being a former state secretary of the ALP, would of course be very astute in the process of numbers — —

Mr Lenders interjected.

Mr McINTOSH — A small business operator? It turned over $6 million a year, I understand! I am glad the minister is indeed a small business operator, having formerly operated that well-known small business known as the ALP. To retain his position as the state secretary he would have been familiar with the need to manipulate the numbers. You just have to read the bill to see there are representatives of three industry groups — the AIG, VECCI and the ARA; there is somebody from the trade union; somebody who would represent community interests; somebody else appointed by the minister; and a chairman or chairperson who would have a casting vote. You would not have to be too smart to realise that if the minister were really clever he could ensure the numbers on that council represented his will.

If you have the option of a mandatory code in the event that the voluntary system does not work, the minister could juggle those numbers and ensure that the mandatory code effectively operated like a common-rule order or federal award in this state in relation to textiles, clothing and footwear.

The other thing that concerns me is that there is a mechanism to ensure compliance through a provision for penal clauses, so you could have penal clauses inserted into that mandatory code. At a briefing on the bill that the minister provided with members of his department I asked the inevitable question that a lawyer might ask: 'What do you mean? Does it mean fines?'. The answer was, 'Yes, it means fines'. 'Does it mean any other form of sanction?'. The answer came back: 'Yes'. I asked for an example, but they were not able to give me any. The response I got was, 'It should have the natural meaning and its wide English meaning'. Does this mean we could have jail sentences? Could we have community-based orders? Could we have some other form of sanctions to ensure compliance? This is the real rub, the fact that the minister can make that mandatory code bind everybody in the state. Okay, he would make it available at his office, and no doubt at Industrial Relations Victoria and other places, but he would make that code at his absolute discretion, and that concerns me.

Mr Lenders — Just like in New South Wales!

Mr McINTOSH — Indeed this is just like in New South Wales, where the opposition expressed that exact concern and sought to amend the bill in the upper house. But lo, the numbers did not flow.

It causes me grave concern that we could have a mandatory code implemented in this state — with penal sanctions — just by the minister doing it himself. That demonstrates unaccountable behaviour on the part of this minister or this government. It is completely circumventing the normal process of regulation through this Parliament. Before such a code, with penal sanctions, became the law of the land, I would like to see it tabled in both houses of Parliament, with either house able to accept or reject it.

We all participated in the debate about the amendments to the Water Act, the farm dams bill. That was a very significant issue, and it was considered appropriate to amend it; the government accepted that. We are not in a position to make amendments on this occasion because our desired course would be, because of the amendments the minister made available today, to have a reasoned amendment deferring the bill until stakeholders were consulted. It would not be appropriate that we amend this bill, because that would involve a normal discussion between the two parties and a normal process.

I put the government on notice that if this bill proceeds to the upper house, the opposition will make such an amendment to ensure that any mandatory code would be tabled in both houses of Parliament to enable this house to either approve or reject it at its pleasure. That is the substantial break in relation to this matter.

It is not an answer to say, 'We have just copied New South Wales' or, 'That is the way they do it in New South Wales'. It is in this Parliament. It is not appropriate for a minister to make a mandatory code that could impose substantial penal sanctions on anybody in this state without it coming through Parliament. As I said, I put the government on notice that if this bill proceeds to the upper house the opposition will make the amendment in the upper house.

The next aspect of the bill is the ubiquitous information services officers. Again, the government is coming back with this very Orwellian term — the information services officers. On Tuesday, after he had spoken on 3AW, the Premier said in a press release, 'I don't know whether there is going to be an early election — next week, Monday lunchtime. I don't know whether we are going to go to the polls on 30 November. It really depends on a number of factors, including the behaviour of the opposition in relation to this bill', and he mentioned this bill by name — the outworkers bill.

My interpretation is that the Premier wants the opposition's response to this bill to be a trigger for an

early election. Accordingly this minister and this government have introduced a bill that is almost like a red rag to a bull. The Premier has turned around and said, 'I am going to have information services officers who will be there to inform people about this legislation. I will have information services officers who will be able to go into any workplace, including a residential home as long as it is a mixed workplace and residence, and interview anybody there'. They can look at documents and take away copies of those documents. Indeed, in relation to non-compliance with the act there will be a reverse onus of proof regarding those documents. The information services officers will be able to launch a prosecution and people may be fined up to $12 000 in relation to this matter.

Do honourable members know who would appoint the information services officers? The minister. As an ex-state secretary of the Australian Labor Party, I will bet my bottom dollar he has a list as long as this speech is going for — it will be so long — of people he will want to appoint. His mates!

Mr Wilson — Hacks — Labor hacks, union hacks.

Mr McINTOSH — Union hacks.

Mr Lenders — Dick Hamer, Alan Hunt — —

Mr McINTOSH — I bet you don't! That list will be as long as this speech. Let me tell you, Acting Speaker, I bet my bottom dollar there would not be too many members of the Liberal Party on that list, because they would have a job to do at the behest of the Textile, Clothing and Footwear Union of Australia: to go into any workplace, or mixed workplace and residence, to look at documents and to interview people. They would be able to take systems and to launch prosecutions.

As we are talking about the safety of workers, I remind honourable members that in the building industry royal commission we have heard that something as noble as occupational health and safety can be used as an industrial tool. The proposed system will be an open licence to the minister to appoint his mates who will do the job and the bidding of the textile and clothing union.

Accordingly, considering this issue was so important in the Fair Employment Bill and indeed in the Federal Awards (Uniform Systems) Bill, it is almost bizarre that the provision for the appointment of information services officers is back. The minister will say, 'Tony Abbott has it in his act and his bill'. Somehow I trust Tony Abbott, the federal minister, to do the right thing far more than this minister, because he is a previous state secretary of the ALP who is bound by his bootstraps to the financial straps of the trade union movement, and he will be doing its bidding.

Indeed, the most important thing about this debate is that it seems to me that members of the opposition were being provoked into rejecting this bill, with the government including something in it that would be necessarily so offensive to members of the opposition that we would be forced to vote against it. As I suspect, it was done because the Premier wanted to provoke us into blocking this bill. As I said from the outset, the opposition does not oppose this legislation. The principle upon which it is based is correct. It does raise a level of concern in both the government or the opposition, and we will support the principle.

But again I put the minister on notice that if, as a result of my reasoned amendment not being agreed to, this bill is not taken off the list of bills to be passed this week, the opposition will ensure the information services officers are removed from the ultimate bill.

The final thing is the fifth element of the bill. As if the information services officers were not bad enough, what has this minister done? He has stuck in the bill authorised industrial officers. They would actually be officers of the textile, clothing and footwear union and could go to court. They could get a licence for three years and they could go to any workplace or mixed workplace, not even only during normal or ordinary working hours but during any working hours. As honourable members know, much of the work covered by the bill could be done at night and in the early hours of the morning in front of a TV. The bill would allow an authorised industrial officer — not just someone appointed by the minister but an officer of the textile, clothing and footwear union — to enter a workplace at any time during any working hours.

As I said, it seems to me that to ensure compliance this minister is provoking the house into a particular course of action. But I will remain calm at all times, because the principle is too important. That is where we have agreement between the Liberal Party and the government. If this bill is passed and it goes to the upper house, the Liberal Party will simply delete the authorised industrial officers provision, because it is just outrageous. I cannot understand why this minister wants to have a complete duplication. He has information services officers, and now he wants authorised industrial officers. Perhaps he thought I might just go through and say no to the authorised industrial officers on the basis of accepting information services officers.

As I have already said, this relates to compliance, which is not the fundamental purpose of the bill. The fundamental purpose is to completely expunge the exploitation of outworkers where it exists. The Liberal Party agrees with the underlying parameters, purpose and principle of this bill. There are wide-ranging views as to the significance and size of the problem, but the Liberal Party supports the principle that any worker who has entered into an unconscionable arrangement should not be exploited.

I will leave it there. I still have more to say, but at this stage I will formally move my reasoned amendment.

The ACTING SPEAKER (Mr Plowman) — Order! Will the honourable member for Kew pause for a moment while the reasoned amendment is circulated.

Mr McINTOSH — I move:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until employer and employee stakeholders have been consulted on the amendments foreshadowed by the government to provide for the application of the federal Clothing Trades Award to Victorian outworkers in that industry'.

I sometimes wonder why the house is going through this process. One of the allowable items under the federal Workplace Relations Act is the making of a provision that would cover outworkers. I have seen a copy of the federal Clothing Trades Award 1999, which makes it quite clear that outworkers are subject to the federal award and the minimum conditions that apply thereunder. The sole condition, of course, is that the employer is a respondent to the federal award. A legal process is required for an employer to become a respondent to a federal award, and once the employer becomes subject to that award there is a mechanism to get around some of the more turgid contractual arrangements that may be entered into to ensure there is the safety net of that federal award. There may be many employers in the textile, clothing and footwear industry who are subject to a federal award.

As I understand it the union is currently trying to rope in every employer in this industry in Victoria. I also understand that there is a sizeable number and that that issue is currently before the commission. If you get these employers roped into the award, then essentially by introducing the legislative process in relation to outworkers the safety net provisions would evaporate. But it requires a lot of hard work, and I understand the union has spent some four to five years trying to implement this process.

What this bill does is remove the legal separation, or the legal halo, between lawful and actual employer, or between apparent employers and the principal contractor. There is a mechanism currently in the federal award system under the Workplace Relations Act to ensure that the pay and conditions of outworkers can become the subject of a federal award. If you have a look at the current federal award, you will see there is a provision in relation to outworkers.

Mr Lenders interjected.

Mr McINTOSH — It does not help the supply chain, and that is why I accept that the government is passing this legislation based upon the model in New South Wales, and that is why the Liberal Party is supporting the principle. But there is a mechanism under the federal Workplace Relations Act that ensures that all employers could be roped into the federal award.

Alternatively, in Victoria — and I suspect this is the real rub — we have a unitary system. That system says that employment arrangements can be defined in a variety of ways. You can have an enterprise bargaining agreement, you can have your own certified agreement or you can have a federal award. And if you are not necessarily covered by any of those there is a safety net. That safety net of course is schedule 1A.

Mr Lenders interjected.

Mr McINTOSH — The minister is laughing. This is the real rub. This has nothing to do with disadvantage. The only reason we had the uniform awards bill was because the minister says they are disadvantaged because they cannot have 20 allowable items. It is not about disparity of pay, it is just that they happen to be perhaps at the bottom of the food chain. That is what he says. The fact is, however, that this provides an enormous amount of flexibility and the ability to create jobs. Indeed, people in the retail industry were saying that something like 4500 people would have lost their jobs as a direct consequence of the passage of the Federal Awards (Uniform System) Bill.

Ms Beattie — That is nonsense!

Mr McINTOSH — I am glad the honourable member for Tullamarine says it is nonsense. I will go on.

The Victorian Farmers Federation (VFF) estimates that 10 000 people could have lost their jobs — and yet here is a government talking about rural and regional development! We have seen the Treasurer and the

Minister for Finance standing up in the house extolling the virtues of what this government has done, but when you take 10 000 jobs out of rural Victoria you destroy an environment, a society, a community and a town. And the trouble is the government does not care.

The government does not care, because what it is about is giving more powers to the unions. The minister, being the previous state secretary of the Australian Labor Party and being close to it, would understand the dependency the ALP has on the trade union movement. The most important thing about this for outworkers is that the simple issue of outworkers is currently being addressed by the federal minister.

Mr Lenders — And by Santa Claus too.

Mr McINTOSH — It is with some degree of disappointment that the minister suggests I live in Santa Claus land. Well, let me take honourable members to the award provisions contained in the bill currently before federal Parliament, the Workplace Relations Amendment (Improved Protection for Victorian Workers) Bill 2000. I understand there may be some provisions in the bill that the minister and the Labor Party do not want people to have — bereavement leave, for instance; and I suppose they do not care about carers leave. It would be their prerogative to go to the federal minister and say, 'We want you to take that out of the bill. We do not want schedule 1A workers having bereavement leave or carers leave'. But no, there is silence. It is just negative, negative, negative: don't want it, don't want it, don't want it!

Part XVI of the federal bill is an amendment to the Workplace Relations Act concerning contract workers in Victoria in the textile, clothing and footwear industry. Victoria is the only state in Australia that has the benefit of a unitary industrial relations system, so of course when there is a matter that comes out of the state Fair Employment Bill the federal minister would want to address that matter. Part XVI, headed 'Contract outworkers in Victoria in the textile, clothing and footwear industry', states:

> Division 1 — Preliminary
>
> 537 Object of the Part
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> The object of this Part is to ensure that an individual who is an outworker other than an employee performing work in Victoria in the textile, clothing or footwear industry is paid not less than the amount he or she would have been entitled to be paid for performing the same work as an employee.

Essentially what we have here is a deeming provision. Those people are deemed to be employees for the purposes of the bill. That part of the bill says that that person can then legally enforce that remuneration as an outworker.

Okay, I understand the argument that the minister may raise — namely, 'What about the chain of supply?'. That is what this bill does: it addresses the chain of supply, and that is why we support the principle. But what we have here is the minister saying, 'I am quite happy to say, "Deem the employees for the purposes of the Workplace Relations Act" '. If you really cared about this issue, Minister, you would look at proposed section 537 — —

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Kew, through the Chair.

Mr McINTOSH — If the minister really cared about this issue he would say to Tony Abbott, 'I want this to pass. I want this protection. I want all outworkers to be deemed to be employees so I can give them at least the safety net under schedule 1A. Okay, it may not be the federal award with the 20 allowable items, but I will give them a safety net'. Some of them may actually get more; we do not know. The point is that at least we would have the safety net that something like 350 000 other workers in Victoria have the benefit of.

The difficulty is that that bill may not pass. But if an ex-state secretary of the ALP rang his ALP colleagues in the Senate in Canberra and said, 'We want you to pass this. We want to protect outworkers in Victoria because they will be deemed to be employees', I bet my bottom dollar that the ex-state secretary of the ALP would be able to convince everybody from Kim Carr down that the bill should pass the Senate. But no, in reality this is about getting a federal award system into Victoria. We do not have it at the moment, because that is only an amendment.

If the minister were really fair dinkum about protecting outworkers there are two issues that are of legitimate concern. One is the constitutional issue about what power the commonwealth government has to deal with outworkers. What power does it have to make laws with respect to outworkers who are not necessarily employees in the true sense of the word? There is a constitutional issue that revolves around the simple contract that is being sought to be enforced. If the minister were fair dinkum he would ring up his Senate mates in the ALP and say, 'Pass the bill, please'. He would probably also ring Tony Abbott, and I bet Tony would take the call tomorrow. In fact, if the minister would care to leave the chamber and do it now, it is only 4.55 p.m., and I am sure the federal minister

would be available. Then this minister could say to him, 'We want you to pass this bill. We want to protect our outworkers. We want to provide them with the same safety net that other Victorian workers have, to stop the exploitation of outworkers and ensure their pay and conditions are commensurate with our community standards'.

The minister could do that now. If he wants to leave the chamber with me, I will make the phone call and we will deal with it then; but he would need to make a very limited referral to the commonwealth to introduce these laws because there is an issue surrounding what one can do.

The commonwealth can make laws about dealing with trading corporations and interstate trade, but if there is an individual, a fly-by-nighter, somebody who is out there doing a nefarious double shuffle with an apparent or actual employer, that may cause concern. Once you get your entitlements and safety net provisions in place this bill does the right thing. It enables somebody who wishes to enforce their own safety net provisions to then sue the actual apparent or principal contractor where it is necessary, and that is basically the fundamental nature of the bill. That is all it is doing.

On top of that, if you really want the opportunity of enforcing compliance there is provision in the bill for federal inspectors to ensure compliance. To me, the simplicity of this legislation is almost attractive. It would certainly be attractive to a Liberal government to ensure that we preserve a unitary system, that where we identify people who have been exploited, whether it be one person, several people or a huge group, the beauty of this is a simple referral. There is legislation there waiting to deal with this issue. Certainly this bill has to be passed to ensure the chain of supply can be dealt with, and that is why we support it.

In conclusion, I reiterate that we have concerns about a large part of the bill but do not formally oppose it. Let the government be clear that we will ensure that the mandatory code from the Ethical Clothing Trades Council of Victoria is tabled in either house of Parliament to allow or disallow these provisions. It is a simple ramp-up, if you like, of a debate in which I participated on the farm dams bill to ensure there is true accountability in relation to laws such as those that would create a penal sanction, a fine or otherwise.

The Liberal Party will not accept the provision relating to information services officers, an Orwellian term, so that the minister would be able to appoint his union mates. We certainly do not accept that authorised industrial officers, which are a replication of information services officers, should be given the power to prosecute. You can see clearly coming out of the royal commission that something like this could be used as an industrial tool.

Finally, in relation to the proposed amendments and the application of federal awards, we do not accept these amendments because they do not do anything. If we are forced to discuss the amendments today rather than agreeing to the reasoned amendment and adjourning the matter, we will have no alternative than to vote against them because we would not have the benefit of consulting with a broad range of community groups. Accordingly, we support the principle behind the bill and will not oppose it, but if it proceeds beyond this house today the government is on notice that we will amend it in those four ways in the other place.

It never ceases to amaze me how this government can take on a serious issue like outworkers — a concern that has been expressed by a number of people — and turn it into such a botched, long and turgid process when a simple phone call to Tony Abbott and his mates will remedy the situation. I make the offer to the minister now that if he wants to I will in 5 minutes put him in contact with Tony Abbott to have that bill passed as soon as possible.

Mr JASPER (Murray Valley) — I am pleased to speak on the Outworkers (Improved Protection) Bill on behalf of the National Party, and indicate at the outset that the National Party is opposed to it. I listened with interest to the comments made by the honourable member for Kew. Although his contribution analysed and highlighted a number of areas and complications with the legislation, I was certainly disappointed with his final comments when he said the Liberal Party will not be opposing the legislation. That is of great disappointment to me because I believe the legislation is flawed.

The honourable member for Kew indicated in his contribution that the legislation has flaws and will not be workable. He gave all the reasons why the Liberal Party should be opposing the legislation and then said it would not be opposing it. I find it difficult to understand. I make it clear that the National Party is opposed to the bill, and in my contribution I will indicate why.

Firstly, the proposed legislation is flawed, but when a further 75 amendments have to be examined and assessed in the context of the legislation that is clearly wrong. If the government is sincere it should withdraw the legislation and introduce a fresh bill that includes all the amendments that have been foreshadowed for this

legislation. It is outrageous to expect honourable members who received this legislation two weeks ago to have appropriate consultation with a range of organisations and individuals, to determine in the house the attitudes of particular parties and individuals, and then to consider 75 amendments. I suggest the minister should withdraw the legislation and analyse it further. If it sincerely wants genuine legislation that will protect outworkers as deemed in this bill the government should seek to convince the National Party — apparently the Liberal Party is convinced — that this legislation has merit. I say from the outset that the National Party certainly does not support that. These outworkers are small business operators and we need only talk to a lot of these people to understand that they are employers and not employees, as has been indicated in the legislation.

It is interesting to see that the purposes of the legislation are to deem outworkers to be employees — the National Party rejects that as a concept; to establish the Ethical Clothing Trades Council of Victoria; to provide for a mandatory code of practice; and to appoint information services officers. The National Party believes the real purpose of this legislation is to give the textile, clothing and footwear union power to coerce clothing industry workers presently beyond its influence to join the union.

I was also interested to hear an interjection from the Minister for Industrial Relations that he had been in business. As a person who has grown up in private enterprise and been involved in business all my life, and having a deep and abiding interest in the motor industry in particular, I would not like to go into business with the Minister for Industrial Relations. I think he would drive me out of business. In the 1980s when we had the Honourable Tom Roper in this house he spoke about a particular bill and about his supposed expertise in small business, and I indicated quite clearly at that time that as far as I was concerned I would not go into business with him either because he would not only go broke himself but he would also drive me broke. I suggest to the house and to the minister that you have to have been in business to understand business. Do not tell people who have been in business how to operate those businesses.

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Burwood is interjecting and he is out of his place and disorderly, and the Minister for Industrial Relations knows that interjections across the table are disorderly. The honourable member for Murray Valley, without assistance.

Mr JASPER — I am quite happy to pick up any interjections the honourable member for Burwood may put forward from his place, and I am sure I could — —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Murray Valley should ignore interjections.

Mr JASPER — It is often difficult, Mr Acting Speaker, when some of those interjections need response and when honourable members make comment when they really have no understanding of the legislation before the house or indeed how the economy of this state works. On many occasions I have heard people in this house speaking on issues they have no understanding of and with no true understanding of how the economy of the state of Victoria works. I say again that many of the people on the government benches would not understand what it is to be in business, and that anyone who was involved in business with them would be forced out of business.

We have heard a conflict of concepts coming from the government today. The Minister for State and Regional Development and Treasurer has openly criticised the federal government for imposing a tax on the consumers and users of sugar within Australia, and yet he has come out strongly and said he wants protection for the motor industry. I have been described by a former minister in this place, the Honourable Jim Simmonds, as a bush socialist, and I do not mind wearing that tag because we have to get balance in how we protect people in business and industry within the state of Victoria.

I want to highlight that point again, and I am disappointed that the Minister for Industrial Relations is not taking particular note of this issue, because we have a conflict of concepts and the issue needs to be put into perspective. We hear the minister and others saying they want to give the motor industry a certain level of protection within Australia. I am not opposed in principle to protecting the industry within Australia against competitors from outside Australia who may be operating in circumstances different from our economy, so I support that concept. Then we hear the government supporting that concept as well when it says it wants to protect the motor industry and also the textile, clothing and footwear industry.

Former Senator Button was strong in looking to protect the textile, clothing and footwear industry. Indeed I recall that when he was a senator he visited Wangaratta

on one occasion and met with the major textile industries in Wangaratta, which were at that time Bruck Australia Ltd, Australian Country Spinners and Yakka, and he indicated that protection would be provided for the textile, clothing and footwear industry against imports and that he would seek to get balance.

We heard the Minister for State and Regional Development stating quite clearly in question time today that he was opposed to the federal government implementing a bounty on the sugar industry, if you like, or imposing a charge on sugar industry retailing throughout Australia to assist those people who are operating within the industry in Queensland. We have the converse situation here, with the minister saying, 'We do not want to have that because it will increase the sugar prices in Victoria. A huge range of industries use sugar, therefore it will affect employment in Victoria'. The minister really needs to analyse what he said there and to indicate whether he supports protection being provided for the sugar industry in Queensland, which is on its knees. That industry needs to get protection. The federal government has taken the right attitude of protecting the sugar industry so that the rest of Australia can assist it to continue to be effective within Australia.

I come back to the motor industry, where there needs to be some form of protection, and to the textile, clothing and footwear industry, about which John Button came out clearly when he was a senator, saying that we need to have appropriate protections within Australia to maintain that industry. The question is how to get that balance. Balance is the key in being able to get and maintain an industry operating effectively within Australia.

We had earlier legislation from the government seeking to make changes to the industrial relations laws in the state of Victoria, and we in the National Party believe those changes were unsatisfactory. We also believe this legislation is not appropriate, and we are completely opposed to the concept of the legislation. When doing some analysis on this legislation I was interested to note the report from the Family and Community Development Committee on its inquiry into the conditions of clothing outworkers in Victoria which was tabled in September.

The investigation that was undertaken was interesting, and I wrote down a couple of notes as I looked through the report. I think that when it was looking at the issue the committee was after a predetermined outcome similar to that in New South Wales. The recommendations were apparently not derived from the evidence collected by the committee, and they were rushed through.

I have looked through the recommendations, particularly those at the front of the report, a couple of which are worth reading into *Hansard*. The first recommendation is:

> That the Victorian government recognise the importance of the textile, clothing and footwear industry to the Victorian economy by continued support and that the government continue to develop effective initiatives and programs to support the industry.

I support that entirely. I think it is an excellent recommendation, as the textile, clothing and footwear industry has been an important industry in the state of Victoria — although it is under huge pressure from imports, there is no doubt about that.

Look at the enterprises in Wangaratta. Bruck (Australia) Limited has maintained a work force of over 1600 employees. That company has been of critical importance to the Rural City of Wangaratta. While textile factories have closed around Australia, Bruck (Australia) has continued to operate. In fact it has expanded and poured money into redeveloping and improving its product and its production lines. While there has been enormous pressure on all the clothing, footwear and textile enterprises within Australia, Bruck has maintained a strong presence within Australia. So I am strongly supportive of recommendation 1.

Also in Wangaratta is Australian Country Spinners, another important textile enterprise. Again I support looking at how to get balanced and appropriate protection so that its people can have continued employment while producing an excellent product which is competitive on the world market. That is difficult, when we see what is happening with the lower costs of production in Third World countries.

I repeat that I support there being appropriate protection in specific industries in Australia. I again criticise the Treasurer for his comments at question time in attacking the protection proposed for the sugar industry within Australia. I do not want to go through all the recommendations in the report, but recommendation 3 is also worth reading into *Hansard*:

> That the Victorian government implement a program designed to enhance the knowledge and skills of outworkers who see themselves as small business operators —

I repeat, 'small business operators'; they are not employees, they are operating their own businesses —

> to improve their operations and to increase their awareness of their taxation, industrial relations and occupational health and safety obligations.

That is a very meritorious recommendation, and I support it. But I again say to the Minister for Industrial Relations that he should take out of the report the words 'small business operators'. As far as National Party members are concerned, that is the key. They are not employees, because they are working for themselves — but this government regards them as employees. In our view, that does not fit.

From looking through the report it is quite evident that it was rushed through. That is why we should also refer to the closing part of the report on the inquiry into the conditions of clothing outworkers in Victoria — that is, the minority report, which was submitted by the Honourables Bruce Atkinson, MLC, and Jeanette Powell, MLC, and Inga Peulich, MLA. As members of the committee they were entitled to put forward a minority report, and it interesting to note their comments. I do not need to read what they said in its entirety, but let me refer to some of the headings. One heading is 'Inadequate process of inquiry'; in other words, they thought the inquiry was a sham. Another is 'Inconclusive evidence on key issues', which is another criticism they had of the report. Another heading is 'Inadequate evidence gathered'.

In my discussions with two of the committee members they clearly indicated that there was not enough time to produce the report, that the committee did not do enough evidence gathering and that there was not an appropriate assessment of the report. In my view their minority report indicates the total inadequacy of the majority report — and the government is hanging its hat on the majority report to produce this legislation.

It is also worth reading into *Hansard* the last paragraph of the minority report:

> It is regrettable that the conclusions implicit in the report and its recommendations are not substantiated by the work that was undertaken by the committee. It is equally regrettable that the process of this all-party inquiry was so flawed that it missed a significant opportunity to explore the terms of reference fully, frankly and with the practical vision and policy responses suited to the needs of Victorian outworkers and Victoria's clothing industry.

That is a damning comment on the majority report produced by the committee. Although as I said the government is hanging its hat on this report, as far as I am concerned it should be thrown out.

I am disappointed, because I had a great respect for the Minister for Industrial Relations. I have listened to him making his speeches; he is certainly a thinker and makes an intelligent contribution. But it is disappointing to see that he not only supports this legislation, which the National Party sees as so flawed, but has had the audacity to introduce 73 amendments. The legislation should be withdrawn, re-analysed and redrafted, because as it is the National Party opposes it.

Normally we conduct investigations and seek comment from various organisations to see what their views are, and that is precisely what we did with this legislation. Interestingly two organisations, the Council of Textile and Fashion Industries of Australia and the Victorian Employers Chamber of Commerce and Industry, both indicated to us that they had not been consulted on the legislation before it was introduced into Parliament. When it was brought to their attention, they said they knew nothing about it. That is an outrageous situation. Time and again we hear the government say, 'We are a consultative government; we consult with everyone and we listen to the people'. But you have not listened to the people! You have not gone out to the organisations! You have just decided that you need this legislation, and you have brought it in.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Murray Valley should speak through the Chair.

Mr JASPER — Mr Acting Speaker, that might be the first time I have ever done that, and I apologise for doing so, but I was carried away with trying to make sure that the Minister for Industrial Relations understands, as a man of intelligence, what he is actually looking to do — that is, asking the Parliament to pass legislation that is unacceptable.

I honestly believe that. We have seen it before — even the previous government did it. We saw one piece of legislation with 300 amendments. That was absolutely outrageous. When the Labor Party was in opposition it said exactly what I was thinking — that is, the bill should have been withdrawn and redrafted. It took hours and hours to go through it, but at least it was given appropriate time in the committee stage.

That I believe is another problem that we have in the house at present: the government says it wants six or whatever number of bills debated in a week. We do not have debate in the Parliament as we used to. Mr Acting Speaker, you would remember earlier times when we had appropriate debate on legislation; we do not get that now. What happens now is we get the first two or three speakers on the legislation and we get to Thursday at 4.00 p.m. and the bill goes through. What is going to happen tomorrow? These amendments will never be debated in this house. They will be included in the

legislation to be debated in the other house. The government says it wants to change the upper house. Some government members say they want to abolish the upper house. The strength of this Parliament is in having two houses to look at legislation and assess it. I honestly believe that.

Ms Beattie interjected.

Mr JASPER — The honourable member for Tullamarine has not been here long enough to understand. The issue is quite clear. We have seen over the years legislation come into the Parliament and be debated in this house, with agreement between the parties that it needs to be reviewed before it goes to the other house, and we generally get better legislation because of that debate.

I recently visited the Welsh and Scottish parliaments — single houses of Parliament. I was extremely concerned that they have only one house, but in Wales and Scotland they have extensive committee systems which review legislation before it hits the Parliament. Here we have the government saying, 'We listen. We talk to people before legislation comes before the house'. I say to you, Mr Acting Speaker, that two of the organisations the National Party spoke to — major organisations — had not seen the legislation before it came to the Parliament. Is that consultation? Is that listening to the people? It proves the lie of what government members are saying — they have not done that on this legislation.

Again I say to the Minister for Industrial Relations that that is the flaw we have at present, where the government says, 'Those bills will go through regardless'. I think that is a travesty of our democratic system and a travesty of the Parliament. We should be able to get appropriate legislation. If it means we have to extend the parliamentary sittings by another week or two to have proper investigation and debate, that is what I would do. I am not saying we should sit on Fridays, because I am not a supporter of Friday sittings — —

Ms Beattie interjected.

Mr JASPER — As a city member you would not understand. You would not understand that I drive 3 hours to get to Melbourne to come to a sitting of Parliament.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Murray Valley should speak through the Chair. Considering that he understands that the last time was possibly the first time he has not done that, I am surprised that he did not do it immediately afterwards. I ask the honourable member for Murray Valley to speak through the Chair.

Mr JASPER — The honourable member for Tullamarine, as a city-based member, would not really understand the difficulties and problems we country people face, and she probably would not understand the current drought situation in the northern part of the state.

The Minister for Industrial Relations really should get more of an understanding of what has happened. Perhaps he should look at what happened with legislation in the past and go back to some of the systems we had previously. Again through you, Mr Acting Speaker, in talking about the extension of the sitting I say we should go for an extra week or two with those three days of sitting to ensure we can debate legislation and debate it properly. The extended days and weeks do not suit country people because — —

Mr Nardella — Hang on, I'll get my violin out!

Mr JASPER — Another city member!

Mr Nardella — You do not know my electorate if you are saying that.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Murray Valley, continuing his presentation without assistance from the honourable member for Melton.

Mr JASPER — I listened to the comments of the honourable member for Melton — you cannot miss them because of the loud voice. He has come from the upper house into the lower house and I suggest again that I do not regard him truly as a country member of Parliament. He can challenge that if he wishes.

Mr Nardella — You have no idea.

Mr JASPER — He can challenge that if he wishes on a future occasion.

Mr Nardella interjected.

Mr JASPER — I do understand the motor industry, there is no doubt about that. I am proud to say that I have grown up in private enterprise. I ask the honourable member for Melton whether he has a similar sort of background in business. I think he is probably like many on the government side who do not understand business.

Mr Nardella interjected.

Mr JASPER — I would not like to go into business with the honourable member for Melton, because I would go broke — and not because of me but because of him!

On the legislation, I have referred to the Family and Community Development Committee report which I say is flawed. I have referred to the fact that I think the minority report is critical to an understanding of the main report. Honourable members need to read not only the report of this truncated inquiry but also the minority report which highlights the fact that this report is flawed and should not have gone anywhere.

I want to make some comments on some of the particular issues in the legislation. The National Party will not be supporting the bill on the basis of what it proposes to do and the information contained in it. As National Party members see it, the bill is designed to shore up union membership by deeming people presently working from home as independent contractors to be employees. Our main concern here is the change. Those people are individual people working as contractors and are not employees. The bill provides for the appointment of enforcement and compliance officers under the title of information services officers which does not give a true and accurate picture.

We have seen these sorts of measures in the Fair Employment Bill and the Federal Awards (Uniform System) Bill which the National Party totally opposed. This bill smacks of similar issues. The bill gives Textile, Clothing and Footwear Union officials wide powers of entry and information gathering, even if no union members work on a particular premises. The bill provides for the recovery of alleged shortfalls in remuneration from an apparent employer up to six years after the event, and that is an outrageous situation so far as the National Party is concerned!

Establishing the Ethical Clothing Trades Council of Victoria probably has some merit, in that it will be able to look at the industry and assist people in that area. The bill enables the minister to introduce a mandatory code of practice on the slightest pretext and without adequate consultation with industry participants.

I have highlighted some of the concerns that the National Party has with the legislation. If the minister believes National Party members have not raised issues in their proper context, I would be interested to hear his comments, but our investigations and discussions with organisations have indicated to us that they do not support the legislation. We see this as draconian and not achieving what we believe would be best for the industry and for outworkers.

I listened to the contribution from the honourable member for Kew, who referred to schedule 1A of the federal Workplace Relations Act and to actions being taken at a federal level. I believe that act provides appropriate protection.

In summary, the National Party has great concerns about the legislation. The Honourables Jeanette Powell and Bill Baxter in another place spoke to the people involved with outworkers, and whenever they made contact with those people they found them to be quite happy with their situation, being their own bosses and employers and not being regarded as employees. The legislation will not be in the best interests of outworkers, but it will improve union access and increase the ability to get more people involved in the union movement — although I think that will be difficult.

Mr Nardella interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Melton will have the opportunity to speak in the debate if he stands in his place. I ask the honourable member for Murray Valley to continue, without assistance.

Mr JASPER — I refer to the reasoned amendment moved by the honourable member for Kew, indicating that the bill be withdrawn and that:

> … all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until employer and employee stakeholders have been consulted on the amendments foreshadowed by the government to provide for the application of the federal Clothing Trades Award to Victorian outworkers in that industry.

The National Party will support the honourable member's reasoned amendment. There has not been appropriate consultation on the legislation, and it is outrageous for the government to bring forward 73 amendments. I suggest that if in the future the minister brings in legislation to which so many amendments are proposed he consider withdrawing and redrafting it so honourable members get a clean bill to look at and can assess it accordingly. The National Party opposes the legislation before the house.

Ms BEATTIE (Tullamarine) — This debate has been going for almost 2 hours now, and we have seen nothing but smoke and mirrors. There has been nothing said about the real intent of the bill. Honourable members have said they will support the bill — 'but', finding reasons not to support it.

This is a simple bill to improve the protection of outworkers in the clothing industry and to establish the Ethical Clothing Trades Council of Victoria. There is nothing dramatic about that. It is not the industrial equivalent of the Stasi, as some honourable members are saying. It is about outworkers.

Although it is not normally the form, certainly on this side of the house, to say what goes on at state conferences, I will say what went on at the Labor Party state conference on 19 October. I was proud to get up after the Minister for Industrial Relations and assure the delegates that this government would not back down from its resolve to have Victorian workers treated like every other worker in Australia. I was very proud when the Premier received a standing ovation for his resolve not to have Victorian workers treated like industrial second-class citizens. We had to hold people down from giving the Minister for Industrial Relations a standing ovation!

Outworkers are workers who work away from an employer's premises, factory or established place of work, which by its very nature can lead to exploitation. It does not always lead to exploitation, as many honourable members have said. There are many good employers, and those good employers have nothing at all to fear from this legislation. Outworkers are generally concentrated in the clothing or apparel section of the textile, clothing and footwear industry. We have heard opposition members say they met with Michelle O'Neil. Big deal! Michelle O'Neil is always available to people.

Opposition members should go into the call centres — or phone factories, as we call them — the homes and the factories to see the conditions under which those workers work, because they can be absolutely disgraceful. The National Party is always saying, 'Come up to the country, because you do not understand country people'. I would like to know when any members of the National Party — and they are not in the chamber to be seen — last went into a call centre or a clothing sweatshop. I would say they probably never have, because they are not even interested enough in the debate to spend some time in the house. They will be judged on that: they will lose their party status at the next election, there is no doubt about that.

Outworkers are widely considered to be the most vulnerable workers in our community. They are mostly migrant women — some men but mostly women — of varying ages. They often have children at home and often the children are involved in the work too. The government will deal with that later in another bill so I will not pre-empt that legislation. Many of those workers have very poor English language skills and have difficulty finding other forms of employment. While they often suffer from chronic underpayment of wages they rarely pursue complaints for recovery of moneys owed. Why? It is because their English language skills are poor and they do not know how to go about pursuing their payments.

Various reports and inquiries into clothing outworkers have considered the question of how many outworkers are in Australia and those estimates vary from about 50 000 to 350 000. The Australian Taxation Office has used figures at the lower end of the range so it is a conservative estimate, while the Textile, Clothing and Footwear Union of Australia estimates are at the upper end. There is a difference and I would say the TCFUA figures are more pertinent. Accurate figures are hard to obtain given the nature of the industry.

The opposition supports the bill in principle, but claims there has not been enough consultation. This is the first time opposition members have discovered consultation. In seven years they never even looked for the word in the dictionary. Perhaps that was part of the gag — they were not allowed to look at the dictionary. I will tell honourable members who we consulted: the Victorian Employers Chamber of Commerce and Industry (VECCI). Opposition members know the organisation. They are very good people and friends of the opposition and are often consulted by it. Well, the government consulted VECCI too!

Mr Holding interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Springvale is out of his place and is disorderly.

Ms BEATTIE — We consulted the Pharmacy Guild of Australia, the Australian Medical Association, the Victorian Farmers Federation — again, there is a close relationship between the National Party and the VFF and I believe a lot of the National Party candidates are VFF people so they can consult with it. We consulted with the Restaurant and Catering Association of Victoria, the Australian Retailers Association, Clubs Victoria and the Victorian Automobile Chamber of Commerce. All those attendees were provided with a copy of the bill and an information sheet on the provisions of the bill.

Again, may I say, there was an invitation from the honourable member for Kew to pick up the phone and call Tony. The invitation is still there — not Tony Plowman, Tony Abbott — and Tony is a reasonable man and we saw his reasonableness in the federal

awards bill which was rejected in this house. The Victorian Liberal Party is moving away from the federal Liberal Party. It does not have any influence. The federal Liberal Party does not want to know this sham of an opposition.

To return to the bill, approximately 40 per cent of clothing outworkers are engaged in Victoria — of those figures I quoted, about 40 per cent are Victorians which clearly represents the majority of outworkers in the clothing industry.

I want to raise a couple of other issues in the limited time I have. The honourable members for Kew and Murray Valley both talked about the same sort of thing: industrial officers going in after hours. That is quite right. The government would give them powers to go in after hours, not only from 9 to 5, because often these people do not work from 9 to 5. By the very nature of the work they work at home and they work very long hours. They do not stop at 5 o'clock. The honourable member for Melton would know — —

Mrs Peulich interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Bentleigh will get her opportunity if she rises later in the debate.

Ms BEATTIE — I do not think so, Mr Acting Speaker. They are not going to give her a go on it, I understand.

The honourable member for Melton would know because he has many of these sweatshops in his area. They do not stop at 5 o'clock on the dot.

The opposition says the inspectors cannot come in and the honourable member for Kew says that we should not have information services officers. It is like a burglar trying to get into my house with my old dog — it has no teeth. We have to have some sanctions so the workers can be protected. I extend an invitation to members opposite — and I can arrange it just as the honourable member for Kew can arrange the phone call to Tony for us. I invite the honourable members for Kew and Murray Valley to any clothing outlet with Michele O'Neill and her team and they can come along and have a look at some of the conditions. In a country like Australia and a state like Victoria they would be ashamed to see how some of these people are forced to work for $3.60 an hour. They would be ashamed that we let this go on. The Labor Party is ashamed of it. We are ashamed that that sort of thing goes on and we are legislating to protect those very poor workers.

Not all workers are exploited and there is good reason to say there are many fine employers. Research into outworkers was conducted by Dr Christina Cregan of the University of Melbourne and was considered by the parliamentary inquiry. We know that that inquiry was just like the inquiry into the Reeves affair and Seal Rocks — it was stacked.

That research was, as I said, considered by that stacked parliamentary inquiry. The research indicated that there continues to be significant exploitation of outworkers in Victoria. That 2001 study, involving 119 clothing outworkers in Melbourne, found that the average hourly rate of pay among those workers was $3.60 — that is the average, which means there were many below that — and that their average weekly wage was only $300.

Mrs Peulich interjected.

Ms BEATTIE — It is all right for the honourable member for Bentleigh opposite, who is sitting on $100 000 a year, to say, 'Yes, these people are on $300 per week'.

Mrs Peulich — On a point of order, Mr Acting Speaker, having had 30 years in small business and often having earned far less than $2 an hour, as a lot of small businesspeople do, let me tell the honourable member that I do know how the other side lives — she does not.

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

Ms BEATTIE — The honourable member for Bentleigh should do a little bit of research, because if she did she would know that I had a small business myself, and a small farm at one stage.

The study found that outworkers work 12 hours a day for six or seven days a week. Also, the majority of those outworkers earn only $5 per hour. That is well below the minimum hourly rate of $11.35 provided by the Australian Industrial Relations Commission. Indeed, small business is thriving. As a matter of fact, small business is being transacted right before our very eyes, Mr Acting Speaker!

The ACTING SPEAKER (Mr Kilgour) — Order! I ask the honourable member for Tullamarine just to check whether any outworkers are involved!

Ms BEATTIE — I believe it's a cash transaction, without tax being paid.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Tullamarine, on the bill.

Ms BEATTIE — The study found that 80 per cent of the clothing outworkers in the study reported that their wages were not paid on time — so the money they were depending on was not even paid on time — and 50 per cent reported instances of not being paid for work completed.

Dr Cregan's research clearly shows that clothing outworkers are among the most disadvantaged workers in Victoria. Unless we bring in legislation to protect them they will go on being the most disadvantaged workers in Victoria.

Mrs Peulich interjected.

Ms BEATTIE — I must respond to the interjection.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Bentleigh knows full well she should not be interjecting in that manner. The honourable member for Tullamarine should ignore interjections.

Ms BEATTIE — I will ignore it with my left ear, but my right ear is taking it up. I can tell the honourable member for Bentleigh and you, Mr Acting Speaker, that if all employers were good employers there would be no need for unions — we would do ourselves out of a job. But bad employers need checks and balances to protect the workers, and the unions provide those checks and balances and that protection.

Honourable members on the government side of the house will be supporting this bill and other bills like it. We will not back down from our resolve to protect Victorian workers and give them equality with other workers in Australia. This legislation absolutely replicates the New South Wales legislation. The government is not asking Victorian workers to be put above those in other states; it is not asking for Victorian workers to receive things that workers in other jurisdictions do not. It is asking for equity for Victorian workers.

Honourable members on this side of the house will not back down in the face of taunts from the other side of the house, because we know what is right. We know this is fair, we know this is reasonable, and we know this is equitable. So we will be supporting the bill and the amendments the government has circulated. The requests for more time are just smoke and mirrors. Opposition members will say, 'We want two weeks to consult', and after two weeks they will come back and say, 'We have consulted and now we are going to vote against it'. This two weeks business is just smoke and mirrors, like everything else. The opposition is just delaying the legislation because it does not have the guts to go out there and say it is opposing it. Opposition members do not have the guts to be honest with their electorates.

In conclusion, we will support the bill. We will not back down. We believe in the dignity of labour. We will support this bill and others like it in the future.

Debate adjourned on motion of Mrs PEULICH (Bentleigh).

Debate adjourned until later this day.

RETAIL LEASES BILL

Second reading

Debate resumed from 10 October; motion of Mr BRUMBY (Minister for State and Regional Development).

Opposition amendments circulated by Mrs PEULICH (Bentleigh) pursuant to sessional orders.

Mrs PEULICH (Bentleigh) — The government has consulted for two years regarding the Retail Leases Bill that is before the house. This bill was not publicly released until the Assembly second-reading motion less than two weeks ago. As part of that very long process there are unfortunately significant differences between the draft and the bill before the house. Although stakeholders are very much trying to establish the effects of many of the changes, given that there are significant differences between the exposure draft and what came into the house, property owner associations are still analysing the deviations from the exposure draft.

The general view is that it is obvious that the bill will add complexity and uncertainty and the implementation will add significant costs. On the other hand it introduces some needed and positive reform intended to assist retailers in particular. I guess it is always a challenge trying to strike a balance between the interests of the lessees and those of the lessors. It is not easy to do. In some areas the government has moved forward, but in others there is still enormous confusion. Certainly in changing some of the rules the bill will impact on a considerably greater number of leases than was the intention, hence the amendment, which I will refer to later on.

While many of the changes will improve transparency and certainty for tenants and also significantly give

access to a cheaper dispute-resolution process, there are additional costs for lessors which will ultimately no doubt be passed on to tenants. There is no dispute about that. In particular some of the issues that have been the focus of discussion of this legislation are coverage; the differences between the 1998 legislation and this bill; the proposed abolition of the 1000-square-metre rule, which determined which leases were in and which were not covered by the legislation; and the proposed movement to a rent threshold as prescribed by regulation subsequent to the legislation being passed.

Because of the definition of 'retail premises' the bill also takes in commercial tenants, which I believe is probably not the intention of the legislation. Certainly that was the message given by the minister to those affected. The intention of the amendment is not to delay the reforms that are awaited by retailers while at the same time taking out commercial leases, which were never intended to be a part of this legislation, thus avoiding a lot of complexity and red tape — additional costs and so forth. Basically, the intention is to produce a piece of legislation which would then apply to every single commercial building in the state.

The proposed legislation includes changes to the length of leases. For example, a lease of less than one year will not be covered, regardless of whether it was covered by the previous legislation. Some 364-day leases were renewed at the expiration of that time. The move proposed by this piece of legislation is that a lease of less than one year will not be covered, but such leases will be covered if they operate continuously for longer than a year. If people continue to operate after that time, they will be covered.

The bill makes changes in relation to outgoings which can be passed on. Currently under the 1998 legislation a landlord can, for example, pass on land tax liability to a tenant as an outgoing. The reform in this bill is that land tax is not permitted to be passed on in new leases or the renewal of existing leases. For existing leases the landlord must provide the tenant with details of the land tax liability within 21 days of receiving the land tax notice.

There are also some attempts to regulate management fees charged by shopping centres. I suppose most retailers in shopping centres know that some shopping centre managements can be very hardline and fairly uncompromising. They cause small businesses quite a degree of angst. The reform being introduced by this legislation would ensure that fees were not increased by any more than the consumer price index during the term of the lease. There are some concerns about that, but obviously the retailers applaud that reform.

There are also some reforms in relation to the length of leases. A minimum five-year term for first-time tenants only was provided for in the previous legislation. The bill provides for a minimum five-year term for all tenants, although the parties could enter into a shorter term provided that a certificate is received from the Retail Industry Commissioner, which is a new initiative for the industry.

The bill also introduces the notion of unconscionable conduct in negotiation of leases, and there are certainly some concerns, not so much about the drawing down of the federal Trade Practices Act but the broadening of the provisions with the introduction of three additional criteria. I will talk about that in a moment.

The positive thing about this reform is the introduction of the more efficient dispute resolution. The role of the new Retail Industry Commissioner would be to be the first point of contact for the hearing of disputes. Later, of course, that could be taken to the Victorian Civil and Administrative Tribunal and hopefully lead to cheaper and faster dispute resolution.

It is interesting to note the size of retail tenancies legislation: the Retail Tenancies Act 1986 had 37 pages and 26 sections; the Retail Tenancies Reform Act 1998 had 50 pages and 52 sections; the Retail Leases Bill 2002 has 83 pages and 101 clauses. Invariably, of course, the complexity and confusion is cause for concern.

The industry, which has been involved in discussions and consultation on this exposure draft, had expected it would see the draft bill and there would be a further opportunity to flesh out some of the finer detail. That has not occurred and some stakeholders have taken some issues up with the minister in the hope there would be some compromise and way through, only to be fairly sternly rebuffed in the most recent communication, which is disappointing.

The elements of the bill which are of greatest concern include the abolition of the 1000-square-metre rule and the institution of a rent threshold to be prescribed by regulation. The only state which uses this method is South Australia, and that really is not in sync with the minister's stated aims of wanting greater uniformity of legislation as it applies to other states. I am informed that South Australia is currently reviewing the use of a rent threshold, obviously because of the discrepancy that can generate depending on geographic location and placement, and the anomalies that have occurred over prescription.

I understand that the Minister for Small Business in the other place is yet to consult with stakeholders about the threshold. Obviously retailers would like the threshold to be as high as possible because they would like as many businesses to fall under it as possible, and the lessors would like it to be as low as possible. Clearly that sort of negotiation will be important in getting something workable, if indeed the rent threshold is the way the minister wants to go.

The Scrutiny of Acts and Regulations Committee commented on some concerns over the powers to regulate without being answerable to Parliament, or without parliamentary debate, although not specifically in relation to the rent threshold — but the same arguments apply. The opposition would like the government to indicate what sorts of thresholds would apply.

I understand that initially the Australian Retailers Association backed the rent threshold, but that since then it has moved away from it. I understand the Shopping Centre Council of Australia has reached agreement that the 1000-square-metre rule be the standard of coverage of all retail tenancy legislation around Australia. The Property Council of Australia is opposed to the abolition of the 1000-square-metre rule which means all the major parties to the Retail Leases Bill agree that the 1000-square-metre rule should be retained. So the government is proposing a change that is opposed by all the major parties to the legislation, both retailers and owners.

Far from bringing greater certainty to the issue of coverage, the rent threshold concept will increase uncertainty. Rents per square metre vary depending on the retail format, whether it is in the central business district, in a strip shopping centre or a shopping centre, and even within shopping centres rents per square metre vary greatly from regional centres to subregional centres to neighbourhood centres. A rent threshold would therefore create anomalies such as a retail premises in a regional shopping centre not being covered by retail tenancy legislation because the rent exceeds the threshold, but similar premises in, say, a strip shopping centre would be covered.

The anomalies exist in South Australia, and as I said before, this is the only state to have the rent threshold. This is contrary to the minister's intention to create a more level playing field and clearly the anomalies suggest this would not be the case.

If the government persists in proceeding with the change, it is only fair and reasonable that the amount of the rent threshold should be included in the Retail Leases Bill, or certainly indicated in the second-reading speech in the other place or in the summing up of the legislation by the government. Obviously rent per square metre varies depending on geography and location and is of significant concern to the industry. It appears agreement has been reached that the 1000-square-metre rule is one that would more effectively be implemented.

Another area of significant concern to some stakeholders pertains to the introduction of unconscionable conduct, not so much in terms of the way that it has been drawn down or replicated from the Trade Practices Act 1974, in particular section 51AC, but the inclusion of three new specific factors related to rent negotiation, use of turnover and fit-out costs.

These are similar to the equivalent provisions in the New South Wales retail tenancy legislation, but with the inclusion of three new paragraphs (l), (m) and (n) in clause 77(2) relating to unconscionable conduct with rent negotiation and the use of information about turnover figures and fit-out costs.

I understand those provisions are strongly supported by the Australian Retailers Association and the Law Institute of Victoria. The law institute has provided a legal opinion that the provisions for determining unconscionable conduct have not been expanded but that the additional paragraphs have been used for illustrative purposes as they may apply to this new area.

The conflicting view is that this does indeed broaden it. I understand there was also no mention of this measure in the government's discussion paper in October 2001 and that despite the discussions running for nearly two years the first time the parties were informed of this was when the draft bill was released a month ago.

Three months ago I understand the Victorian government argued in its submission to the review of the Trade Practices Act that as section 51AC had been operating for only a short period and the case law had yet to be fully developed the existing provisions should remain until the outcomes they would produce become clearer. The government has produced legal advice by Mr Clyde Croft, QC, who has argued that the three additional paragraphs are consistent with the existing principles of unconscionable conduct and that they do not broaden the concept.

It is imperative that in the minister's summing up — and hopefully the Treasurer will come in — he outline whether it is the government's intention that all those subsections should be taken into consideration concurrently, or simultaneously, or whether any one of

those should be taken into consideration, obviously as a product of a legal case, in establishing unconscionable conduct.

The government was provided with legal advice contrary to that which it had received, and that legal advice was provided by Robin Speed and Ian Jackman. It says that the additional measures, even after taking into account the drafts and changes suggested by Mr Croft, do broaden the concept of unconscionable conduct and will create significant legal uncertainty. I understand that both Mr Speed and Mr Jackman practise extensively in trade practice law.

It is very important that the government outline how it intends these new provisions to apply and to say whether its intention is to broaden the grounds for determining unconscionable conduct. If Mr Croft's advice is correct and the additional provisions do not broaden the concept of unconscionable conduct, then why include them? I guess the inclusion makes the industry quite nervy. Irrespective of the merits of the conflicting legal advice and the differing opinions, there is a demonstration of that sort of legal uncertainty which will only be clarified through case law.

If clause 77 is passed in its present form it may well place the retail tenancy law on this important issue at variance with the provisions in New South Wales and Queensland. We know how keen the Bracks Labor government is to replicate much of the legislation in New South Wales, one possible reason being that it may well be bereft of ideas. The minister has stated in her second-reading speech that she would like greater harmony in legislation across the states, and clearly that is not the case in this area. So I would invite the minister in summing up to clarify the government's intention in this area.

There are a number of other concerns, which I will not dwell on. However, I guess a concern for lessors is how to deal with land tax and the fact that it cannot be included in outgoings. Under this legislation the passing on of land tax is not permitted for new leases and renewal of existing leases. However, we all know that ultimately lessors and landlords will seek to pass on the costs of providing a premises and that that will ultimately be borne by the lessee. I will not go into that in any significant detail, except to say that it is very important that option leases be seen as a fair way for a tenant to improve his or her security of tenure.

By changing through legislation how outgoings are dealt with in lease options the government causes discomfort and uncertainty among lessors, who become concerned that it is changing things on the run and that Victoria may not be a good place to invest in. So irrespective of which government is in office, there is always a need to make sure that we deal appropriately with the people who are investors. We know how important it is to the economy of the state that they are dealt with fairly, transparently and openly to promote that sort of security for investment.

The big concern is the inadvertent — I believe — inclusion of commercial leases in this legislation; hence the amendment I have circulated on behalf of the opposition. Clearly the intention is to bring in reforms that will assist retailers in particular, and the changing of the rule and the inclusion under the definition of 'retailers of services' means that many commercial leases will be caught by this legislation. The intent of the amendment is not to frustrate reforms that are being awaited by retailers but at the same time to take out what it is the government's intention to take out. The minister has indicated that she will do so by regulation, and to make it easier on the minister the Liberal Party thought it would do the right thing, because clearly the intention was not to capture that. I understand the minister is on the record as giving an undertaking that she would deliver.

Giving herself that power to take out or leave in the future of commercial leases gives the minister a significant degree of power and leverage with a group who may be seen to have been or who possibly could be critical of the government in some areas of policy — for example, the manner in which land tax has been levied in this state; or dare I suggest that it may impact positively or negatively on the future fundraising capability of the Labor Party? The Liberal Party does not believe it is appropriate, and neither does the Scrutiny of Acts and Regulations Committee believe, despite the processes of regulation making, that a minister should have so much power to make such important regulations without their going through Parliament.

The inclusion of commercial tenancies in retail tenancy legislation is clearly contrary to the aim of the retail tenancy legislation, which was to protect small and medium-size retail tenants. The inclusion of a range of commercial buildings would impose significant and unnecessary obligation and regulation on commercial lessors and landlords. While the industry has objected to the ongoing coverage of non-retail premises by the legislation under both the 1986 and 1998 acts, compliance to date has been manageable. As I mentioned in my opening comments, the effect of the legislation has increased significantly and the costs of compliance would also increase. The significantly increased obligations placed on owners by the bill

would cease to make that sort of position manageable. The amendment, therefore, presents a very effective way to make sure we look after the small and medium-size businesses that operate as retailers and of course those who invest in Victoria. Commercial tenancy is the facility from which the business is run, rather than being an integral part of the business, whereas retail tenancy relies on passing traffic. Quite clearly the two should not be covered by the same legislation.

It should be noted that no industry group has supported the ongoing inclusion of non-retail premises in the legislation, and the reference to the retail provision of services under the retail tenancy legislation has meant that commercial tenancies have been caught under the act. It certainly includes many businesses that would have been regarded as quite sophisticated premises, and premium and A-grade office buildings, lawyers and accountants offices, doctors and dental surgeries. Other commercial tenancies would be affected as well, and I do not believe that was the intention of the legislation.

In this particular bill the devil is in the detail. As I said before, to leave the commercial leases in here would necessitate massive and unwarranted changes to documentation and management practices. One of the main opponents has been the Property Council of Australia, which continues to oppose the coverage of commercial tenancies under this legislation. It has a legitimate argument.

As I said before, the justification by the government for leaving in the definition of retail premises that includes services was that it is the result of a court ruling. I understand that leaving it in is causing quite a degree of uncertainty for the industry. Several leasing deals in Melbourne have already been delayed because of the uncertainty about whether or not the tenant would be covered under the new act. Even if the government does not agree to the amendment, the bill should contain the new rent threshold and the parties should be advised of it before the bill is agreed to and before it goes to the upper house.

I referred to the regulation-making powers of the minister and alluded to how they mean that the minister retains a significant degree of leverage and the upper hand over a sector that the government probably would not want to be too critical. It may well be that if it were critical there is always the possibility of the government taking retributive punitive action. The minister may decide that commercial leases may be left in and not regulated out as promised.

I believe that sort of regulation-making power should be used cautiously and rarely. I refer to *Alert Digest* No. 9 of 2002 and the Scrutiny of Acts and Regulations Committee review of this bill where in regard to regulations it states:

> The regulations include a power to establish a code of conduct —

that is another area of concern —

> with which landlords or tenants must comply. The code may apply or adopt or incorporate the provisions of any document issued or published by any body before or when the code of conduct is made or as amended from time to time.

It is referring to the operation of the Retail Industry Commissioner. The comments of the Scrutiny of Acts and Regulations Committee is that this provision 'insufficiently subjects the exercise of legislative power to parliamentary scrutiny'. The report states:

> The committee notes that the regulation-making power allows regulations to be made establishing mandatory codes of conduct —

it also applies to which leases may or may not be in —

> and that any such code may apply, adopt or incorporate the provisions of external documents as already in existence or as amended from time to time.

The next paragraph is important:

> The committee notes that whilst the regulation itself is subject to disallowance and scrutiny an external document applied, adopted or incorporated in the code is not.
>
> The committee will seek further advice from the minister concerning the necessity to use such an incorporating provision.
>
> The committee draws attention to the provision.

Similar concerns have been raised about resorting to regulations to determine the future of commercial leases. The process should be open and transparent and the intention of the government ought to be determined in this Parliament. If the government does not agree with the proposed amendment the opposition expects the minister to give an undertaking in this place and in the other place through the responsible minister, the Minister for Small Business, to make sure that the government's intentions are clear. Obviously it is the intention of the opposition to move the amendment that I have foreshadowed.

In summary, as I have indicated, the opposition will move an amendment in this place, and in the other place if necessary, to exclude commercial tenants and commercial buildings being covered by the legislation. Clearly it seeks clarification from the minister on a

number of matters: the application of paragraphs (m) and (n) of clause 77(2) in reference to unconscionable conduct; to make comments and clarification regarding the introduction of a rental threshold which the minister has yet to define — I understand in South Australia it is $350 000, but there are anomalies with that — and also to signal the need to have an appropriate time to debate these complex issues. Many issues still need to be ironed out and I believe they can be. With those few words I close the opposition's contribution, welcoming some of the positive reforms for retailers, particularly those in shopping complexes while also using this debate to represent the other stakeholders who have a significant investment in this legislation and the need for clarification for certainty for the state of Victoria.

Ms BEATTIE (Tullamarine) — The Retail Leases Bill does a number of things. It delivers the government's commitment to provide reasonable security of tenure, it broadens the coverage of retail leases, it abolishes the 1000-square-metre rule, it improves the dispute resolution process and it ensures more effective disclosure statements.

The bill will promote certainty, fairness and provide clarity to the commercial relationship between landlords and tenants of retail premises. It is one of the bills with which both the opposition and the government agree. We all want to make Victoria a better place to do business. In the past few days the Treasurer has talked about the AAA credit rating, a vital thing for Victoria and which will be maintained by the government. This bill will give certainty and clarity and helps make Victoria a better place to do business. All tenants will benefit from these very practical reforms that promote a fairer relationship with their landlords, while landlords will have workable legislation. It is a two-way street. It offers landlords certainty and clarity.

The honourable member for Bentleigh talked about the consultation process. The government undertook a comprehensive consultation process. It is the outcome of a comprehensive review in 2001 of the retail tenancies legislation and is in accordance with the government's small business commitments.

I will go through the timetabling process and inform the house who was consulted prior to referring to the actual mechanics of the bill. A review into the retail tenancies legislation was announced in October 2000, not even 12 months after the Bracks government was elected. This is a demonstration of the Bracks government's commitment to overhauling this bill.

In January 2001, an issues paper was released, followed from February to March by a series of public forums right across Victoria. The forums were extremely well attended, which is a demonstration of the commitment by both tenants and landlords to be involved in the process. We were really happy about those public forums being well attended.

A discussion paper was released in October 2001. Again, we went back to industry and held workshops between October 2001 and February 2002. Later, in August 2002, a draft exposure bill was released for comment. Things have moved along at a pretty good pace to get this bill into the house.

The intent in releasing the exposure draft was to ensure that all parties had had an opportunity to comment on the technical operation of the bill. Some 30 comments were received and, again, that is a great demonstration of people's willingness to become involved in the process. Some but not all of those involved in the consultation process were: the Australian Hotels Association; the Australian Property Institute; the Australian Retailers Association — which is quite understandable because a lot of their members would be affected by this bill; the Victorian Caravan Parks Association; the Franchise Council of Australia; the Hotel, Motel and Accommodation Association of Victoria; the Retail Confectionery and Mixed Business Association; the Property Council of Australia; the Real Estate Institute of Victoria — again, there was great input by that institute; the Shopping Centre Council of Australia; the United Retailers Association; the Victorian Authorised Newsagents Association; the Victorian Automobile Chamber of Commerce; and the Law Institute of Victoria.

Mr Acting Speaker, you can see that there was a long consultation period, a long period of activity and lots of activity by various stakeholders. Again, this demonstrates the Bracks government's commitment to listening to and acting on the concerns of small business.

I have talked about the timing and those who were consulted and the reason for introducing the bill and about how it is important for us to maintain the AAA credit rating. I have said that this is one of the pieces of the framework necessary to help us do that. Tenants will benefit from the practical reform and there is a promotion of a fairer relationship between landlords and tenants when landlords have workable legislation.

The bill was generally well received by tenant and landlord groups. Of course one would expect some differences of opinion — that is the very nature of the

groups' various representations. There were small differences, but the bill has generally been well received. The legislation really does represent good public policy and creates a sound legal framework and delivers on the outcome of the consultation.

It also fits in quite nicely with the Victorian government's strategy, major government initiatives and, of course, the business statement, Building Tomorrow's Businesses Today. The Victorian government's submission to the review of the Trade Practices Act and the proposal to appoint a Retail Industry Commissioner are aimed at promoting a fair and competitive regulatory environment for small business.

I want to talk about aspects of the bill which I have not gone into so far — namely, some of the reforms. The bill provides all tenants with the right to have a five-year term, which is consistent with interstate legislation. However, it provides that where a tenant seeks a shorter term that the tenant must be informed by the Retail Industry Commissioner of the implications of waiving their five-year term. It is important to have that flexibility, but they must also have the information so that they understand the implications of waiving that five-year term.

The bill also provides greater protection for tenants who are on short-term leases, as they will be covered once the tenants have been continuously in possession for one year. This protects tenants under schemes such as 364-day leases with a 25-year option.

Importantly, the bill abolishes the 1000-square-metre rule, which the government made a commitment to remove. The review into the retail tenancy legislation concluded that a rent threshold would ensure that small businesses which are currently excluded from the act due to their size — for example, nurseries and caravan parks — will be protected by the legislation. The rent threshold will be prescribed by regulation and subject to public consultation through the regulatory impact statement process, so protecting tenants and landlords from unconscionable conduct in their retail tenancy dealings, which is very important.

The provisions include a non-exhaustive list of matters based on section 51AC of the Trade Practices Act 1974. The Victorian Civil and Administrative Tribunal may have regard to those matters in determining whether a party has engaged in conduct that is, in all the circumstances, unconscionable.

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

Ms BEATTIE — It is great to see so many honourable members in the house because they are obviously concerned about retail leases.

Before the dinner break I said I was focusing on the land tax issue. In the few minutes I have left that is the area I would like to focus on because it is a vital and important aspect of the bill. As the honourable member for Bentleigh rightly said, the land tax aspect of the bill is important.

The 1998 act currently enables the lease to include the landlords' tax liability in the outgoings paid by the tenants. As land tax is an expense that is directly attributable to the landlord, it bears little direct relation to the tenant's activities. Clause 50 stipulates that a provision in the lease is void to the extent that it makes the tenant liable to pay an amount for which the landlord is liable under the Land Tax Act 1958. I am referring to some dates in my notes, Acting Speaker, because that is a technical aspect of the bill. Therefore, landlords are not permitted to include the land tax liability as part of the tenants' outgoings.

The provision will apply to new leases and renewals, including the exercising of the option I talked about earlier, of existing leases. There has been a great deal of concern among landlords about the inclusion of options. However, to do otherwise would mean tenants on leases such as the common three-by-three-year leases would not benefit from this provision for several years. It is worth noting that similar provisions exist in other states, thus ensuring greater consistency for landlords, which is a very vital aspect to competition between retailers. We must have that consistency.

With regard to existing leases, clause 121 mandates that a landlord must give written notice to the tenant of the amount of the assessment within 21 days of receiving the assessment for the land tax to ensure the tenant is advised of the upcoming payment. This provision is a response to some practices where the landlord had advised the tenant of the payment only a few days before the due date. Indeed, there have been instances where tenants have been advised only the day before and have been expected to fork out great sums of money at short notice. As you know, Acting Speaker, many businesses operate on a week-to-week basis and do not have the ready cash available. They may have to go into a situation where they have to pay interest to meet those bills. We do not want that because it discourages competition, and we want to encourage competition. As I said, this provision is a response to some practices where the landlord advised of the amount only just before the due date, and sometimes

that would put small businesses into a financially desperate situation.

I now wish to make just a few comments about management fees. In the current legislation there is no cap on the amount of management fees a landlord can charge a tenant. This has been of great concern to retailers, that in addition to rent and outgoings — we know the outgoings are quite flexible — landlords may increase the management fees payable by tenants.

This is a good bill that fulfils a promise made by the Bracks government. It fits nicely into the Bracks scheme of things and also helps to ensure Victoria's AAA credit rating, which is so important. However, I do have a concern regarding the amendments circulated without any prior discussion. Amendments circulated without discussion are of great concern, and other speakers in the debate will talk about the impact of the amendments. The government's concern is that the amendments only look after the big end of town.

Members of the government know that the Liberal Party only acts for the big end of town. What we see is the Liberal Party trying to act for the big end of town again by stealth. We are awake up to them, and other speakers later tonight or tomorrow will talk about the amendments that — by stealth — try to look after the big end of town.

In summary, as I said, this is a good bill. Members of the government are concerned about equity, fairness, justice and a level playing field for all retailers. We are suspicious of the house amendments, which were circulated without any discussion at all. We will be talking more about them later, as will other speakers. Again, this is a good bill, and I urge all honourable members to support it, without amendments.

Mr JASPER (Murray Valley) — I join the debate on the Retail Leases Bill to indicate the National Party's views on the legislation. I was very interested in the last comments made by the honourable member for Tullamarine, that she had not seen the house amendments and that it is a very bad situation in which we find ourselves. I refer her to the bill we had been debating previously, the Outworkers (Improved Protection) Bill, to which we had 73 amendments and suggest that this is a bit like the pot calling the kettle black. Here we have a member of the government criticising amendments that have not been viewed yet, but members on this side saw the 73 amendments to the outworkers legislation only yesterday. The bill should have been withdrawn and redrafted to incorporate the government's proposed amendments.

I note the opposition has put forward a reasoned amendment, and I will be providing some consideration of that with my comments on the bill. I appreciate that the minister made available two of her staff so that I could be briefed on the legislation and be as informed as possible as to its major provisions and the changes which are proposed.

By and large, the National Party is supportive of the legislation and the amendments that were provided. All the consultation we have had with business organisations and others indicate that the review was extensive. It has been going on for a long time and, with the wide consultation that has been entered into, the legislation gives a positive result. As I have indicated often in previous debates, what we have to get is balance — in this case between the interests of landlords and tenants. There has been imbalance in that and the legislation certainly looks to address it.

There have been key problems with legislation in the past: in being able to get appropriate rentals for lessees and in being able to get balance and protection for people operating in business. I indicate, again, that the National Party is quite supportive of the legislation on the basis of the amendments and the projections — that is, what they are looking to do — regarding protecting tenants and getting balance and fairness into the retail leases legislation.

I note that the second-reading speech indicates there are about 35 000 retailers, mostly in small business, and 350 000 employees in that area. They are critical to the economy of the state of Victoria. As a person who has grown up in and has an understanding of small business, I believe there needs to be balance to protect people in business and ensure that they can be profitable. So the economy of the state needs to be taken into account.

Whilst I am not the most expert person regarding this — because I guess we are looking at the major shopping centres and I am not involved in a lessor or lessee situation between landlord and tenant in a shopping centre — my own experience is somewhat limited. Members of the National Party sought to get information. We talked to the business organisations and got their views. It was interesting to note some of the differences in the views we were provided with.

We had extensive discussions with the Australian Retailers Association. Its representatives were very supportive of the legislation and said that the amendments contained in the legislation would make it fairer, certainly as far as tenants are concerned.

Mr Stensholt — They are not in favour of the amendment.

Mr JASPER — I am sorry, but I have talked to the Australian Retailers Association.

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly. The honourable member for Murray Valley will from now on address his remarks through the Chair. He is experienced enough to know that interjections are disorderly.

Mr JASPER — Mr Acting Speaker, when the comment made is obviously wrong from the information that I have received — —

Mr Stensholt interjected.

Mr JASPER — The Australian Retailers Association has had discussions with me just today and indicated its support for the legislation coming before the Parliament. The people who do have queries about the legislation are members of the Property Council of Australia involved in the shopping centre. But the people I have spoken to — and I repeat — through the Australian Retailers Association — —

Mr Stensholt — They are not in favour of the amendment.

Mr JASPER — I am talking about the legislation before the Parliament.

Mr Stensholt — They are in favour of the legislation but not the amendment.

Mr JASPER — Mr Acting Speaker, I have not seen the amendment that the honourable member for Burwood is talking about. I am talking about the legislation that we are currently debating.

The legislation we are currently debating is supported by the Australian Retailers Association. I suggest that the honourable member for Burwood go and talk to its representatives, who will confirm it. That aside, we have taken advice from various organisations and individuals in relation to the legislation, and I say again that the response from the Australian Retailers Association has been supportive of the passage of this legislation.

Comment has been made by representatives of the Property Council of Australia, who have indicated some concerns with the legislation. They are of the view that some changes have been made to the draft bill that was originally on the table. They have also indicated what they see as some significant drafting errors and breaches of the legislation.

However, having taken all that into account, we in the National Party are supportive of the legislation before the Parliament, but we again indicate that if there are amendments to the legislation, we have certainly not seen them.

The information from the minister's office provided a comparison between the 1998 act and the 2002 act as well as information on the key areas where there are differences and where amendments have been made to the legislation. I will refer to some of those in my contribution.

One in particular is the abolition of the 1000-square-metre rule. That is a matter in which I have had some involvement in my electorate of Murray Valley. I had a hotel keeper whose landlord was not prepared to undertake repairs on the basis that the hotel area was 1300 square metres, but the landlord had included the beer garden in the total area to get himself over the 1000-square-metre limit. I was extremely disappointed for the tenant on the basis that he was unable to get the repairs done, but I note that it will be changed in the legislation.

The legislation will also prescribe a rent threshold by regulation. It is a little disappointing that we do not really know the amount of rent that will relate to the threshold. I believe we need more information about the threshold to see whether people will be included in the Retail Leases Bill or exempted from the provisions of the legislation. But obviously the abolition of the 1000-square-metre rule will protect people. The second-reading speech indicates that the government is seeking a fair balance between the interests of tenants and landlords that is legally sound.

I note also the establishment of a Retail Industry Commissioner, which will be an added bonus in trying to get a balance between landlords and tenants. It is interesting also that the role of the Retail Industry Commissioner will be extended to cover a packaged liquor licence code of conduct. I believe that will also be welcomed because of the changes which have been implemented to the Liquor Act generally, particularly as far as meeting the packaged liquor licence requirements are concerned.

The legislation goes on to talk about unconscionable conduct, and that is an issue which is also mentioned in the second-reading notes. Another area of concern is short-term leases. That is going to be improved so they can be extended for up to five years, but apparently

there have been situations where people have been on just one-year leases which have been renewed. I believe the changes are welcomed by the industry.

The unconscionable conduct provision which is mentioned in the second-reading speech and in the legislation relates to giving greater clarity and protection to the relationship between landlord and tenant. I note that it relates in particular to negotiations on rent, unreasonable information not being available to the tenants and the extent to which one party is forcing undue costs on the other. I believe they should be there and able to be negotiated on.

The other issue which needs to be mentioned relates to outgoings and involves the charges which are being placed on tenants. That is being revised to ensure there is a balance so that people are aware of what the outgoings are and that any increase should not be more than the increase in the consumer price index as far as management fees and outgoings are concerned.

Land tax payments were mentioned by the honourable member for Tullamarine. There is no doubt that there needs to be a better arrangement there whereby landlords are forced to provide information within 21 days of receiving the assessment notice. Also in the legislation is an extension of the jurisdiction of the Victorian Civil and Administrative Tribunal to enable it to hear and determine disputes between parties as far as retail premises leases are concerned. I note also that the Retail Industry Commissioner will be used for dispute resolutions, and there will be pluses for tenants in that situation.

In summary, we in the National Party have taken advice from various organisations. We note particularly the information that has been provided to us by the department and through the ministry. The issues which have been detailed are the areas of greatest concern in seeking to achieve fairness and an appropriate balance in the relationship between landlords and tenants. I think the legislation will provide a better balance and protect those people, particularly where they may be under attack from or in dispute with the landlord. I believe dispute resolution is an excellent way to go.

One other query I have relates to the new position of Retail Industry Commissioner. How will it be funded? Will funds be sought through the industry, or will it be funded by the government within the relevant department? Perhaps the minister might be able to provide some information on that aspect.

The National Party has some concerns about supporting the reasoned amendment put forward by the opposition and will need to give it more consideration. I would be interested to hear further comments from the opposition and indeed from the government on that aspect because the information available to the National Party indicates that the legislation is generally supported by the industry and people involved. It seems that the Property Council is concerned that the legislation is being rushed through and perhaps the government needs to give more consideration to the employer and employee aspect so far as the stakeholders are concerned. The National Party will further consider that matter and any further contributions that are made before it makes a final decision on this reasoned amendment.

Debate adjourned on motion of Mr STENSHOLT (Burwood).

Debate adjourned until next day.

ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 10 October; motion of Ms CAMPBELL (Minister for Consumer Affairs).

Mr PERTON (Doncaster) — In opening this debate for the opposition I indicate that this is a bad bill, poorly drafted and introduced for the wrong reasons. There are several provisions and principles within the bill that are supported by the community. Other areas have little or no support from the community, and some elements of the bill are clearly ideologically driven, emanating either from the minister's office or from the minister's supporters. It seems, in effect, to be a press release converted into a bill for no other purpose than a pre-election press release for a failed minister.

The timing of this bill is quite extraordinary. It has been brought into the lower house for debate only two sitting days before the Premier is very likely to be calling an election. This bill has gone through a bad preparation process. The minister's predecessor seized upon a moment of embarrassment for the real estate industry resulting from a defamation case involving a leading real estate agent and a purchaser's representative. It seems that in that context advantage was taken of a time when there was strong debate about the auction process. But it then took many months before a draft bill appeared on the government's web site.

The worst form of consultation took place to prepare this piece of legislation. As a former chairman of the Scrutiny of Acts and Regulations Committee and before that as a member of the Legal and Constitutional

Committee, I know that a lot of work was done to establish the correct consultative processes for introducing legislation. When the committee was preparing the Subordinate Legislation Bill and other legislation to improve these processes, one of the very strong statements that came through from industry was that it considered consultation designed to a predetermined outcome to be one of the worst features of government.

The result of the consultation process on this bill is that a mere 40 pieces of correspondence were received by the government on this issue. If this were a bill that was meeting a major demand of the industry, be it for vendors or purchasers, you would expect the government to receive more than 40 pieces of correspondence. What is quite clear is that it was a consultation process designed to achieve a predetermined outcome. One of the major pieces of evidence on this is that the bill that emanated from that process was substantially different from the bill that was published on the government's Internet web site and sent to the Real Estate Institute of Victoria (REIV) and other interested parties.

I hear the minister giggling. She has the tendency whenever there is a difficult issue to engage in a fit of giggles. The problem is that there was no indication to interested parties that the bill was going to change. The REIV, which is the major industry body with an interest in providing expert advice on this matter, was not further briefed on the bill that came into the house some two weeks ago until the morning the bill arrived in the house. No consultation process was engaged in; it was one of those classic Bracks government performances where the government virtually said, 'Here is the bill we are introducing today'. No opportunity was given to interested parties to have any input; no opportunity was given to point out the defects in the legislation and ways in which it could be improved.

Today the parliamentary secretary rang me and said, 'What are you doing on the bill?'. My reply to him was, 'I am waiting to see your amendments'. Surely the letter from the REIV to the minister and the discussions between the institute and the minister's chief of staff should have led to some amendments being made to the bill.

The parliamentary secretary works hard, I am not criticising him; but he serves a minister who is not up to it. The honourable member for Richmond said there were no amendments and, as I understand it, the only response to the REIV's suggestions was a comment from the minister's chief of staff that the government might deal with the problems by way of regulation. I am sorry, Mr Acting Speaker, but I do not know that any businessman or citizen of this state would rely on a government like the Bracks government or a minister like the Minister for Consumer Affairs to do anything that was in the interests of free enterprise or a market economy once they had power over it. Anyone who accepted at face value the minister's suggestion that any problems in the bill would be solved by regulation would have to have rocks in their head.

We are facing this bill in the context of widespread dissatisfaction with its drafting. Demand for the bill is not widespread. Almost all the emails I have received in support of the legislation have come from a list generated by a company that specialises in non-auction sales. That company has utilised its supporters, who genuinely believe the private sale rather than the auctioning of property is more efficacious for the business. They are legitimately entitled to believe that, but it is interesting that there has been no other widespread support for the legislation.

The bill is about the auction system, and one part of it is the question of dummy bidding — a problem that needs to be dealt with, that leads to some dissatisfaction among purchasers and, in relation to the auction system, is probably the issue that people talk about the most. But why is it talked about? What is it about the auction system that means it is talked about? To my mind it is that the auction system is part of the very milieu of Melbourne. The legislation is designed to dramatically change the auction system by government fiat without any of the work being done to determine whether the changed methods of auction starting to appear in the marketplace are having the desired impact or are popular with vendors.

Mr Smith — It is a gimmick.

Mr PERTON — Well put by the honourable member for Glen Waverley: it is a gimmick. We are seeing changes in the auction system and new market trends, and rather than observing how those market trends operate and work through we have this legislation. I see smiles all around on the government side, so before I go back to the guts of the legislation let me refer again to the fact that the bill before the house is substantially different from the bill presented to the peak organisation representing real estate agents and to other peak groups.

I thank the honourable member for Richmond and the public servants who briefed us, but what became clear at the briefing was that several of the changes were made at the whim of the minister, her advisers, her supporters and her bureaucrats. Several times during

the briefing when we asked about the source of a change to the bill or to the real estate system the bureaucratic response indicated that there was no support in any of the submissions for the particular provisions we asked about.

It seems to be a bill produced by a party that is suspicious of the marketplace, and the bureaucratic structure put in place by that party is also suspicious of the marketplace. Clearly in this pre-election period the bill is being constructed to do its worst damage to the real estate industry and to the practise of real estate. I am not sure that that is what the people of Victoria want or that they want their auction system determined for them by government. It seems to me that there is a group of people who surround the minister who do not like the marketplace or the market economy and who want to interfere in it in ways that suit their model and their satisfaction. It is all very well for those opposite to grin and smirk, but if the Premier calls the election on Monday and the election takes place in five or six weeks I hope the Liberal Party wins, because those grins will be on the other side of their faces.

The legislation is ill conceived. It does not strike an appropriate balance between vendors and bidders and threatens to undermine the integrity of a system that we believe has delivered major benefits to home owners and the Victorian economy. It flies in the face of the government's own polling, defective as it is, and is not scientific or objective in its standards. It is quite remarkable how much money must have been spent on this non-scientific polling. Yet even so, in trying to prove the minister's case the polling undertaken by the department shows that the majority of Victorians are either very confident or fairly confident of the auction system. There is no wide public concern or wide public call for changes that would lead to the elimination of the auction system.

In fact on the government's own web site, in a press release posted on behalf of the minister, we find this statement:

> … of surveyed consumers who had either sold or purchased a property within the last two years, 68 per cent were confident with the auction process compared to 29 per cent who were not.

In other words, nearly 70 per cent of Victorians are saying that the auction system is something they want, not something they want destroyed. I believe very strongly that the auction system is part of the milieu of Melbourne, many provincial cities and many parts of country Victoria.

Of course it is not uniform, but nevertheless it is very much a part of Melbourne's Saturday. How many men or women bring a cup of tea or coffee to their spouse and the property pages of the *Age* or the *Herald Sun* for them to read in bed? I suggest that happens in tens of thousands if not hundreds of thousands of Melbourne homes every Saturday. How many people on a Saturday morning listen to the property — —

Ms Davies interjected.

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly.

Mr PERTON — The socialist honourable member for Gippsland West, even more left wing and out of touch than the Labor Party, is in here giggling and chortling. It is great to have your contribution after dinner as usual.

Ms Davies — On a point of order, Mr Acting Speaker — —

Mr PERTON — Do you have to interrupt every speech I ever deliver?

Ms Davies — I believe the honourable member for Doncaster was asserting unparliamentary inferences in his last comment by referring to after dinner. I find those comments objectionable. Since I am virtually a teetotaller, and have certainly never come into this house under the weather, I take great exception to his ridiculous comments, and I ask him to withdraw.

The ACTING SPEAKER (Mr Seitz) — Order! The rules of the house, as the honourable member for Doncaster well knows, are that if an honourable member asks that comments be withdrawn they are withdrawn. I ask the honourable member for Doncaster to address the Chair on the point of order, or withdraw.

Mr PERTON — I address you on the point of order, Mr Acting Speaker. You have been in the house as long as I have, if not longer, and you will recall that Deputy Speaker McGrath on many occasions told us that we have to be a little bit robust in this house. The honourable member comes in laughing, chortling and interjecting and I say, 'It's after dinner, it's her contribution'. If she wants to be sensitive about that then she ought not be a member of Parliament. I refer you, Mr Acting Speaker, to the rulings of Deputy Speaker McGrath saying in the case of this sort of objection that he would have just told the honourable member for Gippsland West to go and have a cup of tea, relax and get out of the house, because to ask for a withdrawal of a comment like, 'It's after dinner', has to show either the greatest level of paranoia or the greatest

unsuitability to be a member of Parliament. I hope in five weeks — —

Ms Davies interjected.

Mr PERTON — It is a pity *Hansard* cannot show the childish hand gestures of the honourable member.

Mr Maxfield — How much did you have to drink?

Mr PERTON — Two glasses of soda water, you drongo! Mr Acting Speaker, I just want to get on with this speech, and the honourable member for Gippsland West has clearly come in here on what may be her second last day in Parliament to disrupt the proceedings. It is absolutely absurd!

The ACTING SPEAKER (Mr Seitz) — Order! Having listened to the honourable member for Doncaster, and having had drawn to the Chair's attention the rules and rulings made by Deputy Speaker McGrath and previous Speakers, to that extent I do not uphold the point of order at this stage, but I ask the honourable member for Doncaster to conform to the forms of the house, knowing the sensitivities of honourable members in the chamber.

Mr PERTON — An excellent ruling, Mr Speaker. As I was saying before I was interrupted — —

Ms Davies interjected.

Mr PERTON — As I said, in how many tens or hundreds of thousands of Melbourne houses do people enjoy reading the property pages of the *Age* or the *Herald Sun*? We know the ratings that ABC 774 holds across country Victoria of people listening to the real estate program. How many hundreds of thousands of people go through the pleasure every Saturday, particularly at this time of year in spring, and undertake an inspection of properties that are open for auction? This is very much a part of Melbourne. The Economist Intelligence Unit, for instance, describes Melbourne as the world's best place to live for expats, and the World Population Crisis Committee in the mid-1990s described Melbourne in almost every category as being the best city in the world to live in. Part of that milieu is the auction system. It is a hobby, it is an art and it is enjoyment. The government's own figures show that this is popular with the people.

People enjoy the thrill of attending auctions, whether it is around the corner from their house or in their suburb, and they enjoy knowing that they can see in a very transparent way what the auction results are delivering in their area. I put it to you, Mr Acting Speaker, that we all have friends who enjoy a stickybeak around someone else's house before an auction to get ideas on what to do for their own house and the like. The private property column in Saturday's *Age* and the columns devoted to auction results in the Sunday and Monday papers are a clear indications of the popularity of the auction system.

Lest it be suggested that I am the only person who thinks that, there is a good article by someone who does not have a political interest in these things, Aileen Keenan, the property editor of the *Age*, who wrote the following article on 2 December 2001:

> Does your blood boil at the antics of dummy bidders? Think yourself lucky and thank your stars for the auction system … buying a house overseas is a lot more frustrating.

She goes on to say:

> Angry at being ramped by a dummy bidder at a Melbourne real estate auction? Spare a thought for those overseas unfortunates who are regularly being gazumped just before the closure of a six-month settlement.
>
> All those months of legwork, sifting through property listings …

Mr Ashley interjected.

Mr PERTON — The honourable member for Bayswater says, 'Absolutely'. Having worked for industry and the like, he understands these things.

Mr Ashley — And I have lived in London.

Mr PERTON — And from having worked in London. In fact I spoke to a citizen just the other day who had moved back to Australia from the United States of America — someone in the technology industry — who had paid 6.5 per cent commission to sell a house at private sale in the United States. When you think of the commissions that are paid in Victoria, you have to say something is going right here that is not going right elsewhere.

Aileen Keenan goes on to say:

> All those months of legwork, sifting through property listings for houses at wildly inflated prices, and all the while property prices are escalating rapidly. Do you gazump the gazumper and put in a higher offer, or do you start your search again?
>
> Now imagine if you bought a home prior to selling your own, and, after six months of paying bridging finance, the sale of your property falls over. You are faced with possibly another six months of double-debt repayments, or you must choose to markedly drop your asking price in order to obtain a quick sale.

She then goes on to describe systems that are in place elsewhere. It is clear from the explanation in that excellent article — I commend it to anyone who wants

to study thoughts on the auction system — that Aileen Keenan, the editor of the property section of the *Age*, believes auction is the best way to proceed.

As I have indicated, many people believe — though there is debate about it — that this legislation could lead to the end of the auction system. The question is: is the legislation dealing with dummy bids necessary or not? There are those who would put that argument — it has been put by the *Herald Sun* and it has been put by members of the real estate industry — but members of the real estate industry have also put the converse point of view. I have done some surveys of my own as scientifically as I can within the limitations of the resources of opposition. It is interesting that when you put the question of dummy bidding — or vendor bidding, as it is otherwise known — to a potential purchaser you get one answer, but when you put the question to a potential vendor you get another answer.

In a city like Melbourne and a state like Victoria, with home ownership at over 80 per cent, it is quite clear that people do not want the balance of power tipped so heavily to the purchaser that the vendor will lose property value, but it is also quite clear to all of those who have analysed this legislation and to all of those with an economics qualification that there are real risks to property prices in Melbourne and in other parts of Victoria as a result of this legislation.

Do the vendors and home owners of Victoria want to risk a 5 or 10 per cent drop in property prices as a result of this legislation? It is an arguable case, but I would have thought that a minister and a government that are proposing such radical change ought to be put to the test of producing a report from Access Economics, from BIS Shrapnel or from one of the other expert bodies in respect of property values, but they have not done that.

If the government were to produce some scientific or economic studies which demonstrate to the vendors and home owners of Victoria that this legislation does not endanger their property values, then I would be delighted, but I do not believe that work has been done. We have certainly not seen any of that work, and before this legislation passes through the Parliament that work ought to be done. However, given the timing, I suspect that this debate in the lower house is more about press releases than not.

In the case of dummy bidders and vendor bids, I have seen quite a dramatic change in the way auctions have occurred. I turn to a newspaper article from the *Age* of 11 August 2001 written by Anthony Catalano and headed 'Honesty was best policy'. It reads:

> There were looks of disbelief at the auction of the home of South Yarra businessman Paul Walker and wife Patricia last weekend, when auctioneer Phillipe Batters took the unusual step of declaring all vendor bids.
>
> After the recent controversy surrounding dummy bidding, Mr Batters went out to prove a more transparent approach won't harm the auction process.

The article then goes on to describe the auction, which had an ultimate price well above $2 million. The article continues:

> After the auction, several in the crowd, still bemused by what had just transpired, approached Batters to congratulate him on his groundbreaking auction tactic.

That is the approach to vendor bids that is prescribed in this piece of legislation, but no time has been allowed to elapse to see how that system works. It seems to work in some cases and not in others. The question is: would the marketplace itself resolve this problem without the need for legislative intervention? I saw, for instance, an auction conducted by Tim Fletcher just a few doors down from my own home the other day in which he engaged in the type of vendor bidding described in the article I have just referred to, and in that case it did not work at all. In that case the vendor bid did not draw any further bids.

The question for this Parliament and for the community is this: is it the time to prescribe the precise technique of vendor bidding that Mr Batters and Mr Fletcher engaged in voluntarily, or is it a time to see how the marketplace resolves these matters? If this approach endangers the auction system, as is suggested, then the public would be very angry indeed because there are great benefits attached to the auction system in Victoria. No other system in Australia or in the world delivers such a large number of properties for sale; no other system gives buyers more opportunities and greater choice; and no other system achieves an 80 per cent success rate in matching property buyers and sellers. It takes an average time of just four weeks between listing a property and selling at auction, and it is quite clear that the auction system provides a lower commission rate than private sales.

During the course of the two weeks I have had to consult on this bill I have consulted with auctioneers who are proponents of auctions and with real estate agents who are opposed to the auction system and who see greater benefit in private sale or tender, but what they all agree on is that the commissions paid for auction sales are almost inevitably lower than commissions paid for private sales. Is it in the interests of the vendor or the home owner to have the auction system effectively undermined? These things may play

themselves out in the marketplace. Commissions these days are negotiable, but it appears quite clear that those systems that involve auctions generally have a lower average commission rate than private sales.

Victoria's auction system is the preferred method of purchase and sale for 40 000 home owners and buyers each year, and the consequences of the legislation are far reaching. They include potentially less competition for homes and therefore lower prices for vendors. This will impact particularly on those who bought before the passage of the legislation. It is possible that there will be fewer real estate industry jobs and a reduction in stamp duties for the government. Hopefully it will be a Liberal government in five weeks time and this legislation will not have been passed, but we know that the government's finances are being held up by the massive increase in stamp duties paid. There will be a host of other indirect impacts for the thousands of Victorians who rely directly or indirectly on a competitive real estate industry.

The Real Estate Institute of Victoria (REIV) has raised a number of concerns with the bill. It is extraordinary that the Minister for Consumer Affairs has not lifted the phone to the institute or the opposition to suggest that she might accommodate some amendments. The legislation will pass through the lower house this week; we concede that the government has the numbers in this house. However, I ask the minister across the table now whether there will be an opportunity while the bill is between houses for her to sit down with the REIV and the opposition to work out an appropriate system of consultation and look at the amendments suggested by the REIV, among others.

I am sure I do not have to read to the minister the letter from the REIV. I am sure it is somewhere in her office, and I understand the letter the institute sent to me is very close to what was sent to the minister. The Real Estate Institute of Victoria says in respect of clause 3 and proposed section 36H requiring the auctioneer to declare that land is on the market:

> This section requires an auctioneer to announce when the price at which the vendor is willing to sell has been reached and imposes a maximum penalty of 240 penalty units ($240 000). In most cases the reserve is not finalised nor stated by vendors prior to the auction, as vendors may prefer to first assess the progress of auctions. If an auctioneer is required to state when the reserve has been reached, by declaring that the property 'is on the market', then an uneven playing field is created which will interfere with the market forces that influence the price at which a property is sold. This is contrary to the interests of vendors who are also consumers. Accordingly this proposal should be amended.

In respect of the right to compensation, the REIV has again asked the minister to look at the provisions. It says:

> It will be apparent to a purchaser, either during or shortly after an auction, whether or not there has been a breach of the relevant provisions thereby entitling the purchaser to a statutory right to claim compensation. Allowing a time frame of two years within which to lodge proceedings at the Victorian Civil and Administrative Tribunal is considered manifestly excessive. If this provision remains, both vendors and agents will be reluctant to sell by auction, preferring to opt for private sale, and in the case of commercial property, sale by tender, thereby potentially thwarting the auction system. It is considered that a more equitable and appropriate time frame is 14 days from the auction date. Accordingly, this proposal should be amended.

Whether or not 14 days is too short, it is quite clear that two years is too long, and the REIV is quite clear that the impact of this provision would be to reduce the auction system in this state.

Given the time constraints in this debate I will not be able to read the REIV's letter in full — although if the Minister for Consumer Affairs wanted to have it incorporated into *Hansard* I would be happy to do that. Essentially the institute's other concerns relate to proposed section 47A, proposed sections 48A to 48E, and the licensing of corporations provisions. The institute believes these provisions will lessen the requirements for a majority of directors to have demonstrated skills and competencies.

The honourable member for Evelyn was with me during the briefings on these matters, and it is remarkable that a new provision in relation to this comes into effect regardless of whether the changes to the licensing of corporations under clause 20 have any positive effect at all. Clause 21 completely eliminates the qualification requirements, and it comes into operation on 1 July 2005, basically a year and a half after clause 20 comes into operation, with no requirement that there be any study whatsoever of the impact.

There are a range of provisions in the bill. I guess I came to this house prepared to listen to the Minister for Consumer Affairs introducing amendments suggested by the REIV and others; not amendments that are necessarily just in favour of agents but amendments that are in favour of home owners putting their properties on the market, amendments that are in favour of the purchaser. It is an indictment of this minister. I am sure the public servants involved in this bill would have taken up the views expressed by the REIV and prepared some suggestions for the minister on appropriate changes to rectify the problems, but I see no evidence of that.

Let me point to another issue, and that is the question of rebates. Whether rebates are appropriate is very much a moot point. In the briefing the opposition even pointed out to the public servants the sorts of loopholes that remain in this bill. While the bill prevents an agent taking a rebate, there is no problem at all with an agent taking a junket. There is nothing in this legislation to prevent a company that offers advertising — whether it is a newspaper, television station or a web site company — offering trips, a car or a prize instead of giving 15 per cent or 20 per cent on the price of advertising.

We are already aware of circumstances where agents are being taken on overseas trips and the like. While there is this false safeguard that says that the agent is not going to get the rebate, I can assure you, Mr Acting Speaker, that advertising companies are already working on ways to reward the large advertisers, and why would they not? What other businesses engaged in volume advertising do not get a discount? Are we next going to prevent Coles Myer or Safeway from asking for a discount from the advertising companies they use?

In these days before the election there is a good example. I bet that a government that spends $50 million of taxpayers' money trying to prop itself up in government has negotiated some pretty good rates on its television, radio and newspaper advertising. The government would be pretty affronted if it were prevented from getting a discount.

Not only is there the problem of junketing, but a very excellent solicitor, Mr Rohan Ingleton, a partner in Maddocks, who supports the thrust of the legislation wrote an excellent analysis and sent it to me on behalf of his clients. He says:

> The new section 48A provides that an agent is not entitled to retain any rebate it receives and must pay any amount it receives to the vendor. The section is intended to overcome the current situation in which agents receive an advertising rebate for placing a certain amount of advertising so that the agent effectively charges the vendor for advertising and receives a percentage of that by way of a rebate from the relevant newspaper. The section could be easily overcome by an agent setting up a related company which would be entitled to receive the rebate.
>
> I believe this is an obvious omission in the section and needs to be urgently addressed.

So two major defects in the rebate provision have been pointed out to the minister's servants and not communicated to her — although I cannot imagine that in the case of the public servants who work for Consumer Affairs Victoria. In my experience they are communicative people who are able to absorb submissions and pass them on to the minister. Clearly members of the government have a resistance which says, 'I am out there electioneering and it does not matter because an election is being called in four days'. It strikes me that if a provision that is meant to clean up some practice that the government does not approve of already has two demonstrated major loopholes the government should present some form of amendment.

I received a very good letter from Jeffrey J. Crowder, the managing director of John Crowder and Sons, whose business is in the electorate of my shadow parliamentary secretary, the honourable member for Frankston. In respect of this he states:

> Rebates on advertising are to be abolished, yet no-one underwrites our bad debts. This is like telling Coles Myer they can't charge less than anyone else because of their buying power. Is there any other industry that is prevented from taking advantage of their power on the volume of money they spend? Our product just happens to be advertising. If there was an obligation for the client to pay the money up front so that we don't carry the debt that would be different.
>
> Some of the time we don't know the final cost of advertising until the account comes in, and if it is different to the estimate, we have to refund it immediately. What if the cost goes up? As it now stands we have to declare any rebates we are entitled to on the authority and if they don't approve, they don't have to sign.

Indeed, my wife and I sold some property over the last two years. In both cases the agents were completely open and transparent about the rebate they were receiving and it was part of the negotiation on the level of commission and the level of advertising that would be given, including additional advertising that could be negotiated. The Real Estate Institute of Victoria calls for the continuation of the existing practice.

In concluding my presentation I will quote the REIV in respect of rebates:

> These provisions basically require an estate agent to refund any rebate received to a person who engages the agent to do estate agency work.
>
> The REIV endorses the existing provisions in the act relating to rebates, namely the disclosure by agents of rebates to consumers and the entitlement of consumers to such rebates.
>
> Apart from the practical inability of agents to comply with some of the proposed amendments, the REIV is also of the view that the proposals breach the anticompetitive provisions of the Trade Practices Act (C'lth) 1974. Accordingly this proposal should be amended.

It has been put to me passionately by those who have written to me at the invitation of a Mr Jenman in support of the Jenman system that rebates are bad. On the other hand we have strong arguments to say that rebates are just the normal stuff of advertising. In either

case, whether you want to abolish rebates or not, you should not have a fake provision that has holes in it big enough to fly a supermarket or a jumbo jet through! It seems to me remarkably foolish that the minister has not turned her mind to that at all.

There are a range of other very bad drafting features in the bill — for instance, the training of agents and the requirement that the director of consumer affairs can set the training. The training instrument is disallowable by the Parliament, but none of the ordinary processes that would go with a disallowable instrument is contained in there.

A number of other provisions would be argued about in committee. The honourable members for Evelyn and Frankston and the shadow Minister for Local Government, the honourable member for Prahran, all have taken a close interest in this, and my friend the honourable member for Berwick, the shadow Treasurer, also took a very strong interest in the bill as the former shadow Minister for Consumer Affairs. As we talked through the policy issues before coming into the house we asked whether this was in the interests of vendors, purchasers, a vibrant real estate industry and consumer protection. What is clear about the bill is that it does not appear to serve any interests other than the political agenda of the minister and her circle.

It is my strong suggestion, should the Premier not call an election next Sunday or Monday, that there be talks between the minister and the Real Estate Institute of Victoria and between the minister and consumer organisations and other agents with views on the legislation. There ought to be talks between the National Party, the Liberal Party and the Labor Party on ways of improving the legislation, and if necessary an all-party committee could be established. However, whether you take Rohan Ingleton's comments on the flaws in the bill, the REIV's comments or the close analysis done by the honourable members for Berwick, Prahran, Evelyn and Frankston, it is quite clear that the minister wants to achieve certain objectives, which mainly appear to be by way of press release and politics.

If we are really interested in preserving what I believe is a central part of the milieu of Melbourne and the rest of Victoria, and that is the auction system — the experience of auctioning and the vibrant real estate industry that it gives us — then we have to work hard to do so. In particular the government has to work harder. Maybe in five or six weeks we will be in government and the progress of legislation such as this will be in our hands and those of our friends from the National Party.

Mr Steggall — It won't look like this though.

Mr PERTON — It will not look like this, and it will not come to the Parliament like this. It will be a piece of legislation that I suspect the same public servants and the same drafting officers will work with us on, but we will take this model and talk to the people who know about and are interested in it. We will get the drafting right, and we will get Access Economics to do the analysis on the impact on property values. Every property owner in Victoria who looks at this bill would say, 'I risk losing a substantial part of the existing value of my property as a result of these changes'.

It has potentially a very negative impact on the real estate industry and parts of the advertising industry. The Liberal Party believes there are people who need greater consumer protection in this area. Not everyone is as fortunate as I am to have open and transparent discussions with the agent who does the work for me, and we have to make sure we root out those who ought not to be working in this industry and who would rip off those who are gullible or the like.

Ms Campbell interjected.

Mr PERTON — The minister is interjecting across the table. I actually have confidence that the people of Victoria are far more intelligent than she gives them credit for. I believe the people of Victoria who buy or sell a house and do those weeks and months and years of research actually do know something. The development of the auction system in Melbourne and Victoria has been very much the product of the people, not the government. The auction system is not mandated by legislation or regulation. It is the choice of the people; it is at the choice of the marketplace. It is the choice of the consumers, whether they be vendors or purchasers.

The Liberal Party stands full square for respect for the intelligence and integrity of Victorians. It stands full square for the market economy. It believes that before this legislation can go through Parliament it needs to go through the process described earlier, where the obvious defects in the legislation are cleared up and where the economic analysis is done that demonstrates who are the winners and the losers. That is the difference between that party opposite and the Liberal Party — and I believe your party, the National Party, Mr Acting Speaker, stands full square with us. We believe in the intelligence and integrity of Victorians and their right to choose; the Labor Party will on every occasion choose a socialist, interventionist solution, and in this case — —

Ms Campbell interjected.

Mr PERTON — The minister interjects. Today one of my friends said, 'Separate the bill from the minister'. I said that is the most difficult thing to do, because this minister is the first minister in my experience who in briefing journalists the night before the bill was second read in this house demonstrated that she does not even understand real estate law. The minister told those journalists — —

Mr Wynne — On the bill.

Mr PERTON — It's on the bill.

Mr Wynne — It's not.

Ms Campbell — On a point of order, Mr Acting Speaker, I draw your attention to the fact that this honourable member is misleading the house. I was not briefing journalists, as he describes. I ask him to withdraw.

Mr PERTON — I withdraw that statement, Mr Acting Speaker! There are journalists in Melbourne who believe they were briefed by the minister.

Ms Campbell — So now they believe.

Mr Wynne — On a point of order, Mr Acting Speaker, I ask you to direct the honourable member to return to the bill — —

Mr PERTON — I'm the second-reading lead speaker.

Mr Wynne — And not to move off on some sort of adventure of his making in relation to who may or may not have been briefed on various matters. The debate has been going on for some period of time. It was quite clear to me that the honourable member for Doncaster was winding up his contribution, and we welcome other speakers on the bill.

The ACTING SPEAKER (Mr Jasper) — Order! I do not uphold the point of order at this time, but I remind the honourable member for Doncaster to relate his comments to the bill.

Mr PERTON — This is quite extraordinary, and it is right on the bill. I have a copy of the bill that was published by the government and delivered into the house by this minister. The night before the bill was introduced some phantom on behalf of the minister briefed journalists and told them that this bill — I will read it right out of the explanatory memorandum:

> … removes the $250 000 cap on a purchaser's right to cool off at any time within 3 business days of the auction.

A phantom briefed the press on that. Do you know what, Mr Acting Speaker? That is not the law, but this minister believed it was.

Ms Campbell — Rubbish! Utter rubbish!

Mr PERTON — I am sorry. Do you believe in ministerial responsibility?

Honourable members interjecting.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Doncaster will address the Chair and not the minister across the table.

Mr PERTON — Mr Acting Speaker, you know that this minister is responsible, and there can be no greater responsibility for a minister than to treat this Parliament with respect when bringing in a piece of legislation. In the most slack and incompetent performance of a minister that I have seen in my 14 years in Parliament, we have in the explanatory memorandum a clear mistake as to law, a clear mistake as to the impact of this bill, and a clear contradiction with the bill itself.

Mr Nardella interjected.

Mr PERTON — The minister could get up in this house and apologise for it, but instead she sneers and shouts with the bully who slouches in the back seat, the honourable member for Melton. I put it to you, Mr Acting Speaker, that under a Liberal government we will not have a minister bringing bills into this house which she neither understands nor has the capacity to properly analyse so that she knows the law and the impact the bill will have.

As I have indicated, before this bill proceeds through this Parliament there ought to be a proper process of consultation. I know my friends in the National Party who will follow me in the debate share that view.

Mr MAUGHAN (Rodney) — This is a poor bill. It is legislation that has not been requested by the industry — —

Mr Perton interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Doncaster has made his contribution. I will thank him to listen to the honourable member for Rodney making his contribution.

Mr MAUGHAN — As I was saying, this is a poor piece of legislation, and one that has not been driven by public demand.

Mr Nardella — Yes, it has!

Mr MAUGHAN — The honourable member for Melton interjects that it has, so let's have a look at the evidence out there in the community as to how much demand there is for — —

Mr Nardella interjected.

Mr MAUGHAN — I have read the papers and I am aware of what some people say, but I would argue that there is not widespread demand for change or for this legislation. I would argue that there has been opposition by the real estate industry to significant segments of this legislation. I would also argue — —

Mr Nardella interjected.

The ACTING SPEAKER (Mr Jasper) — Order! I will not have the honourable member for Melton interjecting in a loud voice. I cannot hear the honourable member for Rodney and I refuse to have loud interjections coming across the chamber. If the honourable member for Melton wishes to make a contribution he can stand in his place and he will get the call.

Mr MAUGHAN — Thank you for your protection, Mr Acting Speaker.

There are several segments of this bill that are vigorously opposed by the estate agents, certainly by the Real Estate Institute of Victoria and by a whole range of individual agents.

I point out that the public is not compelled in any way to use the auction system; there are several ways in which people can sell properties. It is significant that large numbers of people in Victoria choose to use the auction system. Why? Because they believe it gives them a quick and easy method of selling a property. They believe that it establishes true market value by giving vendors opportunities to market their properties to a range of bidders who are prepared to meet a market, as it is at the moment, with property values going up. Demand is exceeding supply and that is driving up the prices.

That creates one of the problems in this legislation — that is, the proviso that agents need to be able to determine within a fairly narrow range the market value of a property. Many agents argue, and I support the argument, that, no matter how skilled the agent, it is simply not possible in a rapidly rising market to pick those values in the narrow range that is proposed by this legislation.

Dummy bidding has been part of the auction system for years and people accept it. Just about every auction starts with a dummy bid. How many honourable members have been to an auction where the auctioneer goes round and round, cannot get a bid and so starts it off by pulling a bid out of the trees or out of the crowd? That is the standard way of running an auction. I can remember on one occasion going to an auction — —

Ms Campbell — You can still have vendor bids.

Mr MAUGHAN — I will come to vendor bids. In terms of dummy bids, I well remember attending an auction of an abattoir. Not many people were there. The auctioneer was experienced and desperately wanted to sell the abattoir so he pulled a bid out of the crowd to start. He kept pulling a few bids out, but no-one was actually bidding. At the end of the day when he was landed with the thing, he stomped off regaling the crowd with: 'Some of you have come here to have a day out; some of you have come to value the abattoir; but I can tell you this, not one of you has come to buy an abattoir!'. He stomped off because he did not have a single bid and got caught. That happens from time to time.

This legislation aims to do a number of things. It will prohibit dummy bidding. It is seen to be poorly drafted legislation that does not satisfy the industry's demand. I refer to a letter from Simon Parsons, the managing director of Parsons Hill Stenhouse, investment property consultants from Bourke Street, Melbourne. Among other things Simon Parsons says:

> The government is pathetically ignorant of the fundamental features of the auction system.

I have other letters in a similar vein. The Real Estate Institute of Victoria, in a letter from the chief executive officer, Mr Enzo Raimondo, states:

> We are concerned that some of the proposed amendments are not entirely balanced in terms of consumer protection and in some cases favour the purchaser's interest to the detriment of the vendor. In particular the amendment to disclose the vendor's reserve once it is reached may impact on the ultimate selling price achieved at auction.

I am all for protecting consumers. I am all for consumer legislation. But I remind honourable members that vendors are also consumers. Not all vendors of property are wealthy people with lots of money. There are vendors in various necessitous circumstances who really want to achieve the maximum value of their

property. In many cases the provision to make the agent declare when the reserve has been reached will work contrary to achieving the best possible price for that property. A situation could occur where a property has to be sold, the vendor wants it to be sold, but it does not have a reserve price. Yet this legislation will compel the agent to declare that fact.

I would argue, as many estate agents would argue, that that will depreciate the value of that property, and in this case the vendor will be disadvantaged, perhaps by a considerable amount. I remind the house that vendors also have rights and they need to be protected, and this legislation removes some of those vendor rights.

The legislation is ill conceived and is driven far more by ideology and political objectives than the need to do something about smartening up the auction system. We all agree that there are some sections of the auction system that need change. As the honourable member for Doncaster suggested in his contribution to the debate, this is a good opportunity for consultation to take place so that we can come up with something that is more acceptable to the industry rather than rushing through this legislation, which I think has a great many faults.

The minister's own survey clearly indicated that 70 per cent of those asked favoured the auction system, which gives the lie to the argument the honourable member for Melton put in his interjection that there has been sufficient consultation and that there is a need for change. Seventy per cent of the people who were surveyed are perfectly happy with the auction system and do not see the need for change.

As I indicated, the auction system satisfies the needs of many vendors because it gives quick results. You can decide to put a property on the market and have it sold within a matters of weeks, rather than it sitting there for months. The auction system determines market value. There is at the moment a clearance rate of something like 80 per cent, so the vendors know they have a high probability of selling their properties under the auction system, particularly if they are dealing with reputable agents — as most are — who can give them an accurate indication of what the market will achieve. There are many benefits in the system, so I would argue there is strong public support for the auction system.

I will quickly go through some of the provisions of the bill, and I do not intend going through the whole lot. The penalties for dummy bidding are fairly heavy. Clause 3 states that a vendor of land must not make a bid at a public auction of that land. In the case of a body corporate the penalty is 600 penalty units, or $60 000. In the case of any other person it is $24 000.

Honourable members interjecting.

The ACTING SPEAKER (Mr Jasper) — Order! If honourable members do not wish to listen to the honourable member for Rodney, perhaps they should leave the chamber!

Mr Steggall interjected.

The ACTING SPEAKER (Mr Jasper) — Order! I am not very happy with the interjection from the Deputy Leader of the National Party!

Mr MAUGHAN — I thank the honourable member for Swan Hill for his very strong support! I was about to refer to an example in the bill which talks about Ron and Jim and Sally. Although it almost reminds me of the John and Betty stories, it illustrates some of the principles in the legislation relating to dummy bidding and the circumstances in which a person would be subject to a fine of $24 000 if they were seen to be bidding on behalf of the vendor. Dummy bidding attracts the same penalties — $60 000 for a body corporate and $24 000 for an individual.

I now turn to proposed section 36H, headed 'Auctioneer must declare that land is on the market', which I referred to before. There is a heavy penalty — $24 000 — if the auctioneer does not declare that the vendor intends to sell the land at a public auction regardless of the final price that is bid. If the auctioneer is aware of that fact before the auction starts he must state it before calling for bids. I would argue that is a clear way of reducing the price that the property will make, because if the purchasers are aware that that property is on the market irrespective of what it makes, some of the animated bidding is going to be removed and the property will almost certainly sell for a lesser price than it otherwise would have done.

Likewise with proposed section 36I, which deals with an application for compensation if the division is breached:

> (1) A purchaser of land at a public auction is entitled to compensation from any person who fails to comply with this Division (other than section 36L) for any loss or damage suffered by the purchaser as a result of that failure to comply.

The time given is two years. An application for compensation under this section must be lodged before the second anniversary of the date of the auction. Why do you give two years for someone to put in an application for compensation? Surely if they believe

there is some anomaly and they have been badly treated, they would know that within days of the auction. I suggest that 14 days or 28 days at the very most is more than sufficient. Why one would need two years to lodge that application is beyond me.

We go on to part 3, division 1, headed 'Prohibition on underquoting and overquoting', and to clause 6, which inserts proposed section 47A, headed 'Seller must be given estimated selling price'. It says an estate agent must ensure that the engagement or appointment states the agent's estimate of the selling price of the real estate. There is a $10 000 fine if that is not abided by. I suggest that the wording be amended to reflect the preferred method — which was recommended by Consumer Affairs Victoria not so long ago — of giving a range of values, such as between $200 000 and $250 000, rather than having to identify a precise price, certainly in a market that is either rising or falling. It is unreasonable to expect any agent, no matter how competent, to give what the legislation refers to as a single amount, which proposed subsection (2)(b) states:

> must be the amount the agent or representative believes, on the basis of his or her experience, skills and knowledge, that a willing but not anxious buyer would pay for the real estate …

I think it is asking a bit much for an agent to give a single figure and to tie it down in a market that is rising and falling.

There are also problems with definition. The Law Institute of Victoria, in referring to the definition of 'natural person', stated:

> The institute also queries why only vendors who are 'natural persons' —

in other words, individuals —

> are permitted to make vendor bids. Incongruous situations will result. For example, a residence is owned by a husband and wife joint proprietors. Vendor bidding is allowed at their auction.

That is because they are natural persons; the husband or wife can put in a bid because they are natural persons.

> The family home next door is owned by a company which is the trustee of a family trust. Vendor bidding is not allowed at its auction because the vendor is not a 'natural person'.

Isn't that a ridiculous anomaly? Because one family happens to have its affairs controlled by a family trust, still controlled by the husband and wife, it is not allowed to put in a vendor bid because the company is not a natural person. But the people next door, the husband and wife who are joint proprietors, are able to take advantage of that provision and can put in a vendor bid.

The Real Estate Institute of Victoria itemised some of its concerns about various provisions of the bill in a letter sent, I presume, to all members of Parliament. I certainly got one, and I think most honourable members did. Dealing with clause 3 in part 2 of the bill, which proposes to insert new section 36H headed 'Auctioneer must declare that land is on the market', the institute says:

> This is contrary to the interests of vendors who are also consumers.

The real estate institute is not satisfied with clause 3. Likewise, in dealing with the right to compensation, which is also in clause 3, the real estate institute says:

> Allowing a time frame of two years within which to lodge proceedings at the Victorian Civil and Administrative Tribunal is considered manifestly excessive.

Of course it is manifestly excessive. What is the reason for having a two-year period? It is simply not required.

I have spoken briefly about the statement in the bill that the seller must be given an estimated selling price. The Real Estate Institute of Victoria in its submission says:

> The legislation should be changed to reflect the preferred method previously recommended by Consumer Affairs Victoria, namely an estimated selling price based on an estimated range of prices, not a single amount. Accordingly this proposal should be amended.

Regarding the heading of proposed section 48A, 'Agent must not retain any rebate', the institute says:

> The REIV endorses the existing provisions in the act relating to rebates, namely the disclosure by agents of rebates to consumers and the entitlement of consumers to such rebates.

The Real Estate Institute of Victoria is happy with the present provisions and does not see a need for change.

The licensing of corporations provision is interesting. The legislation proposes to reduce the number of directors with skills or experience as an estate agent from half the directors to only one. Why is this being done? The Law Institute of Victoria submits that this lessening of the requirements for a majority of directors to have demonstrated skills and competencies in real estate agency practice will erode the quality of estate agency services in those areas. That would seem to be the case. At present half the directors of an estate agency have to be skilled in real estate, but the amendment will mean only one director will be required to have that skill. Clearly, that new requirement will lessen the quality of service the estate agencies provide to consumers.

Regardless of the industry it is obviously important to have continuing and ongoing professional development. One could argue about why it should be at the whim of the director of Consumer Affairs Victoria to require certain members to undertake professional development. You can put an argument that continuing professional development should be mandatory for all those in the real estate profession.

The bill has a number of anomalies. There has been insufficient consultation. The Real Estate Institute of Victoria has some genuine concerns about the legislation. The National Party has received many letters from estate agents expressing concerns about the legislation. Because of those concerns and the need to redraft and make significant changes to the legislation the National Party will oppose the bill.

Mr WYNNE (Richmond) — I support the Estate Agents and Sale of Land Acts (Amendment) Bill and acknowledge at the outset that the auction system is unique to the Melbourne and Victorian property market. It is the preferred method of sale of property in this state and generally has served the community well. It is widely supported as a system in contrast to the arrangements in place in other states. I am aware of the system of residential property sales in New South Wales, which is essentially by private sale or dealt with in a more controlled environment where people come to a central point where houses are auctioned off progressively during the day.

There are pros and cons in both systems. In New South Wales there was a significant problem with the private sale system of gazumping legitimate bidding. Victorians hold dear the social value of the auction system. People use it as an opportunity to compare their house with others in the street or suburb. It is often a social occasion where people get together. For anyone bidding at the auction, as we all have, it is perhaps the tensest day of one's life. You turn up at an auction having set a price for yourself, as I did some years ago when my wife and I were newly married, only to find that the opening bid is in excess of your top price. Naturally you go away very disappointed, but eventually many of us enter the real estate market.

The government is committed to ensuring that the auction process is fair and transparent and that consumers and investors have full confidence in negotiations carried out at an auction.

This year the government established the property industry service to handle consumer complaints and disputes with real estate agents. Honourable members will recall that that role was formerly the province of the Real Estate Institute of Victoria. It is interesting to note that in the first three months the service received some 3500 telephone inquiries and 257 written complaints from consumers. That is quite a stunning set of figures. Professional conduct was the subject of 32 per cent of all inquiries, and charges such as commissions accounted for a further 12 per cent of complaints.

The legislation before the house is designed to eliminate the more undesirable activities in the property market, including dummy bidding and inflated advertising prices. We hope this will ensure that agents quote more accurately on expected sale prices.

We have all been through the auction process and seen circumstances where one would have to say that the aspirations that the government has sought to bring before the Parliament within this piece of legislation would be widely supported generally by the community. I think we could all regale the house with various examples of where dummy bidding has unquestionably occurred — I see the honourable member for Bennettswood nodding in affirmation — and that dummy bidding is an aspect of real estate practice and the process of inflated advertising prices.

A number of concerns have been expressed by consumers concerning dummy bidding, underquoting and overquoting, rebates and extending the right to cool off. The process of underquoting is a strategy that is often used — —

Honourable members interjecting.

Mr WYNNE — Sad, isn't it?

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

Mr WYNNE — Thank you very much, Mr Acting Speaker. I am getting some excellent support from this side of the house. The process of underquoting is often a strategy — —

Mr Hulls interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The Attorney-General would do well to listen to one of his own members. The honourable member for Richmond, without assistance.

Mr WYNNE — The process of underquoting is a strategy that is often used by real estate agents to seek to encourage people to come to an auction with the unrealistic expectation that a particular price will be

received at auction for a property. Inevitably, of course, vendors go away very unhappy and upset with the eventual outcome. Contrary to the view expressed by the honourable member for Doncaster — —

Ms Asher interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Brighton will cease interjecting across the table.

Mr WYNNE — There has been extensive consultation on the bill. Over 40 submissions were received from industry and consumer bodies, individual agents and consumers themselves. The exposure draft was posted on the Consumer Affairs Victoria web site and sent specifically to a range of key stakeholders including the Real Estate Institute of Victoria, the Estate Agents Council, the Law Institute of Victoria, the Consumer Law Centre Victoria and the Financial and Consumer Rights Council. One would expect appropriately, as has always been the case with this government, that it seeks to go out with exposure drafts on important pieces of legislation and ensures that key industry groups are consulted on legislation.

As recently as last week a real estate agent was fined $2500 and his company a further $5000 for underquoting on house prices. That fine was the first of its kind. The director of Consumer Affairs Victoria brought the case to the Victorian Civil and Administrative Tribunal and the agent admitted underquoting 16 times between May and October 2001. This was a year after Consumer Affairs Victoria had specifically instructed this particular agent — —

Mr Wilson interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Bennettswood will not interject across the table. The honourable member for Richmond, without assistance from any other member.

Mr WYNNE — The proposed changes in the bill will result in penalties of up to $60 000 for dummy bidding and $20 000 for underquoting or overquoting. These are substantial penalties which, I would have thought from the point of view of the real estate industry, would give those people who are involved in quite unscrupulous practices cause to pause and to say, 'Hang on a minute, we need to think pretty carefully about what sort of operation we are running here', because the potential for somebody to be fined $60 000 for dummy bidding and $20 000 for underquoting or overquoting is a substantial penalty.

The imposition of these penalties may result from an investigation of a complaint by Consumer Affairs Victoria. Inspectors will randomly monitor Victorian auctions for unethical real estate practices. The standard of proof for the offences will be the standard applied for all criminal offences — that is, beyond a reasonable doubt. The test, which is the point that the Attorney-General — —

The ACTING SPEAKER (Mr Jasper) — Order! Honourable members will please take their seats. If they wish to make comments, they should leave the chamber. I am having difficulty hearing the honourable member for Richmond, who is making an excellent contribution.

Mr Maclellan — I think they're trying to persuade the honourable member to finish.

Mr WYNNE — Thanks! The standard of proof will be the standard applying to criminal offences — that is, beyond a reasonable doubt. To protect honest vendors from unfounded claims for compensation a purchaser found to have made a vexatious or frivolous application for compensation can be held liable for any losses the vendor incurs.

The bill also makes a range of amendments to the Estate Agents Act 1980 as a result of a national competition policy review. These include removing the prohibition on commission sharing, which is in line with the legislation in New South Wales and South Australia. The national competition policy review concluded that these provisions created barriers to entry for estate agency businesses and restricted the development of multidisciplinary businesses, also a barrier to business. That obviously is supported by both sides of the house.

In addition to the new rules for auction sales the bill also improves consumer protection for other sales of residential property. The cap of $250 000 on the right to cool off under section 31 of the Sale of Land Act will be removed. When one thinks about it, certainly in the areas I represent, $250 000, although it may seem to be an extraordinary amount of money, is probably for many purchasers seeking to move into the inner city simply an entry point. The property market is clearly booming and real estate prices are very buoyant.

But it is important that we provide protection for those large numbers of Victorian home buyers. As honourable members know, buying a home is the most important investment most of us make, save and except that I make particular reference to my colleague the Attorney-General, who was recently married and whose

wife is to have a child soon. Today I noticed it has been suggested that the cost of raising a child between the ages of 0 and 21 years is about $450 000. That means there are significant investments ahead beyond the purchasing of a residential property.

I want to turn briefly to the suggestion made that this particular piece of legislation was not supported by the real estate industry generally or by the community.

The Minister for Consumer Affairs indicated to me that there has been an extraordinary amount of correspondence coming into her office in support of this legislation. I will briefly give the house a couple of snapshots from at least 40 emails that have been made available to me. I will just quote them in part:

> As a practising estate agent of over 20 years I wholeheartedly agree with the changes you have proposed.
>
> I believe they will go a long way to restoring the public's confidence in being treated fairly when dealing with estate agents.

I go on to quote from another email:

> As a real estate agent myself I know that the majority, not the minority, of agents are guilty of deceptive/ unscrupulous and misleading conduct.
>
> I have seen many consumers come off second best, lose thousands of dollars and not sell their homes or sell their homes far below a fair market price because of what many agents call standard practice.

Mr Baillieu — On a point of order, Mr Acting Speaker, the honourable member was quoting from a document, and I ask him to table it.

Mr WYNNE — On the point of order, I am reading from my notes.

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

Mr WYNNE — There has been overwhelming evidence of support for the bill, there is no doubt about that. I am advised by the Minister for Consumer Affairs that her office has been inundated with supportive advice from the real estate industry regarding this legislation. This minister is on about protecting consumers from those few people — and they may in fact be a small minority — in the real estate industry who are involved in unscrupulous practices. There may be a small number of them, but — —

Mr Baillieu interjected.

Mr WYNNE — The honourable member for Hawthorn has come late into the debate, has not listened to the contribution I made earlier and now seeks to contribute in an entirely inappropriate way. If he had listened to the debate I would be happy to hear from him.

The point that has to be made is that this government is on about protecting the rights of consumers and about ensuring that the most significant purchase a consumer ever makes — that is, the purchase of their residential property — should be free of any suggestion of deceptive conduct or inappropriate behaviour on the part of real estate agents. This bill is widely supported by the real estate agents who have directly approached the minister, and it is certainly supported by consumers. I very much commend this bill to the house and wish it a speedy passage.

Debate adjourned on motion of Mrs FYFFE (Evelyn).

Debate adjourned until later this day.

PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL

Second reading

Debate resumed from earlier this day; motion of Ms DELAHUNTY (Minister for Planning).

Mr HONEYWOOD (Warrandyte) — In the 1988 state election, one electorate changed from being a Labor electorate to being a Liberal electorate. That was the green wedge electorate of Warrandyte. It was won in the 1988 election because the Labor government did not understand planning. The Labor government had a one-model-fits-all approach to planning that allowed for dual occupancy and multi-units in every corner of metropolitan Melbourne. So what we found in the historic goldmining township of Warrandyte, in the middle of a state park in a tourist precinct, were home units and dual occupancies up and down the hill, with no sewerage in a septic tank area because the Labor government had a one-model-fits-all approach to planning. It did not differentiate between areas that were special in Melbourne. It did not differentiate between having one bland urban landscape and having varieties of lifestyle choices and planning that reflected the needs and aspirations of individual communities.

Therefore, it was perhaps no surprise that Warrandyte changed from being a Labor electorate to being a Liberal electorate: the Labor government could not get planning right, and to this day it still cannot get planning right.

The very fact that it has had to come in here and recycle a Liberal Party term — green wedges — that the Minister for Planning could not even come up with her own terminology but had to blatantly plagiarise from Rupert Hamer's Liberal government and use the term 'green wedges' shows that it lacks the vision still after 1985 — —

Honourable members interjecting.

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

Mr HONEYWOOD — After 1985 — the appalling Cain government metropolitan planning scheme!

No green wedge is exactly the same. There are 12 green wedges around Melbourne. Many of them are predominantly farming land. Others, such as the Warrandyte green wedge, are unique in Australia in terms of their biodiversity and buffer zone effect on national and state parks, such as the green wedge which is at the heart of the historic goldmining township of Warrandyte. Therefore, it is an enormous challenge for any government to be able to bring in broad, sweeping legislation that will meet all the needs and aspirations of each and every community.

Having said that, there is no doubt that the Labor government has had enormous internal problems in bringing forward this legislation. The Minister for Planning promised green groups that this bill would be through Parliament in this sitting. Can you imagine those green groups, those activists who have been sitting here day in, day out, while Mary runs back and forth to them saying, 'Look, I'm sorry, but other legislation — —

The ACTING SPEAKER (Mr Lupton) — Order! The Deputy Leader of the Opposition will refer to members of the chamber by their correct titles.

Mr Hulls interjected.

Mr HONEYWOOD — While the Honourable Mary runs back and forth — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Warrandyte!

Mr HONEYWOOD — I take up the interjection of the Attorney-General.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Warrandyte!

Mr HONEYWOOD — The Minister for Planning has run in and out of the public gallery trying to explain that she has not had the clout in her government to make sure this legislation got onto the notice paper. So what we find is this great green hope — the green hope legislation for the coming election — and she could not even get it through Parliament. It will not go to the upper house. So Mary has done it again — she has flopped. Therefore — —

The ACTING SPEAKER (Mr Lupton) — Order! I have already advised the honourable member for Warrandyte twice previously that he should refer to members by their correct titles.

Mr HONEYWOOD — She is about to flee the coop anyway. But at the end of the day what we have here is a strategic blunder by the Labor government. It thought it had it all wrapped up. It thought this legislation was going to provide it with green votes at the coming election to be announced next week.

But what do we find? We find instead that it could not even manage to get this legislation through Parliament. After the election we are going to have to come back and revisit this legislation. Therefore, I will be putting a press release out tomorrow to my local papers, pointing out that yet again the Labor government has deceived the people of Warrandyte, that it has deceived the people in the 12 green wedge areas around Melbourne, and that it has just done the usual piece of window-dressing where it has not got its act together.

Having said that, this legislation came in via a Liberal government. Its original intention is still valid. That intention was to ensure that we had breathing space, lungs if you like, around the urban sprawl of Melbourne. That Liberal Party vision has stood the test of time.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

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

MAS royal commission: costs

Mr WILSON (Bennettswood) — I raise for the attention of the Premier the matter of the costs associated with the Metropolitan Ambulance Service (MAS) Royal Commission, which this government is determined to hide from the Victorian taxpayer. I ask that the Premier direct the Secretary of the Department

of Premier and Cabinet, the Minister for Health, the Minister for Police and Emergency Services and the Attorney-General to immediately release all details of the costs related to the royal commission.

A number of questions on notice relating to the royal commission were lodged in the Legislative Council on 12 June 2002. With only one sitting day scheduled before the calling of an election for 30 November, the Bracks government is refusing to answer these questions. The government must be in a position to easily provide this information. The government's *2001–02 Financial Quarterly Report* released by the Treasurer on 28 October 2002 already reveals that the Department of Human Services incurred $1.4 million in legal costs at the royal commission in 2001–02 and the Department of Justice incurred personal indemnity costs of $2.3 million. These figures are just the tip of the iceberg.

The Metropolitan Ambulance Service Royal Commission reported to this Parliament in November 2001, and therefore the Bracks government is well aware of the costs associated with the royal commission. The costs are so great that the government will attempt to hide the facts until after the state election.

When the Bracks government established the royal commission in December 1999 it said the costs would not exceed $5 million and it would be concluded by July 2000. After numerous changes to the terms of reference to keep the Minister for Health out of the witness box and extensions of the reporting time, the government ducked and weaved in the desperate hope of capturing a political scalp. The report was not tabled until 28 November 2001 — 18 months late — with costs exceeding $80 million. The MAS royal commission was a political vendetta orchestrated by the Minister for Health.

The questions on notice posed in the Legislative Council sought to establish: the total cost of remuneration and expenses paid or payable to the royal commissioner, Lex Lasry, QC, and for all legal counsel and any other lawyers who assisted the commission; the total cost of legal indemnity granted to current and former public servants, former ministerial advisers, current and former ministers and any other witnesses who were subpoenaed and/or appeared before the commission; whether the Premier or his department authorised or approved the engagement of public relations media consultants and at what cost; and most importantly, the role of Stuart Morris, QC, in the selection of the royal commissioner.

The Bracks government's refusal to answer these important questions shows contempt for the Victorian taxpayer, for this Parliament and for the media. It also proves what everyone outside the government believes, and that is that the MAS royal commission was an enormously expensive waste of time which the Labor Party wishes to hide.

Disability services: Family Options carer

Mr STEGGALL (Swan Hill) — I draw to the attention of the Minister for Community Services the need for an urgent response to an issue raised in February of this year, some eight months ago, concerning entitlements to annual leave, sick leave and appropriate respite for a carer under the Family Options program.

The Department of Human Services runs the Family Options program, which is then tendered out to Interchange to administer. For nearly five years Lyn Hunt has cared for Stephanie Finn under this program. Stephanie, who is 11 years old, lives with Lyn and is a very high needs child who must be supervised at all times. A case manager has been appointed to Stephanie one day a week; however, Lyn rarely sees or hears from him on those days.

Once a month Lyn receives respite from Interchange from 10.00 a.m. on a Saturday morning to 5.00 p.m. on a Sunday. Interchange calls this a weekend off, but it is only overnight. She receives a total of only 12 overnight respites a year. Stephanie's mother also takes care of Stephanie once a month from 1.00 p.m. on a Saturday to 4.00 p.m. on Sunday, however this is an unreliable contact.

She receives no other leave at all. As far as we can work out, there is no provision for annual leave or sick leave for Lyn. Interchange keeps telling her there is no money for leave or for more respite. Surely she has a legal entitlement to annual leave, sick leave and respite, as there must be an award she is being paid under.

Interchange is a discretionary fund that pays for limited respite, and she is currently receiving a mobile phone, which she does not want and has never used, and some nappies. Lyn pays for all of Stephanie's other expenses, including medication, nappies, food and so on. Stephanie does not receive a pension of any kind, as she is too young.

My questions to the minister are: why has this carer of almost five years service received only three weeks annual leave in that period; what arrangements will the minister make to recompense her for those omissions

over that period; what provision is there for sick leave entitlements; and why is adequate respite not available?

Carers Week took place in Swan Hill only last week and was successful and very well attended. The carers in these programs need more help and understanding than they have had. I ask the minister to assist us to get some more respite care for Lyn and a better program for her as a carer.

Racing: picnic racetracks

Ms ALLEN (Benalla) — I draw the attention of the Minister for Racing to the viability of country picnic racetracks. I ask the minister to take action to ensure that country picnic racetracks, particularly in my electorate, are able to access funds so they remain viable and can offer racegoers the facilities to enable them to enjoy a fantastic day at the races.

In Alexandra, my home town, which is soon to be ably represented by the honourable member for Seymour, we have a wonderful picnic racetrack that has one of the most beautiful outlooks of any country racetrack in Victoria. It also has a fantastic committee ably led by Alexandra businessman Chris Walsh. The racetrack is on the outskirts of the town near the old railway station. It overlooks the local golf course, with rolling hills in the background, and the ambience and hospitality of the race club is second to none. A few weeks ago, late on a Monday night, the race club was severely hit by a windstorm, demolishing its stables, blowing the roofs off several buildings and damaging the circuit fences. In fact — —

Mr Hulls interjected.

Ms ALLEN — I usually get interrupted by the opposition, not the minister!

In fact one of the only things that was left standing was the shade cloth that the Bracks government has recently funded. Emergency works were fast-tracked, with local tradesmen offering their services as can only be done in small country towns. It was imperative that the repairs be completed as soon as possible so that the racetrack would be ready for the annual Stonelea Cup, to be held on 16 November.

I urge the minister to take action to ensure that the Alexandra picnic racetrack remains open and viable with professional facilities that can accommodate racegoers so it continues to be one the best and most beautiful picnic racetracks in Victoria.

Futures for Young Adults program

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for Community Services to immediately write to all adult training and support services in Victoria to assure them that state-based funding for Futures for Young Adults will continue. When the minister gave evidence to the Public Accounts and Estimates Committee in June of this year she said:

> We have conducted an evaluation of the program —

she meant Futures for Young Adults.

> We are considering it and will be discussing it with peak bodies, schools and other bodies during the year. However, there is no moving away from the commitment to Futures — we are just trying to develop and enhance the program.

For that reason it is puzzling that today I received an email from Knoxbrooke, which is a supported employment program in the electorate of the Acting Speaker, saying that the program has five young people who were expecting to be funded through Futures. When they applied for the funding, however, they were told that the program had been suspended and that they would have to apply for funding through Family and Community Services, which is the commonwealth-based funding program. Knoxbrooke makes the point that it has received no written communication of these funding changes nor have any of the other supported employment services.

Those five young people now have a very bleak future indeed because the commonwealth-funded program is already full, and Knoxbrooke, which had hoped to offer meaningful employment to those young people with intellectual disabilities at the nursery it runs in Mount Evelyn, is now no longer able to do so. The minister said there would be no change to the Futures for Young Adults program. I ask the minister to assure me that that is so.

Members: safety

Mr HOLDING (Springvale) — The matter I raise for the attention of the Minister for Housing concerns quite serious allegations made in this place earlier today by the honourable member for Caulfield concerning photographs that were taken of her house by a person in a car registered to the Department of Human Services, a matter which she has subsequently referred to the police.

The action I seek is that the minister investigate the circumstances of that event and provide advice forthwith so that the event can be clarified. I am particularly concerned because of the manner in which

the matter was raised in the house today by the honourable member for Caulfield. As I understood the honourable member's allegations, photographs had been taken of her home, the matter had been referred by her to the police and an investigation was ongoing.

Indeed, so seriously did the honourable member for Caulfield take the event that she asked rhetorically in this house this morning whether the event could have been an attempt to intimidate her. This is naturally an extraordinarily serious allegation to make, particularly as the car and the senior bureaucrat — to cite the term used by the honourable member — fall within the department for which the Minister for Housing is partly responsible. I am interested to learn how the honourable member for Caulfield obtained the details of where the car was registered as this information is not ordinarily or routinely provided by Vicroads or Victoria Police.

This matter has been raised in this place by the honourable member for Caulfield in a calculated endeavour to attract the protection afforded by this Parliament. She used colourful language designed to paint the event in a particular light. I ask the minister to urgently investigate this matter and provide any details that would explain this rather bizarre and extraordinary event.

Cardinia: Pakenham library

Ms DAVIES (Gippsland West) — I have an issue for the Minister for Local Government in his role as overseeing the Living Libraries Fund. I urge the minister to ensure that his department takes clear and careful note of the requirements of the rapidly growing community in and around Pakenham when considering Cardinia library's application for funds. Cardinia library at Pakenham needs to grow. The library building is currently bursting at the seams, with a 7 to 8 per cent increase in demand per month. Its mobile service is the biggest mobile lender in the state, servicing all of the smaller rural communities around Cardinia.

The membership of this particular library is the equivalent of 50 per cent of the local population, which is a tremendous membership. The library is very proactive about encouraging the engagement of young people in its programs. It has several different programs, including Tiny Tots, which I think is partly aimed at encouraging young mums to start reading to their kids very early; the Tiny Tots preschool program; a primary school Ripper Reader Club; and school holiday programs, which are particularly important in and around Pakenham where so many parents both work.

The library expansion is absolutely vital if the library is to expand its Internet and general computer access which are so necessary for many of the teenagers and young adults in the area. This library is a very vibrant part of this community. It is an essential part of the community, providing high-quality recreational and educational facilities.

I urge the minister to ensure that this service can continue to grow and develop in a new building which will be large enough to meet a growing demand.

Water: licence concession

Mr PLOWMAN (Benambra) — The issue I raise for the attention of the Minister for Environment and Conservation relates to Mr Brian Matthews, who has lived at Berringama on the Cudgewa Creek for the past 17 years. He is an older member of our community with limited means. He has pumped water from the creek for his household requirements for 17 years, and before him Mr Jake Mildren pumped from the same point for at least 30 years.

Mr Matthews has been told he must obtain a licence to continue to pump for his household requirements, which he understands and accepts. In addition, he has been told by Goulburn-Murray Water that he must also purchase 2 megalitres of water from Goulburn-Murray Water for $1020. His estimated use is only 160 000 litres per year, which is only 8 per cent of what he has been told he must purchase.

Mr Matthews lives alone and was not aware of the amnesty that existed in 1995–96 when he could have received this licence without having to purchase the water. Under these circumstances I ask the minister to show some compassion and allow Mr Matthews to continue to take water from the Cudgewa Creek for his household use at a cost of the licence only, which is $110.

There is absolutely no reason to ask Mr Matthews to purchase this water under the Murray–Darling Basin cap because this practice of his has occurred for the last 50 years. There is also no justification for Mr Matthews being forced into financial hardship by being compelled to purchase this water from Goulburn-Murray Water because he has taken no more than his historic use. In the dying days of the Bracks government I ask the minister to show a bit of heart and help an older member of our community who is living alone in an isolated situation by providing him with this concession.

Forests: box-ironbark

Ms ALLAN (Bendigo East) — I also raise a matter this evening for the Minister for Environment and Conservation, and I urge the minister to take action to implement the box-ironbark legislation that passed through the Parliament a couple of weeks ago. I put on the record my commendation of the minister's performance in this area, and particularly on the issue of parks. It is also important to note that the Bracks government has created more national parks over the past three years than any other government in Victoria's history. When you consider our good friends in the upper house and the composition of that house, it is a fine achievement indeed.

Many people in my local community have campaigned over a long period of time to see the box-ironbark legislation come into being and be ultimately passed by Parliament because they understand the importance of protecting central Victoria's unique natural environment.

I congratulate the large number of local groups that worked actively over not just one or two years but over more than a decade to create this national park system. Among them are the Greater Bendigo National Park group, the Bendigo Field Naturalists Club, a newer group called Young People for Parks, and the Bendigo and District Environment Council. Many people have been involved in working towards this legislation being created.

The legislation will certainly create a unique environment in Bendigo by providing for the Greater Bendigo National Park, which will create a city in a park. As many members of this house will know from having sat in the historic Bendigo town hall during the parliamentary regional sitting last year, Bendigo has a fine built heritage that dates back to the gold rush days. The protection of our natural environment is just as important as the preservation of the built environment of Bendigo that was created on the back of the wealth of the goldfields and those who mined them from the 1850s — and miners continue to do so today.

I am urging the minister to take action to implement the legislation because we need our box-ironbark areas protected from the threat of a future Liberal–National Party government. We know the Liberal and National parties have no commitment to the box-ironbark national park and we know the National Party opposes the legislation. It is to its credit that it held that view quite firmly throughout the debate on the box-ironbark national park legislation, but it is the Liberal Party that is the greatest threat to the box-ironbark national park system in central Victoria. Its members do not want to see the box-ironbark forests in central Victoria protected for many future generations to enjoy, as many generations have already enjoyed them.

Boort Secondary College

Dr NAPTHINE (Portland) — The action I seek from the Minister for Education and Training is to fund at least a 0.4 instrumental music teacher for Boort Secondary College for 2003 and beyond. I recently visited the township of Boort with the Liberal candidate for Swan Hill, Suellen Tomamichal, and met the principal of Boort Secondary College, Robyn Pattinson. Ms Pattinson expressed real concern about the future of the very successful music program at this wonderful school.

The school has 50-plus students involved in the instrumental music program out of a total of 170 students. There are some five to seven small instrumental and vocal music groups, but there is no commitment of funding for an instrumental music teacher for 2003. I will quote from a letter from Boort Secondary College:

> To whom it may concern,
>
> The state government has been running advertisements on television saying they require more teachers. The government has also stated that it wants to improve schools making them equal if not better than other states. With this in mind, I would like to point out that I will no longer be able to teach at the above school next year due to a withdrawal of finance.

Clearly Boort Secondary College is doing a great job with its students. It has a great instrumental music program. Boort is a growing and dynamic rural community and the secondary college is one of the keys to the success of this township. Clearly the music program is integral to the broad education provided at that college. Therefore I ask the Minister for Education and Training to accede to the request of Boort Secondary College, the school council and the Liberal candidate for Swan Hill, Suellen Tomamichal — who is doing a fantastic job — and provide 0.4 funding for an instrumental music teacher for next year and beyond.

Seniors: government policy

Mr HELPER (Ripon) — I raise an issue for the attention of the Minister for Senior Victorians. Firstly, let me commend the minister for her excellent dedication to the senior Victorians who play such an important role in the wellbeing and diversity of our community — for example, I remember fondly a luncheon the minister hosted in Stawell earlier this

month for seniors from Stawell and the surrounding district.

The theme of the luncheon was 'The age to be consumer wise'. That is a relevant topic for all age groups, but I think it is arguably particularly pertinent to the senior members of the community as on occasions they seem to be the focus of unscrupulous people in our midst who try to commercially disadvantage them. This event showed the minister's excellent coupling of her responsibility as the Minister for Senior Victorians with her responsibility as the Minister for Consumer Affairs. I commend the minister for that event.

It is quite interesting that there are more than 13 000 over-55s in my electorate of Ripon. That is 26 per cent of all persons in the Ripon electorate. Out of curiosity I asked officers from the parliamentary library — I apologise for not having given them a great deal of time — to prepare a figure for the over-55 population in this Parliament. It is merely 15.6 per cent. My electorate certainly benefits from the great experience that seniors bring to our community. The action that I seek from the minister is to provide reassurance to older Victorians about her ongoing commitment and that of the Bracks government to the wellbeing of this very important group in our community.

In the time remaining to me I commend the Ararat senior citizens club, which I visited recently. It runs a magnificent regular luncheon. I would particularly like to praise the club's president, Mr Alan Bryant, for the excellent way he conducts that organisation.

Hospitals: Bayside waiting lists

Mr THOMPSON (Sandringham) — I wish to raise a matter for the Minister for Health concerning the increasing waiting times for public hospital medical services. Last month a local Bayside medical practitioner received a letter from the Monash Medical Centre, Southern Health, which reads:

> As you are aware we are a tertiary referral centre for orthopaedics. At present there is an increasing demand on our services with the combination of trauma and elective patients as well as referrals from general practitioners.

The ACTING SPEAKER (Mr Lupton) — Order! Somebody in the chamber has an electronic device. Will they either leave the chamber or put it in a glass of water!

Mr THOMPSON — The letter continues:

> The waiting list for an appointment at this clinic has extended to a minimum of 18–24 months.

So if you live in the Southern Health region and you have a crook ankle, a crook knee or a crook hip, how long do you have to wait for treatment under the Bracks Labor government that is going to fix the health system? You have to hobble along for 18 to 24 months! In addition to prospectively bringing Victorian businesses to their knees, the Bracks government is expecting the citizens of Bayside to hobble on their knees just to get a medical appointment with Southern Health.

The local doctor has raised this matter with my office, expressing serious concern for his patients. He has asked me to ascertain what can be done to ameliorate this situation so his patients do not have to endure such long delays.

The other issue I wish to raise relates to the same matter of delays in the public health system. It concerns a fellow who was diagnosed with prostate cancer and was told that he would wait five to six weeks for treatment. When he consulted the doctor, he was advised that rather than waiting for five to six weeks, he would have to wait for 10 to 12 weeks. At the time this matter was able to be addressed. However, he has asked me to follow it up again because he has read recent reports about other Victorians having to wait for unacceptably long periods for medical services.

The Labor government campaigned on a policy that it was going to fix the health system, but waiting lists for serious cases in my electorate are increasing. An example could be given of other areas of mismanagement in the Bayside area in relation to the closure of the hydrotherapy pool in Hampton. The Labor government is going to close a hospital in the Bayside area and also a hydrotherapy pool — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired. The honourable member for Werribee has 2½ minutes.

Warringa Park School

Ms GILLETT (Werribee) — I wish to raise a matter for the Minister for Education Services in another place concerning the Warringa Park School in Hoppers Crossing.

Last Friday night it was my privilege to attend the first debutante ball for students in years 10, 11 and 12 of the Warringa Park School. I place on record my gratitude and thanks to those marvellous young people: Natalie Karamoskos and Michael Craig, Tracey Smyth and Matthew Clark, Narissa Dearing and Leigh Mullucks, Sarah Joiner and Daniel Smith, Lisa Yates and Leigh Roach, Barbara Dewar and Adam Polizzi — —

The ACTING SPEAKER (Mr Lupton) — Order! Has the honourable member asked for any action by the Minister for Education Services in another place?

Ms GILLETT — I ask the Minister for Education Services in another place to consider her approach to the support that may be given to special schools in all of our communities to assist them to appropriately fund and hold debutante balls for some of our most vulnerable young people for whom the social experience of an event like this, a debutante ball — and I record that I did not make my debut — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Werribee has not asked the minister for any specific action. I ask her to request action.

Ms GILLETT — Mr Acting Speaker, I have asked the Minister for Education Services in another place to consider and investigate what action she can take to provide appropriate resources to all our special schools.

Responses

Mr HULLS (Minister for Racing) — I am pleased to see so many people at the farewell for the honourable member for Mordialloc.

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! the Minister for Racing would assist if he did not encourage members of the opposition by taunting them. I ask him to come back to addressing the matter before the Chair, which is the matter raised by the honourable member for Benalla.

Mr Thompson — On a point of order, Mr Acting Speaker, the Minister for Racing would be aware that it is disorderly to refer to people in the gallery. For the record, it might be pointed out that they are not here to farewell the honourable member for Mordialloc. They are here to welcome the new honourable member for Bellarine!

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

Mr HULLS — The honourable member for Benalla raised the issue of country racing and referred specifically to the fact that a few weeks ago a racing club in her electorate, the Alexandra Race Club, was hit by a severe storm and as a result substantial damage was done to the racetrack. I assure the honourable member that the government is committed to country racing, because it believes racing is the lifeblood of many country towns. We set up a Living Country Racing program to enable the provision of capital infrastructure in many small country towns.

The honourable member for Benalla, in conjunction with the honourable member for Seymour, suggested to the Alexandra Race Club that it put in an application for funding under the Living Country Racing program. Despite the short notice, the honourable member for Benalla believed this was a matter that ought be considered quickly and seriously in the full knowledge that the time-honoured Stonelea Cup was coming up on 16 November — the race that stops that part of the nation in the honourable member's electorate! As Minister for Racing I am passionate about country racing, and I would be keen to attend the Stonelea Cup on 16 November. Having received the application I instructed my department to process this matter posthaste, because I was well aware of not only the lobbying by the honourable members for Benalla and Seymour but also the support the club had in the local community.

The letters of support that came with this application were quite extraordinary. The Dame Pattie Menzies Centre for intellectually disabled adults lobbied on behalf of the Alexandra Race Club because it understands the club is a community asset that needs to be rebuilt, as do the Alexandra Pastoral and Agricultural Association, the Alexandra and District Horsemen's Association and the Alexandra Racecourse and Recreation Reserve committee of management. I could go on and on, but I will not.

There is enormous community support for this project, so I instructed my department to process this application posthaste — not to do any favours, to have it processed in the normal course of applications, but to do it quickly because there are special circumstances in relation to this matter.

I can advise the honourable member that the application that has been made to the Living Country Racing program has been approved and an amount of $25 000 will be allocated to the Alexandra Race Club. I know from the correspondence received that a similar amount will be raised by the club itself, both in kind and through donations and the like, so $50 000 I am sure will go a long way towards building this great race club.

Those who attend the Stonelea Cup — hopefully including myself — apart from the local lobbying, have two main people to thank for this $25 000: the honourable member for Benalla and the honourable member for Seymour. They have done a great job, and

I am sure the Alexandra Race Club will forever be in their debt.

Mr CAMERON (Minister for Local Government) — The honourable member for Gippsland West raised a matter concerning the Living Libraries program. Honourable members would be aware that that has been a very successful program. Whereas normally municipalities have to fund capital works for libraries, the Living Libraries program has been able to provide funding for many libraries. Certainly the honourable member for Gippsland West would be aware of the success of the program. One of the libraries that was funded is the Wonthaggi library in her electorate. There is a panel that assesses applications, and I will make sure the application is assessed.

Ms CAMPBELL (Minister for Senior Victorians) — The matter raised by the honourable member for Ripon in relation to senior citizens in his electorate is very important. The members of his electorate who had the advantage of dining with each other and with the honourable member for Ripon the other week really appreciate the fact that they have a very active member who constantly advocates on their behalf.

One of the important factors in ageing positively is to have a very active lifestyle. That is great for socialisation, and it is really great also for health and wellbeing. I am pleased to inform the honourable member for Ripon — and I am sure he will be relaying this to his constituents — that the government will fund the Council on the Ageing's Living Longer, Living Stronger program. It is a great program which enables people who are senior citizens to keep pace with the honourable member for Ripon.

The honourable member for Ripon is extremely active and proactive in supporting seniors in his electorate. He has spoken to me about the importance of the Living Longer, Living Stronger program, which is about weight strengthening. That is great for bone strengthening as well as for the general health and wellbeing of seniors. As a result of his strong and active support of this Living Longer, Living Stronger program, I am pleased to announce that the Council on the Ageing will be provided with a grant of $20 000 to promote the program throughout Victoria. I am sure the council will be extremely conscious of the concern of the honourable member for Ripon to make sure that people in that area of Victoria and its surrounds are well and truly represented in living longer and living stronger.

Ms KOSKY (Minister for Education and Training) — The honourable member for Portland raised a matter for my attention in relation to Boort Secondary College and instrumental music teachers. I can assure the honourable member that I am looking into this matter quite seriously, but I do want to let him know that, unlike the previous government which sacked 9000 teachers from government schools, this government will not be doing that. This government has a commitment to ensuring that education is both accessible and of very high quality. The government is looking into the issue, but I can assure him we will let the school know before we let him know.

Ms PIKE (Minister for Community Services) — The honourable member for Swan Hill raised with me the matter of annual leave and sick leave entitlements for people who are working in the Family Options program. People who work in the Family Options program are — —

Ms Asher interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Brighton! The minister, without interruption!

Ms PIKE — People who work in the Family Options program are volunteers who care for people within their own homes. They receive a reimbursement, and they are eligible for a range of Centrelink benefits, including carer allowances, rent assistance, health care cards and family tax benefits. They are also provided with reimbursements for additional costs. These reimbursements are exempt from being classified as income. Because they are volunteers they are ineligible for employee-related benefits such as annual leave and sick leave. The Family Options program has been in place for a number of years and is auspiced by local agencies within communities.

I have been advised by the particular agency referred to by the honourable member that it is aware of the concerns of the family and is working with them to ensure that they are able to plan for a holiday and a break in 2003. I am happy to advise the honourable member of further details of this situation.

The honourable member for Mooroolbark raised with me the matter of funding for the Futures program, and I would like to assure her that the government has no plans to change the funding for Futures. Therefore the specific issue that was raised this evening regarding a program in Knox is not one that I am familiar with. I will certainly advise her on further details about that matter.

The honourable member for Springvale raised with me a matter that was described by the honourable member for Caulfield in the house earlier today. I have raised this matter with the Department of Human Services and asked it to investigate. I have been advised that the Caulfield police were asked to investigate the matter of an individual taking photographs of a private home in Caulfield last weekend. I understand that the honourable member for Caulfield also raised these matters with the police. I am advised that today the police told the Department of Human Services that they had already told the honourable member for Caulfield that they had investigated the matter and had found no issue of trespass or any other offence and considered the matter closed. Nevertheless the honourable member continued to make serious accusations and inferences in this house against Department of Human Services staff and the government. I am very sorry that the honourable member for Caulfield decided to use the privilege of her position to raise this matter.

What did happen on the weekend? It is true that a man and his wife and children were driving around taking photographs of a number of very attractive houses in the Caulfield area. The man is a registered architect and also happens to be a Department of Human Services employee of many years standing. He holds a senior position and is greatly respected within the department.

This man was taking photographs of various very nice homes. He was not even aware that one of the homes he photographed belonged to a member of Parliament until he was advised of it by the Caulfield police. This man was not aware of which member of Parliament it was until the honourable member for Caulfield raised this matter in the house this morning.

Mr Doyle interjected.

Ms PIKE — Until she raised this matter in the house this morning.

Mr Doyle — On a point of order, Mr Acting Speaker, on the clarity of this answer, I was unable to hear. I understand the minister — —

Mr Maxfield interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Narracan!

Mr Doyle — I understand that recently elected members who may not be here for long may not understand the standing orders.

The ACTING SPEAKER (Mr Lupton) — Order! The Leader of the Opposition, on the point of order.

Mr Doyle — The point is that clarity is required. I understood the minister then to say that this particular person was not aware of which member of Parliament it was that he was photographing. That was my understanding of what the minister just said. I wish to make sure that I have heard that accurately. I wish to understand whether the minister just said that this particular person did not understand which member of Parliament it was that he was photographing. Could the minister please clarify that so it can be clearly heard by the house?

Ms Kosky — On the point of order, Mr Acting Speaker, given that the Leader of the Opposition is such an experienced member of this house, will he indicate which particular point of order he was taking rather than making a speech?

Mr Doyle — On the same point of order, Mr Acting Speaker, I am delighted to say that under standing order 99 that is an appropriate inquiry.

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! I am prepared to rule on the point of order.

The point of order raised by the Leader of the Opposition was about the clarification of something said by the Minister for Housing. The point raised by the Minister for Education and Training is not a point of order. However, I do not rule in favour of the point of order. I ask the Minister for Housing to conclude her remarks.

Mr Doyle interjected.

Ms Kosky — On a separate point of order, Mr Acting Speaker, the Leader of the Opposition made an aspersion on my character, and I ask him to withdraw.

Ms Asher — On a point of order, Mr Acting Speaker, I am rather sick of this tireless issuing of testosterone from the male and female leaders of this house.

The ACTING SPEAKER (Mr Lupton) — Order! I have not heard anything mentioned about testosterone yet, so get on with the point of order. At my age it does not matter!

Ms Asher — On the point of order, Mr Acting Speaker, I think it would be best if we continued with the adjournment debate and not with the childish carry-on we have just heard.

The ACTING SPEAKER (Mr Lupton) — Order! I have heard enough on the point of order. The Minister for Education and Training has raised a concern that the Leader of the Opposition made disparaging remarks, and I therefore ask him to withdraw.

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! When I need the assistance of the government benches I will ask for it.

Mr Doyle — If the minister took offence at anything I said, of course I withdraw.

Ms PIKE — In conclusion, there is no conspiracy, and there is certainly no offence. The police have confirmed this and have advised the honourable member for Caulfield. I think she should apologise to this house. We all agree that politicians are fair game, but public servants — —

Honourable members interjecting.

Ms PIKE — I think that accusations — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! I advise the honourable member for Springvale that when I stand on my feet he will be quiet! The Chair is having great difficulty hearing the minister's answer. I ask the house to remain silent so I can hear the answer and so Hansard will be able to hear it as well.

Mr Doyle — On a point of order, Mr Acting Speaker, I ask for clarification. The minister has just said, as I heard — —

An honourable member interjected.

Mr Doyle — No, as I heard her last sentence she said that she thought politicians were fair game. I wish to ask if in this instance that includes confidential police files being accessed as well.

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

Ms PIKE — As politicians members of this house understand that accusations will be made from time to time. However, public servants do not deserve this kind of treatment. It is highly inappropriate that this house is used to make spurious accusations against people who are highly respected within the public service.

Honourable members interjecting.

Ms PIKE — Now, regarding replies to the other matters, Honourable Acting Speaker —

Mrs Shardey interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Caulfield!

Ms PIKE (to Mrs Shardey) — They don't care who you are! Nobody cares who you are!

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Brighton, for the third and last time!

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! If the Leader of the Opposition and the Minister for Education and Training want to have a slanging match they should leave the chamber.

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! Maybe honourable members would like me to go through the whole chamber in alphabetical order!

Ms PIKE — The honourable member for Bennettswood raised a matter for the Premier; the honourable member for Benambra raised a matter for the Minister for Environment and Conservation; the honourable member for Bentleigh raised a matter for the Minister for Environment and Conservation; the honourable member for Sandringham raised a matter for the Minister for Health; and the honourable member for Werribee raised a matter for the Minister for Education Services in another place. I will ensure that all these matters are referred.

Mr Doyle — On a point of order, Mr Acting Speaker, by way of interjection across the table during the last exchange the minister said to the honourable member for Caulfield, 'Nobody cares about you'. I wonder if she is prepared to repeat that to the house in a manner that can be recorded?

Mr Hulls — On the point of order, throughout the contribution —

Ms Kosky interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The Minister for Education and Training!

Mr Hulls — I can understand the Leader of the Opposition getting a bit uptight, but he was yelling out the most extraordinary things. I would be very keen for him to advise the house whether he is prepared to say those things outside the house.

The ACTING SPEAKER (Mr Lupton) — Order! I have heard enough on the point of order. There is no point of order. The house stands adjourned.

House adjourned 10.57 p.m.