PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

30 November 2004

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By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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TUESDAY, 30 NOVEMBER 2004

Tuesday, 30 November 2004

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.03 p.m. and read the prayer.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before we start question time today I ask all members to be on their best behaviour, because we welcome to our gallery a former Deputy Speaker of the Legislative Assembly, John McGrath.

QUESTIONS WITHOUT NOTICE

Schools: funding

Mr PERTON (Doncaster) — I refer to the proposed funding changes for independent and Catholic schools for 2005–06. Will the Premier guarantee that no school will be worse off?

Mr BRACKS (Premier) — On the contrary, the government will put an extra $17 million into the independent school system. We are working on the new funding model, given that information for the existing education resource index, which was the basis for the old model, is no longer collected and collated. That will be worked on over coming months. I can indicate to the shadow minister that we have increased resources to private schools. If he looks at our funding record over the last five years he will see we have increased funding to non-government schools. We know one thing: when it comes to funding from those on the other side, given the cuts they will have to make because of their irresponsible claim that they will pay out the tolls on the Mitcham–Frankston project, they will be cutting into funding all over the place.

Commonwealth Games: government initiatives

Ms BEARD (Kilsyth) — My question is to the Premier. Will the Premier outline to the house the government's most recent initiatives to ensure that the 2006 Commonwealth Games will showcase the very best that Victoria has to offer?

Mr BRACKS (Premier) — I thank the member for Kilsyth for her question. I know that all members of this house realise that momentum is building for the Commonwealth Games in March 2006. In fact it is only 470 days until the opening ceremony of the games here in Melbourne. It will be one of the best Commonwealth Games ever, as there is no doubt about the quality of preparation, planning and organisation for it. Members will already know that councils around Victoria have organised community events and received funding and support from the Commonwealth Games organising committee and our government to assist them in partnering one of the 71 overseas countries that will be a part of the games in March 2006. We have curriculum materials going out to schools around Victoria to assist students to learn about the commonwealth, the Commonwealth Games and the organisation of major events. The curriculum materials include a simulation exercise on the opening and closing ceremonies, which I know will be of great benefit to students around the state as they prepare for what will be the biggest event Victoria has ever had.

Most members would also realise that 3 million copies of the Commonwealth Games guide have been distributed around the country and that early next year 1.5 million tickets will go on sale in a balloting system. The good news about tickets, as we have said from the very start, is that they will be affordable and accessible. Events will be accessible to families and they will be affordable for individuals. The ticket prices are certainly much less than the prices paid for tickets to the Sydney 2000 Olympics. Some ticket prices start at under $15 for an individual or $45 for a family; they are very affordable.

That brings me to the next major initiative as part of the Commonwealth Games, which is to maximise the tourism potential associated with the games. I know the tourism minister is acutely aware of the opportunity which is presented by having so many people visiting Melbourne before, during and after the Commonwealth Games. The government will be committing some $7.6 million to a strategy to promote Victoria and Melbourne before, during and after the games. That promotion will focus in particular on several of the countries where we already have a strong tourism market and where we know there is already a great appetite for coming to Victoria. Those countries include New Zealand, Canada, Singapore, Malaysia, South Africa, the United Kingdom and of course India, which will hold the Commonwealth Games in 2010.

We expect some 90 000 overseas and interstate visitors to come to the games, and we want to show them what Melbourne and Victoria have to offer so they can be ambassadors for us. Tourism is one of our biggest growth industries, and we are outperforming our major competitors in Australia — New South Wales and Queensland — in growth in visitor numbers and in the length of visitor stays. That is a great outcome for our state. The June quarter data for the international visitor survey show that visitor nights in Victoria increased a

staggering 36 per cent to 31 million visits and that the state attracted some 1.3 million overseas visitors.

We want to hold one of the best Commonwealth Games ever, and I have every confidence that we are on track to achieve that. We also want to showcase Victoria to as many tourists as possible to leave a legacy after the games. We all know how great Victoria is, and the government wants those who visit the games to pass that on to other people as well.

Questions interrupted.

ABSENCE OF MINISTER

The SPEAKER — Order! Prior to calling the next question I advise the house that the member for South-West Coast has pointed out to me that the Treasurer is not here. I understand that in his absence the Premier will be responding to questions for the Treasurer and that the Minister for Manufacturing and Export will be responding to questions in relation to state and regional development.

Questions resumed.

Rail: freight track access

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Transport. I refer the minister to Pacific National's recently released guidelines for those wanting to use the freight rail tracks which the company now controls, and I ask: given that Pacific National is in competition with other track users, does the government agree with the company's demand that its competitors disclose to it irrelevant consignee information before access is granted?

Mr BATCHELOR (Minister for Transport) — When the country rail network was privatised — —

An honourable member — When was that?

Mr BATCHELOR — It was in 1999. The previous government set in place an access regime which was controlled by Freight Australia. When Freight Australia sold its lease to Pacific National this government advised Pacific National that an improved access regime was a condition of government approval of that lease. We have asked interested parties to make their views known to the government as to what form that access regime should take, and many parties have done so. We have published as many of those submissions as we can; some elements of them are commercial in confidence, as members would understand. This is part of a process whereby the government will design an improved access regime that will allow competition to take place with greater certainty than has been the case in the past. Under the old regime no third-party access to the freight track was provided. We on this side of the house support competition — we are not opposed to it — and we will establish a rail access regime which will provide better access than is currently being provided.

Mr Ryan — On a point of order, Speaker, the minister is debating the question. Could he please make an attempt to answer it?

The SPEAKER — Order! There is no point of order.

Mr BATCHELOR — The government process has already commenced and will continue into next year. It may well require legislative changes, which would come back to the house. In the meantime Pacific National has put in place its own interim arrangements, which are different to and an upgrade of the existing arrangements. As I said, the government does not regard the existing arrangements as satisfactory. We are conducting extensive industry consultation to ensure that in the years ahead the access provider does not, in effect, have the same monopoly position it had in the past.

The issues raised by the Leader of The Nationals are being investigated by the government. The guidelines that have been put forward by Pacific National are nothing more and nothing less than that — they are guidelines designed, from Pacific National's point of view, to provide greater opportunities for third parties to access the freight network. However, the government's position, as opposed to that of Pacific National, is being worked through at the moment. When we have resolved those matters, we will be announcing our new access regime to the world at large.

Commonwealth Games: public transport

Ms LOBATO (Gembrook) — My question is to the Minister for Transport. Can the minister outline to the house what initiatives the government is taking to maximise the use of public transport during the Commonwealth Games, and what benefits this will have for Victorians?

Mr BATCHELOR (Minister for Transport) — I thank the member for Gembrook. As the member for Gembrook and other members of this house are aware, the Bracks government is committed to encouraging

higher levels of patronage on Melbourne's public transport system. It is already doing this in a number of ways. Some examples are the introduction of new SmartBus services in Melbourne's outer metropolitan growth areas; investing in tram priority to make our trams travel faster; and implementing the TravelSmart program to give people information, thereby empowering them to make decisions and choices about public transport — the list goes on.

I am very pleased to announce that the forthcoming Commonwealth Games will provide this government with another opportunity to promote and showcase Melbourne's public transport system. Free metropolitan public transport will be provided to all ticket holders for travel to and from Commonwealth Games events. This will apply to trains, trams and buses on the day of the particular event they are attending. In addition, free metropolitan public transport will be available to all athletes and officials, as well as the games work force and volunteers. For the entire two-week period of the games these people will be provided with free metropolitan public transport.

Volunteers will be an integral part of the success of these games, as they have been in other important games in recent times, and more than 15 000 volunteers are expected to participate. Free public transport in Melbourne will assist them to undertake this vital role.

For spectators, public transport will be the most convenient, cost-effective and worry-free way to travel to and from the Commonwealth Games events. The government is also working with transport operators to provide extra services to enable people to get to the games and home again both day and night. We are expecting more than 1 million spectators to attend the games, and free public transport will mean that people can avoid queuing for tickets. They will be able to move freely across our public transport system to get to the games and enjoy the fantastic events that will be on display.

Police: numbers

Mr WELLS (Scoresby) — My question is to the Minister for Police and Emergency Services. I refer the minister to the chief commissioner's statement in the Victoria Police annual report with respect to a shortage of graduating probationary constables, and I ask: in addition to the failure to adequately staff booze buses, what other operational matters have suffered as a result of the minister's failure to meet his own police number targets?

Mr HAERMEYER (Minister for Police and Emergency Services) — Firstly, it is only under this government that we have started to publish figures relating to the operational alcohol tests done by booze buses. I well remember shortly before I assumed this portfolio going past Dawson Street one day and having a look inside, and all the booze buses were parked there because they were no police to staff them!

The effort that our police put into running random breath-testing operations is greater than ever. Booze buses are staffed by graduates from the academy, which is absolutely full to the brim. The parade grounds are full. We had the graduation of about 50 on Friday, and we have another 150 coming through early next year.

I note also that over the weekend the member for Scoresby made a comment that we ought postpone the introduction of the new drug buses. I find this a rather curious suggestion because I remember that in 2000, when there were 1000 police less than there are now, he was saying that we ought to introduce them immediately.

At that time the equipment was not tested and was far inferior to what it is now, yet the member said we ought to introduce them immediately. We have the situation in this state where we now have 1100 more police and nearly 2 million extra police hours and where crime rates are the lowest in over 10 years and are falling consecutively. We have a police budget that is 30 per cent, or $300 million, above what it was when the opposition was in office. We are building 135 new police stations across the state, and police morale is at a record high.

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby!

Mr HAERMEYER — So we have a rather bizarre situation: the member for Scoresby says that when we have 1000 more police we do not have enough to staff drug buses and booze buses — —

Honourable members interjecting.

The SPEAKER — Order! There is too much audible interjection. I ask members to be quiet to allow the minister to answer the question.

Mr HAERMEYER — It is a really bizarre situation. On the one hand back in 2000 the member said, 'We ought to bring in drug buses straightaway'. Now, 1000 more police later, he says. 'We haven't got enough police to staff them'. I find that rather strange.

This once-great party has turned into the Mad Hatter's Tea Party, with the Mad Hatter over here — —

Honourable members interjecting.

Mr HAERMEYER — And the white hare over there!

Australian Formula One Grand Prix: 10th anniversary

Ms D'AMBROSIO (Mill Park) — I refer the Minister for Tourism to the importance of major events to the Victorian tourism industry and ask him to inform the house of the preparations for the upcoming 10th anniversary of the Melbourne formula one grand prix.

Mr PANDAZOPOULOS (Minister for Tourism) — Melbourne has the honour of being one of the few cities in the world to host a formula one grand prix. As members would know, major events are what builds the profile of Melbourne and Victoria overseas. It is a major driver of tourism and of the way the rest of the world knows about us.

Next year we will celebrate the 10th anniversary of the grand prix, and it will be the halfway mark. This government has done half the events, and the previous government did the other half. But there is no doubt that those 10 consecutive years have helped put Melbourne and Victoria on the map abroad. All in all there have been 3.1 million visitors in the last nine years to the different formula one events, averaging about 350 000 per event over the four days. To date that has added $1 billion to the Victorian economy, which is about $130 million annually on an ongoing basis.

Many countries around the world, including South Africa, Russia and Mexico, are vying for the right to host their own grand prix, and they are prepared to pay a whole lot of dollars to do it. We love this event, we nurture it and we support it, and the 10th anniversary is a time to celebrate and share that with Victorians and visitors to Victoria.

The event creates bookings of the order of 30 000 hotel room nights by tourists to Victoria, although many others stay with family and friends as they come from around the world and interstate to be in Melbourne in March. As part of the celebrations the government wants to use the anniversary to say thanks to the many supporters from Victoria, interstate and overseas who come here and attend the event, year in and year out.

I can inform the house that the first day of the event — Thursday, 3 March 2005 — will be a people's day, with free general admission to the grand prix. It is a way for many who have not been to the grand prix to get a feel for the event and for the excitement. We will focus on encouraging school groups to visit on that Thursday, because it is such a great event that so many people want to be at.

The celebrations are not just confined to the track itself. Members might be aware of some media reports. I can confirm that there have been discussions with the City of Melbourne, and a number of months ago I approved a budget to celebrate the 10th birthday of the grand prix.

There are discussions about having a formula one grand prix street parade in Melbourne. This is not uncommon for major events — we have them during the AFL Grand Final, the Spring Racing Carnival and when Olympians come back, and we will be doing it when the Commonwealth Games athletes come here. It is a special event — a great way to promote Melbourne and a great way to encourage people to come into this great city from the suburbs and from regional Victoria. This will happen on the day before the grand prix starts, Wednesday, 2 March. It will be a great spectacle and a great event, with six formula one cars parading around the city. We will announce a lot more events as part of the celebrations.

I advise members of this house to watch this space. Some great and interesting things will be happening, possibly interstate, with something new and another way to promote the event. It will be a great 10th birthday, a great way to promote Melbourne and a great way to promote Australia as well.

Honourable members interjecting.

Mr PANDAZOPOULOS — Why do you guys hate the grand prix so much?

Honourable members interjecting.

Rail: regional links

Mr MULDER (Polwarth) — My question is to the Minister for Transport. I refer the minister to documents obtained under freedom of information concerning the fast rail project in which payments to the Thiess ALSTOM joint venture and Regional Rail Link include lump sums of $13 million, $12 million, $9 million and $8 million — in total over $50 million — and I ask: how can the minister justify paying such massive amounts of taxpayers money without details of the work completed and cost blow-outs being itemised?

Mr BATCHELOR (Minister for Transport) — This is a project that will bring enormous economic benefits to country Victoria. It will bring improved travel times, and it will boost tourism. It is the sort of project that you would think the Liberals and The Nationals would be supporting — but no, they were more intent on closing down rail lines in country Victoria than on reopening them.

Mr Mulder — On a point of order, Speaker, the minister is clearly debating the question. I ask you to bring him back to answering the question.

The SPEAKER — Order! I ask the Minister to come back to answering the question.

Mr BATCHELOR — This is a project that is covered by a contract. We have put the contract on the web. We put variations to the contract on the web once it is commercially appropriate to do so. We do not apologise for spending substantial amounts of money on this project. The amounts that the member has identified come, according to his calculations, to some $50 million. I would remind him that the total estimated cost for this project is over $600 million, and it is appropriate that as the work is concluded we pay for that amount. There is nothing unusual in these sorts of contracts about making progress payments. This just indicates not only that members of the Liberal Party oppose this project but also that they do not understand the documents we provide to them.

Eureka: rebellion anniversary

Ms OVERINGTON (Ballarat West) — My question is to the Minister for the Arts. Can the minister outline to the house the significance and success of the celebrations around the 150th anniversary of the Eureka Stockade uprising?

Ms DELAHUNTY (Minister for the Arts) — I thank the member for Ballarat West for her question and her interest in the Eureka uprising.

It took less than 20 minutes, and 30 miners and 5 troopers were dead. Within 20 minutes, according to historian John Molony:

> The battle of the Eureka Stockade was over. The battle for Australian democracy had begun.

At dawn this Friday, 3 December, 150 years later — and in the days leading up to this anniversary — we will celebrate and commemorate one of Australia's great national stories.

The Bracks government, through its $1.9 million program, has supported events right across the state such as the democracy conference in Ballarat, with speakers such as Mo Mowlam, a former Secretary of State for Northern Ireland. Jose Ramos Horta, the foreign minister of the world's newest democracy, East Timor, was also a keynote speaker, and eminent historians, scientists and writers were at the conference.

Music was important on the goldfields 150 years ago, so a four-day world music festival, called Echoes of Freedom, will feature Paul Kelly, Jimmy Little, Kavisha Mazzella and South Africa's great jazz legend, Hugh Masakela.

For the first time art and Eureka memorabilia will be brought together in one exhibition that will travel nationally. And the Eureka flag will fly for the first time in parliaments right across Australia. It was hoisted here at the Haymarket yesterday and at Bakery Hill in Ballarat, and it will fly atop town halls and in schools right across the state. Many members of the house have facilitated the provision of Eureka flags for their schools in order to promote the discussion. We just heard that Premier Carr has agreed that the Eureka flag will fly this week atop the Sydney Harbour Bridge, which is an iconic place.

We know that the goldfields were a bit of a cultural cauldron, with Irish patriots, Italian romantics, English Chartists, Greeks, Russians, Germans, Swiss, Chinese and Canadians, all bent on a fair go. We have tried to replicate that, particularly through our Eureka youth ambassadors program, which has been very successful. In fact one of our ambassadors featured in an international newspaper, and I will share it with the house. The article states:

> An Indian migrant has received the rare honour of being selected by a provincial government in Australia as one of the 17 youth ambassadors for an event to commemorate the 150th anniversary of the historical gold rush uprising.

That is from Cheryl Naik, aged 15 years, whose parents migrated from Mangalore, and that article appeared in the *Hindu*, one of India's leading newspapers.

I was asked about the success so far of the celebrations. If you can judge by newspaper reports, it has been very satisfactory and successful. The titles of some articles have included 'Eureka patriots flag up rights', 'Eureka youth still spreading rebellion' and 'Nation salutes Eureka symbol'. The *Herald Sun* looked at the Eureka story from the other side — that is, the story of one of the troopers who led the other troopers into battle and who died for his efforts — and there was a great story in the *Age* by Clare Wright about women on the goldfields.

In conclusion I would like to share some comments written by Andrew Dyson, which also appeared in the *Age*. Having looked at the conditions on the goldfields just prior to the Eureka uprising, he wrote:

> Worst of all was the fug of tobacco smoke that hung over Ballarat — —

Mr Plowman — On a point of order, Speaker, interesting as this is, the minister has now been speaking for over 4 minutes. I ask you to ask her to conclude her answer.

Honourable members interjecting.

The SPEAKER — Order! The minister has been speaking for over 4 minutes. However, the minister said she was concluding her answer, so I shall allow her to conclude it.

Ms DELAHUNTY — It does not matter whether it is history or politics, those on the other side hate success.

To conclude my answer, Andrew Dyson wrote:

> Worst of all was the fug of tobacco smoke that hung over Ballarat, drawing life from the toilers below. The lack of non-smoking areas on the diggings was torture for the abstemious. Little wonder that Peter Lalor, Raffaello Carboni and other concerned non-smokers chose to make a stand.

There is a sense of humour about Eureka, even if those on the other side have not got it.

Schools: cleaners

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Education Services. I refer the minister to the government's decision to shift Victorian school cleaners to a federal award system. Given that this decision is causing a steep rise in costs for Victorian schools will the government allocate additional resources so those schools can meet their cleaning needs?

Ms ALLAN (Minister for Education Services) — I thank the Leader of The Nationals for his question, because it was indeed The Nationals in government with the Liberal Party who actually sacked the cleaning work force from our schools. They sacked cleaners from our schools — —

Honourable members interjecting.

The SPEAKER — Order! Will government backbenchers please come to order, particularly the member for Derrimut!

Ms ALLAN — Members of the former government have no credibility on this issue. To clarify the matter for the Leader of The Nationals, it is schools that have the responsibility to contract and manage their own local cleaning requirements, and the government supports schools for those requirements through the provision of $65 million annually. Through that and under the system of self-management we have within our schools, it is school principals and not the department who have the direct responsibility for their cleaning requirements.

Government members are aware of this. Recently we were provided with a report from the Liquor, Hospitality and Miscellaneous Workers Union about issues that have arisen from school cleaning, and the report includes the issue which the Leader of The Nationals has referred to regarding funding for school cleaners. We are working through this issue with the unions and the schools. We do take seriously the issues of cleanliness, hygiene and safety in schools, and contract cleaners are required to comply with standards within the school system.

Mr Ryan — On a point of order, Speaker, the minister is debating the question instead of answering it. Instead of reading the answer to the question that she wanted me to ask, could the minister please answer the question I did ask?

The SPEAKER — Order! I do not uphold the point of order. I do not believe the minister was debating the question.

Ms ALLAN — If the Leader of The Nationals would let me finish! We are working with schools and we are working with the union, and we are talking through issues with regard to contract cleaning. We are looking at the potential impact of federal award coverage on individual contractors, and this issue is currently being assessed.

Commonwealth Youth Games

Ms GILLETT (Tarneit) — My question is to the Minister for Employment and Youth Affairs, and I ask: can the minister outline to the house the benefits to Victoria of the second Commonwealth Youth Games, commencing in Bendigo later today?

Ms ALLAN (Minister for Employment and Youth Affairs) — I thank the member for Tarneit for her question. From this evening and for the next four days Bendigo will host more than a thousand young athletes and officials from 24 countries. The athletes will be competing for around 580 medals across 10 sports as

part of the Commonwealth Youth Games. Bendigo and Victoria are the second host of the Commonwealth Youth Games after Edinburgh four years ago.

Spectators will be able to see tomorrow's stars compete in Bendigo over the course of this week. For example, the Athens gold medal star and our newly crowned Australian Swimmer of the Year, Jodie Henry, started her international career at the Edinburgh Commonwealth Youth Games just four years ago. We expect that many of the competitors in Bendigo this week will return to Melbourne in March 2006 to compete in the Commonwealth Games. The world's sporting media will be focused on this event and these young stars over the next few days. It is going to be a wonderful opportunity for the 25 young Victorians who are in the Australian team to compete in their home state at this international event.

The Bracks government is very proud to be a major supporter of this event, providing over $750 000 from the Major Events Fund to support it. Bendigo is also well placed to host this event, with the Bracks government providing around $3 million for upgrades of the major sporting facilities across Bendigo that will be holding the events over the next four days. The Commonwealth Youth Games will also be a great economic and tourism boost to the region. It is estimated that the economic spin-off for the games will be around $6 million. The games certainly provide us with a wonderful opportunity to promote Bendigo, to promote the region and to promote Victoria around the world.

The games are about more than sport. They are a great community event that the whole region has embraced, with many volunteers, including numerous young people, local businesses and local industries. In recognition of this being a community event, the Bracks government has also provided around $20 000 for culture and youth events to be held in conjunction with the Commonwealth Youth Games.

I want to place on the record the great work that has been undertaken and the great support that has been provided by the City of Greater Bendigo in association with the Australian Commonwealth Games Association and the games partner, La Trobe University at Bendigo. This is a big event and it has taken a lot of work, and they are to be congratulated. It is also recognition that the Bracks government is providing events right across Victoria, whether it is the Melbourne 2006 Commonwealth Games, the World Swimming Championships in 2007, the Australian Formula One Grand Prix, which is held every year, the Commonwealth Youth Games in Bendigo or the Eureka celebrations in Ballarat. We are committed to ensuring that all Victorians get to share in these great events. It is part of our commitment to growing the whole state — every region, every town and every suburb.

PERSONAL EXPLANATION

Mr HULLS (Minister for WorkCover) — I seek to correct the record regarding the matter of the second-reading speech for the Occupational Health and Safety Bill 2004. The second-reading speech made on Thursday, 18 November 2004, contains a factual error, which I now seek to correct. In the course of the second-reading speech I referred to senior officers duties — section 142. The section I ought to have referred to is section 144.

The SPEAKER — Order! The member for South-West Coast was going to raise the issue raised earlier about that being identified so that it is readily clear to someone who reads the second-reading speech. We will attend to that.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144, notices of motion 147 to 159 inclusive will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

GEOTHERMAL ENERGY RESOURCES BILL

Introduction and first reading

Mr CAMERON (Minister for Agriculture) introduced a bill to facilitate and regulate geothermal energy exploration and extraction in Victoria, to amend the Petroleum (Submerged Lands) Act 1982 and for other purposes

Read first time.

PETITION

Following petition presented to house:

Port Phillip Bay: channel deepening

To the Legislative Assembly of Victoria:

The petition of certain citizens of Victoria draws to the attention of the house the proposal to deepen the shipping channel at Port Phillip Heads and in Port Phillip Bay and the impact of that proposal on marine life in the bay, in particular the destruction from turbidity of filter feeder sponges, corals, vast areas of seagrass beds; the impact (from both noise and turbidity) on other marine animals further up the food chain including bottle nose dolphins and whales; the impact on the health of bay users from exposure to highly poisonous pollutants released from the disturbed seabeds and spread by tides and currents; and the impact on the recently established marine national park.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria ensures that this proposal does not proceed.

By Mr JENKINS (Morwell) (32 signatures)

Tabled.

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Electronic democracy

Mr LEIGHTON (Preston) presented, by leave, report on evidence obtained in North America, August 2004, together with appendices.

Tabled.

Ordered to be printed.

Alert Digest No. 11

Ms D'AMBROSIO (Mill Park) presented *Alert Digest* No. 11 of 2004 on:

Accident Compensation Legislation (Amendment) Bill
Corrections and Major Crime (Investigative Powers) Acts (Amendment) Bill
Emergency Services Telecommunications Authority Bill
Fair Trading (Enhanced Compliance) Bill
Gambling Regulation (Further Amendment) Bill
Heritage (World Heritage) Bill
Housing (Housing Agencies) Bill
Legal Profession Bill
Occupational Health and Safety Bill
Parliamentary Superannuation Legislation (Reform) Bill
Public Administration Bill
Safety on Public Land Bill
Transport Legislation (Amendment) Bill

together with appendices and minority reports.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Alexandra District Hospital — Report for the year 2003–04

Ballarat Health Services — Report for the year 2003–04, together with an explanation for the delay in tabling

Beaufort and Skipton Health Service — Report for the year 2003–04, together with an explanation for the delay in tabling (two documents)

Bendigo Health Care Group — Report for the year 2003–04

Boort District Hospital — Report for the year 2003–04

Border Groundwaters Agreement Review Committee — Report for the year 2003–04

Central Gippsland Health Service — Report for the year 2003–04

Coleraine District Health Services — Report for the year 2003–04

East Wimmera Health Service — Report for the year 2003–04, together with an explanation for the delay in tabling (two documents)

Echuca Regional Health — Report for the year 2003–04

Edenhope and District Memorial Hospital — Report for the year 2003–04, together with an explanation for the delay in tabling

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

Dunmunkle Health Service

South Gippsland Hospital

Gippsland Southern Health Service — Report for the year 2003–04 (two documents)

Goulburn Valley Health — Report for the year 2003–04 (two documents)

Inglewood and District Health — Report for the year 2003–04, together with an explanation for the delay in tabling

Latrobe Regional Hospital — Report for the year 2003–04

Maryborough District Health Service — Report for the year 2003–04 (two documents)

Mitcham-Frankston Project Act 2004 — Mitcham-Frankston Project Statement of Variation No 1

Orbost Regional Health — Report for the year 2003–04

Otway Health and Community Services — Report for the year 2003–04

Parliamentary Committees Act 2003 — Response of the Minister for Corrections on the action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry into Amphetamine and Party Drug Use in Victoria

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

Brimbank Planning Scheme — Nos C73, C77

Greater Geelong Planning Scheme — Nos C71, C99

Moonee Valley Planning Scheme — No C43

Moorabool Planning Scheme — No C9

Victoria Planning Provisions — No VC31

Rochester and Elmore District Health Service — Report for the year 2003–04

Statutory Rule under the *Crimes Act 1958* — SR No 141

Stawell Regional Health — Report for the year 2003–04, together with an explanation for the delay in tabling (two documents)

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 130

Victorian Industry Participation Policy — Report for the year 2003–04

West Gippsland Healthcare Group — Report for the year 2003–04

West Wimmera Health Service — Report for the year 2003–04, together with an explanation for the delay in tabling

Wimmera Health Care Group — Report for the year 2003–04, together with an explanation for the delay in tabling (two documents).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 26 February 2003:

Major Crime (Investigative Powers) Act 2004 — Parts 1, 7, 8 (other than sections 75 and 97), 9, 10 (other than section 105) and 11 (other than section 130) on 16 November 2004 (*Gazette S237*, 16 November 2004)

Major Crime (Special Investigations Monitor) Act 2004 — Whole Act on 16 November 2004 (*Gazette S237*, 16 November 2004)

Major Crime Legislation (Office of Police Integrity) Act 2004 — Parts 1, 2, 3, 4, 5 (other than section 12) and 10 on 16 November 2004 (*Gazette S237*, 16 November 2004)

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — Sections 37, 38, 39, 40, 41 42 and 43 on 1 December 2004, (*Gazette G47*, 18 November 2004).

ROYAL ASSENT

Message read advising royal assent on 23 November 2004:

Commonwealth Powers (De Facto Relationships) Bill
Electoral Legislation (Amendment) Bill
Electricity Industry (Wind Energy Development) Bill
Major Crime Legislation (Seizure of Assets) Bill
Petroleum Products (Terminal Gate Pricing) (Amendment) Bill.

APPROPRIATION MESSAGES

Message read recommending appropriation for:

Gambling Regulation (Further Amendment) Bill
Housing (Housing Agencies) Bill
Occupational Health and Safety Bill
Public Administration Bill
Safety on Public Land Bill
Transport Legislation (Amendment) Bill.

DRUGS AND CRIME PREVENTION COMMITTEE

Violence associated with motor vehicle use

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

That the resolution of the house of 14 September 2004 providing that the Drugs and Crime Prevention Committee be required to present its report upon violence associated with motor vehicle use to the Parliament no later than 7 December 2004 be amended so far as to require the report to be presented to the Parliament no later than 31 March 2005.

Motion agreed to.

RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE

Country football

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

> That the resolution of the house of 31 March 2004 providing that the Rural and Regional Services and Development Committee be required to present its report on the impact on life in rural and regional Victoria of Australian Rules football to the Parliament no later than 30 September 2004 be amended so far as to require the report to be presented to the Parliament no later than 31 December 2004.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

> That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 2 December 2004:
>
> Building (Cooling Towers and Plumbing) (Amendment) Bill
>
> Corrections and Major Crime (Investigative Powers) Acts (Amendment) Bill
>
> Emergency Services Telecommunications Authority Bill
>
> Fair Trading (Enhanced Compliance) Bill
>
> Legal Profession Bill
>
> Multicultural Victoria Bill
>
> Planning and Environment (Development Contributions) Bill
>
> Public Administration Bill.

The eight bills on the government business program, together with the seven bills that will be presented in the last week, represent the finalisation of the legislative program for this sitting of Parliament. This week's program contains eight bills, which is a manageable amount of business and which leaves some seven bills to be dealt with in the last week. The logic behind the program is that in the last week I envisage that a couple of bills, particularly the bill on occupational health and safety, will require a substantial contribution from both sides of the house during the second-reading debate. In those circumstances the government has decided to bring forward eight bills for consideration this week, leaving seven bills for the last week.

I also advise members that that there will be a ministerial statement on Wednesday following question time. Advice on that statement will be provided to members in due course in accordance with the standing orders. I also advise the house that the member for South-West Coast had heard by rumour that the house would sit another week. I assure the member that we will not be required to sit additional days to meet the legislative program of eight bills this week and seven bills the following week.

Mr PLOWMAN (Benambra) — The Liberal Party will not oppose the government's business program but I want to make a few points about the program. Eight bills take up a lot of time, particularly those contentious bills. As is always the case, we get to the more contentious bills at the end of the term. We will be opposing some of these bills and will seek to amend many of them. We need all that debating time in which to do justice to those eight bills. We will possibly have second-reading speeches that will take the time of the house. Most importantly we have got the ministerial statement which the Leader of the House has indicated is going to come into the house but as yet has not indicated what the subject matter is or what portfolio it is going to be related to.

It strikes me that, given the fact that there are eight bills to be debated and the house has a matter of public importance (MPI) to discuss on Wednesday, it would be very sensible for the government to look at using the time space for the MPI to deliver that ministerial statement. If the ministerial statement is so important to the government that it needs to introduce it in the second-last week of the parliamentary sitting, it strikes me that the time set aside for the MPI is an ideal opportunity to debate it to ensure that there is sufficient time for that debate. I believe that if we are to do justice to the bills then we need the entire debating time.

On many occasions in the past few weeks we have had the opportunity to go into committee or — what is it called? — consideration in detail.

Mr Langdon — Old habits die hard!

Mr PLOWMAN — It is a case of old habits die hard, I am afraid. There were times when it would have been ideal to have done that, to give both sides of the house their due debating opportunity — not just to the opposition but to both sides. If members of the opposition are denied the opportunity to speak at length and to get up the number of speakers that are required to give those contentious issues before the house the level of debate they deserve, then I think the government should reconsider the fact that it is

introducing a ministerial statement in a week when it has the opportunity to do it through its own MPI speech.

Another issue which was of real concern was when we tried to negotiate time for the shadow Attorney-General to speak on one of our legal bills; he ended up with only 2 minutes to do so. That is not fair debating time. It is up to the government to ensure there is sufficient time for debate on all the issues that we have before us. I ask again that the government reconsider the introduction of that ministerial statement during the time allotted for MPI.

Mr MAUGHAN (Rodney) — The Nationals will not be opposing the government's business program. I thank the Leader of the House for allowing a little more time next week when we are going to debate the occupational health and safety legislation. It is a piece of legislation whereon sufficient time needs to be given to everybody who wants to contribute to the debate on it.

Eight bills are an achievable target this week, with seven next week, and I am delighted to hear that we are not sitting beyond that. Having said that, I wonder why it is that the government cannot notify the opposition parties about what the government business program is a little earlier in the piece. I was notified about the business program at 3.00 p.m. on Friday.

Mr Delahunty — That was 2 hours earlier than last week!

Mr MAUGHAN — It is 2 hours earlier than last week as the member for Lowan points out, but the reality is that it is published on the government notice paper, it has been there for a week or 10 days, and I really do not understand why, when there is usually a cabinet meeting on the Monday, the government cannot get its act together and notify the opposition parties that it is going down its own notice paper as planned, rather than leaving it until the eleventh hour — 3.00 p.m. on Friday afternoon — so that we can then notify our members who are speaking on the various pieces of legislation whether they are on or not, and give them adequate time to prepare. I ask for greater consideration so that the opposition parties are notified of the government's business program a little more in advance than has been done over recent weeks.

On the topic of ministerial statements, they were a very important part of the Parliament. They were on serious issues and were usually about some significant changes that were to be made. But it seems now that we are having regular ministerial statements that are public relations exercises rather than serious statements about what the government intends doing. Again there is not sufficient time set aside to debate ministerial statements, such as they are, with two government speakers, one speaker from the opposition and one from The Nationals. As long as the statements are just public relations-type statements then I guess that is fine, but it does take the time of the house and I think a little more consideration should be given to the importance of ministerial statements.

I also make the point that the government seems determined not to go into the consideration-in-detail stage on various bills and will do anything to avoid that consideration in detail. That is a very important part of the debate in this house and members of the opposition parties certainly appreciate that opportunity to get into the finer detail, to be able to question the minister and to have the minister respond to legitimate points that are made on the detail of the legislation, rather than just the broad thrust of the legislation which is in the second-reading debate.

The final point I want to make is that because of the limitations on time we are getting into a habit of going through only the lead speakers and coming back to the bill later. I understand why the government is doing that — it is a very efficient way of getting through the business of the week — but it does rather truncate the debate. It seems that the best way to have a good debate and have all points of view put is to be able to sit on and complete the whole of the debate.

Mr Delahunty interjected.

Mr MAUGHAN — That is correct; they are not listening. The problem is the government cannot then be assured of getting its bills through. I think we would have a bit more oomph in the debate if we were able to have the debate going from side to side rather than having it truncated after three speeches and the house getting onto another topic.

The Nationals will not be opposing the government's business program. I hope we will not be sitting until ridiculous hours this week. I look forward to getting through the eight bills and to next week also being a reasonable week.

Motion agreed to.

MEMBERS STATEMENTS

Helen Handbury, OAM

Dr NAPTHINE (South-West Coast) — On behalf of the people of western Victoria I wish to acknowledge the recent death of Helen Handbury and place on record the enormous appreciation of our community for her outstanding support of a wide range of projects and organisations in the region. Helen Handbury was a quiet, unassuming and modest person. She loved her local community. She had a real knowledge, understanding and concern for the local community. She genuinely and without fanfare gave generously to that community.

Helen Handbury was a strong supporter of a range of organisations, in particular the Hamilton and Horsham and other district hospitals; the RMIT University campus at Hamilton; the Portland cable tram project; the Brophy youth facility planned for Warrnambool; the Coleraine Eucalyptus Discovery Centre and Points Arboretum; the Johnny Mullagh centre at Harrow; the Portland Surf Life Saving Club rooms, which are now named after the Handbury family; the Nexus youth project at Horsham; many local art galleries, libraries, youth services, kindergartens, schools and fire brigades; Hamilton Sheepvention; local pastoral and agricultural societies; and many other projects. Helen Handbury truly was an outstanding philanthropist, but she was more than that. She was vitally concerned with the local community, understood the local community and was vitally committed to it.

I pass on my sympathies and those of western Victorians to her husband, Geoff; her children, Matt, Judy, Paul and Paddy; her mother, Dame Elisabeth Murdoch; her siblings, Janet and Rupert; and her 14 grandchildren and her great-grandchild.

International Day for the Elimination of Violence Against Women

Mr MILDENHALL (Footscray) — At lunchtime I joined the Speaker and dozens of other members on the front steps of Parliament House to participate in an activity to raise awareness of the campaign for the elimination of violence against women and the launch of the parliamentary branch of Amnesty International. Congratulations to all those involved in this event.

However, as usual there is a lot of action taking place in the western suburbs in relation to this issue. Last week I had the privilege of presenting Western Bulldogs players Scott West and Nathan Eagleton with white ribbons. As role models to young males and football supporters everywhere, it was terrific to have them show their support for this important cause. White Ribbon Day is the United Nations International Day for the Elimination of Violence Against Women and is commemorated on 25 November each year. Wearing a white ribbon is a personal pledge that the wearer does not condone violence against women and is committed to supporting community action to stop violence by men against women. This year I was pleased to be able to present these ribbons in front of Senior Sergeant Bill Weatherly and Acting Inspector Steve Meehan from Victoria Police, as well as representatives from the Western Women's Domestic Violence Support Network in Sunshine. In Australia 1.1 million women have experienced violence from a previous partner, including violence that occurred both during and after the relationship.

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

Edwardes Lake, Reservoir: redevelopment

Mr LEIGHTON (Preston) — On Sunday, 21 November, we welcomed the Minister for Water and Minister for Environment to Edwardes Lake in Reservoir. I thank the minister for his attendance and support in launching the completion of the redevelopment and water improvement works. Edwardes Lake Park is a magnificent recreation area. However, the lake had become heavily polluted in recent years because it serves as stormwater run-off for a 40 square kilometre area.

Works costing $3.5 million, including $1 million in state government funding, were carried out in cooperation between the City of Darebin and the state Labor government. Works to the lake include: installing a sediment trap and litter traps upstream from the lake to reduce the amount of sediment and litter entering the lake; installing a new wetlands pond system in the upstream section of the lake to improve water quality and provide habitat for flora and fauna; repairing the weir at Edwardes Street; remodelling the lake bottom to vary water depth and allow better water flow; and landscaping the edges of the lake to provide further habitat for flora and fauna.

The works on the lake and its surrounds are also important for the local environment. Stormwater is an important part of our water supplies for now and for the future. By harvesting and cleaning this resource at Edwardes Lake, we can contribute to a healthier environment. The work at Edwardes Lake is very much about Labor protecting the environment and Labor delivering to its heartland in my electorate.

Helen Handbury, OAM

Mr DELAHUNTY (Lowan) — Western Victoria is saddened by the loss of one of its most generous benefactors, Mrs Helen Handbury, a tireless philanthropist who was involved in many charities locally, nationally and internationally. Organisations which benefited from her support were involved in the arts, youth, health, aged care, education, sport, brass bands and local government projects. Helen was also a Care Australia director and a Little Desert Flora and Fauna Foundation partner. She was a significant woman who gave personal and emotional support to many. Helen's support for the local community became legendary, and she saw this as one of the natural responsibilities of a person with means.

Last Friday I, along with my wife, Judie, and many others, attended a celebration of the life of Helen, who died at her home in Hamilton following a short illness. She led a loving family, whose members are still finding out about things she did for others. Her husband, Geoff, her children Matthew, Paul, Paddy and Judy and their spouses, her 14 grandchildren and one great-grandchild, her brother and sisters and her mother, Dame Elisabeth Murdoch, were all present at the service. Helen touched the hearts of many through her quiet assistance and inspirational leadership. All who knew her were enriched by the positive experience of knowing such a gracious and friendly woman. Helen was a lady whose philanthropy and assistance to many individuals and organisations will stand as a lasting tribute to her. My deepest condolences and those of all the people of western Victoria go to her husband, Geoff, and her family.

Phillip Island: Smiths Beach disabled access

Ms MARSHALL (Forest Hill) — It was with great pleasure that I attended on Philip Island on 20 November the launch of the island's first surf beach access ramp, situated on Smiths Beach, with my mother-in-law Judy Acheson, an island resident, my daughter, Charlotte, and my close friend and Paralympian, Brian McNicholl.

This monumental achievement was spearheaded by a truly inspirational local woman, Dawn King, who worked tirelessly to put the necessary pieces of the project in place to ensure it was the success that it was. It was through her vision and energy that many locals and local businesses became involved. She formed the Smiths Beach ramp group to promote the issue and facilitate its construction. Dawn recognised the importance of the ramp not only for those in our community with permanent and temporary disabilities, for frail or aged people and for the sight impaired but also for parents with young children and prams. Brian in his wheelchair, Charlotte being pushed in her pram and my elderly mother-in-law easily made the trip to the water's edge, and Brian, in what can only be described as an emotional moment for all of us, touched the open sea for the first time in almost 30 years.

The ramp comprises a 107-metre-long switchback ramp running from the car park viewing area to the beach. Construction costs of $65 000 were almost halved following the donation by David's Timber of all the timber used, in addition to the provision of 36 volunteer apprentices from Holmesglen Institute of TAFE. Recognition must also be given to the member for Bass for obtaining a substantial donation from Tattersall's to further reduce the costs of the project. It was the community working together that enabled this project to be the resounding success that it was, and I was very proud to have been invited.

Business: performance

Ms ASHER (Brighton) — I draw to the attention of the house the latest Victorian Employers Chamber of Commerce and Industry survey of business trends and prospects. We are seeing in this survey the trend shown by many other economic indicators — that is, Victoria performing at a lesser level than the rest of Australia. We can see from a graph on page 3 of this report that business confidence in Victoria has been consistently below the Australian level since the election of the Bracks Labor government. When we look at the Victorian economic outlook on page 5 we again see that it is at a lower level than the rest of Australia — 18 per cent of Victorian businesses surveyed expected stronger growth compared with 25 per cent in Australia overall.

Twenty-three per cent of businesses in Victoria expected weaker growth, compared with 14 per cent in Australia overall. In every single category of business surveyed, the Australian outlook is stronger than the Victorian outlook. The figures are close in only two areas, and they are wholesale and retail trade, and education, health and community services. For example, in the agriculture, forestry and fishing category, 18 per cent of Victorian businesses thought performance would be stronger in the next quarter, compared with 36 per cent across Australia overall. In manufacturing the figures are 15 per cent versus 26 per cent; in building and construction they are 8 per cent versus 15 per cent; and in transport and storage they are 17 per cent versus 35 per cent. It is not good enough for Victoria to have these levels — —

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

Nillumbik: councillors

Mr HERBERT (Eltham) — I rise today to congratulate the newly elected Nillumbik councillors and to wish the outgoing councillors all the best in their future endeavours.

We all know that the residents of Nillumbik are passionate about their environment, their politics and their beliefs. Maybe this is why Nillumbik council has had such a volatile history. The fact that only one of the nine incumbent councillors has been returned to office signals a fresh start for our local council. Congratulations to Greg Johnson, Helen Coleman, Michael Young, Bronnie Hattam, Bo Bendtsen, Bill Penrose, Warwick Leeson, Howard Bulmer and Peter Yates on their respective victories. I urge all of these new councillors to concentrate on stability in management and service delivery, and I trust that we will see an end to the bickering and infighting that plagued the previous council.

Residents of Nillumbik want their local environment to be protected; they want an efficient, functioning council providing them with improved services and facilities; and they want positive outcomes for their communities and families. I look forward to working closely with the new council to guarantee cohesiveness and coordination between our two levels of government for the benefit of all the residents of Nillumbik.

Doncaster Gardens Primary School: awards

Mr PERTON (Doncaster) — On Monday I visited Doncaster Gardens Primary School and had the honour of presenting awards to the students. This school is ably led by Michelle Beale, the principal, Sue Rathbone and other dedicated teachers. This small school of just over 400 students has recorded remarkable successes in both statewide and national competitions this year. In its most recent achievement it was declared the top school in Victoria in the Australian Mathematics Olympiad, in which 910 schools in Australia and New Zealand competed. It was 10th overall; 17 of its students were in the top 10 per cent, with four receiving perfect scores. Only 156 of the 25 750 students who took part achieved this feat. The school also achieved success in the Asia-Pacific Mathematics Olympiad, with one of its students receiving a platinum award and being selected in the top 10 students to compete in Singapore.

In other successes a student received a gold medal for being top of the state in the Australian schools science educational assessment, and another received a gold medal in computers. Four students also received high distinctions in English awards. Fifty-eight students were awarded a credit, distinction or high distinction in the English assessments, more than half of those who entered the competition.

The success of Doncaster Gardens Primary School has extended into the sports area, with the school winning the district athletics competition and one of its students being selected in the state's athletics team. Early next month students will compete in the years 5 and 6 Hooptime basketball state finals.

Chess is another area of credit, where the school is rated fifth in Victoria. The youngest members of the team are only in year 2. Chess is strong at the school, with four chess clubs, the youngest group containing 25 students. This school is in LOTE group 6, which means it has a high to medium proportion of LOTE students and medium numbers of recipients of the education maintenance allowance or youth allowance. What is staggering is that this fine school is having its budget cut by this wicked socialist government!

Frankston East Primary School: playground

Mr HARKNESS (Frankston) — Last Sunday I set the alarm bright and early and headed down to the tremendous Frankston East Primary School with my partner, Tawny, to assist with the school's Schoolyard Blitz working bee. Frankston East Primary School is one of four Frankston schools that has received a $5500 grant to spruce up its grounds as part of the Bracks government's Schoolyard Blitz initiative. Frankston East Primary School, Frankston Primary School, Karingal Primary School and Karingal Heights Primary School have all received this grant. The Schoolyard Blitz program provides an opportunity to tap into community support by taking the concept of a working bee to a whole new level, with financial assistance from the government.

I would like to doff my hat to the principal at Frankston East Primary School, Phil Farrer, who demonstrates each and every day the benefits of providing strong leadership in a school community. I joined George and about 30 other local residents, parents, teachers and children from this school community in taking down and removing a 50-year-old dilapidated shelter shed in the middle of playground. We piled it up to make way for new shade sails for the children at the school to enjoy. We also put in a lot of soil and plants in garden beds, and I have the scars and bruises on my hands to prove it!

I congratulate the members of the Frankston East Primary School community, particularly Phil Farrer, the principal, for his fantastic leadership of this marvellous local primary school.

Small business: government fees

Dr SYKES (Benalla) — Last week I received a letter from Zelda Yeates and Grant Whytcross highlighting the impact of excessive government fees on their small trout farm at Edi Upper in north-east Victoria. At this stage government fees amount to $4000 per year for a business which grosses only $6000 per year. The aquaculture licence is $723 per year, the Environment Protection Authority licence is $706, the PrimeSafe license is $600 and the EPA water test costs $2036. The EPA licence fee has risen from $512 in 2001 to $706 in 2004, an increase of 40 per cent in three years. The aquaculture licence fee has jumped from $201 in 2003 to $723 in 2004, a massive increase of over 300 per cent in one year.

The letter written to me by Zelda Yeates and Grant Whytcross concludes by saying:

> As you can appreciate these are very expensive running costs for a small tourist operation. What can be done about this? As you can appreciate, we cannot keep funding this business at the increased running costs. Small business should be encouraged, not put out of business because of government fees.

I ask the government when it is going to listen to small business operators, who are the backbone of Victoria's economy, and minimise red tape and licensing fees so they can get on and generate wealth for all Victorians.

Melbourne: mayoral election

Mr LIM (Clayton) — I rise to congratulate the Lord Mayor of Melbourne, John So, on his magnificent victory in the City of Melbourne elections.

Mr So's re-election has confounded the so-called political experts in the media who declared that he had no chance of winning. In the face of well-orchestrated campaigns from rival candidates Mr So received 23 546 votes after the distribution of preferences. This was 11 500 more than Greens candidate Dr Richard Di Natale, who came second, and an astonishing 13 725 votes ahead of Kevin Chamberlin, otherwise known as 'The Rat', who miserably finished in third place.

John So is a lord mayor who gets out among the community. People trust him and he gives selflessly of himself. He provides solid, firm but fair leadership leading to the stability of the city council and contributing to the many achievements of the city.

In an election campaign that was seriously tarnished by racist statements against Mr So and the running of numerous dummy candidates by his rivals, I am pleased to say that the electors of Melbourne have conscientiously rejected the racism and duplicity of his political enemies. To those who thought they would unseat John So by guile and intrigue, I can but quote the famous lines of Robert Burns, which state:

> The best laid schemes o' mice an' men
>
> Gang aft a-gley,
>
> An' lea'e us nought — —

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

Government: election promises

Mr WELLS (Scoresby) — This statement condemns the Bracks government for its long list of broken election promises which quite clearly were outright lies to the people of the outer east in order to buy their votes. The long list of the Bracks government's broken promises and lies since 1999 is just another example of how successive Labor governments have kicked the people of the outer east in the guts time and again with a woeful history of neglect of infrastructure and support services.

We had the Bracks government lie on saving Waverley Park. It promised to maintain Waverley Park for Australian Football League football; now we have a high-density housing estate. Having scrapped a much-needed Knox hospital, Labor promised to build a rehabilitation and geriatric hospice on the hospital site. It was another lie; still nothing has happened.

The new Rowville police station was promised as a 24-hour station; it is open 16 hours a day with only half the promised staff, most of whom were poached from Knox police. Labor promised to upgrade Stud Road, but the tens of thousands of motorists frustratingly sitting in traffic gridlock morning and night are still waiting. Labor promised a feasibility study into the preferred route for a train line to Rowville. Now we have been told that there will be no funding for the train line, not even a feasibility study. Labor promised to extend the tramline from East Burwood to Knox City shopping centre; the tram has not even got to Vermont South!

Then we have the mother of all lies, the monumental backflip on the Scoresby tollway. The Bracks Labor government has consistently lied to the people of the outer east, and we are now saying enough is enough.

Country Fire Authority: Lilydale brigade

Ms McTAGGART (Evelyn) — It was a pleasure to attend the Lilydale Country Fire Authority (CFA) annual brigade dinner on Saturday, 27 November. The evening was a celebration to acknowledge recipients of the Lilydale Urban Fire Brigade's national medals and long service awards. I would like to take this opportunity to commend the Lilydale CFA captain, Frank Whelan, for his leadership and commitment to the Lilydale CFA brigade and our local community.

The medals were presented by the chief executive officer of the CFA, Neil Bibby and members receiving national medals were Lieutenant Warren Davis, for 28 years of service; firefighter William Dunkley, for 42 years of service; firefighter Graham Boyd, for 23 years of service; secretary Derek Reed, for 27 years of service; firefighter Kevin Cameron, for 29 years of service; firefighter Wally Koralewski, for 28 years of service; and firefighter Roger Haley, for 28 years of service. Long service awards went to firefighter Andrew Walsh, who has completed 20 years and who received a long service clasp; firefighter Peter Baxter, who received a 12-year long service award; and firefighter Gary Mann, who also received a 12-year long service award.

A great night was had by all, and we all look forward to the 100-year celebrations next year. I would like to thank all the CFA volunteers in Lilydale and Evelyn and throughout Victoria for their ongoing commitment and service to our communities.

Mornington: harbour

Mr COOPER (Mornington) — On 17 November Andrew Hall of Mornington was awarded the Royal Life Saving Society Australia bravery cross for an act of great heroism when on 12 December 2003 he swam to rescue the 60-year-old skipper of a yacht who had fallen overboard in Mornington harbour. The skipper was wearing wet-weather gear but not a personal flotation device, and he was losing the battle to stay afloat. After reaching the yacht's skipper Andrew assisted the semiconscious man to shore where he was treated by ambulance officers. In carrying out this rescue Andrew was in the water for 25 minutes, and he deserves every congratulation for risking his own life to ensure that the yacht's skipper did not drown.

This is not the first dangerous incident to occur in Mornington harbour, nor will it be the last. It is a dangerous harbour that is in urgent need of work to make it safe. The government has an obligation to do something about creating a safe harbour at Mornington, and this particular incident of a near death should be the catalyst for action. It is simply not good enough that the community has to rely on the heroism of people like Andrew Hall to save lives at risk in Mornington harbour while the Bracks government shirks its responsibilities to create a safe harbour. What is needed is an expanse of water in the harbour to enable safe mooring and berthing facilities for the many boats which frequent that section of Port Philip Bay.

The Mornington yacht club and other boating organisations have been keen for several years to see this busy harbour made safe. Just when will the Bracks government start to listen and commence to act? Hopefully it will do so before lives are lost.

Royal Victorian Bowls Association: international day

Ms MORAND (Mount Waverley) — On Sunday I had the great pleasure of attending the Royal Victorian Bowls Association (RVBA) international day for 2004, which was held at the Glen Waverley Bowls Club. The RVBA international day is for bowlers who were born or are first descendents of those born overseas. This event was first organised in 1974 and held at the Carlton Bowling Club.

This year is the 31st year of the annual event. It attracted 36 teams of 4 bowlers representing 24 countries. Countries represented included Italy with six teams and Malta with the largest contingent of nine teams. Also represented were Holland, Lebanon, England, Ireland, Northern Ireland, Wales, Scotland, New Zealand and, of course, Australia. The winner on the day was an English team.

I congratulate the RVBA for continuing to hold and support the international day. It is a great opportunity to celebrate Victoria's diversity and multiculturalism. Representing the RVBA were Cr Les Baker, RVBA board member Max Deason and RVBA vice-president Bill Sorraghan, OAM. It was a beautiful day with perfect conditions for bowls. Glen Waverley Bowls Club is a great club with lovely grounds and facilities surrounded by beautiful gardens tended by volunteer club members. Glen Waverley president Jim Ramm and ladies president June Ellis were fantastic hosts, and the ladies club put on a lovely lunch for all participants.

I have a special sentiment for the Glen Waverley Bowls Club, as my father was a member some 25 years ago. Congratulations to the RVBA and Glen Waverley Bowls Club for hosting a successful international day 2004.

Pascoe Vale: golden wedding anniversaries

Ms CAMPBELL (Pascoe Vale) — It is my pleasure to meet many couples who are celebrating their 50th wedding anniversary. Antonio and Filomena Lucisano, who came from the village of Varapodio in Reggio Calabria in Italy, will have been married for 50 years on 4 December. Antonio migrated to Australia in 1950 with memories of a lovely girl from his village. He organised a proposal via his mother, which was accepted by Filomena. They were married by proxy in 1954 and two years later in Australia they began married life. They now boost four children and many grandchildren.

Dick and Valda Nimmo, who live in Glenroy in my electorate, celebrated their golden wedding anniversary on 26 November. I have strong memories of Mr and Mrs Nimmo working in their shoe and leather repair business. Customers not only collected shoes with quality repairs that often lasted longer than the period between the purchase and the visit to the bootmaker, but Mrs Nimmo also had a friendly word for all of my little children.

Some of the couples from my electorate who are celebrating their golden wedding anniversary in 2004 include Norma and Robert Nutt of Pascoe Vale. Bob is often down at choir practice, as they call it, at the Pascoe Vale Returned and Services League on Friday night where he often greets people with a warm smile. Carmela and Filipo Tornello of Glenroy are also celebrating their golden wedding anniversary, as are Betty and Richard Stokes of Pascoe Vale South and Dawn and Pat Coots of Pascoe Vale. I have fond memories of Mr Coots as he lugged his bags of briquettes around to our home. We always looked forward to seeing him in winter. Happy anniversary and many blessings.

Anita Hinton

Mr ROBINSON (Mitcham) — I would like to record my congratulations to Anita Hinton for her 13 years of leadership of the Eastern Volunteers Resource Centre based in Ringwood. Anita has done an outstanding job over the past 13 years coordinating hundreds of volunteers who have assisted sick and elderly people throughout eastern Melbourne. She has always demonstrated impeccable professionalism and courtesy with all those she has dealt with. She is retiring from the centre shortly and on behalf of all of those who she has assisted over the 13 years, I would like to thank her and wish her well in her retirement.

Mitcham: 50th anniversaries

I would also like to acknowledge two recent significant 50th anniversaries in the Mitcham electorate. The first is for the parish of St Thomas the Apostle in Blackburn which on Sunday celebrated its 50th anniversary with a special mass. A large crowd attended and enjoyed the occasion which was accompanied by the launch of the parish history written by local resident Hugh McCaig. Congratulations are in order to Monsignor William McCarthy and his organising committee.

A few weeks earlier I had the pleasure of attending the 50th anniversary of the Hoskins family business, which is a carpet gallery, and its forerunner Hoskins Furniture. Bob in particular has been a landmark figure around Blackburn over the past half century. He has been actively involved in the traders association, the chamber of commerce and the Blackburn Football Club. Congratulations are in order to him and his family.

Hastings: achievements

Ms BUCHANAN (Hastings) — On the second anniversary of being elected as the member for Hastings I again pay tribute to the residents and organisations based in this region. In two years there has been much progress in enhancing the social, environmental and economic wellbeing of this region, and I have felt very proud and very humbled to have interacted with thousands of locals who love and voluntarily support their communities with great passion. In my working with the great townships around the region many projects are being realised, including a junior secondary college in Somerville, traffic lights at a dangerous intersection in Tyabb, upgraded facilities at every state school in the area, including major ones at Pearcedale, Tooradin, Hastings and Somers, along with the great boost given to small businesses across the state and in local townships like Langwarrin, Balnarring and Baxter, which has provided a strong economic foundation for sustained growth and prosperity.

Many jobs and apprenticeships have been created to allow employers and employees to learn and work locally, and I cannot underestimate how much hope this has given every community. I am humbled at being given the opportunity to listen to many individuals, community and business organisations, school councils, neighbourhood houses, child-care centres, retirement

villages and service clubs and to advocate on their behalf. Much has been done and much more action is needed, and I greatly look forward to continuing the hard work for these great communities to ensure they continue to be safe, healthy and sustainable places to live, work, raise families and retire in. To each and every person in the Hastings electorate I wish the best of health, hope and happiness over yuletide and into the new year.

Tullamarine Primary School: *South Pacific*

Ms BEATTIE (Yuroke) — On Thursday, 18 November, I had the pleasure of attending Tullamarine Primary School's production of *South Pacific* under the direction of Deborah Buzza, who was assisted by Sally Davis and Margaret Reid. It was a marvellous production. Although I cannot name all the cast I would like to thank Shannon Cordes, Daniel Frans, Kimberley San Jose, Myles O'Brien, Ryan Peters, Ashleigh Palmer, Tiara-Jade Barton, Daniel Sinnott, Blair Campbell, Vinay Sastry and Matthew Berkery. I also congratulate the wonderful boys choir and girls choir, choir A and choir B. This was a fabulous production, and as usual it was supported by the principal, Mr Michael Gregory, who does a fantastic job down there.

I also commend long-time parent committee member Shiona Sinnott, who made all the wonderful costumes. This event really was something to remember. Tullamarine Primary School has a musical production every year, and every year it is something different. It is special for the Tullamarine community and everybody gets behind it. The production of *South Pacific* is wonderful and goes over three nights. Those involved also do a matinee, which is a huge task, but they are well up to it. I congratulate them and wish them every success next year.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Mulgrave has 1 minute and 10 seconds.

Waverley Meadows Primary School: roof

Mr ANDREWS (Mulgrave) — Last Wednesday I had the great pleasure of visiting Waverley Meadows Primary School in Wheelers Hill in my electorate. Waverley Meadows is one of the many fine schools servicing our local community. It has a vibrant school community with dedicated teaching and support staff, who are ably led by their principal, Mrs Carolyn Harris.

The purpose of my visit was to celebrate and acknowledge a grant of some $272 000 for the construction of a new roof. For many years the school has been plagued by chronic leaks and water damage as a result of a design fault. Over the years principals, parents, teachers and local members of Parliament have lobbied for resources, firstly, to repair the roof, and now to replace it. It was interesting to talk with the principal, Mrs Harris, and read through newspaper clippings from the late 1980s and early 1990s describing the problems with the roof and the pressing need for repair and replacement. This has been an issue for the Waverley Meadows Primary School community for a long time, and that is what makes this $272 000 allocation as part of the recent $50 million boost to school maintenance so special. Waverley Meadows is currently working through a tender and design process with work due to commence in early 2005. This is great news for a wonderful local school. Congratulations to Waverley Meadows Primary School. Best wishes for the redevelopment and for 2005.

PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL

Second reading

Debate resumed from 4 November; motion of Ms DELAHUNTY (Minister for Planning).

Mr BAILLIEU (Hawthorn) — I rise to make the opposition's contribution on the Planning and Environment (Development Contributions) Bill. Essentially this is a bill about development infrastructure and about who pays the bill. There is a general proposition in this bill that the government is going to pay less for development infrastructure and that developers will pay more. That has some merit in theory, but it is not without consequences and we need to consider those consequences carefully.

Generally it seems that if this government can avoid responsibility it will, and despite its record taxing and record expenditures but somewhat less-than-record performance, the government is searching for ways to get expenditure off its budget books and onto someone else's. That is what this bill is about. Developers are not the enemy; they are not there to be stung at the drop of a hat. Developers play a key role as community builders; they make investments, they take risks and they need to be supported in partnerships and vice versa. That is the way we have operated in this state for a long time, and that is the way it should continue.

This bill has four main purposes. Firstly, clause 5, which amends section 46L(1)(a) of the Planning and Environment Act, increases the maximum community

infrastructure levy per dwelling from $450 to $900. The second purpose, which is put into effect by clauses 3, 4, 8 and 9, is to enable ministers and government agencies to collect their own infrastructure and community levies directly and not through councils. The associated development community plans will still be required to be processed through planning scheme amendments and inserted in local planning schemes. The third purpose is to enable the minister to establish basic standard levies — that is, basic or off-the-shelf components — for a development contributions plan, and that is detailed in clauses 4 and 6. The fourth purpose — and this is slightly different, and I want to come back to it at some length — is to alter the provisions relating to planning permit conditions regarding payment for works, and that is detailed in clause 10, which substitutes a new section 62(5) in the principal act. That is what the bill purports to do, but these provisions apply to all rezoning subdivisions and potentially to every planning permit.

Opposition members have significant reservations about some components of this bill. There are cost implications and implications that potentially will lead to unilateral council action. There has been a lack of consultation on the final draft of the legislation that has been introduced in the house, and we have some concerns about the obligation of agencies to return contributions that have not been used. I foreshadow that the opposition will be seeking to amend the bill, not to oppose it. Under standing orders I formally advise the house of amendments to the bill and request that they be circulated.

Opposition amendments circulated by Mr BAILLIEU (Hawthorn) pursuant to standing orders.

Mr BAILLIEU — The notion of developers contributing to the apportionment of the cost of infrastructure has been with us for some time. That apportioning is across developers, ratepayers, councils and of course the state government. The reality is that that has been done over a long period, predominantly by agreement. In more recent years the capacity has existed to do that in section 173 agreements under the Planning and Environment Act or under the development contributions plans under section 46 of that act. There is increasing pressure to make developers pay more, but that is not without consequences. If developers are overloaded with those levies that has the potential to have an impact on investment, on price, on affordability and on density. That in itself is a vicious circle because if levies increase then the size of lots is likely to decrease as a consequence to make up for that financially. It will also have an impact on design and on the relevance of the various political agencies because increasing the stand-alone capacity of developers makes local government less relevant to those developers and the partnership is undermined in the process.

There are plenty of forces to increase the cost of development. The cost of land in Victoria is increasing. I refer to submissions made to the Outer Suburban/Interface Services and Development Committee (OSISDC), of which I happen to be a member, and particularly to references from representatives of the City of Casey who appeared before that committee and indicated that prior to the introduction of the urban growth boundary (UGB) a residentially zoned hectare of land in their municipality was worth some $250 000 — if I remember correctly — and is now over $850 000.

The size of homes is increasing and, as I suggested before, the size of home sites is decreasing. Land tax is impacting on development costs, and the OSISDC heard plenty of evidence to that effect. There is an increase in cost shifting from state government to council and that causes councils to try to shift their costs again. There is a shortage of resources at council level to undertake a lot of activities now being required of them by government. There is increasing pressure for developers to pay as a consequence. The UGB itself has added to costs. All in all, there is plenty of pressure to increase the costs of development.

Section 173 of the Planning and Environment Act provides the power to attach conditions to approval which allow agreements between developers and councils. That runs to issues effectively relating to infrastructure contributions.

In 1995 the Planning and Environment Act was changed to provide for development contributions plans (DCP) because the section 173 agreements basically dealt with a case-by-case development, and when a case came up the councils found themselves negotiating with developers. In 1995 the concept of a development contributions plan across a municipality was put into the act and that allowed developers to see what they were going to cop in advance, and hence there was some indication.

There were a lot of changes in local government at the time, but in 1999 when the Bracks government came into power it appointed a committee to review the development contributions plan system. It had a number of stakeholders on the committee. In October 2000 a report and recommendations were released. In December 2000 the public saw phase one of that report.

Some other recommendations were taken up by way of 'road testing', as it was put then.

In May 2003 the Department of Sustainability and Environment released a report entitled 'A new development contributions system for Victoria', which basically took the initial review and its proposals and converted them into some more specific proposals. On 15 May 2003 the minister issued a direction entitled the 'Development contributions plan' and that was the first we saw of a ministerial direction on this issue. In that direction the minister set out a number of provisions for development infrastructure levies and indicated what could be included in levies. The general basis for those plans is set out in sections 46H to 46Q in the legislation. It is essentially based on the principles determined by a court decision that in any development infrastructure levy there should be a principle of need, nexus, equity and accountability.

The act recognises two types of infrastructure as fundable: firstly, development infrastructure — which is payable on approval — which is basically hard infrastructure such as roads, drainage, land for community open space; and secondly, community infrastructure, which is community centres, kindergartens, neighbourhood houses and those sorts of things. In community infrastructure there has been a $450 limit per dwelling site. It is that limit which is proposed to be changed by this bill.

Section 46M provides for directions, but until the 15 May 2003 directions there had not been any. There are some guidelines issued on the government's web site but only the directions have specific authority.

The reality is that there has been limited take-up of development contributions plans as an alternative to section 173. There are many reasons for that limited take-up. It is speculated that the onset of council amalgamations caused many councils to regard it as too time consuming and difficult to undertake at the time. A high level of resources and time is needed to implement a DCP. There is also potential constraint on council spending to implement a DCP, and some councils may regard it as not being worth their while given the amount of money that is collected is not as substantial as many councils would like. Many councils might believe that section 173 agreements have been easier to implement even though section 173 agreements have been recently undermined by Victorian Civil and Administrative Tribunal decisions and the failure of the government to respond to those decisions.

In any development contributions plan there is also a need for long-term capital planning. Many councils have forward plans and five-year budgets. Many developments take longer than 5 years and a 10-year plan is not unusual. Therefore marrying the two is not always easy. Development contributions plans are most suited to growth areas, and that has been the case.

As I said, the review started in December 1999 but in October 2000 the report was concluded. That report considered a range of alternatives. Many of those alternatives, which included things like development taxes, were not picked up in subsequent recommendations. The report did not consider a number of things. I stress that it did not consider the matter of permit conditions, which are entirely separate from development contributions plans. A number of recommendations from that report have been picked up, including the off-the-shelf plan which is to relieve councils of the burden of administration and to protect developers from the overcharging of levies. That has been picked up and is reflected in these changes here. To that extent that makes some sense.

A proposal in those recommendations to abolish the $450 cap on community infrastructure altogether has been changed since. Rather than removing the cap altogether it has been simply reset at the $900 mark.

In looking at the level of contributions, there are effectively infrastructure development charges and there are also community charges. Obviously some charges are negotiated under the section 173 agreements, and the reality is that across the spectrum of the interface councils, where most of the growth areas are, there is a fair variety of levies.

I will quote from the contribution of Mr Greg Bursill, manager, city development, for the City of Casey, to the Outer Suburban and Interface Services and Development Committee on 17 June. We had many discussions in this committee about development contributions, and when asked about them he made the following point:

> Then there are some that pay around $3000 a lot, which is the typical contribution at the moment. They are seriously underfunded for some of the infrastructure works, and that is an issue. The level of costs is moving towards, we think, $8000 to $10 000 per block for the same level, just because of price movements and infrastructure. Land escalation is a big component in that as well, and just to get some sensible infrastructure in through the development process as well.

There are plenty of other comments, which I do not intend to go through. In referring to that comment I am simply noting that levies at the moment are aggregating to around about $2000, $3000 or $4000 per lot, but

plenty of people are anticipating that they will go up to between $8000 and $10 000 a lot. That is a significant increase, and it is likely to have an impact on affordability as a consequence.

As I said, in the existing system as covered by the Planning and Environment Act not a huge number of development contributions plans (DCPs) are in place. Indeed we are told there are only three. We are told that only one government agency is involved, and that is the Department of Infrastructure, for transport purposes. Most of the DCPs, such as they exist — I suspect there have been some additional ones in preparation — cover community facilities, roads and traffic. Across the vast amount of evidence the outer suburban committee took there were a number of contributions from both developers and councils, and many developers left us with the impression that we should be very careful about the cost.

I also want to quote from a contribution by Dr Bob Birrell of Monash University at page 391 of the report of the outer suburban committee. Dr Birrell says:

> If you go to Casey or Cardinia, for example, Casey developers are confronted with a development levy of about $3000 a block; Cardinia about $1900 a block. This is insufficient to provide the kind of infrastructure you have addressed in your report and way below the parallel situation in Sydney, where the developer contribution out in Liverpool and other fringe areas is around $50 000 a block.

I trust the government is not anticipating that we will reach a stage where we are talking about $50 000 a block for a home site in Victoria!

In Queensland things are done slightly differently. A limited range of items can be levied for infrastructure — roads, public transport, water recycling and supplies, sewerage, stormwater, land for open space and land for some community facilities. We are much more open ended. Indeed the outer suburban committee heard in its evidence, particularly from interstate, that contributions — whether they were levied or agreed — were effectively made on a range of items covering such matters as affordable housing, policing and transport.

In the provisions of the bill itself, the proposition that the community infrastructure levy under proposed section 46L(1)(a) be doubled from $450 to $900 has some sense to it, given that it is nearly 10 years since the $450 amount was put in.

I want to comment on the provisions for agencies and ministers to prepare and submit development contributions plans, the purpose being to ease the burden on the capacity and the administration of councils in the process of doing DCPs. Yes, this was anticipated in the review document, but we in the opposition note that in doing this the government has picked up in section 46QB(5) the proposal that in the event that a development does not proceed the collecting agency, as it will be called, or the developing agency, is not obliged to return those levies. Hence our amendment entertains the prospect that the word 'may' in proposed section 46QB(5) be replaced with the word 'must'; and in parallel for councils doing the same thing as provided for in section 46Q(3) of the act, we are seeking to replace the word 'may' with the word 'must'.

The reality is that agencies and public authorities will be provided with this opportunity to introduce DCPs through the planning schemes. That means all agencies — which ones we do not know, but all agencies — and when combined, they could total a lot. They are uncapped in these provisions. We are told there is only one agency currently collecting, as I said, and we were told at the briefing that it would be no easier than it is now for state agencies to introduce a development contributions plan. I am not sure that is the case, particularly given that any state agency will be able to collect, as we were assured. There are concerns. Agencies will still have to go through the DCP process and incorporate it in planning schemes, but there is no limit on those levies as such.

I refer to a comment on this legislation in the submission of the Housing Industry Association:

> On 8 October HIA wrote to Peter McEwan of the department following a briefing on the DCS indicating that:
>
> > 'We remain nervous that facilitating enhanced opportunities for an unspecified number of government agencies to initiate programs (perhaps unforeseen) that support or justify new levies may have a significant impact on housing affordability, as agencies attempt to load projects onto the proposed system'.

Further that same submission states:

> … HIA does not support the 'development agency' changes, which in effect streamline the process for government agencies to levy development contributions independent of council's development contributions plans.

There are obviously significant concerns in the industry about these proposals. In terms of the standard off-the-shelf schemes, as provided for in clause 6 of the bill, we note and support the notion that if standard levies are to be introduced, they be set on the lower side so that there is no prospect of overcharging and the levies are not out of whack.

I want to concentrate on provisions in the bill relating to permit conditions. At present there are some four opportunities or gateways to make a contribution to any development in terms of sharing or apportioning the cost of infrastructure. One is under section 62(1)(a) of the Planning and Environment Act, which refers to contributions under planning schemes and referral authorities. That is a given and is accepted. The second one is under section 46N, and that is the notion of development contributions plans providing for the payment of levies. We now have a ministerial direction containing a variety of measures for charging levies, including, I note, for fixed rail and public transport corridors. There has been quite an expansion of the potential levies.

The third gateway is through section 173 agreements. The fourth has been described to date in section 62(5) of the Planning and Environment Act, and this relates to the permit conditions. At present those permit conditions are confined. The act provides for councils to put conditions on any planning permit such that there would be a contribution to some infrastructure. The permit conditions are currently limited to just works, and the word 'works' is defined under the act. Those conditions are constrained by common law, by the determinations in the courts, by the interpretation of the statutory position and indeed by the definition of 'works' as such. All of those gateways as they currently exist are constrained, curiously, by section 62(6), but the constraint is only to do with services and facilities, and not works. It runs to questions of definition.

It is proposed in this bill to have a new section 62(5) to include services and facilities in these gateways. Under section 62(5)(c), the fourth gateway, permit conditions will be permissible, but they will include services and facilities and not just works. On top of that, permit conditions will be unconstrained other than by whatever common law interpretation of these new clauses may be undertaken. Indeed the interesting thing is that there is no definition of services in the bill or in the act. Hence, whilst at present it is confined to works we now have the situation where it will be services, facilities and works, without a definition of services.

This throws up the possibility that councils could impose a condition quite unrelated to any developer contributions plan (DCP), and indeed given that this is a bill about development contributions this is somewhat out of left field. There could be a council condition requiring contributions for policing, rubbish collection or recycling — for all or any number of services — and this would be separate from a DCP.

When it comes to the constraints that might be imposed on this, the constraining section in the current act, section 62(6), is being changed as well. We now find ourselves in a situation where any constraint on permit conditions has effectively been removed by having added the notion of services and facilities, so there is no constraint there, and by having no definition of services and facilities.

I have drawn this matter to the attention of a number of industry players. I shall quote from correspondence I received just today from the Housing Industry Association. Mr Graham Wolfe, the HIA's executive director, said:

> In the second reading to the bill the minister indicated that the provision was intended to provide a mechanism that allows for the power to recover costs of the impact of individual developments 'where the need for works, services or facilities is necessitated by the development' … 'And where 'the impacts cannot be reasonably anticipated' …
>
> The proposed provision goes well beyond this intent. Its scope is effectively without boundary, can be applied to any land, and its application is entirely at the discretion of the council. And while the application of the provision applies to individual developments, there is scope in the wording to apply it to a broad project-type application across several developments.
>
> The wording is therefore too broad — providing an unfettered mechanism for councils to recover costs, or as the wording suggests, conditioning the developer to provide the works, services or facilities in respect of any land.

The other change is that new section 62(5)(c) adds in the notion of permit conditions the prospect that the conditions would require the seeking of financial contributions in regard to other land. We have the addition of services and facilities, the addition of other land, the fact that there is no definition and the changes to the constraining clauses in new section 62(6). With this in mind we had sought through the parliamentary draftsman amendments to correct the situation. However, it is not simple to correct given the way the legislation has been set out, and we invite the government to sort out this mess while the bill is between houses. We think it does need to be sorted out because this is unconstrained and, as Graham Wolfe says in his letter, this is effectively an unfettered provision.

I can only assume that it was not the government's intention to make the change in this way. Indeed at the briefing when I asked about industry reaction to the bill we were told specifically that the industry was comfortable with the proposals. As we have seen, the industry is not comfortable with the proposals. I do not think the government has appreciated what it has done in the drafting of this bill. The drafting is clumsy at

best. We have a clause which sets out a capacity, then we have a clause that limits; there are various exchanges of words that make it very difficult to cross-reference to the existing legislation and work out the impact. All of this has the potential to lift costs in the housing and development industry. We will be watching with interest, and we hope the government will see fit to support the amendments we are proposing.

Development costs are increasing dramatically in this state, whether it be as the result of the five-star energy rating, the mandatory computer assessment requirements, the third-pipe requirements, the warranty insurance provisions, the occupational health and safety provisions to do with scaffolding and access, the new planning provisions, ResCode, new planning fees or cost recovery of strategic work being imposed by the government on council planning departments — the works. There is an awful lot pushing prices up and there is not much constraint. Given the affordability issues in this state we should be very careful about making changes which will allow further cost shifting and allow the government to simply ignore its responsibilities in this way by passing the buck to somebody else.

The opposition trusts the amendments will be given fair consideration. We again invite the minister to seriously consider the flaws in new section 62(5) and (6) and if need be make amendments to avoid this open-ended provision, which will give councils the opportunity to impose effectively any condition they want on a planning permit in terms of contributions. Having said that, we support our amendments. In the event that the amendments are not accepted by the government, we look forward to seeing amendments being made in the upper house to deal with these other issues that I have raised. We do not fundamentally oppose the bill but rather express our concerns about the way it has been introduced and the way it will be imposed by the government and councils.

Mrs POWELL (Shepparton) — I am pleased to speak on the Planning and Environment (Development Contributions) Bill on behalf of The Nationals, who will not be opposing the bill.

The purpose of the bill is in four parts: to increase the maximum community infrastructure levy from $450 to $900 for the construction of a dwelling; to enable ministers and public authorities, as well as municipal councils, to collect and administer development infrastructure levies and community infrastructure levies; to empower the minister to set standard development infrastructure levies and community infrastructure levies that development plans can be based on; and, finally, to alter the provisions relating to conditions on planning permits for the provision of or the payment for works, services or facilities.

To gain some understanding of this bill I did a fair bit of consultation as the planning spokesperson for The Nationals. I spoke to a number of councils. I received a response from the Greater Shepparton City Council and spoke to the chief planning officer, Mr Colin Kalms, who told me that he had no problems with the bill. That council indeed has development contributions plans (DCPs). It has a number of growth areas, the southern node and the northern node, on which it has a DCP, and the council believes that is the best way, and a fairer way, of recovering development costs.

We have been told that some councils do not use DCPs but in fact use section 173 agreements in the absence of those plans. The problem with section 173 agreements is that they can be contested if they are taken to the Victorian Civil and Administrative Tribunal. The reason such agreements could be contested is that councils have the opportunity of using the DCPs, which are in their current planning structure, so if they go before VCAT with a section 173 agreement it may not hold up there. The suggestion is that DCPs are actually prepared, they go to the community and they are exhibited. Then there is an opportunity for the community to agree or disagree, and if community members do not agree with the levy, they can take the matter to VCAT themselves. It seems to be a more structured process.

I also spoke to Municipal Association of Victoria (MAV), and it supports the bill. It is one of the peak bodies for local government in Victoria, along with the Victorian Local Governance Association (VLGA). I understand the Housing Industry Association (HIA) had some concerns, and the member for Hawthorn raised the issue of those concerns. I have a copy of the *National Planning Update* for November 2004, which says:

> While the increase in the community infrastructure levy from $450 to $900 is a modest change, HIA does not support the development agency changes, which in effect streamline the process for government agencies to levy development contributions independent of council's development contributions plans.

It goes on to say:

> HIA has argued for appropriate changes to the legislation.

I am not sure if the government has taken those changes on board, but I understand the member for Hawthorn

has presented some amendments, which may in part help the HIA with its concerns.

At a briefing by the department I was advised that this bill does not introduce any new systems to the planning scheme. The levies have been in place since 1995, almost 10 years, and there have been no changes to the charges that are to be paid. Most people we have spoken to have said that the $450 to $900 levy is appropriate, given that that is the maximum and councils can choose to make it less than that. We were also told that this is stage 2, which is the stage that brings in those four reforms. Stage 1 looked at the guidelines and practice notes from the minister, so hopefully they have been allocated to local government so that councils are less confused.

A development contribution refers to a one-off payment or an in-kind provision of works, services or facilities by a developer that go towards the provision of infrastructure to meet community needs resulting from the development. Recent changes to the act have included child-care centres and sporting fields. There is a concern about the sorts of services that will need to be funded. We hope councils do not put levies on developers for services that they themselves need to provide. Some concerns have been expressed about the services that developers may need to provide.

The contents of the plan have to show the types of works, services and facilities to be provided, the levy that is applicable and to whom the levy is paid — whether it is to a council or another agency. That is important. The development plan needs to be clear about who the money is going to, or where the apportionment of the levy is going, in order to make things more open and accountable and so that councils ensure that the community is aware of the levy that is being brought forward and the reasons for it.

The Victorian government undertook a review of the system in December 1999, and in 2003 it announced new development contributions guidelines. Those guidelines are to be implemented through this bill, some four years after the review. I hope that during these four years the minister has put in place a number of guidelines and guide notes to ensure that councils are aware of the ways in which they can levy the infrastructure development plans and how they can seek services or infrastructure from developers. The developer should not be the person who has to pay for infrastructure that the council should be responsible for.

The review also found that the current system is cumbersome and lacks flexibility, and I have heard that from a number of councils. Some of them do not support development contributions plans (DCPs), because they do not understand them. When you go to the community to strike a levy it is very difficult to say who will be the beneficiary. It is difficult to strike a levy. It is hard to understand who actually gets the benefit of the service or the infrastructure. Hopefully this will become somewhat clearer with this bill.

Many councils, agencies and developers have pointed to a lack of guidance on the cost-apportionment principles and methods of DCPs. There are also inconsistencies in practice within councils and between councils. There are no benchmarks or guidelines for councils to follow, which has made it very difficult for councils when they have gone to the Victorian Civil and Administrative Tribunal. The planning panels have found that it is very hard to gauge the acceptability of council decisions. The costs are usually ad hoc and suitable for local circumstances rather than generic or statewide circumstances. The fact that there will be some guidelines in the development contributions plans rather than councils making up their own minds about the sorts of services and infrastructure that will be levied will mean more consistency for councils and will make it easier for the planning panels to make a decision on whether the levy or charge is appropriate and whether the developer is supposed to pay for it or should pay a proportion or any of it.

The review also found that there are heavy demands on councils in terms of accountability and effort. This is one of the reasons why many councils have chosen to continue using section 173 agreements, which are agreements between councils and land-holders to allow them to do certain things on the land. It may be that the council will ask for a levy or charge when a development is at a certain stage. As I said, a section 173 agreement has some problems whenever it goes to the Victorian Civil and Administrative Tribunal.

A survey of infrastructure funding practices that was conducted in late 1999 shows that only 6 of the 30 metropolitan councils involved chose not to pursue the DCP option while two-thirds of regional councils decided to look at other funding strategies. Again I believe that is because it is very difficult for country councils, given that they lack planners, especially strategic planners, building inspectors and people who can review the plans. Rather than go through the strategy of bringing forward a DCP, they would prefer to use a section 173 agreement, which is just a matter of an agreement being signed by the council and the land-holder.

As I said, Shepparton has a number of DCPs. It has two growth areas — the southern node and the northern

node. These two growth corridors will be substantial, so the council will need quite a bit of infrastructure, which it will seek from the developer through a levy system. It is important to note that while I was talking to a number of developers in Shepparton I was told that one of their concerns is the time it takes to get their plans through the planning system. One developer has had his development proposal out for the past 18 months. It went through council and it went to the regional office, where it stayed for a long time. It then went to the minister's office and stayed there for a while — and now it has gone back to council.

One of the things that needs to be addressed in any planning system is the need to make sure that developers have access to a speedier process than is currently the case. It is worse in country Victoria than it is in some metropolitan and regional areas, because people in rural towns cannot seem to access some of the skilled strategic planners that people in larger urban areas and regional cities can. I know from talking to people in a number of smaller municipalities that one of the biggest issues for developers is the time it takes for developments to get through to the approval stage.

There is confusion about the different charges and levies and who benefits from them. One of the major charges is the infrastructure charge, which developers are asked to pay as a fair share of the facilities and services which will be beneficial to their own development. The other is the impact mitigation payment, which is a charge for unanticipated demands and which is to compensate for any detrimental effects of a development. An example is where a development has had a negative impact on council or government services so that a council or the state government has to put in roundabouts or traffic lights. Because the works are a direct impact of the development the developer may be asked to pay a proportion or all of the cost of those works. It is a way of recouping from the developer the cost of something that has a negative impact on a council or the state.

I came across an example of this when I was a councillor with the former Shire of Shepparton and we undertook a huge development called the Kialla Lakes development. There was a collector road that was to go from a major road, Archer Street, which is a huge road, to the main road, which is Melbourne Road, or Wyndham Street. The developer wanted the road to go through to benefit his development. While the development was progressing many other community members used it as a shortcut to get through to Kialla rather than going around and down Archer Street. The developer came to the council and said he believed we should contribute something to the development. We chose not to do that, because we felt that the road was there because of the development and the fact that members of the local community went through the area was beneficial to the development because they were looking at and thinking of buying houses. With large developments like that either councils can make a contribution if they choose to or the developers must pay the whole cost.

There are two types of DCPs. One is the full-cost apportionment DCP, whereby the council has to do the full strategy plan. That of course must go before the community, which can look at it and decide whether or not it agrees with it. Then there are the off-the-shelf DCPs, which are designed for councils that have not done their full strategy plans or are doing slower developments. With those DCPs the levies can only be applied to residential developments and to infrastructure charges for roads, drainage and open space, so you cannot levy buildings, child-care centres and those sorts of structures.

The member for Hawthorn had a concern about state agencies being able to directly introduce development contributions plans or infrastructure levies and whether that was cost shifting. The member for Hawthorn will move an amendment in relation to that, and The Nationals will support that amendment.

One of the issues in the new development contributions system for Victoria presented in May 2003 was the issue of education and training. This is really important. I think councils have not taken up DCPs because they have not been aware of the benefits or the disadvantages of them. I think it is really important if the government is going to bring this in that it makes sure rural Victorians are able to be trained and educated in the DCPs. The government talks about education and training, the document states:

> The government is committed to delivering a comprehensive education and training program that:
>
> > Provides an overview of the revised development contributions system.
> >
> > Provides specific training on how to prepare DCPs.
> >
> > Informs stakeholders of how to use the development contributions guidelines web site.

As I said earlier, that is really important in regional Victoria, where there is a lack of planners and building inspectors and also perhaps not the skills that are available to some other councils.

One of the issues we are finding out about from councils is the changing of the planning schemes, with practice notes and guidelines being brought forward all

the time. A number of councils are saying to me that the changes are really confusing, not just the DCPs but a number of the strategies that are being brought forward and the changes to the planning schemes. It is important to note that a number of amendments to planning schemes have come through this house and we need to make sure that councils, particularly those in rural and regional Victoria, have access to all of those changes and are aware of changes as they happen. Some councils just do not have the staff available to them to keep training up in this situation.

One of the areas not explained in the bill is how non-rateable land under the Local Government Act will be treated for the purpose of DCPs. I urge the government to make sure it is explained to councils, whether through a practice note or guidelines, how to deal with non-rateable land if there is a need to have schools on the land and so forth. It would be handy if that were made clearer. That is one issue The Nationals were concerned about in this bill. We wish it a speedy passage.

Mr CARLI (Brunswick) — I am pleased to stand in support of the Planning and Environment (Development Contributions) Bill 2004. Development contributions are not a new system in Victoria — they were introduced in 1995 in an amendment to the Planning and Environment Act. Anyone who deals with the development industry and knows about the growth of the cities and towns in Victoria will also know that very often housing is built a considerable time before a lot of the infrastructure and that there is a backlog of infrastructure development. Development levies are one mechanism set up to try to ensure that as cities and towns grow infrastructure keeps up with that growth.

Infrastructure includes everything from roads and sewers to schools and child-care centres — a whole host of things. What often happens in growth areas is that the communities are deprived and do not have an adequate level of the infrastructure, either physical or social, that people expect nowadays in Victoria. Development levies were introduced very much as a way of assisting local government to ensure the availability of a fund to assist in the establishment of infrastructure. We are dealing with a system introduced in 1995 which has largely not been used adequately. In most cases local government has not really used the development contributions system adequately. That has been reviewed, and a number of recommendations came out of that review. This bill is implementing the outcome of that extensive review.

Government sees the implementation of the recommendations of the review of development contributions as a second phase of reform. The first phase has already been implemented — that is, the establishment of the new development contributions guidelines, which provide guidance on applying development contributions. A ministerial direction has been issued which enables essential family and children facilities to be levied so that new communities can have child-care facilities early on in the establishment of the community. That is a good thing, particularly as we know that young families predominate in these developments. Again it is ensuring that the infrastructure is available to those who need it.

The other issue was a building practice note that provided guidance for the improved collection of community infrastructure levies. The first part of reforming or refining the system and making it more functional has already happened, and this is the second phase. This is really about fixing the workability of the community infrastructure levies and about increasing the cap. The current cap of $450 is manifestly inadequate and it will be increased to $900. There has been a series of reforms in this area, and I will go through them.

I am pleased that the member for Hawthorn and the member for Shepparton are not opposed to this bill. They see the importance of ensuring that infrastructure is in place as communities grow and young families move into housing developments. I was a bit concerned that the member for Hawthorn suggested the ability to get costs for works, services and facilities through a planning permit was unconstrained. It is certainly not unconstrained. The ability to get a cost from the permit is first of all appealable to the Victorian Civil and Administrative Tribunal and clearly has to meet the common-law principles of need — there has to be a demonstrated need. There has to be a nexus between the development and the infrastructure that is needed, and that has been generated. There has to be equity — the contributions must be fair and reasonable — and accountability: that is, there has to be transparency in the provision of infrastructure to ensure that what is levied is accounted for in an open and transparent manner. That in itself is a major constraint on what costs can be applied to the planning permit.

If we look at the reforms, first of all, as I said, the bill increases the community infrastructure levy cap to $900. It is more reflective of the costs and has been arrived at from modelling in the City of Wyndham and new developments there. It is seen as a reasonable cost to the development industry — a reasonable cost in terms of providing a fund for new infrastructure.

This bill also allows state agencies to directly collect and administer levies under a development contributions plan. Essentially they will face the same constraints as local government but this will allow state agencies to collect and administer levies under development contributions plans and will ensure there is appropriate management of such plans. The bill allows agencies to seek a contribution to works, services, facilities and basic infrastructure from developers and the development. The bill also provides the option of using a preset schedule of infrastructure charges. Rather than going through the process of establishing a development contributions levy, there can be a preset schedule which will enable infrastructure costs to be recouped where growth is slow or sporadic. That applies particularly to country and regional Victoria and not so much to the growth suburbs of Melbourne. The preset schedule fees will be set conservatively low to avoid the possibility of overcharging. Again, the bill provides an ability to recoup moneys to allow for the better establishment of infrastructure for growth communities, including low-growth communities.

The question of clarifying the use of planning permit conditions to require the provision of infrastructure has been a bit of an issue in this house. Clearly where there are off-site development costs — for example, in the establishment of a fast food facility — it is seen that there should be an ability for that developer to meet part of the associated costs of those works — they might be things like traffic management around such a facility — which allows it to be established and build its client base. However, that is not an unconstrained demand on the developer. Whatever is charged is appealable to the Victorian Civil and Administrative Tribunal, which is important in itself. It also has to meet those conditions of need, equity and accountability, so there are clearly constraints on the ability to levy these charges.

The government is making some changes to make it possible to get and use development contributions levies in a way which has not been feasible since the 1995 changes. It is about refining what was a fairly fundamental change in 1995. It will make the system far more usable. It will place costs on the development industry, I accept that. We are seeing that right throughout Australia at the moment. It is a variable cost. New South Wales in particular is beginning to charge very high levels of development contributions. We are looking for it to be reasonable. The affordability of development in our growth suburbs is very important to the government. It is important because a lot of our affordable housing is now in these growth areas and no longer in the established suburbs. It is crucial that we do not destroy affordability, but at the same time it is important that we share the costs of very important infrastructure as it is built.

We have had experiences in Melbourne and elsewhere in Australia where we have allowed developments to proceed far beyond the capacity of the infrastructure to cope, and we are still paying for that today — a lot of infrastructure is still not fully in place on the outskirts of Melbourne. It is crucial that we develop our cities in a way whereby we build the infrastructure at the same time. To highlight an important contribution of the Minister for Planning, that includes infrastructure for children and families and sporting facilities, and it is crucial to see that as basic infrastructure for these new communities. It is about community building. It is about ensuring that these communities can establish themselves in short periods of time. We can see the importance of child-care facilities and sporting facilities being part of that community building. I am very pleased to support this bill, and I wish it a swift passage

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Mr BAILLIEU (Hawthorn) — On 22 September last year the question of development contributions was raised during a meeting of the Outer Suburban/Interface Services and Development Committee, as it had been on many occasions. Kelvin Trimper from Delfin Lend Lease was addressing the committee. He said, among other things:

> … in terms of developer contributions, if we were going to pay more, and we are talking dollars, then in the end one person is going to pay, and that is going to be the home purchaser. I think the smarter thing to do is what we are looking at exploring now — that is, how do we use those developer contributions in partnership with local government to leverage other resources, such that we spend that money smarter, wiser, easier and better.

I see that the Minister for Planning is not in the chamber, which I suspect indicates where we are at with this bill and this portfolio. However, I wonder whether the minister agrees with that statement, and specifically whether an economic impact statement was undertaken in regard to this bill.

Mr PLOWMAN (Benambra) — The only issue I want to raise in respect of clause 1 is that when you look at the purposes of the bill this will effectively raise the costs to the building industry. As you would know, Acting Speaker, in growing centres in country Victoria we have a need for low-cost housing. Anything which

effectively brings about an increase in the cost of that development of low-cost housing is to the disadvantage of those areas which need to provide such housing to attract the workers required for these growing cities in regional Victoria.

We have a classic case in Wodonga — and I am sure it applies to other regional cities — where those developments are going ahead at a great pace, but it is done on the basis that although land prices have risen substantially, the development costs have been curtailed to a reasonable amount. It is of concern to me that if the purposes of this act are effected there will be substantial increases and that will certainly be to the detriment of the future development of those rural areas.

Mrs POWELL (Shepparton) — I have a query on clause 1(b), which states:

> to enable Ministers and public authorities (as well as municipal councils) to collect and administer development infrastructure levies and community infrastructure levies …

I ask whether that will apply to non-rateable land, and how will non-rateable land be dealt with under the development contributions plans?

Mr BAILLIEU (Hawthorn) — Again I am mystified that the Minister for Planning is not in the chamber to address these issues. I do not blame the parliamentary secretary, who clearly has not been briefed on these issues either and was unable to respond to the question I raised earlier about an economic impact statement.

I move on to another question with respect to clause 1. It refers to the application of these measures to VicUrban: to what extent is VicUrban currently contributing, and to what extent do these new clauses apply to VicUrban?

Mr PLOWMAN (Benambra) — I would like it to be noted that the member for Hawthorn just raised an important point to which there has been no response. It is disappointing that the minister is not — —

An honourable member interjected.

Mr PLOWMAN — No, this is my contribution. The minister is probably the person who should be here in order to respond to the question raised by the member for Hawthorn. Equally I appreciate that the parliamentary secretary is not in a position to answer the question, but this is really what this part of debate is about: to ask questions and get answers. If the answers are not provided, I hope the minister is able to come in at a later time to respond.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr BAILLIEU (Hawthorn) — In my contribution to the debate I pointed out that the notion of 'works' has been defined somewhat in the legislation and in other measures, but there is no definition here of 'services'. I invite the minister at the table, the Minister for Police and Emergency Services, who I am sure is across this bill, or the parliamentary secretary again to address the issue of why there is no definition of services when one of the key changes in this bill is to introduce services into permit conditions.

Again I note that the Minister for Planning is neither in the chamber nor willing to contribute, nor is the parliamentary secretary willing to address these fundamental issues. It is a very sad reflection on the government that they are not prepared to address issues such as this.

Clause agreed to.

Clause 4

Mr BAILLIEU (Hawthorn) — Clause 4 goes to the contents of a development contributions plan. I note that the Minister for Planning has now arrived in the chamber and I invite her to address the issue of whether these provisions apply to the levying of VicUrban and to providing public authorities with the capacity to introduce development contributions plans. I wonder how many public authorities the minister considers will use this opportunity, how many are currently using it, and indeed what is a public authority? Will the minister address that issue, particularly given the proposed changes to the definition of public authorities in the Public Administration Bill, and if there are to be entities rather than public authorities — and there are some 5000 of them — are there any constraints on public authorities, and which public authorities are able to take advantage of these clauses?

The minister is at the table and is shaking her head and declining to contribute to a parliamentary committee. It is quite extraordinary. The minister is here; she has heard the matters raised and declines to contribute. It staggers me.

Clause agreed to; clause 5 agreed to.

Clause 6

Mr BAILLIEU (Hawthorn) — I note that the minister has now scuttled out of the chamber. Having declined to answer and realising that it is somewhat

embarrassing to be here and not respond, she has now left the chamber.

Clause 6 goes to the matter of the minister issuing directions with regard to standard levies. I invite a member of the government, whoever it may be — whether it is the parliamentary secretary or the minister, who may wish to return to the chamber and address this question — to confirm that any direction regarding types of works, services and facilities will not apply to the permit conditions under new sections 62(5) and 62(6).

Again, it staggers me that although the parliamentary secretary is here, the minister has left the chamber. No-one from the government wishes to address these very simple issues or address the concerns raised by the industry regarding a bill which is likely to have a significant impact on the affordability of housing in this state and on matters of equity.

Clause agreed to; clause 7 agreed to.

Clause 8

Mr BAILLIEU (Hawthorn) — I move:

1. Clause 8, page 5, lines 11 to 13, omit sub-clause (2) and insert —

"( ) In section 46Q(3) of the Planning and Environment Act 1987 —

(a) for "may" substitute "must";

(b) after "paid to it" insert "as a development agency".".

This amendment seeks to replace the word 'may' with the word 'must' in section 46Q(3) of the act, and I invite the minister to address that matter — and I note that she has now returned to the table. I speak on behalf of the industry, which wishes to have this issue clarified and the parallel issue regarding councils similarly clarified by inserting the word 'must' instead of 'may'. This matter goes to the issue of whether a development agency or collecting agency is obliged to return funds that are contributed when the development does not proceed. Surely it is a simple thing to oblige those bodies to return those funds in that event.

Ms DELAHUNTY (Minister for Planning) — Section 46Q of the Planning and Environment Act was introduced by the then Liberal government in 1995. I know the shadow planning minister was not a member of that particular government, but I am sure he has had a look at history. The very words that he is now seeking to change were written and inserted into the act by that Liberal government.

The bill amends section 46Q(3) only to clarify that the repayment of the levy is to be undertaken by a municipal council as a development agency, therefore the inclusion of the words 'as a development agency'. The opposition's amendment proposes to substitute the word 'must' for the word 'may' in section 46Q(3). The word 'may' was originally introduced in 1995 for very good reason by the very same people who are now wanting to change it to 'must'. The reason for the word 'may' — and this is the advice from parliamentary counsel — is that it is an enabling mechanism. It is to enable a municipal council to repay any amount of the levy. As it is an enabling provision it is not appropriate to amend it to read 'must'. I am quite puzzled as to why the member for Hawthorn would want to change a word that was introduced into the act by his own party a matter of a few years ago.

The second opposition proposal is to insert words that are already in the bill.

Amendment defeated; clause agreed to.

Clause 9

Mr BAILLIEU (Hawthorn) — I move:

2. Clause 9, page 7, line 1, omit "may" and insert "must".

I note that the minister is in the table and has made a contribution.

Ms Delahunty interjected.

Mr BAILLIEU — 'In the table', 'at the table'; perhaps she was hiding under the table before!

The amendment to clause 9 seeks to change in section 46QB(5) the word 'may' to 'must'. As I previously said, we wish to have the parallel change made on the basis that the industry seeks this clarification because it is concerned that there is no obligation. Yes, the provision in section 46Q(3) was introduced when the development contributions plans were introduced. However, they have not been tested on this point. The industry has continued to express its concern and wishes the change to be made now, when the provision is such that development agencies are being invited to adopt this opportunity. Hence I invite the minister to explain why it is not possible to change the word from 'may' to 'must' in order to give the industry the assurance it seeks.

Ms DELAHUNTY (Minister for Planning) — I am happy to go through it again. There are two points here. In clause 9, which relates to new section 46QB(5), it is not appropriate to change the word suggested by the

opposition from 'may' to 'must' for the very same reasons I have just described. Clause 9 relates to state agencies collecting levies for infrastructure, which as the member would know is not a new power. It is simply a response to the industry and others, particularly councils, wanting more transparency in who collects these levies and upon what they are spent. At the moment councils are obliged to collect them, and of course it is the state agencies that spend them. No-one is happy with the lack of transparency around that — certainly not this government — and as a result we have incorporated this new section which relates to the responsibilities of state agencies being open and transparent.

The reason why we oppose the change and the replacement of the word 'must' with 'may' is exactly the same as the reason why we opposed it in the earlier section that relates to municipal councils, and I will go through it again. These words were put in for very good reasons by the member's own government in 1995. You put them in this bill; they work very effectively — —

The ACTING SPEAKER (Mr Ingram) — Order! Through the Chair!

Ms DELAHUNTY — They were put in by the Liberal Party on the advice of parliamentary counsel. I will repeat that advice. The word 'may' in both clauses relates to municipal councils or state agencies and is an enabling mechanism. It enables the state agency or the municipal council to repay any amount of the levy. As it is an enabling provision it is not appropriate to amend it to read 'must'. The previous government took the advice of parliamentary counsel, and the Bracks government is doing so as well.

We have had very close negotiations with the industry on this bill. Quite clearly we have its support for the bill and we have been involved in ensuring that there is absolute clarity about what is required. The industry wants more transparency and clarity, and that is what this bill provides. We have agreed with the industry that it will be part of the formation of the guidelines. It is quite clear that opposition members are not interested in listening to the answer to their question. They are just posturing to waste a bit of time. The industry is involved in the development of the guidelines, which make crystal clear the responsibility of state agencies and municipal councils to repay to the industry once there is clear evidence that the development is not proceeding.

Mr McINTOSH (Kew) — The situation we have here is that there is a discretion to repay the money. It is a discretion in the hands of the state agency. The word 'may' provides a discretion; "may' is a discretionary term. If you require a development contributions levy to be paid and the development does not proceed, then surely there must be an obligation. It is a matter of right to have that money returned if the development does not proceed. I do not understand, whether the clause is enabling or otherwise, why the minister is saying the word 'may' should not be replaced with the word 'must'. Surely there must be an obligation to return that money.

In statutory interpretation the word 'may' provides a discretion in the hands of that agency to return the money. What is being asked by industry is that it become an obligation. If the development does not proceed, then the money should be returned. The word 'shall' or 'must' should be used to create that obligation. That is what the industry wants. What I am asking the minister is simply this: why can you not change the word 'may' to 'must'? The minister should not tell me what parliamentary counsel is telling her, because the word 'may' creates a discretion in the hands of the state agency when it should be an obligation to return that money. If it is not an obligation at law, it is certainly a moral obligation to return that money if the development does not proceed.

The minister should explain to the house precisely why she will not allow the change to be made; she should not just flippantly say that it is something that a Liberal government did in previous years. There should be a clear and unequivocal explanation as to why the minister will not replace a discretionary power with an obligation by using the word 'must'.

Mr BAILLIEU (Hawthorn) — The minister does not seem to want to respond to the shadow Attorney-General. I encourage her again to look at proposed section 46QB(5), which is inserted by clause 9 and which says:

> A development agency may refund any amount of a levy …

The minister says this is somehow an enabling provision which prevents the use of the word 'must'. I wonder then if she could explain why in proposed section 46QB(2) the word 'must' is used and why it is also used in subsections (3), (4) and (6). Can she explain why this is not appropriate in subsection (5)? I do not think the minister can filibuster her way through this. It is a very simple proposition.

Mrs POWELL (Shepparton) — Just following on from the discussion and the minister's statement that the word 'may' cannot be changed to 'must', is there a time when the development agency may not refund any

amount of levy paid to it under this part in respect of a development it is satisfied will not proceed? As other members have said, while the word 'may' is used there is some discretion. Is there a time at which the development agency will not, or may not, refund the levy?

Ms DELAHUNTY (Minister for Planning) — It is immensely clear in intent that if the development does not proceed, the development levy will be returned. That is ensured by the clauses of the bill, and it is confirmed by the detailed guidelines, which are written in the sort of language I think the opposition would be happy with, to ensure that if the development does not proceed the levy must be returned.

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

Ayes, 57

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

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Amendment defeated.

Clause agreed to.

Clause 10

Mr BAILLIEU (Hawthorn) — Clause 10 introduces new sections 62(5)and 62(6) into the act. In doing so it inserts proposed section 62(5)(c), substitutes existing subsection 62(5)(b) and adds the words 'services or facilities' in relation to conditions on permits. I invite the minister to address the matters I raised earlier. What is the definition of 'services'; how will that be determined; why have the constraints that have been applied to these provisions before not been included; and what limits will be imposed on councils in consideration of any conditions that they might be imposing on planning permits?

Ms DELAHUNTY (Minister for Planning) — The definition of 'services' is the well-understood and expected definition of services, and in the event of a dispute it will be determined in the usual legal way.

Mr BAILLIEU (Hawthorn) — The 'usual legal way'! The minister's own guidelines specifically indicate that services are not defined. I again invite the minister to give the industry some idea of what intention the government has in regard to the provision of services in these conditions. Does the minister agree with the Housing Industry Association? As I said earlier, I can quote Graham Wolfe, the association's executive director. Today he wrote to me and said:

> The wording is therefore too broad — providing an unfettered mechanism for councils to recover costs or, as the wording suggests, conditioning the developer to provide the works, services or facilities, in respect of any land.

What are the services that are anticipated? I cannot believe that the minister is not prepared to address a simple question when her own guidelines say that services are not defined.

Clause agreed to.

Clause 11

Mr BAILLIEU (Hawthorn) — I simply make the point that given that the minister is declining to comment on any substantive matter in regard to this consideration-in-detail stage and is clearly not in touch with her own portfolio, let alone the bill, the performance here has been extraordinary. The industry has been let down, and we can only assume that the

minister is unconcerned about the impact this bill is likely to have on the community.

Clause agreed to.

Bill agreed to without amendment.

Remaining stages

Passed remaining stages.

BUILDING (COOLING TOWERS AND PLUMBING) (AMENDMENT) BILL

Second reading

Debate resumed from 4 November; motion of Ms DELAHUNTY (Minister for Planning).

Mr BAILLIEU (Hawthorn) — I rise to make the opposition's contribution on the Building (Cooling Towers and Plumbing) (Amendment) Bill — and I make it clear that it is the Building (Cooling Towers and Plumbing) (Amendment) Bill. Interestingly this bill was first read on 14 October. At that time the minister also introduced the Planning and Environment (Development Contributions) Bill. She rose and said she was bringing in a bill to amend the Building Act. Opposition members asked her on its first reading to give a brief explanation of the bill. Amongst other things the minister told us that it was owner-builder legislation; it became in our minds the owner-builder bill, and we were pleased to know that. We took the minister at her word.

Hence it was with some surprise that we saw in *Daily Hansard* the next day that this bill was entitled the Building (Cooling Towers and Plumbing) (Amendment) Bill. Others were also interested that the minister could say the bill was about owner-builder legislation and yet the bill was about cooling towers and plumbing. Indeed the bill has nothing to do with owner-builders. We might have expected a personal explanation from the minister, but there was nothing. It became a simple choice: did the minister deliberately mislead the house or was she merely demonstrating her extraordinary capacity to be on top of her own portfolio when she introduced the bill the first time and said it was about owner-builders?

It was an even a bigger shock to the minister when she returned to her office and the department or her staff said to her, 'Minister, you have done it again!'. From that point, it was operation rescue. The minister went into operation rescue because clearly the government could not have another case of self-inflicted ministerial embarrassment on its hands. The reality is that there is nothing in this bill about owner-builders. We did the owner-builder legislation some time ago, yet here was the minister introducing a bill and telling the house that it was about owner-builders. Obviously the question was raised in the department, and queries were raised by the industry — because it had noted that it was meant to be about owner-builders — and the minister's staff.

The problem was that if there was no personal explanation to be given by the minister for having misled the house and that it had been drawn to the minister's attention that she was wrong in her contribution on the first reading, then she would be either guilty of deliberately misleading the house or she would be — to put it politely — an extraordinary duffer!

Some genius in the government has come up with the solution. That solution was not to doctor the bill but to doctor the second-reading speech. In the second-reading speech the government has inserted the words 'owner-builder' three times in order to be able to say that this bill is somehow about owner-builders. The assumption was that the government could then play word games and say it really was about owner-builders. The reality is that the third paragraph of the second-reading speech reads:

> Having recently passed amendments limiting the number of building permits allowed from unregistered builders, whilst protecting genuine owner-builders …

That is the principal reference to owner-builders in this presentation second-reading speech. That is it, and there are a couple of other references to owner-builders on pages 6 and 7 of the second-reading notes which pluralise 'owner' to become 'owners and to owner-builders'. To suggest in the second-reading speech that this bill is about owner-builders is an extraordinary concoction. This is a demonstration that we have a minister who is not really at one with her portfolio.

Hence since this bill was introduced the members have known the bill to be the owner-builder bill. In reality it is not. This bill is the cooling towers and plumbing bill. It has two fundamental themes and a division on those two themes. It is not hard! It is extraordinary that the minister could confuse the issues in her mind. On the one hand this bill is about cooling towers; and on the other hand it is about some changes to the administration of plumbing and to the Plumbing Industry Commission. They are separate themes and neither is associated with owner-builders in any way. As I said before, members will not find the words

'owner-builders' mentioned anywhere in the bill. But so be it! The opposition would say that mixing these two themes in this bill is unfortunate. In reality there are some useful changes to cooling tower provisions in the Building Act. At the same time there are some changes to the plumbing industry which are useful, but there are some fundamental changes to the provisions for the Plumbing Industry Commission which the opposition thinks are flawed. Hence we are proposing an amendment to those provisions.

Opposition amendment circulated by Mr BAILLIEU (Hawthorn) pursuant to standing orders.

Mr BAILLIEU — With regard to the minister's contribution to this, and on reflection, it is no wonder that the editor of *Plumbers Choice*, an industry magazine that is circulated widely in the plumbing industry, said in the November 2004 issue with regard to the minister that she has failed plumbers. The reality is that in terms of the changes to plumbing in the bill she is failing the plumbing industry. That is unfortunate.

I will address the cooling tower provisions. Essentially the administrative parts of the bill are in part 1. Part 2 deals with the cooling tower systems. These run to a range of administrative items and the essential purpose, as outlined in clause 1, is to improve the administration of:

> … the registration of cooling tower systems, and risk management plans and risk management plan audits in relation to those systems;

The opposition is comfortable with those changes. They have the potential to improve the administration of cooling towers. The second essential purpose is:

> to make changes concerning compliance certificates issued for certain plumbing work;

and to define offences relating to the lodgment of sanitary drainage plans, which is a very exciting part of the industry. I recommend sanitary drainage plans to all members in terms of — —

Mr Robinson — They are a great device and essential!

Mr BAILLIEU — Indeed, they are a great device. The third essential purpose is to change the qualifications of the commissioner of the Plumbing Industry Commission and to make some other changes around the Plumbing Industry Advisory Council.

When it comes to part 2 — the cooling tower provisions — the provisions are described in a number of clauses but they essentially provide for a single registration system of cooling towers, which the opposition supports, and the opportunity for owners to synchronise the registration of systems, particularly if they have more than one system, and we understand there are nearly 100 sites in that situation. Essentially an owner is not obliged to go through periodic registration of their cooling towers on a piecemeal basis, but they can do them in block.

In addition they are to provide for late registration and renewals and to ensure that those renewals are not affected despite the expiration of any previous period of registration, which, we are advised, occurs from time to time. The other provisions validate past renewals made by the Building Commission in the event that it is suggested that they are not valid. That is covered by clause 4, which inserts new section 75DI.

The provisions also go to the matter of risk management plans and specify that they must be reviewed once every 12 months. The provisions clarify the period for examining cooling tower operations and also require the auditor to provide the secretary of the department with the information required by the audit certificates within seven days of the completion of the audits. Previously that was three days, which is now deemed to be onerous to the point of being difficult to meet. Seven days seems to be reasonable. There are further provisions allowing for the passage of information collected about cooling towers to the WorkCover authority, councils, the Environment Protection Authority and sewerage authorities as the case may be.

The cooling tower provisions in the Building Act were introduced in 1999. I understand that nearly 6000 cooling towers are registered — that is the figure we were provided with at the briefing — and that there are some 5000 cooling tower systems in Victoria, a system presumably including a collection of towers. At the briefing we were informed that it was understood that very few cooling towers now remain unregistered and that there has been a pretty reasonable degree of compliance.

Members will recall that we have had serious problems with Legionella as a result of water-based cooling towers in Victoria and that that has occurred in other states as well. It is essential that we have Victorian legislation to clean up those cooling towers, to have them registered, to have them monitored and to ensure that we absolutely minimise the exposure of Victorians

to Legionella as a consequence of water-based cooling towers.

I understand that some 130-odd independent auditors are now trained, that some 1600 risk management plans have been followed up and that some 2000 site inspections or investigations have been undertaken. I also understand that since March 2001 nearly 1700 cooling tower systems have been decommissioned or removed.

It is interesting to contemplate what has transpired in the cooling tower industry. As I said, we have had some serious incidents — even death — as a consequence of Legionella exposure. I refer to some comments I received from John Kennedy, managing director of Simpson Kotzman Pty Ltd, who said of the cooling tower legislation:

> … some major insurers (for example, QBE) have now declined to provide professional indemnity insurance to engineers involved in the design of systems including cooling towers.

The industry is aware of the high risk attached to water-based cooling towers. The legislation has a system in place which involves cooperation between the Building Commission and the Department of Human Services, and that cooperation appears to be working as well as it possibly can. John Kennedy went on to make other comments in correspondence he has given to me, and I note this quote:

> There is some doubt whether the desktop cooling tower risk management plan audit approach currently in the legislation is effective, but changes proposed will make it better.

I think that is to be supported. He went on to say:

> Further tightening of these provisions would result in cost increases in auditing which at this time would not be welcomed by business.

So there is some anxiety that the proposals may lead to cost increases, but we trust that they will not. John Kennedy commented further:

> The Fairley report of July 2000 … commissioned by the then health minister, John Thwaites, baulked at the idea of requiring compliance with the Australian standard AS3666 in regard to drift eliminators and bleed off systems for existing cooling towers. The report called for further consultation with industry on this.

He went on to suggest that it would be timely for the minister to give us an update on the provisions relating to warm water systems and to give us some indication, which we sought at the briefing, of what the next generation of cooling towers will entail, whether we will move from water-based systems to refrigeration systems and whether there is a generation beyond that.

I note, not wishing to anticipate debate on another bill, that provisions to be introduced regarding occupational health and safety are likely to make cooling towers even riskier for businesses and industry, particularly for those who design or seek to install water-based cooling towers. This sort of commentary, as well as some updates, would be useful in terms of industry input.

We think the cooling tower provisions have the potential to contribute, and we are supportive of them. We would like to see a couple of things, and one is the register of cooling towers being made available on the web site. We asked about this at the briefing, and we gather the register is available for physical inspection at the Building Commission. But if in this day and age something is available in hard copy, it might as well be available on the web site. Providing that capacity cannot be too difficult, and we certainly make that suggestion.

We invite the government to comment on the management of its own cooling towers and to say what percentage of them are on government-owned or even government-leased buildings. We also invite the government to say whether it is complying in full with its own management provisions, because that is a key responsibility of government and we need to give assurances on that basis.

I want to now turn to the plumbing provisions. Clauses 15, 16, 17, 18 and 19 deal with the compliance certificates. Essentially they amend the provisions that relate to a plumber giving a compliance certificate to a person who contracted the work within five days of completing the job. The plumber may receive a fine for failing to comply if that does not occur. If a certificate is issued late, the question arises as to whether it is still valid, so this bill clarifies that the compliance certificate will still be valid and also retrospectively validates any certificates issued in the past.

In regard to clause 16, if a plumber installs appliances but then dies or cannot be contacted, this can cause problems for the property owner, who needs a compliance certificate, so one of the proposed amendments allows the Plumbing Industry Commission to issue compliance certificates in those circumstances. In terms of clauses 17 and 18, the act already provides that if a plumber issues a compliance certificate to a building practitioner, then the building practitioner has to pass the certificate on to the owner within five days or receive a fine. The amendments clarify that if an agent of a building practitioner

receives the certificate, then the five days run from when that agent receives that certificate. These are technical amendments and are clearly supported.

In regard to clause 19, which deals with sanitary drains and sanitary drainage plans, when a plumber constructs, installs or alters a sanitary drain he or she may be required by the water authority to provide it with a plan of the drain. The amendments simply make it an offence for a plumber to fail to give the plan to the water authority. As somebody who as an architect was steeped in the old board of works drainage plan system and who worked with the architects inspection service, I relied heavily on those drainage plans. There was a gap in their availability over a number of years when the provisions changed, but those drainage plans go as far back as 100 years ago and they are still useful in identifying and locating drainage plumbing in particular. We are supportive of and we certainly do not oppose any of those provisions in regard to certificates of compliance.

I will focus some attention on clause 20, which goes to the issue of the qualifications of the Plumbing Industry Commission. The Plumbing Industry Commission operates separately from the Building Commission and does so for very good reason. If anyone has any doubts about why those two commissions should operate independently I invite them to look at the annual reports of the Plumbing Industry Commission and to read the reports of the last few years in particular. They are extensive and run through a range of responsibilities which are far broader than what is provided by the Building Commission. We support the continuing separation of the plumbing and building commissions, but it seems that the government has other designs. In fact, it seems that the government intends to do away with the plumbing commission and that this is the backdoor way of doing it.

The bill seeks to remove from the Building Act a qualification for the plumbing industry commissioner. One of the qualifications under section 221ZZT (2) of the Building Act 1993 is that the plumbing industry commissioner must have 'knowledge of, and experience in, the plumbing industry'. That seems fundamental. Clause 20 proposes to substitute for that phrase the phrase 'relevant knowledge and experience'. That might be seen to be a very benign change, but the reality is that this potentially removes from the plumbing industry commissioner's role a knowledge of plumbing. Those who have spent some time with plumbing know it is an intimate subject and warrants particular attention. In fact, plumbing is not an act that is committed and ignored; plumbing is with us every day, and the plumbing industry — —

Mr Robinson interjected.

Mr BAILLIEU — It is better than the option. The member for Mitcham has some blockages in his electorate at present. He has a couple of very tall towers in terms of blockages for him politically.

The plumbing industry is with us on a daily basis; hence it will be here in perpetuity, which is different from the role of the Building Commission. We are concerned, as is the industry, that the government is seeking to change the qualifications of the plumbing industry commissioner. You have to ask why, and we did ask why at the briefing. We were told that the current commissioner is retiring. Indeed, Michael Kefford, the current commissioner, has done an extraordinary job setting up a Plumbing Industry Commission and administering it in Victoria to the extent that even though there have been difficulties from time to time — it is not without criticism from time to time, certainly among plumbers, and I am acutely aware of those because I receive those as well — he has set up a plumbing industry which in terms of regulation is the envy of other states. Other members may wish to talk about that.

We were told that the plumbing industry commissioner is retiring and that no-one can be found to take his place. I asked when the department sought to advertise the position. The plumbing industry commissioner is leaving the job on 31 December this year, and the government has taken no steps to seek a replacement. We were told that although the department advertised recently it could not find anyone for the position. We sought advice from the Minister for Planning's chief of staff when that occurred. We got a response from the minister, which is good, and I quote from it:

> In response to your query this morning I have been advised that the position of the plumbing industry commissioner was advertised nationally in newspapers in autumn 2002.

That is nearly two years ago. It was my understanding that the government did receive a number of applications for the job at the time and chose in its wisdom to not proceed with any of those. There have been no recent attempts to have the position advertised or to seek an alternative; the government is relying instead on a change of legislation. One can only conclude that if it is seeking to change the legislation it has something in mind. Indeed one only has to go to clause 22 of the bill, which inserts a new schedule to the Building Act. It states in part:

> (7) If a member of a board —

the board being the board of the advisory council or the board of the Plumbing Industry Commission —

> holds 2 or more positions on the Board ex officio —
>
> (a) he or she is only entitled to exercise a single deliberative vote …

Why would that be there? We asked that question? We asked, 'Is there some current issue on the board? Is there a case where a member of the board has two positions, and who is seeking to exercise that vote?'. I am advised there has been barely a vote for at least five years on the board. We were told that there is no current case, and it is not an issue and has not been an issue. This measure can only be prospective. I can only conclude that the government has designs of appointing someone who already has a position on the council by means of a position they hold to become the plumbing industry commissioner. If we go to the extraordinary second-reading speech, which is not the owner-builders bill but includes owner-builders in the speech, we find extensive reference to the plumbing and building commissions coming together. On page 6 the speech refers to:

> … the potential for the government to consider options for closer alignment of the operations of the Building Commission and plumbing commission.

You can only wonder why the government is not seeking to have a simple, up-front transparent debate as to whether or not the plumbing and building commissions should be combined. On the contrary, the government is seeking to do this by the backdoor and is seeking to appoint the building commissioner as the plumbing industry commissioner and hence provide one individual with two jobs as a precursor to merging the organisations. While I have high regard for the building commissioner as an architect and as someone who has some experience in the plumbing industry having been an architect — he may be capable of being the plumbing commissioner in his own right, and were he not the building commissioner he might well be a suitable candidate to be the plumbing commissioner; others may disagree, but at least he has some experience — uniting the two in this way to suit this arrangement is to undermine the plumbing industry and the plumbing commission in the process. There is plenty of evidence to suggest that the plumbing commission does an exceptional job. This is why we are seeking to delete clause 20. I have no problem with clause 22. If there happens to be someone with two positions on the board, he or she should have only one vote, not two, so that provision can stand. We seek to reinstate the words that provide for the qualifications of the commissioner.

I make one other comment in relation to undermining the commissioner, and that concerns the role of the chairman of the advisory committee, Bill Durham. The government has failed to indicate its response to his retirement. I also refer to the response of the Master Plumbers and Mechanical Services Association of Victoria to the changes. It put out a document entitled 'Government reviews threaten Victoria's plumbing regulator'. It states:

> The Master Plumbers and Mechanical Services Association (MPMSAA) is concerned that the Victorian government is moving towards dismantling Victoria's world-class independent and self-funding regulatory body.
>
> The Plumbing Industry Commission is the key industry regulator for the state's public health and safety regime for plumbing and gas fitting installations.

It goes on to say:

> The review identifies that Victoria's 15 000 plumbing gasfitters are registered with the Plumbing Industry Commission.

And it goes on:

> By amending the current legislation the Bracks government will have the opportunity to significantly alter the administration of the Plumbing Industry Commission.
>
> …
>
> The MPMSAA believes this inquiry will be asked to review the metal roofing sector as currently regulated as plumbing.
>
> The $9 million in revenues paid by plumbers to operate the PIC will be attractive to other regulators dependent on income from levies on either gas retailers or building permits.

The master plumbers have resolved to seek a number of things, including that the government:

> … retain the Plumbing Industry Commission as an independent, self-funded regulator …
>
> that the Minister for Planning reappoint the previous chair of the Plumbing Industry Advisory Council, Mr W. Durham, for a further term of three years from 1 July 2004 to 3 June 2007.

He has done an excellent job, and he is an excellent chairman. There are a number of other positions as well.

Mrs POWELL (Shepparton) — I rise to speak on the Building (Cooling Towers and Plumbing) (Amendment) Bill on behalf of The Nationals, who will not oppose this bill. The purpose of the bill is to make changes concerning the registration of cooling tower systems, risk management plans and risk management plan audits relating to those cooling tower systems. It will also make changes concerning compliance certificates issued for certain plumbing work and make

other amendments to the act in relation to certain plumbing matters.

I sent the bill and the second-reading speech to a number of builders in my electorate, and I got back comments that it did not relate to their building businesses. The member for Hawthorn made a comment in relation to the second-reading speech about owner-builders. I also sent the bill to a major plumbing service in Shepparton, and at this stage I have not had a response, so I hope that means it will have no detrimental effects on his business or on any other businesses like his.

At a briefing by the department we were told that this amendment was the result of feedback from auditors and owners of multiple systems in regard to issues like synchronisation. I am pleased to see that issue dealt with in the bill. Clause 8 substitutes a new section 75DC. New section 75DCB states:

> Owner of land with multiple systems may request variation to registration expiry date
>
> (1) This section applies if —
>
> (a) there are 2 or more registered cooling tower systems on land; or
>
> (b) a person owns 2 or more separate lots of land on each of which there are one or more registered cooling tower systems.

I realise that that was an issue in the original bill. In some cases people built new buildings and installed cooling towers on separate lots of land owned by the same people and the issue arose of registration payments coming in on different dates and different compliance dates. I know this part of the bill will certainly fix up concerns about those differences with administrative issues.

One of the other issues with this bill is about information exchange. Following implementation of the Building (Legionella) Bill 2000 four years ago a number of issues regarding information exchange have arisen, and it is really important that the issue be dealt with. Cooling towers are treated with biocides, which should not enter the stormwater system but should be discharged to the sewerage system. This issue has arisen because a number of organisations, be they water authorities or local councils, need to know where a developer or a person who owns a cooling tower is going to dispose of that waste water. It is important there be a sharing of information so that everybody knows where that water is going and that it will go to the appropriate place and not cause community safety or health issues. The important part of this bill that provides for a sharing of information between authorities needed to be dealt with.

I did have a query about the privacy laws and the sharing of information, but I was made aware that the privacy laws would not apply to this provision. The privacy laws would come into effect more in relation to personal issues, but on issues dealing with community health and safety it would be appropriate to have that sharing of information between departments, between states and between authorities.

The registration address and maintenance of cooling tower systems became an important issue, particularly four years after we passed the original legislation. The original legislation was introduced after a number of serious outbreaks of legionnaire's disease. There had been an increasing incidence of the disease over a number of years. The number of reported cases in Victoria increased from 13 in 1990 to between 20 to 40 cases notified each year from 1991 to 1997, with deaths during that time ranging from one person to nine people. The statistics show that the numbers went from 8 notified cases and 8 deaths in 1998 to 64 cases and 5 deaths in 1999. In the year 2000 there were 239 outbreaks, which included outbreaks in the Melbourne central business district, in Carlton and at the Melbourne Aquarium.

It is important to note that when those outbreaks occurred at the Melbourne Aquarium there was huge concern in the broader community because it affected tourism. It also affected people who had been to Melbourne, had visited the aquarium and were concerned over a number of months about whether they had contracted that disease. The disease has symptoms very much like flu. I know that doctors were finding it hard to work out whether it was legionnaire's disease or whether it was a cold or the flu, and they were advising all people who had been to the aquarium to go to their doctors if they had those flu-like symptoms. There was quite some concern out in the community about the Melbourne Aquarium and about whether the problem was going to be fixed up fairly quickly before it became too big an issue so far as not just local tourists but tourists from across the world who visited the aquarium were concerned.

In 2003 there were 65 outbreaks. That was a great reduction and was in part due to the effect of the original bill. I spoke in the debate on the original bill, which was needed to make sure there was community confidence in public buildings, that any outbreaks of the disease were curtailed and reported early and that there were plans in place for buildings with cooling towers.

There was an outbreak of legionnaire's disease in my electorate when I was a member for North Eastern Province in the other place. There was an outbreak in Cobram, which caused huge concern. In fact the Cobram *Courier* raised the issue a number of times. The authorities were not able to identify where the outbreak was. They tested 29 towers and received negative results from sites including the Cobram District Hospital, a dairy factory, a fruit packing business and a juice company. There was a huge amount of concern in Cobram about where else the disease would be, who else would get it and whether it could be contained in a fairly short time. However, all those cooling towers were treated and considered safe.

It is important to note that certain groups of people seemed to be contracting the disease, and they were mainly the most vulnerable, including older people who had visited the areas. The Cobram hospital saw a huge number of those people. People with respiratory diseases, particularly asthma, were also affected. It is a disease people are very concerned about, and public anxiety was high not only in Melbourne, where it started, but also in my electorate. There were huge worries about where else in country areas it would be. It was important that the government acted to make sure that cooling towers were registered and their locations identified and that there were plans in place to ensure that the towers were appropriately cleaned and the people who owned them acted responsibly.

As I said, the Building (Legionella) Bill 2000 put in place a number of initiatives that were designed to ensure that people had to report the disease and control the environment surrounding their cooling towers. It was important to identify the location of towers and to require their registration and the adoption of strict standards of maintenance and audit. The doctors knew what symptoms to look for so they could act quickly and treat the disease.

Legionnaires disease is caused by the Legionella organism and is spread mostly by water cooling towers, but it has been known to be spread through warm water systems such as spas. I know there was some concern about sporting and health venues which had spas. They were looking to see what sort of chemicals they could use to ensure their spa systems were not carrying the disease.

The legislation makes a number of changes to the principal act. There will be a single registration system to replace a system under which there are different registration processes for existing and future cooling towers. People who have a desire to construct another building and put in a cooling tower will now be able to have those systems put in place. People who have to register more than one cooling tower system can apply to have them synchronised so they will not have different registration periods, as that causes concern over administration, accounting and the bookwork. There will be flexibility in the audit period. In rural Victoria one auditor can have to assess a number of towers, so ensuring that we have a number of auditors who can audit those towers in an orderly manner is a big issue. I know a number of people who have these skills. It is important to ensure that we have enough auditors in country Victoria so people can meet their obligations to maintain their cooling towers.

Clause 15 of the bill provides the commission with the ability to authorise a person to issue and sign a compliance certificate. This is very important, because it can apply where the licensed plumber who carried out the relevant work has died, has left the vicinity or cannot be located or is suffering from a physical or mental disability and therefore cannot sign the compliance certificate.

Clause 20 amends the qualifications required of the plumbing industry commissioner. It seeks to amend section 221ZZT(2) of the Building Act 1993 to remove the requirement for 'knowledge of, and experience in, the plumbing industry'. The bill sought to substitute that requirement with the need for 'relevant knowledge and experience'. At the briefing I asked why there was a change to remove the requirement for experience in the plumbing industry. I was told that it was because the commissioner has reporting responsibilities other than those relating just to plumbing. At the moment the plumbing industry commissioner ensures plumbing in Victoria complies with state standards and collects the licence fees from plumbers et cetera. This amendment may allow someone who has been but is not now a plumber to be the commissioner. However, I think even the original provision would allow that. The government could have made a minor amendment to allow that to happen.

The Nationals will be supporting the amendment foreshadowed by the member for Hawthorn to omit clause 20 and maintain the status quo. In reality, that clause will allow a former plumber to be the plumbing industry commissioner. The member for Hawthorn is concerned that when the current plumbing industry commissioner retires on 31 December the government might choose not to replace that person but to allow the building commissioner to also be the person responsible for the Plumbing Industry Commission. I know the member for Hawthorn does not have a problem with the building commissioner, but he believes we have to see a separation of powers between

the building industry and the plumbing industry. I also think it is important. The plumbing industry commissioner has a very important role, and he has done a good job. It is important that we maintain the delineation of powers to keep the focus on the plumbing industry. We need to ensure that the management of cooling towers is maintained at a very high standard and is not hidden among the paperwork in other areas, and we need to ensure that the plumbing industry commissioner remains as the head of the Plumbing Industry Commission.

Risk management plans need to change from time to time, and this is one thing the bill will amend. The owners need to consider whether the plans they have in place are still appropriate. They need to review the plans annually, and if the environment changes — if a building is built next door, for example — they may have to modify their risk management plans. Somebody might build a nursery next door, which means there could be a different environment with a higher risk or a lesser risk. There could be another building in close proximity that may have a higher risk of being contaminated by the tower. The owner of the building with the tower may need to increase the maintenance and auditing of that tower.

The Nationals hope these amendments will improve the principal act in ensuring that cooling tower systems do not pose a threat to the broader community or to those working in the buildings which house them, given that most of them are public buildings. There are 4916 cooling towers registered in Victoria. We are happy to see that the compliance rate is very high, and we need to ensure that that continues. As I said, many of the buildings with cooling towers are public buildings, and members of the community need to have confidence that they meet the appropriate safety and health standards. The Nationals hope this bill will ensure that happens, and we wish it a speedy passage.

Mr ANDREWS (Mulgrave) — I am pleased to rise to make a brief contribution in support of the Buildings (Cooling Towers and Plumbing) (Amendment) Bill. As other members have said, this bill contains an important set of arrangements. I want to focus my contribution, albeit briefly, on the public health and cooling tower elements of the bill rather than on the Plumbing Industry Commission issue.

Mr Baillieu interjected.

Mr ANDREWS — The honourable member for Hawthorn asked who would address those questions. I will address the questions he has asked about public buildings. In relation to the other matters, I can only anticipate that my colleague the Parliamentary Secretary for Infrastructure will make a contribution or that the minister will in summing up. That is not a matter I can comment on, but I am sure that the member for Hawthorn's questions will be answered, if not here then while the bill is between houses.

Both the members for Hawthorn and Shepparton have made the point that these are very serious matters in terms of death and ill health. Some people have died from legionnaires disease — and there were eight deaths in 1998. There were obvious difficulties at the Melbourne Aquarium, and the legal action in relation to that matter was finalised just last week. The member for Shepparton spoke about the outbreak in Cobram in her electorate. These are very serious matters involving public health, and there is a real issue of public trust in terms of making sure that there is a safety net and a regulatory regime that the community can have confidence in.

The measures in the bill that relate to cooling towers build upon the government's successful Legionella reform strategy, which it introduced in 2000 in response to a number of serious Legionella outbreaks. I would describe the reform strategy as a success. That is clearly borne out by the evidence when you look at the performance and the operation of the reform strategy, the registration system and so on. We have seen a pronounced and substantial reduction in cooling tower Legionella outbreaks.

For example, 239 notifications were made in 2000. That figure was down in 2003 to just 65. A figure of 65 is too many, and we have to continue to be ever-vigilant in providing a framework that can reduce those figures even further. However, on any examination that is a significant improvement in terms of reportable outbreaks of infections and overall public health. That is clear proof that the government's policy settings are effective in a number of different arrangements or from a number of different points of view in respect of industry certainty and public confidence. We heard a bit about that from the member for Shepparton when she spoke about the very significant concern that gripped her local community after the Legionella outbreak in Cobram. This legislation is about providing greater effectiveness, delivering greater certainty and public confidence, and, most importantly, delivering a more effective set of arrangements and more effective outcomes for public health.

These improvements have come about as the result of a constructive partnership between government and industry, and that is worth noting. At the heart of these arrangements we have seen a dramatically increased

acceptance of the need to appropriately manage risk. I am reminded of arrangements we put in place with the Safe Drinking Water Bill in either autumn this year or spring last year in terms of moving forward and managing risk. These are very topical and important issues relating to public health.

As we heard, 4916 cooling tower systems are registered under the strategy. Registrants have obligations, but above all the registration system facilitates better compliance, better auditing and a far better application of higher standards. This leads to fewer Legionella outbreaks, and in the unfortunate event that an outbreak occurs, the arrangements we have in place through the reform strategy and the registration system allows for better infection control and better management of that outbreak. It is also ultimately in the public interest to be able to isolate those incidents and get to their source. As the member for Shepparton said earlier, part of the difficulty prior to the implementation of this strategy and the registration system was trying to track down exactly where these outbreaks had come from.

I refer to a document produced by the Department of Human Services (DHS) under the signature of the chief health officer, Dr Robert Hall, called 'Legionella link — managing the health risks', as I want to update the figures I just mentioned which were included in the second-reading speech. In the overall trend in actual notifications there has been a decrease, as I said earlier, from 239 in 2000 to 111 in 2001, 86 in 2002, and 65 in 2003. That is a very significant trend line and bears out my point that the government has made very significant progress in moving forward and managing those risks. This is obviously very gratifying for the government.

Those figures are from the 2004 issue of 'Legionella link — managing the health risks'. If we go back to 2003 and try to quantify and give some background to the task at hand, we can see this has been a very significant undertaking on behalf of the DHS. In the 12 months to November 2003 — according to the November 2003 issue of the same publication — an accredited independent auditor training program for cooling tower system risk management plans was put in place; we had the training and certification of 125 independent auditors; we had the commencement of annual auditing of risk management plans, which is obviously important in monitoring ongoing compliance; 260 audits were completed by DHS officers; there was follow-up on 1159 risk management plans that had in some way reported non-compliance; over 1000 site inspections were carried out by departmental officers; 150 improvement notices were issued under the Building Act; and so on. That is a very substantial undertaking — one that has delivered significant results in respect of the trend line I spoke about; and one that we can all be very happy with. Again, 65 reportable incidents is too many, and we need to continue to improve the system even further.

The member for Hawthorn raised some questions about what, if any, performance indicators we have for public buildings or cooling towers in the public sector where the government is the manager or owner of the building. As the member would know, the government provides services out of many buildings that are leased, and in those instances it is not the government's responsibility. In that regard those who leased the building to the government would find themselves with various obligations under the Building Act. Of those government buildings that are on public land and where the government has responsibility under these arrangements, an overwhelming majority are hospitals. I do not have an exact figure — I could try to find one for the member for Hawthorn — but it is true to say that an overwhelming percentage of those buildings are hospitals.

Prior to the amendments to the Building Act coming into operation, the Minister for Health at the time, Minister Thwaites, required hospitals with cooling towers to put risk management plans in place. At the earliest opportunity he asked hospitals to do this voluntarily prior to the operative date of the Building Act amendments and the Legionella reform strategy. This bill is not just about telling hospitals what to do and asking them to meet certain standards after that. The government has committed capital works dollars to affected hospitals to facilitate replacement and upgrades of their cooling towers. I am happy to seek further advice for the honourable member for Hawthorn with respect to other government buildings, but the government takes its responsibilities very seriously. Where the government has been the owner of land on which an affected building has been situated — in the majority of cases they have been hospitals — it has provided not only a policy framework but also financial support to bring about the necessary changes.

A number of housekeeping matters are addressed by these amendments. The bill improves and enhances the registration system, as has already been mentioned by other members. It bridges the regulatory gap between towers that were in operation prior to this strategy, or prior to 2000, and those that have been registered since. There are 86 sites where an owner with cooling towers on more than one site is able to have one single registration, and that is obviously a step forward in efficiency. The amendments in the bill also change the compliance regime by introducing new arrangements for the making of risk management plans and their

periodic review. I said earlier that it is not just about having a risk management plan, it is about the plan being recent and being monitored.

The bill also provides for the Department of Human Services to communicate or pass information to other relevant agencies or government departments — for instance, WorkSafe — so that they can fulfil their very detailed obligations under other acts in the interests of the public and public health.

In summary, these are very serious issues and very significant changes. They make a good system better. On the trendlines we have seen significant improvements in relation to reportable incidents including deaths. We have moved forward very well although 65 incidents is still too high. These changes will facilitate our improving even further to create an even safer environment. That is what these arrangements are about. I commend them to the house and wish the bill a speedy passage.

Mr SMITH (Bass) — I am a bit disappointed that I have to get up and speak on the Building (Cooling Towers and Plumbing) Bill, and I will explain my reasons. The bill involves two separate issues. One relates to cooling towers and stricter controls over cooling towers, and also some controls over plumbers with regard to lodging plans and compliance papers. That is one part of the bill, and I do not have a problem with it.

I have a problem with the second issue in regard to the plumbing commissioner. When I was plumbing there was an old saying that plumbers protected the health of the nation. Never have truer words been spoken, because of the intricate workings of the plumbing industry nowadays and the issues about reuse water and cooling towers, and we have heard about Legionella disease today. We are now going to take away what is still classified as being an excellent Plumbing Industry Commission and a Plumbing Industry Advisory Council that leads this country, and in some instances leads the world, in regulating an industry that is trying to protect the health and safety of consumers.

Victoria has about 15 000 plumber-gasfitters who are registered to do work, and the commission has control over the registration of those people. Mr Michael Kefford has been the commissioner for some years now and has done an excellent job in keeping an industry running and running properly. It is a self-funded commission; it is not a drag on the government at all. It is funded by the plumbing industry itself, and I think it gets in about $9 million a year. One would have to have a look at the amount of money that is probably sitting in a bank account, because it does a lot of work promoting the industry, and promoting different aspects of the industry, particularly as we are becoming more energy conscious. The plumbing industry goes out and seeks answers to some difficult problems.

Mr Baillieu — It has assets of $4.5 million.

Mr SMITH — Yes, it has assets of $4.5 million in property and lots of other things. One would have to ask who is going to get the assets if it is taken over — and it appears that the building industry commissioner is going to take it over. There is no doubt in my mind that a small advisory group will be set up to advise the commissioner that will call itself the plumbing industry advisory group, but it will not have the experience that is needed.

The way this government is going about trying to replace this commission is disgraceful. It has dumbed down the position of the commissioner by saying that it does not need to have people who have come from the industry but that they should just have a knowledge of the industry and the way that it works. Hang on, you would not put a fisherman in charge of the plumbing industry because he has some knowledge that there are downpipes around his house and that the water runs down them. You have to have a look to see that the people who are put in have some experience to run it properly.

Very early on I was involved in the setting up of this commission. The very first commissioner was a member of the union and did a reasonably good job in that position. Mr Bill Durham was a representative of the Master Plumbers and Mechanical Services Association of Australia. He had had a very successful plumbing business and was prepared to give his time as the chairman of the Plumbing Industry Commission and was doing an excellent job until the government, in its wisdom — or lack of wisdom — decided not to reappoint him. One started to smell a rat. The unfortunate thing is that this government does not understand the importance of the plumbing industry to the health and safety of the people of Victoria.

There seem to be three ministers who want to hold reviews of the industry. The Minister for Energy Industries in the other place said there should be a review of the energy safety regulations of Victoria. That includes the gas industry, which involves plumbers, and, as I said before, there are 15 000 of those people who are able and qualified to do work in Victoria. Victoria is the largest consumer of natural gas, with more than 10 million domestic appliances installed. We are one of the safest states in the world, I

think only surpassed by Japan so far as safety in the industry is concerned. Yet Minister Theophanous has decided that he should do a review of the energy safety regulations.

The Minister for Planning, who brought this bill into the house, is also looking at holding a review. If I can put it bluntly, she is looking at gutting the whole of the plumbing industry board and putting in place people of her own persuasion. I have no doubt about that. In the second-reading speech the minister said:

> The changes will create the potential for the government to consider options for closer alignment of the operations of the Building Commission and plumbing commission. This would have the potential to deliver benefits to the building industry …

I will say quite honestly that there are builders in this state who would not have a clue about plumbing. We have a commissioner who, as the member for Hawthorn said, is a good man who has a good understanding of the building industry, but I bet he does not have a good understanding of the plumbing industry. I bet he has never put in a water service or installed a sewerage drain or put in stormwater drains or put up roofing. He would not understand the way that that sort of work is done.

The Treasurer is also thinking of holding a review. One must ask how many reviews will come up with anything better than what is currently in place, which this government is now going to gut. The industry and the commission have performed extremely well. They have been leaders. They have come forward with a number of proposals for the saving of energy, and the government has been more than happy to adopt what the industry has put forward with regard to gas, solar and all other sorts of energy savings. In its five-star new homes the government has used the suggestions put forward by the plumbing industry.

We have also got to ask Minister Delahunty why she has not endorsed the charter that was put forward by the plumbing industry. It was looking forward to getting a charter in place to run the Plumbing Industry Advisory Council, and the minister has not replied to it. It is not as if she has not replied from last week, last month or last year. This proposal was put to the minister in October 2001. She has not had the courtesy to endorse it, question it or ask for changes to be made to it. One has to question whether she is fair dinkum about doing something about the plumbing industry.

I came from the plumbing industry. It was a great industry here in Victoria. The regulations that are now in place and that are administered by the Plumbing Industry Commission are tough, and so they should be, because we are talking about dealing with people's health and safety.

I am very disappointed, as I said at the start, at what this government is trying to do. The Master Plumbers and Mechanical Services Association, the state body of which I was a member for many years, has been very strong in its condemnation of the government for what it is doing here in Victoria. I can only say that I wish the government would refrain from doing what it is doing with this bill, to have a better look at it and to reappoint Bill Durham to the Plumbing Industry Commission. If government members insist on moving this legislation into the building industry, they should reappoint Bill Durham for a period so that the transition can go smoothly.

Mr ROBINSON (Mitcham) — I am pleased to make a few comments on the Building (Cooling Towers and Plumbing) (Amendment) Bill. The most significant feature of the bill is that although the word 'Legionella' is not actually mentioned, most of the bill is geared towards dealing with the threat of the Legionella bacteria. A very good guide to and summary of the threat that the Legionella bacteria poses was contained in the Real Estate Institute of Victoria magazine of December 2001, and I will quote briefly from that article. It states:

> What is Legionella? Legionella is bacteria naturally found in ordinary water. In lakes and rivers, because it is in such low concentrations, the bacteria are harmless. It is when Legionella gets into warm and steamy environments such as cooling towers that Legionella can multiply and cause legionnaire's disease.

The article goes on to describe legionnaire's disease as a form of pneumonia that people can contract by inhaling aerosols containing Legionella bacteria. It takes about five to six days for symptoms of the disease to appear. Those with the highest risk of contracting the disease are men over 50 years of age, heavy smokers, heavy drinkers, diabetics and people with low immune systems. The connection with cooling towers is explained very adequately further on in the article:

> If cooling tower systems are not properly maintained or become contaminated from dust or other pollutants in the environment, Legionella bacteria can grow and multiply very quickly. Legionella bacteria multiply at temperatures above 20 degrees Celsius, which is the temperature at which cooling towers operate. Therefore a cooling tower which is not properly maintained provides the perfect environment for Legionella bacteria to grow, potentially affecting passers-by as the contaminated air is discharged.

In my opinion that is a very adequate summary. The purpose of the bill is to make the administrative

arrangements more efficient so we can deal with the threat of Legionella to greater effect. This has relevance to the Mitcham electorate because in 2001 we had a series of outbreaks across Victoria — I think it was mainly in 2001 — and one of those was in Mitcham. It was not the most serious outbreak. I think there were only three people affected, one quite seriously, and he was hospitalised for some time. It was in Thornton Crescent in Mitcham and affected a number of businesses. The actual source was never identified.

At this stage I want to place on record my appreciation of the work done by the member for Mount Waverley, who in 2001 was an adviser to the then health minister. Certainly I was in contact with her at that stage as we tried to nut out where the investigation was going. Ultimately she was able to advise me that the source of the outbreak, despite extensive testing, was unknown. The conclusion that the department had drawn was that it may have been a transient contamination of a cooling tower that was rectified through routine maintenance prior to the outbreak detection and water sampling.

Since 1999, when the first legislation on this subject came into effect, the Department of Human Services has developed some fairly timely response procedures, and I think all members of the house would agree on that. One of the challenges that the department and indeed all of us have to deal with is that it is particularly difficult for doctors and researchers, and those whose business it is to detect it, to locate the Legionella bacteria.

I am indebted to another local resident Dr Patrick Crowe for his advice on the particular challenges of the Legionella bacteria. I recall at the time — that is, in 2001 — there was a very large scare and a large number of people contracted the bacteria at the Melbourne Aquarium, and I had been to the aquarium around the time at which that scare was announced. Like a lot of people — in my case quite fortunately — I came down with a heavy cold and did not seem to be able to shrug it, so I went and saw Dr Patrick Crowe. It turned out that in his undergraduate career at university Dr Crowe had been involved in some of the first research in Australia on the Legionella disease. In fact I think he had worked with a very senior physician at the time in diagnosing the first case in Australia.

Dr Crowe was able to advise me that the testing required in order to ascertain that it is in fact the Legionella bacteria is quite lengthy. It is not bacteria for which any other existing test can be applied. The health department and health departments around the country — indeed around the world — have had to develop a specific test for Legionella, but it consumes a fair bit of time. It is not like other tests that are employed, which give results fairly quickly. This one takes some time, so we have situations in which an outbreak can be detected and people can be admitted to hospital, but the actual source of contamination was some considerable time before. That is a particular challenge in dealing with the Legionella bacteria.

The measures before the house that streamline the administration governing cooling towers are very worthy because they will assist the department in refining further its procedures, which by and large have served the state well in recent years. To that extent the bill would have the unqualified support of people in the Mitcham electorate.

I will conclude by making some comments in response to some of the comments which have been raised.

Mr Baillieu interjected.

Mr ROBINSON — I think the member for Hawthorn is once again a little confused, but if anyone noted the tie that he is wearing that does not surprise us. I am not sure if it is a tie or a napkin.

The ACTING SPEAKER (Mr Cooper) — Order! I suggest the honourable member gets back to the bill and gets off the subject of ties.

Mr ROBINSON — Thank you very much, Acting Speaker. The comments made by a number of previous speakers would have people believe that the legislation governing the appointment of plumbing commissioners into the future has been changed to an extent that no plumber will ever again hold that position, whereas my reading of the legislation is that the criteria are being broadened so that it is not only qualified plumbers who may be considered. I think this is an important distinction to make. I understand that in opposition the only exercise you get is jumping to conclusions. The member for Bass certainly might need the exercise. He jumped to a few conclusions in his contribution. I do not think their fears are in any way well founded.

Mr Baillieu interjected.

Mr ROBINSON — He is out getting a bit more exercise there. Let him concentrate on getting some exercise; that is a good thing in opposition.

Mr Baillieu interjected.

Mr ROBINSON — If it were coming from the member for Hawthorn it would be fearmongering. That is what he would be on about: fearmongering and scaremongering. That is all it would be.

The ACTING SPEAKER (Mr Cooper) — Order! The honourable member for Hawthorn would do us all a favour if he ceased to interject and allowed the member for Mitcham to get on with his presentation to the house.

Mr ROBINSON — Thank you, Acting Speaker. I will close my contribution by saying that it is very good legislation that will further refine the department's procedures that are in place for dealing with the very difficult scourge of the Legionella bacteria. I wish the bill a speedy passage.

Mr McINTOSH (Kew) — Before I commence I compliment you, Acting Speaker, on your sartorial elegance. The tie you are displaying is a significant adornment to this chamber at the present time.

The ACTING SPEAKER (Mr Cooper) — Order! I thank the honourable member for Kew, and I am really looking forward to his remarks on the bill.

Mr McINTOSH — Indeed, Acting Speaker. I thought I would curry some favour, but apparently I have not.

I join the debate to support the amendment foreshadowed by the member for Hawthorn to remove section 20, which concerns the qualifications required by the plumbing industry commissioner.

I recently attended a dinner sponsored by the Master Plumbers and Mechanical Services Association of Australia and had the great opportunity of sitting next to Bill Watson, the president of the Master Plumbers Association of Queensland. During that dinner Mr Watson spoke about our Plumbing Industry Commission in Victoria in very glowing terms. He said that without a doubt it was the best plumbing regulator in this country, and he went so far as to say that it was the envy of many other countries. To start playing with the Plumbing Industry Commission and the commissioner's qualifications may be seen by many to be a retrograde and unnecessary step given its very high stature in the industry in Victoria and around the country and the world. It is a self-funding regulator, which is very important for the Department of Treasury and Finance because it is not a drain on the public purse in any way.

While some plumbers are concerned because they have had to face a pretty strident disciplinary process, the plumbers I have spoken to at the master plumbers association and elsewhere all regard the commission as doing a very effective job in the regulation of plumbing, not just for the benefit of plumbers but because it entails a very important role in the regulation of the plumbing trade for the benefit of consumers.

Plumbing is not just about work in the household, it is also about work in major buildings and constructions. Some of the examples provided to me indicate the importance of plumbing, which goes beyond a toilet or a shower that works. The World Health Organisation recently identified a failure in plumbing and sanitation in Asia that lead to the outbreak of severe acute respiratory syndrome (SARS). The consequence was that billions of dollars were lost in tourism, travel and business. This had a significant impact in this state as well. SARS, like the drought, was seen as being a significant reason for concern in our economy. The World Health Organisation attributed that directly to a failure in plumbing in some of those Asian countries. In New Zealand the cause of the wet building syndrome has been identified as a failure in plumbing. A consequence of that syndrome has been that many buildings in New Zealand have failed to meet the building code. It cost NZ$10 billion to replace the poor plumbing.

Plumbing has major significance in this state. The Plumbing Industry Commission is an industry leader, as has been recognised by the president of the Master Plumbers Association of Queensland. Changes to the commission not only will have a significant impact on plumbers and builders but could have economic consequences that would flow through to consumers and to the broader community, unless we can get this right. We are on a good thing, and perhaps we should stick to it.

I pay tribute to the good work of the incumbent plumbing industry commissioner, Michael Kefford. I have formally met with him on a number of occasions, including at a number of meetings. He was in the house earlier today and was eager to see what was going to happen. I spoke with him then.

Sitting suspended 6.30 p.m. until 8.01 p.m.

Mr McINTOSH — Before the dinner break I was testifying to the good work of Michael Kefford, whose term expires at the end of this year. It is a matter of some concern that the government has not yet seen fit to announce who will be the chair of the advisory committee. I, like my colleagues, endorse Bill Durham, the current chair, who is also president of the Master Plumbers Association. He also has made an outstanding contribution to the plumbing industry, and his reappointment should be considered to provide some degree of continuity in the regulatory regime.

I make the final remark that 20 per cent of the work of the commission relates to gas fitting, which is a very important part of the work of plumbers in this state and reflects the capacity of the plumbing commission to regulate it properly. We have the largest domestic use of gas in this country, and accordingly it is important to provide continuity and expertise in regulating it.

In conclusion, the system is working very effectively and is the envy of jurisdictions elsewhere in the country. As I mentioned, the president of the Queensland Master Plumbers Association, Bill Watson, has said how worth while it is to continue this regime. It is fully funded, is not a drain on the public purse and provides a magnificent regulatory regime. Accordingly I am happy to support the amendment foreshadowed by the member for Hawthorn to ensure that the plumbing industry commissioner continues to provide that essential link with the plumbing industry and have the necessary expertise to properly regulate this industry. In my view it would be a retrograde step to dilute that regulatory regime by extending it to include a broader range of people. As I said, I am happy to support the amendment foreshadowed by the member for Hawthorn.

Ms CAMPBELL (Pascoe Vale) — At the outset of my contribution to the debate on the Building (Cooling Towers and Plumbing) (Amendment) Bill it is important that I immediately take issue with the member for Hawthorn. He has this legislation wrong with regard to owner-builders, and I am happy to put him straight. If someone in his own party cannot give him relevant information, this side of the house is happy to provide it.

The benefits to owner-builders are mentioned in the second-reading speech. It is important that this house is under no illusion that owner-builders are not protected as a result of this legislation. This bill — I look forward to its speedy passage to the upper house — adds to the recent amendments to the Building Act. As a result of that legislation we have limited the number of building permits going to unregistered builders, which is protecting genuine owner-builders. I would have thought the shadow minister would have been informed in this regard, and if he is not, I am happy to provide him with the documentation. The plumbing changes will also assist owner-builders.

The part of the bill I want to address deals with the cooling tower system. In my electorate of Pascoe Vale there was an outbreak of Legionella a couple of years ago. It was a tragedy for residents of Moreland and the surrounding district that the government of the time could not provide the local council with documentation on the number of cooling towers. As a result of legislation amending the Building Act 1993 that was put to this house and passed by the Bracks government we have since March 2001 required cooling tower systems to be registered. That is something all of us should be collectively enthusiastic about, and this legislation improves that even further.

The act prescribes two separate registration schemes for cooling tower systems. At the time of the introduction of the legislation it was necessary to adopt differing approaches to registering existing and future cooling tower systems. That was done to provide for a transition and to avoid disruption to the industry. What we are looking at this evening is further strengthening that legislation. We have had four years experience, and as a result we will be enhancing the legislation. The separate registration schemes which we have had are no longer required, and in some cases they may even impede proper enforcement against those who do not keep their registrations active or who fail to register.

To overcome that problem this legislation ensures that there is a single registration scheme for all cooling tower systems in Victoria. I am delighted for the residents and the workers in the Pascoe Vale electorate that this legislation is before us. It builds on the strong legislation of the first term of the Bracks government and is further strengthened in its second term.

An honourable member — Carn the Bombers!

Mr DELAHUNTY (Lowan) — Yes, carn the Bombers! We need cooling towers there because they are flying high and always doing well.

I am happy to follow my colleague the member for Shepparton on this important Building (Cooling Towers and Plumbing) (Amendment) Bill. I know the honourable member for Shepparton has covered most of the issues that need to be covered from a National Party point of view, which relate to country areas. I am aware that this bill makes changes to the registration of cooling tower systems, as has been highlighted by many other speakers. We have seen some good progress in relation to this. My information is there are about 4916 registered cooling towers in Victoria, and many of those are in country Victoria.

Inspectors and the like will be allowed to come out and make these changes in one push in the country areas, therefore lowering costs for people, particularly those in the Lowan electorate which I represent. Concerns were raised during the departmental briefing that when the registrations all had to be done roughly at the same time

it was not possible to minimise the costs for people to comply with the registration.

The bill also makes changes to compliance certificates, and like the member for Shepparton I am happy to support that.

Of particular concern to us is that people in the surrounding areas may not be aware that there are cooling towers within their vicinity. Clause 14 inserts proposed section 75JF which will permit the secretary of the Department of Human Services to disclose cooling tower information to certain other government bodies to assist them in their statutory functions. It is important here to work with local government and others to make people aware that there are cooling towers within the vicinity so if there is a problem they can alleviate it as soon as possible.

I know that other members want to get on to other bills but it is important for us to recognise that we have made giant leaps forward.

The member for Hawthorn has circulated an amendment to remove clause 20, and like the member for Shepparton I am happy to support that amendment. In the briefing sessions we could not understand why it was necessary for the commissioner to have qualifications in management finance when doing plumbing work. We in the National Party are happy to support that, and with those few words I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 19 agreed to.

Clause 20

Mr BAILLIEU (Hawthorn) — By agreement we will consider only this clause because this is the clause to which we have moved an amendment by agreement. Acknowledging the unavailability of the minister, I move the amendment and in doing so I invite the government to address these simple questions: what steps are being taken to replace Commissioner Michael Kefford; and if no steps have been taken and there has been no advertising, why not? How does this clause work to the statement in the second-reading speech that it will create the potential to consider options for the closer alignment of the Building Commission and the Plumbing Industry Commission when on the surface it has nothing to do with the Building Commission? And what commitments has the government made to the Building Commissioner in regard to the alignment of the Building Commissioner and the position of the Plumbing Industry Commissioner? I invite the minister at the table, the Minister for Police and Emergency Services, to respond.

Mr HAERMEYER (Minister for Police and Emergency Services) — The government opposes the amendment moved by the opposition. A new plumbing industry commissioner needs to be appointed by early 2005. The current wording of the Building Act 1993 requires that applicants to that position have to have, in the words of the act, a 'substantial knowledge of and experience in the plumbing industry'. However, the challenges that are faced by the Plumbing Industry Commission today mean that the plumbing industry commissioner should have experience in management in a regulatory environment and also be able to demonstrate a capacity for strong financial management as well as the strategic vision necessary to ensure that the emerging issues of sustainability and environmental management can be addressed.

Mr Kotsiras — Are you saying they do not?

Mr HAERMEYER — No, what I am saying is that does not preclude the possibility that somebody with substantial knowledge and experience in the plumbing industry may have those particular prerequisites. However, it may be that the best applicant in terms of those prerequisites does not have the necessary experience in the industry that is required by the act at the moment.

The proposed changes reflect a more modern approach to the selection of management staff by ensuring that a much wider range of relevant management and industrial experience be considered. It needs to be borne in mind that the commissioner will be supported by a plumbing advisory council, the chair of which has to be a person with plumbing experience, and the other members of that council may also be plumbers. The commission's staff also includes qualified plumbing inspectors; therefore, there will continue to be ample opportunity for the commissioner to be informed of practical plumbing expertise. What is required in the role of the commissioner is a broader strategic and management role. As I said, it does not necessarily preclude someone of a plumbing background but by the same token we do not want to cut off a whole variety of other people who may be outstanding candidates in that regard.

An honourable member — This is about all your union mates!

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The minister without assistance!

Mr HAERMEYER — The member says this is about union mates. I am glad the Liberal Party finally acknowledges that within the union movement there may be significant experience and strategic vision in management. That may or may not be the case. What I am saying is that the government wants to open the field to the best possible applicant, to the widest possible field. The motion being moved by the opposition is narrowing down the field; we are trying to keep the field wide open.

Mr BAILLIEU (Hawthorn) — I congratulate the Minister for Police and Emergency Services. He has made an early bid to become the planning minister by at least having something to say, but in the process has confirmed that this is effectively a done deal and no steps have been taken to replace the commissioner. Indeed the alignment of the Building Commission and the Plumbing Industry Commission is clearly a done deal. Obviously commitments have been made. We think that is unfortunate.

We believe the plumbing industry commissioner should remain and be separate from the Building Commission. In so saying, I move:

Clause 20, omit this clause.

Mr PLOWMAN (Benambra) — This is a classic case where the plumbing commissioner has done a job that has been commended by members on both sides of the house. I do not think there is any argument about that. Given his expertise and background, it is deplorable to see that role taken from him.

It is all very well for the Minister for Police and Emergency Services to suggest this position that has been mooted will have the advice of the plumbing industry, but to take away the role of the plumbing commissioner who has proven himself to the government and the industry is deplorable. The job he has done has been of not only a high level of integrity but also a high level of competence. It is a very sad day when we lose someone like that in order to meet the ideology of the current government.

I note that it is the Minister for Police and Emergency Services who gives us this dictum rather than the Minister for Planning, who I would have thought would have been more appropriate.

Mr SMITH (Bass) — I find it deplorable that the minister responsible for this disgraceful piece of legislation is not present in the chamber. To have the Minister for Police and Emergency Services in charge of this bill during the consideration-in-detail stage is wrong. The plumbing commissioner will be put out of his position at the end of this year, and the government is searching around to find someone to take over. We know it will bring in one of its union mates. I can give the chamber his first name — 'Paddy'. He will be a member of the Communications, Electrical and Plumbing Union — —

Mr Andrews interjected.

Mr SMITH — I think he may be a mate of Craig Johnston. He will be the same type of union thug that the government will put in a position of power within this industry.

Mr Andrews interjected.

Mr SMITH — Hang on, you do not even know what you are talking about. We have had a very good plumbing industry that has been running exceptionally well. We have had an excellent commission and an excellent chairman, and we now find the government wants to come in and get rid of the commission, cut it out and put one of its union mates in its place. It is wrong that it will do this to an industry organisation that has been running well and that has been recognised as Australia's best industry organisation. This government will ruin what has been in place for some time.

It is wrong, and the government should give more consideration to whom it is looking for as a commissioner. The person should have experience in the plumbing industry. It is important that this commission keeps going and that we have some control over the health and safety of the people of Victoria and Australia because — —

Honourable members interjecting.

Mr SMITH — Are you right? This organisation has been working extremely well for a long period. It should not be ruined by the government in its stupid quest to put its union mates in power. I ask the government to consider its position. The opposition has put forward a very good amendment moved by the member for Hawthorn. I ask the government to accept the amendment.

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

Ayes, 56

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

Noes, 24

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Amendment defeated.

Clause agreed to; clauses 21 and 22 agreed to.

Bill agreed to without amendment.

Remaining stages

Passed remaining stages.

MULTICULTURAL VICTORIA BILL

Second reading

Debate resumed from 3 November; motion of Mr BRACKS (Minister for Multicultural Affairs).

Opposition amendments circulated by Mr THOMPSON (Sandringham) pursuant to standing orders.

Mr THOMPSON (Sandringham) — Australia has 20 million stories relating to migrant experience. Six million migrants came to Australia in the post-World War II period and 43 per cent of Australians today were either born overseas or had a parent born overseas. Why do they come to Australia? The reasons include a search for freedom, a search for democracy, to build a new life, to be reunited with family members, to escape oppression or civil war in their country of origin or to pursue employment.

A Vietnamese lady I spoke to last year said that freedom and democracy are words that are easy to mention but they are words that you know the true meaning of when they are taken away from you. A South American person made the remark that his homeland gave him his language and his culture but Australia gave him freedom and the opportunity to build a new life. An Italian migrant recently commented that Australia is not one of the best countries in the world — it is the best country. Australian citizens reflect over 180 different countries of origin and over 200 language backgrounds; 23 nations were represented on the Victorian goldfields; and over the last 12 months, as many members of this chamber have done, we met with people from many diverse backgrounds including Italian, Greek, Vietnamese, Chinese, Turkish, Lebanese, Kenyan, Ugandan, Sudanese, Ethiopian, Malaysian, Singaporean, Indian, Sri Lankan, Polish, Rumanian, Latvian, Lithuanian, Scottish, English, Irish, German, Spanish, Portuguese, South African, Dutch, Bosnian, Serbian, Albanian, Croatian, Cambodian, American, Japanese and many others.

While this bill has been given considerable government fanfare, I believe the success of Australian multiculturalism is to be found in the workplaces, sporting clubs, community centres, meeting places, industries, businesses and neighbourhoods of Victoria. Here Victorians are voluntarily celebrating strength of friendship and community as part of everyday life. I think Victoria is rightly judged the multicultural capital of the world. External laws and agencies can establish a framework but respect and responsibility and inclusion and trust are also individual qualities which cannot necessarily be legislated for.

Some of our society's greatest strengths and best opportunities relate to education and employment. I believe that education and employment represent two of the strongest drivers of success.

These outcomes are underpinned by a strong economy. At a briefing by a group of recent arrivees to Australia there was an open forum and feedback was invited. One of the key thoughts that struck me was the comment by one gentleman, who said:

> When the breadwinner is employed, the whole household is good.

Other key issues at the public consultation included the need for accessible housing, a community centre to reach youth and for language training, work force skilling, education as to the political process and the law, English language instruction, qualification recognition, general settlement assistance, and access to good immigration advice. These are all matters that the government of the day, both federal and state, have to turn their attention to in helping to build a stronger community and a stronger society. A few years ago Jeff Kennett, who himself worked in the area of multicultural affairs for over 17 years, was described as a patron saint of the trade union movement because few Victorian workers had been out of work since he had come to office, in contrast to the children of many former migrants in the early 1990s who were returning to their homelands to obtain work.

Henry Bolte had the simple view that if you provided the opportunity for people to find a job and buy their own home, you would have a good foundation for a worthwhile society where people could plan and build for their own future upon their own sweat and their own sacrifice, as countless thousands of Victorian citizens have done.

Australia has 20 million different stories relating to migrant experience. In mid-July this year some 25 new refugee families arrived in Australia from East Africa. There is a balance to be achieved between legislated leadership, interest group activism, the day-to-day experience of all Australians, including indigenous communities, and the importance of having an underpinning economy which can provide strong life opportunities for all those people who have come to Australia. I emphasise my view that education and employment opportunities are key drivers for the success of multiculturalism, underpinned by notions of respect and the core values of a civil, democratic society.

A former federal Minister for Citizenship and Multicultural Affairs, Gary Hardgrave, stated that the Australian government is committed to diversity, understanding and tolerance in an inclusive society with social harmony; a migrant program that does not discriminate on the basis of ethnic origin, gender, race or religion; and that we have a great tradition of successful nation building, drawing out the best within a framework of a uniting set of Australian values.

Productive diversity is also a focus of the federal government. According to a recent paper, which I will paraphrase, our multicultural heritage contributes towards the expansion of markets, goods and services which in turn produce economic benefit which is assisted through the productive diversity program. In the past three years this program has propounded diversity management. Partnership with the corporate sector and community organisations will be furthered through Harmony Day and productive diversity, helping to advance the Prime Minister's business-community partnership initiative.

The Howard government's National Multicultural Advisory Council, which at the time was chaired by Neville Roach, noted in a report that:

> 'Australian multiculturalism' is a term which recognises and celebrates Australia's cultural diversity. It accepts and respects the right of all Australians to express and share their individual cultural heritage within an overriding commitment to Australia and the basic structures and values of Australian democracy. It also refers to the strategies, policies and programs that are designed to:
>
> > make our administrative, social and economic infrastructure more responsive to the rights, obligations and needs of our culturally diverse population;
> >
> > promote social harmony within the different cultural groups in our society; and
> >
> > optimise the benefits of our cultural diversity for all Australians.

In terms of the Liberal Party's approach to immigration and migration issues, the party has a very proud record of fostering a diverse, tolerant and harmonious society. Under the leadership of Menzies the coalition presided over the great postwar immigration programs, the social and economic benefits of which endure to this day. The process of abolishing the white Australia policy began under Harold Holt's government. The Fraser government established SBS and the Australian Institute of Multicultural Affairs. During the mid-1970s a coalition government oversaw Australia's largest settlement of Vietnamese refugees. While some people in the arena indulge in the easy rhetoric of multiculturalism, it is the coalition which sets the agenda and has delivered many policies that recognise and enhance the value of Australia's cultural and linguistic diversity. Successive coalition governments have overseen the birth and growth of Australian multiculturalism, promoting a richly diverse but unified and harmonious society.

Under the previous coalition government the then Premier, Jeff Kennett, produced a pledge by the government of Victoria to the people of Victoria. This was a flexible document which had a number of key features. I would like to refer to several. The pledge states:

> The government of Victoria regards the cultural diversity of our community as one of the state's greatest assets.
>
> The government of Victoria acknowledges the equality of all people and their right to freedom from discrimination on the basis of race, sex, ethnicity, religion, language and culture.
>
> The government of Victoria encourages all people to preserve, enhance and share their cultural heritage within the legal and institutional framework of our society and the reciprocal responsibility of all to accept the right of others to do so.
>
> …
>
> The government of Victoria pledges that its commitment will be reflected in all government policies, strategies of the Victorian public sector and in its dealings with the private sector.

Clause 19, in part 4 of the bill, enshrines a set of principles for the reporting requirements of government. They require government departments in Victoria to report across a range of benchmarks, including communications by the departments in culturally and linguistically diverse (CALD) languages. Other benchmarks include reporting on the use of interpreter services and reporting on major initiatives by departments dealing with CALD communities. The fourth requirement is that departments report on the appointment of culturally and linguistically diverse members of our community to board positions. Those four requirements have been translated into the bill before the house today.

Part 4 of this bill introduces a set of principles. It is not an easy task legislating principles. A Jewish rabbi outlined some of the principles of a civil, democratic society in a book entitled *The Politics of Hope*. He noted that:

> Freedom is a moral accomplishment. It needs strong families, cohesive institutions, habits of civility and law-abidingness, and a widely diffused sense of fellow feeling. It needs virtues … rational reflection and conversation, courage and persistence in the pursuit of ideals, the capacity to work with others … It needs the carefully cultivated disciplines of dialogue and mutual respect for those with whom we disagree. It needs principles, held not with relative but with absolute conviction … It needs belief in the centrality of responsibility, and hence choice, and hence of a society that respects choice. It needs institutions which teach these principles and inculcate these virtues, and it needs role models who exemplify them and inspire our own efforts.

The purpose of that quote is to show that there is a range of values which go beyond what can be enshrined in statute and which underpin the fabric and strength of a civil society.

I propose to introduce opposition amendments to this Multicultural Victoria Bill. The amendments seek to draw upon a number of key principles that have been included in an act in another jurisdiction in Australia. A key issue we are looking to have implemented is that it is a principle of multiculturalism that there be a recognition of shared values within a democratic framework governed by the rule of law and a unifying commitment to Australia, its interests and its future; and secondly, that as the principles of multiculturalism are interpreted, they be construed in accordance with the principles I just outlined.

In clause 7 of the bill the Victorian Multicultural Commission has the obligation to interpret the act and work towards building a stronger community. The opposition's fourth amendment proposes that one of the objectives will be to encourage culturally and linguistically diverse communities to develop a commitment to Victoria and its institutions. This will be a key responsibility of the Victorian Multicultural Commission. There are precedents for elements of this clause in the legislation passed by the New South Wales Parliament with the support of both sides of the house in 2000. Support for these principles has been expressed by some of the key prime movers in the area of multiculturalism in Australia over the past 20 years.

I draw attention to a number of other issues within the bill. It is my view that clause 4(b) could be better expressed as it contains an element of ambiguity. It is imperative that the principles of multiculturalism be agreed on a bipartisan basis and be accepted by the wider Victorian community. There was a long period of consultation on the bill — a road show visited nine communities around the state and took on board public feedback.

I would estimate that of Victoria's population of some 5 million people there may have been up to 800 who had some input into the process. In terms of the points being debated, the principles of the bill should have strong bipartisan support. In my view clause 4(b) would be better expressed if it read: 'Diversity and cultural heritage is best promoted within the context of shared laws, values, aspirations and responsibilities'. It is a nuance, and we would be happy to speak with the government to see whether there is a way of building a clause that is not ambiguous, does not have any other nuances and promotes good principles.

Honourable members interjecting.

Mr THOMPSON — There is an interjection from the other side of the house, and I would like to take up the comment about consultation.

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly, and the honourable member for Sandringham should know better.

Mr THOMPSON — The point I would like to make is that even though there was a long period of consultation with the Victorian community, this bill has only been in the public domain for three weeks. There is a variation between the recommendations outlined in the report of the committee which was convened by Maureen Lyster, John Nieuwenhuysen and Haddon Storey and what has ultimately been included in their report. Furthermore, there is an absolute gulf between what we have before us and the aspirations of a number of key stakeholders such as the Ethnic Communities Council of Victoria (ECCV) and the Victorian Multicultural Commission (VMC) in respect of some of the things which were keenly sought and which might have improved their opinions about the bill.

The next matter I want to comment on relates to the terms of office. Subclauses (4)(a) and (4)(c) of clause 11 provide for a member of the commission to have up to 12 years tenure, representing an increase of 4 years. I am of the view that such a long period of tenure on the VMC may play a role in limiting new ideas, new approaches and a wider degree of representation. The lack of turnover in the commission could be seen to be adverse to the interests of some culturally and linguistically diverse groups in Victoria that are seeking board representation. As I said, the bill means that someone can be on the board for 12 years, whereas previously the act has allowed a member to serve a total of 8 years.

One of the complaints I have heard over the last couple of years from some of the smaller culturally and linguistically diverse communities is about the lack of openings and the lack of opportunities for their interests to be advanced. The comment has also been made that some of the larger community groups in Victoria have the means through their media outlets, whether it be television, radio or newspapers, to communicate their thoughts and ideas, whereas some of the smaller communities with ageing populations may not have the same access to the decision-making processes. It is ironic that under clause 19 of the bill the representation of culturally and linguistically diverse community members on boards and committees is a matter for reporting by government departments — in other words, they must pay special attention to who is appointed to boards and committees — yet under clause 11 the extension of tenure may, in the case of the Victorian Multicultural Commission, limit the opportunities for members of culturally and linguistically diverse communities to participate at a higher level.

My next comment relates to independent reporting. The New South Wales legislation provides more power for its commission to leverage independent reporting. Furthermore, clause 8(d) of the bill says that part of the commission's role is:

> to consult with relevant bodies and people to determine the needs of Victoria's culturally and linguistically diverse communities, including needs in relation to matters covered by any report prepared by the minister under section 21 …

A key question that should be asked in this case is what happens to any report following such consultation.

The members of the ECCV and other people who attended the various meetings in country Victoria and metropolitan Melbourne had a number of points to make, and there tended to be some consistency about them. One related to youth representation. The New South Wales act says:

> Of the part-time commissioners, two are to be persons who are appointed as a representative of youth from New South Wales and who are not less than 18 years of age and not more than 24 years of age at the time of their appointment.

The report of the consultative committee itself notes that:

> … specifying dedicated positions for young people had wide support. A separate youth committee would also be of assistance with young commissioners acting as a liaison with a broad-based youth committee.

This recommendation, or aspiration, has not been reflected in the Victorian legislation.

Secondly, a number of recommendations, particularly in country Victoria, said that there should be a mandated regional representative. Another person suggested that there be an appropriate gender balance on the committee. That was a feature of the 1993 act, which contained an expression relating to 'appropriate gender representation'. Under the bill before the house one would trust that the government has the good sense to have an appropriate city-country balance, a male-female balance and an older-younger person balance, but the reality is that it could have any balance it sought to achieve.

Another point I want to make relates to deputy chairs. There was an aspiration, certainly on the part of the

ECCV, that a couple of deputy chairs be appointed, but this has not happened. As part of the New South Wales consultation process they had the bill on the table for many months; this bill has only been on the table for a total of three weeks. Another variation between the New South Wales act and this legislation is that English is outlined as being the common language. In Victoria we could take that provision to be understood, but it is another variation.

New South Wales has the power to initiate its own investigations. This was sought by the ECCV, but again it has not been included in this report. The ECCV also sought to have a panel that scrutinised independent appointments to the board. It is noted that:

> The act should include the criteria and selection process for appointing commissioners. Part of this process could be an independent selection panel that makes recommendations to government.

This has not been included in the Victorian legislation. Another issue that was dear to the hearts and minds of many people involved in this area was their concern at the relocation of the VMC from the Department of Premier and Cabinet to another department. It was the aspiration of the ECCV that the VMC be located as a stand-alone unit within the Department of Premier and Cabinet to reinforce the recognition of its whole-of-government oversight role. The VMC should remain separate from the Victorian Office of Multicultural Affairs (VOMA) to emphasise its community origins and continuing connections.

In the *Many Cultures — One Future* discussion paper, the preambles of multicultural statements in legislation are provided for in Manitoba, Alberta, British Columbia, Ontario, South Australia and New South Wales. Ironically, in recommendation 3 the preamble recommended that the format and style of the preamble to the Canadian Multiculturalism Act be considered as a possible model for the preamble to the Multicultural Victoria Bill, but it did not appear to be included in the discussion paper which was circulated, so that those members of the Victorian community who were studying and following this matter did not have the benefit of considering the Canadian model. What is more, on my reading of the bill, the suggestion from the three people who prepared the report for government has not been followed.

It was also noted in the report in terms of key stakeholder discussion that 'during the course of the consultations, the minister stated that discussions with key stakeholders will take place before the bill is debated in Parliament. The committee supports this action'. The question I put to the minister is: would he be able to outline which key stakeholders have had discussions with the government in the last three weeks since the bill was introduced into the chamber, and what were the results of those discussions?

Another point in passing concerns the submissions tally in the final report. On my calculations I was unable to tally the number of submissions from individuals and groups. I would be pleased to see the advice or stand corrected as to whether there was a reason for the apparent discrepancy.

Other changes were advocated but not implemented. I have not had the chance to read the multicultural press in Victoria over the last two to three weeks, but I can only presume that the disappointment of members of the ECCV has been aired in Victoria's multicultural press in that time in terms of the disparity between the things which were very strongly campaigned for and what is finally contained in the bill.

Other comments were made by many people around Victoria. In Ballarat in relation to migrant employment opportunities it was suggested that reporting should show the differences between city and country opportunities. A number of people advocated that local government should be part of the reporting process. Any reporting should also require that there is an evaluation of unmet needs — for example, if there is a report on the provision of 5000 halal meals that does not indicate that in fact 10 000 halal meals were required.

Another area of concern expressed at the public consultations was about appointments to the board being of a political nature. It is a very important issue and was raised by a longstanding former member of the board who served during the 1980s and who said that it was imperative that appointments to the VMC be transparent and be people who had the practical and on-the-ground experience needed for the role.

An honourable member — And on merit.

Mr THOMPSON — The important point is made that they should also be on merit. The VMC should not be seen as a political agency or a political arm of the government.

Many smaller groups in Victoria are concerned about their lack of access to the VMC and a lack of number of members being appointed to the board. Again I come back to the point I raised earlier in relation to this matter.

A number of arguments are outlined in the report and were also forwarded to me against the bill. In Shepparton one contributor argued that:

> We are Australians first. The whole industry of multiculturalism should be abolished. Australia is the best country in the world. Australian culture is not shown the respect that should be accorded to it. Respect our culture. Learn our ways and do not ask us to finance continuance of other cultures.

Another person said:

> Money spent on multiculturalism would be better spent on hospitals.

One Italian community worker argued that the forum was preaching to the converted and that there were severe concerns as to the process adopted and the lack of fulsome consultation with a wider part of Victoria. That person suggested that there should be a referendum.

A Maltese community representative noted:

> We need to define the religious diversity that we appreciate.

Another person noted that the adequacy of funding for existing services was questioned — some ECCV workers were begging and scraping to do the existing job. One person of Indian background queried teacher recruitment processes contrasting the take-up of migrant teachers in Victoria with a local selection process as opposed to central recruitment in New South Wales and Queensland.

I would like to acknowledge the fine work of the people who undertook the review around the state as they endeavoured to work within the parameters that were set for them, including Haddon Storey, Maureen Lister and John Nieuwenhuysen. In Ballarat David Westaway said there should be an emphasis on what we have in common and of bringing Victorians together. Another person commented that 45 different countries of origin are represented on the Collingwood housing estate. According to one worker, this year they are going backwards instead of forwards.

In Shepparton there are some 30 to 50 different cultures, and some people felt that 100 hours of English tuition was insufficient as a training course; I think 510 hours is the figure utilised further afield today. There was concern about how many people knew about the meetings, and the level of public participation at some of the venues was very low. In Ballarat consultations took place on 13 July and submissions had to be in by 16 July, some three days later. Owing to the sagacity of the chair on the day, there was a modest extension allowed in that particular case. There was also a view that there was a lack of consultation with wider community organisations. Other concerns were raised about how many people knew about the meetings.

Overall the opposition has a number of thoughts about the bill, which I have expressed. There is a belief that there needs to be a fundamental commitment to Australia as part of Australian multiculturalism. There is a precedent in the New South Wales act that was introduced in 2000 for the opposition amendment, which includes the reference to:

> A recognition of the importance of shared values within a democratic framework governed by the rule of law; and
>
> a unifying commitment to Australia, its interests and its future.

And that:

> Parliament intends that the principles of multiculturalism are to be construed in accordance with sub-section (2).

It is very important that the task be assigned to the Victorian Multicultural Commission so that it has the objective of working with culturally and linguistically diverse communities to encourage all Victorians 'to abide by the laws of Victoria and respect the democratic processes under which those laws are made'.

Mrs POWELL (Shepparton) — I rise to speak on the Multicultural Victoria Bill on behalf of The Nationals and to say that we will not be opposing this bill. I also rise to speak on the bill as a very proud migrant to this country who has had many opportunities given to her, not just in Australia but in this wonderful state of Victoria.

The purpose of the bill is to establish principles of multiculturalism. It is also to repeal the existing Victorian Multicultural Commission Act. It also establishes reporting requirements in relation to multicultural affairs.

Clause 4 is the major clause in the bill which sets out the principles of multiculturalism. I have to say that most of the principles and sentiments are quite good, but both The Nationals and the community have some concerns about a number of the comments made in the bill. Many of us in this house would agree with words which recognise that the people of Victoria are from diverse cultural and religious backgrounds. We would all agree that the words 'respect' and 'tolerance' have a place in some act. The concerns that I have about the bill are to do with the issues where the bill states that the government:

> … supports and promotes this diversity by recognising the following principles of multiculturalism …

It then goes on to talk about the principles of multiculturalism. Clause 4(b) is the one that the community is most concerned about and The Nationals are also concerned about it. The clause states:

> all individuals and institutions in Victoria should promote and preserve diversity and cultural heritage within the context of shared laws, values, aspirations and responsibilities.

I would like to talk about that in the context of the second-reading speech which I think should have been reflected in any principles of a multicultural act.

The government's own second-reading speech says:

> The government's approach to multicultural affairs to date has been based on the commitment that all Victorians should uphold common civic values, rights and obligations including:
>
> respect for institutional structures;
>
> participation in support of Australian democracy and its institutions;
>
> respect for the law;
>
> respect for and tolerance of others' beliefs and practices;
>
> individual freedom of association;
>
> prime loyalty to Australia's interests; and
>
> English as the national language.

Those sentiments are in the New South Wales legislation and they are in the discussion paper that went around Victoria, and I am not sure why the last two sentiments in particular — that is, 'prime loyalty to Australia's interests' and 'English as the national language' — were not accepted into the principles. I think they would have far better reflected the community's feedback on what the discussion paper was all about.

Copies of different legislation on the same subject were sent out in the discussion paper that went around Victoria. The New South Wales legislation says:

> All individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.

Again, the principles in this bill have missed out on saying that it is an Australian institution, that they are our laws and that English is the national language and the most commonly used language.

As the member for Sandringham said, the community would not know what is being passed here today. Admittedly the discussion paper has been out there for a number of months, but this legislation has been before this place for the last two and a half weeks. It has not been out to the community. In fact I have put out press releases to see what the community thinks. What we are debating here today is not something that has been passed on to the community to have a look at.

Clause 5 of the bill provides that it creates no legal consequences of the principles of multiculturalism and that it does not create any legal right or affect in any way the interpretation of any law in force in Victoria. All members would agree that Victoria is one of the most culturally and linguistically diverse societies in Australia, with over 40 per cent of Victorians having been born overseas or at least having one parent who was born overseas. The area I represent is Shepparton and district, and we have 35 to 40 per cent of first or second-generation people from non-English-speaking backgrounds. Ours is a very good example of a community that works together and that has been doing so for a long time. The respect, tolerance and understanding we have is a role model for the rest of the community. We have many different peoples from many different countries. At least 31 countries are reflected in the Shepparton and district community, yet those people work together and are leaders in our community, and we all do a great job. It is not done by legislation; it is done by community respect and community tolerance.

I would like to pay tribute to Vicki Mitsos, the former president of the Ethnic Council of Shepparton and District and current commissioner of the Victorian Multicultural Commission, for the great work that she has done over many years to make sure that members of our community are more tolerant and respect each other. She does a lot of work, particularly now with English language assistance and with some of the new settlers as well. I would also like to pay tribute to Graham Wigg, a police officer and the new president of the Ethnic Council of Shepparton and District. I know that he will carry on the great work Vicki has done.

Migrants came to Victoria and the Goulburn Valley after the First World War due to the Depression, so we have had waves of migrants coming into the Shepparton district. They could not find work in their own countries, so they came to the Goulburn Valley. Many of them came from agricultural sectors in their own countries to rural Victoria to be able to pursue their careers in unskilled labour. Many of those people have become leaders in our community. They have multimillion-dollar businesses, and they are role models

and mentors for the rest of the multicultural community as well as for people from non-English-speaking backgrounds.

The second wave came after the Second World War, and those migrants also settled in the Goulburn Valley. They also went to the migrant camps. I was a member for North Eastern Province in another place for six and a half years, and Bonegilla Migrant Reception Centre is in my former electorate. It was established in 1947.

Mr Plowman — And mine.

Mrs POWELL — Bonegilla is also in the electorate of the member for Benambra. Mr Plowman and I went to the 50th anniversary in 1997, which was wonderful. We went with the Honourable Bill Baxter, a member for North Eastern Province in another place.

Mr Plowman — A real partnership.

Mrs POWELL — An absolute partnership. It was great to see the camaraderie at Bonegilla. I know that the locals like to call it 'Bone-gilla', but the migrants still call it 'Bon-e-gilla', and that is how I will always pronounce it. Migrants from right across the world went to this area about 12 kilometres outside Wodonga.

I came to Australia in 1958 with my family and went to the Preston migrant camp, and we were there for about six months. So I understand what it is like to be a new person coming to this country and being in an area where people do not speak English very well and where the culture is very different.

At the moment in my electorate we have quite a large number of Arabic-speaking settlers, and many of them have come from the Port Hedland, Curtin and Woomera detention centres. They have come to the Shepparton region to settle positively in the Goulburn Valley; they have come there looking for a new life. Many of them have settled into the schools and into workplaces. They work in the orchards and in factories while they are waiting for their skills to be recognised by Australian standards. They have come to Australia to seek a new life. Many of them are on temporary protection visas, but there are some who have come from overseas as migrants, and we welcome them to the Goulburn Valley.

But I have to say that there was a time when we almost had a crisis situation. In one six-week period in 2001 we had 110 refugees arriving from the detention centres. One of the issues we faced in the Goulburn Valley was the issue of accommodation and where we were going to house all these detainees and people who had come as refugees from overseas. I pay tribute to the Minister assisting the Premier on Multicultural Affairs. I asked him to come to Shepparton because we had some concerns in Cobram and Shepparton with our Iraqi community and with local government. Minister Pandazopoulos came to Cobram and spoke with the Iraqi community and with local government, and he was able to put forward a way of finding places where these people could meet and say their prayers. He also came to Shepparton, where we met with many in the Iraqi community or the Arabic-speaking community. It was important that we were able to work with these people so they did not get to crisis situations.

For accommodation we looked at the old Mooroopna Hospital to see if we could convert it into a sort of centre where migrants could go for a short period of time, be assessed, learn some skills, see what sort of skills they had and see whether they would be able to find housing or jobs, if not in the Goulburn Valley then elsewhere. We did look at doing that, but we did not need to in the finish because the migrants stopped coming from the detention centres and the crisis was alleviated.

The government has said that this bill does not create any new rights, that it will not impose obligations on any Victorian to comply with any cultural norms or modify their own beliefs and customs, and that it will not create any new offences. In fact any offences on any person from overseas or any racial slur will be dealt with under the Equal Opportunity Act 1995 and the Racial and Religious Tolerance Act 2001. But I put on record that The Nationals opposed the Racial and Religious Tolerance Act because we felt it was very divisive, and we still do so.

This act repeals the existing Victorian Multicultural Commission Act 1993 and re-establishes the commission within the act. It increases the number of commissioners from 10 to 12, and creates a part-time deputy chairperson. It also increases the number of terms for which commissioners can be appointed from two terms to three terms. That will enable continuity and maximise the experience of the commissioners. Again, we in the Goulburn Valley are very thankful to have commissioner Vicki Mitsos on the commission, where she is able to bring rural issues to the commission so it can understand some of the issues that we deal with in rural Victoria. These things relate to the lack of job skills, the lack of accommodation and the lack of employment for some of our migrants.

When we consulted with the independent consultative committee, the members of that panel included Professor John Niewenhuysen, the chair; the Honourable Maureen Lyster; and Professor Haddon

Storey, QC. I know they travelled right across Victoria and listened to the points of view of the community.

There were nine consultations across Victoria. I understand Shepparton was the sixth consultation. I attended a public meeting on 6 July this year. As the member for Sandringham, who was also at that meeting, said, the submissions had to be in by 16 July. By the time weekends were added that gave people only about a week to get submissions in, read the discussion paper and make comments. I asked the committee for an extension of time, and that was granted to the people of the Shepparton district. This was organised by the Victorian Multicultural Commission (VMC) and Vicky Mitsos, who had a lot to do with the organisation of it. Ms Glenyys Romanes, a member for Melbourne Province in the other house, was also there.

There were 100 people at that meeting and 90 per cent of them were from non-English-speaking backgrounds. Not a lot of people knew the meeting was on. The government said that it put out press releases in the *Age,* the *Herald Sun* and some of the local papers, but many people did not see those advertisements. I put out a press release on 9 June urging people to attend, to pick up the discussion paper from my office and to also make submissions so they were able to put their points of view in this discussion.

Given that Shepparton is a large multicultural area, I felt that we had some relevant comments to make about how people can work and live and the respect and tolerance people feel. An issue raised by a number of people at the meeting was that there was no discussion with the general public and that the debate needed be broader. There were also comments that the VMC should have the role of monitoring how the government reports; that the VMC should be under the Department of Premier and Cabinet; that the translation needed to be less formal and interpretation needed to be down to earth as it was not quite what people from a non-English-speaking background could take on board; that there was a need for the selection criteria for the panel of the VMC to be more open and accountable; and some people said that we do not need the VMC to look after ethnic people, we just need trained officers to distribute services and funds.

One person at the meeting stated that whole industry of multiculturalism should be abolished and that basic Australian culture was not respected. That was said a number of times to a number of people in the audience. It was not because those people were against multiculturalism; it was more that they believed we should have one Australia and that we should be united under that one Australia. Many people come to Australia to get away from their countries of origin to find a better land, as many people did after World War I, after World War II, in the waves of migrants that came afterward and in the influx of refugees who have found a great home in Australia and particularly in Victoria. A lot of people at that meeting said we should be talking about one community, one Australia, and that we should allow these people to come to here to be unified.

I would like to read a letter that was sent to me from Mr James Price, who was at that meeting and who felt so strongly that he wrote to the Victorian Office of Multicultural Affairs. He gave me a copy of it, but I am not going to read it in detail. He said:

> Not enough Australian people were advised or given the opportunity of attending this forum …

He said that 90 per cent of the 100 people at the meeting were ethnic people. He made an interesting point:

> It would be interesting to know how many of these ethnic people in attendance were naturalised Australians or if they intend to be naturalised Australians or not, and why they should have a say in our country if they are not naturalised.

Not everybody would agree with that, but a number of people did say that if you are not a naturalised person it is very difficult to have a say in the laws of the land because you cannot vote.

The views at the public meeting were similar to the views held in the rest of the state. I will read from page 10 of a document entitled *Multicultural Victoria Act — Report of the Multicultural Victoria Act Consultative Committee*:

> The committee notes in conclusion that while there was predominant support for the statement of principles, the whole-of-government reporting requirements and the incorporation of the VMC Act, the strong impression from the consultations was that the issue of central importance was the quality and extent of service provision.

I agree, and the government should be working more with local government to drive many of those services. The report talks about community feedback on page 25:

> There was widespread support for a set of principles being enshrined in law for the benefit of this and future generations.
>
> There was not, however, universal agreement on the proposed principles and suggestions were made to amend the wording and/or include additional principles. The view that it was not appropriate to include principles in the act was also expressed.

That shows that there has been diversity across Victoria. The Nationals support the Victorian

Multicultural Commission and its regional ethnic councils. We do so in our multicultural affairs policy, which was released before the 2002 election. In that policy we express very strong support for multicultural people and their respect for education and the laws of the land.

I attended a forum in Shepparton last week run by the VMC which was about whether there were any impediments to artists of culturally and linguistically diverse backgrounds. I would like to acknowledge Linda McDermott, Vicky Mitsos's personal assistant, who made everything run so smoothly. She is always in the background making sure that anything that goes on at the ethnic council and in the multicultural area is running smoothly and that nothing goes wrong.

I was a councillor of the former Shire of Shepparton. We provided many services to people from non-English-speaking backgrounds. We provided ethnospecific meals, and we helped build a multicultural aged hostel. I served for four years on the non-English-speaking-background committee. I worked closely with many migrants. At the end of the day there should be more education in schools to encourage respect, tolerance and understanding of the different cultures that make up Australia. More importantly, there should be an increasing emphasis on teaching people about the history of Australia and our way of life. We need to unify rather than diversify our community.

Mr MILDENHALL (Footscray) — It is a pleasure to join this debate. It is not quite the pleasure that I expected, particularly given the support of the Liberal Party and The Nationals for the principles and the legislation. I was quite surprised at the nitpicking and inconsistent contributions by Liberal Party members in this debate, particularly given the fact that after consistently berating the government over consultation processes, with less than 2 hours notice that they would propose amendments, they tabled those amendments and sought the government's approval of them.

There are ways of achieving cooperation on what ought to be a bipartisan view, but the nitpicking and largely unnecessary propositions put forward by the Liberal Party show quite an inconsistency.

Mr Perton interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member will be heard in silence.

Mr MILDENHALL — The gall of the lecture from the Liberal Party about consultation and then the ambush with the amendments sit by way of contrast as a telling comment on the sincerity of the contribution made by the Liberal Party to this debate. It was quite disappointing, I must say.

This is a good piece of legislation. It has been extensively discussed. I would have thought a reasonable observer would see a very strong relationship between the outcome of extensive consultation and the contents of the legislation before us. In fact, one of the comments of the member for Sandringham was that there was a wide variation between the recommendations and the bill. Then he said, 'some variation', because he knew he was wrong; he knew there was a strong relationship between the 19 recommendations of the advisory committee and the bill. Twelve were accepted in full; six were partly accepted or there were other ways of achieving the same objective — there were comments and responses by government that yes, it could do that either by guidelines or other means, or it would attempt to achieve that — but only one was not supported, and that was mentioned by the member for Sandringham. It dealt with the proposal that the preamble to the Canadian Multiculturalism Act of 1988 be considered as a possible model for the preamble to the Multicultural Victoria Bill.

That is more easily said than done when you are dealing with and trying to apply federal legislation to a state model. There are very significant issues, principles and perspectives that a nation considers when it looks at the makeup of its community and federal responsibilities compared with those of states, regions and provinces. That particular recommendation was not able to be taken up, and that is quite a reasonable response. I have heard the member for Sandringham speak at many multicultural functions and I know he believes in what we are trying to do through this bill, but it was unbecoming of him to go through the bill in a fairly nitpicking way to try to find the faults rather than the points of agreement.

There are many ways of achieving the outcomes that have come up in the debate thus far — for instance, the expansion of the commission. It is obviously in the government's mind to have young people's interests represented, but there are ways of doing this. To formalise particular types of representatives when government is committed to the principle of merit is not so easy to do in legislation. However, members can be assured that the government has heard the message about young people being represented and they should watch this space.

The government will be considering very seriously and in some depth the amendments to be moved by the

opposition. However, paragraph (2) of the preamble talks about:

> … this State as a united community with shared laws, values, aspirations and responsibilities within which people from a diversity of backgrounds have —
>
> (a) the freedom and opportunity to preserve and express their cultural heritage …

and in clause 4, which is headed 'Principles of multiculturalism':

> (b) … to preserve diversity and cultural heritage within the context of shared laws, values, aspirations and responsibilities …

and

> (d) all individuals in Victoria … contribute to the social, cultural, economic and political life of this State and have a responsibility to abide by its laws and respect the democratic processes under which those laws are made.

With those sorts of statements in the bill is there any need to talk about the same principles under a heading of citizenship that is not formal citizenship, and to talk about the importance of shared values within a democratic framework? I think that is quite unnecessary.

We will have a look at this and give it due consideration — the type of consideration that we would have been able to give with sufficient notice. It is unbecoming of the opposition to try to ambush the debate with these amendments.

Multiculturalism and cultural diversity have made an extraordinary contribution to my community, to this state and to this nation. Over 43 per cent of Victorians were either born overseas or have at least one parent born overseas. Our connections in a social and linguistic sense with every part of the world enhance our possibilities for trade, for cultural exchange and for growth as a community. In my community the wave upon wave of recently arrived migrants are like an economic blood transfusion. They come out with drive, with a commitment to enterprise and with a commitment to family, and it is no surprise that around 50 per cent of enterprises are operated by first or second-generation migrants. These people are the backbone of my local economy and community.

This bill recognises the strength of that diversity. It is a diversity not to be feared but to be celebrated. It is not a threat, as some would have it. It is about principles that rightly belong in this legislation and ought to be thoroughly supported by all sides of this chamber.

Mr HONEYWOOD (Warrandyte) — As required by this government's dictate that only lead speakers speak in this debate, I move:

> That the debate be now adjourned.

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

FAIR TRADING (ENHANCED COMPLIANCE) BILL

Second reading

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

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Fair Trading (Enhanced Compliance) Bill. I have been advised that this was to have been called the Fair Trading (Inspection Powers) Bill, but for some reason the minister decided not to accept that name and the government therefore changed it. The opposition will be moving a reasoned amendment, because as it stands we cannot support this poorly drafted legislation.

The main purpose of the bill is to enhance compliance with the Fair Trading Act and other consumer legislation administered by Consumer Affairs Victoria (CAV). The government's reason for introducing this bill is to establish better enforcement mechanisms to protect consumers. The government claims that this bill will readjust the approach to the enforcement of consumer protection legislation from a reliance on criminal prosecutions to civil and administrative intervention. However, the approach taken by CAV appears to be based on a strong focus on compliance and enforcement rather than on information that promotes a broader understanding of obligations under consumer protection laws.

One of the opposition's biggest concerns is the lack of consultation between the government and industry groups. The government provided the opposition with a briefing, at which we were told by one of the advisers that there was no need for consultation on this bill, which we found amazing and surprising. No-one supports any business that breaches the law, and no-one supports any business that tries to rip off consumers. By the same token, we do not want the CAV to go on fishing expeditions simply because it wants to. I therefore desire to move the following reasoned 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 there is an adequate period of consultation with the broader community and industry groups in particular in relation to the effect of the compliance provisions proposed by the bill'.

The ACTING SPEAKER (Mr Jasper) — Order! Those members speaking in the debate will now be speaking to the bill before the house and the reasoned amendment moved by the honourable member for Bulleen.

Mr KOTSIRAS — The amendment is very simple. It just asks this house to refuse to read the bill until it is taken back to the community so that the people are consulted before it is put back into the Parliament.

The idea of giving officers more power is not new. Since 1999 this government has introduced a raft of bills that enable inspectors and authorised officers to enter shops, businesses, homes and cars to conduct searches and take photographs. I went through *Hansard* to check, and among the government's enter-and-search legislation I found the flawed Child Employment Act, which allows officers to enter homes, rifle through cupboards and seize, copy and remove documents. The Outworkers (Improved Protection) Act allows officers to enter premises to copy or remove documents, and the Control of Weapons Act allows officers of the Department of Sustainability and Environment to search without a warrant for firearms and to demand copies of documents. The Agricultural Industry (Amendment) Act requires authorised officers to obtain the consent of the occupier or obtain a search warrant before entering premises; the animal legislation act enables an inspector to enter a person's dwelling after obtaining a warrant from a court; and the Agricultural and Veterinary Chemicals Act allows an officer to search premises — and the list goes on. This government has introduced bill after bill that allows officers to enter premises without proper consultation and without proper legal reason for doing so.

The bill allows the Consumer Credit Fund to be used for test cases on legal matters affecting consumers and enables the director of CAV to initiate group representative actions on behalf of consumers. It introduces court enforceable undertakings, remedial injunctions, corrective advertising orders and enforceable codes of practice. It enables the director of CAV to gather information on compliance from a company, with a requirement that there be full cooperation in the conduct of the inquiry. It allows the delegation of consumer law enforcement to other public officers and provides for magistrates orders for the destruction of goods that are considered to be dangerous. It makes it a specific offence to send invoices or claims for payment when no goods or services have been provided, and it clarifies that a supplier cannot require payment of goods or services during the cooling-off period. It expands the culpability of officers of a company. Consumer test cases may be undertaken at the minister's discretion, but the director of CAV or a person authorised by the director is being vested with the power to prosecute dummy bidders at auctions. That was the basis of one of the concerns I raised when the Estate Agents and Sale of Land Acts Bill was being debated in the house on 20 May 2003. It was interesting that at the time the member for Footscray just laughed it off and told me there was no issue.

During the debate on 20 May 2003 I said:

> I have concerns with proposed section 39, which is headed 'Offences by auctioneers'. Proposed section 39(1) reads:
>
> > The auctioneer of land at a public auction must not accept a bid at the auction if he or she knows that the bid was made by, or on behalf of, the vendor of the land.

I gave the house an example of a couple who decide to split up. One person decides to purchase the other's portion of the house. My question was whether that person was able to bid for the house without the vendor acknowledging he or she was bidding for the house. At that stage the member for Footscray said that it did not make sense and that I did not know what I was talking about. Now the government is introducing amendments to rectify exactly what I asked about on 20 May 2003. I think it is important that the member for Footscray read the legislation before it comes into this place.

This bill also fixes the remuneration for an advisory committee established under the Credit (Administration) Act. It adjusts the requirement for auditors reporting on irregularities; it varies infringement notices and amends a number of other acts. I have a number of concerns with the bill. In particular I refer to clause 12. In the principal act similar provisions were contained in section 106I headed 'Power to obtain information, documents and evidence'. Under the principal act, if the director thought an estate agent had broken the law he could go into the office and request information and documents. Under this bill, the director of Consumer Affairs Victoria can enter an office to check whether that company is complying with the legislation.

Proposed section 106HA inserted by clause 12 states:

> (1) The Director may, by notice in writing, require a person who the Director believes is capable of providing information or producing documents that may assist the Director in monitoring compliance with this Act …

This provision allows the director to gather information of compliance from a company with the requirement that the director of the company cooperates with the director of Consumer Affairs Victoria. However, it goes much further than the old act. Proposed section 106HA(3) states:

> Subject to sub-section (4), a person is not excused from answering a question, providing information or producing or permitting the inspection of a document on the ground that the answer, information or document may tend to incriminate the person.

Proposed section 106HA(4) states:

> Despite sub-section (3), the answer by a person to any question asked in a notice under this section or the provision by a person of any information or the production by any person of a document in compliance with a notice under this section, is not admissible in evidence against the person in any proceedings other than proceedings under this section.

This could initiate a chain of inquiry — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Jasper) — Order! Would the members at the table either leave the chamber or move to another part of the chamber so the honourable member can present his contribution without interruption from members at the table.

Mr KOTSIRAS — People will have to be very careful with this clause because it means that if the director of Consumer Affairs Victoria enters your office and seeks information from you, you are obliged to provide the information and any documents to the director. The director cannot use those documents in a court of law, which is fine, but once he receives the information there is nothing stopping the director going to someone else as a result of the information provided, with the other person gaining information that can mean a charge can be laid.

The government is trying to introduce bills without really explaining them. At the briefing none of this was explained. I was told that this information was skipped and there was no need for clarification. Proposed section 114, inserted by clause 13, is headed 'Appointment of inspectors'. It states:

> (1) The Director may, by instrument, appoint as an inspector —
>
> (a) any employee under Part 3 of the Public Sector Management and Employment Act 1998;
>
> (b) any person who is appointed as an inspector, enforcement officer or authorised officer by or under any other Act;
>
> (c) any person who is appointed or authorised as an inspector, investigator, authorised officer or authorised person under an interstate Act.

This provision provides for the delegation to a wide range of public officers who have existing responsibility under state laws, such as municipal health inspectors and trade management inspectors. The only reason this is being done is because the department has not got the staff or resources to investigate any breaches of this legislation.

I refer to new division 2, to be inserted by clause 40, headed 'Monitoring of estate agency business'. Currently if Consumer Affairs Victoria feels that an estate agent has breached the law the director can enter the premises. However, if Consumer Affairs Victoria wishes to monitor whether the office or the estate agent has complied with the law, it has to go to court and seek a warrant. Under this legislation they do not have to do that. If the director of Consumer Affairs Victoria wants to see if an office is meeting the legislation, he does not have to go to court; he can walk in and request the information.

Proposed section 70D inserted by clause 40 is headed 'Third parties to produce documents and answer questions relating to estate agent's business'. Under this provision in theory you can have a partner, a husband or a wife requested to answer questions relating to the business. It does not make any distinction between the owner, the husband or the wife or the partner. The provision is very wide and very dangerous.

Proposed section 70F refers to the media. Consumer Affairs Victoria can go to any media outlet, radio station or newspaper outlet and request information it requires from the reporter, editor or owner. If a story appears in the media the director may seek information such as where it came from, and the reporter or the editor must give that information to the director or a responsible authority. I am not sure that the media has understood this issue as yet, but I am sure they will soon.

Proposed section 70J is headed 'Entry without consent or warrant'. If the director or authorised officer wishes to enter a premises, they can do so without a warrant between the hours of 9.00 a.m. and 5.00 p.m. However, if they wish to enter premises other than the business of the person, they have to apply to a magistrate to issue a search warrant in relation to the premises they wish to search. With the warrant not only can they come into your office but enter your home as well, and go through all the paperwork, speak to everyone in the premises, including your spouse and partner.

Proposed section 70N is headed 'Seizure of things not mentioned in the warrant'. Normally in the warrant inspectors are able to take away anything that is mentioned. However, if they come into your office or home they can take away anything they want. It does not have to be mentioned in the warrant. It goes further. Not only can you get a warrant — —

The ACTING SPEAKER (Mr Jasper) — Order! I am having difficulty hearing the honourable member. If members wish to have discussions they should go outside or make sure they cannot be heard by the Acting Speaker.

Mr KOTSIRAS — New section 70P, which is substituted by clause 40 of the bill, relates to copies of seized documents. If an inspector takes documents away he has 21 days to provide a copy of the documents to the person from whom the documents were taken. I would have thought 21 days was too long. Why not make it a requirement to provide copies a bit earlier? Why not give copies of the documents as soon as they are seized and then no-one could complain or feel that something wrong had occurred. With today's technology it is easy to make copies of documents, and I do not understand why a period of 21 days is needed before copies of the documents are required to be supplied.

Section 70B of the original act contains a protection against self-incrimination. It states:

> (1) It is a reasonable excuse for a natural person to refuse or fail to give information to do any other thing that the person is required to do by or under this Part …

Under the old act you could refuse to answer questions if those answers tended to incriminate you, but under section 70B(2) of that act you had to hand over the documents; there was no excuse even if those documents would tend to incriminate you. New section 70U states:

> (1) A person is not excused from answering a question or producing a document under this Division on the ground that the answer or document might tend to incriminate the person.
>
> (2) If the person claims, before answering a question, that the answer might tend to incriminate them, the answer is not admissible in evidence in any criminal proceedings …

If an answer is not admissible in any criminal proceedings, why have the requirement? When I asked a few people, they said, 'You do not make changes simply to make changes; you make changes because it will improve the way things work or for the tendency to support the consumer'.

It was interesting that the Department of Justice paid $50 000 to get a group to provide it with information on whether it should change the powers of officers — whether it is worth while giving officers increased powers or whether their powers should remain the same. The department paid $50 000 and the conclusion was that the powers should be left alone. I will read from the report, which I am happy to table if members wish me to do so. The background to this report is:

> Frontier Economics has been engaged by the Department of Justice (DoJ) to provide a comprehensive review of inspectors' powers under the Fair Trading Act 1999 (FTA). The FTA confers upon authorised persons the power to enter and search premises, to seize property, to question individuals and to require them to produce documents and other items. The inspection powers are part of the arrangements to promote compliance with the provisions of the FTA. However, the powers of entry also involve the potential intrusion upon people's rights to privacy and 'quiet enjoyment' of their property. The extent of the powers of inspectors therefore involves a trade-off between promoting compliance with the provisions of the FTA and observing people's rights.

What were the conclusions?

> Our conclusion is that there are no overarching 'principles' that can be relied upon to provide a firm basis for determining the appropriate scope of inspectors' powers.
>
> …
>
> … we do not find that the arguments that regulators must have all powers necessary to enforce an act or that there is … some absolute obligation on inspectors to operate in a proactive manner particularly helpful as guiding principles. We conclude that the appropriate framework for the assessment of an increase in powers lies in the identification and comparison of anticipated benefits and costs. As outlined above, a key proposition of this paper is that when cast in terms of maximising overall social benefits, a target of 100 per cent compliance may be inferior to an approach that tolerates a lower level of compliance.
>
> …
>
> Given the absence of data on the impact and success of inspection regimes in Victoria or elsewhere, it is difficult to find substantial … benefits from extending inspectors' powers …

What has the government done? It has brought in a bill to extend inspectors' powers. It paid $50 000 for this report but has gone against the recommendation of the report it commissioned and will now increase inspectors' powers.

The Frontier Economics report further states:

> At the same time, we find that the broader inspection powers also impose additional infringements upon personal rights to engage in normal commercial activities without physical intrusion of business premises. In the absence of any empirical data, it is difficult to compare the expected net

benefits of the extension against the potential additional infringements on personal rights.

If this government were able to come into the house and provide the evidence as to why we should increase inspectors' powers, then I would say so be it. Government backbenchers should be able to say to their minister, 'I think we are going too far', but instead they are very happy to be mushrooms, to sit in the back in the dark and be very complacent.

It is interesting that the government paid $50 000 for a report and yet has ignored it, and that government backbenchers just read out what the minister has given them and support the bill without questioning the minister at all They just sit there and smile and do exactly what the minister tells them to do. They have no guts — absolutely no spine. If the member had some guts or spine he would support our reasoned amendment. This has nothing to do with being soft on crime. The government is soft on crime. The government wants to disrupt small business. It wants to be able to enter your home, your work place, your office or your car, seize any documents it wants, make copies of them and return the copies to you within 21 days.

An honourable member — And silence you!

Mr Hudson — That does not take away your right to silence.

Mr KOTSIRAS — Yes, and take away your right to silence. Once upon a time people did not have to answer. The member has not read the act or the bill.

The bill does not allow people to refuse to answer questions. If you are asked a question, you have to respond to the question, and if you lie you pay a penalty. You are required to answer questions even if those answers will incriminate you, but your answers cannot be used against you in court. However, as I said earlier, if you give them false information and they find out that information from someone else, you are in trouble and you will be charged. The concern is that these inspectors can enter an office to check if you are complying with the legislation, not because you have breached the law, but because some Labor hack, some union mate, says, 'I want to go into this small business and find out exactly what it does' and they have every right to do that. Under this bill they can walk in through the front door. If your office is in your home, they can walk into your home. They can go through all the documents, they can speak to your spouse or your partner and they can try to get any information they can from them to see if you are complying with the legislation. You might be complying with the legislation, but you will have spent hours going through paperwork and hours talking to them simply to please someone in Consumer Affairs Victoria or someone in the union movement or someone who despises the small business owner.

This bill needs a lot of work. It is wrong and a lot of changes need to be made to it. I urge members on the other side to do something for once. I urge them to stand up and do something. It would be good if government members actually read the bill and then came in here and supported the bill because they agreed with it. Members opposite should not believe what the minister is saying. They should read the bill and then stand up and support it if they agree with it. All the small business people in the electorate of the member for Bentleigh will know about this. All the estate agents will know about this, and we will see what happens in 2006. I urge members on the other side to support the reasoned amendment I have moved. I urge them to ignore the minister and stand up for small business in this state.

Mr DELAHUNTY (Lowan) — With the minute and a quarter I have before the house proceeds to the adjournment debate, unless there is an extension of time — —

An honourable member — Don't hold your breath!

Mr DELAHUNTY — If I could hold it for a minute and a quarter we could get there. I am pleased to rise on behalf of The Nationals to speak on this so-called Fair Trading (Enhanced Compliance) Bill. As the member for Bulleen said, it is really about strengthening investigative powers. A lot of the clauses in the bill remind The Nationals of the Major Crime (Investigative Powers) Bill, which we did not support when it was debated in this house a couple of weeks ago. There are a lot of reasons we should feel that way about this bill.

The purpose of this bill is to amend the Fair Trading Act 1999 and other consumer acts listed in schedule 1 of that act to enhance compliance with those acts. It also makes minor amendments to the Trustee Companies Act. In fact the bill amends 18 acts. The second-reading speech is about five pages long and it gives little indication of the changes we are debating tonight. I think it is one of the poorest second-reading speeches I have read.

Business interrupted pursuant to standing orders.

ADJOURNMENT

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

That the house do now adjourn.

Road safety: bicycle couriers

Mr MULDER (Polwarth) — The matter I raise is for the attention of the Minister for Transport. Unfortunately some of Melbourne's bicycle couriers are creating a road safety hazard for motorists, motorcyclists, other cyclists and pedestrians. As the central business district gets busier it is reasonable to expect that bicycle couriers will play an expanding role with deliveries throughout the city and extending to adjoining suburbs. As is the case with most areas of complaint, there is no doubt that a handful of couriers are ruining the reputation of this industry and any potential employment opportunities the industry could provide. The problem has continued to worsen, with some bicycle couriers believing that they are a law unto themselves and that Melbourne's roads and footpaths are their exclusive domain.

It is no wonder that other road users and pedestrians are concerned when they are continually confronted by couriers weaving in and out of traffic at excessive speed, startling motorists by darting from one side of the road to the other without signalling a change of direction, forcing a pathway through groups of pedestrians in an aggressive manner and mounting the kerb and leaving their bikes in the most convenient location for themselves but not necessarily for other footpath users. The offending couriers cannot be identified or reported due to the fact that they do not display company logos or any other distinguishing information which could identify them.

I strongly support free enterprise, small business and a get-up-and-go attitude to work and making a dollar. However, in this particular case public safety must be taken into account. I therefore call on the Minister for Transport to immediately set up a meeting with those companies which employ bicycle couriers and encourage them to establish a code of conduct. Bicycle safety training should also be part of the employment conditions of bicycle couriers. Furthermore, I ask the minister to facilitate regular meetings with representatives of the courier industry to ensure progress is being made in relation to the behaviour of the bicycle couriers who operate throughout the central business district. This is an issue which the courier industry is more than capable of addressing. I would suggest that it heed the warning of the community and act in the best interests of its employees, other road users and pedestrians.

I ask the Minister for Transport to take a keen interest in the courier industry which operates in the metropolitan area. Living in Melbourne as I do when Parliament is sitting, I visit the businesses up and down Bourke and Collins streets and I have personally observed the behaviour of a number of couriers. I must admit that they cause some concern, particularly for older road users and pedestrians. Their activities need to be monitored, they need to be watched and there needs to be some form of government involvement in the way they conduct their affairs in the metropolitan area. I ask the Minister for Transport to take a very keen interest in the courier industry.

Bridgewater–Craigieburn roads, Craigieburn: traffic control

Ms BEATTIE (Yuroke) — I wish to raise a matter for the urgent attention of the Minister for Transport. The matter concerns the intersection of Bridgewater and Craigieburn roads in Craigieburn. The action I seek is for the minister to investigate the provision of traffic signals at this intersection.

Some three years ago Bridgewater Road was opened from Roxburgh Park to Craigieburn. As many members would know, previously motorists wishing to travel to Craigieburn from Roxburgh Park or Broadmeadows had to go onto the Hume Highway at Somerton Road, travel up to Craigieburn and exit the Hume Freeway. Bridgewater Road was then opened and now all the vehicles travelling to Craigieburn go along Bridgewater Road. To make matters worse, once they get to Craigieburn most of this traffic needs to turn right to go either to the shopping centre or to the Craigieburn station. Many members would be aware that the government has provided $98 million for the Craigieburn rail project. When that is completed many more cars will head up Bridgewater Road and turn right into Craigieburn Road to go to the new modern station this government is providing.

With a primary school on the corner and traffic travelling along Craigieburn Road, drivers are waiting for many minutes to turn and they become frustrated and take risks. Many residents have raised this matter with me over a long period of time. Residents recently expressed their frustration to the Royal Automobile Club of Victoria through its red spot survey, which named this intersection the second-worst in the state.

We are all for development. It was terrific when the road was opened, but I do not think anybody could

have foreseen the problems it has created for traffic turning right into Craigieburn Road. With that fabulous new $98 million rail project coming to Craigieburn, with the new station at Roxburgh Park, a brand new station at Craigieburn and 300-plus car spaces, there will be much more traffic. We will meet our target of getting people onto public transport because we are investing in infrastructure rather than closing railway stations like the Liberal Party did when it was in government. I ask the minister to provide traffic lights at this intersection as a matter of urgency. I know he will look at this request and evaluate it as he does with all these programs.

PrimeSafe: meat transportation

Dr SYKES (Benalla) — My adjournment issue is for the Minister for Agriculture. I ask him to liaise with PrimeSafe Victoria to grant country butchers an exemption from the proposal to require refrigerated containers for the transport of meat to wholesale customers.

Butchers are currently required to deliver meat to wholesale customers in an approved insulated container. In addition, the temperature of the meat must be measured at arrival and it must be at or below 5 degrees centigrade. As part of the Meat Industry Act, Victoria adopted the Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption in August 2002. The standard states that by 1 July 2005 all vehicles transporting meat must be refrigerated. The estimated cost of installing refrigeration is about $6000.

The Australian Meat Standards Committee met in October to consider an amendment to the standards that would allow butchers to continue to deliver meat to wholesale customers at a temperature of 5 degrees or below within a specified delivery time from their store, as is allowed in New South Wales. In New South Wales the relevant legislation states:

> During the transport and delivery, all perishable food must be kept at less than 5 degrees.

This legislation further states:

> As a general rule refrigeration units will be required when the transport times are greater than 2 hours. If perishable food is being transported and delivered at greater than 5 degrees, New South Wales Food Authority may direct business to have a refrigeration unit installed.

Unfortunately the proposed amendment is currently opposed by PrimeSafe Victoria.

I ask the minister to reintroduce some commonsense into this debate and focus on the desired outcome — that is, safe and wholesome meat. This can be achieved by a continuation of the current practice of using an approved insulated container and checking the temperature of the meat on arrival. Imposition of the requirement for refrigeration across the board will put further financial pressure on struggling country butchers for minimal, if any, improvement in food safety and product quality. Furthermore, if the Victorian government showed leadership in this matter, it could be instrumental in gaining national agreement for this logical outcome-focused approach to food safety and product quality. I ask the Minister for Agriculture to show such leadership on this issue.

Tertiary education and training: unmet demand

Mr HERBERT (Eltham) — My adjournment item is for the Minister for Education and Training. I seek action to ensure that more young people in my electorate and across Victoria are able to access university courses. I seek strong representation from the minister to her federal counterpart to increase Victoria's higher education place allocation. Victoria has the highest level of unmet demand in Australia with over 13 000 highly qualified Victorians unable to get a higher education place that is funded by the higher education contribution scheme in Victoria last year. This is a shameful distinction for the state to bear.

Whilst the Bracks government has done a great deal of hard work to ensure that Victorian schools are giving our young people the best possible education and preparation for further study, apprenticeships and employment, this is not being matched at a federal level. With better funding and more teachers our schools are not only increasingly offering vocational pathways and opportunities but also raising the level of academic excellence that students achieve. Unfortunately it is clear that the aspirations of many young talented and highly qualified people to go to university are not being met because of decreased federal funding to Victoria.

The hard work of Victorian schools and the Bracks government in providing opportunities to young people is important. However, having left secondary school, our young, talented people are being stifled by a federal government that refuses to provide an adequate number of university places.

A recent report on unmet demand in my electorate of Eltham by Laura Crowden of the University of Melbourne — and my intern — shows that our local

secondary schools are performing exceptionally well. We have some of the highest performing schools in the state with 89.2 per cent of local year 12 students who lodged an application through the Victorian Tertiary Admissions Centre being offered some form of tertiary place in 2003–04.

Our young people have high aspirations, and our secondary schools are performing exceptionally well. However, a shortage of fully funded university places is squeezing many of our highly qualified students out of the university system. Staff and students of secondary colleges in Eltham spoke passionately in the report about the problems created by Victoria's strained higher education system and in particular the pressure placed on year 12 students due to the increased competition for university places.

Ms Munt interjected.

Mr HERBERT — The member for Mordialloc asks who is responsible for that. It is clearly the federal government that, despite the rhetoric, since 1996 has slashed billions of dollars from federally funded university places and has particularly attacked Victorian institutions that have led the nation and had to bear the brunt of these savage financial cutbacks. I know first hand that this is an issue the Victorian Minister for Education and Training feels passionate about and has raised many times with her federal counterpart. Now that the federal election is over I ask that she continues to argue Victoria's case for places from the federal government and demands — —

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

Melbourne Markets: relocation

Ms ASHER (Brighton) — I raise a matter for the Minister for Major Projects. The action I seek is for him to listen to the considered views of the stakeholders of the wholesale fruit, vegetable and flower markets located at Melbourne Markets in Footscray and then act on those views — that, of course, was Labor's slogan — rather than what he is currently doing, which is acting and pretending to listen.

The history of this particular case, as members would know, is that in its economic statement of April 2004 the government announced that it would move the market away from its current site. The reasons given were twofold. On the one hand the government argued that the area was too small and limited the growth of the market; on the other hand it said it wished to develop the port and rail infrastructure.

The timeframe for relocation is six years. This is a long period of time and there is considerable uncertainty amongst traders at the market. The government claimed that tenants have been consulted, and in its economic statement, under no. 3, it said that market tenants had been consulted to assess their preferred location for the relocated market.

That is codswallop! The tenants were not consulted at all. They were not consulted in relation to the move; they have been given no guarantees with respect to their standing within the market, and there are no guarantees that there will be no economic losses as a consequence of the move. The tenants have written to me and I have received correspondence from the Flower Growers Advisory Committee and the Victorian Retail Fruiterers Association. I have also received correspondence from the Vegetable Growers Association of Victoria.

In essence those bodies are saying that they do not want to move at all, and it is a sham for the government to have maintained that it has consulted them. The Flower Growers Advisory Committee indicated that its members:

> firmly wish to remain on the current site …

The Victorian Retail Fruiterers Association says:

> Our members expressly wish to remain on the current site …

The Vegetable Growers Association of Victoria says it supports:

> … the retention of the central wholesale fresh produce market at its current site …

It then goes on to say that if it absolutely has to move, it would prefer a location in Melbourne's north. I note that the government has not made a choice of site. It has flagged Werribee and a site in Cooper Street, Epping, on which work will be done. I am merely saying to the minister that these traders do not wish to move. He should take their views into account, and perhaps then, even if the government is intent on going against the wishes of the user groups, it might give them its second choice rather than Werribee, which they oppose wholeheartedly.

Road safety: miniature motorcycles

Ms MUNT (Mordialloc) — The action I seek is from the Minister for Transport. I ask the minister to take action to close the loophole in legislation relating to the permitted uses for monkey bikes.

Recently one of my constituents, Ms Hilary Hatch, contacted my office to express her concerns about the

sale of miniature motorbikes. Last week Ms Hatch approached a Save Direct temporary outlet at Southland shopping centre regarding a miniature Harley Davidson motorbike. She was informed by the sales person that the bike could travel up to 60 kilometres per hour and was told that her 15-year-old son could ride it anywhere. Ms Hatch also notes that there was nothing on the packaging to indicate where the bikes may or may not be ridden. She says that she had also previously spoken to the owner of Save Direct in Roberna Street, Moorabbin, when he was riding a miniature motorbike along the street. She states that he informed her that he was not required to wear a helmet because the motor power of the bike was 200 watts and therefore exempt under current Victorian legislation.

Ms Hatch is extremely concerned that either there appears to be a gap in existing legislation that allows for these bikes to be sold as essentially on-road vehicles, or that retailers are providing misleading information to consumers. She is also extremely concerned about the dangers posed to both rider and fellow road users when the bikes are used as on-road vehicles without any regulatory requirements — for example, unlicensed drivers or the wearing of helmets.

This was further reinforced when on 19 November a 29-year-old Cheltenham man was injured when a monkey bike he was riding and a taxi collided at the corner of Chesterville and Wickham roads in my electorate. He sustained serious injuries; he was not wearing a helmet. The day before yesterday I was driving along Balcombe Road, Beaumaris, and for the first time saw a man riding a monkey bike. I was amazed that anyone would take the risk to ride one along the road with no helmet in traffic.

I am very concerned that with Christmas around the corner these bikes will be purchased by consumers unaware of their serious legal and safety implications. I am very worried for the safety of our young people in particular when riding these bikes, and I urge parents and consumers to think very carefully before buying them. So once again I call on the Minister for Transport to close this loophole for the safety of everyone on our roads and to prevent any further unregulated use of these motorised bikes on our roads and the injuries that they may cause.

Waste management: national packaging covenant

Mr SAVAGE (Mildura) — I wish to raise an issue for the attention of the Minister for Environment, and in his absence the Minister for Agriculture who is at the table.

The redrafted national packaging covenant is to be signed in the first week of December, and I ask the minister to reject that particular covenant for a number of reasons. In my view, and on the basis of the analysis by the Boomerang Alliance, the key reasons for the rejection are that it cannot deliver minimal or zero waste, and it cannot address either the sustainability or the environmental impacts. There is a lack of any hard and/or numerical targets; it excludes relevant community representation; it is dominated by vested interests from the industry; and it imposes waste and litter clean-up costs on local government and ratepayers.

The current redraft of the covenant is not sufficiently different to the existing model which has been tried and failed. The national packaging covenant strategy should be outcome driven. At the moment the package producers and brand owners do not accept their fair share of the costs associated with collecting and recycling, and a good example is the Mildura Rural City Council. The ratepayers pay $800 000 per annum for kerbside recycling. That is a significant impost on Mildura ratepayers and if it was not for the subsidy we would see no recycling of items going back to Melbourne.

The Mark 2 national packaging covenant states that it will raise $3 million per annum, which equates to about $5000 per local government area. Given the Mildura council's $800 000 component, $5000 does absolutely nothing. I did a survey some years ago on container deposit legislation, and 92 per cent of the community that I surveyed indicated that they supported container deposit legislation, which is a very popular concept in South Australia. The Mark 2 model and its foundation of not discriminating against different forms of packaging is ridiculous — for example, items such as hard-to-recycle materials like PVC, propylene and mixed plastics, et cetera, need to have some discrimination against them because they are hard to dispose of. I call on the minister not to sign the national packaging covenant and ask for it to be redrafted with community interests at heart.

Housing: Cranbourne

Mr PERERA (Cranbourne) — I raise a matter for the attention and support of the Minister for Housing in the other place. The action I seek is that the minister continues to support public housing for Cranbourne. I take my hat off to the minister for recently announcing a further $3.8 million investment for an additional 22 public houses which will be either built or purchased for Melbourne's south-east.

Recently I came across a family of five who required urgent assistance with housing. My heart went out to the family, which included two youngsters under the age of six years. Here we had a family of five which was down in the dumps, with no support and nowhere to turn for support. The family was living out of a car owned by the mother. In view of a marriage breakdown the family was left with no other option. After much investigation and hard work my office was able to find the family emergency accommodation. Now the family enjoys a roof over its head and it is residing in public housing. The youngsters are now back in school and the mother and daughter are actively seeking employment. This story will be with me for a very long time to come.

I champion the Bracks government for its support as it governs for all Victorians. I ask the minister in the other place what action the Bracks government will take to provide public housing for Cranbourne, and what support the federal government has given to assist our constituency with extra public housing?

Somerville secondary college: construction

Mr COOPER (Mornington) — I call on the Minister for Education Services to take action to correct a disgraceful injustice which is currently being inflicted on a couple whose property abuts the land on which a new secondary college will be built in Somerville.

Mrs Sheila Smith of 16 Michael Way, Somerville, wrote to me last week and came and saw me. Her letter says in part:

> My husband and I are a retired couple. He is a stroke victim and I am his carer.

It continues:

> When we purchased the land we knew the new college was to be at the rear of our property, a single-storey building spread over the 15.2-acre site with the playing field at the rear of our property.
>
> New plans have had to be drawn, resulting in the now two-storey building 10.2 metres or 31 feet high only 8 metres from our home that will tower over us like a Bunnings building in our backyard.
>
> …
>
> The first we knew about the changes was on 4 November 2004, when copies of the drawings and a flier were left in our letterbox … we were given only 10 working days to write in with our objections.

Local residents have had no input into these new plans, with no consultations until all plans had gone out to tender.

> We, my husband and I, being the closest to the school — —

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

Mr COOPER — I am sorry, Sir, but I did not have 3 minutes.

The ACTING SPEAKER (Mr Nardella) — Order! I apologise. The honourable member, to continue.

Mr COOPER — The letter continues:

> We, my husband and I, being the closest to this school cannot sell our home for its true value, so if we have to relocate we cannot. I feel the whole project is so unjust. We do not need all this stress at this time in our lives.

I ask the Minister for Education Services to correct this gross and disgraceful infringement on the amenity of Mr and Mrs Smith, which will certainly result in the value of their property being significantly reduced. My preference would be for a complete redesign of the school, but I acknowledge that that is probably unlikely.

As an alternative I am calling on the government to provide financial compensation to Mr and Mrs Smith for the loss they will now suffer on the value of their property. I ask any member who doubts what I have to say to come and have a look at the plans — I have them here — and to say whether they would like to have something that is 31 feet high and 8 metres from their house built alongside them — and it is a very long and tall building. Mrs Smith rightly describes it as being like having a Bunnings store in her backyard. A terrible injustice is being done to this couple. As Mrs Smith has said, Mr Smith is a stroke victim. He does not need this stress, and neither does she. I want the government to act on this matter.

Consumer affairs: chain letter

Mr ROBINSON (Mitcham) — I raise a matter with the Minister for Transport, and I ask him to refer it to the Minister for Consumer Affairs in another place. I seek the investigation of yet another potential consumer scam. I am saddened by their prevalence. I seem to spend a disproportionate amount of my time in this place raising consumer scams on the adjournment debate. That is particularly so when the scam has religious connotations. I can accept that in this case there is a slim chance that the applicant is genuine, but the cynic in me suggests that is not the case. I have grown increasingly cynical of these sorts of approaches.

Some time ago I received a handwritten letter from someone purporting to be located within St Paul's Nursing Training School in Kampala, Uganda. It starts 'My dear friend Gerard', and goes on:

Honourable members interjecting.

Mr ROBINSON — It may seem that some members of the opposition have already sent their cheques, but I warn them to ring the bank tomorrow! The letter goes on to seek from me the sum of US$385, which by my calculation works out at US$1 for every reference to the Almighty in this two-page letter. It starts of by invoking the names of the Father, Son and Holy Spirit and then goes on to suggest that I might share a little of what I have with them. Fat chance! At the end it goes on to suggest that God may bless me and my family by helping our young friend, but I suspect the chances of the Almighty's blessing will be somewhat less after I have raised this adjournment matter, given what I have had to say.

I am not sure what action can be taken to deal with scams of this sort, but it is especially despicable for people to cloak themselves in religious tones like this. I hope the minister is able to have Consumer Affairs Victoria undertake some investigation, because I know we will all be eternally grateful. We will get down on our knees and sing 'Hallelujah!' if scams like this can be ended.

The ACTING SPEAKER (Mr Nardella) — Order! Before I call the minister I draw to the attention of the house the matter raised by the honourable member for Mordialloc. Of the main principles listed on page 11 of *Rulings from the Chair*, the fifth states:

> … the matter must relate to government administration and not relate to future legislation.

In the first part of her adjournment matter the member for Mordialloc called for legislation, but subsequently she changed that to calling on the minister to 'close the loophole', so her request was in order. This is also supported by *Rulings from the Chair*, which on page 15 refers to members asking for legislation. I wanted to let honourable members know that they need to be careful in future.

Responses

Mr BATCHELOR (Minister for Transport) — The member for Polwarth raised a matter in relation to the bicycle courier industry.

Mr Mulder interjected.

Mr BATCHELOR — Didn't you? It sounded like it.

The member raised with me the problems caused by the prevalence of bicycle couriers, particularly in the central business district. Although it is not necessarily confined to that area, that is where it is magnified, most prevalent and most dangerous. He referred to the irresponsible, reckless and perhaps illegal behaviour of some — not all, but some — couriers. He made the suggestion that a code of conduct be established for their industry, which should include some bike training.

I will seek some advice as to whether it is the responsibility of VicRoads, which comes within my jurisdiction, to regulate this aspect of an industry in this way. It might be more appropriate for another ministerial area. But I take up the point raised by the member for Polwarth that some attempt needs to be made to bring to the attention of this industry some of the problems that are being created.

There is no doubt that the member for Polwarth would know, and I point it out to members of the bicycle courier industry, that under the road rules a bicycle is defined as a vehicle. Just as most road rules apply to the drivers of vehicles, so do they apply to the riders of bicycles. The rules require the rider of a bicycle to obey traffic signals, to stop and give way at the appropriate signs and to indicate when changing directions. There is also a host of other rules that specifically relate to the riding of bicycles and bicycle riders, such as the wearing of helmets. Of course there are specific rules relating to the riding of a bike on a footpath or on a shared pathway and about having lights on the equipment at night.

However, the biggest rule, which we cannot put in the statute book but which stands behind all road safety rules, is the rule about commonsense and common decency. Unfortunately there appear to be some couriers who are not obeying it. This should not be taken as a criticism of other couriers who do the right thing or of other bike riders who also do the right thing. The irresponsible attitude of those couriers that the member for Polwarth has referred to does not get the support of the lobby group Bicycle Victoria, because it regards this type of behaviour as bringing down the good name of bike riders. I will take that matter up with VicRoads. Perhaps it might have some discussions with the Melbourne City Council, which has responsibility for roads and footpaths within the central business district, to see how it as the road manager might deal with this particular problem.

The member for Yuroke raised with me her concerns about the intersection of Bridgewater Road and Craigieburn Road, and the difficulties motorists have negotiating this intersection, particularly at peak times. She highlighted the fact that this intersection was becoming less safe with greater volumes of traffic

following the growth in population and more houses and development in the area generally.

All members in this Parliament know that the member for Yuroke is a staunch supporter of road safety and of the need to reduce the number of deaths and injuries that are occurring on our roads. She has worked very hard for her community to try and achieve these objectives. Her comments in relation to this particular intersection, where motorists — particularly those turning right from Bridgewater Road into Craigieburn Road — experience significant delays, is an example of the sort of work she is prepared to undertake. The delays hold up the bus services that travel through the intersection, which is of concern to those who use public transport.

It is also a safety concern. There have been four casualty crashes at this intersection over the last five years. This is an area that is in need of attention. I will ask VicRoads to have a look at how we might change the conditions at this location to make it safer and try and address the issues raised by the member for Yuroke.

The member for Mordialloc raised with me the issue of monkey bikes and the inappropriate use of these vehicles on our roads and footpaths. It is interesting to note that under the Road Safety Act certain classes of vehicles are exempted from being characterised as being motor vehicles, but historically exemptions have been granted and will continue to be granted to assist members of the community who have mobility limitations.

It is disappointing that other people for commercial reasons would choose to try and exploit longstanding exemption provisions that are designed to assist people with disabilities and other general mobility limitations through the provision of items like monkey bikes. As pointed out, by no means are these monkey bikes the only type of devices or vehicles that have exploited this loophole. It is an area that the government will be looking at to see how police might be provided with the sort of backing that they need to enforce the law and keep this illegal activity off our roads and footpaths.

Ms Asher interjected.

Mr BATCHELOR — The member for Brighton has suggested to the government that we should legislate in this matter, and that is a very sensible suggestion. The government is most concerned that people are buying these devices or machines in good faith without realising the road safety implications and the serious legal implications of using them. They do not meet the Australian design rules for motor vehicles. It is most likely that their use out on our roads and footpaths is in all the circumstances illegal.

The suggestion put forward by the member for Mordialloc was that people should be very careful when considering purchasing these devices on the eve of Christmas either for themselves or for other members of their family. They should think twice about that. We want to make sure that the police are equipped to provide protection to the members of our community with mobility limitations who need to make use of those exemptions, but we also need to make sure that people using other devices who try to use those exemptions as a loophole do not get away with it.

The member for Brighton raised with me, as Minister for Major Projects, the issue of whether or not the wholesale fruit and vegetable market, or the Melbourne Markets, ought to be relocated. There is no dispute that there needs to be a significant upgrade of the facilities for the wholesale distribution of our fruit, vegetables and flowers. These activities are taking place out at Footscray Road. The current site and existing facilities are near the end of their economic life. There is no dispute about that. The big problem is that the footprint of the available land is small and constrained, and will not provide a sufficient footprint for future economic development of this important industry to Victoria.

What the government is trying to do is to find the most suitable location where the wholesale fruit and vegetable market can be relocated. It is true that some people would like it to stay at the existing location in Footscray Road, but it is also true that the vast majority of the wholesalers there want to grow and develop their industries and particular businesses. The only way that we can do that is to provide a new location so the new facility can be properly designed and built and will be large enough to cater for the future needs of everybody.

The Minister for Agriculture and I have met with representatives of the major stakeholders at the market. We have heard their message loud and clear. They have said to us — they have backed this up with signed petitions from the various stakeholders, and of the order of 80 per cent are on the petitions — that if they cannot stay at Footscray Road, then they would prefer to move to the north of Melbourne. They do that for sensible reasons from their perspective because of its close proximity to the areas where the bulk of the produce is grown.

An honourable member interjected.

Mr BATCHELOR — Golden Valley, that is right, and the Riverina. This is where the bulk of the produce that goes to our Victorian markets comes from. They also say the north is an acceptable and suitable site because it is close to important transport infrastructure — the Craigieburn bypass and the Metropolitan Ring Road — which makes it easier for them to distribute their produce to the various retail outlets, supermarkets and other value-adding locations.

However, the government has not determined the precise location of a future site. We have indicated to the wholesale fruit and vegetable community that we have a site at Werribee, that we will benchmark a future site in the north against the site in Werribee and that we are now in the process of entering into detailed discussion with the stakeholders there to establish the best way forward for the people of Victoria, the government of Victoria and, importantly, the stakeholders.

I am surprised that the member for Brighton is seeking to frustrate this consultation process. I am surprised that she has a death wish for this important industry. If we were to do nothing, as the previous government did, then this industry would surely die at its current location. It would dissipate, and people would gradually move away from there and undermine the concept of having all these ancillary and like-minded businesses congregating in and around the market. An important element of that is to make sure that there is sufficient adjacent land near the market floor itself in which these sorts of activities can be undertaken.

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for Benalla, who raised a matter concerning the Australian standard for hygienic production and transportation of meat and meat products for human consumption. This is a standard for improving food safety in Australia which came about as a result of a committee on meat safety standards made up of regulatory authorities across the nation, including the Australian Meat Industry Council and the federal government body, the Australian Quarantine and Inspection Service. The honourable member raised one matter in relation to that standard, which was about refrigerated transport.

The issues in relation to refrigerated transport were appreciated in the national standard as being more complicated and needing more time to be embedded, which is why additional time to the mid-2000s was given for that to take place. Certainly many people in the industry have already invested in refrigeration, and we must also recall that the chicken meat industry has for some time required refrigeration, which is my advice.

The cost of implementing the standard is essentially the issue raised by the honourable member for Benalla. My understanding is that there may have been some confusion about this, and PrimeSafe and the national standards people recognise that it needs to be better understood within the industry. For example, a small van need not be refrigerated at great expense, but it could have a small camp refrigerator put in it. I ask the honourable member for Benalla to give me the details of the people involved and I will have PrimeSafe deal with it.

Victoria has generally gone along with national standards, and if there are to be any amendments that are agreed nationally, they will be incorporated into the Victorian standards. The majority of people on the PrimeSafe board are industry representatives who are picked by industry, so I am sure they are cognisant of the problems. But in the event that they have not turned their mind to this matter, I will be referring it to them.

The honourable members for Eltham, Mildura, Cranbourne, Mornington and Mitcham have raised matters for various ministers, and I will refer those matters to those ministers.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.47 p.m.