

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

11 November 2004

(extract from Book 6)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AM

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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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

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. P. N. HONEYWOOD

Leader of the Parliamentary National Party:
Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
Mr P. L. WALSH

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Thursday, 11 November 2004

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.32 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Photographing of proceedings

The SPEAKER — Order! I advise the house that I have given approval for still photographs to be taken from the public gallery during proceedings for the presentation of the Ballarat Reform League Charter today. No additional lighting will be used.

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 126 to 136 inclusive will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PUBLIC ADMINISTRATION BILL

Introduction and first reading

Mr BRACKS (Premier) — I move:

That I have leave to bring in a bill to provide a framework for good governance in the Victorian public sector and in public administration generally in Victoria, to establish a State Services Authority, to repeal the Public Sector Management and Employment Act 1998 and the Public Sector Reform (Miscellaneous Amendments) Act 1998, to amend the Constitution Act 1975 and the Parliamentary Officers Act 1975, to make consequential amendments to certain other acts and for other purposes.

Mr HONEYWOOD (Warrandyte) — As this bill implies that we do not currently have good governance, could the Premier give a brief explanation of the bill?

Mr BRACKS (Premier) — I am very happy to give a short explanation. This goes back to a commitment that this government made about five years ago to repeal the Public Sector Management and Employment Act and replace it with a new public sector act. We are implementing that commitment. Effectively this will remove from the Public Sector Management and Employment Act the provision that the public sector operate on a private enterprise-type basis. That will be removed completely from this act so that a truly independent public service will be established in Victoria.

Motion agreed to.

Read first time.

LEGAL PROFESSION BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to improve the regulation of the legal profession, principally by implementing national model provisions for the regulation of the profession and establishing new bodies responsible for regulating it, to facilitate the regulation of legal practice on a national basis across state and territory borders, to repeal the Legal Practice Act 1996, to make consequential amendments to acts and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Aboriginals: Locksley correctional centre

To the Legislative Assembly of Victoria:

The petition of certain citizens in the Shire of Strathbogie and bordering shires of the state of Victoria draws to the attention of the house that the government's proposed Aboriginal correctional centre in the Locksley area is wrongly located for environmental and social issues, and should be rejected.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria urges the government to withdraw its proposal to establish a rural diversionary program for indigenous male offenders.

By Dr SYKES (Benalla) (92 signatures)

Planning: Mitcham development

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house:

- (i) that the City of Whitehorse has sought leave to appeal to the Supreme Court the VCAT decision dated 7 September 2004 reference P359/2004 in relation to the 11 and 17-storey (including basement) high-rise tower development at 1–19 Colombo Street, Mitcham. Should leave to appeal be granted, then legal proceedings will commence in the Supreme Court on a date to be fixed;
- (ii) that the Premier of Victoria and the Minister for Planning have both made public statements that this

development is inappropriate and not in keeping with the government's objectives in its planning policy document *Melbourne 2030*;

- (iii) that the City of Whitehorse by its letter dated 28 September 2004 requested the Victorian government become a party to the above legal proceedings because they refer to the interpretation of the government's planning policy document *Melbourne 2030*.

The petitioners therefore request that the Legislative Assembly of Victoria support the request of the City of Whitehorse and encourage the Victorian government to become a party to the above legal proceedings and share the cost of such proceedings because these matters are of state significance and in the public interest.

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

By Mr ROBINSON (Mitcham) (2298 signatures)

Motor registration fees: concessions

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 the state government's decision to halve the pensioner concession on car registration fees is discriminatory to the people of Victoria. A large number of Mornington Peninsula pensioners rely on their car for transport because of the low levels of public transport in the area.

Your petitioners therefore pray that the government reverse its decision to halve the pensioner concession on car registration fees.

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

By Mr DIXON (Nepean) (99 signatures)

Motor registration fees: concessions

To the Legislative Assembly of Victoria:

The petition of the people of country Victoria draws to the attention of the house their dismay at the new motor vehicle registration fee being imposed by the state government on pensioners, commonwealth health care card holders as well as low and fixed-income people and families. This will be an unfair impost on people who can least afford it, especially in rural and regional Victoria where public transport options are virtually non-existent.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria abandon immediately the introduction of motor vehicle registration fees on low and fixed-income people.

**By Dr NAPTHINE (South-West Coast)
(33 signatures)**

Tabled.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2004–05

Ms CAMPBELL (Pascoe Vale) presented report on 2004–05 budget estimates, together with appendices and minutes of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Financial Management Act 1994 — Reports from the Minister for Health that she had received the 2003–04 annual reports of the:

Mental Health Review Board

Psychosurgery Review Board

Nurses Board — Report for the year 2003–04

Rural Northwest Health — Report for the year 2003–04

South Eastern Medical Complex Limited (SEMCL) — Reports for the year 2003–04 (two documents)

Statutory Rules under the following Acts:

Sex Offenders Registration Act 2004 — SR No 135

Tobacco Act 1987 — SR No 134

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 135

Victorian Health Promotion Foundation — Report for the year 2003–04

Victorian Institute of Forensic Mental Health — Report for the year 2003–04.

PLANNING: NATIVE VEGETATION AMENDMENT

Mr MAUGHAN (Rodney) — I desire to move, by leave:

That in accordance with section 38(2) of the Planning Environment Act 1987 this house revokes amendment VC29 to the Victorian planning provisions, which makes a change to clause 52.17 to clarify that the exemption from the need for a planning permit for the removal, destruction or lopping of native vegetation for farm structures does not include removal caused by the establishment or operation of a central pivot irrigation system.

Leave refused.

Mr MAUGHAN gave notice of motion.

MEMBERS STATEMENTS

Isador Magid

Mr LUPTON (Pahran) — I rise today to inform the house of the death of Isador Magid, a community leader, businessman and philanthropist of great renown, who died this week at the age of 91. Isador was born in Harbin in China in 1913 after his family had migrated there from Europe. He and his family migrated to Australia in 1951. In business Isador was very successful in property development, particularly in the development of shopping centres.

Isador was an outstanding community leader and philanthropist. Among other endeavours he was a co-founder of the King David School in 1977, and the campus in my electorate in Orrong Road is named after him. He held leading positions for many years in the United Israel Appeal, the Jewish National Fund, the Zionist Federation of Australia and the Australia-Israel Chamber of Commerce. He was a well-known and strong supporter of the Australian Labor Party for over 50 years. Internationally he was a long time chairman of the Jewish Agency's Immigration and Absorption Committee and a board member of the World Union for Progressive Judaism at the Hebrew University in Jerusalem, where a centre is also named in his honour.

Isador's wife, Ira, died in July 2002, and he is survived by two children, eight grandchildren and six great grandchildren. He will be sadly missed.

Police: complainant's rights

Mr McIntOSH (Kew) — My office has been contacted by Mr Peter Osborne, who has raised with me some serious allegations concerning the Victoria Police. I understand that he has written variously to the Premier, the Attorney-General and the Minister for Police and Emergency Services also raising these concerns. I am informed by Mr Osborne that he made a statement to Victoria Police in November 2002 regarding allegations of a \$20 million bribe and threats to kill him or do him or his family harm. This all arose from a business venture that Mr Osborne was involved in.

While police have every right to determine which matters they investigate or eventually brief the Director of Public Prosecutions on with a view to prosecution, it is a matter of some concern that despite the request by Mr Osborne for a copy of his statement it has not been forthcoming. As I said, to date he has been denied the

simple right to get a copy of his statement. This is unfortunate and a denial of his rights in dealing with Victoria Police. He is entitled to a copy of his statement as a matter of law and certainly under police standing orders. Mr Osborne has provided a copy of his correspondence to the police ombudsman, and I have recommended that he make a formal complaint to the police ombudsman. It is a matter of concern that he has simply been denied his right to obtain a copy of the statement he made to Victoria Police.

Sam Baker

Ms ALLAN (Minister for Education Services) — I rise to congratulate Sam Baker, a student at Eaglehawk Secondary College in my electorate, for being one of the few students chosen from around the country to participate in the Every Voice Counts! student forum held last month in and around Parliament House in Canberra. Sam is an outstanding student. He was the only government school student from the state of Victoria chosen to participate in this prestigious event. I think it is a terrific tribute to Sam, who is an outstanding young student at Eaglehawk Secondary College. He is very motivated and very active in his local community. He is a keen sportsman and takes a great interest in the local community. It is terrific to see him have the opportunity to meet people in and around Parliament House in Canberra. I understand he had the opportunity to meet with federal government politicians and ministers and was part of a reception hosted by the Governor-General at Government House.

Sam undertook a week's work experience in my electorate office earlier this year, and I found him to have enormous potential. He is a young man with a great future ahead of him. I understand that the time he spent in Canberra really opened his eyes to the enormous opportunities which are out there for young people today, particularly in being involved in the local community and the political arena. I would like to congratulate Sam; he has certainly done himself proud. He has also been a proud representative of Eaglehawk Secondary College and more broadly the Bendigo community.

Planning: native vegetation amendment

Mr MAUGHAN (Rodney) — The Minister for Planning stands condemned for her outrageous actions in rushing through an amendment to the Planning and Environment Act without giving notice of the amendment, without making the amendment available for inspection and without consulting with the responsible authorities. The effect of the amendment is to declare that centre pivot irrigators are not farm

structures and therefore are not exempt from the requirement to obtain a planning permit for the removal of native vegetation.

The minister's actions have denied James and Donna Wilkins from Torrumbarry the opportunity to have their case determined by the Victorian Civil and Administrative Tribunal when the case had already commenced. The stupid part of this decision is that the Wilkins can flood irrigate without a permit — most of the trees would then die — and another arm of government is providing a rebate of 25 per cent of the cost of installing pressurised irrigation systems to improve water use efficiency and reduce high water tables leading to salinity. The Wilkins have already planted in excess of 30 000 trees — they are milking some 1500 cows — and they planned to plant another 40 000 trees. This sort of ill-conceived action by the minister gives quite the wrong message to farmers and potential investors in agriculture in this state, and the Minister for Planning stands condemned for it.

Greater Geelong: elections

Mr LONEY (Lara) — Council elections are once again with us in the City of Greater Geelong with all of the normal trappings of local government elections. They are all there — accusations of behind-the-scenes manipulations by powerbrokers, deals and stooge candidates. In fact in one ward three candidates are openly referred to as Larry, Curly and Moe!

None of this is particularly unusual or unique to Geelong, I might say. Unfortunately it seems to be normal in local government elections. However, an issue has arisen about fair and equal treatment of candidates. A number of candidates have made complaints to the City of Greater Geelong regarding breaching of by-laws in relation to signage, particularly by incumbent councillors including the mayor. In spite of the by-laws being clear in this regard, and I am advised that, despite the involvement of the Victorian Electoral Commission, there has been a refusal by the City of Greater Geelong to implement its own by-laws. This is an unacceptable practice during an election as it has the potential to provide significant advantage to some candidates and disadvantage to others.

Local government elections must be conducted without fear or favour. I believe that if the City of Greater Geelong does not act correctly, this matter will end up with a request to the Ombudsman.

Member for Yuroke: performance

Mr PERTON (Doncaster) — On Tuesday I attended a meeting of the Greenvale Progress Association, which was very well chaired by Mr Charlie Grech and addressed by a committee member, Mr Adrian Bugeja.

Mr Smith interjected.

Mr PERTON — As the member for Bass rightly says, there were some 400 to 500 parents there. The first question they wanted to ask the local member of Parliament was why she, as Parliamentary Secretary for Education, was supporting the sale of the secondary school reserve in Greenvale. The second question they asked her was whether she was with them or against them in respect of the establishment of a secondary school in Greenvale. A very angry mother got up and asked the local member, the member for Yuroke, 'If you had a school-age child, would you send the child to the nearest school, Hillcrest Secondary College, 6 kilometres away?'. Would you believe that the member said, 'I would happily send my child to Gladstone Park', therefore avoiding the question as to whether she would send her child to Hillcrest.

They asked her how much the land was worth. The Parliamentary Secretary for Education said that she did not know. They asked her why she wanted to sell it. She said she did not know. What is the point of having the member for Yuroke as the Parliamentary Secretary for Education if she will not stand up for her own —

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

Public holidays: Liberal Party policy

Mr MERLINO (Monbulk) — The opposition has expanded its cultural influences. As we heard last week, the opposition's economically reckless policy on the Mitcham–Frankston project was influenced by the Disney channel. This week it has advanced to reading Charles Dickens. Unfortunately its pathetic response regarding additional public holidays is influenced by Ebenezer Scrooge. Just like that Dickens character from *A Christmas Carol*, the opposition is miserly and mean spirited.

On Tuesday the Bracks government announced additional public holidays for Boxing Day this year and New Year's Day in 2005 and 2006. Because these days fall on a weekend they previously were not proclaimed public holidays. Therefore someone rostered on those days could be forced to work. The shrill hostility of

opposition members is based upon their contention that they are pro-business. They say to the business community with a straight face, 'Don't worry about the fact that we propose to rip up the Mitcham-Frankston project contract, casting doubt on every commercial relationship between government and the private sector. Don't worry about the fact that this would cost \$7 billion, doubling state debt, putting at risk our AAA credit rating and economic growth. Don't worry about that minor matter, because we are all in favour of screwing weekend workers'.

It would be laughable if it were not so serious. Unlike New South Wales and Queensland, we have not declared Boxing Day as a non-trading day. Shops will still be open in Victoria for the Boxing Day sales. Fairness and balance — business gets to trade; workers get the benefit of public holidays and the ability to spend time with their families and friends.

Minister for Innovation: performance

Mr KOTSIRAS (Bulleen) — I rise to condemn the Minister for Innovation for neglecting innovation in this state. This is the minister for major announcements, but with very little outcome. This is the minister for cutting ribbons, but with very little money for innovation in this state. Stagnation is replacing innovation in Victoria. The same minister announced the establishment of the innovation board in December 2002 with much fanfare. Some two years later this advisory board has achieved very little, not because of the quality of the members but because of the lack of interest by this government. Despite the calibre of members and the enormous time they spent at meetings coming up with a vision for innovation in this state, this Labor government has ignored their recommendations. When challenged the minister said, 'Next year should be very constructive for the board'. Guess what? Victoria is still waiting.

Recently the Minister for Innovation announced the establishment of a panel to provide advice to a newly formed defence and aerospace cluster company. Once again industry members will give their expertise to assist and advise this inept government on how to help in the establishment of the region's defence and aerospace industry cluster. One can only assume, based on its past history, that this government will ignore any recommendations made by this panel. I urge the minister to take his eye off the Premier's seat and concentrate on his own portfolio. If he is unable to be focused, perhaps he should give his portfolio to another minister.

Ferntree Gully Primary School: 130th anniversary

Ms ECKSTEIN (Ferntree Gully) — Last Sunday I had the great pleasure of attending the 130th anniversary celebrations of Ferntree Gully Primary School.

The school opened in 1874 on a site at the corner of the Burwood Highway and Ferntree Gully Road. It was subsequently moved — and nobody is quite sure when this took place — to its present site on the corner of Dorset Road and Burwood Highway. The school building and residence were actually dismantled and reconstructed on the new site — a great example of recycling. These original buildings are still located in the grounds of the present school.

The 130th anniversary celebrations at the Ferntree Gully Primary School last Sunday attracted past principals, teachers and students to the school to see how things have changed, as well as how they have remained the same. The Knox Historical Society put on a display of school and class photographs dating back to the early days of the school. The present students of the school have helped to construct a friendship wall, which depicts the hands of friendship that have been extended to and between students, staff and the community of Ferntree Gully Primary School over the past 130 years. Unfortunately the friendship wall was not quite finished because of the wet weather last week. In addition a tree of knowledge incorporating ceramic leaves made by current and past students as well as friends of the school is being constructed.

Many schools never get to be 130 years old, and I would like to congratulate Ferntree Gully Primary School and its community on 130 years of service to the Ferntree Gully community and wish the school well for the next 130 years.

Peta Clark

Dr SYKES (Benalla) — I wish to commend Peta Clark on her initiation and writing of a funding guide for community groups within the Benalla electorate. This funding guide provides advice on obtaining funding for a wide range of projects undertaken by service clubs, sporting clubs, Landcare groups and many other groups and individuals. Peta has also prepared a list of over 70 funding bodies which currently provide grants for a diverse range of categories including arts, education, environment, heritage, youth and sport and recreation. The funding guide has been distributed to over 200 community groups and more copies are available upon request.

This excellent initiative by Peta follows on from her initiation and implementation of a project which has resulted in 45 computers being distributed to community groups over the past 18 months. We are very grateful to ADI Ltd Benalla which donated the computers. Peta's community involvement does not stop there. She and her husband Phil are actively involved in Volunteer Friends, a group that helps local people with disabilities. They are also involved in Scouts and several other community activities. Well done, Peta: you epitomise the spirit of volunteerism and getting things done!

Youth Ambassadors program

Ms MARSHALL (Forest Hill) — It was with great pleasure that I was a guest speaker at the 2004 Youth Ambassadors Conference at the Victorian Arts Centre. The program coordinator, Adrian Bertolini, designed a program called ruMAD, otherwise known as aRe yoU Making A Difference, where kids from grade 3 to year 11 create and fulfil projects that make a difference in their communities. Topics included depression, teenage pregnancy, awareness campaigns about East Timor, marine pests and even one that was designed to build relationships between elderly people in their homes.

ruMAD began in 2001 and since that time has gone from strength to strength. It provides some of the best practice examples of student citizenship in our community, and over 200 schools and 50 000 students in Victoria have participated in the program in some way. Through the program there have been over 100 student-led projects for change and seven student foundations have been established. The Youth Ambassadors program aims to have the students' projects and ideas grow and be recognised by the wider community and it builds empowering links and partnerships between the schools, inspiring other students to take action that makes a difference. Through the tasks that they were given their leadership and presentation skills are also further developed.

A great example of one of the projects that was designed by Middle Park Primary School was called Repelling the Invaders. It comprised over 100 children from grades 5 and 6, and their area of concern was the impact that the northern Pacific seastar is having on the survival of the marine life in Port Phillip Bay. I congratulate all involved in the ruMAD Youth Ambassadors program.

Hospitals: waiting lists

Mr COOPER (Mornington) — The government has been forced into a position of having to admit that it has created a fiasco in our public hospitals with surgical waiting lists growing rapidly. My Liberal Party colleagues and I have been trying to get this government to acknowledge this problem for years, but we have been continually met with outright denials and outrageous misrepresentations of the truth by Labor Party members of Parliament and the government media unit. The Minister for Health now reluctantly admits she has a problem with surgery waiting lists, but the reality is that the problem has existed since the March quarter of 2000 and has been growing progressively worse ever since.

The category 2 elective surgery waiting list at Frankston Hospital is an example of the mess this government has created. In the March quarter of 1999 the waiting list was 715; in March 2000 it grew to 1299; in March 2001 it escalated to 1742; and by March 2002 it had blown out to 2248. The figure dropped slightly to 2015 in March 2003, but it started a further rise to 2150 in March 2004. Government denials about this mess by unthinking Labor members of Parliament like the member for Frankston have taken precedence over actually doing something to fix the waiting-list shambles. The member's talking about standing up for Frankston is nothing more than empty rhetoric to the more than 2000 people in pain who are left on the disgracefully long waiting lists for surgery at Frankston Hospital.

Frankston: Victorian Volunteer Small Grants program

Mr HARKNESS (Frankston) — Standing up for Frankston!

I am very pleased to inform the house about four organisations in my electorate that have been successful in receiving funds from the government's Victorian Volunteer Small Grants program. Many people in Frankston will now be encouraged to participate as volunteers in our community as a result of the Volunteering is for Everyone initiative. Most groups operate with limited resources and budgets, so these grants will make attracting and managing a broader range of people easier.

Fishcare Mornington Peninsula has received \$334 to assist its Read All About Us campaign. This money will pay for a large signboard to be placed at various festivals and events to recruit new and diverse

volunteers to Fishcare. Congratulations to Jeff Green and the local Fishcare team.

Women's Health in the South East (WHISE) has received \$5000 to employ a coordinator to nurture, support and provide training for women who wish to take up volunteer community leadership roles. Susan Glasgow, who runs the WHISE Community Building/Leadership Program, deserves a big pat on the back for her strong advocacy and initiative.

St John's Primary School will be able to run a Volunteers in Maths program now that it can purchase a \$3000 data projector. New volunteers will be recruited and trained to work with the student maths program, and a state-of-the-art projector will make all the difference. Hats off to this terrific school. I look forward to visiting soon to see the program in action.

Janet Clark-Kennedy, the always hardworking and dedicated principal of Karingal Heights Primary School, is jumping for joy with the grant of \$3650 from the Victorian Volunteer Small Grants program. Linking Learners Old and Young is a brilliant initiative aimed at establishing a volunteer intergenerational program between local retired seniors and school students. Two very enthusiastic thumbs up to this fine school.

These projects are all corkers. Well done to all concerned, and keep up the good work!

Water: drilling fees

Dr NAPHTHINE (South-West Coast) — On behalf of water drilling contractors, farmers and other rural landowners, I seek an explanation from the government for the apparent enormous differential in fees charged by government agencies with respect to drilling water bores in Victoria versus South Australia.

Southern Rural Water is the government agency responsible for controlling ground water in southern Victoria. The fee to drill a new domestic or stock bore — and this is a fee charged by the government agency in Victoria — is \$395; so there is a \$395 government fee even before people pay for the cost of drilling a bore.

Over the border in South Australia — and it must be remembered that many areas in my electorate are right on the South Australian border — the situation is quite different. I will quote from a letter from Julie Cann, manager, licensing administration of the resource allocation division of the South Australian Department of Water, Land and Biodiversity Conservation. It reads:

Section 18(1) of the Water Resources Act ... provides that the prescribed application fee (currently \$37.50) ...

That is what they pay in South Australia, whereas in Victoria we pay \$395 for the same application fee — 10 times higher! This is an extraordinary extra amount to drill a stock or domestic bore. As the Acting Speaker, the member for Mildura, knows, with the current dry conditions many people in Victoria who have been seeking underground water for stock and domestic purposes are being hit with extraordinary government fees and charges.

Schools: funding

Ms D'AMBROSIO (Mill Park) — Victoria's schools are the Bracks government's top priority. It has delivered a record \$3.55 billion in funds to government schools for the 2005 school year — an increase of 6 per cent on last year. A new funding formula, the Student Resource Package, will improve the focus on students' needs. The government has also delivered a 36.5 per cent increase in global school budgets since 1999 and 5000 more teachers and staff since 1999. Class sizes in primary schools are at record lows, there have been improvements in literacy and numeracy rates in the early years, and more students are staying at school longer.

In September this year the Bracks government also announced a \$50 million funding boost for school maintenance. The following government schools in the Mill Park electorate will share in \$328 604 of maintenance payments: Findon Primary School, Greenbrook Primary School, Lalor East Primary School, Mill Park Heights Primary School, Mill Park Primary School, Morang South Primary School, Plenty Parklands Primary School, Thomastown East Primary School, Mill Park Secondary College and Lalor North Secondary College.

As part of its four-year, \$1 billion concessions program, the Bracks government has boosted the education maintenance allowance for low-income families from \$127 to \$200 for primary school students and from \$254 to \$400 for secondary school students from the 2005 school year. It has also reduced the tertiary student concession card cost from \$87 to \$8 a year.

I congratulate the Minister for Education and Training and the Minister for Education Services for delivering on the commitment of the Bracks government.

Creswick Forestry Fiesta

Mr HOWARD (Ballarat East) — On Sunday, 31 October, I was very pleased to attend the Creswick

Forestry Fiesta, along with my family. This annual event was once again a great success, as was evidenced by the many people who attended, including the many community members of Creswick and further afield who were involved in various activities of the day. A feature of the fiesta was again the street parade, which saw the participation of many of the students from Creswick Primary School, Creswick North Primary School and St Augustine's Primary School in Creswick. It also featured the Victoria Police Pipe Band, and it was greatly enjoyed by all. Many stalls and displays were presented by church groups and other community groups, and there were lots of enjoyable activities for all family members, including the popular tour of the historic sites around Creswick.

This is truly an event that brings the people of the Creswick community together as well as being an event that attracts many visitors to this very active historic town. I congratulate all those who were involved in committing their time to ensure the success of this event.

I was also pleased while attending the event to be able to talk with residents about the government-supported project which will see natural gas reticulation provided to Creswick over the next two years. The residents I talked with were clearly looking forward to the benefits provided by this project.

James Hardie: asbestos compensation

Mr JENKINS (Morwell) — As we sit here today thousands of my constituents and tens of thousands of Victorians live with the threat of asbestos-related disease hanging over them. For many years Victorians worked with and in close proximity to asbestos. Many of them and their families will be affected by asbestos-related disease, mesothelioma, and ultimately death.

For many years companies such as James Hardie allowed Victorians to work with and indeed live with asbestos knowing of its deleterious effects. Companies such as James Hardie continued to trade in this deadly substance knowing that its installation was prone to be dangerous. On recognising a small amount of the extent of the existing and looming health problems caused by their materials, James Hardie set up an inadequately funded scheme while at the same time shifting much of its assets to a parent company in the Netherlands. The matter cannot be allowed to rest there. James Hardie has a moral and legal obligation to compensate victims who have developed asbestos-related diseases following exposure to its products.

I call on James Hardie to act immediately to rectify the financial position of the medical research and compensation foundation and meet its corporate responsibilities. I congratulate Victorian local councils that have joined the campaign to achieve justice for asbestos victims. Those councillors who have agreed to put their economic and moral weight behind the campaign need to be congratulated. I would like to congratulate also the Minister for Health and her staff.

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

Tourism: food and wine plan

Mr HELPER (Ripon) — I would like to bring to the attention of the house the recently launched food and wine tourism plan for 2004–07. The plan was launched on Wednesday evening at Federation Square by the Minister for Tourism. A number of my parliamentary colleagues and I were fortunate to join the minister and industry stakeholders at that launch. Not only was the plan launched, but the minister got right on with the job by also launching *Investment Guidelines for Wine Tourism*, a recommendation arising from the plan and a great effort to implement the important recommendations of the plan. The minister is clearly getting on with the job.

The report recognises the important link between wine, tourism and the food experience more broadly. The plan takes forward some 48 recommendations. Let me congratulate industry stakeholders of the Victorian Winery Tourism Council under the stewardship of John Ellis, the Department of Primary Industries, the Department of Innovation, Industry and Regional Development and Tourism Victoria. I refer to the report, which states that there are 560 wineries in Victoria, up from 320 in 1999. Winery tourism was valued at \$412 million in 2002, representing a 5 per cent increase from 2000. It is clearly a growing industry but is an industry that nevertheless faces many challenges. These challenges are addressed by the collaborative approach advocated in the plan.

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

Parliament: electronic democracy

Mr LEIGHTON (Preston) — I draw to the attention of members two matters relating to the Scrutiny of Acts and Regulations Committee's inquiry into electronic democracy. Firstly, a discussion paper entitled *Victorian Electronic Democracy — Your Say in the Future* has been released and is available at

<http://www.victorianedemocracy.info>. Submissions are requested by 7 January 2005, and I urge members to take time to read the paper as there are a range of matters about how members of Parliament will interact with the citizens they represent. These issues include webcasting of Parliament, e-petitions and electronic voting, of which I think most members would now be aware.

Secondly, there are also more challenging questions as to how we should use the technology to better involve the community in participating in policy formulation and decision making. Members will also have the opportunity to participate in online discussions, and I invite them to do so. To join a discussion list they can go to <http://mc2.vicnet.net.au/home/vicedem/index.html>, click on 'Join this group' and follow the links through. The committee has also arranged to have placed in the parliamentary library a video and DVD entitled 'Making e-communications work'. This was produced by the national conference of state legislatures in Washington DC.

Cheltenham-Moorabbin Returned and Services League: 85th anniversary

Ms MUNT (Mordialloc) — This Saturday I will join with all the members and friends of Cheltenham-Moorabbin RSL to celebrate its 85th anniversary. I have been to a number of Anzac Day ceremonies at Cheltenham-Moorabbin RSL with the diggers and their families. They work hard to keep the memory of our soldiers alive. I have noticed a renewed interest in these ceremonies and our history from local schools and young people. People at Cheltenham-Moorabbin RSL also work very hard to maintain and improve their war memorial area. They have approached me in the past for sources of funding to make improvements to these memorials. These improvements will include participation from our local young people, further including them in our history. I am sure that Cheltenham-Moorabbin RSL will welcome yesterday's announcement from the Premier of state funding for our war memorials. I am honoured to speak of Cheltenham-Moorabbin RSL's 85th anniversary celebration on our day of remembrance. Congratulations to Cheltenham-Moorabbin RSL and best wishes for the future.

The ACTING SPEAKER (Mr Savage) — Order! The time allocated for members statements has now expired. The house will now adjourn until 12 noon.

Sitting suspended 10.17 a.m. until 12.02 p.m.

ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) BILL

Second reading

Debate resumed from 10 November; motion of Mr BRUMBY (Treasurer).

Mr SMITH (Bass) — I am appreciative of the opportunity I have been given to speak on the Electricity (Wind Energy Development) Bill. I must say at the start that this bill is about nothing more than subsidising wind farm connections to the distribution network throughout Victoria. It is about doing a favour for the mates of the Labor Party who are running —

Honourable members interjecting.

The ACTING SPEAKER (Mr Delahunty) — Order! There is too much audible noise. Members who want to have conversations should go outside. The member for Bass has the call.

Mr SMITH — Thank you very much, Acting Speaker. I appreciate your intervention.

This bill is being introduced to look after the mates of the Labor Party, who have been looked after so well by that party. The government has supported the wind farm people in Victoria with disgraceful and disgusting decisions made by the Minister for Planning, who has allowed wind farms that should never have been allowed to go ahead on our beautiful coastline, particularly in my area, Bald Hills, and in Toora. In fact the minister intervened and overruled a local council decision, allowing six wind farms to be located in Wonthaggi. They are about to start, and I will touch on those again later.

I said earlier that this bill was about looking after the wind farm energy people. In his second-reading speech the Minister for Energy Industries said:

The principal purpose of this bill is to facilitate the development and construction of wind energy generation facilities in Victoria by removing barriers to grid connection and providing an assured buyer for power from small wind generators.

What it is doing is taking away some of the costs for the people who want to force these wind farms onto us in Victoria, particularly along our coastlines. I am not against wind power and I am not against alternative power — I think it is a great idea — but there are a lot of other alternatives to just using wind power. In fact we know there are about another 40 alternatives to wind power. This government has not looked at any of those

in a proper and fair dinkum way. It has just forced these wind towers onto the people of Victoria.

The Australian Wind Energy Association (AusWEA) wrote back to us regarding this legislation. Its letter reads:

AusWEA is very supportive of these proposed amendments, especially the declaration of relevant augmentations and the specification of pricing principles to determine the charges for connection to and use of the distribution system by wind energy generators. Our experience has been that augmentation costs are a significant issue when determining wind energy project viability.

When is this government going to get fair dinkum about it? If these people want to get into delivering this sort of wind energy and providing electricity to Victorians, it has to be done on the basis that it is viable. It is already receiving subsidies from the federal government to try to get carbon credits and so forth. Now we have this state government saying, 'Let us lay off the other costs, including the cost of the connection to the distribution grid, to somebody else who might be interested in picking up the bill'. Who is that going to be? It is going to be the users of the power. The cost of electricity is going to go up to an horrific level for the people of Victoria.

This bill is just disgraceful, and nobody seems to be taking much notice of it. I can tell you that we are going to be talking about it! We are going to be shouting about it from the rooftops, making it clear that this government, in its stupid and inimitable way, is going ahead and forcing expensive electricity onto users around Victoria. It is just plain wrong that the government is doing this. Given the way it has drafted this legislation, the government is allowing itself to be open to some sort of corruption. It will be up to the minister to decide what is going to be subsidised, how much the subsidy will be, and where it is going to come from. It will be up to the minister to then take it across to the Governor in Council for a decision.

I am not suggesting that the minister of the day would be corrupt in any way, shape or form; but the fact is that it is open to the wind energy people slipping a little paper bag into someone's back pocket and saying, 'Let's get these subsidies right so we can get more of these wind farms up and provide expensive electricity to the taxpayers and the energy users here in Victoria'. It is wrong that the government is going to allow this to go through, and that is what this bill states. We in the opposition are not going to support it. We oppose the bill. We think it is wrong, and we have to stand up and be counted on this issue. We will not be put in a

position where we will be part of the corruption that will follow because of this legislation going through.

David Bellamy described these wind generators as 22-storey factories when he spoke at a public meeting at Foster recently which I had the privilege to be at. I note that nobody from the Labor Party had the guts to go down there and listen to what was being said — to listen to the 800 people who protested about the wind farms forced upon them at Bald Hills. Not one Labor Party person bothered! They do not care! The minister made that decision, she forced those 54 or 55 wind towers on the people of Bald Hills, and the Labor members did not even want to go and listen to what the people had to say. Far too little consultation had gone on before that.

These wind generators are not efficient. I obtained some information about these farms from Mr Tim LeRoy, who stood up to be counted in the Gippsland area, and I can say that he and some people he was aware of went to one of the farms at Challicum Hills up in the Ballan area which has 35 turbines with a maximum capacity of 52.5 megawatts. These turbines were spinning at the time, and it was said that the wind speed was 8 metres per second at hub speed. According to the people who were there from the Wind Energy Group, a 1.5-megawatt turbine should be producing around 600 kilowatts, or 40 per cent of capacity, at that particular speed. Therefore one would expect from the Challicum Hills 52.5 megawatts — and it would be advertised — that around 21 megawatts of clean, green stuff would be going into the grid. But what happened? When they had a look at the computer it was saying that all it was producing was 2 megawatts! And they say that these are efficient — that these are producing a great deal of electricity. It is lies; it is nothing but lies! They are not producing anything like they are supposed to be.

We are all very much aware of what David Bellamy has said in regard to the wind towers that are spread all over England and Europe and that are now being closed down. Not one coal-burning or gas-burning generator has been turned off because of the thousands of wind towers that are now starting to litter the countryside around the world. They are inefficient and they do not work, yet this inefficient government is riding with them. The government thinks that this is a great idea, but it is not a great idea and it is not efficient in producing electricity.

To finish I would like to speak about Wonthaggi, where six of these wind towers have been forced on the people there. I can tell you now that we are in a position where we are aware of the lies that are being told. We know

that in fact the bird kills with those generators will be horrific because they are in the flight path between two wetlands. We know of the lies that were put forward by the consultant regarding the birds and general wildlife in that area. He lied in the things that he said; he did not do a proper job of consultation.

That whole area has been undermined by the coal mines that have run out from Wonthaggi. It is 850 metres from the high tide mark at the beachfront down there. They say that these wind farms will be efficient. I say now that the people of Wonthaggi do not want them, they will not have them and we will fight to the death to ensure that they do not go forward. They are not for Wonthaggi.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of this bill, and I must say it is a great pleasure to be part of a government that is serious about encouraging an alternative renewable source of energy within this state. The need for this is really urgent, as we know. The impact of increasing greenhouse gases on our climate is well known to everyone — apart from the member for Bass, obviously.

The failure of the Howard government to ratify the Kyoto protocol is one of the greatest acts of environmental vandalism that has ever been committed in our history by an Australian government on the international stage. The Howard government might want to put its head in the sand and say it is all too hard, and the opposition might like to do so as well, but as an energy-dependent nation we cannot afford not to sign up to the Kyoto protocol. If members look at the evidence, if they look at the work that is being done by the CSIRO, the facts are clear. The CSIRO has projected that by 2070 Victoria is likely to be up to 5 degrees warmer than it was in 1990. The frequency of extreme maximum temperatures will increase, with up to three and a half times more hot days in some areas of the state. Rainfall decreases are likely in most regions, with decreases of up to 25 per cent; and projected rainfall decreases will be strongest in spring through most of the state, with dry springs likely to become more common.

So what is the National Party on about? Here you are, you have something going on in this state which will have a major impact on agricultural production across the state, and you — like the Liberals — are burying your heads in the sand!

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Bentleigh, through the Chair.

Mr HUDSON — The opposition members are burying their heads in the sand and saying that nothing should be done about this problem. I would have thought that even on the basis of narrow self-interest The Nationals would be standing up here and applauding this bill. I would have thought that on the basis of the last seven years National members would have had ample evidence to demonstrate that climate change is real, that the extremes we are experiencing are extraordinary and that they are going to continue into the future.

This government has indicated it is serious about renewable energy, and it is doing everything it can to accelerate its development. In this state a key element of renewable energy is wind energy, and we as a government have committed ourselves to a target of creating 1000 megawatts of installed wind energy by 2006. We have a comprehensive approach to doing this, and unfortunately the opposition does not.

Mr Baillieu interjected.

Mr HUDSON — The member for Hawthorn is another one of those who is completely opposed to the whole idea of developing wind energy. He has that view at a time when he knows that the demand for electricity in this state is growing at 2 per cent a year. What is his policy? Where is the policy of the opposition on alternative renewable energy? It is nowhere. All that its policy is about is adding to and increasing greenhouse gases in this state.

What we as a government have recognised is that wind energy is good for the economy and good for the environment. The installation of 1000 megawatts of wind is a billion-dollar investment in Victoria. The majority of that investment will be in rural and regional Victoria and in small communities. Again I cannot understand The Nationals in particular on this one. I cannot understand their turning their backs on that kind of investment and on that kind of development.

Studies indicate that wind farm construction and installation creates between 0.5 and 0.8 of a job per megawatt of power and an ongoing 0.2 percent of a job per megawatt. It is estimated that the 1000-megawatt target set by the government will create between 250 and 400 jobs in the two-year construction phase and ongoing employment of a further 180 to 360 jobs.

Mr Perton interjected.

Mr HUDSON — The member for Doncaster says, 'How does that compare to solar?'. The member for Doncaster will be pleased to know that solar energy is 10 times more expensive than wind energy — and yet

we have had the opposition over here telling us we ought not to be putting in place this legislation which is designed to ensure that we can at least get wind connected to the grid.

An honourable member interjected.

Mr HUDSON — The Sustainable Energy Authority of Victoria — the member can go and look it up.

Honourable members interjecting.

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

Mr Perton interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Doncaster! The member for Bentleigh has the call.

Mr HUDSON — The biggest threat to wind energy in the state is the Howard government's refusal to increase the mandatory renewable energy target (MRET) from 2 per cent to 5 per cent, which has been proposed by Labor. If it were increased the government would encourage these alternative energy sources.

The Howard government wants to stifle the development of wind energy and is doing nothing to encourage it, but this government is. If opposition members cared about jobs in regional Victoria and about reducing greenhouse gas emissions they would be on the phone to their federal colleagues, but they are not. The member for Hawthorn will not be on the phone, and neither will the members for Benambra, Doncaster and Bass. They will not be getting the federal government to increase the MRET because they are not serious about it. They are not serious about greenhouse gas emissions, about meeting our Kyoto obligations or about promoting alternative renewable sources of energy. The member for Hawthorn hates it, the member for South-West Coast down in Portland does not really mind, the Leader of the Opposition keeps changing his mind and The Nationals are all over the place.

Last night in his contribution to this debate the member for Warrandyte sank to a new low when he suggested in this house that this bill was somehow about feathering the nest of Mike Fitzpatrick. That was the allegation made by the member for Warrandyte. I want to put on record in this house that I believe Mike Fitzpatrick is a fine Victorian and a fine Australian. He is a successful businessman, and in terms of his promotion of wind power in this state everything he has

done has been done in a proper and businesslike way. I challenge the member for Warrandyte to go outside this house and repeat the comments he made in this house last night about Mike Fitzpatrick.

Mr Perton interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Doncaster will have his chance when he gets the call.

Mr HUDSON — I would bet that even on the new uniform proposed defamation legislation under which truth alone is a defence the member for Warrandyte would find himself with a very big defamation payout.

The other thing the member for Warrandyte sought to say was, 'This should be a renewable energy bill. It should be about biomass, about solar energy and about a whole lot of other things'. The fact of the matter is that wind is the only large-scale renewable technology that is currently cost competitive in Victoria. According to the Australian Bureau of Agricultural and Resource Economics wind energy is 10 times less expensive than solar energy. The member for Doncaster might like to go and read the ABARE study.

Then we had the member for Mornington advancing the absolutely ludicrous proposition that increasing the use of wind power will not make any contribution whatsoever to reducing greenhouse gases. That is absolute and arrant nonsense, and the member for Mornington knows it. Studies show that for a 100 megawatt wind plant only about 2 megawatts of conventional capacity is needed to compensate for changes in wind plant output. Even at low levels of wind penetration the amount of conventional power displaced by wind is about a third of the maximum power output of wind farms.

Mr Baillieu interjected.

Mr HUDSON — It might be too complex for the member for Hawthorn. Maybe he only deals in simple ideas and simple concepts. The fact of the matter is that wind energy does contribute to the reduction in greenhouse gases in this state. The achievement of the government's target of 10 per cent renewable energy is the equivalent of taking close to 900 000 cars off the roads in Victoria.

As I indicated, the demand for electricity in this state is growing and real. It is 2 per cent per annum. Wind energy can play a role in meeting that increasing demand for electricity. Unlike the Liberal Party and The Nationals, it seems that 95 per cent of Victorians agree with the government because they support

building wind farms to meet our future energy needs. This is a good bill. It will facilitate the development of wind energy within this state and it will do something to address greenhouse gas emissions. I commend the bill to the house.

Mr PERTON (Doncaster) — That speech was really a very sad speech. I think the voters of Bentleigh would be a bit perplexed to find that their local member of Parliament thinks that the international protocol on greenhouse gas emissions is named after an animal in central America — a coyote! — rather than after a city in Japan, or indeed that solar energy is 10 times more expensive than wind power.

The opposition supports renewable energy and, like the federal government, believes that Australia should make its contribution to reducing the emission of greenhouse gases, there are no simple solutions. The European countries that the member for Bentleigh and his friends have cited are large users of nuclear power. Given that nuclear power is unlikely to be taken up in Australia, reducing CO₂ emissions involves a much more complex set of issues than the member has tried to set out.

The opposition opposes this bill because it has a number of significant problems. Firstly, it is a long way from reflecting well-considered policies in respect of renewable energy and will bring about too many serious problems. The bill is specifically designed to promote the proliferation of wind farms. Wind farms have been generating a great deal of heat up and down the coastal communities of Victoria, as well as elsewhere across the state. This is particularly so because there is a conflict between other environmental purposes for the coast, including tourism and recreation, and the construction of wind farms. Many communities are opposed to the construction of wind farms within their vicinity.

Secondly, the bill will impose the cost of connecting wind farms to the power grid specifically on the customers of the two distribution companies that cover rural Victoria. Thirdly, and very seriously, this bill will make access to the subsidy arrangements created by the bill dependent on approval at a political level, thus further undermining the independence and the impartiality of the regulation of the energy industry and risking the misuse of political patronage, or in extreme cases, as the member for Box Hill said, risking corruption.

Lastly I will quote the member for Box Hill, who said:

It will further fragment the regulation of energy industries across Australia thus undermining the government's own goal of national uniform regulation.

There are many options for renewable power, and I think the member for Warrandyte was very wise to point out to this house that significant financial donors to the Labor Party are going to be the great beneficiaries of this piece of legislation. For instance, he rightly pointed out that solar energy is left out of this, while I would point out that hydrogen fuel cells are also left out. If we look at similar legislation in Europe, we will see that there is a much wider range of alternative energy supplies that are the beneficiaries of these sorts of regulatory structures.

I shall not speak for long because of agreements across the house, but it seems to me that we are losing a major opportunity to take up the opportunities of solar energy. For instance, Origin Energy and BP have great commitments to developing solar energy as alternatives to the oil-based economy. There are great opportunities not just in the scientific development of ever-more-efficient solar cells but in the fabrication and construction of solar cells. It is to the shame of this government that Origin Energy's solar cell fabrication factory is to be established in South Australia rather than in Victoria, which occurred because Victoria took little or no interest.

In respect of the hydrogen economy and the rapidly developing hydrogen cell motor vehicle, we are at real risk of losing this very exciting area of technological development. The United States of America is moving very rapidly to take this up, as are Japan and Germany. Because it is the centre of the motor vehicle industry in Australia, Melbourne has great and exciting opportunities, but when you look at government documentation and government action, its commitment to both solar energy and the hydrogen economy has been very light indeed.

As we move towards the election of a Liberal government in 2006 the community can look forward to a government that is much better focused on utilising the renewable energies that will not only reduce greenhouse gas emissions but also provide jobs for young people — and we see them in the gallery — as scientists, engineers and entrepreneurs who will be producing the devices that will drive down the use of carbon dioxide emitting fuels and ensure that Victoria, and Melbourne, is at the forefront of new design.

Ms BUCHANAN (Hastings) — I rise with great pleasure to speak in support of the Electricity Industry (Wind Energy Development) Bill. Many people on this side of the house have indicated that this bill is very

progressive. It lays the foundations for two principal objectives: firstly, to facilitate equitable — I repeat, equitable — connection charges for small wind energy developments in Victoria; and secondly, to provide a framework for clear and transparent negotiations between small generators and large retailers regarding buyback rates for electricity.

Since being elected I have had the opportunity to consult with a lot of organisations around the Hastings electorate. I am very proud to say that two wind turbines are being planned or constructed in my electorate. One has been constructed and will support a local orchardist by supplementing the energy needs of his orchard on Stumpy Gully Road in Moorooduc. The second one, which is about to undergo construction, will be at a local hotel-motel complex and pokies outlet, also in the Hastings area.

Mr Baillieu interjected.

Ms BUCHANAN — Power to the pokies, the member for Hawthorn said. I do not think I would be going to that extreme. What we are talking about is a facility that is moving towards supplementing its energy options by using wind energy and turbines.

I will speak very briefly about the facilitation of development and connection of wind energy generators. As I said, the first objective of this bill is to enable the development and application of modified charging and pricing principles to apply to relevant augmentations, following a declaration made by the Governor in Council. The government is making sure that the cost of connection and distribution at the primary stage of this very pioneering energy industry — getting this alternative source of renewable energy into the network — is shared across the different organisations that will be able to roll out once they get their mandatory renewable energy target certificates.

The second objective concerns the obligations on large retailers to offer and publish buyback rates. This is also a very important aspect of the bill, as it provides new obligations on large retailers to publish and offer the rates at which they propose to purchase electricity from small generation facilities. This will provide the clarity and transparency for small wind facilities that are currently less able to negotiate buyback rates for power with larger retailers. It is about providing a level playing field in the commercial arena, and I am proud to be part of a government that is progressing this objective.

Over the last couple of days I had the opportunity to trawl through *Hansard* and see what the issues

regarding this debate have been over the last 10 years. It was very interesting to try to establish the position of the Liberal and National parties in relation to the progression of renewable energy, particularly in relation to wind farms, in Victoria. I was looking for clarity, but unfortunately the policies of the Liberal Party and the National Party were as clear as mud regarding the progression of this type of renewable energy in Victoria. I came across some interesting quotations, however, and I would like to conclude with them.

I take note of the comments of the member for Bass on this issue earlier today when he talked about the township of Wonthaggi and the concerns of the people of that town about the progression of wind energy through the township. It is interesting to note that Wonthaggi was based upon the excavation of coal — coal being one of the major contributors to greenhouse gas emissions in this state. It is interesting to recall what that town was based on. At that stage, many decades ago, no-one in their right mind would have complained about the opportunities that coal gave to the community. If you look at the opportunities that wind turbine generation will give to communities in terms of re-invigorating a lot of townships around the area and the impact that coal has had not only in Victoria but across the world over many decades, you cannot compare the two in terms of their long-term impact, sustainable energy delivery and sustainability of communities.

In conclusion there is one more thing I would like to go on about. The member for Bass talked about the blight on coastal townships, the blight on visibility and issues like that, but I came across a cracker of a quote. It is from a member for Gippsland Province in another place, Mr Philip Davis, on 18 April 2002, who said:

Victoria has the capacity to generate electricity from wind, and projects of that kind are afoot at present. There are wind power projects in South Gippsland and south-western Victoria. I have had the opportunity to look at a large number of wind farms in the United Kingdom, and notwithstanding the concern of many of my constituents about the visual impact and amenity of wind farms, I was surprised by the benign nature of the wind farms. They did not seem to be a blight on the landscape to any significant degree. Indeed, what surprised me, given that the United Kingdom depends to a large extent on its aesthetic environment for international tourism, was how well within that landscape wind farms were adapted.

That is a pretty good quote in terms of progressing this issue in a variety of ways. In closing, it is a progressive bill that sets the operational foundations for the progression of one of the important renewable energy industries in Victoria. I commend the ministers who

have been progressing this bill through the house and Sustainable Energy Authority Victoria for its fantastic work in getting the wind farm atlas out earlier this year. I commend the bill to the house.

Mr THOMPSON (Sandringham) — Historically the coal reserves in the Latrobe Valley underpinned industrial development in the state. Furthermore that reserve of power enabled many enterprises to be attracted to Victoria, such as the major motor companies and other industries. Essentially Victoria was the manufacturing capital of Australia, established on its cheap supply of power.

Around the world there are a range of different power supplies including hydro power, nuclear power, wind energy and wave power. In Europe there have been a number of different developments in wind power generation, and Denmark was leading the field at one point, with its emphasis on wave generation. One of the difficulties with alternative forms of power such as wind power in Victoria is the siting of the towers along the coastline and the impact that has upon the visual amenity. According to Dr Eric Bird, an eminent person who has studied the coastlines of the world and written a book on our coastline, Victoria has one of the best coastlines in the world, with its many landscape and aesthetic features, from Portland in the west to the New South Wales border. It is a great thing for a member of this Parliament to have the opportunity to survey Victoria's coastline from the air and to understand its great landscape features, from the great bluffs and the Gippsland hinterland, with the mountains and the lagoonal impacts of that hinterland, through to the volcanic influences in western Victoria.

It is unfortunate that a number of people have been adversely impacted by wind towers, and the impact can have a number of forms, one being the shadow effect and the other, the sound effect. With the towers rising to quite a height, sometimes properties a kilometre away can fall within the shadow impact of a tower. The object of the bill before the house is to facilitate the development and construction of wind generation facilities in Victoria by eliminating obstacles to grid connections and supplying assured buyers for small wind generators.

The bill sets up a regime whereby the minister, through the Governor in Council, will be able to declare a relevant augmentation to a distribution network to enable the connection of a wind farm and to apply principles — which I might add have not as yet been developed — covering who will pay what cost for the expansion. At the present time, the first developer must fully bear these costs. This bill will enable the Governor

in Council to limit the expenditure of the first wind farm by passing additional costs on to the distribution company and through that process to the consumer through the Essential Services Commission. If at a later date another wind farm also connects to that expansion, the operators will be charged a share of the original cost as well. The opposition has a number of concerns about that process.

This is seen as a subsidisation of wind farm connections to the distribution system. That is of concern, because wind farms which were not viable when the original farm operators had to bear all the connection costs themselves will now be able to proceed because of this system of subsidies. Of equal concern is that the method to be used — whereby the minister makes a recommendation to the Governor in Council — is not as transparent as would be desirable. This is another factor that the opposition has serious concerns about.

A number of people who move to country Victoria do so for the rural amenity. I know of one person who has bought a block of land down near Ninety Mile Beach for its aesthetic qualities and landscape features. If shortly after his acquisition he finds there is going to be a wind tower established nearby, it will certainly distract from his environmental amenity. By way of contrast, one is also reminded of the words of Darryl Kerrigan in *The Castle* when he was at his holiday retreat at Bonnie Doon. He admired the overhead cables as a symbol of progress. While Darryl went to the High Court and regarded the result as a great outcome, not every Victorian regards having a wind tower near their place of residence or holiday home as an asset or an advantage.

Mr PLOWMAN (Benambra) — I want to correct one thing that the member for Bentleigh said when he suggested that the cost of solar power is 10 times the cost of wind power. The International Energy Agency in the United States of America has come up with a few figures. The wholesale cost of generating electricity in the United States of America is about US\$20 a megawatt hour, and the wind generation of electricity is currently around US\$50 a megawatt hour. Suggesting that solar power is 10 times the cost of wind power would mean that solar generation would cost about \$500 a megawatt hour, and clearly that is not the case. For someone in this place to claim to make a statement based on fact yet get it absolutely wrong is hard to fathom.

I want to make a few quick points. Firstly, this scourge on our landscape values has been well and widely covered. The Great Ocean Road and the Gippsland coastline are some of the most attractive areas in the

state, and we do not want to see these wind farms there. They have been shown to be inefficient and costly, and this bill just adds to the subsidies that are required to prop them up. I drove through the San Joaquin Valley in California, where there are hundreds of wind towers that have passed their use-by dates and are not now used because they have been shown to be totally inefficient and ineffective. But they are still there; they are derelict and they are ugly. Having that happen in Victoria, particularly along our coastline, would be one of the worst things we could possibly do.

I am not aware of anything in the contract that requires these wind towers to be dismantled if they ever become unusable because of their cost. That means there is the chance of us having our coastline littered with these incredible structures. On my trip to California I was hit between the eyes by how ugly and inappropriate they were when they were no longer usable.

Clearly the alternative to coal-fired generation is solar power. In northern Victoria we have at least two schemes. One is the solar tower, which is still being researched. The possibilities of that producing solar power at a very effective rate has to be considered by this government, but to my knowledge it is turning its back on it. The other, which is very close to my heart, is the solar-powered generation project which has been developed by the Australian National University. This has been taken up by a group in the Upper Murray called Upper Murray Business Inc., which is supporting the project on the basis that it has been researched by the ANU for 30 years. It has now reached the stage where it wants to trial a pilot project. I quote from a letter to the Premier from Mr Bob Barker from Upper Murray Business at Corryong. It states:

Our objective is the introduction of a solar-powered electricity generator in Corryong to produce solar electricity on a 24-hour basis, despite darkness and any bad weather encountered. The project would be a world first, based upon some 30 years research by the engineering department of the Australian National University in Canberra. Engineering on the ground, so to speak, would be provided by Leighton Contractors of Melbourne. Towong shire, the responsible local authority, has already taken the necessary steps to zone a suitable site.

It goes on to say:

... solar power can provide 'clean and safe' electricity for the future now, at a lower cost than wind ...

This is based on the research done by ANU. To suggest that solar power costs 10 times more than wind power is a complete furphy and certainly a distortion. The letter goes on:

The plant proposed is to be a scale up of the research project located at the ANU Canberra campus ...

The concept was first drawn to the notice of the federal and state governments in June 2002. At the time, the federal minister involved (Senator Hill) advised us that 'the project was totally acceptable, environmentally, and in the national interest'. My chairman and I then put the project before John Brumby in Beechworth.

I conclude with this final quote from the letter:

... there has been a recent intervention by the present federal minister of the environment, telling us that \$100 million has been provided for a renewable energy development initiative. He adds — 'It is possible that the project you propose for Corryong may be eligible for funding ...'.

I only hope that the state government will look at this in the same light.

Mr BAILLIEU (Hawthorn) — I rise to speak on the Electricity Industry (Wind Energy Development) Bill. I do so mindful of the remarks made by the member for Bentleigh, who queried the existence of a Liberal Party policy on this matter. Indeed prior to the last election we released a comprehensive policy on the wind industry that detailed over a number of pages a range of issues that we wished to be at the forefront of our thinking on the wind industry. The core components of it can be summarised by saying that if wind farms are to be installed in Victoria they should not be where local communities do not want them or on sensitive landscapes, because the reality is that wind farms have a significant impact on landscapes, and we have a huge heritage of landscape of value in this state.

The policy position that we have put has since the last election been mirrored in the statements of many other groups, and I will comment on those: Great Ocean Road Marketing, a bureau funded by the state government; the Victorian Tourism Industry Council; the National Trust in Victoria; the Australian Council of National Trusts; the Australian Heritage Commission; former Labor Senator John Button; the Victorian National Parks Association; the Municipal Association of Victoria; the shires of South Gippsland, Wellington, Bass, Moyne and Warrnambool; the Victorian Coastal Council, another government-funded body; Victorian Landscape Guardians and now 12 other landscape guardian bodies in local areas; the government's own panel at Wonthaggi; myriad individual community groups; the editorials of the *Age* and the *Herald Sun*; and the more than 1000 objectors to the Bald Hills wind farm. Even AusWEA, the Australian Wind Energy Association, has conceded that the guidelines in Victoria are inadequate and its members have sought to take steps to redress that themselves.

Even the Department of Sustainability and Environment has made submissions to panels, indicating that the government guidelines on wind farms are flawed. I invite members to look at the DSE submission on the Bald Hills project, which said that this was the wrong site — this was not an appropriate site for a wind farm. Indeed more recently the DSE in a letter dated 17 August to Planning Panels Victoria about the Yaloak wind farm at Ballan was comprehensively critical of that proposal and lamented the lack of appropriate guidelines. I quote from page 2:

There generally appears to be a current lack of established guidelines and standards in relation to setbacks and potential impacts of wind farms on adjoining parks and fauna values.

Plenty of others in DSE and a lot of individuals have spoken to us and they have been gagged. That is one of the unfortunate things about this debate — we are not having a free debate about the wind industry in Victoria.

The guidelines were introduced in August 2002. The sad thing about that is that most of the wind farms we see now either in place or in the process of being approved or assessed were already in the pipeline. They are certainly all in the pipeline now. When the guidelines were released there was no wind atlas released and no rating structure proposal. There was no MAV support or analysis, so there was no local community input. If anybody wants to contemplate the depth of that, I invite them to look at an article in the *Weekly Times* dated 6 October, which reports that the Moyne shire chief executive officer, Graham Shiell, undertook a tour this year to assess the impact of the wind industry in Victoria. There was no statewide landscape assessment, no distribution agreement, no reconnection protocols and no taxation regime in place.

In fact the government embarked on its affair with the wind industry very much in the dark. That is where this government has got itself into terrible strife — the government did not have a regime in place to deal with all the problems associated with wind farms. Now we find the government embarking on yet another measure, as it did earlier this year, to prop up wind farm proposals which are in the pipeline now. When it comes to the rules, I quote from the *Age Good Weekend* magazine of 4 September. Mr Steve Buckle, the chief executive of Wind Power Pty Ltd, which currently has a proposal at Bald Hills which is government approved despite the objection of local communities, is reported as saying of the government's position:

Look, we're playing this game with no rules. The government is making rules up as we go.

That is the problem we have — the government is making up rules as we go. Indeed only in May the government introduced legislation to minimise rating of wind farms, again propping them up. At the briefing we had on this bill the reality was that those who were briefing us on the bill were unable or unwilling to advise as to the status of current proposals and as to whether the provisions in this bill were being sought specifically to prop up those proposals. I suspect it was a case of being unwilling. Albeit that I am sure the bureaucrats involved were aware, we were told at that briefing about a number of the proposals, 'We're not sure where they're at'.

If members are inclined, I refer them also to an article by Alan Moran in the *Herald Sun* of 30 October. It has been quoted extensively already. I do not intend to quote it at any great length but I do refer to this quote:

So Mr Brumby has introduced a wind energy development bill that will require customers, not wind developers, to pay for the costs of new electricity lines that connect them to the users.

As with the commonwealth subsidy, consumers will be unaware of the transfer. Needless to say, there was no scrutiny of the proposal by VCEC [the Victorian Competition and Efficiency Commission].

There is widespread concern about the way the government has undertaken its relationship with the wind industry. The pipeline is full of proposals now and any steps taken now are likely, in terms of the guidelines, to have little impact on current proposals. Now we have the government propping up a number of the proposals which appear on the surface to have been flawed in the first place. Even the government's own department is suggesting that on many occasions. This bill adds to the list. We still do not have a taxation regime, and I am sure that in due course — and I have raised this point in the house before — the government will be introducing further measures to ease the taxation burdens on wind farms, which have not been considered.

This bill is flawed, the government's approach to the wind industry is flawed and the guidelines are flawed. The government should do as so many groups have sought — it should pause. There should be a hold on current assessments and applications. Let us get this right. Let us have a statewide landscape assessment. Let us allow local committees to have their input. If there is to be a wind industry in Victoria, let us ensure that all Victorians are supportive of it and that we do not have the division and the pain and suffering that is being experienced by communities right across Victoria right now.

Mr JENKINS (Morwell) — It is a great pleasure to join the debate on the Electricity Industry (Wind Energy Development) Bill. My electorate in the Latrobe Valley is the home of the electricity industry in Victoria — it has been for generations and will continue to be.

As part of an informed electricity and energy policy, this government has had to unravel the mess created by the previous Liberal government which sold the brown coal electricity industry to whomever and decided to allow the market to make all the decisions. The market was always going to solve all the problems that the previous government created! I can tell you this, Acting Speaker: the market is not going to solve the problems that were created by the previous government. This government is going to solve the problems and make sure that our electricity industry takes advantage of every opportunity — not just old technology and brown coal. We will rely on those as our base for a long time to come, but we are not going to put all our eggs in one basket. We will take the opportunity presented by wind farms and wind generation and make sure that those wind generators go in the best places so that they will use wind efficiently and serve the people of Victoria. This is a far cry from what the former Liberal government did. It sold off the electricity industry, the distribution network and — against its own advice and its own Treasurer's words — the transmission network.

This is what this bill is fixing up. It makes sure that we can get access into the grid. As well as selling off the electricity industry, generators and the future of Victorian electricity customers and Victorians, it sold off any capacity we had to have a fair and equitable distribution of the cost of network access. This is what this bill does: it makes sure that we will get fair access to those networks. When the private sector puts wind generators in the best place for both the electricity customer and to generate electricity, then there will be an equitable sharing of the capacity to access the distribution network and the transmission system that it sold off. It gives me a great deal of pleasure to support this bill as one of a suite of initiatives that this government has put in place to give us a great electricity industry.

Mr MULDER (Polwarth) — I rise to oppose the Electricity Industry (Wind Energy Development) Bill. Yesterday in this debate I listened to the contributions of the members for Brunswick and Eltham. One of those members spoke about how western Victoria had been identified as the ideal place for wind energy in Victoria. It would be nice if the people of western Victoria had some say and were involved in that particular debate. Two particular wind farms have been

identified in my electorate. One of them is at Mount Gellibrand, which has of the order of 119 turbines. At this point in time the community in that area has not raised concerns in relation to that wind farm development and the Colac Otway Shire Council has supported it. I have been in contact with property owners in that area and there does not seem to be any concern about that. Another wind development has been identified at Naroghid just out of Cobden. I have raised this particular issue with the minister. There are of the order of 22 turbines identified for that particular site. Five of those turbines are in direct flight paths of the Cobden airstrip, which has raised some concerns for local pilots who have also raised issues about the air ambulance and the Country Fire Authority fire bomber that would use that airstrip through the summer months.

The issue that I have raised with the minister is that, although the community has indicated that it is not up in arms that there is going to be a wind farm, it is asking that the safety of pilots and others be taken into consideration with respect to the development of that particular wind farm. We know there are real issues about this particular legislation and the subsidies that will be provided to wind farm developers and costs that will end up being handed straight back to consumers. Another issue of great concern is: who makes decisions as to which wind farm developers get assistance from the government? This is a process that is totally open to graft and corruption. You are going to have ministers making a recommendation to the expenditure review committee based on a preferred developer for a particular wind farm. We have great concerns in that regard. Those particular wind farms have not caused great problems. However, any other wind farms in that area will come under great scrutiny.

Debate adjourned on motion of Mr LANGUILLER (Derrimut).

Debate adjourned until later this day.

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

Business interrupted pursuant to standing orders.

ADDRESS BY MAYOR OF BALLARAT

Ballarat Reform League Charter

The SPEAKER — I welcome Cr David Vendy, the Mayor of the City of Ballarat, and invite him to take his seat on the floor of the house.

Mayor escorted into chamber by Serjeant-at-Arms.

The SPEAKER — I welcome the Mayor of the City of Ballarat to our chamber, and I ask him to address the house.

Cr VENDY — Speaker, as Mayor of the City of Ballarat, and on behalf of the citizens of Ballarat, I am honoured to present to you and the Parliament of Victoria a copy of the Charter of Bakery Hill. The charter stands alongside the Australian constitution as a testament to the vitality of Australian democracy. More than 50 years before the writing of our constitution the diggers at the Eureka Stockade outlined the values, the rights and the freedoms that underpin our great democracy. On the goldfields of Ballarat the diggers expressed the fair go and opportunity for all that we hold so dear. To quote from the charter:

... the people are the only legitimate sources of all political power.

And every citizen possesses an inalienable right to have a voice in making the laws he is called upon to obey.

One hundred and fifty years ago beneath the Southern Cross the diggers at the Eureka Stockade shed their blood as a pledge of their allegiance to the solemn word of the charter. It is with great pride that I present this charter to Parliament today. That we are here in the heart of our state's democracy celebrating the stockade's 150th anniversary is proof that we have remained true to the pledge made by the diggers.

Speaker, the Charter of Bakery Hill is a justification for and a statement of the high purpose of this Parliament. On behalf of the community of Ballarat, I hope our elected representatives find it a source of strength and inspiration forever. Thank you very much.

Copy of charter presented to Speaker by mayor.

Honourable members applauded.

The SPEAKER — I now invite the Premier to respond to the mayor of Ballarat.

Mr BRACKS (Premier) — On behalf of our government and the people of Victoria, I would like to sincerely thank the Mayor of the City of Ballarat, Cr David Vandy, for this significant presentation and acknowledge the representatives from the City of Ballarat and Ballarat more generally who are here today.

The Ballarat Reform League Charter is a landmark document in the history of our nation. It is effectively our declaration of independence or, if you like, our Magna Carta. It is a cornerstone of Australian democracy.

It is worth pausing to recall what Victoria was like on 11 November 1854, when the charter was ratified. We were in the third year of the biggest gold rush ever, an event unparalleled in our history. Our population increased from 77 000 in 1851 to 236 000; effectively tripling in just three years. That is the equivalent today of our population increasing by 10 million by 2007. Back in 1854 those new Victorians were rallying against the monthly miners licence and demanding political representation.

One hundred and fifty years ago today 10 000 miners gathered at Bakery Hill to ratify the charter that has just been presented to this Parliament by the Mayor of the City of Ballarat. They were our multicultural forebears: Chartists from England, Irish patriots and Europeans and Americans brimming with notions of liberty and republicanism. Twenty-two days later their struggle culminated in the tragedy of Eureka Stockade.

Much more will be said about Eureka as we approach its 150th anniversary on 3 December this year, but I would like to say just a couple of things about it in passing. There is no doubt that the Eureka Stockade is the national symbol of the right of people to have a say in how they are governed. However, it would not have anywhere near as much national resonance without the principles set out in the charter presented to this Parliament. Without the charter the Eureka Stockade would have been dismissed as an unruly uprising — in effect a riot. Armed with the charter we can rightly say that Eureka was about the struggle for basic democratic rights, nothing more and nothing less. It was not about a riot; it was about rights. It was a struggle for basic democratic rights that we take for granted today thanks to the people of the Ballarat Reform League and Eureka itself. After all, our rights may currently be enshrined in state and commonwealth legislation, but that legislation was informed by the aspirations of the Ballarat Reform League Charter.

In conclusion, we must remember that in 1854 the charter was ahead of its time. It was, as the editor of the *Ballarat Times*, Henry Seekamp, said at the time, 'the germ of Australian independence'. Fast forward to today to 2004 and the Ballarat Reform League Charter is a reminder that the principles contained in it still have currency — that it is, as the charter states in part, the inalienable right of every citizen to have a voice in making the laws he or she is called on to obey; and that we must protect the civil liberty and the civil rights of all members of our community no matter what their race, no matter what their creed, no matter what their nationality, no matter what language they speak because no matter where we come from, we are all Victorians.

Mr DOYLE (Leader of the Opposition) — About three years ago members of this house enjoyed the hospitality of the City of Greater Bendigo. I am sure the mayor of Ballarat would argue that our colleagues in the other place were more fortunate in that they enjoyed the hospitality of the City of Ballarat when it graciously hosted the Legislative Council in the first sitting of that house outside Melbourne in 150 years. That symbolic and historic event emphasised the pivotal role that Ballarat has played in the history of Victoria, and indeed Australia. That role is continued today through the presentation of the Ballarat Reform League Charter, sometimes called the Charter of Bakery Hill. This charter is not just about words on paper; it is about the people and places that give such words real life. Today we pay special honour to the diggers of Bakery Hill and the charter they have bequeathed us.

Today we recognise the charter as a symbol of the solidarity of the miners of Ballarat against unfair treatment and also as the start of the democratic evolution of the colony of Victoria. The years between the separation of Victoria from New South Wales in 1851 and responsible government in 1855 were difficult years. Squatters, pioneers, ticket-of-leave men and escaped criminals flocked to the regions, and to Ballarat in particular, drawn by the gold that would actually eventually finance this magnificent chamber and Parliament. It was during this chaotic time that a newly appointed Legislative Council drafted Victoria's constitution providing for the establishment of the Legislative Council and a democratically elected Legislative Assembly.

Separation from New South Wales did not bring the much-anticipated political reforms, and the melting pot on the Ballarat goldfields was to provide the impetus for significant and near-immediate change. The criteria for the eligibility to vote or indeed even to be a candidate at election failed to live up to the ideals of true democracy and the response of the Ballarat Reform League, which was formerly known as the Diggers Reform League, took its place in our state's rich history.

The Bakery Hill charter demanded representative and accountable governance and its practical and just application. The charter demanded that those who exercised power did so with fairness and equality — in other words, a fair go for all. This goal reflected a similar struggle 70 years earlier in America which was characterised by the catchphrase, 'no taxation without representation'.

The rights of the Ballarat miners were eroded by a lack of certainty and ever-changing rules. The league was

first ignored, then goaded and finally incited to violence, culminating in the famous bloody battle at the Eureka Stockade. On 3 December 1854 over 30 miners lost their lives fighting for the kind of democracy we now take, not for granted, but as a right.

From 1855, as a direct result of the campaign of the Ballarat Reform League, voting was no longer the sole privilege of those with property or those with a selective education but rather a democratic forum — and I will quote the Premier's earlier quotation — 'in which every citizen had a voice in making the laws they would be called on to obey'.

We owe a great debt to the members of the Ballarat Reform League for their sacrifices more than 150 years ago today. We actually on this side of the house often see that rebellion as one of small businessmen who wanted a fair deal, but in particular it was of course a rebellion by men and women who were committed to establishing a healthy and vibrant democracy.

An honourable member interjected.

Mr DOYLE — Certainly not tax evaders, certainly not.

Unquestionably, the goals and spirit of the British Chartist movement provided much of the inspiration behind the Ballarat Reform League. It is also true that the spirit of revolutionary Europe and the United States of America provided inspiration to our miners in Ballarat.

The Ballarat Reform League was instrumental in many of the political and social reforms in Victoria and ultimately throughout the Australian colonies. It provided Victoria with some of the great historical characters, including Peter Lalor, who was wounded during that rebellion and lost an arm. In 1856, in the first democratic Parliament in the colony of Victoria, he was elected to this chamber and remained a member until 1887. Peter Lalor was the Speaker of this chamber between 1880 and 1887.

As we celebrate the contribution of the Ballarat Reform League I would just quietly like to observe that one of the goals of the miners of 1854 remains unfulfilled — the republic of Australia. It is with great pleasure and respect that today we honour the Ballarat Reform League and its commitment to matters that are central to our democracy, society and culture.

Mr RYAN (Leader of The Nationals) — Mayor Vendy, I welcome to the Parliament you and your fellow citizens who accompany you here today from Ballarat, including the Premier of course.

Inscribed in the vestibule floor of this Parliament are the words:

Where no counsel is the people fall but in the multitude of counsellors there is safety.

There is no doubt there is a synergy between those words, which are such a focal point in the operations of this Parliament, and the words that appear within the charter that you have presented to the Parliament this day. It is the fact that the people are the only legitimate source of all political power. It is the fact that an inalienable right to have a voice in making the laws that they are called upon to obey is a basic right of citizens in our nation and our state. Those matters that we now commemorate were born that day.

I am a Gippslander, and we had our part to play in the gold rush days when people came to Port Albert, the Strzeleckis, to Foster and through to East Gippsland, which is represented today by the member for Gippsland East. So much of our history in Gippsland is bound up with the gold rush. But it must be said that Ballarat and Bendigo have had a pivotal part to play in the development of not only Victoria's history but in the development of the magnificent gold industry, which survives even today. It is talked of in a past sense sometimes when in fact the capacity to mine the gold exists to this day. One cannot help but think that although stories are being recalled and reflected upon, quite rightly as this 150 years comes around, who knows what stories are to be told in the future? Not in terms of the conflict we are talking about here today but in the sense of the future growth of these great cities.

It is a great irony, as is the case so often around the world, that out of the conflict of the Eureka Stockade some of our great democratic systems were born. Ballarat, by definition, has had a great part to play. On this day — ironically enough, Remembrance Day — it is a wonderful thing that we come together in this place, the focus of what so many people have aspirations for Victoria to be, to celebrate and remember the events that occurred 150 years ago. I freely confess that I have not read the charter, but I will make it my business to do so. I was only yesterday talking about another charter altogether but in an entirely different light. I will be very pleased to read this charter and note its content. The charter is truly a part of the history of this state, and Ballarat quite rightly can hold its head up proudly as having been the focus of the attention of that day.

The SPEAKER — Mayor Vendy, may I, on behalf of all members of the Legislative Assembly, thank you and your councillors for this very kind gift to the Parliament. We will take great pleasure in hanging it in

a place where all members can read it in their daily parliamentary lives. Thank you very much.

Mayor escorted from chamber by Serjeant-at-Arms.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that the Minister for Police and Emergency Service and Minister for Corrections is absent today. Questions directed to him will be taken by the Attorney-General.

QUESTIONS WITHOUT NOTICE

Melbourne showgrounds: redevelopment

Ms ASHER (Brighton) — My question is to the Minister for Major Projects. Given that the director of Major Projects Victoria, James Cain, received written advice on 18 March 2004 from the showgrounds project's probity auditor that Neil O'Keefe had breached probity, I ask: can the minister explain the delay of over two months before Mr O'Keefe's resignation on 27 May 2004 and a further three-month delay before this was publicly announced in August 2004?

Mr BATCHELOR (Minister for Major Projects) — I thank the member for her question. The member for Brighton would know the reasons for the resignation of Mr O'Keefe because she has received a copy of his resignation letter. The probity auditor had indicated that there was a breach of the probity plan but gave complete tick-off to this project through a written statement, and I understand the member also has a copy of this statement. If she does not have a copy I will gladly provide it to her. It clearly indicates that there was no conflict of interest. It was a process to that date, and the letter from the probity auditor predated the resignation letter. I will make a copy, but I think she already has a copy of both Mr O'Keefe's letter of resignation and the advice from the probity auditor which indicated that this project had suffered no conflict of interest and was above board and proper.

Sailing: International 470 World Championships

Mr WYNNE (Richmond) — My question is to the Premier. Can the Premier advise the house of recent announcements that further confirm Victoria as the place to be when it comes to international sporting events?

Mr BRACKS (Premier) — I thank the member for Richmond for his question. Certainly if you look at the calendar of major events that are occurring in Victoria, we have probably the fullest calendar of any state in Australia and certainly of any capital city in this country. I am very pleased that we can add one more major and significant event for Victoria.

I am pleased to announce today that Victoria has scored another significant major event: this time a sailing coup for our state which will enhance our reputation for sailing events around the world in the future. Sail Melbourne has won the bid to host the International 470 World Championships in 2008, which is good news. I should just indicate that in winning the rights to hold this important event in 2008 Melbourne beat seven other nations: Italy, France, New Zealand, Turkey, Holland, India and Argentina. This was a great achievement, and I want to place on record my congratulations to Sail Melbourne, to the major events corporation and to all those who secured this important event for Victoria.

Members of this house might remember the September 2000 Olympics in which Australians did extremely well in winning gold medals in this particular sailing event. That helped us in our presentation in bidding for this event to occur in Australia, and of course we also had to argue the case for the event to be held in Melbourne. The efforts of sailors Nathan Wilmot and Michael Page, who are the current 470 world champions, went some way to assisting us to secure this event. The International 470 is the one design double-handed dinghy sailed at the Olympics — the only one. This is regarded as the pre-eminent racing event and is spectacular to watch, as some of us saw in 2000.

An honourable member — Have you been on it?

Mr BRACKS — No, but it does carry a spinnaker and a trapeze, and it has two crew — and those crew require very efficient tactics and coordination to win this event!

The 2008 world championship event is likely to attract around 150 competitors from 30-plus countries, resulting in a crucial event in 2008 just before the Beijing Olympics. The event will be held in January 2008, and it will attract a lot of attention because of the Beijing Olympics, which will be held later that year. I am very pleased that this has been added to our major sporting events calendar in Victoria, because, as this house knows, we have the stopover of the major and significant world event, the Volvo ocean race, which will occur in a similar period, and the windsurfing championship will be held in late 2005. To add this

event means we have not only big sporting events but also big sailing events, and it is a great showcase for Melbourne and a great showcase for Victoria. Congratulations again to Sail Melbourne and to the major events corporation. They do a very good job on behalf of the state.

Hazardous waste: Nowingi

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Major Projects. I refer the minister to the agreement dated 26 October 2004 between the Mildura Rural City Council, Major Projects Victoria and other parties to allow site investigations at the proposed Hattah-Nowingi toxic waste dump to be conducted in good faith and in accordance with all statutory requirements, and I ask: was the government acting in good faith when only four days beforehand it unilaterally made major changes to the shire planning scheme to advance the toxic waste dump project and did not tell the shire?

Mr BATCHELOR (Minister for Major Projects) — The government has set in place a long process to determine the most appropriate place to locate the industrial waste facility, and it is proceeding with that. As part of the announcement that was probably made more than 12 months ago, it was indicated that the government would take on, through the Minister for Planning, responsibility for planning. It was declared a state-significant project. Accordingly, when there was a requirement to make changes to the local planning scheme to allow the scientific investigations to proceed in order to identify and answer questions for the environment effects statement, the appropriate changes were made.

This process was announced to the world 12 months before we decided to take advantage of it, and it was only taken advantage of when we needed to get access to the site so that the scientific investigations could be undertaken. Those investigations are proceeding with the agreement of the council, with the agreement of the Mildura Trades and Labour Council, with the agreement of the Save the Food Bowl Alliance and with the agreement of Major Projects Victoria. This is so we can establish the facts of the matter and answer the questions that have been asked by local communities.

We simply want to be able to provide answers based on fact to the questions that have come from the local communities. We are pleased to be working with them, and we look forward to being able to commence drilling in early December to establish answers to the ground water issues.

Mitcham–Frankston freeway: ConnectEast float

Mr DONNELLAN (Narre Warren North) — My question is to the Minister for Transport. I refer the minister to the concession deed he has signed with ConnectEast, and I ask: can the minister update the house on the success of the ConnectEast public subscription float for the Mitcham–Frankston project and the significance of this for mum and dad investors in Victoria?

Mr BATCHELOR (Minister for Transport) — Members would be aware that the retail float undertaken by ConnectEast to assist the funding of the Mitcham–Frankston project has been a huge success. The float opened on 22 October and closed last Thursday. It was extremely successful, and it has been oversubscribed by thousands of Victorian mum and dad investors, as well as interstate investors.

Mr Doyle — That's a great deal you did for Victoria!

Mr BATCHELOR — The Leader of the Opposition says it is good deal, and I am advised that 72 per cent of the shares available under the public offer have been allocated to Victorian retail investors. These people will receive 100 per cent of their applications, up to a limit of 100 000 stapled units. Interstate investors will receive 100 per cent of their applications, up to a limit of 50 000 stapled units.

There has been enormously strong support from individual Victorians for this project. This support from the mum and dad investors around Victoria is in addition to the major and significant support from the Australian financial institutions that underwrote this float. They include the likes of Macquarie Bank, Macquarie Equity Capital Markets, ABN AMRO Rothschild and Commonwealth Securities Ltd. All of them underwrote this project as leading institutions within Victoria. But the really outstanding thing was the support given by mum and dad investors, who are solidly behind the Mitcham–Frankston project. These Victorians will reject the alternative policy of tearing up the contract and of spending \$7 billion of taxpayers money to pay out ConnectEast, undoubtedly resulting in massive cuts to funding for education, health and policing, and increased state debt.

The success of the retail float that was announced this week indicates that the mum and dad investors of Victoria have rejected the ideas put by the Leader of the Opposition, and they reject his tearing up this contract.

Melbourne showgrounds: redevelopment

Ms ASHER (Brighton) — My question is to the Minister for Major Projects. When James Cain advised the minister in late 2002 that there were serious probity concerns with Neil O'Keefe, was the minister's failure to act a result of the close friendship between the Premier and Mr O'Keefe, formed during the time the Premier worked as Mr O'Keefe's principal adviser?

Mr BATCHELOR (Minister for Major Projects) — The short answer to that question is no, but I can advise the member for Brighton that Mr O'Keefe sought the guidance of both Major Projects Victoria and the probity auditor to ensure that his business and personal interests complied with the requirements of the project. No conflicts of interest were identified either by Mr O'Keefe or by the probity auditor.

On 6 April 2004 the probity auditor gave this project the sign-off. He advised Major Projects Victoria that in all material respects the tender process that had been undertaken was in accordance with, firstly, the project's probity plan, and secondly, the expectations set out in the Victorian Government Purchasing Board's probity guidelines.

Hospitals: rural and regional

Ms DUNCAN (Macedon) — My question is to the Minister for Health. Can the minister advise the house about the financial performance of rural hospitals, as detailed in their annual reports tabled in Parliament this week?

Ms PIKE (Minister for Health) — I thank the member for her question. Rural health is a major priority for this government, and this is reflected in the major turnaround we are seeing in our rural hospitals, as detailed in the annual reports that have been tabled in Parliament this week.

As we know, Victoria's public hospitals continue to experience huge demand, and I have already told the house on numerous occasions that we are treating 200 000 patients more than when we came to government. This year Victoria's rural public hospital annual reports show a combined surplus of \$900 000.

This compares with a deficit of \$10 million last year. I never thought I would see the day — and we continue to hear it reiterated now — when the government would be criticised for giving money to hospitals! Not only has the opposition criticised the government for funding public hospitals, for giving public hospitals extra funding in every single year it has been in power,

but it has again shown its total ignorance of hospital funding and its disdain for accounting practices.

This morning on radio the shadow Minister for Health stated that the government has used capital expenditure to improve the bottom line of some hospitals. Capital grants have always been included in hospital annual reports, as of course has depreciation. It is normal accounting practice and is in accord with the Financial Management Act. These grants have always been identified in this way whenever the payments are made by the Department of Human Services.

The other comment was that the Auditor-General should have a look at the annual reports of hospitals. In fact the Auditor-General has already signed off these reports. The reports are tabled in accordance with accepted accounting principles under the Financial Management Act, and they have of course been signed off. So yet again we have a slur on the independence of the Auditor-General, who has already certified these reports. We can only surmise that the logical conclusion of this is that we go back to the dark days when the Auditor-General did what he was told. The reality is that the opposition just cannot accept the fact that our hospital performance is improving, and it is — —

Mr Plowman — On a point of order, Speaker, the minister is continuing to relate the answer to opposition statements and opposition opinion, not to the government business program itself. Therefore I ask you, Speaker, to bring her back to the question.

The SPEAKER — Order! Yes, I feel the minister had strayed a little, and I ask her to come back to answering the question.

Ms PIKE — The improvement in the bottom line for our hospitals reflects the massive investment of additional funding that this government has made over the past five years. We are rebuilding our public hospitals, we are restoring their finances and we are putting them on a firm footing. It is just as well that we are doing that, because the Duckett report showed in 1999 that we inherited hospitals that were technically insolvent. The only conclusion I can make from the comments I have heard today is that the opposition would like us to take the money back!

Parks Victoria: grants

Mr HONEYWOOD (Warrandyte) — My question is to the Minister for Environment. I refer the minister to the Parks Victoria annual report, which confirms that grants to volunteer community groups and local councils fell from \$5.7 million in 1998–99 to only

\$500 000 last year, and I ask: how does the minister justify this massive cut?

Mr THWAITES (Minister for Water) — The Parks Victoria annual report — —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader has been asked a question; I would like to be able to hear the answer.

Mr THWAITES — The Parks Victoria annual report sets out the tremendous achievements in parks in the last 12 months. One of the key achievements, and I will refer to the Parks Victoria report, is the recruiting of 50 new operational positions in rural and regional Victoria. In other words, we are putting on more staff. We are not just relying on volunteers, we are putting on extra rangers.

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high. The minister, to continue.

Mr THWAITES — We are putting on extra rangers across the state to do the outstanding job — and they do an outstanding job — of ensuring that we have the best parks system in this country. I am very proud of the job they do, just as we acknowledge the excellent job that volunteers and friends groups do. They are funded, I might say, through a range of programs, including increased funding through catchment management authorities, increased funding through Landcare and increased funding through the whole range of land management programs that we undertake.

On top of that, Speaker, you will recall that yesterday I indicated that this side of the house has provided an extra \$21 million for volunteers across Victoria for the next two years. So we have a proud record of properly funding staff to upgrade, maintain and enhance our parks. We will continue to do that, just as we are supporting volunteers right across this state.

Water: sales agreement

Mr HOWARD (Ballarat East) — My question is to the Minister for Water. Given the progress in implementing the historic sales water deal to provide water security for irrigators and the environment, can the minister advise the house whether the government has considered the consequences of alternative policy proposals?

Mr THWAITES (Minister for Water) — The Bracks government is well along the way in implementing its water reform package, which is leading Australia. A key part of our package is the sales water deal, which is an historic agreement between farmers and environmentalists to return flows to the Murray River and to give better security for the water provided to irrigators in this state.

This agreement was reached after extensive consultation with the Victorian Farmers Federation, with elected customer service committees and with environmentalists. It is a win-win — a win for the environment and a win for farmers. Farmers gain a statutory right to their sales water. The government is putting in \$86 million in extra funds for dam safety and irrigation upgrades. In return for these benefits farmers have agreed to allow 20 per cent of the sales water pool to go back to the environment and back to the Murray and a range of rivers, including the Broken River and others.

It is important to note that sales water is allocated only in wet seasons and only when farmers already get their 100 per cent entitlements.

Dr Sykes interjected.

Mr THWAITES — We will come to the other alternative. The environment benefits as a result of this, with 145 billion litres in new environmental flows.

I am very pleased to advise the house that progress is well under way in implementing the sales water deal. We in Victoria have lodged the sales water deal with the Murray-Darling Basin Commission for national accreditation. We have also established a committee led by John Dainton to help manage the channel configurations.

But one alternative proposal has been put forward. Under this proposal water could be taken from all farmers in all years — dry years as well as wet years. Under this proposal a farmer's statutory water rights would be reduced across the board. Farmers would not get a legal right to sales water. I should advise the house that the Victorian Farmers Federation has slammed this proposal. Victorian Farmers Federation president Paul Weller has said that the plan makes no sense from a farm perspective and would be bad for the environment and worse for farmers.

Given that statement and given the attitude of the VFF, one might be surprised to know who supports the proposal — the Liberal Party and the shadow Minister for Water!

Mr Perton — On a point of order, Speaker, the minister is debating the question. You ruled earlier today that he is not entitled to do so.

The SPEAKER — Order! In answering the question the Minister for Water must relate it to Victorian government business.

Mr THWAITES — Indeed I am doing that and relating it to alternative policy proposals, as was asked, and I am stating what the government's attitude is to that alternative proposal. I am giving an account of our attitude, which is the same as the attitude of the Victorian Farmers Federation.

I quote from an article in the *Weekly Times* which states:

The Victorian Farmers Federation has slammed the Victorian Liberal Party for supporting a plan that would take water from irrigators in the middle of a drought.

Mr Perton — On a point of order, Speaker, on the basis of your previous rulings the minister is not entitled to debate opposition policies but must restrict his answer to matters of Victorian government administration.

Mr THWAITES — On the point of order, Speaker, I was specifically asked whether the government has considered the consequences of alternative policy proposals. I am doing that. I am considering what that policy proposal is and, in doing so, indicating the VFF's view about that alternative policy. And that is an appropriate matter for the government to consider — that is, the view of the Victorian Farmers Federation.

The SPEAKER — Order! I will rule on the point of order. The minister is entitled to discuss alternative policies, but at the same time it does not give him the right to attack the opposition or indeed to read newspaper articles that attack the opposition as well. I ask the Minister for Water to continue his answer, keeping in mind that advice.

Mr THWAITES — I will not be attacking the opposition. I do not need to. What I am doing is indicating that this house takes seriously the attitude of the Victorian Farmers Federation. The VFF has backed the sales water deal because it provides security for farmers, it provides \$86 million in resources for irrigation and it provides water for the environment. And the president of the VFF — —

Mr Dixon — On a point of order, Speaker, the minister has been speaking — —

Honourable members interjecting.

The SPEAKER — Order! When a member rises to make a point of order he or she should be able to do so without interjection — particularly from the member for Clayton.

Mr Dixon — The minister has now been speaking for over 5¹/₂ minutes, and I ask you to draw him to a close.

The SPEAKER — Order! The minister has been speaking for some time. There have been a couple of points of order, but I think it is about time he drew to a conclusion.

Mr THWAITES — The president of the VFF, Paul Weller, is reported by the *Weekly Times* as saying that the Liberal support for this proposal is a knee-jerk reaction:

Anything to be different from the government and get a bit of publicity at the expense of irrigators ...

This side of the house is not going to support this proposal. We are going to get on with the sales water deal, which will deliver for farmers and for the environment.

Students: literacy standards

Mr PERTON (Doncaster) — My question is to the Minister for Education and Training. Given that your own department's annual report reveals that one in five Victorian students cannot read properly and that the Auditor-General says your literacy programs are a waste of money, I ask — —

The SPEAKER — Order! The member will ask his questions through the Chair, please, and refer to the minister appropriately.

An honourable member — He can't read!

Mr PERTON — Given that the education department's annual report reveals that one in five Victorian students cannot read properly and that the Auditor-General says the minister's literacy programs are a waste of money, why does the minister refuse to cooperate with the commonwealth government's national inquiry into literacy?

Ms KOSKY (Minister for Education and Training) — I thank the member for Doncaster for his question because I can inform the house that I had a terrific conversation with Brendan Nelson about literacy. He indeed agreed with me that we are doing a fantastic job here in Victoria with our literacy standards. Fantastic!

Mr Doyle interjected.

Ms KOSKY — You go right ahead and do that because he will confirm — —

The SPEAKER — Order! Through the Chair!

Ms KOSKY — It is a shame that the member for Doncaster is unable to perform well in his own literacy, because if he had read the annual report properly he would know it does not state that a certain percentage of students cannot read at that level. What it says is that they are not at a high standard but that 95 per cent of the students are reading at a text level that is of a very high standard. That is what it says. I think it is very important — —

Honourable members interjecting.

The SPEAKER — Order! The minister, without the assistance of the Labor backbench.

Ms KOSKY — It is very important that when the member for Doncaster comes into this house he does not belittle our students who can read. Ninety-five per cent is a fantastic level. We are proud of that, and it is — —

Mr Plowman — On a point of order, Speaker, it is not the role of the minister to criticise the opposition. I ask you to bring her back to answering the question.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to continue.

Ms KOSKY — Of course those results have improved enormously since this government has come into office. We have made record investments in literacy. We are very pleased with the results. Yes, there can always be improvement, and that is why we have specialist programs within our primary schools and indeed with our secondary schools around literacy. In fact the Auditor-General indicated that the tail — that is, those students who were performing poorly under the previous government — has increased considerably under this government. That is what the Auditor-General said. We are very proud of the results we have here in Victoria — very proud! — but of course there is always room for improvement. We will continue to focus on those students who need extra assistance — and I can also offer reading recovery programs to the member for Doncaster.

Wine industry: performance

Mr HELPER (Ripon) — My question is to the Minister for State and Regional Development. I ask the minister to inform the house of recent government initiatives to assist the Victorian wine industry.

Mr BRUMBY (Minister for State and Regional Development) — If it is true to say in vino veritas, then it is also true to say in vino potestas — that is, in wine there is strength. There is great strength in the wine industry in Victoria. Ten years ago wine exports from this state were worth just \$50 million. In the last financial year that figure had increased almost tenfold to \$435 million. It is a stunning achievement for our industry. Over the last year exports of wine from this state exceeded exports of wheat. We have seen a remarkable transformation of this value-adding industry — this mix of science, innovation, art, enterprise and hard work opening up new export opportunities for all Victorians.

Ten years ago Victoria had 200 wineries, and now we have more than 560. More than 100 Victorian wineries are exporting to countries all around the world. This is an industry we can be very proud of. Wine tourism generates more than \$400 million for the economy of regional Victoria, with 44 per cent of the 500 000 wine tourists who visit Australia coming here. The industry directly employs 2600 people, but of course tens of thousands more are employed through winery tourism.

Last night the Minister for Tourism and I were at the Great Wine Capitals Global Network general assembly and gala dinner — it is much easier to say today than it was last night! The minister presented international wine tourism awards and also released the 2004–07 Food and Wine Tourism Plan. It is a fantastic network. The conference has been held here all week, and Melbourne has secured a place alongside Bordeaux, Bilbao, Cape Town, Florence, Porto and San Francisco as one of the great wine capitals of the world.

Mr Honeywood interjected.

Mr BRUMBY — Am I doing a wine tour? To where?

The SPEAKER — Order! The Treasurer should address his remarks through the Chair!

Mr BRUMBY — I actually have a line written down here: ‘The opposition likes a good whine’ — that is w-h-i-n-e — sauvignon whinge! On that note I will sit down.

**LIQUOR CONTROL REFORM
(UNDERAGE DRINKING AND ENHANCED
ENFORCEMENT) BILL**

Second reading

**Debate resumed from 10 November; motion of
Mr HULLS (Attorney-General).**

Mr COOPER (Mornington) — The purpose of this bill is to deal with matters concerning under-age drinking, enhance the enforcement powers of the police under the Liquor Control Reform Act, increase penalties and widen the categories of infringement notice offences. Generally one would have to say that these are admirable aims, because those people who do not think we have some problems with under-age drinking in this state need to be re-educated. I direct their attention to a report of the Drugs and Crime Prevention Committee that came down in June 2001 on the inquiry into public drunkenness and also to the discussion paper that is currently being circulated by the committee on its inquiry into strategies to reduce harmful alcohol consumption.

I quote from the inquiry report into public drunkenness:

The 1998 national drug strategy household survey has stated that 66 per cent of adolescents between 14 and 19 years are recent drinkers (at least yearly) and around 30 per cent drink regularly (at least weekly). Of those who were recent drinkers, 23 per cent of 14 to 19-year-olds consumed seven or more standard drinks at least once per week, compared with 10 per cent of adults ...

Binge drinking or deliberate drinking to intoxication is common amongst young people.

I quote from page 31 of the discussion paper that has been circulated by the committee under the heading ‘Cultures of alcohol consumption’:

Although overall alcohol consumption has stayed relatively stable over the past 10 years, heavy sessional drinking by young adults has increased dramatically ... Surveys conducted by the Victorian Premier’s Drug Prevention Council (2003) with Victorians aged between 16 and 24 years found that:

In the past 12 months, 20 per cent reported that they intend to get drunk most or every time they drink. A further 27 per cent intend to get drunk at least some of the times they drink.

Of those under 18 who had drunk alcohol in the past 12 months, half had got their parents to buy it for them (51 per cent) or had obtained it from friends/acquaintances (50 per cent).

The discussion paper goes on to say:

Perhaps even more disturbing have been the alcohol awareness surveys conducted by the Salvation Army in 2002 and 2003.

According to the paper the survey showed that:

Binge drinking for both young males and young females has reached epidemic proportions. Thirty-five per cent of teenage males (14 to 19 years of age) admitted to drinking in one day between 11 and 30 alcohol drinks. The figure for teenage females drinking between 9 and 30 drinks was 22 per cent.

The discussion paper goes into a lot more detail than I have time to deal with today, but the reality is that there is a very serious problem in our society with young people's drinking, one that needs to be addressed. I am sure that that view is held by everybody in this house who has read the report of the committee or the discussion paper that it is currently circulating.

With all that in mind, I cannot for the life of me work out why this government would therefore introduce a bill that legalises vending machines for alcoholic drinks. It is extraordinary that this government would commit itself to doing something that is so potentially harmful by allowing teenagers — or anyone else — to access alcoholic drinks without any kind of supervision or control. That is the reality of vending machines. Members opposite should be saying to the minister in the other place who dreamt up and is in charge of this bill, 'Take it back and have another think. For God's sake, Minister, think about what it is you are doing'. It is no good coming out with all the stuff I have read in the papers in the last couple of days, such as, 'This will be okay. They will be in licensed premises, so the licensees will be able to control them'. Of course they will not be able to control them. They are vending machines, and by their very nature vending machines are available to anyone who goes up and puts their money in the slot.

The part of this legislation that legalises vending machines is dangerous in the extreme, given the terrible things that the Drugs and Crime Prevention Committee has detected and publicised so well during its study of alcohol problems in our society. I am staggered that Minister Lenders in the other place has apparently not paid any attention whatsoever to what the committee has been saying on this serious problem since 2001. I implore this government to think again on the question of vending machines for alcoholic drinks. The legislation will put the young people of our state in even greater danger than they are in today, which means therefore that this government will have a result it will not be proud of. This legislation should be directed towards the better control of under-age drinking. The reality and the sad fact of the matter is that this is going to make things even worse.

Mr LANGUILLER (Derrimut) — It gives me pleasure to speak in support of the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill 2004. This is one of those bills that one welcomes speaking on. However, one would also wish that we did not have to deal with such matters. But as other speakers have indicated, the reality is that we have an issue to address. This government has a message to convey, and the message is that we will be tough on under-age drinking and will do everything we can, in an holistic manner, to deal with under-age drinking and to assist in overcoming this problem in the community.

The fundamental objective of the bill is to make a range of amendments to the Liquor Control Reform Act 1998 in order to help address under-age drinking, to enhance the enforcement powers of Victoria Police under the act and to make the operation of the act more efficient and effective. This relates to our government's commitment to further address concerns regarding the incidence and nature of alcohol abuse, particularly by children and youths. The bill makes a number of amendments which fall within the overall policies of our government. It will deal with the issue in the context of healthy communities and Labor's plans for seniors and community health, and it respects Labor's commitment to young people.

The proposals in the bill have been identified as a significant initiative within the government's Victorian alcohol action plan. In the limited time that we have for this debate, let me place on the record the fact that as a government we are responding to concerns that the community has manifested over a number of years and getting on with the job. In July the minister, whom I commend, introduced a range of reforms and packages that are designed to do what I outlined in my initial remarks, which is to be tough on under-age drinking, to adopt a whole-of-government approach and to ensure that this government and the community do everything they can to reduce the level of under-age drinking. In July the minister presented an exposure draft and conducted wide-ranging consultation with all the interested parties, including the liquor industry, mums and dads, the bodies who are associated with the sale and consumption of alcohol in Victoria, and the community at large.

Fundamentally this bill introduces reforms to increase penalties and to create a new offence to cover a very important subject which needs to be faced head on and which relates to falsely applying for a proof-of-age card. Currently there is no such offence in the legal sense. According to reports that we have received it appears that this is an ongoing practice, and

consequently it will be dealt with in the manner that it deserves.

The other matter relates to the use of vending machines. In response to the previous opposition speaker I point out that once this legislation is enacted vending machines will only be used in licensed venues — namely, in venues which are authorised, which know how to deal with drinking and which adhere to the current practice, which will be retained. As I understand it under-age drinking can only occur in the company of an adult. Under the current legislation drinking can only take place in the company of a mother, father or custodian. That will be extended to other adults who may be taking responsibility for the under-age person — namely, a grandparent, an uncle or an auntie, or someone who is responsible for that under-age person being in a licensed venue. Nevertheless the drinking will continue as occurs at the moment — that is, the status quo will be retained so that the drink has to be accompanied by a meal.

Fundamentally the aim of the bill is to address the concerns expressed by the community. I conclude by indicating that I commend the minister for this good initiative. While it is important to be tough on under-age drinking and to introduce reforms that conform with the desires of the community, we also recognise that much education needs to take place and that there must be involvement with local communities and other government departments. We are dealing with this issue in the most responsible manner. Consequently the health department will be engaged in programs to do with education and health issues associated with drinking, as indeed will the transport department and every other government department, in order to ensure that we give our young Victorians the best possible opportunities to learn to drink responsibly and in a healthy manner. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to speak on the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill. Like the member for Mornington I am a member of the parliamentary Drugs and Crime Prevention Committee — —

Mr Maxfield — A good committee!

Dr SYKES — And like the member for Narracan! We work well together as a team.

Dr Napthine — You work with him?

Dr SYKES — I do. Currently the committee is conducting an inquiry into strategies to reduce harmful alcohol consumption. The terms of reference include

focusing on under-age drinking, reviewing existing strategies for reducing harmful alcohol consumption and recommending best practices to address the issues surrounding harmful alcohol consumption, including regulatory, law enforcement, education and treatment responses. It is therefore somewhat perplexing that the government is proceeding with this bill prior to considering the committee's report.

Notwithstanding that, under-age drinking is clearly a problem, and more young people are taking part in harmful alcohol consumption, many being as young as 12 to 15 years — and it involves young girls as well as young boys. Regrettably there is a very strong link between the age at which young people commence drinking and the risk of harm from alcohol consumption: acute harm such as violence associated with either them or their friends being drunk, having unwanted sex or having car accidents; or, in the case of chronic harm, cirrhosis of the liver, increased predisposition to cancer or aggravating depression or other mental illnesses.

Clearly it is a problem and clearly a coordinated strategy is required. While this discussion focuses on the legislative component, I will focus on a couple of other aspects, including a basic principle that I subscribe to — that is, that individuals should take responsibility for their own actions. In that sense I support an initiative of the police in various parts of the state, including at Warrnambool. The police there have come out with a publication called *So You Want to Drink? Your Rights and Responsibilities*. That is targeting young people of legal drinking age, alerting them to their rights and also their responsibilities when they partake of drink.

We need to support that responsibility for their own actions by changing the culture associated with those things which currently seem to glorify excessive alcohol consumption. We see it at times associated with celebrating a sporting success or other of life's events. It will be hard work to change that culture, but it has been demonstrated that, for example, wine consumption in France has been changed over many years. Previously it was ingrained in the French culture that a large amount of wine was consumed. That level has been reduced to levels more consistent with what we drink in Australia. Similarly tobacco consumption in Australia has been reduced as part of an ongoing, coordinated campaign which focuses on education and attitudinal change.

Besides the legislative component, in this coordinated strategy we also need to look harder at alcohol advertising. Clearly profit for the alcohol industry is a

function of the number of people who drink and the amount they drink. Therefore it is in the interests of the industry to recruit new drinkers — because some die, including of alcohol-related and other problems. It is also in the interests of the industry to encourage an increase in the volumes of consumption. This leads to concerns when the industry adopts strategies to encourage young people to drink, such as the alcopops or other sweet drinks that are attractive to young people and, worse still, marketing strategies which clearly focus on young people. That was recently highlighted with a promotion which involved being given vodka-based drinks as a bonus when buying a couple of compact discs. We need the industry to take a long, hard look at itself. If we are going to introduce regulation, we need to look harder at the regulation of the advertising of alcohol.

I refer to the responsible serving of alcohol. To a large extent that is where this proposed legislation fits in. Again, I suggest that the government cannot legislate for cooperation. What it needs is the support of the alcohol servers — that is, management and staff — and the clients who are consuming alcohol in the venues. That is a function of education, regulation and enforcement of the regulation. In this case I ask the questions: is there a need for this additional, tougher legislation; have we implemented enforcement to the maximum? We know, for example, that in Sweden, where they are very tough on alcohol consumption, when they looked closely at the enforcement of their existing tough legislation, they found it was very poor. I put to the government that we should make sure that we are enforcing our legislation before we look at bringing in tougher measures.

With those few remarks, I suggest that the government delay further legislative and other initiatives pending consideration of the report that will be submitted by the Drugs and Crime Prevention Committee on its inquiry into strategies to reduce the harmful effect of alcohol consumption.

Mr MAXFIELD (Narracan) — I rise this afternoon to speak in support of the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill. I acknowledge that the previous speaker, the member for Benalla, and I are members of the Drugs and Crime Prevention Committee. Certainly we do work well as a committee and we are doing some tremendously good work in this area. That means, of course, that I welcome this bill because I have looked very closely at some of these issues. It is quite clear that the government is on the right track here.

In the bill the government is implementing a number of initiatives which will enhance our ability to keep under control the very serious issue in our community of under-age drinking. In our travels as a committee looking at the issue and through my involvement as a local member of Parliament I have seen many difficulties that we have with under-age drinking. Some young people engage in binge drinking. They will go out in the evening and drink to excess, which results in a whole range of flow-on problems.

The statistics about our youth, as listed in the second-reading speech, make it quite clear that this is an area that we need to look at very closely. Alcohol and drug surveys conducted in 2002 and 2003 indicate that 91 per cent of all young people had had an alcoholic drink in the past 12 months; 18 per cent of young people are putting themselves at risk of short-term harm and that occurs on a weekly basis; disturbingly, 20 per cent of young people intend to get drunk most times or every time they drink, which quite clearly brings in very much the issue of irresponsible drinking; and the median age for having a first serve of alcohol is 15. With those sorts of statistics it is no wonder that I am standing in this chamber today welcoming the bill that is before us.

In the short time available I cannot go into a lot of detail, but there are certainly a number of initiatives in the bill which members can clearly support. The bill will enable us to have enhanced enforcement powers, giving the police stronger powers to tackle and act on the issue in a range of areas. The bill is not, of course, about just enforcement. It is also about working with the community as part of an action plan and about improving the health of our community overall. The bill is not about just the issue of young people drinking to excess, but also the overall health of our community, including our young people.

Our legislative requirements have a gap relating to identity cards. Young people have been known to apply for and get false identity cards and falsely apply for identity cards so that they can use them to get access to licensed premises. Having statutory provision making it illegal to apply for such identity cards is clearly a major move forward in this area. It will create a legislative block and make it illegal for those identity cards to be misused.

I note that significant comments have been made in the media as well as in this chamber in an attempted campaign regarding vending machines. If members were to believe the hype of the opposition that is being carried on in the media on this issue, they would think the government has suddenly brought in legislation to

allow alcohol vending machines to be festooned around the community. The fact is the absolute reverse of that. I find it amazing that members of the Liberal Party would come into this house and lie to the community in a way which is clearly designed to worry and scare people when they know that they cannot argue against the facts or the truth. The theory that is applied is what was seen in Germany during the Second World War — that is, if you tell a lie large enough and often enough, hopefully somebody might believe it! I say here that the people of Victoria are not silly enough to believe the Liberal lies.

The reality is that the legislation will provide some controls on the implementation of vending machines. The legislation will introduce some controls and restrictions that do not exist now. We do not have a regime to control the prevalence of alcohol vending machines in our community. Legislation will bring in some controls and restrictions on the availability of vending machines and where they can be placed. Rather than giving the placement of vending machines a green light, the bill sends a strong signal to slow down the introduction of alcohol vending machines and control their implementation.

In summary the bill is forward thinking. I welcome it, and I am sure that the entire community will also welcome it. I call on the opposition to get behind the government and support this well-thought-out bill.

Dr NAPHTHINE (South-West Coast) — I think all of us in this house would be concerned about under-age drinking in our community and be aware of the need to use alcohol responsibly and sensibly. I wish to read from a letter I received from Patricia McLean, the manager-nominee of the Gordon Hotel in Portland. She raises a number of issues about this legislation, and I quote:

I don't think that by increasing the penalty for the licensee from \$2000 to \$6000 will act as a deterrent to stop under-age drinking. We serve alcohol under the responsible service of alcohol guidelines; if a person presents us with an ID when challenged and that ID looks in order and later proves to be false, why then should the licensee be so heavily penalised? One of the ways to deter under-age drinking is to increase the fines imposed on the minor, not the licensee. The young offenders' fines should be increased or, as in some states, be made to do a compulsory course about the effects of drinking alcohol. It is too easy for the children involved or the parents to pay the fine and then it's all forgotten, until next time. The \$50 fine for minors caught drinking has not changed since the legislation was introduced in 1987. The bill is concentrating on under-age drinking yet the fines are not increasing, so is this bill really going to deter minors?

The letter goes on to some other issues in the bill, and these are relevant as well:

In regards to the amendment about the range of people that can accompany a minor onto licensed premises, I feel that this is a step forward. More often in today's society the family structure changes, and it's grandparents, aunts and uncles who are responsible for minors. On the issue of vending machines, they would be very hard to supervise.

Let me go straight to this very important issue of vending machines. There is no doubt in my mind that this legislation before the house will allow vending machines to be used to dispense alcohol across Victoria. This will increase the risk of under-age drinking. It will undermine the efforts to have responsible serving of alcohol. People who would otherwise not be served over the bar will be able to go to the vending machine at the club or hotel and get access to drinks, which will undermine all the efforts that have been made over a number of years to encourage the responsible serving of alcohol. It will promote, encourage and allow irresponsible drinking, excessive drinking and under-age drinking; there is no doubt about that. But it will also cost jobs in the industry.

If you were running a pub or a busy club, the temptation would be to get one or two vending machines in your pub or club and reduce the number of bar staff so that people could access their alcohol through the vending machines and you could save money. The indirect effect would be that people who are under age would be more likely to get access to alcohol because they would not be fronting up to a bar person who would check their identification each time. The bar staff would also not be checking them with regard to the rules for the responsible serving of alcohol.

I urge the government to adopt the Liberal Party amendments — the commonsense approach — which make it clear, once and for all, that alcohol vending machines will be absolutely banned in Victoria. That is the responsible thing to do. I would urge the government not to worry about the politics of it but to get it right for the people of Victoria.

I want to refer to another issue which I believe is a positive suggestion about how we can reduce the effects of the abuse of alcohol among our young people. I refer to a quote that has been referred to before in the Drugs and Crime Committee's *Inquiry into Strategies to Reduce Harmful Alcohol Consumption — Discussion Paper*, which says:

Although overall alcohol consumption has stayed relatively stable over the past 10 years, heavy sessional drinking by young adults has increased dramatically ...

It refers to some studies by the Salvation Army which clearly show the real problems of binge drinking. There are associated problems with binge drinking: it leads to violence, potential sexual abuse, unwanted sexual activity, high-risk behaviour, illegal activities, personal embarrassment and often wilful damage around the community.

We must do things to try to limit the abuse of alcohol by young people. A suggestion I would put forward very strongly is for the government to legislate to limit the alcohol content of the ready-mixed drinks which are now increasing their market share, particularly among young people. I would urge the government to limit the alcohol content of these drinks to 2.5 per cent alcohol, which is the same as our light beers. These ready-to-drink drinks are very popular among young people because of their sweet taste. They are very much marketed for those young people. Young people go to the supermarket and buy a fourpack or a sixpack of these drinks and take them off to a party.

Let us look at the alcohol content of some of these drinks: it is 5 per cent for Lemon Ruski, Cruisers, Archers, Illusion, Breezers, Jim Beam and Cola and Woodstock and Cola, and it is 4.8 per cent for Blue Sky. I alert you, Speaker, to one of the new drinks which is becoming very popular among young people, particularly young women — Passion Pop. It comes in a 750 millilitre bottle. It is a bubbly drink, it is very sweet and it is 9.5 per cent alcohol. These levels of alcohol are far too high for this type of drink.

I urge the government to legislate quickly and clearly to limit the alcohol content of these ready-to-drink sweet drinks that appeal to the youth market. The alcohol content of these drinks should be limited to 2.5 per cent. In that way people could drink the same volume but much less alcohol. They could participate in young people's activities and party activities and be one of the crowd, but they would not be putting themselves at risk of alcohol abuse. As a part of this process I would urge the government to deal with under-age drinking.

Ms MORAND (Mount Waverley) — This bill is aimed at reducing the risk of harm caused by alcohol and improving and updating the operation of the act in recognition of the diversity of Melbourne's and Victoria's licensed premises and the people who use them. The changes proposed by the bill are aimed at strategies to reduce under-age drinking and also to enhance the power of Victoria Police.

I would like to refer to some relevant research related to under-age drinking — the Victorian secondary students alcohol and drug survey. I worked at the Cancer

Council of Victoria in the centre for behavioural research for four years. During that time I was mainly working on evaluating the Quit program. The centre looked at tobacco, drug and alcohol use by minors through the secondary students alcohol and drug survey. I worked with one of the recent researchers there, Vicki White, who is an outstanding researcher. Yesterday she sent me a copy of the seventh Victorian secondary students alcohol and drug survey. I want to refer to some of the findings of that study.

The study is done in collaboration with the Victorian Department of Human Services and the Cancer Council of Victoria. It is a sample of 66 secondary schools, including non-government schools. A total of 4375 Victorian students were surveyed. The prevalence and consumption of alcohol was one of the things reported and analysed. It is well known that adolescence is a period of time when students and young people experiment with alcohol. This is quite normal. The sorts of habits that they develop at that age are very important in the development of their future behaviour.

As a parent of a 14-year-old I can tell members — and I am sure many members can relate to this — that 14-year-olds want to try everything and are always pushing the boundaries. They certainly think they are old enough to try every adult experience. The secondary students alcohol and drug survey demonstrates that students do use alcohol. By the age of 14, 90 per cent of students had tried alcohol and by the age of 16 more than 70 per cent of students surveyed had drunk alcohol in the month prior to the survey. The older the student the more likely they were to have drunk alcohol in the week prior to the survey. Some 62 per cent of 17-year-old males and 52 per cent of 16 and 17-year-old females had had a drink in the week prior to the survey. This is a considerable proportion of minors who are described as current drinkers.

The proportion of current drinkers has been increasing over the time the survey has been conducted. In addition to an increase in the prevalence of minors drinking in the week before the survey, there has been an increase in the number of minors drinking at a level which is considered to be a risk.

The research indicates that most students got access by non-commercial means. We know that in most cases they are drinking at home and that the alcohol is provided by parents. Under supervision you can expect that that is not a dangerous situation in most cases. However, the study indicates that 8 per cent of those defined as current drinkers — those who had had a drink in the last week — had bought their last drink. If

you extrapolate that 8 per cent to the general population, it means many thousands of minors have purchased alcohol at commercial outlets. Given that the sale of alcohol to minors is illegal, that is obviously a problem and something which we need improve to limit teenagers' access to alcohol. The students were found to have bought alcohol at a variety of outlets including restaurants, nightclubs, walk-in bottle shops, pubs and hotels, and, most frequently, from licensed liquor stores.

One of the major amendments in this bill is to increase the maximum penalties for offences relating to supplying liquor to minors. The penalty for supplying liquor to a minor will increase from \$2000 to \$6000. This is a sensible change given that there has not been an increase in this penalty for quite some time and that it has been completely out of step with those in other jurisdictions across Australia. This brings the penalty for selling alcohol to a minor up to a similar severity as the penalty for selling cigarettes to minors, which is currently \$5000.

Another amendment included in the bill is the new offence of falsely applying for a proof-of-age card or assisting another person to do so. Also reflected in these amendments is recognition that minors often consume alcohol under the supervision of adults other than their parents. The amendment allows adults other than parents or spouses to accompany a minor into licensed premises. The second-reading speech gave the example of a minor going to a hotel or licensed premises or restaurant with their grandparents.

I think enough has been said about the provision relating to vending machines, except to say that these amendments actually provide for greater control and regulation, not less. Currently an existing licensee could install a liquor vending machine on licensed premises without any specific approval. This bill provides that specific consent from the director is needed for the vending machine and that supply is subject to conditions which have already been outlined. In addition, section 22 of the principal act currently provides that the director of liquor licensing must not grant a licence or bring-your-own permit where the premises are primarily used as a drive-in cinema, petrol station or convenience store, mixed business or milk bar. The bill will allow the director to refuse a licence on the grounds that the premises are intended to be used generally by minors.

All of these reforms are very sensible. They are most welcome. I am sure they will improve the strategies around reducing the access of teenagers and minors to alcohol. I commend the bill to the house.

Ms ASHER (Brighton) — I would like to make a few comments on the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill, and to support the amendments circulated by the member for Bulleen which would prohibit vending machines. In the 1980s and 1990s we saw in our society significant reforms in relation to alcohol. I think the drivers of those reforms were the support for a more cosmopolitan society and the support for the hospitality and tourism industries. The second underpinner of those two very significant reforms — one under the Labor Party and one under us — was protection of the vulnerable, especially under-age drinkers.

From my perspective the bill seems a little contradictory. On the one hand we have a range of measures which I support — I think the government has put forward a range of measures to attempt to reduce under-age drinking — but on the other hand we have an authorising of vending machines, which is the subject of the amendments. It seems to me on reflection that these directions from the government are a little contradictory.

Under-age drinking is probably more of a problem than many members of this chamber know. I am conscious of the fact that members have quoted from studies. I chose to seek the advice of my work experience student, Alex Chapman, who informed me that there are very serious problems which adults need to come to grips with. It is in that context that I am speaking on the bill.

The bill increases the maximum penalty for supplying liquor to minors and brings about a ban on liquor licences being issued in premises primarily used by minors and so on. However, the opposition has consulted with business. While generally supporting the thrust of the government's reforms, business has raised a number of issues that I think should be placed on the record. One issue about which the industry has raised concerns is that the police do not need to notify licensees of infringements but can actually issue an on-the-spot infringement at a later date. I hope the minister considers those concerns. Business is also concerned that some of the documents which the bill requires to be produced may not be immediately available to staff. The industry feels there should be a reasonable time for licensees to produce these documents.

I note also that the bill establishes a new advisory council and abolishes the Coordinating Council on the Control of Liquor Abuse. Having previously been a minister with responsibility for this area I thank the two chairs of that council whom I worked with — Mick

Miller and Hadden Storey. That council produced some very good work, and I hope that work is taken up by the new advisory council. The bill also covers the dry area polls. Having been the minister responsible for these issues, the dry area issue is a particularly vexed one. I think the government's solution is a good one — that is, to allow postal voting in that area.

The amendments the opposition has circulated to the house relate to the issue of vending machines. The opposition is suggesting that even on licensed premises — I note that other speakers have pointed out that vending machines are only able to be on licensed premises; we appreciate that point — the use of vending machines should be banned. A number of studies of recent times and a number of social trends which some of us are able to observe indicate there are very significant problems with under-age drinking. As I indicated earlier, there are many more problems than people have realised. What we are saying is that there should be no vending machines at all. After all, vending machines cannot do responsible service of alcohol courses, and this government makes much of having those courses, as did the previous government. A vending machine cannot judge that someone has had too much to drink. That removal of the control is not something we wish to support. The amendments circulated to the house would require that there be a ban on vending machines.

I understand we have a range of agreements over time to allow everyone to have a say, so with those few comments I support the amendments foreshadowed by the opposition. We do not oppose the bill.

Mr HUDSON (Bentleigh) — It is a pleasure to rise in support of the Liquor Control Reform (Underage Drinking and Increased Enforcement) Bill. Everyone who has spoken on this bill in the house today has acknowledged the serious health problems associated with under-age drinking, and indeed binge drinking, by our young people. We only have to look at the results of the surveys and the anecdotal evidence introduced by the member for Brighton to know that it is a very serious problem.

The Premier's Drug Prevention Council found that 91 per cent of young people surveyed had had an alcoholic drink in the past 12 months. Perhaps more worrying is the fact that 18 per cent of those young people are putting themselves at risk of short-term harm on a weekly basis, and about one in five of those young people set out to get drunk when they go to have a drink.

This bill is really about addressing the concerns we have for the health of those young people and to try to ensure we can more properly regulate their access to alcohol in this state. We can be very proud of the fact that we are a cosmopolitan society and that over the last 20 years or so we have reformed the liquor licensing laws so that people can drink alcohol in a more responsible environment and sensible way. We well recall the days of the 6 o'clock swill when patrons after work would get into the bars and drink as much alcohol as they could before the closing time of 6 o'clock. The reform of the liquor licensing laws by the Cain government stands as an enduring legacy of good government and has led to the development of the small bars and cafes and the drinking with meals in a responsible way that occurs today.

This bill seeks to tackle under-age drinking in a number of ways. It substantially increases the penalties for supplying alcohol to people under 18 years of age. It creates an offence of falsely applying for, or assisting another to falsely apply for, a proof-of-age card and prohibits the licensing of premises which are directed to, or primarily used by, under-18-year-olds, including indoor play centres. It also prohibits the sale of alcohol from vending machines except on premises which are already licensed and then only subject to stringent conditions.

The member for South-West Coast in his contribution read with approval a letter from a constituent who thought it was unfair for us to be increasing the penalties in relation to licensees. It is very much up to the licensees to take reasonable steps to ensure that a young person served with alcohol is of an appropriate age. They need to set the standard and show they are serving alcohol responsibly and are complying with the requirements of their licence in ensuring as much as they can that young people to whom they are serving alcohol are in fact entitled under the law to be served alcohol.

The government has taken some significant steps in improving and enhancing the proof-of-age card which now has many of the features of the Victorian driver licence including security features such as a holographic overlay, background colour made up of fine green lines and a digital image of the signature and portrait of the person to whom the card has been issued. In those circumstances it is reasonable to expect licensees to be checking those cards to ensure they are not forgeries. We do not want to see a return to the days when with a bit of a nudge, nudge, wink, wink, it was okay to get a drink when you were under-age. The laws are there to be enforced and I believe our licensees have a role to play in enforcing them.

Mr Honeywood interjected.

Mr HUDSON — The member for Brighton and the member for Warrandyte have raised the issue of the vending machines. I must say I was somewhat stunned by the contribution by the member for Brighton because right throughout the time of the Kennett government vending machines were not regulated at all. Under the current act they are not regulated. That is a fact. Any pub or club could introduce vending machines into their premises right now and there would be no controls on them whatsoever.

It is somewhat puzzling that the former minister responsible for this area has come into the house and criticised the government for introducing restrictions on the availability of vending machines, restrictions which, for example, will ensure that they must be in an area where they can be supervised. They will not be in a public area. You will only be able to utilise vending machines by way of a token and those tokens will not be able to be sold to a young person under the age of 18 years. They are improvements in the current law, which has an open-slasher approach. These reforms are significant ones which will restrict under-age drinking. They will help us to develop a more responsible drinking culture. I commend the bill to the house.

Mrs POWELL (Shepparton) — This bill brings forward a number of initiatives that the government believes will address under-age drinking. We all believe wholeheartedly that under-age drinking should be curbed. The initiatives include enhancing the enforcement powers of Victoria Police and substantially increasing the maximum penalties for supplying alcohol to minors. It provides a new offence of falsely applying for a proof-of-age card or assisting another person to apply for one. It makes provisions for the sale of liquor through vending machines. I understand this is only on licensed premises, but The Nationals have concerns about the increased access of self-service to alcohol. One of our concerns is who will be responsible if a person is found to be on the premises when drunk and is charged. If no-one has served them, who will be responsible?

I have two sons who have worked in the hospitality industry and if they as waiters serve someone who is already drunk they can be fined or penalised and so can the owner of the premises. We need to review this provision. My sons as waiters had to be trained in the responsible serving of alcohol. It is a concern to me that people will be able to access alcohol in licensed premises, but no-one is responsible for actually handing that over to them. If someone is found drunk on the premises, who will be fined? Does the owner of the

premises get fined for somebody who can just go over to the vending machines and help themselves?

One of the sensible provisions of this bill is increasing the range of persons who can accompany a minor into licensed premises without breaching the act. The second-reading speech gives the example of a grandparent, but I would hope it also includes coaches, captains and presidents of clubs. Under the present act a minor can only be on most licensed premises in the company of a spouse, parent or guardian. They can only consume an alcoholic drink if they are having a meal with a spouse, parent or guardian. The act does not change that.

Expanding the definition of 'responsible person' is a sensible amendment. I was made aware of the Liquor Control Reform Act 1998, particularly sections 120 and 123, when I was a councillor with the then Shire of Shepparton. We had a briefing from the police, who talked to us about under-age drinking and about it being illegal to be under age on licensed premises. When for example I asked about minors being in sporting clubs, particularly at the end of a game — you might have a 16 or 17-year-old member of a tennis, football or cricket club who might go into the club's licensed premises to have a glass of Coke or orange juice — the police officer said that it was illegal to be under age on a licensed premises without being in the company of a parent or guardian. I was also told that most police use their discretionary powers and that in those circumstances they would not charge anybody.

The concern I have is that I was also told that if there was a nuisance factor at that club caused by noise or a disruption and the police arrived to have a look at what was happening, then they would charge any minors that happened to be there. That would mean charging young people who might just have gone back into the tennis club's premises after a game to have a drink of orange juice. It is really important that the definition of a person who can be responsible for a minor will now include anybody over the age of 18 years, whether it is a parent, a step-parent, a guardian, a grandparent or a spouse. It will also include a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the younger person.

As I said earlier, I hope that will also include the captain of the team or the coach, the president or the secretary of the club or somebody else in a responsible situation, so that minors can actually enjoy being on club premises after a game and have a glass of orange juice or a Coke without being charged with an offence

if the police happen to come to the club in response to a call.

The bill does not deal with drink spiking but does provide for the establishment of an advisory council to advise on alcohol abuse and possible amendments to the act. I hope the committee investigates the increase in the spiking of drinks that we have seen over the last 12 months. I attended a forum in Shepparton on drink spiking which was run by Goulburn Valley Community Health. There we heard from the police and a number of organisations about trying to teach people in schools not to leave their drinks alone and to always have someone they trust buy them a drink. We were told there is also a test kit available which you can use to test your drink to make sure it has not been tampered with.

The most important thing is to educate people about the ramifications of under-age drinking and binge or excessive drinking, as well as drink spiking. The surveys show that more and more young people are drinking alcohol, and it is important that the government continue to fund education programs in schools and sporting clubs.

Ms MUNT (Mordialloc) — I rise in support of this liquor licensing bill, with its very good measures to tighten up on under-age drinking. Like the member for Brighton I also had a work experience student who pulled out a few facts and figures for me to use in the discussion on this bill, and I will detail them.

At the age of 17 years over one-half of male drinkers and over two-fifths of female drinkers have purchased their last alcoholic drinks themselves. That is a lot of purchasing of drinks by under-age drinkers. Also around 80 per cent of Australian teenagers have tried alcohol. Alcohol is responsible for most drug-related deaths in the teenage population; however, Victoria has the lowest per capita consumption of alcohol, so while there may be under-age drinking there is also responsible drinking going on.

My work experience student spoke about the provisions whereby under the European model teenagers can go into restaurants with designated responsible adults — for example, their parents and grandparents — to enjoy a glass of wine under their supervision. I think that is a good thing, and it is something that I do with my children. However, with this much selling of alcohol to under-age children, the current provisions have to be tightened up. It seems to me that the major focus of this bill is to put an increased onus on the servers of alcohol to make sure they are selling to drinkers who are over 18.

The penalties have been increased substantially, and I will just detail the increases. It will be an offence to falsely apply for or assist others to falsely apply for a proof-of-age card. This new proof-of-age card is fairly critical to this legislation. It was introduced on 29 July by the minister and has a number of security features, such as a holographic overlay, a background colour made up of fine green lines, similar to those which appear on Australian banknotes, a digital image of the signature and a portrait, and a Consumer Affairs Victoria name and logo in special, secure microprint. It will be clear to the vendors of alcohol that buyers are required to present this card. It is also an offence to falsely apply for this card under this legislation.

The changes to the penalties relating to the sale of liquor to under-age consumers are as follows. The penalty for selling liquor without a licence will increase from \$5000 to \$12 000. The number of offences under the act which can be enforced by infringement notices or on-the-spot fines will increase. The maximum fine that can be imposed by the Victorian Civil and Administrative Tribunal on a licensee will increase from \$10 000 to \$30 000. The search and seizure powers in relation to premises which are believed to be in breach of the act will be expanded, and this includes allowing licence inspectors to seize documents relating to the supply and purchase of liquor and allowing the police to require licensees to produce details relating to the directors of a licensee company or the committee of management where the licensee is a club.

Mr Perton interjected.

Ms MUNT — They are great increases in the penalties — —

Mr Perton interjected.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Doncaster! The house does not need that type of interjection constantly interrupting members' contributions to the debate. We are trying, as the member knows, to allow as many members as possible to speak on this bill.

Ms MUNT — The penalties have been substantially increased. There has been some comment about vending machines. Vending machines may only be operated on licensed premises. I would imagine that with these increased penalties licensed premises would see that it will be in their best interests to verify the new proof-of-age identity cards and to check very carefully to see whether those machines are being accessed by under-age drinkers.

As a mother of teenage children I support this legislation, which is a measure to protect youngsters in our community from being able to access alcohol before they have the maturity to drink it safely. I commend the bill to the house.

Mr MULDER (Polwarth) — The Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill has some provisions that I can see will assist in helping to curb under-age drinking — a curse on the community that has grown significantly in recent years. In my teenage years, not having been an angel, it was always the boys who were part of the under-age drinking that took place in the community, but of real concern to me is the fact that young girls seem to have taken to this practice at an enormous rate. There is nothing more distressing than to see a young girl under the influence of alcohol and in a terrible state in a public place. It is of real concern to see the growth in this problem, with girls commencing to drink at a younger age year after year.

One of the events held in my electorate is the Colac show, and because of concerns over the years about under-age drinking organisers have taken measures to make the event alcohol free. Alan Carew and the organising committee for this event are to be congratulated on that great initiative. We do not have to have alcohol at every single event, particularly those that attract families and younger people. There is room within the community to look at some of our events, especially those that are family-oriented, such as shows and school-type events. There is an opportunity within the community for organisations and groups to set an example by making some of these events — such as the Colac show — alcohol-free. When you look at the Colac show you find that it has grown in popularity. It is not as if the amount of people who are turning up has been affected. In fact this year there were record numbers of entries in several categories.

Another issue that concerns me in respect of this legislation is the matter of vending machines. I wonder how much thought was put into a process that is going to allow vending machines on licensed premises. I feel the issue in relation to tokens was something that was dreamed up at the last minute in response to criticism of the bill. When you look at the idea of issuing tokens to people to access vending machines, does this mean that at the beginning of the evening if someone decides they are starting to get a bit under the weather they go and buy six or eight tokens from across the bar. When you go into nightclubs and venues around the state and see how busy they get, you recognise that it would be absolutely impossible for someone who was serving

behind the bar to properly supervise people who were accessing a vending machine.

There have been a couple of issues raised about the types of drinks that could be sold from vending machines, particularly the fact that young children may be on the premises. Are we going to allow a younger child to go up with a token to get a soft drink out of the vending machine? Could they mistakenly get one of the fizzy drinks that are loaded with about 5 or 6 per cent alcohol from the machine? Could people build up tokens towards the end of the night and then get blind drunk by using all the tokens they have in their pockets? Given the fact that we are talking about a bill that is supposed to control and assist in reducing under-age drinking, having vending machines on licensed premises only sends a message that you are going to increase the number of teenagers and under-age persons getting drunk on licensed premises, or getting drunk as a result of having access to vending machines on licensed premises.

I understand that another member wants to make a small contribution to the debate, so on that note I will wind up.

Ms BUCHANAN (Hastings) — I thank the member for Polwarth for allowing me to make a very small contribution to the debate on the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill, which I fully support. I do not have the benefit of having students coming into my office and working specifically on this legislation. I rely on my five children, three of whom are teenagers and young adults. Through their network of friends I have certainly addressed the issues that this bill addresses and I want to talk about three of the five amendments that are going through.

Firstly, there is the issue of making sure that we enhance the enforcement powers of the Victoria Police under the act. We are very happy to see that go through. Secondly, there is the issue of increasing penalties for some of the offences; specifically those for assisting someone else to falsely try and obtain a proof-of-age card. Lastly, there is the issue of increased fines for people who buy alcohol for under-age drinkers. They are key issues that are of great concern within my community.

What this bill does is address the issue of under-age drinking. The Australian culture is one where the consumption of alcohol is the norm. Unfortunately that is an issue when we look at the under-age drinking and risk-taking behaviours of young people. It also has an impact on our health system and on the burden of

disease within our society; and the cost to communities across the board in terms of the increased level of risk-taking behaviour is exacerbated by the consumption of alcohol by under-age people. In Crib Point, a township in my electorate, I saw the community galvanised for the first time in many years over an application for a licence for a new liquor outlet. The community and the young people were galvanised into action against that, and it is credit to them that they took the issue on board.

I want to pay tribute also to the Minister for Consumer Affairs in another place who has certainly progressed these issues; and to all the staff and bureaucrats who have worked very hard on this very effective and progressive bill. It is about changing and breaking the generational behaviour relating to the consumption of alcohol by under-age people. I know that people in the communities within the Hastings electorate support this bill because it is about providing the opportunity and incentive, through financial penalties, to make sure that the behaviour of adults responsible for the dispensing of liquor to under-age people is more regulated. I commend the bill to the house.

The ACTING SPEAKER (Ms Lindell) — Order! The time set down for the consideration of items on the government business program has arrived, and I am required to put the usual questions. The question is:

That this bill be now read a second time.

All those in favour say aye.

Honourable members — Aye.

The ACTING SPEAKER (Ms Lindell) — All those against say no.

Honourable members — No.

The ACTING SPEAKER (Ms Lindell) — I think the ayes have it.

The question now is:

That this bill be now read a third a time.

All those in favour say aye — —

Mr Perton — On a point of order, Acting Speaker, please go back to the second-reading question, because I think you misunderstood the response.

The ACTING SPEAKER (Ms Lindell) — Order! We will resubmit the second-reading question. The question is:

That this bill be now read a second time.

House divided on question:

The DEPUTY SPEAKER — Order! I ask the Clerk to record the vote.

The Clerk — The member for Gippsland East?

Mr Ingram — No.

The Clerk — The member for Mildura?

Mr Savage — Yes.

The Clerk — The Nationals Whip?

Mr Maughan — Seven noes.

The Clerk — The Opposition Whip?

Mr Dixon — Sixteen individual noes.

The Clerk — The Government Whip?

Mr Langdon — Fifty-eight ayes.

Mr Savage — On a point of order, Deputy Speaker, I made an error in my vote, and I wish it to be changed. It should have been no.

The DEPUTY SPEAKER — Order! I ask the Clerk to record the changed vote.

Ayes, 58

Allan, Ms	Jenkins, Mr
Andrews, Mr	Kosky, Ms
Barker, Ms	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Bracks, Mr	Lindell, Ms
Brumby, Mr	Lobato, Ms
Buchanan, Ms	Lockwood, Mr
Cameron, Mr	McTaggart, Ms
Campbell, Ms	Marshall, Ms
Carli, Mr	Maxfield, Mr
Crutchfield, Mr	Merlino, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Delahunty, Ms	Morand, Ms
Donnellan, Mr	Munt, Ms
Duncan, Ms	Nardella, Mr
Eckstein, Ms	Neville, Ms
Garbutt, Ms	Overington, Ms
Gillett, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Hardman, Mr	Pike, Ms
Harkness, Mr	Robinson, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Treize, Mr
Hudson, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr

Noes, 25

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr

Mulder, Mr
Naphthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr

Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Green, Ms
Hardman, Mr
Harkness, Mr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr

Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Question agreed to.**Read second time.***Remaining stages***Passed remaining stages.**

**ELECTORAL LEGISLATION
(AMENDMENT) BILL**

Second reading

**Debate resumed from earlier this day; motion of
Mr HULLS (Attorney-General); and
Mr McINTOSH's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the government confers with all political parties, independent members of Parliament, and other persons interested in the electoral process with a view to developing an acceptable model by which the Electoral Boundaries Commission conducts redistributions, without entrenching mechanical provisions into the Constitution Act 1975 in a way that makes it difficult to adapt to future changes of circumstance, or to correct errors or unforeseen consequences'.

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

Ayes, 60

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Brumby, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Delahunty, Ms

Jenkins, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr

Noes, 23

Mulder, Mr
Naphthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr

Amendment defeated.**House divided on motion:***Ayes, 60*

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Brumby, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Green, Ms
Hardman, Mr
Harkness, Mr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr

Jenkins, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 23

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr

Mulder, Mr
Naphthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

**ELECTRICITY INDUSTRY (WIND
ENERGY DEVELOPMENT) BILL**

Second reading

**Debate resumed from earlier this day; motion of
Mr BRUMBY (Treasurer).**

The DEPUTY SPEAKER — Order! The question is:

That the bill be read a second time, that government amendments 1 to 7 inclusive be agreed to and that the bill be read a third time.

House divided on question:

Ayes, 59

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Brumby, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Green, Ms
Hardman, Mr
Harkness, Mr

Jenkins, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Robinson, Mr

Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr

Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 24

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr

Mulder, Mr
Naphthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr

Question agreed to.

Read second time.

Circulated amendments

**Circulated government amendments as follows
agreed to:**

- Clause 3, page 3, after line 4 insert —
“**relevant generator**” means —
 - a generation company; or
 - a person engaging in the generation of electricity for supply or sale that has been exempted under section 17 from the requirement to hold a licence in respect of that activity;”.
- Clause 3, page 3, line 31, omit “generation company” and insert “relevant generator”.
- Clause 3, page 3, line 34, omit “company” and insert “generator”.
- Clause 3, page 4, line 6, omit “generation company” and insert “relevant generator”.
- Clause 4, page 5, after line 31 insert —
“**relevant generator**” means —
 - a generation company; or
 - a person engaging in the generation of electricity for supply or sale that has been exempted under section 17 from the requirement to hold a licence in respect of that activity;”.
- Clause 4, page 6, line 3, omit “generation company” and insert “relevant generator”.

7. Clause 4, page 6, line 13, omit "generation company" and insert "relevant generator".

Remaining stages

Passed remaining stages.

FAIR TRADING (ENHANCED COMPLIANCE) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

A key element of the government's consumer justice strategy in its 2002 election platform is to establish better enforcement mechanisms to protect consumers.

The ministerial statement on Consumer Affairs made on 14 September 2004 demonstrated how the Bracks government empowers consumers, works to ensure that the government delivers quality services to assist consumers and makes markets work for the benefit of all Victorians.

In dealing with strengthening compliance with consumer protection laws, the statement noted that promoting such compliance is a core function of a consumer protection agency and that in an increasingly sophisticated and global marketplace the challenge is to stay at the forefront of effective regulation.

The bill is the first part of the implementation of the consumer justice strategy. It will enable the government to re-orient enforcement of consumer protection legislation from reliance on criminal prosecutions to a greater reliance on civil and administrative interventions.

The objective is a more decriminalised enforcement strategy under which compliance with consumer protection laws, particularly the Fair Trading Act, is seen as a matter for all sectors of industry, not just the more extreme cases that warrant criminal prosecution.

To this end, the bill strengthens the Fair Trading Act, Victoria's primary consumer protection law, and provides for these improvements to apply to other consumer acts listed in the schedule to the Fair Trading Act.

The bill strengthens the Fair Trading Act by providing for an expanded civil injunction power, consistent with powers in other state and territory fair trading laws and the Trade Practices Act, and by reproducing recently

amended provisions of the Trade Practices Act regarding adverse publicity orders.

These powers will enable the courts, in appropriate circumstances, to make orders such as requiring the institution of a fair trading compliance program, an accounting of moneys received from consumers, refunds and the transfer of property, the honouring of promises contained in misleading, deceptive or false advertisements, and the publication of corrective advertisements and advertisements that acknowledge breaches of the law.

The bill expands the list of consumer acts to which these and other enforcement and compliance provisions of the Fair Trading Act will extend to.

The bill also provides for a range of other amendments, including the insertion of infringement notice capabilities in several acts, streamlining the process for registering enforceable undertakings with the Magistrates Court, and enabling the director of Consumer Affairs Victoria to obtain information from traders about their compliance with consumer protection laws.

As a complementary measure, the bill standardises and streamlines the enforcement and compliance mechanisms in the various consumer acts.

The second part of the consumer justice strategy is a new, recently published, compliance and enforcement policy for Consumer Affairs Victoria setting out its objectives when responding to breaches of consumer protection laws, these objectives being to stop the unlawful conduct, provide for compensation or other redress for those affected by the conduct, ensure future compliance with the law, raise awareness of legislative requirements through publication of enforcement outcomes and the use of other compliance tools, and, finally, to deter and, if necessary, punish wrongdoers.

These objectives emphasise that enforcement is not just about punishment. As the ministerial statement indicated, it should also be about promoting industry awareness of the law and the need for compliance, and about being targeted, proportionate and cost effective, using such measures as education, warnings, enforceable undertakings and remedial injunctions, with prosecution as a final resort.

Other features of the bill include amendments to the Sale of Land Act 1962 to allow genuine bids by co-vendors at public auctions without such bids having to be made by the auctioneer; to the Estate Agents Act 1980 to remove the requirement for estate agents to report inadvertent trust account irregularities that are

corrected within two business days of their discovery and to give the director of Consumer Affairs Victoria a more streamlined capacity to require information and documents for the purposes of monitoring compliance with the act and conducting trust account audits.

The Credit (Administration) Act 1984 will be amended to enable grants from the Consumer Credit Fund for the conduct of legal proceedings, which will allow the government to run test cases. Members of the consumer credit fund advisory committee will be able to be remunerated from the fund for their expanding work in advising the government on the use of the fund.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Thursday, 25 November.

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The purpose of this bill is to establish a statutory authority to be known as the Emergency Services Telecommunications Authority (ESTA). ESTA will have the clear statutory duty and responsibility for the provision of multi-agency emergency services telecommunications across Victoria.

The background of emergency services telecommunications

The second-term Bracks government is committed to enhancing emergency services telecommunications by establishing an integrated statutory authority, with a clear legal responsibility for managing and providing the state's emergency services telecommunications system.

This commitment is in response to the 2001 Metropolitan Ambulance Service Royal Commission, which made broad-ranging recommendations for the reform of Victoria's emergency service telecommunications. One of the key issues highlighted was the need for revision of the existing service delivery arrangements. In response, the government brought the core functions of multi-agency emergency

services telecommunications under public sector control. This was partly achieved with the formation of Emergency Communications Victoria (ECV) in 2002. This process will be completed by the implementation of ESTA.

Emergency services telecommunications are a vital link in the chain between the public and its emergency services organisations in an emergency. The establishment of ESTA will provide greater transparency and accountability. ESTA will have clear statutory objectives to provide the vital emergency communications link between Victorians and the emergency services organisations, via a telecommunications network linking the essential operations of emergency services career and volunteer workers in the field.

ESTA's key benefits

The establishment of ESTA will ensure government provides a comprehensive, seamless and holistic network management approach to emergency services telecommunications. It will ensure an appropriate single point of responsibility for the management of these services across government, by relieving the emergency services organisations of their legal duties for call taking and dispatch, and concentrating these responsibilities in the new authority.

Given the complex and continuously evolving nature of emergency services telecommunications systems, it is important that there be a single, integrated and authoritative point for the management of call-taking and dispatch and other emergency services telecommunications across government. By their nature, such systems are multi-agency and involve significant costs.

ESTA will fulfil this role, by managing a range of important new multi-agency emergency service telecommunications technology developments. Key projects currently being developed will replace existing ageing communications technologies, and provide opportunities for better integration of other important emergency services, such as Rural Ambulance Victoria, into statewide emergency services telecommunications.

Under this bill, ESTA and the emergency services organisations to which it provides services will be required to act in accordance with the following core principles:

Service delivery to the Victorian community and to the emergency service organisations;

A coordinated, integrated approach to emergency telecommunications and other communications services;

Promotion of trust and open communication; and

Openness, flexibility, and accountability in service provision.

Partnership model replacing contractual model

At present, Emergency Communications Victoria provides services to the emergency services organisations by a complex contract. This excessively legalistic model, whose origins can be traced back to the privatisation of this function in the 1990s, entrenches conflict rather than fostering cooperation, as well as leading to additional costs for the parties, and discouraging problem solving.

The introduction of ESTA will see this approach replaced by a partnership model between ESTA and the emergency services organisations. Contracts will be replaced by a memorandum of understanding (MOU). The MOU will ensure that the parties have a clear understanding of their respective responsibilities and accountabilities for the delivery of emergency services telecommunications to the Victorian community. The MOU is currently being developed, and will be finalised before ESTA becomes operational in 2005, well before the Commonwealth Games in 2006.

Any future change or development in ESTA's services will occur through a formal process of consultation between it and the emergency services organisations.

ESTA governance

The structure of the authority will build upon the strengths of the current ECV board. The bill provides that the composition of the authority will be skills based, and will include commercial, technical, legal, operational, financial or functional expertise. It will broaden the board's expertise, by including people with significant experience in the emergency services sector.

Authority members will be appointed by the Governor in Council upon recommendation of the minister, who will consult with the Minister for Health regarding the appointment of one member. This will ensure that the ambulance services are adequately represented on the board.

The bill will further strengthen the new partnership model by legislating for an internal advisory committee of ESTA, comprising all emergency services organisation representatives. This legislated committee will provide a forum for the emergency services organisations to ensure that ESTA is fully aware of

each of their individual requirements, and will enhance communication between ESTA and the emergency services organisations. The committee will perform an advisory function, and executive decision making will remain the responsibility of the ESTA board.

The bill provides that the authority will be directly accountable to the Minister for Police and Emergency Services. As a statutory authority, ESTA will be subject to an increased accountability and reporting regime. ESTA will be required to report to:

Parliament via its annual report;

the minister via its annual corporate planning process;

the emergency service organisations in relation to its agreed performance standards; and to

its own advisory committee to the board via monthly reports.

ESTA will also be required to comply with the reporting requirements of the Financial Management Act 1994.

ESTA's operations

ESTA will be responsible for emergency telecommunications, including call taking and dispatch and related information transfer services for emergency services. Establishment of ESTA will also allow the progressive extension of the emergency communications network to other agencies as the need arises.

As is currently the case with ECV, ESTA will initially provide these services to the following emergency services organisations:

the Country Fire Authority;

the Metropolitan Ambulance Service;

the Metropolitan Fire and Emergency Services Board;

Victoria Police;

Victoria State Emergency Service.

The bill has been drafted to give ESTA the ability to expand its services in future, in an agreed, structured way. A need for an expansion may arise as a result of the following:

the emergence of new emergency service telecommunications technologies;

the introduction of a new customer; or

additional requirements of an existing customer.

ESTA will need to seek approval for expansion via its business planning process, and will need to consult with the emergency services organisations before seeking approval.

The bill gives other ministers who have an interest in ESTA a formal role at key points, by providing input into any substantive matters (e.g. the approval of the annual corporate plan, including the setting of annual fees).

ESTA's role is to work in cooperation with other emergency services organisations in relation to emergency telecommunications services. This will allow emergency service organisations to retain management of critical aspects of their own operations in the following way:

by being able to assess and vary their own operational standards (for example, in the case of the Metropolitan Ambulance Service, its own defined clinical standards, patient requirements and its own call-taking and dispatch protocols);

by retaining the right to manage their own resources; and

by being able to assume direct control of communications in the event of specific incidents or emergencies.

The bill reflects this well-established and agreed division of responsibilities.

Arrangements for the provision of services

The bill provides that ESTA, in consultation with emergency services organisations, may determine an 'appropriate administrative arrangement' for the provision of emergency telecommunications and other communications services.

The administrative arrangements will comprise a memorandum of understanding, which will set out the relationship between ESTA and the emergency services organisations, and attached, agency-specific schedules containing performance standards. Qualitative and quantitative performance standards will be determined by the Emergency Services Commissioner in consultation with ESTA and the emergency services

organisations. These standards will apply to the provision of ESTA's services to each emergency service organisation.

To ensure a smooth transition, ESTA's initial performance standards will be consistent with those already being delivered by Emergency Communications Victoria under its current contract.

The performance standards setting, monitoring and investigation regime will be strengthened and clarified. Changes to expand the standards setting and monitoring and investigative powers of the Emergency Services Commissioner, coupled with the annual report requirements applying to statutory authorities, will further enhance the transparency of ESTA's operations compared to current arrangements.

Investigation of ESTA's performance

As a statutory authority, ESTA will be subject to three complementary public sector review frameworks:

non-financial performance — the Emergency Services Commissioner in the Department of Justice will be responsible for assessing the effectiveness of ESTA's non-financial performance, from a public safety perspective. The Auditor-General will also continue to maintain the capacity to potentially investigate issues dealing with non-financial performance;

financial performance — this function will continue to fall to the Auditor General; and

public complaints — the Ombudsman and the Emergency Services Commissioner will have the capacity to investigate individual complaints from the general public.

The Emergency Services Commissioner plays an important advisory role to government. Under the bill, the commissioner will be able to monitor and investigate the non-financial performance of ESTA. Such investigations will be initiated from either the commissioner's 'own motion'; at the request of the minister; or at the request of an emergency services organisation to which ESTA provides services.

The bill provides that the commissioner's monitoring and investigation powers are in respect of the provision of services by ESTA to emergency services organisations. As a result of an investigation, the commissioner may make recommendations to the minister about any matter arising.

The bill will not, however, empower the Emergency Services Commissioner to monitor or investigate the activities of emergency services organisations such as the Metropolitan Ambulance Service, Rural Ambulance Victoria, or Victoria Police in relation to their own emergency response activities.

Any issues concerning the adequacy of these agencies' services can be readily addressed through these agencies' own established internal monitoring processes, coupled with the Ombudsman's existing external investigation powers.

Funding

ESTA will be funded by contributions from the emergency service organisations. This will provide funding stability, enabling ESTA to deliver its base line level of functionality. By directly funding ESTA, emergency services organisations will be encouraged to effectively prioritise their needs. This model will also help to contain the costs of emergency services telecommunications, by imposing a discipline on the sector in relation to further expansions in service demand and cost.

The bill enables ESTA to determine a fee to be charged for the provision of its core services, which must be approved by the minister. Consistent with the cooperative framework on which ESTA is based, in determining fees for its core services, ESTA will be required to consult with the relevant emergency services organisation. Provisions in the bill in relation to fees for core services promote openness and accountability by requiring ESTA to specify the method by which fees are determined.

Conclusion

It is envisaged that the governance arrangements and broad structure provided by the bill will enable ESTA to function optimally as an integrated statutory authority.

The implementation of ESTA represents a significant step forward for the Victorian community in the critical area of multi-agency emergency services telecommunications.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 25 November.

CORRECTIONS AND MAJOR CRIME (INVESTIGATIVE POWERS) ACTS (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill will amend the Corrections Act 1986 to provide the Secretary to the Department of Justice with a new power to prevent prisoners in his or her custody from changing their names for improper purposes. The bill also amends the Major Crime (Investigative Powers) Bill 2004, introduced into Parliament earlier this session, to clarify a number of provisions in relation to video recording of attendances to the director, police integrity, complaints arrangements and the delegation of functions for the chief examiner and special investigations monitor.

Currently, a prisoner can apply to the registrar of births, deaths and marriages to change his or her name in the same way as other persons. However, a prisoner's name change may give rise to serious concerns that do not arise in the case of name changes by other members of the community.

A prisoner's name change may be offensive to victims of crime and their families and may give rise to safety and security problems in administering a prison. These issues were highlighted recently when a high profile prisoner serving a sentence for serious offences against women indicated that he would apply to the registrar of births, deaths and marriages to change his name to a female name. Such a name change is likely to offend victims, their families and other members of the community.

The bill seeks to address this issue by subjecting prisoners' name change applications to the scrutiny of the Secretary to the Department of Justice, and providing the secretary with an appropriate power to prevent a prisoner from making an application to change his or her name.

The secretary will be able to approve a prisoner's application for a change of name if the prisoner satisfies him or her that the change of name is necessary or reasonable. An example of this may be if a prisoner wishes to adopt a new name for religious or cultural reasons.

Even if a prisoner makes a strong case for a change of name, the secretary must refuse a name change in specified circumstances. These are if the secretary

considers that the proposed name change would be reasonably likely to:

- be a threat to prison security;
- jeopardise a prisoner's safe custody and welfare;
- be used to further an unlawful activity or purpose; or
- be offensive to a victim of crime or an appreciable section of the community.

The Victorian registrar of births, deaths and marriages will be able to proceed to register a prisoner's change of name only if he or she has received a copy of the secretary's approval. In the event that a prisoner's change of name is inadvertently registered without the secretary's approval, the Victorian registrar will be empowered to correct the register. This could occur, for example, if a prisoner fails to obtain the secretary's approval for a name change and deliberately conceals the fact that he or she is a prisoner when applying for a name change.

It will be an offence for a prisoner, or a person on his or her behalf, to apply for a name change without the secretary's approval. This is intended to deter those who would seek to circumvent the new requirements contained in the bill.

The bill will also clarify the existing power of prison authorities in section 47D of the Corrections Act 1986 to stop or censor a prisoner's mail if it is threatening or harassing or in other specified circumstances. That power was intended to allow mail to be stopped or censored before it leaves a prison. However, the wording of that section appears to refer to mail that has already been sent. The proposed amendments will clarify that the power in that section applies to mail that is yet to be sent by a prisoner, as was originally intended.

This power to stop or censor prisoners' mail will also be extended to enable prison authorities to stop mail that contains a name change application that is made without the secretary's approval. This will provide prison authorities with an effective power to prevent unauthorised name change applications from being sent to the registrar of births, deaths and marriages.

Together, the proposed amendments will provide a tough new regime to prevent prisoners from changing their names for improper purposes. This regime will enable prisoners to change their names for legitimate reasons, while safeguarding the interests of victims and the need to ensure prison security.

The bill also amends the Major Crime (Investigative Powers) Bill 2004 to clarify the video recording of attendances by witnesses on the director, police integrity. The bill currently provides that all attendances will be videorecorded. This bill refines those requirements to provide that video recording will only proceed in circumstances where a person attends in response to a summons, or is required to be sworn or answer a question, or where the director, police integrity, issues a certificate requiring a person to provide information, or produce documents or things, to the director, police integrity.

This bill also clarifies that anyone compelled to comply with a witness summons in relation to the chief examiner, whether he or she is required to answer questions or provide documents or things, is able to complain to the special investigations monitor. The delegation of functions of the chief examiner and the special investigations monitor are also clarified. This bill also makes a number of statute law revisions to the Major Crime (Investigative Powers) Bill 2004.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 25 November.

Remaining business postponed on motion of Mr HULLS (Attorney-General).

ADJOURNMENT

The ACTING SPEAKER (Mr Kotsiras) —
Order! The question is:

That the house do now adjourn.

Education and Training: executive salaries

Mr PERTON (Doncaster) — The matter I raise is for the Minister for Education and Training. Acting Speaker, you will recall that last year the minister caused the termination of some hundreds of public servants to 'add value to schools'.

This year this minister has doled out \$1.5 million in performance bonuses to 79 education executives. At a time when literacy rates remain unacceptably low, when levels of violence in Victorian state schools remain unacceptably high and WorkCover claims against the department are at record levels, the minister must explain what her bureaucrats actually did to

deserve these performance bonuses at the expense of Victorian state schools.

Official figures show that last year each and every employee in the Department of Education and Training managed to produce an average of 225 kilograms of waste. Beyond all this waste production, most school principals and teachers find what DET officials do for the rest of the day to be a bit of a mystery. One thing that is quite clear is that whatever they do they are very well paid for doing it. Almost half the education department's executives earn fat cat salaries in excess of \$150 000, with one sitting very happily on more than \$300 000 a year. Under the Minister for Education and Training the number of highly paid executives has trebled since 2001. In 2001 there were 10 DET executives on salaries of \$150 000 or more; in 2002 this blew out to 23; and in 2004 there are 34 highly rewarded fat cats on more than \$150 000 a year. In addition to their base pay each of them received an average bonus payment of more than \$20 000. The question is: what is the performance they are being rewarded for?

The action I ask the minister to take is to table or publish documents in this house showing who received the bonuses, what they received the bonuses for and what the criteria was for paying the bonuses. The performance that they are being rewarded for clearly cannot be in literacy — reading or writing. In the annual report it is admitted that one in five year 10 students cannot read and one in five cannot write. But that is okay — that is the department's target. It is not in job training.

The Bracks government's showpiece Victorian certificate of applied learning had a 50 per cent fail rate, with fewer students making the grade than last year. The performance is not in safety or teacher conditions. WorkCover hit the education department with 208 improvement and 25 prohibition notices. That is a 257 per cent increase on the previous year's rate. The average WorkCover payout is up and claims for teacher stress make up one-fifth of those claims. It is not in improving public confidence in state schools. The percentage of students in state schools has declined every year that the Bracks government has been in power.

Mr Nardella — You hate state schools!

Mr PERTON — The member for Melton challenges me in respect of state schools. The Liberal Party believes every Victorian student should be in a high-performing school. While he continues to protect low performance, he should stand condemned.

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

Exports: Ear Associates Pty Ltd

Mr JENKINS (Morwell) — The matter I raise is for the Minister for Manufacturing and Export. The action I seek is that the minister provide some Victorian government support to assist Ear Associates Pty Ltd to expand its export markets for its hearing care survey systems. Traralgon-based Ear Associates is a company founded by hearing practitioners that provides a monitoring and reporting service to the audiology industry, including hearing care practitioners and device manufacturers. Through its copyrighted EARtrak survey and processes the company collects and analyses feedback from recipients of hearing devices.

In March the company attended the American Academy of Audiology trade show. It identified a high level of interest in its product from the European hearing care professionals and device manufacturers and is looking to expand its export market into Europe and the United Kingdom. My area in the Latrobe Valley has been keen to assist development of new industries and is looking for support from the Bracks government in a way that we were unable to get support under previous governments. In particular under the Kennett government we were unable to get support for new and emerging industry in regional Victoria — an area which was treated, as members know, as the toenails of the state by the previous government. I ask the Minister for Manufacturing and Export to again demonstrate what he can do to assist regional industry, in particular the EARtrak processes of Ear Associates in the Latrobe Valley.

Housing: Shepparton

Mrs POWELL (Shepparton) — I raise an issue with the Minister for Housing. The issue is the severe lack of public housing and emergency housing in the Shepparton district. The action I seek is for the minister to use the money that is already committed for public housing in Shepparton to buy or build more public housing stock.

In May 1999 a former Minister for Housing, Ann Henderson, announced the much-needed redevelopment of the public housing Parkside estate in Shepparton and invited me to chair an advisory committee. Members of the committee worked hard and prepared a redevelopment report.

With the change of government in 1999, I wrote to the new Minister for Housing, Bronwyn Pike. On 8 August 2000 the minister accepted the committee's report and recommendations, thanked the members of the committee for their work and myself as chairman and announced funding of \$5.3 million to be spent over three years. I was given a promise by the minister that there would be no loss of public housing in the Shepparton area as a result of the Parkside estate redevelopment.

A media release the minister sent out on Wednesday, 9 August 2000, headed 'Go-ahead for Parkside estate redevelopment project', says in part:

Area improvement works to provide more appropriate housing to meet the needs of single parents and families will proceed over the next three years, and advisory committee recommendations will be used as a framework ...

...

I look forward to seeing an improvement in the housing environment and a revitalised area over the coming years. Importantly, there will be no loss of public housing in the Shepparton area as a result of this development ...

...

The Parkside advisory committee, chaired by the Honourable Jeanette Powell, MP, included representatives from tenants, the City of Greater Shepparton, and government and community agencies. Ms Pike thanked Ms Powell and committee members for their hard work and extensive community consultation in formulating an appropriate redevelopment plan.

Since that time, which was four years ago, another committee has been established. The current Minister for Housing, Candy Broad, came to Shepparton last year and announced further funding of \$12 million over eight years. We have already waited four years and there has still been very little development at the Parkside estate. About 64 public housing units sat vacant for over 12 months and they were badly vandalised. I raised the issue in here a number of times and finally those units have been demolished.

So \$5.3 million has been sitting on the table since 2000. The waiting list for people wanting public housing has risen in the last 18 months, but I am pleased to note that there was a reduction this quarter. The waiting list for June was 403 applicants and the transfer list had 94 on it. The recent figures, for September, were 328 on the waiting list and 78 on the transfer list. So in Shepparton there are 400 applicants waiting to be housed appropriately.

I understand that the Office of Housing has acquired three properties and will acquire a further 84 properties to replace stock removed from the Parkside estate. This

is an ongoing issue in my office. In the last week I have had three different families in my office, some with children and some without. They have been to the Office of Housing, but they cannot get onto the waiting list. We send them to Pathways and to the Rural Housing Network. They are told there is no emergency housing and they are put into caravans. I ask the minister to spend the money already promised and alleviate the public housing crisis in the Shepparton district.

Consumer affairs: Patterson Lakes subdivision

Ms LINDELL (Carrum) — I have an issue that I ask the Minister for Consumer Affairs in the other place to address. This body corporate issue relates to a 65-apartment subdivision known as Pier 9, at 117 McLeod Road, Patterson Lakes. The developer and vendor of the lots at Pier 9 inserted clause 13 in the original purchase contract. The clause awarded the developer all the proxy votes of all the first purchasers of the lots at Pier 9 in perpetuity for as long as the developer owned any lots at Pier 9. Currently the developer owns four car spaces and 10 storage cages. A representative of a group of residents who live at Pier 9 came to see me. She asserts that clause 13 is actually illegal under the Trade Practices Act and contravenes the body corporate subdivision regulations regarding proxies.

I ask the minister to address this issue as well as another matter that arises in the same contracts. The developer, who we now know has control of most of the proxies of the body corporate, established a body corporate management subsidiary of the original development company and installed that new company as the body corporate manager at a fee solely at the discretion of the original developer and renewable at the discretion of the developer for a period of up to 25 years.

Once again, it is asserted that this management contract infringes part 2B, unfair terms in consumer contracts, of the Fair Trading Act. There is evidence that has been given to me that refers to a failure by the management company to perform the duties as listed under the management contract in a proper and professional manner. I request the minister to have a look at this, to expedite the review of the body corporate regulations and to make sure that bodies corporate and consumers are protected in any review. I would like to be able to look at the functions and jurisdiction of Victorian Civil and Administrative Tribunal to make sure it includes bodies corporate — —

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

Wind farms: Naroghid

Mr MULDER (Polwarth) — The issue I wish to raise is for the Minister for Planning and concerns a proposed wind farm at Naroghid in western Victoria. I understand the proposal is for 22 towers in all, 5 of which have the potential to be in the direct flight path of planes wishing to take off from the Cobden airstrip.

According to the developers, in addition there is a possibility of lights being fitted to the top of the 135-metre-high turbines, which would cause great confusion to pilots, particularly in bad weather conditions. Lights on top of turbines and lights on the airstrip are not a good mixture. As it currently stands the Cobden Airport accommodates the regional air ambulance service. Given the importance of this operation the Corangamite Shire Council recently lodged an application with Regional Development Victoria for a grant to upgrade the airstrip, which would not only improve the facility for the air ambulance but provide for larger planes to use the airport.

To have large turbines in such proximity to the airport would not seem to be a good mix of activities and at best would severely restrict the capacity of the airport. The Corangamite Shire Council has commissioned a report to be undertaken into the impact of the proposed Naroghid wind farm on the airport, and I urge the minister to defer any decision on this project until all the relevant information is at hand.

We know that the Nirranda wind farm has now been abandoned due to community protest, that a second at Nirranda South has been scrapped and that the proposed Bald Hills wind farm is attracting strong opposition. Admittedly this project will not be on the coastline; however, there are different concerns at Naroghid, predominantly those of safety and the restricted capacity of the airport.

I therefore ask the minister to ensure that these concerns are listened to and that the future envisaged for Cobden Airport by the Corangamite shire is taken into account in the final decision on the Naroghid wind farm.

Police: Melton

Mr NARDELLA (Melton) — The action I seek from the Minister for Police and Emergency Services is to continue to pursue policies that have successfully reduced the crime rate in Victoria since 1999 and made Victoria the safest state in Australia, especially within the state seat of Melton. The continuation of these policies will ensure that we remain the safest state in the country, and we will all assist in making the Melton

community and the Bacchus Marsh community even safer.

In particular I urge the minister to continue to make appropriate resources and powers available to Victoria Police, to continue with the recruitment of 1400 additional police officers and to encourage the continuation and development of new and innovative programs such as the local priority policing program, which has been quite successful in my local community.

In urging that these measures be continued I note that since coming to office the government has delivered over 1000 additional police officers, reversing the decline in police numbers that took place under the previous Liberal government, provided Victoria Police with the highest ever budget of \$1.3 billion and undertaken the largest ever police station construction program with the building of 135 police stations at a total cost of \$280 million. The combination of these government policies and the efforts of local police has been incredibly successful in bringing down the crime rate in this area. The two police stations in my electorate are at Melton and Bacchus Marsh. Bacchus Marsh benefited from the government's unprecedented police station construction program with a new \$4 million, 24-hour police station, which the minister officially opened earlier this year.

Since the Bracks government came to office the number of uniformed officers at Melton has increased by over 30 per cent and the number of uniformed officers at Bacchus Marsh has nearly tripled. These increases allow proactive community policing strategies that are directed at reducing crimes such as theft. This type of effort has led to significant decreases in all theft categories in the municipality of Melton. The theft of motor vehicles is down by 18 per cent, theft and shop stealing has dropped by over 50 per cent and the theft of bicycles has decreased by over 33 per cent. The need to continue these polices and programs is borne out by the overall drop in the crime rate in recent years in my electorate. The latest figures show that in the municipality of Melton there has been a drop in the crime rate of 21.7 per cent — and this is on top of the 9.4 per cent decrease in 2002–03.

We have also been working in my local area with Chief Inspector Shane Dowling. He has reorganised the safety committee and has been working to reduce antisocial behaviour within Melton. He has given his members the task of getting rid of hoons and illegal lights and fittings on cars in Melton. We also went on a bus trip with the Melton Council Shire Council. We are working in partnership with the council to reduce

crime, and it has passed some local laws to assist in that. The chief inspector is doing a fantastic job, as are all the police the Melton electorate.

Housing: Gippsland East tenants

Mr INGRAM (Gippsland East) — I direct my issue to the minister at the table for the attention of the Minister for Housing in the other place. The action I seek is for the minister to direct the Department of Human Services to ensure that tenancy agreements are adhered to throughout my electorate in Gippsland East. I have spoken to the member for Shepparton, and what I am requesting would be along the lines of the recommendations made by an advisory committee of which the member for Shepparton is a member. The recommendations were to have a three strikes and you are out policy for tenants who continually breach public housing tenancy agreements.

As a member of Parliament one of the issues that I and my office have to deal with most regularly is public housing disputes. There have been some very disappointing recent examples that have received some public exposure, one of which was in my electorate. I will use one example that recently came to my office. The neighbours of a public housing tenant came to my office, one of whom was an extremely elderly lady. She came to complain that for a number of years the tenants in this house have continued to harass, terrorise and threaten her peaceful enjoyment of her property.

She has continually complained to the police and the Department of Human Services, but nothing has been done. A number of youths live in the garage at the back and are regular visitors. They climb over the fence at all hours of the night and day and use this lady's front and backyard as thoroughfares to access their property. When this elderly lady has complained, the police have advised her that in no way should she approach these youths, because they are violent, but that they will not take action. The police have fined these youths for antisocial behaviour on a number of occasions, but they never have to pay because they do not have the money. This dispute has been going on for a number of years.

We have many issues along these lines. I must point out that these are among the minority of public housing tenants. The majority look after their premises, are very respectful of their neighbours and do everything in their power to ensure that they are respected in the community. However, there is a stigma associated with public housing in areas like mine because of the behaviour of a small number of individuals. It is essential that the minister take action to ensure that this

problem is addressed and that we put the respect that is duly deserved back into the public housing stock.

Woodend: children's centre

Ms DUNCAN (Macedon) — The matter I raise is for the attention of the Minister for Community Services. I ask the minister to favourably consider a joint proposal which is currently before her from the Macedon Ranges Shire Council and the Cobaw Community Health Service for a new children's centre at the Five Mile Creek community centre in Woodend. The proposed centre would have a strong focus on prevention, early intervention and the provision of family support. That is exactly the focus that the Bracks government is very keen to promote and support.

I know the minister has a strong commitment to providing accessible and affordable services to young children. The minister and the government are aware that the provision of these sorts of children's services needs to be adaptable to the needs of particular areas and the needs of the modern family. It really is a case of one size not fitting all. Communities need to develop the sorts of proposals that will meet their needs, and I believe this proposal does that. There is strong growth in this part of Macedon, with families with young children moving into the area. We need to ensure that our services continue to grow to meet this increasing need, particularly in the areas of early intervention services for children with disabilities and developmental delays, and general family support services. We know there is a lot of work to be done in these areas.

The proposed centre will provide specialist support to the local kindergarten, which is virtually next door. It will also bring together under the one roof a fabulous range of services such as maternal and child health, early intervention, family support, parenting support and education, child-care, a toy library and a range of neighbourhood house programs. It is a model which I believe really fits in with the government's policy of bringing services together so that they are easier for local people to get to and use.

There are significant pockets of disadvantage in my community, and I am proud that the community has come together to do something positive to address the issues which confront it. I would like to congratulate the Macedon Ranges Shire Council and the Cobaw Community Health Service for their collaboration and innovation in putting together this proposal. The proposal is consistent with the government's commitment to the development of integrated

children's services, and I call on the Minister for Community Services to give serious consideration to it.

Port of Melbourne Corporation: dredging contract

Mr CLARK (Box Hill) — I raise with the Treasurer concerns about the way in which the Port of Melbourne Corporation (PMC) has selected and engaged the principal contractor to carry out the proposed Port Phillip Bay channel deepening. I ask the Treasurer to refer this matter to his department for investigation and to take any remedial action that is possible at this stage.

I understand that in June 2003 the PMC's predecessor, the Victorian Channels Authority, privately invited six international dredging contractors to submit formal expressions of interest on entering into an alliance agreement for the project. Invitees were provided by PMC with a project brief on the basis of which they were required to make submissions. Upon receipt of the submissions the PMC selected three contractors for interview in December 2003, from whom two were short-listed. In July 2004 the PMC and Boskalis Australia Pty Ltd entered into a formal alliance agreement.

There are three main concerns. The first is that the PMC chose to eliminate from consideration all tenderers who proposed to use a form of dredging known as cutter suction dredging (CSD) at the entrance to Port Phillip Bay. This appears to have been because the PMC had specified in the project brief that all dredging operations had to be carried out with no restriction to shipping, which it considered was not possible using CSD. However, from evidence given to the environment effects statement panel hearings it is now apparent that the PMC is prepared to allow the widening of the channel at the entrance to accommodate both dredging and commercial shipping operations in a way that, had it been permitted originally, would have allowed tenderers wanting to use CSD to remain in consideration.

Not only does this raise issues of due process, but the premature elimination of CSD tenderers means that the PMC has committed itself to a contractor which proposes to use a form of dredging at the entrance known as trailer suction hopper dredging. This form of dredging, as the name implies, relies heavily on suction. Industry sources consider it highly innovative to attempt to use this form of dredging on the rock that makes up much of the entrance to the bay. There is a considerable risk that this technique may prove in practice not to work successfully, with resultant delays,

cost increases and uncertainties in finding another way of carrying out that dredging.

The third concern is that the PMC entered into the alliance agreement with Boskalis at far too early a stage in the process, meaning that there has been no competitive tension in either carrying out the necessary research on and development of the detailed technical proposals for the dredging or developing the benchmarks against which the gain-sharing under the alliance is to operate. This leaves the PMC heavily dependent on the one contractor for developing a workable solution and for the price which it will end up paying. In other words, the PMC put all its eggs in one basket before it knew whether the basket would hold those eggs or whether it was paying a fair price for the basket. In contrast I understand that the practice at the commonwealth level in complex defence contracts is to let two parallel and competitive contracts for risk reduction studies so that the bidding parties confirm their methodologies, prepare detailed designs and provide firm costings and risk matrices. Indeed, a similar policy of maintaining competitive tension has generally been followed in Victoria since the time of the Kennett government, including most recently with the Mitcham–Frankston tollway contract.

Eastern Access Community Health: children's centre

Mr LOCKWOOD (Bayswater) — The matter I raise is for the Minister for Community Services, and the action I seek is that the minister assist with funding a new children's centre for the Eastern Access Community Health organisation in Ringwood. EACH delivers an integrated range of community health, counselling, disability and mental health support services. EACH works in partnership with the community to improve the physical, mental and social wellbeing of individuals, families and communities in Melbourne's east. It provides programs and services not just in my electorate of Bayswater but across much of the outer eastern region. EACH is developing plans to upgrade its Patterson Street centre to allow for the provision of valuable, additional early childhood services. These services will be integral to the Ringwood area but will be available to people across the east. A complete redevelopment of the site is needed in order to adequately provide these services.

During discussions I have had with the chief executive officer of EACH I have been shown the plans for the much-needed redevelopment of the site. I have said I will be proud to place my support behind their vision and the plans for the redevelopment of those facilities, and I fully support their request for funding from the

Department of Human Services. I support this plan because it is part of my role as a local member to listen to the community's needs and concerns, and a great service is already being provided. It is also the role of a local member to be proactive and to deliver tangible results for their community. The centre will provide services such as long day care, special needs child-care, early childhood intervention programs, speech therapy and childhood psychology. I believe strongly in the need for the government to assist with some funding of the Patterson Street site, and I will push this cause at every opportunity.

Support for children is vitally important, and support for children with special needs will allow these children to take their rightful place in society, with their needs overcome or fully supported. It is every child's right to have an education and every child's right to be given the love and support they need to overcome any disadvantage they may start life with. EACH provides a broad range of services in primary health care, disability services, community mental health and specialist regional counselling.

The early childhood team works with families with complex needs who might find accessing services difficult without support. It provides assessment, therapy, education and family support. This program is for children from birth to school entry who have a delay in two or more areas of their development. The team provides assessment for children below school age, developmental education, therapy and family support both individually and in small groups, centre-based programs, home programs and support in preschools and child-care programs. These programs focus on attention and listening skills, behaviour control and management, communication and language, self-care and independence, and social and play skills. I am sure that with the redevelopment this will be an even more valuable service to the outer east and the municipalities of Maroondah and Knox.

Responses

Mr HOLDING (Minister for Manufacturing and Export) — I would like to thank the member for Morwell for raising what is a very important matter — the way in which the Victorian government can support an innovative organisation in the Traralgon area which is doing exciting things, and that is Ear Associates Pty Ltd. Ear Associates is the only independent provider of an audiology review and survey system in Australia. We are very pleased to see the company take that capability and market it overseas. Its EARtrak system is the only system of its type anywhere in the world. To support its export push into Europe, I am pleased to be

able to inform the member for Morwell and other honourable members that the Victorian government has provided Ear Associates with an Opening Doors to Export grant of \$10 000. That grant assisted the company to attend the European Union of Hearing Care Professionals trade show in Germany last month.

While in Europe the company also took the opportunity to meet with representatives from the leading players in the hearing care industry in Europe, including device manufacturers Siemens Hearing Instruments, Bernafon, Phonak and Widex and the leading professional association, the Bundesinnung in Germany, GN Resound in Denmark and Hidden Hearing and Amplivox in the United Kingdom. As a result of this Ear Associates is now in negotiations with several of these major players to pilot the EARtrak system in the European market. This is good news for Victoria. It demonstrates that Ear Associates is the leading provider of benchmarking services to the hearing care industry in the world. I wish the company well in the future as it seeks to market this product overseas. Again I thank the member for Morwell for raising this in the chamber this afternoon.

The DEPUTY SPEAKER — Order! The minister at the table, responding to matters raised by the member for Doncaster for the Minister for Education and Training; the members for Shepparton and Gippsland East for the Minister for Housing in another place; the member for Carrum for the Minister for Consumer Affairs in another place; the member for Polwarth for the Minister for Planning; the member for Melton for the Minister for Police and Emergency Services; the member for Macedon for the Minister for Community Services; the member for Box Hill for the Treasurer; and the member for Bayswater for the Minister for Community Services.

Mr HOLDING (Minister for Manufacturing and Export) — I will draw the various matters raised by honourable members to the ministers for their attention and advise them to respond directly to the members.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 5.09 p.m.