PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

5 October 2004

(extract from Book 3)

Internet: www.parliament.vic.gov.au/downloadhansard

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TUESDAY, 5 OCTOBER 2004

Tuesday, 5 October 2004

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.02 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Mitcham–Frankston freeway: tolls

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. On 15 April 2003 the Premier said on Neil Mitchell's radio program:

> Two weeks ago, talking to you, I had not at that stage, at all, ever considered the fact that we would put on a toll —

on the Scoresby freeway. I ask: does the Premier stand by that lie?

Mr BRACKS (Premier) — I do stand by the statement — absolutely and totally correct.

Conventions: government initiatives

Ms GILLETT (Tarneit) — My question is to the Premier. Can the Premier advise the house about the progress of the government's objective of making Victoria the state to be for national and international conventions?

Mr BRACKS (Premier) — I thank the member for Tarneit for her question. As honourable members would remember, the economic statement which was delivered by our government earlier this year committed us to some $10 billion of new investment; the creation of some 20 000 new jobs across Victoria; reducing the cost of doing business in our state; and also bringing forward some major infrastructure projects, particularly around the port. But one of the centrepieces of the *Victoria — Leading the Way* economic statement was the announcement of the 5000-seat convention centre to be built adjacent to the Exhibition Building. It will be the largest convention centre in Australia, and when it is completed it will attract international conventions from all over the world.

As a result of that $367 million commitment by the government and the City of Melbourne — to which, I should add, the government is very grateful for its partnership approach in committing to building the new convention centre for Melbourne, attracting those major international conventions and making sure we can take the leadership in Australia for those conventions in the future — we have had some very early success. I am very pleased that the government was able to secure what is one of the biggest international events in the world — that is, the 30th International Congress of Internal Medicine. It is one of the biggest conferences anywhere in the world, and it has been secured for 2010, with the convention centre to be completed in 2008.

This four-day conference will attract some 4000 delegates and partners to Melbourne and Victoria — it is a big conference. It will also ensure there are about 14 000 room nights booked as part of the conference. It will inject some $22 million into the Victorian economy. We had to compete for that congress with other places in Australia — Sydney, Brisbane and Cairns — and with Istanbul and San Diego, from which there was significant competition. We got it because of the logistics in Melbourne. We got it because of our new convention centre. I am very pleased that the expressions of interest for the new convention centre are now open and will close on 9 November and that further tenders will be received by the start of next year for the construction of the convention centre to be completed in 2008, when we can attract those major conventions to Melbourne to complement what is our major event strategy — our major convention strategy for out state.

Timber industry: regional forest agreements

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Is the government going to honour the remaining regional forest agreements in Victoria, or is it going to destroy the timber industry, just as Mark Latham proposes to destroy it in Tasmania?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. I indicate to this house that the policy referred to by the Leader of The Nationals — the policy announced by the Leader of the federal Labor Party, Mark Latham, when he said he would have a scientific examination of the future of the regional forest agreement and a significant compensation package — is something that I support.

I indicate to the Leader of The Nationals that when we came to office we had an unsustainable position in our forests whereby there were contracts signed up for timber which was not there. We had to face up to the science and to what was there to provide for those contracts. As a consequence we had to reduce logging in Victoria by some 30 per cent across the board. We have done that with Our Forests Our Future. We have raised compensation of about $80 million for communities, for workers in the industry and for companies in the industry, and that compensation has

been completed — and completed successfully. We now have a much more honest, open and transparent system in our forests here in Victoria. We took action to cancel one of our regional forest agreements here in Victoria, which I committed to at the last election when I committed to creating a new national park in the Otway Ranges. We know the National Party is opposed to the new national park; we think the Liberal Party is opposed to it.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. He should at least say that he is after the Greens preferences, just like Mark Latham is in Tasmania!

The SPEAKER — Order! I believe the Leader of The Nationals is debating the issue! The Premier, to continue.

Mr BRACKS — In relation to the regional forest agreements, we cancelled the agreement associated with the Otway National Park, and we are proceeding with the national park through a reference to the Victorian Environmental Assessment Committee. It is interesting to note that we know the National Party is opposed to that national park but we are not sure about the Liberal Party. What we do know is that the local federal member for Corangamite, who said he was opposed to the national park, is now running at 250 miles an hour to say he is in favour of it! It is interesting to see how he wants to get on board with a good environmental policy from our government. We know where the National Party stands: it is opposed to it, and we know it has a different view to us. We are not sure where the Liberal Party is, but we are committed to a much better, transparent process in our forests and committed to a new national park for the Otway Ranges.

Hospitals: federal coalition policy

Mr WILSON (Narre Warren South) — My question is to the Minister for Health. Can the minister advise the house whether she has received any advice about the impact on the Victorian hospital system of funding the care of patients over the age of 75, including the use of private hospital beds? If so, can she apprise the house of this advice?

The SPEAKER — Order! The Minister for Health, to answer on how it affects Victorian government business.

Ms PIKE (Minister for Health) — I thank the member for his question. I have asked the Department of Human Services about the impact of funding free health care for people over 75 years, whether in public or private hospitals. This advice shows that a policy like Medicare Gold can work and will work.

Mr Perton — On a point of order, Speaker, you have previously ruled that the policies of the federal Labor Party are hypothetical and that questions and answers relating to them are inappropriate. Therefore, the minister is restricted only to the advice she has received from her department in respect of that narrow question, not in respect of the impact of Labor Party policy.

Mr Batchelor — On the point of order, Speaker, the minister was asked to advise the house whether she had received any advice about the impact on the Victorian hospital system of the funding proposal put forward under Medicare Gold. Clearly it is in the same vein as the previous question from the Leader of The Nationals, who asked about the impact on Victoria of political issues in the federal campaign, which you and everybody else allowed to be fully answered by the Premier. The Minister for Health should be allowed to answer how these proposals will impact on the Victorian health system and the broader economy.

Mr Thwaites — On the point of order, Speaker, advice on policy options that may affect the administration of the health system in Victoria is clearly about the administration of government, and the minister should be allowed to answer the question.

The SPEAKER — Order! In relation to the point of order, the Leader of The Nationals asked a question in relation to the regional forest agreements and the effect of what the Victorian government might be doing in relation to that, so it related to Victorian government business, even though the Leader of The Nationals put in some extraneous material at the end which was not necessary.

This question related to the impact on the Victorian hospital system of funding the care of patients over the age of 75, so the minister can answer as to how it affects the administration of Victorian government business. However, she cannot canvass hypothetical suggestions about what might be future policies of either the federal opposition or indeed the federal government.

Ms PIKE — Thank you, Speaker. Canberra has consistently denied any responsibility for hospital funding while at the same time cutting funding to the states.

Honourable members interjecting.

The SPEAKER — Order! I ask members to show some courtesy to ministers on their feet so that their answers can be heard. I ask members on my left to stop that level of interjection. The minister, to continue.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Ms PIKE — Every time John Howard and Tony Abbott are asked about their policies for hospitals they say they have none, and they do not see why they should. In the *Herald Sun* of Monday, 4 October — —

Mr Plowman — On a point of order, Speaker, in relation to the rulings you just made, I believe the minister is abusing your rulings by directly relating again to the federal minister's and Prime Minister's position on federal policy, and not on state policy.

The SPEAKER — Order! I do not uphold the point of order at this stage. I think the Minister for Health was explaining the situation of the Victorian government in relation to health and hospital funding.

Ms PIKE — Speaker, as I said, in an article in the *Herald Sun* of Monday, 4 October, regarding health issues, in the coalition column under 'Hospitals' it says 'No election policy' — nothing. There is no policy for hospitals whatsoever. However, we know that federal government policy has a huge impact on our public hospitals here in Victoria. We know that under the latest Australian health care agreement $1 billion has been taken away from funding for public hospitals.

Mrs Shardey interjected.

Ms PIKE — I hear the member for Caulfield gloating that 16 per cent growth was provided under the last Australian health care agreement. What she fails to tell us is that 28 per cent was the growth figure under the previous agreement, so we will have $350 million less for our public hospitals under the current Australian health care agreement.

We also know that the federal government has overseen a massive decline in bulk-billing.

Mr Honeywood — On a point of order, Speaker, the minister was asked a question that was specific for over 75-year-olds and yet she has canvassed the entire health policy and her interpretation thereof for every individual Australian. She has yet once to address her answer to that very limited age group which she was asked about, and I would ask you to bring her back to order and to the actual over-75-years-old policy, not to waiting lists in general and not to broad health policy.

The SPEAKER — Order! I do not uphold the point of order. The Minister for Health was referring to policies that cover all Victorians, presumably those over 75 as well.

Ms PIKE — In fact people over 75 are not a limited group; they are a very important group. They are a very valued group of people within our community. I was explaining to the house that federal government policy has a huge impact on our capacity to deliver services to that very group of people — people over 75.

The third federal government policy that has a huge impact on our public hospital system is the shortage of aged care beds. In the last 12 months the shortage of aged care beds and the number of people in our public hospital system who needed to be in aged care beds resulted in about $126 million of extra expenditure that was required to be found by the state which could have gone directly back into our public hospital system.

If there were to be a system where people over 75 years of age were treated free of charge in either a public or a private hospital, this would be a huge boost for our public hospital system and would take an enormous amount of pressure off, and given that there is currently — —

Honourable members interjecting.

The SPEAKER — Order! The members on my left!

Ms PIKE — Those opposite say, 'Where are the beds?'. Currently there is a 20 per cent underutilisation of bed capacity in the private hospital system — 1100 beds are available today in private hospitals.

Mr Honeywood interjected.

Ms PIKE — You need to ask Tony Abbott that question!

The SPEAKER — Order! The minister, through the Chair.

Ms PIKE — So I am advised that a policy proposal that would see people over 75 treated free of charge, a policy proposal such as Medicare Gold — —

Dr Napthine — On a point of order, Speaker, the requirement is that answers be succinct. The minister has been speaking for a considerable period, and I ask you to bring her back to order.

The SPEAKER — Order! I uphold the point of order. There have been a number of points of order, but even so, it would be good for the minister to conclude her answer.

Ms PIKE — So what we welcome is any opportunity to work cooperatively with the commonwealth government to deal with our whole health care system. Anyone who stands up and says that one aspect of the health care system is not impacted on by other aspects of the health care system is naive and does not understand how our health system works. So while federal Labor is going for gold, I would have to say that the coalition is barely out of the starting blocks.

Mitcham–Frankston freeway: tolls

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his previous Scoresby answer and to a leaked document dated 20 February 2002 providing advice directly to the Premier regarding Scoresby freeway funding for the cabinet expenditure review committee, and I ask: can the Premier confirm that, despite his election promise not to toll the Scoresby, the government was considering and preparing for tolls nine months before the election?

Honourable members interjecting.

The SPEAKER — Order! I remind members that when the Speaker stands they are required to be silent, and I advise members, particularly the member for Nepean, that such language is unparliamentary, and I ask them to cease.

Mr BRACKS (Premier) — I thank the opposition member for his question. The answer is no. There was no preparation as is alleged by the opposition leader for the implementation of a toll on the Scoresby. That matter was decided by the government in April of 2003.

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby!

Mr BRACKS — That was decided by the government in April 2003, and I can — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high. I particularly ask the members for South-West Coast, Scoresby and Doncaster to be quiet.

Mr BRACKS — The decision was taken after the full extent of the rail franchise debacle was known by the government.

Vaccinations: funding

Ms MARSHALL (Forest Hill) — My question is to the Minister for Health, and I ask: can the minister advise the house on the impact that fully funding vaccinations for chicken pox and polio will have on state government programs designed to eliminate these diseases?

Ms PIKE (Minister for Health) — The Bracks government knows that vaccinating children saves lives. We know that governments need to implement programs and incentives to support parents and to increase access to vaccination. The best way we can achieve these is through collaboration between the state and the commonwealth government.

The vaccination rate for chicken pox in Victoria is negligible. If the Howard government had funded vaccinations for chicken pox, we would have seen a rate of immunisation akin to that of preventable diseases such as measles. We now know that the rate of vaccination for measles is around 95 per cent, and with a rate like that the elimination of this disease is possible. Between 1998 and 2000 there were 2300 children admitted to hospital in Victoria with chicken pox, a preventable disease against which children can be vaccinated. In fact there was one death of a child aged under 15 years from chicken pox. Universal vaccination of children against chicken pox would dramatically reduce hospitalisations.

We also know that the new polio vaccine is a much more effective way parents can better care for their children through a much more efficient method of delivery of the vaccine. We are concerned to maintain public confidence in the immunisation program. We want to use the safest and best ways available and to keep abreast of new technology and new discoveries. This means that children can be immunised against diphtheria, tetanus, whooping cough, hepatitis B and polio all in one shot, so we need to have a combination vaccine.

The Australian Technical Advisory Group on Immunisation (ATAGI) recommended that the commonwealth fund both chicken pox and the new injectable polio vaccines, and the national — —

Mr Honeywood interjected.

Ms PIKE — Speaker, the Deputy Leader of the Opposition is in fact recommending that we oppose the

recommendations of ATAGI. I am sure they will be pleased to have that information.

Mr Honeywood — On a point of order, Speaker, the minister is clearly misleading the house. I said, 'Why does she not pay for it?'. I am not opposing the program. She should withdraw.

The SPEAKER — Order! The Deputy Leader of the Opposition is not raising a point of order. It is a frivolous interjection.

Ms PIKE — The ATAGI recommended that the commonwealth fund chicken pox vaccinations, because it is a national scheme and immunisation is a national responsibility. The National Health and Medical Research Council also backed that recommendation, yet the Howard government consistently refuses to fund these potentially life-saving vaccines. So I am pleased that there is an alternative and that a $304 million plan by federal Labor to fund pneumococcal, chicken pox and injected polio vaccines for all new-born children will mean that a choice is available.

Mitcham–Frankston freeway: tolls

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his two previous Scoresby freeway answers and I further refer the Premier to a second leaked document of 26 February 2002 entitled *Expenditure Review Committee Paper 285*. I ask: can the Premier confirm that this advice identifies commercial tolls on the Scoresby freeway as his government's preferred position in February 2002?

Honourable members interjecting.

The SPEAKER — Order! The member for Doncaster and the member for Scoresby will behave themselves.

Honourable members interjecting.

The SPEAKER — Order! I warn the members for Doncaster and Scoresby.

Mr BRACKS (Premier) — Could I make it absolutely clear: it had never, before April 2003, been the government's position to have tolls on the Scoresby. That had never, ever been the case until then.

Water: pricing

Ms DUNCAN (Macedon) — My question is to the Minister for Water. Can the minister advise the house of the benefits of the new water pricing system introduced last week?

Mr THWAITES (Minister for Water) — I thank the member for Macedon for her question. The Bracks government is getting on with the job of securing enough water for the future of Victoria.

On 1 October — that is, last week — we introduced a new water pricing system for Victoria and for Melbourne. Under that system water users will pay less if they use a small amount of water and more if they use more — that is, 75 cents a kilolitre for low amounts and $1.30 a kilolitre for high amounts. People who use less water will pay less. This tiered pricing system will reward water conservation. It will encourage people to take on water-saving devices, something the opposition was never able to do in its time in government.

That day, 1 October, also saw the commencement of the environmental contribution to our water system — 5 per cent in urban areas and 2 per cent for the rural water authorities. That water contribution will provide $225 million to fund a major water reform package over the next four years. Every cent of that $225 million is going to be spent on new water projects.

I am also pleased to advise that the government has introduced new water concessions so the water system is fairer. The water and sewerage concession rate has been increased from $135 to $146 this year and to $150 next year. To ensure that the system is fair to larger families in Melbourne a new assistance package is being introduced for lower income large households of five or more people. With the new tiered system this means that households that use a lot of water will pay more in Melbourne, but to help households with five or more members and lower income people the water authorities will provide the opportunity for a family to have a specially trained plumber consult with the family and undertake retro-fitting of their water devices in the home. That will mean significant savings. The Deputy Leader of the Opposition laughs at this. It has the potential to save substantial amounts of water and dollars for these families.

Mr Honeywood interjected.

The SPEAKER — Order! The member for Warrandyte will cease interjecting continually across the table.

Mr THWAITES — This new water pricing system will help save water, it will provide an incentive for recycling and it will provide an investment stream of $225 million over the next four years to deliver a better water system across Victoria.

Let me give one example of how this money will be spent. From 1 October a new rebate system will be available for not-for-profit organisations like kindergartens and child-care centres. They will be able to get up to $250 for water-saving devices like water tanks and irrigation systems.

I should say that this new water pricing system has been widely supported by farmers, the environment groups and business. I give an indication of this in terms of the media. The Ballarat *Courier* stated that the:

> Water price hike would ultimately benefit everyone.

The Victorian Council of Social Service indicated — —

Mr Plowman — On a point of order, Speaker, the minister is now debating the question. He has been going for nearly 5 minutes and I ask you to ask him to conclude his answer.

The SPEAKER — Order! I do not believe that the minister has been debating the issue, but he certainly has been speaking for some time. I ask him to conclude his answer.

Mr Smith interjected.

The SPEAKER — Order! Perhaps if the member for Bass stopped interjecting the house could operate better.

Mr THWAITES — In its editorial the *Weekly Times* said:

> One of the most important steps in the reform has been coming up with a system where all Victorians contribute to the environmental cost of using water.

All groups in the community have supported this — except the opposition. Members of the opposition have whinged and carped. Just to give an indication of how the opposition has no policies: when it came to the legislation coming into this house, the opposition supported it!

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to conclude his answer and to not debate the matter in relation to opposition policies.

Mr THWAITES — On this side of the house we are prepared to take the tough decisions. We are setting in place a system so that we will have enough water for the future and putting in place a system of pricing with a clear incentive for water conservation.

Mitcham–Frankston freeway: tolls

Mr MULDER (Polwarth) — My question is to the Minister for Transport. I refer the minister to the same leaked document about tolls on the Scoresby freeway and its statement that ministers could not make a decision about which tolling option they endorsed, and I ask: was it the minister or the Treasurer who wanted tolls on the Scoresby?

Mr BATCHELOR (Minister for Transport) — The Premier has made it very clear, as have other ministers in the government, that the decision to place tolls on the Mitcham–Frankston freeway was made in April 2003. We explained the situation at that point in time: it was to correct the debacle left behind by the failed public transport privatisation.

Mr Cooper interjected.

The SPEAKER — Order! The member for Mornington!

Mr BATCHELOR — Let me remind you, Speaker, that the privatisation of the public transport model led to the collapse of National Express in December 2002 and following that collapse — —

Mr Mulder — On a point of order, Speaker, the minister is debating the question. It finally gets back to the issue: who wanted tolls? Was it the minister or the Treasurer? Quite clearly he should have tattooed on his head 'Scoresby liar' and on his butt 'the man who tried to rig the by-election in Nunawading'!

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Polwarth. He knows quite well that when the Speaker stands he must cease talking. I also advise the member for Polwarth that he is using unparliamentary language and I ask him to desist. I do not uphold the point of order. The minister was giving the background to when the decision was made in relation to the tolls. I ask the member for Polwarth not to interject in that manner again or I will deal with him.

Mr BATCHELOR — The government has been absolutely upfront about this decision, when it was made and the reasons for it. It was quite clear that we had to take this decision — it was a hard decision, a difficult decision for the government to take. We had to take a decision that was financially responsible, that looked after the Victorian economy and which still allowed this project to proceed. That is what has happened. In the first part of 2003 we took the financially responsible decision to enable the Mitcham–Frankston freeway to proceed

and to be funded by tolls as a result of that decision. It enabled us to then find the budget resources to save the public transport system, which was on the brink of collapse.

Mr Mulder — On a point of order, Speaker, the minister is clearly debating the question. The question asked had nothing to do with the public transport system but whether the minister or the Treasurer was for tolls. Who was it?

The SPEAKER — Order! I remind the member for Polwarth that a point of order does not give the member the authority to repeat a question or ask a different question. The Minister for Transport, to continue in relation to the question.

Mr BATCHELOR — We have not shied away from that responsible decision that was taken by the government and which was supported by the whole of the parliamentary Labor Party; we have been upfront. We have defended this decision, unlike our opponents who in September of this year acknowledged that they would leave tolls on this project. The Liberal Party — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Transport, in relation to Victorian government business. I presume the minister has concluded his answer.

Gas: regional supply

Mr HOWARD (Ballarat East) — My question is to the Minister for State and Regional Development. I ask the minister to advise the house about recent progress in delivering the government's commitment to bring natural gas to previously neglected areas of Victoria?

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition to cease interjecting in that manner.

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Ballarat East for his question. Over the last week the government has begun the process of announcing what is the biggest rollout of natural gas in this state since the 1970s. What we are doing on this side of the house is what you could only dream about!

Honourable members interjecting.

The SPEAKER — Order! I ask the house on both sides to come to order, and I advise the minister to address his comments through the Chair.

Mr BRUMBY — At the last election we promised we would put $70 million aside for the rollout of natural gas. In the first budget after the election we committed $70 million to the rollout. We set up the process which provided for tenders to be called and then said we would be announcing the rollout of gas from September 2004. Speaker, we have delivered on everything we promised; every time line we have promised, we have delivered. Over here, this riffraff — —

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte will cease behaving in that way. I ask members of the opposition to show some courtesy to the minister and allow him to continue with his answer.

Dr Napthine — On a point of order, Speaker, standing order 58 requires ministers answering questions to be factual. The minister is not factual, because they promised four towns would be connected by 30 June, but none has been connected.

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

Mr BRUMBY — Isn't it an extraordinary thing! It is a bit like the answer given by the Deputy Premier a few moments ago when talking about water. Here you have a $70 million initiative for gas being announced, being rolled out — it is the biggest rollout of natural gas in country Victoria since the 1970s. It is supported by communities, it is supported by councils, it is supported by business and it is supported by pensioner groups. It is supported by everybody in the state except for the Liberal and National parties — except for you people, right? Talk about — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for South-West Coast and others to remember that there are members of the public in the gallery trying to hear what is going on in this house. Members' behaviour is not assisting in that, and I ask them to be quiet and allow the minister to continue.

Mr BRUMBY — This morning, with the member for Ballarat East and members in another place I was in Creswick, where we announced with TXU that we would see the rollout of natural gas, with 85 per cent of connections in Creswick being completed by the end of 2006.

On Friday last week I was in Woodend with the member for Macedon. Before the last election we promised that three towns in the Macedon area would

get gas. Last week we were able to announce that seven towns would be connected to the grid. Gisborne, New Gisborne, Woodend, Macedon, Romsey, Lancefield and Riddles Creek will all be connected to the grid.

Mr Cooper — When?

The SPEAKER — Order! The member for Mornington!

Mr BRUMBY — This is all about the politics of envy, because we are doing what you could never do.

The SPEAKER — Order! The minister, through the Chair!

Mr BRUMBY — The front page of the *Midland Express* has the headline 'Natural gas extended'. The front page of the *Macedon Ranges Telegraph* has the headline 'Gas is a goer'. The front page of the *Macedon Ranges Leader* has the headline 'Gas for seven towns'. We are saving households anywhere between $600 and $1200 — —

Mr Cooper interjected.

Mr Smith interjected.

The SPEAKER — Order! I warn the members for Bass and Mornington. Their behaviour is disgraceful.

Mr BRUMBY — We are saving households anywhere between $600 and $1200 a year. We are saving businesses thousands of dollars; we are saving some of them tens of thousands of dollars, and we are saving some country businesses across the state hundreds of thousands of dollars.

I repeat: this is the biggest rollout since the 1970s. The article in the *Macedon Ranges Telegraph* states:

> The announcement presents a significant lifestyle change for a community which has relied on firewood, electricity or bottled gas for heating.

I was reading some old copies of *Hansard*, as I am wont to do — —

Mr Plowman — On a point of order, Speaker, the minister has now been speaking for over 5 minutes. I ask you to ask him to conclude his answer.

The SPEAKER — Order! I understand the minister to be concluding his answer.

Mr BRUMBY — It is instructive to look back on who in this house voted for the Gas Industry Bill in 1995 to shut down the extension of natural gas in this state. They were the members of the former Kennett government. Who voted for the privatisation of the gas industry? The members of the former Kennett government who are now in opposition.

We are getting on with the job. The Warrnambool *Standard* reports that the Leader of The Nationals has 'cautiously welcomed' the rollout — —

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

Mr BRUMBY — We appreciate his cautious support. This is a great announcement for regional Victoria. The Premier said we would govern for all Victorians, and we are doing that. This is a fantastic initiative. It is a huge rollout, and it is going to produce enormous benefits for country Victorians.

PERSONAL EXPLANATION

Mr THWAITES (Minister for Environment) — I seek to correct the record regarding the matter of the second-reading speech for the Limitation of Actions (Adverse Possession) Bill. The speech, made on Thursday, 16 September 2004, contained a factual error which I now seek to correct. The second-reading speech referred to the case of *Monash City Council v. Melville*. In this case adjoining owners to a council reserve in Mount Waverley successfully claimed title through adverse possession to part of that reserve. In the speech it was stated that this council reserve would be protected under the bill. In fact the land that was claimed was at the time of the case general law land and not Torrens title land. The bill will only protect land of which the council is the registered proprietor under the Transfer of Land Act 1958.

Dr Napthine — On a point of order, Speaker, I seek a clarification. Second-reading speeches are a very important part of the proceedings of this Parliament, and they are often relied upon by the courts in order to interpret the legislation. Indeed people who are outside the court system and who are trying to understand the legislation very much depend upon second-reading speeches. Given the significance of the statement just made by the Minister for Victorian Communities correcting an error in the second-reading speech, I wonder if there is the opportunity for *Hansard* to record at the page of the second-reading speech that there is a subsequent correction. People who are relying upon that second-reading speech would then be made aware that there has been a significant correction and would not be misled by reading the second-reading speech in its current incorrect form. Alternatively the

second-reading speech could be given again so that it appears in its correct form.

This issue has been raised before, and it is an important one. I ask that you as Speaker, the government and the Parliament give some attention to it, because otherwise *Hansard* will contain a second-reading speech — which people will rely upon — with a fundamental error and without any reference to the subsequent correction, which will be many pages later.

The SPEAKER — Order! Obviously we cannot do anything about the weekly *Hansard*, which has already been printed, but we can certainly place a footnote that refers to the statement made by the minister today in the bound volume of *Hansard* and on the Internet. I think that should clarify the issue.

NOTICES OF MOTION

The SPEAKER — Order! Before we deal with today's notices of motion I want to refer to a notice of motion given by the Leader of The Nationals on the last day of sitting. It exceeded 250 words, and there was some debate at the time in relation to rulings by Speaker Plowman. A point of order was raised by the Leader of the Government. I was in error in my ruling. The notice of motion should have been limited to 250 words, given the previous rulings of Speaker Plowman.

Since that time I have raised with the parties the possibility of putting a further limit on the number of words in notices of motion, because they take up valuable debating time. It was suggested by the Leader of The Nationals that the limit should be 100 words. This was agreed to by both the government and The Nationals, but not by the Liberal Party. However, I ask members to keep their comments as brief as possible when giving notice of motions. Notices over 250 words will not be accepted.

Mr Honeywood — On a point of order, Speaker, by what authority can any Speaker dictate a maximum number of words to members of Parliament if it is not part of the standing orders? Whilst I imagine that a Speaker can issue guidance, as you did in the majority of your rulings today, the end point of your comments was that notices of motion in excess of 250 words would be rejected by you. Again I ask: by what authority, given that it is not mentioned in the standing orders, are you able to dictate the number of words?

The SPEAKER — Order! I am referring to previous rulings given by Speaker Plowman. As I understand it he changed the words in a notice of motion put up by a member. I do not feel I have the authority to do that, but as we now have a system under which members are required to put in their notices of motion, we can now follow the ruling given by Speaker Plowman quite carefully. Obviously if the number of words is over 250, the member who put the notice of motion in will be advised and they can reformat it.

Mr Ingram — On the point of order, Speaker, some of the notices of motion — —

The SPEAKER — Order! I have ruled on that point of order, but this would appear to be a different point of order.

Mr Ingram — Some of the notices concern motions that are either procedural or seek to establish committees. In most of those cases particular forms are required to be included to make sure that they can be implemented adequately. Normally these are presented to the clerks for their assistance. I assume that the ruling does not preclude those types of motions being moved.

The SPEAKER — Order! On the point of order, the suggestion was that the limit be 100 words for normal motions, but procedural motions or motions of a special nature would be given a dispensation. But as that limitation has not been established, it probably is not relevant.

Mr Ryan — On the point of order, Speaker — and again with respect — the 250-word limit to which you refer is obviously flouted, if I may use that expression, by the very first notice of motion that is recorded in the general business section of the current notice paper. So the 250-word limit simply has not been applied. I suggest that the issue be referred to the Standing Orders Committee, where there may be an opportunity to fully discuss it. A consensus recommendation might be reached to guide the Parliament on this, rather that leaving you, Speaker, in the invidious position of having to weave your way through these different forms of interpretation.

The SPEAKER — Order! The notice to which the member refers was given by the Leader of the Opposition. It concerns what is in fact a procedural motion seeking to set up a committee. If the Leader of The Nationals has a look through the notices of motion he will see that — with the exception of his own — there are very few, if any, that exceed 250 words, so I do not think it has been a problem for Parliament. I am quite happy to refer it to the Standing Orders Committee, but in the meantime I must be guided by previous Speakers' rulings.

Notice of motion given.

The SPEAKER — Order! Just before I call the next motion, I should also refer — and I thank the Clerk for his assistance — to the reference to '250 words' in *May*:

> Length of motions
>
> Early day motions —

which are the same as our notices of motion —

> should not generally exceed 250 words in length.

There the exception is again for procedural motions. That would be the basis for Speaker Plowman's original ruling.

Further notices of motion given.

Ms GREEN giving notice of motion:

Mr Walsh — On a point of order, Speaker, I refer to a ruling you made during the last week we sat, when you ruled against serial notices of motion that were just repeating facts with another set of numbers added to them.

Mr Plowman — On the point of order, Speaker, in *Rulings from the Chair* under 'Multiple notices' it says:

> … after various points of order, ruled that the Chair will have to determine at the time the motions reach debate whether they are the same in substance and whether they can be dealt with in one motion.

I think that is the point the honourable member for Swan Hill has made.

The SPEAKER — Order! I do not think it was. I think the member for Swan Hill was suggesting the motions were the same and that therefore one should be ruled out of order. That ruling in fact said that the Chair cannot rule notices of motion out of order when they are in the hands of the member. That related to a situation where a number of notices of motion were given that were not in exactly the same words but the leader of opposition business at the time queried whether they were the same motion. In that case I think it was Speaker Plowman who determined that you could not determine if they were the same until they were actually debated.

When I ruled those motions out of order in the last week of sitting it was because they were exactly the same, word for word. I will get the Clerk to check if these motions are exactly the same, word for word, which I think is the point the member for Swan Hill raised.

Ms GREEN continued giving notice of motion.

Further notices of motion given.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Minister for Industrial Relations) introduced a bill to amend the Construction Industry Long Service Leave Act 1997 with respect to the administration of the Construction Industry Long Service Leave Fund and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Preschools: funding

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

The humble petition of the undersigned citizens of Victoria respectfully requests that the Legislative Assembly of Victoria:

recognise the value of preschool education and respect the work of preschool teachers;

recognise that preschool teacher qualifications are equal to primary teachers by offering pay parity;

recognise that preschool is an educational experience and move responsibility to the Department of Education and Training;

retain and attract preschool teachers to tackle the preschool teacher shortage by offering pay parity, reasonable workload and appropriate group sizes;

resource preschools in order to:

provide access for all children irrespective of their family's economic circumstances;

alleviate unacceptable workloads for volunteer parents and teachers;

provide for salary parity with school teachers so that the cost to parents (fees) does not increase;

support for children with additional needs.

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

By Dr SYKES (Benalla) (68 signatures) and Mr PERTON (Doncaster) (35 signatures)

Rail: Sandringham line

To the Legislative Assembly of Victoria:

The petition of residents in the Brighton electorate of Victoria draws to the attention of the house the exceptionally poor train services on the Sandringham line. Poor services include regular cancellations, lateness and overcrowding.

The petitioners therefore request that the Legislative Assembly of Victoria urge the government to improve train services on the Sandringham line.

By Ms ASHER (Brighton) (12 signatures)

Eastern Freeway: city end congestion

To the Legislative Assembly of Victoria:

The petition of the residents of Manningham and the eastern suburbs draws to the attention of the house the increasing traffic congestion at the city end of the Eastern Freeway and the consequent terrible waste of time and productivity for tens of thousands of Victorians who use the freeway daily, and draws to the attention of the house the remarks by the chief executive of the Southern and Eastern Integrated Transport Authority who has urged road users to tell politicians that 'something needs to be done to the city end of the Eastern Freeway'.

The petitioners therefore request that the Legislative Assembly of Victoria act to require that the government proceed with planning and construction of a tunnel to link the Eastern and Tullamarine freeways and consider other road proposals including tunnelled lanes under Hoddle Street and Punt Road.

By Mr PERTON (Doncaster) (64 signatures)

Frankston: aquatic centre

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

The humble petition of undersigned citizens of the state of Victoria sheweth that a regional aquatic centre be established in Frankston to serve the people of the southern region. Your petitioners therefore pray that the government of Victoria in consultation with Frankston City Council and local community groups facilitate the building of an aquatic centre in Frankston.

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

By Mr HARKNESS (Frankston) (19 signatures)

Taxis: multipurpose program

To the Legislative Assembly of Victoria:

The petition of Ruby Ward draws to the attention of the house the dire circumstances confronted by her as a consequence of the changes to the multipurpose taxi program.

(i) Both her knees are badly crippled and painful from years of arthritis suffering and she is unable to board or alight from any form of public transport.

(ii) Ruby visits her 93-year-old sister who is totally deaf and lives in an aged care home in Hampton. She is her sister's only visitor and these visits are now limited to once a week due to financial restraints.

(iii) Ruby's husband is nearly 90 years old, a veteran of the 1939–45 war and a Rat of Tobruk who also served in Borneo. He has had a pacemaker for the past 12 years. He continues to suffer from heart problems, breathing problems and emphysema.

(iv) Ruby is reliant on taxis to attend medical and other health-related appointments as well as attending to her shopping needs once a week.

Prayer

The petitioner therefore requests that the Bracks government abandon the changes to the multipurpose taxi program which are detrimentally impacting upon the elderly and infirm members of the community on a continuing basis.

By Mr THOMPSON (Sandringham) (1 signature)

Kingston: planning permit

To the Legislative Assembly of Victoria:

The petition of the residents of Dingley Village, the city of Kingston and the wider metropolitan areas of Victoria draws to the attention of the Bracks government health and safety issues and the impact on the quality of life due to site activities being carried out at the property situate at and known as Din San, corner of Tootal and Old Dandenong roads, Dingley, which include:

(i) excessive dust including the presence of silica, arsenic and accompanying toxic chemicals which is confirmed by EPA reports;

(ii) concerns regarding the legality of land use in contravention of the Extractive Industries Development Act 1995;

(iii) noise pollution caused by the operation of a crushing plant;

(iv) offensive odours caused by the operation of a soil-blending facility;

(v) concerns regarding site management and disregard for EPA and permit conditions for a period of over 20 years;

(vi) illegal overfilling of rubbish tip levels and permitted height requirements;

(vii) concerns as to possible contamination of ground water supply;

(viii) concerns as to possible pollution of local water courses;

(ix) concerns as to possible seepage of leachate-unidentified liquid waste;

(x) concerns as to possible illegal storage of estimated 5000 cubic metres of green waste;

(xi) traffic concerns caused by dangerous and deteriorating road conditions caused by heavy vehicles.

Prayer

The petitioners therefore request that the Bracks Government intervene immediately and enforce the terms and conditions of Kingston City Council planning permit no. 360/91 in the interest of public safety.

By Mr THOMPSON (Sandringham) (7 signatures)

Tabled.

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

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

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

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

Sustainable urban design for new communities

Mr NARDELLA (Melton) presented report, together with appendices and minutes of evidence.

Tabled.

Ordered that the report and appendices be printed.

ECONOMIC DEVELOPMENT COMMITTEE

Economic contribution of Victoria's culturally diverse population

Mr ROBINSON (Mitcham) presented report, together with appendices and minutes of evidence.

Tabled.

Ordered that the report and appendices be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 8

Ms D'AMBROSIO (Mill Park) presented *Alert Digest* No. 8 of 2004 on:

Children and Young Persons (Age Jurisdiction) Bill
Dangerous Goods Legislation (Amendment) Bill
Drugs, Poisons and Controlled Substances and Therapeutic Goods (Victoria) Acts (Amendment) Bill
Essential Services Commission (Amendment) Bill
Limitation of Actions (Adverse Possession) Bill
Parliamentary Superannuation Legislation (Reform) Bill
Planning and Environment (General Amendment) Bill
Primary Industries Legislation (Further Miscellaneous Amendments) Bill
Sex Offenders Registration Bill
State Sport Centres (Amendment) Bill
State Taxation Acts (Amendment) Bill
Teaching Service (Conduct and Performance) Bill

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Commonwealth Games Arrangements Act 2001 — Orders under s. 18 (four orders)

Environment Protection Act 1970 — Sustainability Fund Guidelines under s 70C(1)

Parliamentary Committees Act 2003 — Response of the Minister for Environment on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Performance Audit Report No 65 — *Reducing Landfill: Waste Management by Municipal Councils*

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

Banyule Planning Scheme — No C45

Bayside Planning Scheme — No C35

Brimbank Planning Scheme — No C61

Buloke Planning Scheme — No C5

Frankston Planning Scheme — Nos C28, C30

Greater Geelong Planning Scheme — No C82

Greater Shepparton Planning Scheme — Nos C17 Part 2, C23 Part 2

Kingston Planning Scheme — No C34

Latrobe Planning Scheme — No C7

Manningham Planning Scheme — No C35

Melbourne Planning Scheme — No C79

Melton Planning Scheme — No C29

Monash Planning Scheme — No C54

Moorabool Planning Scheme — No C26

Mornington Peninsula Planning Scheme — Nos C46, C48

South Gippsland Planning Scheme — Nos C10, C28

Whitehorse Planning Scheme — Nos C46 Part 2, C53

Whittlesea Planning Scheme — Nos C60, C65 Part 2

Wodonga Planning Scheme — No C24

Yarra Planning Scheme — Nos C50, C55 Part 1

Road Management Act 2004:

Code of Practice for Clearways on Declared Arterial Roads

Code of Practice for Road Management Plans

Statutory Rules under the following Acts:

Ambulance Services Act 1986 — SR No 112

Building Act 1993 — SR No 113

Electricity Safety Act 1998 — SR No 114

Instruments Act 1958 — SR No 117

Property Law Act 1958 — SR No 115

Subdivision Act 1988 — SR No 116

Transfer of Land Act 1958 — SR No 118

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 111, 112.

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

Animals Legislation (Animal Welfare) Act 2003 — Remaining provisions of Part 5 on 7 October 2004 (*Gazette G40*, 30 September 2004)

Mitcham-Frankston Project Act 2004 — Remaining provisions (except sections 60 and 229(3) and Division 2 of Part 8) on 24 September 2004 (*Gazette S206*, 22 September 2004).

ROYAL ASSENT

Message read advising royal assent on 21 September to:

Gambling Regulation (Amendment) Bill
Parliamentary Salaries and Superannuation (Amendment) Bill
Sex Offenders Registration Bill
Water Industry (Environmental Contributions) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Children and Young Persons (Age Jurisdiction) Bill
Dangerous Goods Legislation (Amendment) Bill
Drugs Poisons and Controlled Substances and Therapeutic Goods (Victoria) Acts (Amendment) Bill
Parliamentary Superannuation Legislation (Reform) Bill
Primary Industries Legislation (Further Miscellaneous Amendments) Bill
State Taxation Acts (Amendment) Bill
Teaching Service (Conduct and Performance) Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to 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, 7 October 2004:

Constitution (Recognition of Aboriginal People) Bill

Dangerous Goods Legislation (Amendment) Bill

Drugs, Poisons and Controlled Substances and Therapeutic Goods (Victoria) Acts (Amendment) Bill

Magistrates' Court (Family Violence) Bill.

Magistrates' Court (Increased Civil Jurisdiction) Bill

Primary Industries Legislation (Further Miscellaneous Amendments) Bill

State Sport Centres (Amendment) Bill

State Taxation Acts (Amendment) Bill

The legislative program for this week contains a list of eight pieces of proposed legislation to be debated by

4.00 p.m. on Thursday. The very important Constitution (Recognition of Aboriginal People) Bill commenced its passage through this chamber in the previous parliamentary sitting week. We have held it over to this week to enable some additional debate and contribution from the chamber in a very respectful way. In that context, it already having started its passage through the Legislative Assembly with the other bills whose second-reading responses will commence over the next couple of days, a workload is provided that will be satisfactorily and easily achieved by 4.00 p.m. on Thursday, and I commend the motion to the house.

Mr PLOWMAN (Benambra) — The opposition does not oppose the government's business program. We believe that the eight bills before the house are achievable particularly on the basis that we have only three second readings to be introduced. But it is important that debate on the bill mentioned by the Leader of the House — that is, the Constitution (Recognition of Aboriginal People) Bill — is restricted to some extent, because it is a bill that probably all members of the house could and would like to speak on. But to get through the other seven bills before the house there should be some recognition of a restriction on debate on that bill.

Mr MAUGHAN (Rodney) — The Nationals will not be opposing the government's business program. We believe that it is a reasonable program, with eight pieces of legislation. Obviously one that most people want to speak on is the Constitution (Recognition of Aboriginal People) Bill, which will change the constitution to recognise Aboriginal people, and I imagine that quite some number will want to speak on that. Nonetheless it is a reasonable business program, and The Nationals will not be opposing it.

Motion agreed to.

MEMBERS STATEMENTS

Merri Creek Safe Stroll

Ms DELAHUNTY (Minister for Planning) — I commend to the house the Merri Creek Safe Stroll event. Tonight's 'Reclaim your community — the Merri Creek Safe Stroll' is the first event in the City of Darebin's calendar of events for community safety month. The Darebin council is to be commended for planning such a diverse range of events to interest and inform the community as part of community safety month.

Tonight's walk will start at 7 o'clock at the Northcote town hall. Tonight mothers, fathers, brothers, sisters, artists — and local artists in particular — local police, and the young and old in our community will walk through the streets of Northcote down to the Merri Creek, along the creek and back up the hill to the town hall, where refreshments will be provided by the local Muslimah women's catering group. A feature of this walk is not only the diversity of people who participate but also the number of artists who live, work and play in Northcote. It contains the highest number of artists in any municipality in Melbourne. These local performers and musicians will entertain the residents on this walk, free of charge.

I would like, firstly, to commend the council for planning such a diverse range of events, and secondly, to thank the local artists who are providing their skill, time, expertise and entertainment free of charge for the people of Northcote. It will be a fun event for all, and everyone is welcome.

Shopper dockets: federal Labor policy

Dr NAPTHINE (South-West Coast) — I rise to condemn the Labor Party's plan to ban shopper dockets, which deliver cheaper petrol to Victorian motorists. In country Victoria the price of petrol is well over 105 cents a litre, and the 4-cent-a-litre discount from the shopper dockets is very much appreciated by country Victorian motorists.

I was astounded, therefore, to read in the *Warrnambool Standard* of 1 October that the Labor Party would ban shopper dockets. Indeed I quote Mr Bob McMullan, the federal shadow minister for small business, who is reported as saying:

> I've heard of stores offering discounts of up to 10 cents a litre through the shopper docket scheme but Labor will put a stop to that.

This is a stupid policy that will hurt country Victoria. It is opposed by the Royal Automobile Club of Victoria and peak motorist groups, which have called for the retention of shopper dockets.

I call on the Bracks Labor government to stand up for Victorians and stand up for country Victorians and tell the federal opposition leader, Mr Latham, to drop this ridiculous policy. The Bracks Labor government should also stand up for Victoria and tell Mr Latham to drop his proposed federal government payroll tax — a new tax on employment which will cost jobs in country Victoria, put at risk investment in country Victoria and hurt country industries. These two policies are extremely harmful and not to the advantage of country

Victoria. I call on the Bracks government to stand up for country Victoria and country Victorians.

Australian Women's Debating Championships

Ms ECKSTEIN (Ferntree Gully) — On 26 September I had the great pleasure of attending the grand final of the Australian Women's Debating Championships, hosted by the Monash Association of Debaters. Seventy women from four different states took part as debaters, adjudicators and organisers. The Honourable Joan Kirner, a former Premier of Victoria, gave an inspirational keynote address on having the courage to stand up for what you believe in and on taking action to make sure it happens.

The topic of the grand final debate was 'That this house would talk to terrorists'. I must say how extraordinarily impressed I was with the standard of the debate. I would like to congratulate the winning team of Elizabeth Sheargold from the University of Melbourne and Chloe McCardel from Monash University. I would also like to congratulate Cassie McGannon from Monash University, who came first in the top speaker awards. Other Victorian winners of top speaker awards include Alice Muhlebach, Elizabeth Sheargold, Nicole Lynch, Sarah Kemeny, Hayley Parkes, Lauren Knight, Kathryn James, Jessica Moir and Tamar Heath.

It was very inspiring to see so many young women honing their public speaking and debating skills. The women's debating championships arose out of the need to provide a forum where young women could learn and improve their debating and public speaking skills. I would like to congratulate all those from the Monash Association of Debaters who were involved in staging such a successful event this year.

Timber industry: government policy

Mr RYAN (Leader of The Nationals) — The hardwood timber industry in the state of Victoria is on notice as of today that the Bracks state Labor government, which since it came to power five years ago has wanted to destroy the industry, has now made clear its position in terms of its future treatment of one of the great industries in this state.

In question time today, when I asked him about Mr Latham's ill-fated plans for the industry in Tasmania, our Premier warmly embraced what Mr Latham proposes to do. What the federal opposition leader intends to do is to absolutely, utterly and completely gut the industry, put out of work the people who are presently engaged in it and assault the communities that are reliant upon it.

It was instructive to hear from Mr Gavin McFadzean, the campaign manager of the Wilderness Society, who said on the *AM* program this morning that while Tasmania has been the flagship campaign, East Gippsland is next on the list, and he confidently expects the Bracks government to make a move in the lead-up to the next state election. There it is; we have it before us. The communities of East Gippsland can be assured of the reality that is going to come if this government in Victoria has its way. What Mark Latham proposes to do in Tasmania if he is elected this coming Saturday, the Premier and his government intend to do in Victoria if they have their way in the time leading up to the next state election here in Victoria.

Western Port: water safety

Ms BUCHANAN (Hastings) — I rise to acknowledge the outstanding work undertaken by the various yacht clubs based around Western Port Bay, which, in conjunction with fellow emergency service organisations, ensure that regional marine service coordination is in safe and competent hands.

Volunteer rescue clubs from around the region, based as far apart as Cowes, Warneet, Hastings and Balnarring, came together last Saturday to participate in joint water search and rescue exercises — a training venture they intend to carry out at least on an annual basis from now on. Thirteen rescue vessels and 62 rescue volunteers undertook tasks to enhance their preparedness and responsiveness for search and rescue situations across Western Port Bay.

Credit must go to John Hollander and Victoria Police officers Harry Williams, Peter 'Ozzie' Osborne and Richard Benwell for their important support for and coordination of the day and night-long exercises. To all the clubs associated with the Western Port Marine Rescue, the Victorian Coast Guard Association, the Victorian Water Police and all the volunteers who are committed to providing a responsive, coordinated approach to search and rescue in this popular water sport and boating region, I say thank you on behalf of everyone in the boating community. Credit must also be given to the management of the Hastings marina and the Hastings yacht club for their generous use of facilities for this important exercise.

I am proud to be part of a Labor government that supports our vital emergency service organisations.

Australian Labor Party: government contracts

Mr KOTSIRAS (Bulleen) — I stand to condemn this Labor government for awarding contracts to

individuals or companies who have either supported the ALP financially or who are closely associated with it.

I am advised that last year the government engaged the services of Kathleen Townsend to find an appropriate person to fill the vacant position of director of women's affairs. This year the government once again has secured the services of Kathleen Townsend to find a suitable person to fill the position of director of the Victorian Office of Multicultural Affairs (VOMA).

It has been alleged that the government favoured this company because it has supported the ALP. According to the Australian Electoral Commission's funding and disclosure information, Kathleen Townsend gave $1500 to Progressive Business in 2002–03, which in turn gave nearly $200 000 to the ALP. It is also alleged that the company secured these two contracts simply because it provided financial assistance to the ALP. I am advised that the ALP has a list of businesses that it will deal with and favour. Provided you have donated, supported or assisted the ALP, your name will be placed on this list. If this is true, then this government should be condemned for using taxpayers money to repay groups that have supported it in the past.

This government has proven once again that it cannot manage public money. The Premier should show some leadership and govern for all Victorians, not just for those who provide financial assistance to the ALP. If the government wants someone to appoint to the position of director of VOMA, I recommend it look at Hakan Akyol, who has provided support and leadership in this area.

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

Dolly Chapman

Ms MUNT (Mordialloc) — A short while ago I was privileged to attend with the Premier the presentation of 40-year medallions to long-time members of the Labor Party. One of my local branch members was one of those proud recipients of a 40-year medallion. Her name is Dolly Chapman, and she is a wonderful woman. She was born in Sri Lanka, and after independence her family migrated to Australia.

She worked as a clerk at the PMG Research Laboratory, and ALP members there encouraged her to join the party. For a long time she was paid less than the people she was in charge of. Dolly is very proud that Labor introduced equal pay for women and that Al Grassby, a former federal Labor immigration minister, educated Australians to see that a country gains by having different cultures and is strengthened by having a diverse population. She was so committed to encouraging girls under her to study that she began her own Victorian certificate of education course at the age of 50 and completed it when she was 53. Well done, Dolly.

Dolly's family believes in helping others and in giving everyone a fair go. She helped many Sri Lankan families migrating to Australia by taking take them into her own home, where she and her family supported them. She is an elder of the Uniting Church, supports Sri Lankan clubs and sends money to Sri Lanka to educate children from poor families. She is proud that the Labor Party works for a better society where everyone has the same opportunity regardless of their appearance or where they come from.

Roads: Doncaster

Mr PERTON (Doncaster) — I rise to seek a commitment from the Minister for Transport to provide funds to urgently upgrade two main roads in Doncaster. One is King Street, a major arterial road in the electorate that is used by 10 000 to 12 000 cars daily. It is an undulating road with poor vision for motorists, dangerous entrance points, varying speed restrictions, minimal turning lanes, narrow road shoulders and deep open drainage pits and presents hazardous conditions for children and pedestrians. It is estimated it will cost $12 million to fully upgrade this road.

The Manningham City Council is applying to VicRoads for funding to undertake signals and intersection works at Victoria Street. The council is also seeking black spot funding for improvements at the Veda Court and Tuckers Road intersections. I urge the Minister for Transport to give very favourable consideration to approving these applications as quickly as possible.

The second road is Springvale Road, which has topped the accident list for the second year running in the RACV Insurance study of roads. A residents group whom I met with recently has made a number of suggestions which I believe could substantially improve the accident-prone road. It has been described as dangerous because it is frequently congested with traffic. The Springvale Road Residents Reference Panel in Manningham is concerned with the road north of Mitcham Road. It believes it cannot carry today's traffic volume safely, let alone any future increases.

The panel has now suggested a number of recommendations to deal with the urgent problems along the road. These include a 60-kilometre-an-hour

speed limit; roundabouts or other traffic-slowing devices; double lines to prevent overtaking; proper kerb and guttering; properly installed and located bus stops; pedestrian crossings with lights; moving the power pole south of the retirement village to clear the view to vehicles leaving the village; building safe areas for U-turns and right turns; improving the signage along the length of the road; setting a load limit to divert heavy trucks to safer roads; regular policing of the speed limit; and reducing traffic by constructing on and off ramps at Park Road from the Eastern Freeway extension.

Ballarat: Olympians and Paralympians

Ms OVERINGTON (Ballarat West) — Last week following a street parade led by a great band hundreds of admiring fans packed the town hall in Ballarat to welcome Ballarat's Olympians home from Athens.

Fans were keen to congratulate rowing silver medallist Anthony Edwards; silver medal-winning Opal basketballer, Allison Tranquilli; Ballarat's first Olympic swimmer, Shayne Reese — and she is doing really well at the moment at the national championships; badminton brothers, Stuart and Ashley Brehaut; cox of the woman's eight rowing crew, Katie Foulkes; and marathon runner Lee Troop. Unable to be present was Paralympian Jodi Willis-Roberts, who received a bronze medal in shot put. The five-time Paralympian already has two gold medals from Sydney and Barcelona.

It was an exciting afternoon, with many people taking the opportunity to have photos taken with their heroes and to get autographs. I want to congratulate all of these Olympians and Paralympians who put in years and years of hard training to reach the levels they have. All thanked their families, friends and the community for all the support they have received over the years.

Ballarat continues to produce top athletes, and once again they did us proud. It was great to catch up with them and hear about their experiences overseas. Again I congratulate all of these young people and wish them all the best in the future.

Water: Wimmera–Mallee pipeline

Mr DELAHUNTY (Lowan) — I call on the state government not to be hypocritical and to now support the national water initiative, which is particularly good for rural and regional Victorian communities and in particular the Wimmera–Mallee pipeline.

I have seen it all in this place. It was only during the last sitting week of Parliament that we saw members of the Labor government give notices of motion criticising the coalition for using national competition policy payments. How hypocritical can you get! Government members have egg on their faces. The members for Brunswick, Yan Yean, Ballarat East, Ballarat West, Bentleigh, Clayton, Carrum, Bayswater, Bellarine and Burwood all have egg on their faces because the reality is that the Labor Party is planning to do exactly the same thing with national competition policy payments as part of its election commitments.

It is a shame the government is so hypocritical in the way it operates in this house. It is great that the national coalition government has seen the importance of water for projects like the Wimmera–Mallee pipeline, which it has strongly supported to the tune of $167 million or one-third of its cost. I again call on the state government to increase its contribution to one-third so others can ensure this is affordable for the whole of western Victoria.

As we know, the Premier has threatened to walk away from the national water initiative, and we know the Minister for Water has implied that the Victorian government's commitment to fund the Wimmera–Mallee pipeline is in jeopardy. How hypocritical can you get! As soon as the pressure is applied and real money has to be put on the table, this government is ducking and weaving.

Commonwealth Youth Games

Ms MARSHALL (Forest Hill) — It was with great pleasure that I travelled to Bendigo last week to be the guest speaker at a breakfast held to recognise the support local businesses have provided in becoming sponsors of the 2004 Commonwealth Youth Games, which are to be held in Bendigo from 29 November until 4 December this year, with the official mascot being Oscar the sugar glider.

With almost 1000 participants from 24 nations the youth games will be a fantastic opportunity for not only locals but all Victorians to see first hand some of the commonwealth's future sporting stars. Events include athletics, gymnastics, swimming, lawn bowls, cycling and boxing, to name a few, and many of the venues that the events are to be held at will be used again for the 2006 Commonwealth Games.

The local community is providing its full support and has even taken the unusual step of preparing personnel in many of the local businesses to answer the many and at times difficult questions from those attending events of this sort. The games are to be a celebration of all that is representative of youth, with other events such as concerts and demonstrations planned and organised by

youth groups from the area, the details of which can be found on the web site.

I encourage all members to make the short trip to Bendigo and join with me for this fantastic event.

Public transport: Knox

Mr WELLS (Scoresby) — This statement condemns the Bracks government's failure to honour its 1999 election public transport promises to the people of Knox. In 1999 the government promised a tram to Knox City shopping centre and a study to identity the preferred route for a railway line to Rowville. The government's total inaction to date has now resulted in the Knox City Council wasting tens of thousands of dollars of ratepayers funds on a misdirected and politically opportunistic public campaign to lobby the federal government for public transport funding.

Last Thursday Knox council held a public meeting in Rowville to advocate for the need for federal funding to provide a tramline to Knox City and a train line to Rowville. This meeting was totally inappropriate and an unnecessary waste of ratepayers funds, since public transport is solely a state government responsibility.

Need I remind the Minister for Transport that he signed off on a memorandum of understanding for the Scoresby transport corridor which clearly states in clause 3(b) that:

> Victoria agrees that all public transport improvements associated with the Scoresby transport corridor … are solely a Victorian funding responsibility.

The people of Knox are understandably extremely angry that their rates are being used in a politically opportunistic manner for a campaign that should be directed at the Bracks Labor government. However, the people of Knox are equally angry at the Bracks government for failing to keep its 1999 election promise on public transport improvements.

Vic Coull

Mr TREZISE (Geelong) — I take this brief opportunity to mark the retirement of Mr Vic Coull, the chief executive officer of Glastonbury Child and Family Services in Geelong. As members are well aware, within our communities there are some people who are true champions of a particular cause, and to say this of Vic Coull in the area of social justice would be an understatement.

I have come to know of Vic and his work at Glastonbury over the last five years in my role as an MP, and I know he is a dedicated, passionate and tireless leader within the community of Geelong. However, I also know that Vic Coull's contribution to those in need goes back a lot further than the time I have known him. In 1968, after graduating from the University of Melbourne, Vic joined the then Social Welfare Department, where he initially worked on a foster care research project. Since that time Vic has worked within the welfare sector in numerous positions. I do not have time to list all of them. His ability to manage people and issues was recognised in 1973 when he was appointed director of the central highlands region of the department, and in 1981 he was made deputy director of regional services.

During the Ash Wednesday bushfires of 1983 Vic played a pivotal role as officer in charge of statewide logistics. Vic joined Glastonbury in 1993, and since that time has transformed the organisation into a very effective and efficient one, focused clearly on real outcomes for children through numerous programs. He is a credit to himself, his family — who no doubt are proud of him — and to Glastonbury. I wish Vic all the best in his retirement, and I congratulate him on his magnificent service to the community of Victoria.

Shannon's Way: contracts

Ms ASHER (Brighton) — I wish to bring to the house's attention the fact that $9 million has now been paid out of taxpayers funds to Shannon's Way, the firm run by Labor fundraiser and ad man Bill Shannon. Bill Shannon has accepted work right across government. The very first work accepted by Bill Shannon was in the year 2000, with three jobs for the Premier's office. From then Shannon's Way has gone on to be involved in the Place to Be slogan, the Better Business Taxes campaign, the problem gambling campaign, WorkCover — a multimillion dollar contract — campaigns associated with fuel pricing, Kew Residential Services, marine national parks and the water campaign.

There are many scandalous elements associated with the awarding of this $9 million to Bill Shannon. The contract with the Department of Human Services was personally signed by the then Minister for Health, now the Minister for Environment, and Bill Shannon. The water campaign, which again involves Minister Thwaites, is worth almost $2 million, and it was awarded without tender.

The opposition has an exemption certificate signed by the head of the department, Lyndsay Nielson. The government stands condemned. Imagine if the previous government had done something like this: you can just

see the now Attorney-General railing on the television against it! Also the Premier stands condemned because he told Ballarat radio last week that the water contracts were the subject of a tender. They were not. The Premier misled the public yet again.

Moorabbin Bowling Club: 50th anniversary

Mr HUDSON (Bentleigh) — Recently I had the great pleasure of speaking at the 50th anniversary of the Moorabbin Bowling Club. It was a wonderful occasion attended by over 300 people. There were some special guests at the anniversary including Bob Bennett, Hec and Nan Brain and Flo Thorpe who have been members of the club for the whole of its 50-year history. It perhaps could be more accurately described as the 100th anniversary.

In its past incarnation, the Moorabbin Bowling Club opened in 1904 after a meeting at the Mentone Hotel on 27 November 1902 to agree on its formation. A public concert was held at the Moorabbin Mechanics Institute, which was attended by 500 people who successfully raised £158 to buy the land and build a six-rink green on the current Mentone Bowling Club site. At their first night tournaments they used gas lamps and one can only imagine some of the shenanigans that went on with the jack in the dim half-light!

The Moorabbin Bowling Club was changed to the Mentone Bowling Club in 1910. However, a new Moorabbin Bowling Club was established in Linton Street in 1954. The club not only has an interesting history but is also linked with the television age. The first *Jack High* tournament on ABC television was broadcast from the club on the back green. It has also hosted some national events. The continued vitality of the club is due to the hard work of many people including the current chairman, Mr Keith Lassig, the club secretary, Mr Bob Pickering, and the club committee.

Congratulations to the Moorabbin Bowling Club for continuing to provide a wonderful sporting and social environment to the people in surrounding areas.

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

Cranbourne: Men's Shed

Mr PERERA (Cranbourne) — I inform the house about the recent presentation of a report into the construction of a Men's Shed in Cranbourne to service the City of Casey. The report was written by Ian Berner-Smith who has been on a placement in my office as part of his community development studies at the Chisholm Institute of TAFE. Mr Berner-Smith has undertaken extensive research and widespread consultation on this issue with a variety of stakeholders across the local community. I thank Mr Berner-Smith for all his hard work. The Men's Shed report was met with much excitement from the stakeholders who attended the presentation on Friday, 10 September.

Men's Shed provides a drug and alcohol-free location for the promotion of men's health; programs to encourage the development of community, connection and self-esteem; and mentoring across ages and cultures. It develops a network resource for the men in the area, positively promoting men's roles through participation, social action and advocacy in developing social awareness and a non-discriminatory, safer community.

Attendees at the meeting included my parliamentary colleague the member for Narre Warren South; the Mayor of the City of Casey, Cr Rob Wilson; Sue Gaballa of South-East Alcohol and Drug Service; Cheryl Billing-Smith of Anglicare Cranbourne; the president of the Oakgrove Community Centre, Rod Charles; Rod Shearer of Cardinia-Casey Community Health Service — —

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

Country Fire Authority: South Morang brigade

Ms D'AMBROSIO (Mill Park) — On Monday, 4 October, I had the pleasure of dropping in on the monthly meeting of the South Morang Country Fire Authority (CFA). The meeting marked the 40th anniversary of the South Morang brigade, which plans to officially celebrate this milestone at a special dinner later this month. The meeting also elected several new members to the brigade, one of whom was a young woman named Banu Inglis. After the meeting I had an informal chat with Banu, volunteer Jason Mott and captain Lindsay McHugh. Banu and Jason are two terrific young people dedicated to the CFA and the way of life involved in a volunteer community emergency service. To much ribbing by members, who had heard the story many times before, Lindsay recounted his famous story about when he was a volunteer CFA member in Geelong attending his first massive oil refinery fire back in 1983. Lindsay is clearly well respected among the members and fulfils an important mentoring role. I am sure he is very much responsible for the success of the South Morang brigade and for attracting many new young volunteers to its service.

I learnt from these discussions also that the brigade had been actively involved in the recent development of a fire-prevention strategy for the Plenty Gorge in conjunction with the Metropolitan Fire Brigade and the cities of Whittlesea and Banyule. I am informed that it is a first for Victoria that such a joint-agency strategy has been developed for fire prevention, and I congratulate the South Morang brigade for this important initiative. I wish to also — —

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

Banyule Community Health Service

Ms GARBUTT (Minister for Community Services) — I want to congratulate the Banyule Community Health Service on the opening of its new centre in the heart of Greensborough on the site of the former Diamond Valley Community Hospital, and for naming it the Pauline Toner centre as a tribute to a great woman who made a wonderful contribution and was dedicated to the communities of Diamond Valley and Greensborough.

Banyule Community Health Service has shifted from a cramped site, tucked away at Kalparrin, to a larger, more accessible site which builds on the significant reputation of the former hospital. Pauline Toner was a former shire president of Diamond Valley and its first woman president. She was a local member of Parliament until her death in 1989 and was the first woman to be a minister in Victoria's history. She served her community with dedication and dignity. She is still missed and fondly remembered. This name honours her and her achievements, and serves to promote community health and the Banyule Community Health Service very well indeed.

Melbourne Citymission

Mr MILDENHALL (Footscray) — On Wednesday, 29 September, I had the honour to represent the Premier at the 150th annual general meeting of Melbourne Citymission (MCM). One of the highlights was an inspirational address by the Governor of Victoria.

Melbourne Citymission was established on 11 August 1854 by Melbourne's city churches. While Victoria had over half a million people at this time, there were some 50 000 living in canvas towns on the banks of the Yarra River. Many lived in poverty and struggled to survive. Adopting the motto of 'Need, not Creed' and the principle of 'a hand up, not a hand-out', Melbourne Citymission initially employed six missioners to work with people living in the tent cities. Some of the graphic descriptions from their journals were relayed as part of the annual general meeting.

Today the MCM employs more than 650 staff and operates 61 health and welfare programs. The Bracks government is working closely with them and as recently as yesterday announced two innovative projects worth $2 million each that will boost education and training opportunities for young homeless people. Congratulations on the leadership of chairman Colin Maine and chief executive officer Anne Turley. The Citymission is in good hands for at least the next 150 years.

Heathdale Residents Association: community barbecue

Ms GILLETT (Tarneit) — Last Sunday it was with great pleasure that I attended a fantastic event in the Heathdale estate in my community of Wyndham. I want to place on record my congratulations to all who were involved with the great Aussie barbecue competition, which was hosted by the community at Heathdale. In particular, the involvement of the Heathdale Residents Association bears recognition in this place for the wonderful contribution it made to the event.

There were some wonderful barbecues in store for those who participated on the day, and it served to bring a most wonderful community at the Heathdale estate together to celebrate themselves and the cultural diversity that is represented in that community. I would like to place on record, too, my thanks to the Minister for Housing in another place for the wonderful initiative that is the neighbourhood renewal program. People like Anne Walters and other members of the Heathdale Residents Association do a fantastic job in bringing together members of the community who may not have felt so close to others in the community before. It is with gratitude and pleasure that I place on record my thanks for their amazing achievement on Sunday.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member's time has expired, and the time allocated for making members statements has now expired.

MAJOR CRIME (INVESTIGATIVE POWERS) BILL

Second reading

Ms GARBUTT (Minister for Community Services) — I move:

That this bill be now read a second time.

This bill represents a further element of the government's package of measures to combat organised crime and corruption. In May and June this year, the Premier announced the major crime legislative package which included a commitment to provide new coercive questioning powers to enable police to more effectively investigate organised crime. These powers are designed to assist police in breaking the 'code of silence' that often thwarts investigation of organised crime.

The Premier also announced measures to strengthen Victoria's capacity to investigate police corruption. Earlier in the sitting, the government introduced legislation to transform the Police Ombudsman into the Director, Police Integrity, with covert powers to investigate police corruption. This bill will further enhance the DPI's capacity to investigate corruption by extending and clarifying the jurisdiction of the DPI. The DPI will be provided with enhanced entry, search and seizure powers, the capacity to initiate contempt proceedings in the Supreme Court and warrant powers.

Coercive questioning powers — Victoria Police

The coercive questioning regime provided for in this bill will allow police to apply to the Supreme Court for a coercive questioning order in relation to organised crime offences. Where the court is satisfied that the issue of such an order is warranted, and that it is in the public interest that a witness be questioned using these strong powers, the witness will be summoned to attend for examination. The chief examiner will also be able to issue a summons to enable a witness to be questioned in relation to matters arising under an order issued by the court. The chief examiner, or another examiner, will question the witness.

A person summoned to appear at a hearing will not be able to refuse to answer questions put to them, or refuse to produce documents, by claiming the privilege against self-incrimination. However, any answers to questions will not be able to be used in evidence in criminal or civil proceedings against the witness other than in limited circumstances. For example, answers to questions may be used in proceedings for perjury, contempt or giving false or misleading answers. It will be an offence to fail to appear, fail to produce documents, or to refuse to answer questions at a hearing.

Coercive orders — relevant offences

Police will be able to seek a coercive powers order in relation to the investigation of an 'organised crime offence'.

An 'organised crime offence' is defined in the bill as an indictable offence, punishable by 10 or more years' imprisonment that:

(a) involves two or more persons; and

(b) involves substantial planning and organisation; and

(c) forms part of systemic and continuing criminal activity; and

(e) has a purpose of obtaining profit, gain, power or influence.

An application for a coercive powers order to investigate an organised crime offence will be made to the Supreme Court by a police member if he or she suspects on reasonable grounds that an organised crime offence has been, is being, or is likely to be committed. A police member must be authorised to apply for a coercive powers order by a senior police officer with the rank of assistant commissioner or above.

In determining whether or not to grant such an order, the Supreme Court must be satisfied that the granting of an order is in the public interest having regard to:

the nature and gravity of the alleged organised crime offence; and

the impact of the use of the powers on the rights of members of the community.

An order will be valid for a maximum period of 12 months. There will, however, be scope for police to apply to have the order varied or extended.

The bill also enables urgent or remote applications for a coercive powers order to be made if it is not practical to make a formal application. For example, an application may be made by telephone.

Applications for coercive powers orders will not be heard in open court and publication of proceedings related to the application for such orders will be prohibited unless the court orders otherwise.

The chief commissioner or delegate who approved the initial application for the order must notify the Supreme Court if he or she forms the view that the powers under the order are no longer required. Once that notification occurs, the order is revoked.

The Supreme Court can also revoke an order at any time, independently of notification by the police.

Summons to appear or produce

Either at the time the coercive powers order is made, or at a later time while the order is in force, the Supreme Court may issue a summons requiring a witness to attend at a specified place for examination, or to attend at a specified time and place to produce specified documents or other things to the chief examiner.

The chief examiner may also issue a witness summons at any time a coercive powers order is in force if he or she is satisfied that it is reasonable in the circumstances. Regard will be had to:

the evidentiary or intelligence value of the information sought to be obtained from the person; and

the age of the person and any mental impairment which the person is known to have.

Children under 16 will not be able to be summoned or, if summoned, must be excused from attendance at an examination upon production of proof of age.

Disclosure of the summons may be prohibited, other than for specific purposes such as:

(a) obtaining legal advice; or

(b) obtaining information in order to comply with a summons.

These provisions are modelled on the provisions applying to witness summonses in the Australian Crime Commission coercive powers regime.

Witnesses who are in custody can be required to give evidence at an examination. On application by a police member, the Supreme Court or chief examiner can make an order for a prisoner to be removed from prison to attend an examination.

A police member may apply to the Supreme Court for a warrant to apprehend a person who fails to appear, or is likely to fail to appear, in response to a summons. The court may issue a warrant where it is satisfied, by evidence on oath, that there are reasonable grounds to believe that a person:

(a) has or is likely to abscond, or has attempted to evade service of the summons; or

(b) who has been served with a summons, has failed to appear, or is likely to fail to appear.

Examinations

The chief examiner will be a legal practitioner of at least five years standing appointed by the Governor in Council. The chief examiner may be supported by other examiners with like qualifications who may also conduct examinations. The examiner will also be assisted by police investigators who are familiar with the investigation.

The conduct of the examination will not be subject to the rules of evidence. The examiner will be able to regulate the proceedings as he or she considers appropriate. The examiner may also give directions as to who may be present during an examination.

Representation of witnesses

A witness has a right to be represented by a lawyer at an examination. However, in some cases the examiner may prevent a particular lawyer from appearing if allowing that lawyer to appear may prejudice the investigation. For example, several witnesses may want to be represented by the same lawyer. This may not be appropriate as it may compromise the confidentiality or effectiveness of the examination. The examiner may prevent a particular lawyer from appearing under the general power to regulate the conduct of an examination.

If a person aged between 16 and 18 is questioned, they will have a right to have a parent, guardian or independent person present at an examination and to communicate with that person before they are questioned. Similarly, a person with a mental impairment will have a right to have an independent person present and to confer with them before answering any questions.

There will also be provision for interpreters to be present at examinations if required.

Where documents or things have been produced at an examination pursuant to a summons, the examiner may inspect the documents or things. The examiner may then authorise a police member to inspect and take copies, photographs or extracts of the documents or things to the extent the police member considers necessary for the purposes of the investigation of the organised crime offence.

Documents or things may also be retained by an authorised police member for certain purposes. If a police member retains a document or thing for more than seven days, that police member must notify the Magistrates Court, as soon as practicable, that the document or thing has been retained. Reasons must be given to the Magistrates Court as to why the police member considers the retention necessary. The Magistrates Court can order that the document or thing be retained or returned to the person that produced it.

Legal professional privilege

A witness will be able to claim legal professional privilege in refusing to answer a question or produce documents. A lawyer who claims privilege in relation to communications with his or her client will be required to provide the name and address of the person who holds the privilege. This will enable police to follow the matter up with the privilege holder or, if necessary and appropriate, seek the issue of a summons to have that person examined.

If the claim of legal professional privilege relates to oral communications, the chief examiner will determine the claim at first instance. However, if the claim relates to a document or thing, the chief examiner may apply to the Magistrates Court to have the court rule on the validity of the claim. The person making the claim of privilege will have the right to appear before the court in support of the claim. The chief examiner will not have access to the documents or things that are the subject of the claim unless and until the court rules that legal professional privilege does not apply.

Abrogation of privilege against self-incrimination and use immunity

A person will not be able to refuse to answer questions at an examination or refuse to produce documents under a summons on the grounds of the privilege against self-incrimination. However, a 'use immunity' will apply to self-incriminating answers or documents. This means that those answers or documents will not be able to be used in evidence against the witness in criminal or civil proceedings except where the witness is prosecuted for perjury, contempt or providing false or misleading answers during the examination, or for use in confiscation proceedings.

The limitation on the use of information or evidence obtained will not extend to the use of other information or evidence derived as a result of those answers in a criminal prosecution against the witness, nor the use of those answers in a prosecution against a third party. Whether the evidence can be used in other proceedings will depend upon the admissibility of that evidence as determined in accordance with the ordinary rules of evidence.

Contempt of examiner

This bill provides an immediate sanction for a witness's refusal to cooperate with the examiner. Refusal to produce a document or thing, refusal to be sworn, refusal or failure to answer a question or any other conduct that would constitute a contempt of the Supreme Court may be treated as a contempt of the examiner.

In such circumstances, the examiner will be able to present the alleged contempt to the Supreme Court. If the court is satisfied that a person is guilty of contempt, the court may punish the person as if he or she had committed that contempt in inferior court proceedings. However, a person cannot be subject to both contempt proceedings and prosecution for an offence in respect of the same act.

The examiner will be able to certify the commission of contempt in writing to the Supreme Court in such cases. This bill also empowers the examiner to issue a warrant for a person alleged to be in contempt to be brought by the police before the Supreme Court. Among other sanctions, the court may imprison the person for an indeterminate period. In some cases, the person may be held in custody until the contempt is purged — that is, until the witness answers the questions to which he or she had previously declined to respond.

The bill provides for the chief examiner's contempt powers to sunset 42 months after they come into effect to allow the Parliament to reconsider their necessity.

This bill also allows an examiner to conduct an examination notwithstanding that criminal proceedings are on foot on the same subject matter, provided the examiner takes all reasonable steps not to prejudice those proceedings on account of his investigation.

Offences

Failure to appear in answer to a summons, or failure to produce documents, will be an offence punishable by up to five years imprisonment. The bill also makes it an offence for a person summoned to reveal that he or she has been summoned or has appeared at a hearing before an examiner when prohibited to do so by the examiner.

Hindering or obstructing an examiner in the exercise of his or her functions, or otherwise disrupting an examination, will also be an offence.

The chief examiner may also direct that evidence given in an examination must not be published. Contravention of such a direction will be an offence punishable by up to five years imprisonment.

Oversight of coercive powers

The special investigations monitor (SIM) will oversee the exercise of coercive questioning powers by police and examiners to monitor compliance with the act, assess the relevance of questioning and requirements by the chief examiner to the investigation of the organised crime offence in relation to which the coercive powers order was made, investigate complaints, formulate recommendations and make reports in relation to these matters.

The bill provides that the chief examiner must give the SIM, as soon as practicable after the examination is conducted:

1. details of the examination;

2. its relevance to the organised crime offence in relation to which the coercive powers order was made; and

3. a copy of the video recording of the examination.

The SIM will also have the power to require the chief examiner to provide further information about an examination.

Complaints

A witness may make a complaint to the SIM about the relevance of any questions in terms of the court order under which the examination is conducted. Despite the secrecy provisions which may apply to the examination, it will not be an offence for the witness to make a complaint to the SIM.

The bill gives the SIM a range of powers to investigate a complaint. This will include the power to conduct a hearing, and obtain information from any person. The SIM will be able to make recommendations to the chief commissioner and the chief examiner as to what steps should be taken to prevent any identified problems from arising again. The SIM can also require the chief commissioner and the chief examiner to report back on whether or not recommended action has been taken and, if not, why not.

Reports and record keeping

The SIM will provide an annual report to Parliament on the use of the examination powers. This will include information about compliance with the act, the adequacy of reports provided by the chief examiner, and the extent of compliance with recommendations made by the SIM.

Director, police integrity — additional powers

This bill confers further powers on the director, police integrity (DPI) to enhance the director's capacity to investigate corruption. The bill:

(a) clarifies the role, and extends the jurisdiction, of the DPI;

(b) provides additional powers to the DPI;

(c) clarifies the reporting obligations of the DPI to the SIM with respect to the DPI's coercive powers.

The bill sets out that the objective of the DPI as ensuring that the highest ethical and professional standards are maintained within Victoria Police and that corruption and serious police misconduct is investigated and prevented.

Victoria Police members seconded to the office of police integrity will be subject to the sole direction and control of the DPI, whilst retaining all their 'constable' powers. The bill provides that the DPI may request that the chief commissioner make available members of Victoria Police to assist in the performance of the DPI's functions. The DPI may decline to accept a member, and request that the chief commissioner make another member available.

Whilst serving with the DPI, and upon their return to Victoria Police, seconded police members cannot be requested to disclose any information that relates to the performance of their functions or duties whilst on secondment, except for the purposes of a disciplinary inquiry.

Own motion investigations

This bill extends the DPI's 'own motion' power to commence an investigation of police corruption or suspected police corruption. The DPI may investigate any member of Victoria Police, whether or not that member has been identified, or investigate a member irrespective of whether any particular conduct can be specified. The DPI may also commence an investigation of a former member of Victoria Police in

relation to conduct whilst a member of Victoria Police. These changes will minimise the risk of jurisdictional challenge thwarting an investigation and also enable the DPI to undertake broad-ranging studies into police corruption.

The DPI's powers to conduct investigations are extended to enable the DPI to also investigate the policies, practices and procedures of Victoria Police members. It is expected that the extension to the DPI's 'own motion' powers will entail on occasion, questioning of non-police members to the extent that such persons are associated with, or have knowledge of, suspected police corruption or serious misconduct.

The DPI is provided with a discretion to inform or report to the Chief Commissioner of Police or the minister before conducting an 'own motion' investigation. The DPI may also report to the chief commissioner or minister on the outcomes of an investigation or the details of any complaint made about police directly to the DPI.

The DPI's discretion to inform or report will also extend to providing the chief commissioner with an opportunity to comment on the report if it appears the DPI's report will be adverse to Victoria Police.

Director's coercive questioning powers

The DPI will be empowered to prohibit disclosure of the contents of any summons issued by the DPI, other than for specific purposes such as obtaining legal advice or the administration of the act.

The Police Regulation Act 1958 provides powers to demand answers to questions regardless of self-incrimination, but prescribes no immediate sanction if a witness declines to answer. This bill addresses this issue by providing that the DPI may certify failure to produce a document or thing, refusal to be sworn, refusal or failure to answer a question or any other conduct that would constitute a contempt of the Supreme Court as a contempt of the DPI.

The DPI will be able to certify the commission of contempt in writing to the Supreme Court in such cases. This bill also empowers the DPI to issue a warrant for a person alleged to be in contempt to be brought by the police before the Supreme Court. If the court is satisfied that the person is guilty of contempt, it may imprison the person for an indeterminate period. In some cases the person may be held in custody until the contempt is purged: that is, until the witness answers the questions to which he or she had previously declined to respond.

The DPI will also be able to apply to the Magistrates Court to issue a warrant for the apprehension of a witness who has failed to answer a summons. The usual procedures of the Magistrates Court will apply to these warrants. Persons apprehended will be detained in police custody until brought before the DPI.

Witnesses who fail to attend in answer to a summons or decline to answer a question by the DPI will be guilty of an offence and liable to up to three months imprisonment in accordance with the 'royal commission' powers in the Evidence Act. In some circumstances these actions may be grounds for the DPI to certify a contempt. However, a person cannot be subject to both sanctions in respect of the same act.

The bill provides for the DPI's contempt powers to sunset 42 months after they come into effect to allow the Parliament to reconsider their necessity.

This bill also allows the DPI to continue an investigation notwithstanding that criminal proceedings are on foot on the same subject matter, provided the director takes all reasonable steps not to prejudice those proceedings on account of his investigation.

Oversight of director's coercive powers

The bill provides that the DPI's use of coercive powers will be overseen by the special investigations monitor to monitor compliance with the act, assess the questioning of persons and requirements imposed by the DPI in the course of an investigation, investigate complaints, and formulate recommendations and reports on these matters.

The DPI must report to the SIM when:

a summons is issued to a witness; or

a warrant is issued for a person alleged to be guilty of contempt; or

a warrant is issued for the arrest of a recalcitrant witness.

The DPI must report to the SIM after the completion of questioning, providing details of the questioning, its relevance to the purpose of the investigation, and if a certificate was issued under section 86PA(4), the reasons why the certificate was issued, and its relevance to the purposes of the investigation.

Complaints

Witnesses subject to coercive questioning will have a right to complain to the SIM if they consider they were denied an opportunity to adequately convey their

appreciation of the facts to the DPI. The SIM will be required to investigate the complaint unless the SIM considers it frivolous, vexatious or made in bad faith.

The bill gives the SIM a range of powers to investigate a complaint. This will include the power to conduct a hearing, and obtain information from any person. The SIM will be able to make recommendations to the DPI as to what steps should be taken to prevent any identified problems from arising again. The SIM can also require the DPI to report back on whether or not recommended action has been taken, and if not, why not.

Reporting obligations

The SIM will report annually on the use of those powers to Parliament. The SIM's report will include an assessment of the use of the powers and the compliance by the DPI with the reporting requirements. In all cases the SIM's report must not disclose matters that could undermine ongoing investigations.

Enhanced investigative powers

The bill empowers the DPI, his staff and persons engaged by the DPI to enter any premises occupied or used by Victoria Police, a government department, public statutory body or municipal council. The DPI may search such premises and copy documents.

During such a search, the DPI will be empowered to seize material without warrant where there is a reasonable suspicion that material relevant to the investigation may be about to be concealed, destroyed, or its forensic value diminished.

The powers of entry, inspection, copying or seizure will be subject to claims of legal professional privilege. The powers must not be exercised if either:

(a) a person at the premises claims a document or thing is subject to legal professional privilege; or

(b) it appears to the searching officer that a document or thing may be subject to a claim of legal professional privilege and it does not appear to the authorised officer that the person entitled to the privilege has consented to the seizure.

However, if it appears to the searching officer that a document or thing may be destroyed, concealed or its forensic value diminished and a claim of legal professional privilege is made in relation to it, the bill provides that the document or thing may be sealed and taken before the Magistrates Court to determine the claim.

The bill also provides that a person may apply to the Magistrates Court for the return of any item seized by the DPI. A magistrate may only order the return of the items where he or she is satisfied that the grounds for seizure did not or no longer exist.

Referral of matters to the DPP

The DPI may refer any matter that is relevant to the performance of the Director of Public Prosecution's functions or duties, including criminal proceedings against any person or the institution of forfeiture proceedings.

Consequential amendments

The bill makes consequential amendments to the Sex Offenders Registration Act 2004 to change references in that act to the police ombudsman to the DPI. It also makes other consequential amendments consistent with the new administrative arrangements provided for in this legislative package. It also amends the Whistleblowers Protection Act to ensure that the DPI's powers under that act in respect of police matters are consistent with those under the Police Regulation Act.

Review of legislation

The bill provides that, within three years of the commencement of the legislation, the SIM must provide a report to Parliament concerning the operation of the legislation. This report will include the SIM's opinion as to whether coercive powers are needed by the chief examiner or the director, police integrity, and the adequacy of their performance in their use of the coercive powers.

Section 85 statements

I now wish to make statements under section 85(5) of the Constitution Act 1975 of the reasons why four provisions in the bill alter or vary section 85 of that act.

Police Regulation Act

Clause 97 of the bill states that it is the intention of section 86J of the Police Regulation Act, as amended by section 75 of the Major Crime Legislation (Investigative Powers) Act 2004, to alter or vary section 85 of the Constitution Act 1975.

Section 86J of the Police Regulation Act confers immunity from criminal and civil proceedings on the police ombudsman or any officer of the ombudsman in

respect of any act purported to be done under the Police Regulation Act.

Clause 75 of the bill inserts a new definition of 'officer of the Ombudsman' into the act to mean 'a person who has taken an oath or made an affirmation under section 10(2) of the Ombudsman Act 1973'. This section is to be taken to have applied since 11 May 1988.

The reason for limiting the jurisdiction of the Supreme Court in this instance is to ensure that all persons who assist, or have assisted, the deputy ombudsman (police complaints) or the police ombudsman in the exercise of their functions under this act are immune from suit, not only employees. These people are acting in the public interest and it is important for the administration of justice that they are free to act without threat of legal proceedings.

Police Regulation Act

Clause 98 of the bill states that it is the intention of section 86J of the Police Regulation Act, as amended by section 76 of the Major Crime Legislation (Investigative Powers) Act 2004, to alter or vary section 85 of the Constitution Act 1975.

Clause 76 substitutes new sections 86J(2) and (3) of the Police Regulation Act to provide that no civil or criminal proceedings can be brought against a person to whom the immunity provisions apply without the leave of the Supreme Court.

The reason for limiting the jurisdiction of the Supreme Court in this instance is to ensure that all persons who assist the DPI in the exercise of his functions under this act are immune from suit, not only employees. These people are acting in the public interest and it is important for the administration of justice that they are free to act without threat of legal proceedings. To ensure the effectiveness of the expanded investigative powers this legislative package confers on the Office of Police Integrity, it is important that its investigations are not impeded or thwarted by legal proceedings on any grounds possible. Such challenges could include allegations that the DPI's staff and persons assisting him have acted in bad faith. The Supreme Court will consider whether such allegations have any merit before determining whether they may proceed.

Sex Offenders Registration Act

Clause 103 of the bill states that it is the intention of section 71 of the Sex Offenders Registration Act 2004, as amended by section 102 of the Major Crime Legislation (Investigative Powers) Act 2004, to alter or vary section 85 of the Constitution Act 1975.

Section 71(2) of that act provides that section 86J of the Police Regulation Act 1958 extends to any act purporting to be done by the police ombudsman or an employee referred to in section 7 of the Ombudsman Act 1973 in pursuance of the police ombudsman's functions in relation to part 4 of that act.

The Major Crime (Office of Police Integrity) Act 2004 abolishes the position of police ombudsman and replaces it with the DPI. It establishes a separate Office of Police Integrity and provides for the DPI to employ members of staff. This bill provides for the DPI to carry out all of the functions conferred on the police ombudsman by part 7 of the Sex Offenders Registration Act.

The reason for limiting the jurisdiction of the Supreme Court is to ensure that people administering the bill in good faith are immune from suit. These people are acting in the public interest and it is important for the administration of justice that they are free to act without threat of legal proceedings.

As the DPI and persons assisting him in the exercise of his functions will assume responsibility for the functions previously conferred on the police ombudsman by part 7 of the Sex Offenders Registration Act, it is important that they have the same protection in carrying out the functions given to them by this bill as they have in carrying out their other functions.

Whistleblowers Protection Act

Clause 129 of the bill states that it is the intention of section 107 of the Whistleblowers Protection Act, as it applies on or after the commencement of part 10 of the Major Crime (Investigative Powers) Act 2004, to alter or vary section 85 of the Constitution Act 1975.

Section 107 of the Whistleblowers Protection Act 2001 currently provides for the protection of the police ombudsman in relation to legal proceedings in a similar manner to that of the Police Regulation Act 1958. The bill amends the Whistleblowers Protection Act 2001 to confer additional powers on the DPI in relation to investigations under that act. This bill amends section 107 to provide for the DPI, members of staff, and persons or bodies assisting the DPI to have the same level of immunity as currently applies in relation to their performance of the existing functions under the act.

The reason for limiting the jurisdiction of the Supreme Court is to ensure that people administering the act in

good faith are immune from suit. These people are acting in the public interest and it is important for the administration of justice that they are free to act without threat of legal proceedings.

This bill is part of the government's package of major crime bills to combat organised crime and police corruption. The package will ensure that Victorian law enforcement agencies have unprecedented powers with appropriate oversight to detect, investigate, resolve and prevent organised crime and corruption.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Tuesday, 19 October.

MAJOR CRIME LEGISLATION (SEIZURE OF ASSETS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill is part of a package of measures to strengthen Victoria's capacity to deal with organised crime and police corruption.

The first two bills in the package of legislation are the Major Crime Legislation (Office of Police Integrity) Bill and the Major Crime (Special Investigations Monitor) Bill. Those two bills were introduced on 24 August 2004.

The present bill forms another important component of the package of legislation.

The other component of the package is the Major Crime Legislation (Investigative Powers) Bill.

Members of this house need no reminding of the extent to which organised crimes such as drug trafficking are driven by profit.

Confiscation laws attack this profit motive by enabling the forfeiture of property that is derived from the commission of a serious offence.

Confiscation laws also serve other purposes. For instance, confiscating property that is used to commit a serious offence can help to prevent further offences and can punish the offender.

Until the late 1990s Victoria's forfeiture laws applied only if a person was convicted of an offence on the criminal standard of proof.

The Confiscation Act 1997 introduced a civil forfeiture scheme. This enables a person's assets to be confiscated if it can be proven on the lower, civil standard of proof that the person committed a 'civil forfeiture offence'. These are limited to the most serious drug-related offences (for example, trafficking in a commercial quantity of heroin).

Although the current civil forfeiture scheme does not depend on the conviction of a defendant, it focuses to a large degree on the charging of a person with an offence and the issue of whether or not the state can prove that the person committed that offence.

Key features of the bill

This bill will make significant changes to the current civil forfeiture scheme.

First, the scheme will be broadened to apply to a much wider range of serious, profit-motivated crimes.

The current civil forfeiture scheme applies only in relation to the offences of:

trafficking in a commercial quantity, or large commercial quantity, of an illicit drug;

cultivating a narcotic plant in a commercial quantity or large commercial quantity; and

related offences, such as conspiracy to commit such offences, or aiding and abetting the commission of such offences.

Examples of commercial quantities of drugs are 250 grams of pure heroin, 500 grams of impure heroin, and 100 cannabis plants.

The civil forfeiture schemes in other jurisdictions (such as New South Wales and Queensland) apply to a much broader range of offences.

The range of offences in those jurisdictions is comparable to the range of 'automatic forfeiture' offences in Victoria's Confiscation Act. Those offences, which were expanded in 2003, include the existing civil forfeiture offences; however, they apply to lower quantities. For example, the quantity for impure heroin is 30 grams. The list of automatic forfeiture offences also includes other profit-motivated offences such as extortion, theft, robbery, obtaining financial advantage by deception, handling stolen

goods, bribery and running a brothel in breach of a licence. However, these offences are generally subject to certain monetary thresholds. Where only one offence is committed, the offence must relate to money or property worth $50 000 or more. Where there is more than one offence involved, the threshold is $75 000.

This bill will enable Victoria's civil forfeiture scheme to apply in relation to the same range of offences as the automatic forfeiture scheme.

The second key change is that it will no longer be necessary for a person to be charged with an offence. Instead, the bill will make it possible to apply for an order to restrain property if a member of the police force suspects, on reasonable grounds, that the property is 'tainted' with respect to a relevant offence.

Tainted property is already defined in the act. It includes property that was used in, or was intended to be used in, or in connection with, the commission of the offence. This could include, for example, a house in which police suspect that amphetamines were manufactured.

It also includes property that is derived or realised, or substantially derived or realised, directly or indirectly from such property. An example would be if the house referred to above was sold, and the proceeds of that sale were used to buy another house.

Further, it includes property that is derived or realised, or substantially derived or realised, directly or indirectly from the commission of an offence. An example would be a house that police suspect was purchased with the proceeds of drug trafficking.

If property is restrained, the bill will enable any person claiming an interest in the property to apply to a court for an order to have the property excluded.

The court may make an exclusion order if the court is satisfied that the property is not tainted property.

If the court is not satisfied that the property is not tainted property, it may still make an exclusion order if it is satisfied of other matters, such as that the person seeking to have the property excluded was not involved in the commission of the offence that tainted the property and that he or she was not aware of certain issues relating to the tainting of the property.

The person seeking to have the property excluded must prove these matters on the civil standard of proof, which is the balance of probabilities.

If the person claiming an interest in the property is unable to exclude it, the property can be forfeited. It will no longer be necessary to prove that a person committed any offence.

These changes will apply to any forfeiture proceedings commenced after this legislation comes into force, regardless of when the property in question was obtained, and regardless of when an offence is suspected to have been committed.

The bill also amends section 115 of the Confiscation Act to enable the director, police integrity, to apply for monitoring orders. These are orders requiring a financial institution to give information to a particular law enforcement agency about a person's financial transactions for a specified period.

Currently only members of the police force can apply for monitoring orders. The bill will enable the DPI to apply for such orders. This will mean that, if the DPI is investigating possible corruption by a member of the police force, the DPI will be able to apply for a monitoring order to obtain information about that person's transactions without needing to rely on a member of Victoria Police to apply for the order.

Conclusion

This bill makes significant changes to Victoria's civil forfeiture scheme.

In particular, it broadens the scope of the scheme, and it lowers the threshold of matters that the state must prove in order to confiscate assets.

The changes will make the scheme one of the toughest in Australia.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Tuesday, 19 October.

STATE SPORT CENTRES (AMENDMENT) BILL

Second reading

Debate resumed from 16 September; motion of Mr THWAITES (Minister for Environment).

Mr BAILLIEU (Hawthorn) — I rise to speak on the State Sport Centres (Amendment) Bill on behalf of the opposition. I do so mindful of the origins of the

State Sport Centres Trust itself, which was introduced in 1994 by the previous government. The changes in this bill are in many cases mechanical. We are very supportive of the trust as a notion, hence we are supportive of this bill.

As I said, the trust was established in 1994 primarily with the purpose of establishing the Melbourne Sports and Aquatic Centre (MSAC). Then in 1999 the State Netball and Hockey Centre was added to that under the management of the State Sport Centres Trust. As a central body administering important sporting facilities for the people of Melbourne and Victoria, the sports centre trust has done its job reasonably well. We have some concerns about what is happening underneath the sport centres trust, and I will come back to those in a moment.

Essentially this bill focuses on the role of the State Sport Centres Trust at Albert Park. I have spoken in this place before about the sports and aquatic centre down there at Albert Park. I am a long-term, frequent user of Albert Park and the aquatic centre itself. In one way or another over the last 35 years I have probably been down to Albert Park on more weeks than I have not. In fact for many years I was down there almost every week, either swimming, playing basketball or running and taking part in all those other activities that take place at Albert Park.

In recent years Albert Park has recovered the great status that it had as an important feature of Melbourne's parklands. It is enjoyed by hundreds of thousands of people on a regular basis, is largely in excellent condition and has improved dramatically over the last 10 or 15 years. It is home to a lot of Melbourne's feature events. My experience goes back to the old Albert Park basketball stadium, which has now gone, and which sport is accommodated instead at the Melbourne Sports and Aquatic Centre. Some of the activities that I want to comment on later relate to the playing of basketball at the sports and aquatic centre.

The bill contains a large degree of mechanical change and seeks to do a number of things: essentially to consolidate the MSAC site and to simplify its land management structure. In that respect it is non-controversial. Some of the changes make sense, and I want to run through some of them briefly.

New division 4 consolidates four parcels of land in Albert Park as MSAC land. Those parcels are the existing MSAC land on which the existing buildings, that have been there for some time, are positioned; the former distance education centre land, which was added to the MSAC land as a temporary reservation in 2001 and is what might be described as the gravel car park adjoining the former distance education centre land currently reserved as part of Albert Park; and a further 520 square metre sliver of land between the existing MSAC land and Canterbury Road, which is currently reserved as part of Albert Park. Those are the principal mechanical changes.

The bill contains other significant changes including the repealing of the existing temporary reservations associated with those pieces of land and the creation of a new consolidated permanent reservation for the new MSAC land. All of that makes reasonable sense as it is easier and more prudent to have all the land under a single management structure. Of course the sports centre trust will take over the management of that land, and clause 8 designates the State Sport Centres Trust rather than the current lessee — Parks Victoria — as land manager for the consolidated MSAC land.

The bill also makes consequential amendments to allow for the continuity of existing leases and commercial arrangements over the land. Some aspects of those arrangements run to whether those existing leases will continue to be tendered when the opportunities arise, and it will be useful to have a response from the government on that.

I particularly want to pick up on clause 8, which includes provision for the sport centres trust to make arrangements for up to 50-year leases for sport, recreation or educational purposes. It is interesting that this government would contemplate leasing public land and facilities for up to 50 years, because this is the government that railed against leases of that length in other prominent land holdings around the state. Despite its criticisms of proposals for shorter leases at Point Nepean, twice in the last 12 months the government has introduced bills that include 50-year leases, or certainly leases in excess of 30 years. It is just a small point but is an example of where the government says and does different things. New section 25C addresses the question of 50-year leases.

In addition, clauses 16 and 17 and some of the other clauses make consequential amendments to the Australian Grands Prix Act 1994 to allow the Australian Grand Prix Corporation to deal with both Parks Victoria, as land manager of Albert Park, and the trust, as land manager of the MSAC land. At present the Australian Grand Prix Corporation is required to deal with those in whom the land is reserved, be it Parks Victoria or whichever trust is managing it. In the future it will be dealing with Parks Victoria and the sports centres trust.

Clauses 5 and 6 alter definitions. They remove the word 'gaming' from the functions of the trust and insert the word 'education'. It is interesting to look at the purposes of the State Sport Centres Act as contained in section 1 of the act. It provides in part for:

> … the construction, management and operation of a Melbourne Sports and Aquatic Centre;
>
> to provide for the use and promotion —

of MSAC land as distinct from the centre itself, and:

> to provide for the management, promotion, operation and use of the State Netball and Hockey Centre

and to provide for the use of that centre's land.

The act provides for the planning, development, management, promotion, operation and use of other sports, recreation and entertainment facilities and services in Victoria such as are provided in the act to allow for gaming to be undertaken, presumably by a lessee of the trust — and that is now to be deleted.

The reality is that no such gaming has taken place despite the protestation of the opposition of the time that the inclusion of the word 'gaming' in the original provisions would mean that all hell would break loose and the trust would move into businesses deemed to be totally inappropriate. That has not happened. The trust was established to run a variety of sports facilities, and it remains in the capacity of the trust to take up that challenge and run additional facilities. At some stage it might have been appropriate for those to have included gaming. An example may have been had a bowling club been run, because a number of bowling clubs today rely on gaming revenue. That provision will now go, and we do not have any problem with that, but I do not think gaming ever became the issue it was painted to be by the then opposition, now the government.

Essentially that is a summary of what the bill does. We do not have any problem with it; it is substantially mechanical stuff and we are comfortable with it. It makes sense to put the 6.85 hectares of land under the trust's management, to change the definitions and to deal with the consequences of amendments. Interestingly there is a provision in the bill for yet another section 85 statement.

Mr Delahunty interjected.

Mr BAILLIEU — The member for Lowan laughs, and I, too, laugh because those who have paid close attention to this government — —

Mr Holding interjected.

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

Mr BAILLIEU — Clause 23 contains a section 85 statement, yet this is the government that railed against section 85 statements when it was in opposition. It is not a section 85 that one would be concerned about but we are adding up the number of section 85 statements that have been introduced by this government, and the total is probably already well in excess of the previous government — —

Mr Holding interjected.

Mr BAILLIEU — I know it is over 100. I want to focus on some of the activities which the State Sport Centres Trust is responsible for, and despite our enthusiasm for the trust, for the aquatic centre and for the State Hockey and Netball Centre, not all is well in terms of the activities that take place at those venues.

I particularly want to focus on the Melbourne Sports and Aquatic Centre because it is the responsibility of the trust to manage the use and promotion of the aquatic centre. To that end there are some problems which I know have made their way to the government, but which have been substantially ignored over a period of time. I know a number of people have made an effort to get the government to address the problems. They have found themselves confronted with some resistance from the bureaucracy involved, and there has been a great deal of going around in circles.

I want to refer in particular to problems experienced by the basketball associations involved, the badminton, table tennis and squash associations, and to some extent those who use the aquatic centre for swimming. There are a variety of issues, but interestingly they have come to a head to the point where, for instance, the various basketball associations who are the subtenants of the sports centre trust have now formed themselves into a group called the Albert Park Basketball Associations. They have done that to ensure, as they say, that they present an undivided group to the government. There are some significant and real issues for what should be a straightforward, reasonable and sensible management of a great facility which accommodates some great sporting organisations.

I want to refer to some material I have received from, for instance, the Melbourne Basketball Association, from someone whom the government has in the past quoted many times when it comes to the MSAC, Lindsay Gaze, and from another senior basketball manager, David Watson, who has been around for a fair while. They are all very experienced, and I am sure

many of them are known to many of the people in this house. Certainly many of them are known to the minister on a personal basis, he having been down there and played basketball in his own time.

Let me quote from some commentary from Gordon Sincock, who runs the MSDBA, often known as Spartans. In regard to MSAC, he makes a number of points. Essentially MSAC, or the sports centre trust, leases parts of the MSAC facility to Basketball Victoria, and Basketball Victoria leases that to the associations, including the associations I spoke of before. I quote from some correspondence I have received from Gordon Sincock:

> There is no support from MSAC or Basketball Victoria that would be conducive to the promotion of the sport —

Meaning basketball —

> nor are there any basic services supplied by MSAC at the venue that has improved over the eight years of our tenancy.

That is a sad summary of the situation that basketball finds itself in down there. I want to quickly run through some details of that. In regard to the MSAC administration, I quote:

> The MSAC administration is not run to facilitate for any of the sports but is solely run by MSAC administration for profit.

A number of tournaments have been lost to MSAC as a consequence of this approach. They mention the Great Aussie Shootout, which has gone to Nunawading and Bendigo; the Melbourne Classic under 12s, under 14s, under 16s and under 18s which have gone to Dandenong and Frankston; the Victorian Junior Basketball Competition finals, which are no longer held at MSAC; the Melbourne Tournament, which has gone to Dandenong and Waverley; and the Albert Park B-grade Friday night competition which has closed down.

Part of the problem is that MSAC, and I quote again:

> … has no loyalty factor to regular customers, elite athletes or financial incentives for the dedicated regulars.

Indeed matters run to what might seem to be trivial matters for a Parliament to be dealing with, but this is an opportunity for the government to recognise and acknowledge that there are problems down there that it needs to address. Even cleaning at MSAC is causing problems. I quote again:

> … we have taken to cleaning the Victorian championship courts after the cleaners have cleaned them —

reflecting that standards are really not up to speed.

Car parking is a major problem at MSAC. Again I quote from this correspondence:

> … ongoing shortage in car parking at MSAC since we moved in.

And further:

> This car park shortage will get worse when the new second swimming pool at MSAC is opened.

Further, the correspondence states that Port Phillip council by-laws officers have been ensuring that users of the facility have been booked even as late as 9.30 at night when in fact those calls were made by MSAC management seeking to have car spaces reserved for them freed up even though they do not use them.

There is a security issue. Most people find themselves needing to park in the car park opposite the old Albert Park footy ground, and until recently there was no lighting there. Pressure has been placed on them now about lighting, but there has still never been any security system in place, and cameras in the MSAC car park have never been able to detect theft from cars or from the building.

In regard to MSAC events, MSAC runs many high-profile events, but as a consequence a lot of the sports suffer from the interruption which is caused, and they do not receive any compensation or consideration as a consequence. Again I quote from this correspondence:

> In 2005 and 2006 basketball will suffer even more shutdowns due to the many major events that are planned.

And further:

> Friday night basketball have recently been told by MSAC to move out for a state schools volleyball tournament on September 10, yet Basketball Victoria has made no comment or suggestions on what we should do for compensation.

This is from the association to the subtenants of Basketball Victoria.

There are problems with scoreboards and equipment not being fixed and there are problems with MSAC's maintenance. Interestingly, MSAC's maintenance department does not work at weekends, so if material is damaged on a Friday or a Saturday, it stays damaged until it is repaired the following week, and indeed self-help repairs are discouraged or indeed are not even permitted.

Problems remain with court hire. It is very expensive and, as somebody who still plays down there regularly but is not regarded as highly on the basketball court as I

might be, the entry fee is steep. It is certainly steeper than a lot of other venues.

There are similar problems with the cafeterias down there. There are complaints — and I think the government is certainly aware of these complaints — about the quality and price of food. Indeed when it comes to the basketball end of the stadium, the cafeteria there is very seldom open at all. Part of the problem is that the operators and the associations using it are not permitted to bring any food or drink into the stadium, nor to provide it. They have to use those services, but invariably they are not open. If you go back to the old Albert Park stadium days when most of the associations congregated after games in what was then the old residence of the Gaze family — —

Mr Crutchfield — And have a beer!

Mr BAILLIEU — And have a beer, as the member for South Barwon says. Much of that camaraderie has been lost because of the way the tenancy is being operated by the trust. There is room for improvement here. All it takes is a commitment from the trust to recognise the problems and to do something about them.

Further, MSAC supervision at basketball on Sundays is non-existent, and that has led to problems with players. They are not to be forgiven for what they have done, but there are players from time to time who do not do the right thing, and there needs to be trust supervision on Sundays, which is not there at the moment.

MSAC's court bookings also do not make sense. A lot of the scheduling has caused associations and those regular users to lose access to courts. They have been in some cases corralled into using some courts, only to find that an event interrupts and they are not allowed back onto the other courts because they are being used.

Staff car parking has now been placed off limits for all referees. That is a tough call, although I confess I have given the referees a hard time myself. The referees nevertheless do a great job down there and certainly deserve to be treated well with car parking arrangements.

Interestingly, the lease agreements for the associations have run out and they have not been renewed. Basketball Victoria, it is said, should have been working harder to get MSAC management and indeed the trust to ensure that these leases are updated. If I can quote again from correspondence I received:

> Both landlord (MSAC) and the tenant (Basketball Victoria) have been slack in their allowing no contractual agreements to be in place.

That is to be a regretted. There have been rental increases which have caught the users by surprise. Indeed, a recent 3 per cent increase with only one week's notice was imposed by MSAC on the associations. That again is to be regretted.

There are prospects now that training fees will dramatically increase and it is suggested that a training fee for a basketball player is likely to go up 100 to 200 per cent. I quote again:

> We will not be able to attract or keep players at the club with these prices. We will have to look for alternate training venues if MSAC decides to introduce this new payment scheme.

That is the range of issues that have been raised. The reality is that these associations have reached the point where if the trust chooses not to come to the party and look at the issues which they take very seriously — bearing in mind that most are run on a voluntary basis and some of the people, whom I have got to know pretty well, have been doing it for years and years — they will pack up and go elsewhere.

I know that the government has had that proposition put to it already, but there is still no sense of satisfaction, and that is to be regretted. I quote again from part of this correspondence:

> The basketball associations are so unhappy with the tenancy conditions at MSAC we are now no longer interested in getting a fix up in the management of MSAC, but want to move out.

That is a sad reflection not on the structure of the trust or the management of the land but on the way management has addressed problems that have been raised time and again over a long period. There are a string of suggestions as to how that might take place, and indeed it is suggested that other sports might be encouraged to take the place of basketball and that basketball might find itself another venue — and efforts are being made by those associations to do that.

That would be a tragedy for the history of basketball at Albert Park and for basketball having a grassroots use of a great stadium. I certainly do not knock the stadium in itself, but there are lots of problems. Whether it is inline skating, indoor hockey or indoor soccer, there are prospective problems for those sports moving into the centre. These problems exist for basketball, badminton, table tennis, squash and to some extent swimming, and they are to be regretted.

I refer to correspondence in the same regard that I received from the basketball associations in terms of the essential requirements for having basketball at the venue. They are:

> Security, with long-term contracts. Not having the state government able to kick us out.
>
> A basketball venue that has minimum 10 courts, replacing what we already have at MSAC.
>
> Office space to effectively run basketball competitions …
>
> A venue that the basketball associations will one day be in control of …

They are not now.

> Socialisation for its members through the bar and social activities …

That is not happening now.

> Basketball competitions which can be run without disruption.
>
> Clean courts, working scoreboards, functioning rings, cheap food and drink.
>
> Car parking with enough spaces to facilitate its paying customers …
>
> Protection for junior competition members, enabling them to develop and grow the sport.

That is a fundamental list for a major sport in Victoria, and it is a great shame that it is not happening at the moment at one of our great facilities.

I refer to some further material I received, again from those I have mentioned:

> We (basketball associations) have lost our rights and ability to promote and manage the sport under our own conditions.

Further:

> The conditions imposed on us since our move from Albert Park are onerous and restrict our ability to create new events and promote existing programs which have to be held elsewhere.

And again:

> Annexing land and placing MSAC as land managers would not change anything for us, except there may be a better opportunity to change parking arrangements. However this would depend on how much land was annexed.

The correspondence is referring to the consolidation of the four parcels of land in this bill. What is happening here is that the associations are recognising the opportunity the trust has, now that it has clear access to the land, to reflect on the way it manages the land and its tenants and subtenants. Sadly there is a strained relationship between Basketball Victoria and the associations. Basketball Victoria receives funding from the associations and also receives a commission from the trust of some $135 000. The associations regard that as basically double-dipping and think that it is working to their detriment.

I will quote further from the correspondence and from material provided by Lindsay Gaze. It is interesting to note that he is somebody whom the government when in opposition quoted extensively in regard to the sports centre trust. On 6 December 1994 the now Premier quoted a piece of correspondence from Lindsay Gaze, who said:

> I am hopeful, with negotiation, that we are able to at least be no worse off than at present.

That was a reflection on the shift from the old Albert Park stadium to the new stadium. Now Lindsay Gaze says:

> Moving the management of the area from Parks and Waterways to MSAC may impact on future funding and some explanation would need to be given as to what obligations and expectations would be imposed on MSAC and therefore affect tenant associations.

He goes on further to say in regard to the show court:

> Of course the show court is one of the important issues, especially when it comes to us trying to host important events. The cost imposition rules it out as a sensible option and therefore we can't promote the venue or the sport. MSAC argues that they want to cooperate but their definition of cooperation is that they run the business and we get the balance. They lost me for all time when we tried that with a preseason NBL exhibition game, got a good house, lots of kids, etc, and the balance they gave us was about $10 — a sort of joke when you come to think of it. It wasn't much different when we promoted that preseason NBL blitz a few years ago. These experiences turn you off trying to do it again, hence the current situation.

These comments are not made with any malice. It is just that they are desperate to have the situation corrected. There is an opportunity now with the trust being reinvigorated — to the extent that it is by this bill — for something to be done about it. Whether it be basketball, badminton, table tennis, squash or swimming, there is a major issue with car parking, a major issue with pricing, a major issue with services and a major issue with the relationships that have been established with the tenants and subtenants of the trust.

I am hopeful that as a result of my putting these concerns on the record the government will, in good faith, address these issues. They are not earth-shattering issues, but they concern so many Victorians. There are literally thousands and thousands of Victorians who go through MSAC on a weekly basis. I have not had the

privilege of using the facilities at the hockey and netball centre, but I trust that the relationships there have not deteriorated to the extent that they have at MSAC.

It is a great facility. I am sure that after the improvements are made it will be an even better facility, with a second 50-metre outdoor pool, permanent seating for spectators and provision for other facilities as well. There is among the associations a call for a separate 4000 to 5000-seat stadium, as was originally envisaged. That remains an issue for Basketball Victoria. Basketball is a great sport, and I trust the government will do whatever it can to fulfil those expectations.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to speak on the State Sport Centres (Amendment) Bill. As we know, the main purpose of this very important bill is to streamline the management of four parcels of land around the Melbourne Sports and Aquatic Centre, commonly known as MSAC. The bill will also provide a framework for any dispute resolution that may result from restoration work carried out by the Australian Grand Prix Corporation. Basically the bill amends the State Sport Centres Act of 1994 and therefore also makes amendments to the Australian Grands Prix Act of 1994. The Nationals will not be opposing the bill. It is procedural and, as I said, will bring what are currently four separately run and managed parcels of leased land around the state Sports and Aquatic Centre into one streamlined system of management.

We know the legislation will ensure the prominence of MSAC as part of the Albert Park complex in the central Melbourne area. As we know now the sports and aquatic centre is currently undergoing major redevelopment in time for the 2006 Commonwealth Games, and also the 2007 World Swimming Championships.

I was in the chamber when the bill was introduced into the house and when the second-reading speech was read by the Deputy Premier, the Minister for Environment, who is also the member for Albert Park. I know from history that he fought violently against the Australian Formula One Grand Prix and the changes that happened down at Albert Park.

An honourable member interjected.

Mr DELAHUNTY — His language was violent! He discouraged the establishment of the complex and what was to happen down there — particularly the running of the Australian Formula One Grand Prix. On 2 June 1995 the member for Albert Park, the then shadow minister, said, and I quote from the second-reading debate:

> This is a shameful and disgraceful bill … The real purpose of the bill is to turn ordinary Victorians into criminals. It turns people who are lawfully doing what they are entitled to do — namely, to be in a public park — into criminals.

But when he read this second-reading speech in this chamber the now Minister for Environment did not draw breath or even blink!

Many of the sections to be amended in the Australian Grands Prix Act come under the section 85(5) statement in this bill, which the minister read to the Parliament. As shadow minister he accused Ron Walker and his business interests of benefiting from all the changes. I thought it was hypocritical of him in many ways to bring this bill into the Parliament, given what he has been saying on that side of the chamber compared with what he said when he was in opposition. Now that he is in government he has changed his tune. It discredits the person who carried on the way he did. In 1995 he talked about clause 4 of the bill providing for the whole of Albert Park to be called a declared area. He has had five years to change that, but although he made a lot of noise at the time he brought this bill into the house he has not changed it.

As we know, Albert Park is a very important facility not only for Melburnians but for the whole of Victoria. The Melbourne Sports and Aquatic Centre (MSAC) is the nominated venue for the 2006 Commonwealth Games and the 2007 World Swimming Championships. It is undergoing major redevelopment. We know the member for Hawthorn spoke about the second pool and also the expanded grandstands to cater for the people who will be visiting the facility.

In my electorate of Lowan we have seen redevelopments happening with the support of government. I can inform members that work is proceeding at the Southern Grampians Indoor Leisure Centre. After many applications it finally got across the line. The Horsham Rural City Council, which is also in my area, is going about designing and calling for contractors to build its indoor swimming centre in the heart of Horsham. Other major sporting facilities are looking to this government for continuing support so they can meet the requirements of their communities. The reason why The Nationals will be supporting this legislation — or not opposing it — is that it will bring four separately run and managed parcels of land at Albert Park into one management system. It is a prominent site in Melbourne, but it is also prominent for country Victorians.

In my younger days I attended country basketball championships at the old Albert Park stadium. The member for Hawthorn spoke about the transition from that site to the new upgraded facilities at MSAC. The facilities were pretty basic at the time I played in the country championships at Albert Park. The major courts were okay, but you would not have been allowed to use the smaller courts under current occupational health and safety standards. The facilities were also used for table tennis and many other activities. Country sporting people would come down here each year for their championships.

The Albert Park facility also provides a golf driving range. I have had insufficient time to get down there and practise my limited golf skills; I wish I had a little more time to improve them. Albert Park has been a prominent area for football and cricket, and I note that that has changed over time. I read with interest an article that said that one of the football clubs has had to move away because of its limited ability to use a ground which it had for many years. That might be for similar reasons to those the member for Hawthorn spoke about in terms of basketball. Importantly Albert Park is a prominent facility for all Victorians because it has access to good public transport. It also has good accommodation and restaurants and other eating facilities close by that cater for Victorians not only from Melbourne but also from right across Victoria.

I was looking at the web site of Sport and Recreation Victoria, which says:

> Sport and recreation plays an important part in the lives of individual Victorians …

It is unfortunate to see what is happening in our education system. I do not believe there is enough emphasis on sport and recreation being good for the mental health and wellbeing of individual Victorians, particularly as they go through the education system. Sport and Recreation Victoria looks at providing all Victorians with a range of options to encourage them to be involved in sport, whether that be through local community facilities such as swimming pools and bike paths or other recreational opportunities, particularly in the outdoor venues we have spread across Victoria. We need to make sure that the facilities at the world-class events that the Commonwealth Games and the World Swimming Championships will come up with meet the requirements of modern standards. Following the fantastic Sydney Olympic Games we have seen some great facilities in Athens. There was a lot of concern in the early days about whether Athens would meet the requirements, but it did.

Importantly the Sport and Recreation Victoria web site says:

> Sport and Recreation Victoria (SRV) maximises the economic and social benefits provided to all Victorians by the sport and recreation sectors through:
>
> > ensuring greater access and opportunities for sport and recreation participation by all Victorians …

That is fine in theory, but we know now that because of a lack of water right across Victoria we have had problems with providing sporting venues, whether for football, cricket or athletics. There is also the problem of the impact occupational health and safety issues are having on the volunteers who run these activities. The web site also refers to 'improving the quality of community sport and recreation facilities'.

Here is where I raise a concern. Under the sport and recreation grant scheme there was an ability for councils to make applications for minor facilities grants. I might return to that later in my presentation. Importantly the web page talks about the strengthening of the capacity of sport and recreation organisations. This is where more work needs to be done by everyone in the community, particularly by governments, councils and the like, to recognise and value the work done by volunteers. The member for Hawthorn spoke about support given to the Melbourne Sports and Aquatic Centre not only by the volunteers but by many distinguished people like Lindsay Gaze, whom I happen to sit with on the board of VicHealth. He has been a great contributor to sport in Victoria, particularly to basketball.

Sports assemblies right across Victoria also play an important role. I have two in my electorate — the Wimmera Regional Sports Assembly and the South West Sports Assembly. They do an enormous amount of work encouraging and supporting volunteers in administration and bringing them up to standard in relation to incorporation, occupational health and safety issues, training of sports trainers and getting accreditation for coaches. I vividly remember a couple of weeks ago seeing on TV one Sunday night the grand final football game between Port Douglas and North Cairns.

Honourable members interjecting.

Mr DELAHUNTY — That was something we do not want to see.

Mr Baillieu interjected.

Mr DELAHUNTY — The member for Hawthorn says that that is the way it should be! It reminds me of

the old Essendon and Hawthorn games, as the member for Brighton says, but when I saw that I thought it was not good for football and particularly not good for sport. I wonder whether those people were accredited as coaches, because it was not good, and it is not what we want to see in sport today. Seeing the reaction in the chamber here today it might have been what inspired the Brisbane Lions, particularly what happened with Jonathan Brown and Alistair Lynch.

Mr Baillieu — They missed!

Mr DELAHUNTY — They missed, but it is not good. We congratulate the sports assemblies for the work they do in helping volunteers, particularly the assemblies that accredit coaches.

Coming back to the bill, I often hear in this chamber that we want to make Melbourne the most livable city. We, as Nationals, often talk about the fact that we want to make sure that Victoria is the most livable state. We know that there are demands on the city for water. Today the house heard the minister talk about the water levels and new water costings, and he said water is going to be cheaper. I cannot for the life of me work out how it is going to be cheaper when the reality is that the lowest price is still the same as it was last year — it has increased a bit, because we have a new environmental tax — but it all comes back to the cost of running the Albert Park reserve. The reality is that water will not be cheaper because water demands will go up. Every time there is growth in Melbourne, water is taken from rural and regional areas, which takes away the economic activity.

There are some concerns with Albert Park, and we have heard about the loss of public land. I quote from the second-reading speech:

> I wish to reassure members of the house that there will be no net loss of public open space as a result of this consolidation of land. The construction for the redevelopment of the Melbourne Sports and Aquatic Centre is taking place on land that is already built on and was previously used as an education centre and car park. Furthermore, the decision to add the former Distance Education Centre to Albert Park will result in a net gain to the park in real terms.

If that were still publicly owned land and it were transferred to another organisation, I do not think there would be any net gain. We still have the same amount of land when we come to the final equation. I think what the minister is talking about is that the open space area will not be lost. It is important for all of us — governments, councils and the like — to try to not lose that very important public open space that is prominent around Melbourne and makes Melbourne one of the most livable cities in the world, but importantly we need to have that type of trend across the state.

Many activities are held around Albert Park Lake, and they will increase over the next six months as the weather improves. As I said, in the sport and recreation grants scheme it is listed under the commonwealth community facilities funding program. I note that each council was able to put in for five grants but now each will be restricted to three. The minor facilities grants are up to $50 000, so councils can get a maximum of $150 000 in each area.

There are many councils in the Lowan electorate that I contacted about the minor facilities grants. They told me the quantum of money to rural and regional councils has decreased, and they believe much of the money is going to the Commonwealth Games and to the interface councils around Melbourne. They are copping a lot of criticism from their communities, because many of those organisations saw the opportunity to get on the list of five and have a chance, if they did not get up this year in the budget, of most probably getting up in the following year. With the councils being able to apply for only three grants, they feel they could wait for years before many of their rural and regional communities will have access to the minor facilities grants.

The Shire of West Wimmera is finding it extremely difficult to get volunteers who are accredited to run its many pools. The shire will be looking for more dollars in its budget to run the pools. The Southern Grampians Shire Council has six pools and is building a seventh indoor facility. It allocates about half a million dollars each year to the running of its pools because of the difficulty in getting volunteers and meeting new standards put in place by this government.

The community facilities funding program has five objectives and only councils can apply, but that may need to be looked at where other private organisations, whether they be golf clubs, squash clubs and the like that provide good recreational facilities, could also access some money to make sure that they continue to meet the standards required.

I got a letter from the minister, and I had a look at the ministerial statement he made in the upper house and the comments made by my colleagues there in response. The statement highlighted, which we would all have to agree with, that Victoria is the home of major sport, whether it be the AFL finals — and I note that Essendon was the only side that increased its position on the ladder during the finals series — —

An honourable member interjected.

Mr DELAHUNTY — It did not quite get there, but it did increase its standing in the finals when the other two Victorian sides went down a bit.

Mr Baillieu interjected.

Mr DELAHUNTY — It is a major item and point of discussion in the house. We also have coming up in the next couple of months the Australian Open tennis, the Boxing Day test, other tests held in Victoria and, as part of the major sporting activity in Victoria — racing — the Melbourne Cup. I want to give the house a tip. I think a Horsham horse will be one that members need to put their money on.

An honourable member interjected.

Mr DELAHUNTY — It is not Bill McGrath's; it is Worrall Dunn's, and it is a horse called She's Archie. No-one should ever say they were never told that that is one of the favourites.

Mr Baillieu interjected.

Mr DELAHUNTY — One of the things of concern to Victorians is that we do not host the Australian Golf Open every year. It is irregularly played in Victoria, and more work needs to be done on that by the government. If that championship were held here more often, I know many golfers would enjoy that. When the member for Brighton's partner visits Horsham he practises on its golf course, one of the best country courses in Victoria.

As I said, sport plays an important role in Victoria. Therefore members of The Nationals hope the bill will allow for greater participation in sport and also minimise some of the costs the member for Hawthorn spoke about, because MSAC is coming under a bit of criticism about the costs there. Members of The Nationals have also had raised with them concerns about the car parking. It is important that, with the facilities growing in usage and particularly with major events being held there, we cater for the people, so we need to improve the car parking. Security has been mentioned, as has lighting — particularly for people who attend the facility at night.

Many groups are saying that the cost of using the facility is going up too fast. That has come about because the government is not helping community groups, particularly in relation to public liability and other insurance costs. I am probably not as tall as the member for Hawthorn, but I played a few games of basketball and was able to come down here and play on the courts at Albert Park, and I know there are major concerns about basketball's usage.

But overall, while raising those concerns, The Nationals highlight that the Albert Park area is important not only for Melburnians but also for other Victorians. The Nationals are strong supporters of the Commonwealth Games and of the World Swimming Championships that are coming up in 2007. With those few words, The Nationals will not be opposing this legislation.

Mr LIM (Clayton) — It is with great pleasure that I rise to support this bill. Healthy sporting activities are essential to good health, and the Bracks government is committed to ensuring that Victorians have world-class sporting facilities in which to compete, practice and enjoy their chosen activities. Indoor facilities such as those at the Melbourne Sports and Aquatic Centre are particularly important in areas of Australia such as Victoria, where the weather is not always conducive to outdoor sport. The centre is a magnificent facility available for both amateur and professional athletes as well as the more casual user who wishes to improve his or her level of fitness. It caters for a very wide range of indoor sport, including basketball, badminton, table tennis and squash, as well as a huge range of aquatic sports.

In line with the Bracks government's commitment to improving the health of all members of the community and making such facilities family friendly, the centre has been designed to meet the needs of people of all ages and degrees of fitness. It includes a fitness centre, a creche and a pirate fun cave for children, as well as an excellent wave pool, water slide and toddlers pool. There is also a cafe, and personal training services are available. Spectator facilities for major sporting events are also excellent. It is no surprise that the centre has been chosen as a principal venue for the 2006 Commonwealth Games and the 2007 World Swimming Championships. By way of comparison, I have just been to Beijing, from where I returned last week. What is being built for the 2008 Beijing Olympics is incomparable. It is interesting that the Chinese government has allocated the raising of the funds to build the aquatic centre in Beijing to overseas Chinese. I am most privileged to have been invited by the Federation of Chinese Associations to co-chair the fundraising committee with their chairman.

Our modern international stand-out sporting venue is already the largest integrated sports and leisure complex of its type in Australia. As good as the facilities are at present, they are set to get even better. The centre is currently undergoing a $51 million improvement program that will both better cater for

major events and improve community access. The refurbished centre will include an under-cover 50-metre outdoor swimming pool, with seating for up to 12 000 spectators. There will be improved car parking facilities, a hydrotherapy pool for older and disabled patrons, and improved public transport access. A school of sport and recreation management will also be established at the centre. The refurbishment works will be completed in time for the Commonwealth Games in 2006.

One cannot build such an important state resource as the Melbourne Sports and Aquatic Centre on shifting sands, so to speak. The principal purpose of the legislation is therefore to strengthen land management in the area of Albert Park on which the Melbourne Sports and Aquatic Centre is sited. At present the centre sits on four parcels of land which the bill consolidates. The four parcels of land are currently managed under different arrangements. The largest parcel is already part of Albert Park and is managed by the State Sport Centres Trust. The other areas are some railway land, a former car park and the former Distance Education Centre, which are currently not part of Albert Park. As the previous speaker mentioned, it is significant that in his second-reading speech the Minister for Environment stated quite clearly that there will no net loss of public open space as part of this consolidation but a net gain to the park in real terms.

This bill amends the State Sport Centres Act 1994 to combine the four areas of land under the management of the State Sport Centres Trust. Therefore the net effect of the bill is not only to strengthen the control the State Sport Centres Trust has over the land and ensure stability for the sports centre for the future but also to enlarge Albert Park. I fully commend the bill to the house.

Ms ASHER (Brighton) — This is a relatively simple bill with a very broad second-reading speech. The opposition supports the bill. It provides for a sensible rationalisation of management arrangements. The government's legislation is not always sensible, but in this instance it is sensible.

As other speakers have indicated, the primary purpose of the legislation is to consolidate four pieces of land. They are the existing Melbourne Sports and Aquatic Centre (MSAC) land, which is part of Albert Park; the former Distance Education Centre — as I recall, at the time there was some controversy about that being used for other than distance education; the gravel car park; and a former railway reservation between MSAC and Canterbury Road. Basically the legislation designates the State Sport Centres Trust as land manager.

The bill also makes some crucial amendments to the Australian Grands Prix Act 1994. It provides capacity for the Australian Grand Prix Corporation to deal with both Parks Victoria as land manager and also the State Sport Centres Trust as manager of the MSAC land.

I have to say that as I heard the Deputy Premier second-read this speech and talk about the grand prix my mind went back immediately to the then member for Albert Park and his view of the grand prix. I will resist the temptation to draw to the house's attention the fact that he was vehemently opposed to it when he was an opposition backbencher — —

Mr Holding interjected.

Ms ASHER — As an opposition frontbencher his opposition was even more significant to the ALP's position! I thank the Minister for Manufacturing and Export for his assistance in prompting my memories of the conduct of the Deputy Premier.

I wish to just go through the history of the Melbourne Sports and Aquatic Centre (MSAC). In 1994 the then Minister for Sport, Tom Reynolds, introduced the Melbourne Sports and Aquatic Centre Bill to facilitate the construction of the sports and aquatic centre and set up the trust as part of the previous government's Agenda 21 program. We had a debate in this Parliament on that bill on 6 December 1994.

A further amending bill was introduced on 18 September 1997 to alter the boundaries of the centre land; this is not an unusual bill that we see before us today, because the previous government did likewise. On 25 November 1999 the then Minister for Major Projects and Tourism introduced the Melbourne Sports and Aquatic Centre (Amendment) Bill to rename the principal act, which is now the State Sport Centres Act. He also included other entities in that legislation, and if we move to today's bill before the house we see that it again realigns the management structure.

Because I am a student of history I wanted to look at the debate in 1994 on the original Melbourne Sports and Aquatic Centre Bill. We had some substantial contributions from the member for Footscray, the member for Williamstown — now the Premier — and of course the member for Albert Park, who is now the Deputy Premier. I note that the ALP supported the MSAC bill, and in that context it is interesting to note that the member for Footscray said as reported in *Hansard* of 6 December, 1994:

> It appears that the result could well be a substandard sports centre.

So the member for Footscray thought that the MSAC would be substandard, which of course is in complete contrast to the government's second-reading speech, in which the facility is described as the premier aquatic venue for Victoria. I note that the Premier, who is always more gracious than most of the members of his team, said that the project was long overdue. He talked about bipartisan support and actually commended the previous Liberal government and the minister on bringing the bill before the house. However, the now Premier questioned whether the facility would achieve the minister's and the government's aims. Again I note that all the Premier's comments about that facility would indicate that his reservations in 1994 were ill-founded, because the facility is one of which we are all proud.

I move now to the present Deputy Premier's comments in 1994, when he said:

> You have to understand that everything that is happening at that park is part of the grand prix plan. The whole park, including the area to be covered by the aquatic facility as mentioned in this bill, has now been privatised.

My, how things have changed! There he was in this chamber a couple of weeks ago proudly second-reading this speech, albeit on behalf of another minister. At the time he debated the bill in 1994 he also said the following:

> When I went to Albert Park last week and saw the fence around the area that has been part of Albert Park and that will one day be the site of an aquatic centre, I could feel only … sad.

Well may he have been very sad in 1994, but he is obviously very proud of that facility now.

Another element of the bill before the house concerns the handling of disputes. The bill picks up the model of the Australian Grands Prix Act, so that now if there is a dispute between the Australian Grand Prix Corporation and the State Sport Centres Trust regarding the restoration of land after the grand prix, it must be referred to the two ministers. A section 85 provision has been put in the bill for this purpose. It is amazing to read the government's rationale for this in the second-reading speech, given that the Deputy Premier previously opposed having the grand prix at Albert Park and railed in this Parliament against the use of section 85 statements, particularly in relation to that Australian Grands Prix Bill. He certainly has front!

I note that the government's plans for a significant upgrade for the centre are discussed in the second-reading speech. I wish to place on the record, however, that the government's handling of this particular major project displays its usual incompetence.

On 18 January 2002 the Minister for Police and Emergency Services, then acting Minister for Sport and Recreation, issued a press release saying that construction of this facility would commence in late 2002, which shows why acting ministers should not meddle in publicity. However, the Minister for Sport and Recreation in the other place, Justin Madden, issued a press release on 6 May 2003 saying that construction would commence in late 2003. However, the design of the project was not even unveiled until 6 January 2004 by the Deputy Premier as Acting Premier — in the usual January media frenzy — and Minister Madden. Of course the Office of Major Projects web site indicates that construction only commenced in March 2004, so the start date for construction, in typical style, was up to 18 months late.

The completion date also displays the same tardiness: the tender document said May 2005; the press release of 6 January said the end of 2005; and the second-reading speech says in time for the Commonwealth Games. The *Herald Sun*, however, is right onto this. I note that an article in that newspaper of 7 January 2004 states:

> The government is now giving itself a healthy buffer in announcing target completion dates.

So it should, given its record on major projects. The original cost of this redevelopment — it is the same old cost blow-out story — was $50 million. According to evidence given before the Public Accounts and Estimates Committee the cost is now $51.2 million, a blow-out of $1.2 million.

While the opposition, including me, strongly supports the bill before the house, I take the opportunity to point out, with some relish on my part, the enormous change of heart that the Deputy Premier has had on the use of Albert Park. How sad he felt about the land that was going to be taken from Albert Park for this facility!

I also take the opportunity to point out the government's appalling record on major projects and how the start date for this major project is already around 18 months late. I hope the government has it ready for the Commonwealth Games in 2006. It would be a major embarrassment to Victoria if this government were to adopt its usual form on major projects; it would embarrass us all internationally. With those few words, I wish the bill and phase 2 of the sports centre a very speedy passage.

Mr TREZISE (Geelong) — I also am very pleased to speak in support of the State Sport Centres (Amendment) Bill. The bill reflects the Bracks government's commitment to sport in Victoria, which extends far wider than just central Melbourne. In my electorate of Geelong and the wider Geelong region the government's commitment to numerous sports projects has been welcomed by not only the sports fraternity in Geelong but also the wider Geelong community.

Projects that immediately come to my mind include the magnificent redevelopment of the Geelong football ground at Kardinia Park, which I know all members in this house, including the member for Hawthorn, wholeheartedly support. It is a $13 million commitment given by the Bracks government in partnership with the City of Greater Geelong, which has contributed $6 million for that magnificent project. It has ensured the future viability of the Geelong Football Club, especially as it relates to playing home games down at the mighty Kardinia Park!

Mr Crutchfield interjected.

Mr TREZISE — Eight games — the member for South Barwon is exactly right! It is a great boost for not only the Geelong Football Club but also, as I said, the wider Geelong community, including the business community.

Mr Baillieu interjected.

Mr TREZISE — I support the member for Hawthorn in calling for a final at Kardinia Park. When the Geelong Football Club wins, Geelong business wins and the Geelong community wins. So it has been a magnificent contribution by the Bracks government.

Other sporting projects that have occurred in Geelong thanks to the Bracks government include the development of the Geelong baseball centre in South Barwon. It is a great home for baseball not only for Geelong but also for the rest of south-western Victoria. Another sporting project was the purchase and subsequent upgrade of the Arena basketball centre in Geelong, which has ensured that the community of Geelong will get a slice of the Commonwealth Games basketball action in 2006. All these projects ensure that my electorate of Geelong and the wider Geelong community will be well equipped with sporting facilities well and truly into the 21st century. As I said, all thanks go to the Bracks government.

I have mentioned those three major projects in Geelong, but I do not have the time to go through the dozens upon dozens of grants that have been provided to various sporting organisations in Geelong over the last five years — from football clubs to athletics clubs and other athletics venues, netball clubs and cricket clubs, and the list goes on.

With regard to the specifics of this bill, as we have heard this bill primarily consolidates land management arrangements at the Melbourne Sports and Aquatic Centre. As the house is aware, the centre will be the venue for the 2006 Commonwealth Games and the 2007 World Swimming Championships, which I am personally looking forward to, as are all Victorians, no doubt. The Bracks government has committed to the magnificent redevelopment of this centre, which will make it a world-class facility and, importantly, community access will be improved.

I have sat here for the last half hour or so and listened to the history lesson given by the member for Brighton — or her version of events relating to the aquatic centre! When one refers to world-class sporting facilities it must be said that it has been the Labor governments of the last three decades that have ensured Melbourne and the rest of Victoria are blessed with numerous world-class sporting facilities. The Melbourne Sports and Aquatic Centre will now join the Melbourne Cricket Ground (MCG) and the National Tennis Centre as the sporting facilities that are revered all around the world. As we all know, the MCG is currently undergoing a major redevelopment for the 2006 Commonwealth Games, thanks again to the Bracks government. That redevelopment will take the ground well into the 21st century and beyond.

The other major redevelopment of the MCG has been the construction of the Great Southern Stand. The light towers were installed under the Cain Labor government during the 1980s. At the time the Liberal Party opposed the redevelopment and, as you may recall, Acting Speaker, instead supported the Victorian Football League (VFL) as it then was in its plan to take the grand final out to Waverley Park. If that had occurred in the 1980s, the MCG would probably be a second-rate facility and would have gone down the same track as Princes Park and Windy Hill, and the list goes on.

The upgraded Melbourne Sports and Aquatic Centre will also complement the world-class National Tennis Centre. That tennis centre was established under the Cain Labor government to ensure the future staging of the Australian Tennis Open there. Its establishment was also opposed by the Liberal Party. At the time the Liberal Party favoured the upgrade of Kooyong Park over a new national tennis centre.

Mr Crutchfield interjected.

Mr TREZISE — I have very good research officers — volunteers too, may I say! Victorians can thank consecutive Labor governments for the world-class sporting facilities in our state, and this bill will ensure the effective management of the Melbourne Sports and Aquatic Centre.

As we have heard, the centre will include a roofed 50-metre outdoor competition pool, which will have permanent seats for 3000 spectators and the ability to provide for up to 12 000 people. When complete the complex will also include a hydrotherapy pool, a sports house and, importantly, better community amenities.

This is an important project for Melbourne and the wider Victorian community. It is one of the centrepieces of our 2006 Commonwealth Games. The project will provide for all Victorians for many decades to come. I support the bill before the house and wish it a swift passage.

Mr THOMPSON (Sandringham) — I would like to take up the fact that the bill before the house incorporates a section 85 clause. Over the last decade or so many Labor members of Parliament have made much play of the use of section 85 clauses as part of the legislative process in Victoria. In 1999 Steve Bracks, the then Leader of the Opposition, was reported in the *Law Institute News* — now defunct as a publication — as stating:

> … that a future Labor government would scrap more than 200 pieces of legislation that stop Victorians appealing against government decisions in the Supreme Court.

It is interesting that the bill before the house includes a section 85 clause. Not only has the Labor government failed to repeal over 194 acts since it came into office in 1999, but in this chamber it has limited the jurisdiction of the Supreme Court on over 70 occasions — for example, the Wrongs and Limitation of Actions Acts (Insurance Reform) Act limits the jurisdiction of the Supreme Court in four instances in the one act. Most significantly, it restricts the recovery of damages for non-economic loss in proceedings to persons who have suffered a significant injury and establishes new periods of limitation for an action for damages for personal injury or death.

In November 2003 the Bracks government amended the Fisheries Act, retrospectively removing an individual's right to sue the state. This unprecedented legislation was aimed at extinguishing a Mallacoota fisherman's right to continue his Supreme Court action over the government's abolition of his commercial fishing licence.

I query whether the government also plans to scrap the over 70 bills it has introduced since it came to office in 1999 which limit the jurisdiction of the Supreme Court. I look forward to the response of the Attorney-General to the Labor government's actions, noting that the promise to repeal over 200 acts that included section 85 clauses was made at a president's lunch at the law institute. Maybe members might be able to attend a future president's luncheon and hear what steps the Labor government is taking to fulfil the commitments it made when in opposition. I suggest it would not be a very long lunch.

In reviewing the operation of the bill, and going back to the grand prix aspect of the legislation, it is interesting to note that the Labor Party was a vigorous opponent of the Albert Park area being the site for the Australian Formula One Grand Prix. The political background to that is interesting. Some years ago on Terry Laidler's program on 3LO the convenor of the Save Albert Park group, Ian Stewart, made the following comment about the group:

> This is not a pre-existing group.
>
> We were formed following a public meeting at the park on 20 February, and that arose because the local member —

being the current Deputy Premier and member for Albert Park —

> had been inundated with people who were concerned and he thought that there was a need for a group to be established, and that's what occurred.

In the early 1990s there was vigorous opposition on the part of the Labor Party to the grand prix being held in Albert Park. This was despite it being a very successful event in South Australia — an event very strongly supported for its tourism benefits and the net economic benefit to the state. The Kennett government was prepared to back this event and bring it to Victoria, and it has been proved to be highly successful on a range of criteria.

It is interesting to note that a number of different people were involved in the Save Albert Park committee. In a *Herald Sun* editorial of 20 February 1995 it was reported:

> … that SAP has picked up along the way the International Socialist Organisation, a loony-left group disowned by the mainstream Labor movement and whose members are self-confessed anarchists.

It was noted that Mr David Glanz, a senior International Socialist Organisation activist, was on the Save Albert Park's trade union subcommittee. He apparently told the *Herald Sun*:

> We are not armchair socialists. So we're on the streets, involved in community campaigns, and fighting for the downfall of capitalism.

That is part of the early background to the opposition to the Albert Park grand prix. It is ironic that a number of government members now support the event in its various forms. It would be interesting to know the hospitality tent patronage by members of the government for an event that was vigorously opposed by many of them.

The hypocrisy of the government in relation to this event has been a matter of consternation for many people — in particular, for those in the Save Albert Park group. In its April 1999 newsletter it was noted that:

> The recent ALP Victorian state conference has ended any hopes we may have had for an enlightened stance from the state ALP. Its policies may even be worse than those of the Kennett government …
>
> The ALP is committed to continuing the grand prix at Albert Park; their private polling has convinced them that this is electorally popular. This policy is identical to that of the Kennett government.

And in the words of Save Albert Park:

> It is hypocrisy for the ALP to commit to continuing the grand prix in Albert Park while at the same time taking political plaudits for adopting the parklands code into its policy.

This statement was made by Mr Tim Gilley of the Save Albert Park group. It illustrates the policy confusion in the Labor Party in relation to the management of the grand prix and its establishment at the Albert Park precinct. Instead of having a AAA approach to matters, it essentially had a ZZZ approach in supporting those events and activities which would be in the long-term interests and to the benefit of Victoria.

The redevelopment of the Melbourne Sports and Aquatic Centre (MSAC) area is the product of the vision of the then Kennett government as it sought to obtain the Commonwealth Games for Victoria in 2006. That vision was built upon the foundation laid by the original group of Victorians who worked towards the Olympic Games bid for Melbourne and subsequently by the underpinning work undertaken for the Sydney 2000 Olympic Games. The 2006 Commonwealth Games in Victoria will be a very important event for the state. The redevelopment of the MSAC area to increase its swimming capacity will not only be an important feature for the Commonwealth Games but it will also improve the infrastructure for decades ahead for all Victorians.

A number of concerns have nevertheless been expressed in relation to the operation of the Melbourne Sports and Aquatic Centre. A number of basketball users and enterprises associated with basketball are concerned about the operation of their businesses without the benefit of legal agreements. There is concern that the stadia are not being conducted in the interests of basketball but that rather there are wider objectives which are not in the immediate interests of the users of the precinct. It is felt there is an insufficient level of loyalty to users of the stadia and no financial incentives for the dedicated regulars. Top-class junior players who train up to three times per week receive the same on-offer discounted 30-week passes as casual visitors. Basketball associations pay the same peak-hour rate for courts as does anyone wanting to book courts. There is concern about the calibre of court cleaning, and unsatisfactory arrangements prevail at the present time, with some people being required to clean the courts themselves.

There is a concern in relation to car parking in the precinct, and the car parking shortage will get worse when the second swimming pool opens at MSAC. The cars of a number of basketball patrons are being booked by Port Phillip City Council following complaint calls made by MSAC management. There are difficulties in patrons having to walk through the park. People are being required to park a quarter of a mile away in the soccer ground car park and then stroll through the park, where until recently there have been no lights in place.

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

Mr CRUTCHFIELD (South Barwon) — It is with pleasure I rise to support the State Sport Centres (Amendment) Bill 2004. I was pleased to hear the contribution of the member for Geelong. He was a bit shy in respect of his father, who was the Minister for Sport and Recreation in the Cain and Kirner governments and a wonderful contributor to sport in this community, and I would certainly like to acknowledge him.

At a glance the bill is a simple one. It talks about consolidations of land down there at Albert Park, but it is more than that. It ensures that land that is not permanently reserved for Albert Park will be so reserved, and the net gain of that to the park will be positive in real terms.

In addition to that the bill enhances the reputation of Albert Park as a centre for recreational and sporting excellence. I was here when the member for Hawthorn was speaking about some of his sporting exploits down

there at Albert Park. I, too, have some wonderful memories of the Albert Park sporting and recreational area as a young basketballer coming up from Warrnambool. My understanding is that the country and regional sporting teams still come up to Melbourne and use Albert Park as we did. I remember Lindsay Gaze and the Gaze family, who used to run the basketball facility there. I have played football around the area, and I have used the lake recreationally, as have many people around here — when there is water in it, of course.

The whole essence of this particular bill is not only the fact that it will provide for the improvement to or development of the Melbourne Sports and Aquatic Centre (MASC) with a new 50-metre pool and roofing, an additional hydrotherapy pool and a sports house, which I want to touch on in respect of some similarities to Kardinia Park in Geelong, but also the fact that it will enable the benefits of the Commonwealth Games to filter outside the Melbourne central business district, as other speakers have talked about. These benefits have a much broader focus than just sport; they have a recreational focus and a healthy lifestyle focus.

I congratulate the Minister for Sport and Recreation in another place for using this unprecedented chance for our community. I am sure we have bipartisan support in respect of this. It is an unprecedented chance to use the Commonwealth Games as a hook to get an attitudinal change among our kids, our elderly and right across the broad spectrum — and even in this place. I note the member for Benambra has just walked in. I have come across him a couple of times walking through the park across the road as I have been waddling back from my jog. Those sorts of attitudinal changes need to be encompassed by members in this place, because we can help sell changes to lifestyle, whether that be from an activity point of view or from a diet point of view. I congratulate the Bracks government for using the Commonwealth Games for exactly those purposes.

I want to briefly talk about Kardinia Park. The member for Geelong touched on the development down there which has enhanced the facilities. We put a lot of money into that, and it was in the end a bipartisan project supported by both sides of the house. I want to talk about the sports house component of it, because it brings together an important focus of the development at Kardinia Park, which I understand is going to be copied. There are elements of it with the people down at the Western Bulldogs ground, and my understanding is that officials at Optus Oval are also looking at the Geelong model. It is about bringing the community into these facilities. It is not just about elite sport and it is not about $1 million footballers; it is about a community focus and about using that sports house for the betterment of the broader population.

Leisure Networks is an organisation that made a presentation to us at the Rural and Regional Services and Development Committee. It is involved in health promotion and sports development, and it has expressed an interest in that sports house. I note that a similar model will be provided at MSAC with the establishment of the Melbourne School of Sport and Recreation Management.

There will be other users — not just Leisure Networks, not just footballers and not just netballers. The football umpires have expressed an interest in going down there. It is about selling the benefits of a healthy lifestyle, and as one example of a health promotion Leisure Networks is looking at promoting a program called 10 000 Steps, which came from Barwon Health and the primary care forum. If anyone has seen the Minister for Sport and Recreation in another place walking around the gardens here with something attached to his hip that is not a pager, it is in fact a pedometer. He is doing his 10 000 steps.

There are a number of other members in this place, including me, who would benefit from that program. It is a healthy initiative that was launched in Geelong, and I was pleased to present a certificate to the first 1-million stepper in Geelong — in fact, in the state — namely, Joy Taylor from Grovedale. I will be pleased to launch the 10 000 Steps program at the Surf Coast Living Green festival in a couple of weeks.

I come back to Kardinia Park and its similarities to Albert Park. Kardinia Park also has a netball facility, it has cricket, it has football and importantly it has football umpiring. It also has an aquatic centre, and I congratulate the council on that development, which has started. It is developing the Kardinia pool for the world lifesaving titles in 2006, which is something the Bracks government has supported financially in Lorne and in Geelong. That aquatic centre will be the focus of the 2006 world titles. It will not have a roof, and as the member for South Barwon I support the view that it should not have a roof.

The council made that decision, and it is a decision that I support. There are a number of other aquatic facilities that are past their use-by date. LeisureLink in South Barwon is well past its use-by date, and I know the councillors in that area — Crs Farrell, Harwood and Dowling — are working hard to replace that facility before we talk about roofing the new 50-metre pool in Cardinia. That may happen in the medium term, but

certainly priorities are for other aquatic facilities in that area.

I want to focus again on the attitudinal stuff for which we can use the Commonwealth Games as a hook. I congratulate Cr Farrell, who has the sport and recreation portfolio, together with Crs Harwood and Dowling, who are also linked with sport. I congratulate the council on its last budget, which again focused on facilities with a regional and cultural perspective — and the city-centric members may want to consider the same. Barwon Heads Football and Netball Club is almost complete. I want to mention Barwon Heads Cricket Club, Grovedale's football, cricket and netball club and Grovedale College, which have links to some of the state's money, as well as the South Barwon football and cricket clubs and Barwon Soccer Club in Reserve Road, Grovedale.

In conclusion — —

An honourable member interjected.

Mr CRUTCHFIELD — It is not near Bell Park!

An honourable member interjected.

Mr CRUTCHFIELD — Albert Park is a centre of excellence, but we are talking about the centres of excellence in Geelong. Now that the member for Swan Hill has reminded me, I missed out the baseball facility and the skateboard facility in Waurn Ponds.

In conclusion, it is not just about building these facilities but also about encouraging communities to utilise the sporting facilities and as well to enjoy the more passive recreational activities for which they can be used — which some members of this house may also benefit from.

Ms ALLAN (Minister for Education Services) — I thank the members for Hawthorn, Lowan, Clayton, Brighton, Geelong, Sandringham and South Barwon for their contributions to the debate on the State Sport Centres (Amendment) Bill, which is very important as we look towards our preparations for the Commonwealth Games in 2006. I am sure the member for Bendigo West will join me in welcoming those games to Bendigo, as it is also going to be a host city with the Wellsford Rifle Range and the West Bendigo Stadium both hosting events. We are very much looking forward to seeing the entire Victorian community getting behind the games and maximising the opportunities.

The Commonwealth Youth Games are being held in November this year, and they are an important precursor to the Commonwealth Games in 2006. I am sure every member of this house welcomes the Commonwealth Games, and we also welcome the State Sport Centres (Amendment) Bill.

Motion agreed to.

Read second time; by leave proceeded to third reading.

Third reading

The ACTING SPEAKER (Ms Lindell) — Order! As the required statement has been made under section 85(5)(c) of the Constitution Act 1975, I advise the house that the third reading requires to be passed by an absolute majority. As there is not an absolute majority present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

PRIMARY INDUSTRIES LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 16 September; motion of Mr CAMERON (Minister for Agriculture).

Dr NAPTHINE (South-West Coast) — This is an omnibus bill which amends a large number of pieces of legislation — indeed my count is 14 pieces of legislation being amended by this bill. Therefore I will concentrate on the major changes, and I believe other members will speak on some of the other issues.

Part 2 of the bill makes a number of changes to the Fisheries Act. The main purpose of the changes is to tighten up the legislation, pick up some anomalies and fundamentally get the framework right to improve enforcement, especially in relation to so-called big time poachers in our abalone industry and potential big time poachers in crayfish and other high-value industries.

The fishing industry has gone through some pretty rough waters in recent times. I refer to an article in the

Portland Observer of 17 September headed 'End to a tough season'. The article states:

> Lobster fishermen this week ended a difficult fishing season marred by low prices for their catch and ongoing concerns about facilities in Portland.

The article refers to comments from Steven Nathan, who is the president of the Portland Professional Fishermen's Association, who said that the:

> … income of fishermen had dropped by a third over the past two years and there were no indications prices would improve in the short term.
>
> Mr Nathan said the low lobster price had hurt fishermen as government cost recovery fees for their industry had risen sharply and fuel prices had soared.

Mr Lane, who is involved in the seafood industry, said:

> … the exchange rate, SARS and other factors had impacted on the lobster price, but the biggest issue for Portland's fishermen over the next few years may not be the price of their catch.
>
> 'Finding somewhere appropriate to moor and unload will be one of the biggest issues for fishermen due to developments at the port'.
>
> Mr Lane said the seafood sector was having to comply with increased regulations, including food handling licensing by new authority PrimeSafe, but although the government was raising fees and regulations, it was not providing funds to make the necessary wharf upgrades in Portland to create safe environments for work and food handling.
>
> He said the government should be playing a greater role in Portland's facilities due to the port's neglect of the fishing precinct.

Indeed the fishing industry is facing challenges with the PrimeSafe issue, cost recovery, the lack of leadership from this minister and this government on aquaculture, the impact of marine parks, the failure to address mooring, berthing and unloading facilities at Portland, the failure to address the slipway facilities across Victoria, particularly in Portland and of course, SARS and the vagaries of the Asian market.

In particular we understand that one of the issues facing the industry is PrimeSafe. I want to quote from one of the many letters I have had on this issue. This bill does not go directly to the subject of PrimeSafe and I will only make passing reference to some of the issues, but it is important to put the context in which we are dealing with these legislative changes.

A letter from Victorian Mariculture Developments reflects the views of not only that company but also many fishermen. In a letter dated 28 June 2004 to Brian Casey, chief executive of PrimeSafe, it says:

> I would like to say from the outset that Victorian Mariculture Developments has no confidence in PrimeSafe. The manner in which it has gone about delivering the provisions of the Seafood Safety Act is nothing short of a money grabbing rort …
>
> VMD endorse a seafood safety regime to uphold the high standards already in place … The current structure is flawed with illogical and inequitable fees that are more about raising funds than raising seafood standards.
>
> …
>
> The manner in which the act is being applied is forcing farmers to treat live animals as food, which they don't become until they are dead. The cost and impracticality of farmers complying with PrimeSafe's requirements, plus the cost of up to four audits a year, many in remote regions, are an unnecessary and unequal financial and administrative burden on fish farmers not borne by their market place competitors in the red meat and poultry sectors.
>
> PrimeSafe have not able to explain how they are able to provide food safety to the community from the red meat and poultry industries with a combined turnover of $3.8 billion for $1.1 million yet it takes $550 000 to manage the same level of safety for the seafood farming and wild harvest sectors with a combined crop value of less than $120 million.

It says further:

> An estimated $200 000 in fees is being extracted from the abalone and rock lobster industries. About 90 per cent of the products harvested from these sectors are exported under AQIS regulations and present no risk to the domestic consumer.

It concludes:

> PrimeSafe should be discredited for the belligerent manner in which it has dealt with the seafood industry. It has failed to honestly address genuine industry concerns, it has applied bullying tactics and abused its statutory position.

Those comments are reflected, I must say, and I am sad to say, by the yabby farmers, by the live lobster industry, by many of the fin fish people in the bays and inlets, and of course by mussel farmers. Many people are seeing time and time again that PrimeSafe is being absolutely mismanaged, and the fees are not proportionate to the risk. The minister needs to take account of these issues.

Referring particularly to the issue of poaching in the abalone industry, let me set the context. I refer to an article in the *Herald Sun* of 8 November 2002:

> Victoria's illegal abalone trade is estimated to be worth more than $100 million each year and is believed to be backed by organised crime gangs.

It refers to the fact that poachers are using high-powered telescopes, radio scanners, night vision equipment and the latest diving equipment, which

means fisheries officers have to match that standard of approach to deal with those industries. It says further:

> Abalone is the most valuable commercial fishery with 71 licence-holders allowed to catch 1440 tonnes of prized seafood a year.

I now want to refer to a few articles about recent cases involving abalone poaching, to highlight the seriousness of the issue but also to highlight what I believe is a variation in penalties and the need for courts to impose significant penalties on abalone poachers who are a scourge of the industry — and they may even move into the lobster industry as that industry continues to grow in importance.

I refer to an article in the *Geelong Advertiser* of 1 July 2004:

> A husband and wife team of abalone poachers who hid their catch in underwear worn over their daughter's clothes were jailed yesterday.

This couple was caught taking 82 abalone from Kirk's Point near Avalon. I further quote from the article:

> Mot Van Tran and his wife Den Nguyen, both of Rafter Street, St Albans, were jailed for 12 and 3 months respectively.

The article says:

> Tran was making his 11th court appearance on abalone charges while his wife was fronting court for the seventh time.

While Tran was jailed for a maximum 12 months on each count, he will serve the sentences concurrently. His wife was sentenced to 6 months — and remember this was her seventh offence — but the 3 months will be suspended for 2 years. There are some real doubts about whether the penalty, even though there is a jail penalty involved, is sufficient to meet the crime.

I refer to another article in the *Geelong Advertiser* of 14 August 2004, which says:

> John Huynh Tran and a co-offender caught 739 abalone worth more than $9000 from Kirks Point near Avalon … this year.
>
> Tran … of Aldershot Drive, Keilor Downs, pleaded guilty to trafficking a commercial quantity of a priority species.

He got a nine month jail term suspended for two years, so he does not actually serve any of that time despite being caught with a significant number and a commercial quantity of abalone.

I quote from an article in the *Age* of 24 June 2004:

> At the Dandenong Magistrates Court yesterday, a former Hong Kong policeman was jailed for a year after pleading guilty to six counts of consigning more than 325 kilograms of stolen abalone worth just under $110 000.

It is important that we deal properly with such large amounts of such a precious resource that needs to be properly managed.

I refer to another case referred to in the *Age* of 8 April this year:

> A magistrate yesterday ordered a crucial 'foot soldier' for Australia's most infamous abalone poacher to forfeit his boat, car and gear worth $60 000.
>
> Wayne Clinton Gallop, 23, was also jailed for four months and was fined $3000 for abalone offences committed for personal enrichment.
>
> If deemed suitable when assessed, Gallop will serve the jail sentence in the community through an intensive correction order.

It is interesting that Mr Gallop was working on a boat modified by David Campbell Strachan to poach 3338 abalone. Mr Strachan was described in the article as a notorious poacher with 100 convictions for abalone related offences. Indeed, Mr Strachan is absolutely notorious in his flagrant breaches of abalone laws.

What I am saying here is that abalone poaching is a serious issue and must be treated seriously. There is a lot of money involved, and there is a serious risk to our abalone industry. We are one of the few places in the world left with a live catch abalone industry that is being managed sustainably. One of the biggest risks to that is poaching in a professional way by these gangs of professional poachers who have links with organised crime. It is important that we adjust our legislation to deal with that.

It is also absolutely important that our judges, magistrates and courts take these issues seriously. I believe these penalties ought to be increased even further and that jail sentences ought to be used more liberally with these people who are caught poaching abalone, because they are a serious risk to an important seafood industry in this state. While we need to ensure that we have confiscation provisions, provisions with regard to conspiracy and provisions allowing undercover operations to operate more effectively, this must be backed up by our courts imposing significant penalties in terms of time served in prison and significant financial penalties on these abalone poachers, who are the scourge of what is an important industry.

I leave the house with a quote from the *Warrnambool Standard* of 25 September 2004, where it says:

> Two New South Wales men will undertake community work after stealing abalone with an export value of more than $4000.

They had 338 abalone, 12 rock lobsters and a small octopus, yet they are going to get community work. That is simply not good enough. I think it is time that Parliament not only beefed up the legislation but that it made sure our courts took these things absolutely seriously.

I now want to refer to changes proposed to the Domestic (Feral and Nuisance Animals) Act, and some of the changes there particularly relate to clause 23 which reduces the age at which all dogs and cats must be registered from six months to three months. Under current law in Victoria — and it has been law for many years — dogs and cats, and particularly dogs, which have been registered much longer, must be registered by their owners with their local council at the age of six months. This legislation will reduce that from six months to three months.

Ms Beattie interjected.

Dr NAPTHINE — That is right. As the member for Yuroke interjects, these dogs should still be with their mother, yet they are being registered. I say to the member for Yuroke: it is your government that is introducing this legislation that is going to pose this problem. It is your government that is introducing this legislation, and I would welcome your contribution on it. I want to refer to some comments made by various groups on this because that does raise the fundamental issue.

The Victorian Canine Association, in a letter to the minister dated 10 September, said:

> Selling dogs should not take place under the age of 8 weeks, and in a number of breeds it is felt that dogs should not be released from the dam before 12 weeks.
>
> For breeders for example to register a dog in Horsham at three months and then to sell the dog to a Melbourne family means that a dog is registered in Horsham and in the next month it resides at say Malvern. We need to ensure that the registration is transferable.
>
> The public needs to be considered, and a workable transfer system needs to be put in place so that taxpayers do not have to pay twice.

The Victorian Farmers Federation said with regard to this clause:

> … the VFF does question the necessity of reducing mandatory registration age for cats and dogs from six months to three months in rural areas. We do not believe that this is of any material benefit.

Des White from the West Wimmera Shire Council said:

> The only comment is in relation to the registration of dogs and cats at three months. This would be of concern to farmers who have bred working dogs. It is not possible to ascertain if a dog is of potential working quality by three months of age. It is preferable to wait until six months of age, which is more suitable to tell the dog's potential. Under the proposed recommendation registration at three months would result in the unnecessary registration of dogs that may be of no benefit to a farmer … This would result in the unnecessary imposition of a registration fee on the farmer.

There are a number of issues associated with the changing of the registration age. I understand from the government's advice through their bureaucrats at the briefing that the reason for the change is mainly to suit cat breeders and other cat people, because they believe there is an under-registration of cats. Generally cats are weaned and transferred to new owners at a younger age than dogs.

It is thought that if cats are sold at a younger age, it might be appropriate to de-sex them and register them at that younger age, which would have long-term effects in the management of cats; but it will have implications for the management of dogs. This is an issue about which the minister should be concerned.

Many pups should not be weaned prior to 12 weeks of age, and in many cases dogs are not sold from the breeder or transferred until they are 3 or 6 months of age, which is probably the more appropriate and usual time when pups are sold. But under this legislation, as soon as all puppies turn 12 weeks or 3 months of age the breeder has to register them, and that poses some issues.

Many people would understand that councils give a discount for de-sexed animals. Very few pups, if they are still on the mother and still waiting to be sold, will be de-sexed because it is the new owner who will make a decision about whether to breed from those animals or de-sex them. That means the owner will have to pay a registration fee at three months for entire animals, at the top going rate, which will be exorbitant, adding to the total cost of their breeding system.

Similarly many councils have a limit on the number of dogs that people can legally have on a premises. In many cases if you have more than two dogs on the premises, you must seek a planning permit or approval. If you have four or five pups still unsold out of a litter and you register them at three months, you are immediately in breach of that provision. What happens in that case? Do you have to get approval through your neighbours to have those dogs there even though in the

next six or eight weeks they might be sold and moved on? It is creating enormous hassles.

Finally, the transfer of registration is an issue. If somebody breeds these dogs at Sunbury or at Greenvale, and then sells them to somebody in Tarneit or Bendigo, they should be entitled to transfer the registration rather than having to pay twice — that is, the breeder pays and then the new owner pays. There needs to be some further work done on this proposal of reducing the age for registration of dogs from six months to three months.

The bill also introduces a central register of dangerous dogs, menacing dogs and restricted breed dogs. I understand the only restricted breed dog at the moment is the American pit bull terrier. I support this, and the Liberal Party supports the central registry because currently that information is contained in various council offices around the state, but there is no provision for sharing that information between council officers. Indeed this legislation allows for sharing information from other territories and other states.

It is absolutely important that if people relocate from one municipality to another, and they have a dangerous or menacing dog or a restricted breed dog, that that information is conveyed to the new council, and the appropriate measures can be taken.

The legislation includes relevant notification provisions with an owner onus applied so that the owner must notify when they move. We welcome this provision, and I also welcome particularly the new proposed section 44AI which allows the secretary of the Department of Primary Industries to contract out the management of the central registry.

It is great to see the Minister for Agriculture embracing the concept of privatisation and contracting out, and the use of these management techniques to improve the efficiency of government because in opposition the Labor Party opposed any such processes; but now in government it recognises the benefits of privatisation and contracting out where it can be effective.

I welcome the central registry, and one of the reasons is that we need to do everything we can to reduce the incidence of dog bites in our community and the problems caused by them. In that respect I refer to a report by Karen Ashby of the Monash University Accident Research Centre concerning updated information on dog bite injuries. It states, in part:

> In Victoria alone at least 1300 persons present to emergency departments annually as the result of a dog bite.

That is a seven-year average from 1996 to 2002. The report further states:

> Children are more than twice as likely to be hospitalised for dog bite injuries than adults. Half of dog bite injuries to children are to the head/face while adult victims of dog bite report similar proportion of injuries to the upper limbs.
>
> …
>
> Australian Bureau of Statistics death data for Victoria during the period 1997 to 2001 indicates that there were two deaths among children from dog bite.

Late last week we heard of the tragic death of a 16-year-old young person in Queensland due to a dog attack. These are tragedies which should be avoided.

I refer to an article written by J. Ozanne-Smith, K. Ashby and V. Z. Stathakis. It has the short title of *Dog Bite and Injury Prevention.* It is an injury prevention article and says:

> Victorian data indicate no reduction in the rate of dog bite injury over the 11 years 1987–88 to 1997–98, except for a significant reduction in hospitalisations for children aged 0–4 years, since 1993. This reduction coincides with changes to the Domestic Animals (Feral and Nuisance) Act 1994 —

under the previous Liberal government —

> some enforcement by local governments, publication of dog bite statistics and public information supplied by media and the child injury prevention organisations.

What that shows is that through our legislative approach, as members of Parliament we can make a difference in reducing the incidence of dog bite, particularly in that vulnerable 0 to 4 age group. Anything we can do to reduce that statistic is much appreciated, therefore the Liberal party supports the central registry approach for dangerous, menacing and restricted breed dogs.

Part 5 of the legislation deals with agisted horses. This addresses an issue whereby a horse has been placed on agistment without any formal or written agreement between the horse owner and the property owner, and where the horse owner defaults on their payments. It makes it clear in the legislation that if there is a written contract or agreement of agistment — which I would urge people to enter into whenever they undertake agistment of any livestock — that takes precedence over this legislation.

Unfortunately in the horse industry there are a number of these ad hoc arrangements, so the bill provides that if 14 days go by during which people are late with their payment or there is no payment, the landowner can create a lien over the horse by serving a default notice.

The default notice is outlined in proposed section 24F, which outlines the circumstances around moneys owed and how the owner can have the lien removed to recover their horse. This default notice must be served on the owner or sent by registered post to their address, or by use of a public notice in a daily newspaper advising them that the default notice is being issued. If the default is not rectified by the horse owner, then the lien holder — the owner of the land — can sell the horse or destroy the horse if a veterinarian examination shows it is unfit for sale. The proceeds of the sale can be used to meet the lien holders costs, and any excess is returned to the horse owner if they can be found; if not, the excess goes to consolidated revenue.

It is important to note that under proposed section 24H(5) the lien holder cannot purchase the horse through that process. That is very important to protect the interests of all involved. The reason we need this legislation is, unfortunately and tragically, that on many blocks, particularly in the outer suburban areas of regional centres and Melbourne, there are paddocks where people put horses on agistment under ad hoc arrangements and then either lose interest in the horse or do not pay for their agistment and those horses are then left as the responsibility of the landowner, who may, if he does not look after them properly, be charged with cruelty, because he is seen as the person responsible. The landowner does not have any legal methodology to deal with the situation in an expeditious and reasonable manner. This bill provides such a methodology and is supported by the Liberal Party.

Part 7 makes some changes to the Prevention of Cruelty to Animals Act, and I wish to refer to some of the comments made by the Victorian Farmers Federation with respect to those proposed changes. In advice to the shadow Minister for Agriculture, the Honourable Philip Davis in another place, the VFF, through its senior policy adviser Cathy Tischler, said the following about clause 50:

> The VFF is prepared to support this amendment if it is clear that it is a full-time inspection officer going into permanent part-time employment. The VFF is not supportive of a full-time RSPCA officer or those who are members of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) or other animal welfare organisations undertaking inspection activities as part of their role or as a way of being paid to be able to enter farms. Inspection officers need to be fully trained and have experience before being permitted to undertake part-time work.

I agree with the VFF, and I seek the minister's response to ensure that that is the case. Clause 50 allows for part-time inspection officers under the Royal Society for the Prevention of Cruelty to Animals, and the concern the VFF expresses is that these inspection officers will not be properly trained RSPCA officers but rather local people who may be on the local executive of the RSPCA or other animal welfare organisations or may be local animal welfare activists who may be contracted for an hour a month or a week and use this as a de facto way of entering farms and causing problems. I seek assurance from the minister, as does the VFF, that any such part-time officer should be a properly trained and properly credentialled and supported RSPCA officer, not some part-time, ad hoc zealot or do-gooder. I hope the minister is able to respond appropriately to me and the VFF.

Regarding clause 51 the VFF says that it cannot support this clause if the intention is to allow farmers to be prosecuted for a breach of a regulation without having to be proven to be cruel. The advice continues:

> It is particularly concerning in conjunction with part-time RSPCA inspectors and more rights of entry. Regulations are not subject to the same parliamentary scrutiny as is legislation. Section 21(1) allows very wide powers of entry and searches. We could not support these powers being used for a breach of a regulation.

Again I ask the minister to comment particularly on those clauses, because the VFF has some serious issues with regard to getting the balance right between what are reasonable and practical farming practices and what some people erroneously perceive to be inappropriate practices with animals. We want to make sure that investigations of potential or alleged cruelty are carried out in a proper manner.

Clause 54(1) of the bill provides for improved controls for the sale of meal of animal origin. This is of absolutely vital importance for our agricultural industries. We have seen the devastation where inappropriate controls overseas have led to bovine spongiform encephalopathy — mad cow disease — being spread throughout the cattle industry. This has had devastating effects on local and export industries, having the potential to ruin the cattle industry in many other parts of the world. It is the last thing we need in Australia, which has a good track record of keeping out diseases and a positive image across the world as having a relatively disease-free product that is clean and green. We are fortunate that we do not have many of the serious diseases like mad cow disease, foot-and-mouth disease, rinderpest and blue tongue which are devastating to industries across the world and which damage our export opportunities.

Clause 54(3) is an interesting little clause. It fundamentally allows the government to introduce fee units for agricultural and veterinary chemicals, which is

consistent with this government's approach — increasing taxes and charges at every opportunity. It is going to introduce fee units for people who register chemicals so that each year the government can adjust the fee unit so people have to pay more in all the fees and charges to do with agricultural and veterinary chemicals. Those fees will be passed on to the farming community out in rural and regional Victoria. It will be more Bracks taxes on country Victoria, like the water taxes, like the Scoresby tolls, like the $80 motor vehicle registration for the disadvantaged, the pensioners and the war veterans in our community — another Bracks tax with these fee units and their annual increment of all taxes and charges.

I have not covered the changes to the Dairy Act, the Livestock Disease Control Act, the Mineral Resources Development Act and the Conservation, Forests and Lands Act, as well as the repeal of the Barley Marketing Act. These will be covered by other speakers. The opposition does not oppose this legislation but wishes the issues I have raised — —

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

Sitting suspended 6.31 p.m. until 8.02 p.m.

Mr WALSH (Swan Hill) — The Primary Industries Legislation (Further Miscellaneous Amendments) Bill deals with 13 acts. It mainly impacts on five acts, which I will discuss in my contribution to this debate.

Substantial changes are made to the Fisheries Act 1995, including provisions for the automatic seizure of product, fines and documentation for people who are trading illegally in fish products and poaching. The previous speaker covered that part of the bill quite well. What I would like to mention is that we have a government that was elected on a policy of being open and transparent and of consulting widely on the bills it brings through the house. We mailed copies of this bill out to quite a few people, one of those being the Seafood Industry Council. When we had not heard anything from the council we followed it up with a phone call.

The Seafood Industry Council, which is the peak body which represents this industry and is particularly affected by this legislation, was not consulted and not sent a copy of the bill, which I find rather strange. The executive officer of the Seafood Industry Council obviously was not very happy about this either. The minister is not at the table at the moment, but I would like him to take on board in his summing up why he did not consult with the Seafood Industry Council. In our briefing we were given an extensive list of all the people who were consulted on this bill. The Seafood Industry Council was left off the list. I would like the minister to enlighten the house on why the council was not consulted.

The bill improves documentation in the transaction chain for fish products. This will ensure there is proper documentation through the system so that people cannot use ignorance as a defence when they are prosecuted for crimes under the act.

The next major act that this bill deals with is the Domestic (Feral and Nuisance) Animals Act 1994. It introduces a central register for dangerous, menacing and restricted dog breeds. The issue here, as the house would probably well know, is that quite a few of these dogs are required to be registered with local councils. When people change residence and move to a new municipality there is a compulsion on them to re-register, but there is no way of tracking them from one council to another. The bill sets up a central register for the dogs, which is a good thing. Our concern would be to make sure that we are not putting additional costs on local government to maintain and contribute to that register. We all know that there is cost shifting on to local government and that local government is tending to pick up a lot more jobs than it has done in the past. We would like to make sure that this does not put a further impost on local government.

The bill also reduces the registration age for dogs and cats from six months to three months. The reason for this, which was given to us at the briefing, was that a lot of dogs and cats are sold or bought at 8 to 12 weeks of age rather than when they are six months old. The previous speaker mentioned working dogs, and it is an issue that I would like to reinforce in my contribution. It is extremely hard to know whether or not a dog at three months is going to be a useful farm working dog. Sometimes in that three to six-month period you may have to take the dog out and train it with the rifle if it is not going to be any good. There is going to be cost associated with registering the dog, and you may then find that it is not a useful working dog. So I would like the minister to take on board the issue that at three months you are not going to know whether you have a useful working dog or not. Maybe there is a way around that to save people that sort of cost until they know that they have a worthwhile dog.

The bill corrects some potential ambiguities in the Dairy Act 2000 as to whether Dairy Food Safety Victoria has the right to deduct levies out of people's milk cheques and puts in place a process where if people do not want to deduct a levy they can pay

annually or quarterly. It has been a vexed issue for quite a few people in that some people do not like to see money constantly being taken out of their milk cheques. They would prefer to get an invoice and write a cheque. That is their right if they go that way.

You find that people's milk cheques now have a deduction for Dairy Australia and Animal Health Australia. Previously the dairy food safety licence was deducted from it. Members of the Victorian Farmers Federation (VFF) have had the United Dairyfarmers of Victoria levy taken out. People get quite confused as to what is actually taken out. They want to make sure they have some certainty. It is a lot easier if you have an invoice and you can write a cheque to pay it. The bill puts in place the process to do that.

One of the important things the bill does is give the people in the industry who have a food safety plan for another part of their business an exemption from having to pay the dairy food safety levy. This is probably the first time we have seen a step forward in trying to simplify all the different types of food safety programs out there. You find that different purchasing organisations require their own particular quality assurance programs, such as the dairy food safety program. The bill provides the opportunity to simplify the paperwork and the costs. As I said, if they have a food safety plan under the Food Safety Act people can be exempted from the levy provided for by the bill. When people have multiple programs that they have to maintain and have audited, the only ones who benefit are the consultants who charge the fees to set them up and the auditors who then charge the fees to maintain those programs. This is a good move forward.

The next major amendment is to the Impounding of Livestock Act 1994. The bill puts in place a process so that if people who agist horses are not paying their fees and the person who owns the land sends out a notification or puts an advertisement in the paper, that person can sell or destroy the horses. An issue that has arisen is that in the future it may be possible to extend that beyond horses. It is not a huge issue but if this works it could be extended to give some form of protection to people who have other sorts of livestock on agistment on their property. One of the things raised in the briefing, and which I would like the minister to respond to in his summing up, was to make sure that we have an awareness program put in place when this is implemented so that there is no confusion and that people who agist horses are not unfairly disadvantaged by any unscrupulous people who may provide agistment.

The next amendments are to the Livestock Disease Control Act 1994. This is a particular issue for people who live across the river from my electorate. If they bring livestock to Victoria and sell it here, they pay a levy of 12 cents a head which goes into a compensation fund. They have a double whammy because currently they pay that levy in New South Wales, on a per hectare basis, to the Rural Lands Protection Board. The bill puts in place a process by which that can be refunded if they bring their livestock to Victoria. The people who bring livestock across right along the border with New South Wales will be very pleased that that process is being put in place.

The next amendments are to the Prevention of Cruelty to Animals Act 1986. There are a couple of issues on this. One relates to rodeo operators. Often service organisations conduct rodeos. Under the current legislation if those people take out a licence for a rodeo, they are liable for any problems that arise under the Prevention of Cruelty to Animals Act. So you could find that the secretary of a Lions club is responsible for anything that a rodeo operator who owns and operates the horses does wrong. The bill provides that the person who owns and operates the horses or other livestock involved in a rodeo is liable for any issues that arise under the act.

The VFF raised an issue with clause 48 which relates to wildlife used in scientific research. Currently wildlife is exempt from the Prevention of Cruelty to Animals Act. People are concerned that by bringing wildlife in under this part of the act in the future we will have some extreme animal rights groups using this as an excuse to go a step further and introduce the control of feral animals under this act, so that we have to get rid of rabbits humanely or shoots foxes humanely by giving them an anaesthetic before shooting them, or something like that. We do not want to see this used as a Trojan Horse to introduce more strict controls on how feral animals are dealt with.

Mr Cameron — Too many animal metaphors!

Mr WALSH — There probably were. The next amendment is to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992.

An honourable member interjected.

Mr WALSH — It is a monster bill; there are quite a few things in it. The key thing here is that a process is being introduced for more rigid regulations around the labelling and selling of meal products of animal origin. This does not seem all that important in the context of the bill, but it is extremely important to make sure that

we are maintaining the integrity of particularly our cattle herds in Australia. Members will have seen the overseas press. Recently the Japanese Health Ministry found that another cow in Japan has what is called mad cow disease, or bovine spongiform encephalopathy (BSE). All members know the impact of that disease on the viability of the cattle industry in the countries where that arises. Bovine spongiform encephalopathy (BSE) is part of a rare group of brain disorders that can actually be transferred to humans. We need to make sure that in Australia we are ever vigilant so that we do not have it happen here.

Members will remember the history of a few years ago when Britain had a major BSE outbreak and there were something like 100 confirmed cases of that disease in humans in England. That disease leads to the death of the sufferer. As far as I know it is still the case in Australia that anyone who lived in England for a specific time, or has come from England and might have eaten that beef, cannot donate blood. So it is a huge issue.

Although the bill refers only to labelling, we are actually addressing the issue of maintaining the integrity of the beef herd in Australia. Victoria has an animal industry worth something like $1.2 billion to the state. We need to make sure that we maintain its integrity. Currently the labelling comes under the Livestock Disease Control Act. The bill provides that it will be done by regulation under the Agricultural and Veterinary Chemicals (Control of Use) Act.

One of the things that The Nationals are not happy about is that fees are being introduced which will be indexed into the future. As with all the other fees and licences in the state, these fees will be indexed. Every year there is bracket creep: they constantly go up. It is just another of the Bracks taxes that are being pushed on to everyone in the state.

The bill also addresses the use of chemicals. As well as the indexed fees and licences and all that, the Agricultural and the Veterinary Chemicals (Control of Use) Act sunsets in 2006 and is currently under review. The concern of people The Nationals consulted is that it seems every time something is reviewed in Victoria the regulations come back with more arduous requirements than in the past, and the fees are higher. Currently farmers and others who use S7 chemicals have to have a chemical users permit, which costs them $150 to $160 for a two-day course. Then they also have to pay for a $38 agricultural chemical users permit (ACUP) licence, which does not produce anything for those people at all. They have done the course — which is good — and they have paid their money, and then they have to pay another $38 for an ACUP licence which serves no useful purpose at all. I hope that in the sunsetting of the act and its review we can simplify some of those things so that we do not find that $38 is just churning paper for no reason at all.

I raise also the material data sheets that everyone has to have for the chemicals that they use on their farm. There is no compulsion at the moment on the chemical seller to actually supply those material data sheets for people. It was an issue I raised with the Minister for WorkCover on the adjournment debate in the autumn sittings. I would be very interested in knowing when the Minister for WorkCover is finally going to respond to that issue, because as we know from a lot of the issues we raise with the Minister for WorkCover in particular — and also with some other ministers — they are very tardy in their responses. If we raise issues — particularly having given the minister the courtesy of a phone call a day or two before — I think we, on behalf of the constituents for whom we have raised issues, deserve the right to a response. When the Minister for Agriculture sums up the debate he may like to give us an indication of when the Minister for WorkCover will respond to an adjournment debate issue raised on 27 May. I would be very happy to hear that.

Before I run out of time I refer to the amendments to the Mineral Resources Development Act 1990 to enable people to get miners rights from agents instead of having to go to the department, which often would involve travelling a long way to an office that may not be open for the span of hours needed. The issue has been actively pursued by the Honourable Bill Baxter of The Nationals in the other place. This change to the legislation has come about because a number of people have been pursuing it. Apparently until recently you could get a miners right from an agent, but this was not considered legal, so these amendments will put in place a process whereby people can get miners rights from agents.

The issue that results from these amendments is whether those who have already bought miners rights and who now find the rights are not legal can have their cases addressed. The amendments concern miners rights for those going forward to make sure that everything is right for them. But I ask the minister, when summing up the debate, to say how he will handled the cases of those people who are now trapped with miners rights which they previously bought from agents and which are now not legitimate. Do those people have to go and buy new miners rights, or is there a way that can be handled so they are not out of pocket?

The last amendment, Acting Speaker, that I would like to touch on is to the Barley Marketing Act 1993.

An honourable member interjected.

Mr WALSH — I would desperately like to go to Bali in the limited time that I have left! The private members bill that was introduced and passed by my predecessor, the member for Swan Hill, Barry Steggall, was very contentious. I commend him for bringing in the bill, because a lot of people do not understand what was at risk by getting rid of our single desk for exporting barley. Most people who come into this house have not been in business and more than likely have not been involved in agriculture.

What a single desk does is give the farmers who are selling through that single desk the marketing power to go into a corrupt world market and get a better return for their product. Where you have multiple exporters, they bid the price down to win the market overseas, and that governs what they are going to pay the people here in Australia. It was a very vexed issue in here, and I think most members lost the point of the debate as the bill was passed. It became more about the two sides of politics than about what needed to be done to help the barley growers of Victoria maximise the price they received for their products.

An honourable member — Which side were you backing?

Mr WALSH — I was for maintaining the single desk, and I still am.

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

Mr HOWARD (Ballarat East) — I am pleased to speak on this primary industries legislation which, as we know, is an omnibus bill where there is something for everyone. As we have heard from the two earlier speakers on this bill, it covers a very broad range of primary industries issues — in fact, just about every part of the primary industries portfolio, from fisheries through to domestic animals and then on to the mining scene as well. There are a range of issues which I will briefly touch upon in the short period of time that I have, but it clearly tidies up a lot of anomalies that have been out there, and in following up on this bill ahead of time I found it remarkable that these anomalies have existed for so long. It is time matters dealing with horse agistment and the opportunity to buy miners rights from an agent, and so on, were addressed.

We know Victoria has a very significant fisheries industry which brings in a significant amount of income for this state. We need to ensure that where we have high-value fisheries such as abalone and rock lobster we protect that industry from illegal activities, and this is quite a challenge for any government.

The changes proposed in this bill improve enforcement power opportunities, improve issues associated with seizure and forfeiture provisions and give a greater opportunity to ensure we can seek out people who are doing illegal things, particularly in abalone fishing, and that they provide appropriate paperwork. We have heard this issue talked about in detail earlier, particularly about the national documentation system that has been set in place. We can now require people who are seen to be in possession of fish to explain where the fish came from. We can now follow on down the line to ensure that the fish have been acquired legally; or if not, we can then seize their catch and deal with them. That is one important aspect of this bill — that is, that we are ensuring we can protect our fisheries industry in a more direct way.

We have also heard discussion of the sensible suggestion to establish a statewide register of dogs that are described as dangerous, menacing or of restricted breeds. I am pleased to see that both opposition parties support this aspect of the bill. It is commonsense. We know that there are complications. It takes quite some work for a local council to establish a dog as dangerous or menacing. Should the owner of the dog or dogs go to a different part of the state or come in from other states, we do not want the owner's new local government to have to start from scratch again.

If there is a register and we mandate that the owner has the responsibility to indicate that they are bringing into a new municipality a dog that has previously been registered as dangerous, menacing or of a restricted breed, that will help ensure those dogs are followed through. It will reduce the amount of paperwork and follow-up that has to be undertaken and, particularly, it will reduce the risk of a child or adult being harmed by a dog before the council officers can declare the dog to be dangerous or menacing.

In regard to dog and cat registration, this bill reduces the age at which dogs and cats have to be registered from six months to three months. That reflects the age at which dogs and cats are often sold for the first time. We have heard from many dog and cat pounds that they often get dogs and cats in at between three and six months of age and that it is very difficult to identify where those dogs and cats originated from, so it is hard to get them back to their owners. This change simply recognises the reality of the sale of dogs and cats at early ages.

The bill contains some changes regarding dairy industry licensing. They simply allow for dairy industry licences to formally be paid by instalments. Systems that have been in place for a while will now be supported by legislation. The legislation is catching up with the practice. It is high time that this took place. Likewise with horse agistment: I am amazed that up until now a property owner who has a number of horses agisted will be stuck with the horses without having a proper legal basis upon which to deal with them if the owner of the horses disappears without having paid their agistment fee or having indicated what they want done. The legislation gives the owner procedures to follow through so that they can sell the horses if need be and recoup moneys owing to them. Again, this is sensible legislation dealing with a matter that has been a long-term problem. I am pleased to see that we are responding to it.

This bill also deals with another issue regarding the compensation fund associated with the sale of sheep and goats. The moneys normally paid as a levy associated with that can now only go to people within the state; people from interstate have not been entitled to it even when compensation to them is appropriate. From now on, if they have paid into the fund through the sale of sheep and goats in this state, they will be entitled to gain some of that back in appropriate circumstances.

This legislation also amends the Prevention of Cruelty to Animals Act — we will see that there is something in it for them too — to improve powers of entry so that regulations can be enforced. That issue has again come out in practice, where there have been problems gaining access to animals when there has been a concern about their wellbeing. Now we are putting practical provisions in the legislation to ensure that there are appropriate powers of entry so that regulations can be shown to be followed through.

We have heard about the changes to agricultural and veterinary chemicals, especially as they relate to our need to prevent bovine spongiform encephalopathy (BSE) from occurring in this state. We need to label all meals which may contain animal products to make it even more certain that we are not leaving ourselves vulnerable to an outbreak of BSE.

The last part of the legislation, as we have heard, deals with the mining and resources area. Again an anomaly has been identified whereby it has been possible in the past to buy a mining lease from agents rather than from the Department of Primary Industries. This practice has been going on for a long period; however, we have now found that there has been no legal basis for that to take place. It has in fact been an illegal activity. We are putting that right. We have been working through that process since it was established that there is no right for an agent to sell a mining lease.

Coming from the electorate of Ballarat East, I am especially pleased that those getting a mining licence under the new regime — which will backdate all those licences applied for — will get a commemorative Eureka licence to celebrate the 150th anniversary of the Eureka Stockade, which will take place in the next month, which is very exciting. The new miners licence will be a historic licence, recognising the miners licence fees that were paid back in the time of the Eureka Stockade. I think that is an exciting addition, too.

The last part of this bill relates to the Barley Marketing Act. We know that the single desk has now gone, as we have heard from the member for Swan Hill. This change simply recognises that the former Barley Marketing Act now needs to be repealed. All the amendments contained in the bill are ones that any sensible government would bring forward as anomalies arose and appropriate changes were required.

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

Mr PLOWMAN (Benambra) — This omnibus bill deals with 13 acts and is in eight parts, and I will run through those parts. The amendment to the Fisheries Act in part 2 was well covered by the member for South-West Coast, and one of the points he made is imperative. He said you can fiddle around the edges with this bill but until you get penalties that are going to make a difference, you are never going to overcome the abalone poaching industry. Acting Speaker, you would well understand this about your area. The member for South-West Coast knows full well there is only one means of overcoming this issue. He rightly said that we have to introduce penalties that are so significant people will think twice before they take poaching on. This issue does not impact at all on me or my electorate, but knowing the issues pretty well I believe this is the only way we can go. Although the intention of the bill is good, it does not even touch the edges of what is required.

Part 3 amends the Domestic (Feral and Nuisance) Animals Act 1994, which requires cats and dogs to be registered at three months of age rather than at six months of age. This is one of the most stupid things I have seen in legislation in a long time. I cannot for the life of me see any reason for it. Having been a farmer and having bred and sold dogs for a long time, I know you should not sell dogs before they are six months old;

you sell very few dogs before they are six months old. Why then would you want to register a dog at three months of age if the dog is going to change hands and live somewhere else? In the briefing we were told that the intention was to increase the likelihood of neutering. That might apply to cats. I am not a cat owner and I am not a cat lover, but I know a fair bit about dogs, and I can tell you that you would not neuter a dog at three months of age.

When you are a breeder of dogs you want to have some idea about whether a dog has real potential. If a dog has real potential, you do not want to neuter him at under six months of age. Therefore the whole concept of registering dogs at a younger age is nonsensical. Tell me what the justification is. Tell me what the intention behind this legislation is. I am sorry the minister is not here, and I hope he is able to give us an explanation about that when he comes back in to wind up the debate on the legislation.

Part 3A provides for a register of all dogs that have been declared to be dangerous, menacing or of a restricted breed, which is a very sensible idea. Currently the registration of those types of dogs is held in the hands of the shires and there is no cross-reference between them. Having a statewide reference is a real plus. I commend that part of the act.

Part 4 of the bill amends the Dairy Act to provide exemptions to the requirement to hold a dairy industry licence. I admit my lack of knowledge on the dairy industry, so I will not comment further on that.

Part 5 contains the amendment to the Impounding of Livestock Act 1994. It will ensure that the owner of land on which a horse is being agisted has a process by which he or she can proceed to dispose of a horse if the ownership of the horse being agisted cannot be established. But there are real problems here too. Something could happen to an owner, such as a heart attack or something else, and through no fault of their own they may no longer be able to pay for the agistment of a horse or be aware of what is going on. If something happens to an owner of a horse and they are hospitalised or if they have another medical condition, the payment for the agistment of their horse may not be followed up. That would leave wide open the possibility of a valuable horse being sold for next to nothing, which would be a travesty of justice.

I understand full well the intent of the bill. The majority of horses in agistment are owned by girls. Two girls of mine who are very keen on horses put their horses out on agistment when they needed to because they had gone on to something else in life — no matter what I might have thought they were going on to! — and their minds were taken off the responsibility of looking after their horses. I understand that an owner of a block of land may become responsible for the future care of a horse through no fault of his or her own, so there is some justification for this, but there needs to be a safeguard for those owners who through no fault of their own are in situations whereby they are unable to see the advertisements in the papers or recognise that they have not paid for their agistments up to date. Otherwise there is the possibility of a travesty of natural justice and a very valuable animal being disposed of for less than it is worth.

Part 7 amends the Prevention of Cruelty to Animals Act 1986. It deals principally with rodeos and rodeo schools. The point has been made that rodeos are often run by service clubs to attract people to areas for another activity in the district. It would again be very disappointing to see service clubs in small country districts, in attempting to do the right thing by the community, being in breach of this legislation through just not understanding what those requirements are. I will certainly be informing all the service clubs in my electorate that are involved in those rodeo activities throughout the country that this is something they should be aware of.

The bill also introduces part-time inspectors. I note that among a series of concerns that the Victorian Farmers Federation has registered with Philip Davis, the shadow Minister for Agriculture in the other place, is a belief that this provision is not in the best interests of this legislation. The VFF believes that having part-time inspectors could lead to inappropriate people doing that job in the sense that, being part-timers, they would not have the experience or the continuity of workload to make sure they knew exactly what they were doing. That too is of concern, and again I wonder why there is a need for part-time inspectors. I would have thought that if the role is full time, then that person should also be a full-time inspector, even though not all his time might be taken up with being an inspector.

Part 7 goes on to widen the powers to reach and include warrants for the search of premises. Again some concerns have been registered by the Victorian Farmers Federation that this could contravene the privacy of people who are totally innocent of any crime and who have their premises searched when there is actually no need for it. The VFF has put up an alternative amendment that would cover that.

Part 8 includes a number of amendments, and I single out clause 55, which makes provision for the head of the department responsible for minerals and energy to

authorise a person to grant a miners right provided the application is made in accordance with the regulations. I have lots of people in my electorate who want miners rights. It is a right, it is not a licence. It should be deemed as a right, and it should be available to anyone at any time.

Mr LEIGHTON (Preston) — I welcome the opportunity to join the debate. This bill amends quite a number of acts, and I am going to concentrate my remarks on the Domestic (Feral and Nuisance) Animals Act, which is probably of most interest and significance to my electorate. Before I do I will just refer to a couple of other areas. Firstly, the part of the bill covering fisheries forms a large component of the changes, particularly regarding provisions for poaching. Recognising that poaching of high-value seafood such as abalone is increasingly big business, this bill now makes provision for the confiscation of equipment if the value of the fish taken is above $50 000. The bill also improves the audit trail. Given the repeat offenders we have in abalone poaching, that is a very important measure.

Another provision of the bill that is important no matter where you live is the amendment to the Agricultural and Veterinary Chemicals (Control of Use) Regulations 1992 to place on a more permanent footing a ban on ruminant animals being fed food of animal origin. This is all about preventing the transmission of bovine spongiform encephalopathy, which thankfully we have not seen in Australia but which has caused enormous pain and grief in Europe, particularly in the United Kingdom. Most people would consider it proper that cows, sheep and other ruminant animals should be fed food that is exclusively of vegetable origin. Most people would be shocked to learn that farmers would even think of feeding rendered carcasses to cows, but regrettably this has happened in the past, particularly in the intensive agriculture of Europe and the UK.

We are fortunate in Victoria that pasture and vegetable feed have been abundant enough to mean that farmers have not been under the same pressure as their European counterparts to find alternative sources of protein for stock feed. This bill means that the ban on feeding food of animal origin to ruminants will be permanent and that all feed containing animal material must be clearly labelled.

As I said in my opening comments, the area of the bill I want to concentrate on relates to the Domestic (Feral and Nuisance) Animals Act. With several other members of this house I served on the parliamentary Social Development Committee in the late 1980s which produced a report on companion animals which led to the introduction of the Companion Animals Bill before the 1992 election. After the 1992 election the incoming Liberal government reintroduced the bill largely in the same form, and it was passed. That was groundbreaking legislation, particularly relating to the registration of cats, which provoked a lot of debate at the time and was considered quite radical. It is now accepted as good practice.

I have no difficulty with the provision relating to reducing the registration age to three months. I think that is sensible. Certainly as a committee we came to the conclusion in the late 1980s that there needed to be greater public education and an acceptance of owners taking responsibility for registering pets and preferably having them neutered. We also considered it important that there be a form of permanent animal identification. In those days the use of microchipping was considered novel; it is now accepted practice. Given that microchipping is available and given that we accept that animals should be neutered, it makes sense to bring all those procedures and the registration together at the three-month stage.

Another area I wanted to comment on is the registry for dangerous, menacing and restricted breed dogs such as pit bull terriers. Three years ago the *Age* reported that pit bull terriers had been responsible for four of the seven dog attacks in Australia in the preceding decade in which people had died. That year the Bracks government passed the Animals Legislation (Responsible Ownership) Bill, which classed pit bull terriers as restricted breed dogs.

I personally believe there is no need for people to own such a fierce breed of dog as a pit bull terrier, particularly in an electorate such as mine. These dogs are a menace to other people and are not even well tolerated by their owners. They are dumped at three times the rate of other dogs, according to the Lost Dogs Home. I have one pit bull terrier owner in my electorate who protested to my staff that the local council had seized her dog — which she insisted was well behaved — and, having held it for only a week, had put it down without consulting her.

The truth when it came out was that the dog was roaming free when taken by the ranger; it was wearing no collar or tag and had viciously attacked three women in a local park. It is irresponsible owners such as that that the bill is targeting. The dog in question was new to Preston and the City of Darebin. The original owner had transferred the pit bull terrier to my electorate in order to escape from rangers in the City of Whittlesea. Once in my electorate the dog had a clean record, so to speak, and we had to wait until the animal reoffended

before the ranger could take action. As a result three women, one of them an elderly lady, were attacked by the dog. By establishing a central registry for fierce dogs such as this the bill will help to ensure that the public is better protected from dog attacks, and will prevent incidents such as the recent death of a teenage boy in north-west Queensland.

The final aspect of the proposed amendments to the Domestic (Feral and Nuisance) Animals Act I want to comment on is a provision that will protect the welfare of pet shop animals by removing the anomaly in the act that allows businesses which sell pet shop animals and which trade for less than five days a week to avoid having to comply with the act and code of practice for pet shops. It was a concern to the Social Development Committee back in the 1980s during our inquiry into companion animals that traders at markets such as Sunday markets were able to sell pets yet avoid having to comply with the regulations and code of practice that applied to pet shops.

I am glad to see that we are finally tightening that up. I believe many pet shop owners are responsible, but as we also saw in our other inquiry — and as I said in this place in the 1992 debate — some pet shop owners are real mavericks who have a list of convictions a mile long, so I welcome this provision. I have pleasure in supporting the bill.

Mr MULDER (Polwarth) — I rise to make a brief contribution to the debate on the Primary Industries Legislation (Further Miscellaneous Amendments) Bill. I will start on part 5, which makes amendments to the Impounding of Livestock Act 1994. The member for Benambra touched on an issue that I think is very important in relation to this legislation — I am sure, Acting Speaker, you will appreciate the issue — and that is the agistment of horses. I understand that the intent behind this legislation is to deal with abandoned horses. We know there are a lot of people out there who have bred animals and then dropped them onto agistment properties, walked away, left them behind, failed to pay their agistment bills and lost interest in the animals.

Indeed while a pony club is running and everything else is going right in their lives many younger people may believe they have a strong interest in and love of horses, but then, when others things take over their minds, they naturally turn a blind eye to the horses. I always remember a farmer explaining to me that he had daughters who were very interested in horses and very interested in pony clubs. Then all of a sudden the boys started to arrive and the horses almost wore out a cattle pit within a period of about 12 months. The horses never got brushed and they never got rugged, and the girls turned their backs on them.

As a previous owner-trainer of thoroughbred horses — I still take a very keen interest in that industry and will continue to pursue my interest in thoroughbred horses — I have a real concern about this legislation in relation to a matter the member for Benambra touched on. Should I be fortunate enough to at some stage own a very good thoroughbred racehorse — one that perhaps is worth a lot of money — and should my wife and I decide to take one of our very few holidays and go overseas, if our agistment cheque got lost in the mail or for some reason did not turn up, under this legislation the owner of the property would have the right to send a registered letter to my address, which I have no doubt one of my daughters would sign for at the front door and duly put on the bench for me to look at when I got home from my overseas holiday. I could turn up only to find that my horse had been sold for a fraction of its value or been destroyed. I do have a little bit of a difficulty with that.

From working in the industry I can tell you, particularly when you are dealing with syndicates of managers who are supposed to look after and operate in the best interests of thoroughbred horses on behalf of a number of people, that some agistment properties have been known not to look after the best interests of the owners of thoroughbred horses. I am not saying it is widespread; there may only be a small number. I can see that this opens a real opportunity for somebody to secure or dispose of a thoroughbred horse — or a standard bred horse — that would not be available under the current circumstances. I have some real concerns about this.

Having looked at that, I would say, no. 1, that I would want to make sure my cheque was cleared; no. 2, that I would want to be checking with the agistment property owner before I went away; and no. 3, that I would want to make sure that I had told anybody who was going to sign for registered mail at my house, ‘Be very cautious and very aware of what you are doing’. I am not saying that all people are in that same boat, but I am saying that this legislation as it stands is of great concern to me. I am not sure whether the government went to the trainers, the racehorse owners and thoroughbred association and the harness racing association and went through the legislation with them. I know the intent of the bill is to deal with abandoned horses, but it could be used for other ends, and I have some concerns about it. I believe that at some stage in the future the issues I have raised will come to the fore. I can just see it happening, and I am concerned about that.

The other part of this legislation that I would like to comment on is the amendments to the Dairy Act and the issue of dairy licence fees being taken out of dairy farmers' cheques. When this issue first came to the fore I had a number of calls in my electorate office from dairy farmers in the Simpson area. They have a contract with the processor to which their milk goes, and they believe the cheque that is paid to them by the processor is theirs and theirs alone. They have grave concerns about their dairy licence fee being taken out of that cheque before they receive the money. Their major concern is that this would set a precedent. At this stage it is a dairy licence fee, but what will it be next?

I know correspondence went backwards and forwards between the authority and a number of the farmers and an agreement was reached that these farmers could pay their licence fee by cheque, which they did. But all of a sudden an administration fee of $50 appeared on their accounts in relation to their dairy licence fee — their dairy licence fee plus an administration fee of $50 — because they proposed to pay by cheque and not have the money taken out at the point of process. They were up in arms about this, and I can understand it, because the $50 administration fee was never ever discussed with them when the original arrangements were put in place.

The explanatory memorandum to the bill says:

> … to reflect that the authority will be able to determine the timing and method of the payment of licence fees rather than always requiring the payment of the full fee at the time of applying for the issue, renewal or transfer of the licence …

and:

> … to provide the authority with the power to determine, in consultation with the dairy industry, the timing and method of the payment of licence fees, including payment by instalment.

I ask the minister in his summing up to clarify whether this means that dairy farmers who decide not to have the dairy licence fee taken out at the point of process and who determine that they in their own right — not the industry — would like to pay their licence fee in instalments will be able to do so without having to pay the $50 administration fee. That is not clear in the amendments that have been made available. I understand some of these amendments are in response to concerns raised by the dairy farmers, but I would like the minister in his summing up to clarify that issue. Does the $50 still apply, and will farmers who were doing it pretty hard at the time be able to make a payment based on their ability to pay at different times of the year?

Quickly going down this list — I have a little bit of time to run — I come to the issue relating to dangerous, menacing and restricted breed dogs. The minister has indicated that the management of this register would be tendered out to a third party. I just wonder who in the Labor Party — which Labor mate — is going to run the register of dangerous dogs in the state. Does Bill Shannon have a basement with a few cages in it for Dobermans and pit bull terriers?

Mr Cooper interjected.

Mr MULDER — Too much work already. We just wonder who this is going to go to and whether it means an additional cost to breeders. Does it mean an additional cost to councils, and are councils going to have to pass this on to dog owners through registration fees?

As to the matter of neutering dogs and registering dogs at three months, as a prominent Jack Russell breeder in the Western District — I made no money because my wife gave all the pups away to patients as she travelled around on her nursing duties — I have some concerns about this. It is always great to look at a dog develop and grow at 6 months, 8 months and 10 months before determining whether you want to breed from it or whether you want to neuter that dog. I see this whole issue of bringing it back to three months as being a way for the government to drag more money out of dog breeders. On that note, I will conclude my contribution to the debate and wish the bill a speedy passage.

Ms CAMPBELL (Pascoe Vale) — It is with pleasure that I support the Primary Industries Legislation (Further Miscellaneous Amendments) Bill of 2004. This bill from my perspective has one very significant part in it for the electorate of Pascoe Vale, and that is part 3, which amends the Domestic (Feral and Nuisance) Animals Act. In Pascoe Vale we do not have huge numbers of horses or other very large animals, but we certainly have a lot of issues that come to my electorate office in relation to dogs and cats.

Before I go into depth on the issues that are covered in the bill, I want to place on record my appreciation of the excellent staff at Moreland council who handle this area of council work. The team is ably led by Peter Brown, the chief executive officer, and the area that is covered by this legislation is under the responsibility of the director of city development, Roger Collins, manager Warren Jensen and a great team of two rangers, Chris Salisbury and Brenton Thompson, who are led by Blyth Moir. I am told by our local council that their expertise extends far beyond the dogs and cats that seem to plague the council with worries. Dennis

Gazelle and Blyth are excellent snake catchers and spend time around the Coburg Lake, as required, during the warmer months.

I am very keen to speak about part 3 of the bill, whereby a council may declare a dog to be dangerous, and also the substitution of section 37 (1C) of the Domestic (Feral and Nuisance) Animals Act in relation to council notifications. Briefly, the measures that are brought in by this legislation will ensure that a council may declare a dog to be dangerous or menacing under the DFNA act if it has been the subject of a comparable declaration by a council in another state or territory and that any declaration made in Victoria has effect throughout the state.

That will certainly make the lives of the council officers responsible for this area of by-laws much easier. We will also, through this legislation, be establishing a registry under the DFNA act of all restricted breed, dangerous and menacing dogs in Victoria, which will enable councils to verify the status of a dog within Victoria with a single inquiry.

That again is significant in relation to people who are transient or who may leave a particular municipality as a result of their dogs causing grief, particularly if they are renters. It is important from my perspective to allow councils to declare dogs menacing or dangerous, because in the past a number of them have claimed that the legislation was ambiguous about whether a Victorian council could declare a dog dangerous or menacing if it had behaved similarly interstate or in another municipality. This legislation will enable councils to track the whereabouts of dogs and assists them in ensuring compliance with the legislation, including methods of restraint.

I am really pleased that we are able to debate this legislation in an environment in which, over the last few months, there have been no horror stories in our tabloid newspapers describing in gruesome, graphic detail exactly what has happened, generally speaking to children, as a result of dog attacks. The fact is that this legislation will protect children and adults from dangerous animals. It will enable councils to track their whereabouts and ensure that they are adequately restrained in whichever premises or municipality they happen to reside.

With those few points I compliment the minister for bringing this important legislation into the house. It will be excellent for by-laws officers in shires and cities throughout the state. Let us hope that as a result of this strong legislation fewer children, teenagers and adults will be savaged by animals that should be well and truly restrained.

Mr COOPER (Mornington) — In the brief time I have available I also want to talk about part 3 of the act, which talks about the question of dogs, and in particular savage dogs. I suppose there would not be a member in this place who has not had some dog problems in their electorates brought to their attention. I am surely someone who has had that too, but I have also been involved in the world of dogs. I am involved with two dog obedience clubs, I have shown a thoroughbred dog and I can claim to have at least some knowledge of dogs and of their training.

The thing I have found interesting as I have listened to a couple of members speak about this part of the bill is that they have talked about the control of dogs rather than the control of the owners. It has been my view for a long time that we should be talking about licensing the owners rather than the dogs, because that is where the problem starts and usually where it finishes. We have people owning dogs who should not own them, and we have people selling dogs who should not be allowed to sell them. As a result we have a lot of untrained, uncontrolled dogs roaming around the place and invariably getting into trouble, because dogs will be dogs. It is up to their owners to control them. It is asking a lot of a dog, if it has not had proper training, to control itself. It just will not occur.

Dogs are animals and will behave like animals, and it is up to the owners to do something about it. Over many years of owning dogs and looking at other people's dogs, I have yet to see a savage puppy. Dogs become savage or wild because they are uncontrolled. Because of a lack of discipline and control by their owners they are allowed to become or are deliberately trained to become savage, so we need to be doing something about the owners.

It is asking a bit to say that this bill will, as the honourable member for Pascoe Vale said, protect the community. I do not believe it will of itself. But it will establish a register of dogs that have got out of control and attacked people or are seen to be a particular risk. That is not protecting the community. The way to protect the community is to stop the dogs from becoming like that in the first place.

The point I want to put to the minister — I think this is something that any government needs to grab hold of, and I am disappointed it has not — is that we need to address the issue of obedience training. This bill, because it is omnibus legislation that covers the issue of savage dogs, gives the government a heaven-sent

opportunity to address mandatory obedience training for owners. That should be a very simple matter for the government to pursue and put into legislation.

It does not matter whether a person buys a dog from a pet shop or a breeder or obtains it in some other way, they still have to register it. In registering the dog they should have to supply to the registration authority — the local municipality — a certificate to say that they have been to a proper obedience school and gone through a proper course. That will, in the vast majority of cases, create a situation where the dog will at least be able to respond to some simple commands such as 'Sit!' and 'Stay!' and to return to the owner if it is off the lead.

Mr Smith interjected.

Mr COOPER — The member for Bass says 'Kill!' should be one of the commands. That is definitely not right. This is a serious subject, and you should not be teaching dogs to do that. The basic training at obedience school teaches owners to control their dogs off the lead and on the lead. We should in this state be leading the rest of Australia by saying that people who own dogs have a responsibility not just to the general community but also to the dog itself.

The dog will be happier if in fact it is trained. I see no reason at all why we should not have compulsory training for the owner and the dog when someone wants to purchase a dog. After all, you cannot drive a motor car or ride a motorcycle without going through compulsory training and getting a licence. Owning a dog, as we have heard from members tonight, can be a blessing, but it can also be a damn disgrace and a danger to the community if the dog is not controllable by the owner.

Therefore I put it to the government that it should be addressing this issue. I know it would have the overwhelming support of the dog community in this state, particularly the owners of dogs and dog obedience clubs. They are out there doing their best. The two clubs with which I am associated in my electorate — and I am the patron of both and attend their Saturday training sessions regularly — do a fantastic job with the owners who bring their dogs along; but there are vast numbers of people on the Mornington Peninsula and throughout the rest of the state who do not take their dogs to dog obedience school.

It has gone beyond the situation of encouraging people to do this; it should be made mandatory. I appeal to the minister to give further consideration to this subject, because it is a subject that will come up again. After the next dog attack we get, people and the media will be asking questions. The government should be taking up this suggestion of mine and saying to dog owners throughout the state, 'When you buy a dog and seek to transfer the ownership to you, you must accompany that application form with a certificate to say you have gone through a mandatory obedience dog training course'. In that way the hopes and aspirations of the member for Pascoe Vale that the community will be better protected would in fact be achievable.

They would not be achievable through legislation and through the registration of dogs that have already done the wrong thing or are about to do it, their being seen to be a threat.

What would happen would be that, through my suggestion, we would see dogs that were happier and well trained and owners that were responsible. Responsible dog ownership is what this whole state should be seeking, and the only way to achieve that is by having people who take their dogs to an obedience school and go through a course. That would protect the community far better than it is protected now.

Ms BUCHANAN (Hastings) — It gives me great pleasure to support this bill. Its intent is very clear: its amendments will improve the administration and enforcement of the legislation and remove redundant provisions across 13 acts. In effect this will have a major beneficial impact, further supporting the day-to-day operations of rural communities and organisations, along with those which exist in the interface regions, of which the Hastings electorate is one.

As I said, 13 acts are covered by this bill. I will mention some of the more significant amendments in the bill as they relate to the Hastings electorate and the surrounding region. The first amendment I highlight is to the Livestock Disease Control Act. The current situation allows interstate farmers to pay into but not access the Victorian Sheep and Goat Compensation Fund when and as they sell their livestock in Victoria. In effect this amendment redresses that imbalance so that New South Wales producers will not be out of pocket if they trade from New South Wales. This is another example of the Bracks Labor government looking after both Victorian and New South Wales farmers.

Another aspect of this bill I highlight are the amendments to the Dairy Act 2001 relating to the collection of licence fees. Again it is the little things that can make a big difference in the lives of producers.

The amendment allows the Dairy Food Safety Board Victoria to formalise the process of regular direct deductions as a means by which licence fees can be collected, giving payment flexibility to dairy licence-holders. It has been heartening to see the Victorian Farmers Federation and government departments working collaboratively to ensure equity, integrity and flexibility for dairy farmers across the state.

One of the more substantial amendments, particularly in reference to the Hastings electorate, is to the Impounding of Livestock Act 1994. This amendment allows for agistment operators to apply a lien to recover fees that have been outstanding. In effect, on the issuing of a default notice the operator can act to recover up to three months prior and two months after the issuing of such a notice.

The Hastings electorate is renowned for its excellent equine facilities, its first-class horse-training complex at Cranbourne, its champion thoroughbreds and harness racers across the region and its excellent horse riding trials. Agistment properties abound in the electorate, reflecting the high demand for such facilities. Unfortunately there have been too many cases where a horse has been bought, and then interest in the horse and its activities has dissipated and consequently the funds to support the horse have dissipated as well. Agistment operators across the Hastings electorate were certainly hard hit by the fallout of the HIH collapse coupled with the lack of federal leadership on public liability support. Agistment operators have really had it hard over the last two years. Their premiums skyrocketed — that is, when they were able to find an insurance broker that they felt confident would cover them. Indeed it has had a major impact on their cash-flow operations.

This amendment will allow operators faced with an abandoned horse to recover their costs, which can be exceptionally high as any horse owner or operator will know. As the parent of teenage daughters I have certainly been in that scenario where the intent of the child was very clear in promising they would provide the financial support for the horse but invariably it came out of my pocket. I certainly know the cost of agistment, bales of hay, worming, hoofing and all those sorts of things that go on. It is a substantial financial burden for all involved. Many local government areas have applauded this move, as have all the agistment operators and committees of management that look after the agistment areas around the electorate with which I have been interacting over the past two years. All the stakeholders in this process certainly welcome this amendment. It supports many small businesses that utilise the land around this region as their greatest asset.

In conclusion, this bill supports primary producers and related businesses, making their interaction with government departments more streamlined and interactive. Primary producers are an integral part of the Victorian economy and Victorian life, and this bill ensures that the relationship remains healthy and sustainable. I also strongly recommend and support the amendments as they relate to the Domestic, Feral and Nuisance Animals Act. I commend this bill to the house.

Mr SMITH (Bass) — In my small contribution on the Primary Industries Legislation (Further Miscellaneous Amendments) Bill tonight I wish to make the house aware of the fishing industry we once had down at San Remo. I am interested to see that the minister in the second-reading speech said he was hoping to strengthen the enforcement powers under the Fisheries Act. I can only suggest through you, Acting Speaker, that the minister should be aware that the industry in San Remo has been virtually decimated by what the Bracks government has done to it over the past five years.

The restrictions it has wrought on our fishermen down there have virtually sent the fishing cooperative broke. There was a meeting last week to debate whether or not it should be closed down. We had a very strong lobster fishing industry down there with 11 or 12 boats, but there are currently only 2 boats there because of the restrictions, quotas and fees this government has brought in and the buy-out that was offered to some of the fisherman who were only too pleased to get out of this state because they did not like what the Bracks government was doing to a very good and strong industry. We had the marine parks and the sanctuaries, which also stopped them being able to go out and catch a fair, reasonable and sustainable amount of lobsters in the waters around that area. It is very disappointing.

The last thing the government did to just about crush the industry down there was to bring in PrimeSafe. PrimeSafe is a brainchild of the government to bring about a safe industry. I appreciate it is good that there is a safe industry, but the minister has put horrific fees and charges on the yabby and lobster industries down in that area which have decimated the yabby industry in Victoria and also devastated the lobster industry — another nail in the coffin of our fishermen down at San Remo. What has been going on down there has been appalling!

PrimeSafe was set up on the basis that it was going to be a food safe area. Lobsters and yabbies are two crustaceans that have to be delivered fresh and alive, yet the government did not give proper consideration to the fishermen and the way their produce is delivered to shops, wholesalers and retailers. The government did not consider that the fishermen had to deliver live produce and that they should not have been registered with PrimeSafe and have to pay horrific fees. The fishermen are also still going to have to carry the burden of having to pay fees to run PrimeSafe as far as the seafood industry is concerned.

When the issues were raised with the minister he was not interested. He buried his head in the sand, or in this case probably in the water. He was not interested in talking to the fishermen who raised the issues; he was not interested in talking to the yabby fishermen who have virtually gone out of business because they cannot afford to pay the huge fees. It is a disgrace that the minister is in a position where he is now talking about bringing in legislation that is going to strengthen the enforcement powers under the Fisheries Act. I would have thought that the minister has enough powers and has done enough damage to the fishing industry in Victoria since he has been the minister and since the Bracks government came to power. I wonder how much further the minister intends to go in decimating this industry.

When the co-op closes down it will be a huge loss to the San Remo area. The house should be aware that the co-op is a big building down on the foreshore as you go over the bridge to Phillip Island. The co-op buys the fish off the local fishermen and then sells them on to the market. It is in a position now where it cannot buy enough fish to even supply the regular people whom it supplies.

And the minister? He should be ashamed of what he has done to the industry down there. What sort of help is he going to give to those people? What sort of help is he going to give to the families and related industries that live off the fishing industry down in the San Remo area? What is he going to do for the tourism that is no longer going to be attracted there? What is he going to do for the co-op which cannot afford to throw some bits and pieces of fish to the pelicans that get fed out on the San Remo foreshore every morning at about 11.30 a.m.? These people are not in a position where they have enough bits and pieces of fish bodies and guts left over to feed the pelicans on the foreshore. What does the minister do? He buries his head in the sand when he is told that there are problems developing down there because of legislation that he has brought in.

I questioned him about this at one stage and he said, 'But you supported the bill'. We supported the bill because we thought it had been properly thought out. We supported the bill because we thought the minister and some of his mignons understood the damage that he was going to do to the industry. But no, when the issues were raised with the minister before the damage was caused he was not interested. He buried his head in the sand again and again.

Nobody can get to talk to the minister. None of the fishing industry can talk to the minister; Seafood Industry Victoria (SIV) cannot talk to the minister; the lobster people cannot talk to the minister; the yabby fishermen cannot talk to the minister. Nobody is able to get to the minister and talk to him and ask him to show a bit of commonsense in the fees and charges that his government and department are levying against these fishermen and sending them broke. The cost on the fishermen is unnecessary. It is not necessary to charge them huge fees because they are not producing seafood that is being processed. Their seafood is yabbies that are delivered live. If they do not deliver them live, they do not get paid for them. Therefore they are being delivered in prime condition. Yet the minister sees fit to levy charges against them as if they are being processed.

I can only suggest to the minister that he has a hard look at himself and a hard look at what is going on in the fishing industry in Victoria. He should come down to San Remo and talk to the few fishermen who are left. He should come and talk to the yabby industry people from that area who want some help from him — a little bit of compassion would not go too far. It would probably be a deal of help to some of the families that are going to be put out of business. It is not necessary. The minister has had his opportunity, but I can say to the minister that as time goes on, as we get closer to an election, he should not think that he can continue to bury his head in the sand, because if he does the big fishermen's truck is going to come and run him over.

Mr CAMERON (Minister for Agriculture) — Acting Speaker, there has been substantial consultation on this bill, as you would be aware. Rather than being a bill which substantially alters one act, it alters many acts in small ways. Obviously, as the debate has reflected, different members have concentrated on different parts of the bill, which generally reflects their own interests or those of their electorate. I thank the honourable members for South-West Coast, Swan Hill, Ballarat East, Benambra, Polwarth, Pascoe Vale, Mornington, Preston, Bass and Hastings for their contributions. I will take up those issues raised as I have jotted them down.

Firstly, the honourable member for Bass raised concerns about PrimeSafe. Again, I thank him for his wholehearted support when that legislation was dealt with. He understood at that time the regime that would apply, and he supported the legislation.

The honourable members for Benambra, Polwarth and Swan Hill referred to miners rights. Members will be aware that as a consequence of a legal case, licences could no longer be issued directly by agents; they had to be issued directly by the department. The bill rectifies that and the arrangement that we all understood was in place will be in place again.

However, a legitimate issue was raised about what will occur to those existing miners rights that were issued by agents prior to now. I am advised that existing miners rights will be replaced with new miners rights. There will also be commemorative Eureka miners rights. This year there are, of course, substantial celebrations around the Eureka Stockade. No additional cost will be incurred by the holders of those miners rights. It is expected that they will be issued some time later this year. I think that addresses that issue.

A number of speakers raised issues about the registration of animals. Members are all aware that animals can be a great joy but also can be a problem to people. If someone now acquires, say, a young dog, that is the time of its life when it is most likely to be lost. If when it is lost it is not capable of being identified, problems are created as a result. Issues were raised about the age specified for registration. The Victorian Canine Association has advised the Department of Primary Industries that 8 to 10 or so weeks is the usual time for sale.

Dr Napthine interjected.

Mr CAMERON — That is what the department advised me 10 minutes ago.

The honourable members for South-West Coast and Swan Hill raised legitimate and proper matters relating to the Royal Society for the Prevention of Cruelty to Animals inspectors. Clearly people want to understand the full impact of those matters. The basis of what was put in the debate by the opposition and The Nationals is that the intention of the existing provisions has been that full-time inspectors will be fully trained and experienced. The query arose as to whether the intention under the legislation is that part-time inspectors will be fully trained and experienced. I can advise the house that the intention is that part-time inspectors will be fully trained and experienced.

Issues have been raised about the changes to impounding horses under a lien. Acting Speaker, you have heard the contributions. Racing Victoria supports the changes which are effectively a safety net for those who do not enter into agistment contracts. The Victorian Horse Council is also of that view, and that necessary change is made by the bill.

The honourable member for Swan Hill expressed a fear about clause 48. He asked whether feral animals would somehow in the future potentially become incorporated, so that, for example, a fox cannot be shot without the fox first being given a tranquilliser! Clause 48 relates to scientific procedures. Because of a complicated legal issue, it is about making sure that the administrative arrangements presently in place are capable of being enforced. It is not intended to bring about any of the changes which the honourable member for Swan Hill fears.

The honourable member for Bass does not like some of the changes to the Fisheries Act, which is rather surprising given the changes put in place in relation to many offences. For example, one of the changes made by the bill is to amend the Confiscation Act to provide that conspiracy or attempt to commit an offence under the Fisheries Act that is listed as an automatic forfeiture offence under the Confiscation Act will also be an automatic forfeiture offence. The government believes this a positive step forward. If the honourable member for Bass wants to be soft on crime, that is certainly his business, but that is certainly not the view of the government.

Lastly, there are changes in relation to barley. The bill once and for all wipes out the vestiges of the past. We are doing away with them. Over the years of the last decade there been many debates in this house on barley. Many views have been expressed over the years, and that which has proved rather conclusively to be that which has shone through is that put by Labor, the party of country Victoria. Today we are casting aside the vestiges of the past as we go forward in a modern era where the barley market works very well.

We have to look at all these things individually, but here it is undoubtedly the case that Labor was right at the outset, and it is great to see honourable members opposite acknowledge that Labor was right. I have no doubt that they feel very bad that that is the way, but nevertheless we have moved forward. I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL

Second reading

Debate resumed from 16 September; motion of Mr BRACKS (Premier); and Mr SAVAGE's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until consultation takes place with the people of Victoria concerning the principles of the bill and the impact it will have on the community'.

Mr BATCHELOR (Minister for Transport) — In proudly speaking in support of the Constitution (Recognition of Aboriginal People) Bill I start by acknowledging the traditional owners, the people of the Kulin nation, on whose traditional lands we are standing. With others, I wish to pay my respect to their elders.

The recognition of Victoria's Koori people in our state constitution is truly an historic occasion. This recognition is momentous, but it does not reflect any change in Victoria's Koori people.

Regardless of what the constitution said 150 years ago and regardless of what it says today or what it will say in the future, the Koori people have always been and always will be Victoria's first people and the traditional owners. Rather, the recognition this bill achieves is momentous, because it reflects an important change in the attitudes, in the understanding and in the appreciation that we as members of Parliament and in turn the broader community have concerning Victoria's first people. It provides a stark comparison with the attitudes of 1854 when Victoria's original constitution was framed and when the Parliament was established. At that time and for generations before and beyond we had the fiction of terra nullius, and it prevailed here.

We all know that there were inhabitants of our land, that it was not vacant and that it was not unoccupied. And we also know that the Kooris were systematically dispossessed, with violence, murder, massacre, forcible relocation and legal sanction. That is why it is important for the Parliament of today to understand the momentous nature of this bill.

The original owners of this land are recognised in this bill before the chamber. It recognises their entitlement to the land and their special relationship with the land, and this has never been denied by the Koori population. This land that the original owners lived upon was not given up by them. They did not sell it; they did not give it away. In fact the Koori people actively resisted on the colonial frontier the attempts to take over their land, and this I believe is an important part of Victoria's history, of Koori history, that is not widely understood even today. Hostilities between the Kurnai and the colonists in Gippsland during the 1840s are described by P. D. Gardner in *Gippsland Massacres — The Destruction of the Kurnai Tribes 1800–1860.* He relates that the Kurnai attacked in large numbers, with reports of early conflict involving up to 200 fighters at any one time. Gardner reports on the constant cycle of attacks and retaliations and counter-retaliations as really a period of guerrilla-style warfare. They fought for their land; they did not give it up.

Massacres, disease and other factors decimated the Kurnai numbers over the following years, some accounts suggesting a drop in population from around 1800 at the first contact to something less than 200 by 1859. There are similar stories of resistance right across Victoria. Ian D. Clark in his research report, *Scars in the Landscape — A Register of Massacre Sites in Western Victoria 1803–1859* documents a guerrilla-style war fought against the colonists who sought to dispossess members of the Gunditjmara people in the 1840s. The resistance fighters there used the Stoney Rises — the volcanic hills around Port Fairy and over to the South Australian border — as a base for their resistance. Attacks were concentrated on colonists who sought to occupy land containing traditional meeting places and sacred sites, and areas essential to the political economy of their local and long-established community. Attacks became so frequent that the hostilities became known as the Eumerella war.

Once dispossessed, Koori people were frequently forcibly segregated into missions and reserves around Victoria, in an out-of-sight, out-of-mind policy, or they were alienated to the fringes of our society. They were later forced to assimilate and to act like the white population, losing language and cultural knowledge. They were forced to do this as a result of government policy of the day. Tragically families were broken up. Children were forcibly removed, often being denied knowledge of their true Aboriginal identity. These practices were clearly documented in Sir Ronald Wilson's report into the stolen generations, *Bringing Them Home.*

Attempts to break down the rich Koori culture have left every one of us, whether we are indigenous or from a

non-indigenous heritage, all the more impoverished. We are all reduced and saddened by what has occurred. Today, however, we are finally recognising and celebrating in our constitution the special and unique contribution the Koori people have made to Victorian society.

As a Parliament we need to acknowledge the resilience and strength of the Koori population, who have continued to identify as a people and maintain their spiritual and cultural identities despite 200 years of dispossession, genocide and marginalisation. The constitutional changes proposed by the government are significant, but they are not a panacea for resolving the continuing disadvantage, prejudice and problems currently endemic in Koori communities. This is a huge task which we have failed to successfully address as a nation or as a state for far too long. There is much work currently under way here in Victoria, but the reality is that there is much still to be done. This constitutional recognition is but one important part of that recognition of prior occupation.

Mr MAUGHAN (Rodney) — I listened with a great deal of interest to the Leader of the House making his contribution to the debate. I think most of what he said is fact, but this side of the house probably differs about the emphasis. It is fine to look back from the perspective of 150 years and make comments or inferences about the things we should or should not have done then. As far as I am concerned we need to work towards Aboriginal reconciliation. It is then basic to acknowledge the facts of what went on 150 years ago. We are still a long way away from doing that.

My generation was taught in school about the so-called peaceful settlement of Australia. We know that clearly is not the case, but that is what we were taught at the time. We also know that there have been gross exaggerations about the abuse of Aboriginal people. What the Leader of the House had to say is true — certainly people were killed and dispossessed and children were taken. From our perspective all of that is regrettable, and we need to acknowledge that. That is what this legislation is doing, and I support it for that reason. We need to acknowledge what went on and try to come to a consensus.

This legislation is a symbolic gesture, as the Leader of the Opposition said, and it is an important gesture because symbolism is very important, but action is far more important — action by both indigenous and non-indigenous people. I think we are a bit short on action, both from individuals and from government. We have tended to salve our consciences by throwing money at a lot of these problems without really working towards true recognition.

As I said, we need to reach a consensus on what happened in that first 50 to 75 years of settlement. There is a vast difference between one extreme position, that up to 80 000 or 100 000 Aboriginal people were killed or slaughtered, as some people suggest, and the other version, that there was a relatively peaceful takeover. There is a huge gap between those positions, and we have a lot of work to do to fill that gap. Having said that, if the numbers are smaller than some people argue, that does not in any way minimise the hurt and anguish and the reality suffered by Aboriginal people, who were until recently treated as second-class citizens in their own land.

There is a general consensus that we need to rectify these problems. I think a good move was the joint sitting of the houses of Parliament on 31 May 2000 and the communiqué that came out of that, which was endorsed by the Premier, the Leader of the Opposition and the Leader of the National Party. It concluded with the words:

> Genuine reconciliation with indigenous Victorians cannot be achieved until we acknowledge the past and work with indigenous Victorians to assist them to rebuild their families and their futures.

I think we can all agree with that and reach a consensus on that. The question of how we achieve it is where there is a difference between this side of the house and some members on the other side of the house. There are some genuine differences there.

Many of these recognition issues have now been addressed with federal and state legislation and with the Mabo and Wik decisions — and one could go on. I think the issue of recognition has been addressed. As I said, what we have tended to do is salve our consciences by throwing money at the problem instead of working towards true reconciliation. Much of that money — and there is a huge amount of money being thrown at the Aboriginal problem, if I can call it that — has been wasted and misspent. The Aboriginal and Torres Strait Islander Commission was a case in point. It was put forward as a good idea, but clearly it was a failure in terms of addressing the needs of Aboriginal people. There are a number of projects in my area that I could point to, and perhaps if I have time later I will identify some cases where I believe money has been wasted by building structures rather than improving the lot of Aboriginal people.

Again I think there is consensus that we need to address the health, education and housing of Aboriginal people.

Of all those issues, in my view education is by far the most important. The others are important, but good education is absolutely vital to overcome many of the disadvantages that Aboriginal people suffer. I agree with the preamble to the second-reading speech:

> Reconciliation is about:
>
> respect;
>
> treating others as equals;
>
> making right as best we can past injustices.

We cannot correct all the things that were done at the time, many of them with the best intentions in the world, but we can move to try to redress those that we can.

Let me touch on a few issues in regard to Aboriginal affairs as they affect my electorate of Rodney. Some really good things are happening. For example, earlier this year the commonwealth government announced additional funding for indigenous education from preschool right through to tertiary education. Funding was increased by 20 per cent for the years 2005 to 2008. Some good things are happening; I do not want to give the impression that everything is negative. Since 1996 year 12 retention rates for indigenous people across Australia have increased from 29 per cent to 38 per cent, and year 3 and year 5 literacy and numeracy outcomes amongst indigenous people are the best ever. Enrolment in vocational education and training courses has increased by 85 per cent, and enrolment in university courses has increased by 37 per cent. But the fact still remains that the year 12 retention rate of indigenous students is only half that of non-indigenous Australians.

In Echuca we had an excellent pilot program to assist with the educational outcomes of Aboriginal students in government schools. I have been trying to get additional funding to keep that program going. Despite my best efforts I have been spectacularly unsuccessful in getting that relatively small amount of money, which would make an enormous difference to the 130 Koori children who are attending primary schools in Echuca. The government says one thing and uses fine words, but when it comes to providing the money to actually change the lives of Aboriginal people it is quite a different story. I could go on with a whole range of other areas on which this government has been very strong on rhetoric but weak on action.

A tertiary training organisation at Barmah in my electorate has been a spectacular waste of government money so far. This organisation, the Yenbena Indigenous Training Centre, has been going for two years and $800 000 of government money has gone into it, but it has not turned out a single graduate. It is a magnificent structure, and I concede there are a few students there now, but for two years there were no students.

The Premier has spoken about the need for bipartisanship on these issues, and I strongly agree, but what happened when the Attorney-General came up to sign the historic agreement with the Yorta Yorta people? Was there a bipartisanship arrangement? Certainly not. I, as the local member, was not even notified about the function, let alone invited to it, despite it taking place only a couple of hundred metres from where my office is. The government talks about bipartisanship, but on this issue bipartisanship is certainly lacking given that the local member was not even notified. It was likewise with the Yorta Yorta agreement. It is an insult to all the people who have looked after the Barmah Forest for all that time.

The bill is well intentioned. It is an important symbolic gesture, but true reconciliation depends more on action than on rhetoric. Indigenous and non-indigenous Australians need to work together to overcome the disadvantage and achieve true reconciliation.

Mr MERLINO (Monbulk) — I would like to acknowledge the people of the Kulin nation, the traditional owners of the land on which we stand, and pay my respects to their elders. It gives me great pride to speak on the Constitution (Recognition of Aboriginal People) Bill, which delivers on the Bracks government's longstanding commitment to reconciliation. You cannot have genuine reconciliation unless you have mutual respect and understanding, and to achieve understanding you have to try to get to know the other person by standing in their shoes for a while. If you can do that, you and the other person can move forward together. So how do you express that understanding? How do you convey respect? You do so by saying so proudly and publicly so everyone knows where you stand. And when we as a Parliament, the democratic representative body of the people, do so by amending the constitution of the state, it is profoundly important. Frankly, it is what sets Victoria apart from the rest of the nation.

The bill seeks to amend the Constitution Act 1975 to finally give recognition to the Aboriginal people of Victoria. What does it not do? It does not create new legal rights. No civil course of action will be open to be pursued, so why do it? Why is the Bracks government so keen to introduce this legislation and pursue a three-fifths majority of both houses to ensure that the constitution is amended? We do so because words are important. Words can have a profound effect. Words are the triggers of change for better or for worse. There are simple words like 'sorry'. It still amazes me how

difficult it is for some people to say that small word. If you consider phrases made in speeches such as, 'the black armband view of history' and 'I acknowledge the Aboriginal people as the traditional owners of the land and pay respects to their elders', you see how negative one phrase is when compared to the other positive understanding and respectful statement, and they illicit different emotions in the audience.

What words are we seeking to include in the constitution? The message from the Parliament of Victoria is a simple yet powerful one. To the Aboriginal people we say: you were not originally recognised in this state's constitution; you are Australia's first people; you have a spiritual, social, cultural and economic relationship with the land and you have made a unique contribution to this state. This message is not only for the indigenous people of Victoria but also for the non-indigenous people. Those statements, which will be recorded in the constitution, cannot be erased without a three-fifths majority of both houses of this Parliament.

The symbolism is important, but at the same time it must go hand in hand with action on the ground. One without the other is useless. In the last budget it was announced that $31.8 million would be provided to tackle disadvantage in indigenous communities, help promote community building and help negotiate native title outcomes. I am particularly proud of the additional $12.7 million provided to expand the Aboriginal justice agreement, which includes the establishment of a children's Koori court.

I have talked about the recognition of the Aboriginal people of Victoria as a whole, but I also want to take this opportunity to acknowledge one person in particular: Joy Murphy Wandin, an elder of the Wurundjeri people and a great, great-niece of William Barak, who was a leader of both the Wurundjeri people and the Coranderrk mission in Healesville, just outside my electorate. He was a great advocate of his people and also a great artist. Joy continues the great tradition set by her great, great-uncle. She has been active in Aboriginal issues for the last 30 years. She is an honorary professor at Swinburne University of Technology, chairperson of the Australian Indigenous Consultative Assembly, trustee of the National Gallery of Victoria and joint chair of Victoria's implementation review of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, among many other roles.

During my time as a councillor at the Shire of Yarra Ranges Joy was the Aboriginal policy officer and was instrumental in the shire's statement of apology. The ceremony to commemorate Sorry Day and the official handover of the council's statement of apology took place on 29 May 1998. As a councillor at the time I was extremely proud to have been a part of that historic occasion. Joy often speaks at local functions and citizenship ceremonies. It is always enjoyable and moving to hear her speak. She is a true leader of reconciliation in this state.

There has been extensive consultation through the Premier's Aboriginal Advisory Council and Aboriginal Affairs Victoria. The Minister for Aboriginal Affairs in another place held extensive consultation with Aboriginal communities across Victoria, and this bill went through a period of public comment. The comments back were very supportive indeed.

The bill if passed will mean Victoria is the only state in Australia to recognise Aboriginal people within its constitution. It is profoundly important. Symbolism is important. Words are important. I am absolutely proud that the Bracks government has led the way in terms of reconciliation both in terms of symbolism and action on the ground. In contrast, governments like the current federal government talk about practical reconciliation. Practical reconciliation is code for not actually doing any of the important symbolic things which are so vital to achieving reconciliation.

Mr Perton interjected.

Mr MERLINO — The member for Doncaster obviously came in too late to hear my contribution. He is obviously ignorant of the extra $31.8 million that we have put into Aboriginal affairs in this state, including for the establishment of the children's Koori court. This government is serious about reconciliation. Understanding the Aboriginal community is more than just a matter of dishing out money — practical reconciliation — which is all we see from the federal government and all we hear from the state opposition. What you see from the Bracks government is the vital joint attack of making symbolic statements and promoting respect, understanding and practical reconciliation.

Business interrupted pursuant to standing orders.

ADJOURNMENT

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

That the house do now adjourn.

Water: restrictions

Mr PLOWMAN (Benambra) — The issue I raise is for the attention of the Minister for Water. The action I wish the minister to take is to accept the advice of the nursery and garden industry and lift stage 2 water restrictions immediately rather than waiting until 1 December later this year, when it is proposed to introduce permanent water-saving measures. For the retail garden centres and their suppliers, this date will be too late.

I will quote from a letter to me from Mr Peter Berthelsen from Yarra View Nursery at Mount Evelyn. It says:

> With the introduction of stage 2 water restrictions, there has been a noticeable impact on retail sales in garden centres which is now affecting employment levels at grower nurseries, allied traders and retail garden centres. It has been reported in New South Wales that more than 11 000 people have lost their jobs. We are already seeing evidence of job losses in Victorian businesses.

It goes on to say:

> We believe that a 1 October 2004 date for lifting restrictions and introducing permanent water-saving measures is essential to getting consumers to start buying green life again and to halt the trend in job losses.

It finishes by saying:

> Most consumers are aware of the current levels of Melbourne's water storages of around 55 per cent and that this is up approximately 20 per cent on last year's levels.

What we are talking about is that there are 5000 businesses employing more than 20 000 people with retail sales in excess of $1.8 billion per annum. This industry relies on water and it relies on people having confidence in knowing that water will be available to water their gardens, their nature strips and the plantings they are going to put in. This is vital not only for the future of the gardening industry but for the future of the city of Melbourne. Without the gardens and the leafy streetscapes, both private and public, this city would be a fraction of what it is now. It is not known as the Garden State for nothing. It is not the garden city for nothing. The city of Melbourne relies on its gardens, both public and private, to earn the reputation for Victoria as the garden state of Australia.

It is essential that these industries are given the support they need and that the minister reconsiders lifting these stage 2 restrictions now rather than leaving it to 1 December, when plantings will have been completed.

Moreland: Linking Glenroy plan

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Victorian Communities. I ask for his support for Moreland City Council's Community Support Fund application for Linking Glenroy, the Glenroy community plan for 2004. This is a sensational, comprehensive plan which aligns with the Bracks government's aims of strengthening communities and building community infrastructure. Together with my colleague the member for Broadmeadows, who is also the Treasurer, I have taken a very strong interest in Glenroy — a community whose boundaries cover both electorates.

The Moreland City Council's Linking Glenroy plan will provide community infrastructure that maximises accessibility and opportunity for all citizens to increase their health and wellbeing. We intend to improve the quality of life of residents through enabling them to take control of local issues by directing and implementing projects and activities and building the self-reliance of the community through a program of facilitation, resourcing and building the capacity of the community to identify, plan and achieve its goals.

This is far too much to talk about in 3 minutes, but I intend to ensure that parts A, B and C of this Linking Glenroy project are put on record here. Part A is the construction of a new community facility, part B is scoping of three community-strengthening projects, and part C is the implementation of a community capacity-building project that targets young people in Glenroy. This new multipurpose neighbourhood facility will provide a refurbished community hall and consolidate on one site a range of supports for young people and young families as well as seniors.

This plan has been developed with the cooperation of a wonderful group of people, including the Glenroy Neighbourhood Learning Centre, the Glenroy Maternal and Child Health Centre, the Glenroy Community Hall, the Glenroy Senior Citizens Centre and the Moreland Community Health Centre. They all intend being located on one site. This facility would provide a hub for the local community to develop a far more healthy environment.

Currently our Glenroy Neighbourhood Learning Centre, which has a very wide catchment across Glenroy, Hadfield, Oak Park and Glenroy West, is situated in an upstairs building that is inaccessible to people with disabilities, and the space is inadequate to meet the ongoing demands of the community. As I said, there has been strong cooperation at a local council, community and political level. Glenroy needs

improving with greater physical infrastructure and community strengthening initiatives. If supported, this plan will do it.

Horsham: VicTrack land

Mr DELAHUNTY (Lowan) — I raise a matter for the attention of the Minister for Transport. The issue relates to VicTrack land along the Horsham–Natimuk rail reserve. The action I am seeking from the minister is that he review the decision-making processes within VicTrack Access and the Department of Infrastructure and then approve the use of the land within the reserve for a road reserve to connect Horsham West to Horsham North, thereby assisting the transport of children on school buses and also general community use.

The history is that this railway line was closed about 25 years ago. Bridges have been removed and all the timber has been taken away. About nine years ago the education department started using the rail reserve, and therefore the rail line will not be used again. There has also been talk of this land being used as a rail trail to link Horsham with the great Mount Arapiles in Western Victoria. As I said, there is no strategic need for this rail line in the next 10 to 15 years. The Horsham Rural City Council has for a couple of years been wanting to connect the Hillary Street and Remlaw Road areas of Horsham. The rail reserve ends approximately 100 metres east of the proposed crossing. I have seen a letter from VicTrack Access dated 17 December 2003 which I want to read into *Hansard*. It states:

> The Department of Infrastructure (DOI) strategic transport planning area has advised VicTrack that there is a possibility that this railway line may reopen in the future.
>
> …
>
> Council should note —

that is, the Horsham Rural City Council —

> that the state planning policy framework clause 18 states, 'The design of transport routes must provide for grade separation at railway crossings except with the approval of the Minister for Transport. In light of the DOI proposals to reopen the line in the future and government policy, your proposal for a level crossing must be declined'.

This nonsense has been going on for too long. The letter talks about the mineral sands, which are down near Balmoral. If that is going to be transported it will be by road, but there is no possibility that the mineral sands will be brought back towards Horsham. The cost to upgrade this line and put back the bridges et cetera would be prohibitive. It will not happen in the next 10 to 15 years.

The council would like a favourable response on the rail reserve and to avoid the construction of a level crossing. Again I call on the minister to review the decision-making process and allow this rail reserve to be used as a road reserve, to assist the students of Horsham in particular but also importantly to connect Horsham West with Horsham North.

Exports: Hastings asparagus grower

Ms BUCHANAN (Hastings) — I wish to raise a matter for the Minister for Manufacturing and Export. The action I seek is for the minister to provide Victorian government support to assist a great Hastings electorate-based business, B. P. and D. J. Lucas, to expand its export market in the Middle East. The Lucas family company is one of the largest asparagus growers in the area, having its production sites around the Western Port Bay region. At the height of the season its primary production business employs up to 80 pickers and packers.

The family's connection with the region covers many decades, as is the case with many other local growers. The Lucas family looked at the opportunities for expanding its growers market that were offered by the Bracks Labor government, in particular the opportunities and support under the Opening Doors to Export plan. With the support of the Bracks Labor government it was able to prepare for export activity under the excellent Grow Your Business program. As a consequence the business evaluated its marketing strategies and branding options — key components of any export strategy. Now it is ready to take the next step.

The First Step Exporter program is part of this government's Opening Doors to Export plan, which refocuses the government's existing programs and adds an extra $11 million to the $80 million already committed over the next three years to growing exports. Businesses in the Hastings electorate have benefited from this government's commitment to supporting them to progress export opportunities, and many growers in related businesses in the Hastings electorate have welcomed the business boost these programs have facilitated.

Another local example is the firm Repeat Products, with its base in Langwarrin. With access to the state government's programs it is now fully equipped to expand its recycled products business into the Asian market — a further example of this government's demonstrated commitment to supporting businesses in sustainable export ventures. We know export growth is vital to Victoria's future prosperity as it underpins the

creation of new jobs and ensures local industries remain internationally competitive.

The Bracks government has set an ambitious export target of $30 billion along with a doubling of the number of Victorian exporters by 2010. I call on the minister to support the Lucas business to be one more of Victoria's successful exporters, one more business success story to come from the Hastings electorate and another example of how this government's commitment to supporting Victorian businesses is well based.

Lang Lang Beach: jetty

Mr SMITH (Bass) — I raise an issue for the Minister for Environment, the minister who is responsible for jetties, and ask that action be taken to bring the jetty at the Lang Lang Beach into a state of repair that it will be able to be used again.

Members may not be aware of the Lang Lang Beach jetty. As you drive down the South Gippsland Highway you come to a Shell service station on the left-hand side near the Lang Lang township. After you drive underneath the bridge the road becomes a continuation of the South Gippsland Highway. You then continue on slowly down the Bass Highway and do a right-hand turn at a road called Jetty Road.

Jetty Road leads down to a beach, where there is a large caravan park. You pass nice countryside travelling along the road that is about 1 kilometre in length, and at the end of the road is the Lang Lang pier. The beach in the area is safe for kids, and the jetty is used by a large number of people, not only by those from the caravan park where some live permanently but by people who live in Lang Lang and want to go somewhere where they can enjoy themselves by sitting on the jetty and throwing a line over the side. It is also a pier that can be used by people who want to tie up their boats for a short time and go ashore.

What concerns me is that the government has allowed the jetty to deteriorate to the extent that Parks Victoria has now erected a fence about 15 feet from the entrance to the jetty with a sign saying that the jetty is closed. When you have a close look the problem is that a couple of the pylons that hold up the jetty have rotted and the pier has started to drop at one side. This has been brought about because the government has allowed it to deteriorate.

Some money, even if it is taken from fishermen through their fishing licences, should be used to do something about bringing the pier up to a condition where it can be safely used by people who have used it for many years. Lang Lang has a nice beach, and the government should put in a small amount of money to bring the pier up to a safe level. I ask the responsible minister to give consideration to my request as quickly as possible so that something can be done before the next summer season arrives.

Floods: suburban warning systems

Mr ROBINSON (Mitcham) — I want to raise an issue for the attention of the Minister for Water about localised flooding.

Dr Napthine interjected.

Mr ROBINSON — We will get to showers in a minute. The member for South-West Coast has only four sleeps before the big day. He should just take a cold shower!

I am seeking the minister's agreement to help Melbourne Water evaluate a pilot warning program that would be of benefit to people who live in flood prone areas around Melbourne. The history of the Mitcham electorate is that last December we had a serious flooding incident, and members will remember that water damage caused in the suburbs of Fairfield and Hawthorn were reported widely. There were other pockets around Melbourne, including Blackburn, that suffered quite significantly.

I believe Melbourne Water's recording equipment at the Kinkora retarding basin in Blackburn recorded rainfall of some 91 millimetres in less than 3 hours. That basin is just north of Whitehorse Road, Blackburn, and the heavy rain in that area resulted in the inundation of a number of low-lying properties further downstream, in particular around Downing Street, Blackburn, north of the railway line and of units in Laburnum Street, south of the railway line.

Damage to the Laburnum Street units in particular was severe, with more than $350 000 worth of damage being caused. More significant was the quite extreme risk to personal safety. The experience of one resident was that at about 2.00 a.m. she was awakened by items banging around the house, refrigerators being lifted and floodwaters to a depth of well over a metre entering the unit, the floors of which were some distance above the ground. She ended up being rescued by neighbours, but has pointed out what would have been the situation had she been older or immobile.

It is impractical to flood proof all properties around Melbourne that are now recorded as being in those flood overlays that councils have in place. It may be

possible to link rainfall recording equipment at retarding basins, such as Kinkora, with an automated telephone warning system for those properties that are at greatest risk downstream, and in the case of Blackburn we are not talking about a great number of properties, so that at the very least in certain situations where excessive rainfall is recorded in a fixed period, those homes might receive telephone calls warning householders of the possibility of an evacuation. We are only talking about a matter of a few minutes, but it could make all the difference, particularly in the case of elderly residents, who would be frightened beyond their wits to have that sort of experience visited on them.

I am hoping that Melbourne Water, through the minister's office, may be able to have these sorts of programs evaluated.

Consumer affairs: Optus bill

Mr SAVAGE (Mildura) — The issue I wish to raise is for the attention of the Minister for Consumer Affairs in another place. I am seeking some assistance for a constituent of mine who while on holiday had her computer accessed by an unknown person who clocked up a large bill with Optus, which is refusing to acknowledge the fact that this was unauthorised access. Apparently when you are surfing from Internet site to Internet site someone can pick up your ID and store it, so that when you are away on holidays they can go back to your site, activate the desktop, dial up using an Internet dialler and bypass its coding in your computer — and all this goes on your bill.

This constituent of mine, Mrs Lynelle Wenham, was away from 10 June to 11 July, and during that time there was $135 worth of bills relating to telephone calls to the Cook Islands charged to her account. Optus has produced that account. It is a 0011 number, and that is a quite expensive process. Optus's view is, 'It is on your telephone number; you should have to pay'. Computerisation being what it is, it is becoming a major issue for everybody. If you are not careful, you will get large bills added to your account without your knowledge. On this occasion it is my belief that Optus should follow up, make its own inquiries and find out how this access was done rather than just putting it back on the consumer, because this could be happening to thousands of people.

We all know how big a company Optus is. If it says, 'Pay this bill or we will put it into the hands of some credit retrieval organisation', we know what will happen then. You will have difficulty getting credit, your name will be blackened and there will be no redress.

Therefore I am asking the minister to directly approach Optus for a review of this incident and to perhaps have some communication with the federal communications minister to look at ways of protecting consumers, because I believe this will be a very common problem in the future. It is not fair that a person can be away from their home and not access their computer yet incur this debt. The house was sealed and nobody was using the computer, so there is no doubt that the debt is not hers. She can prove she was in the Northern Territory on the dates the Cook Islands were rung.

These particular problems will become more profound, and I wonder how many other people will just pay the bill. It is interesting that another bill was rung up with Telstra involving the illegal usage of her telephone account. But Telstra has said it will investigate; it has not said, 'You have to pay!'.

High Street, Berwick: speed limits

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Transport, and the action I seek is a speed reduction along High Street in Berwick. The speed limit is currently 60 kilometres an hour, which is considered by many as way too fast for the area, given the large amount of traffic travelling within and through it, given that the population is increasing so rapidly and given the attraction felt by many businesses and services to locate along High Street, Berwick. It certainly warrants a reduction in the speed limit.

Also the popularity of the area around High Street, Berwick, is heightened by the wonderful array of cafes and restaurants. The Berwick Chamber of Commerce has had concerns about the speed limit for some time, and it is seeking a reduction to 50 kilometres an hour. The minister is aware of my previous representations on this issue. I understand from prior communication that VicRoads has a proposal to reduce the speed limit and that that proposal has been submitted to the minister for his consideration for future funding.

The minister and the Bracks government are passionate advocates of road safety strategies, as demonstrated by the implementation of Arrive Alive, which aims to reduce the road toll by 20 per cent by 2007. We have already seen reductions in speed limits from 60 kilometres an hour to 50 kilometres an hour in most built-up areas. That has led to a 13 per cent reduction in casualty crashes and a more than 40 per cent reduction in serious casualty crashes involving pedestrians.

I share the fear of the Berwick Chamber of Commerce that, given the large volume of pedestrian traffic in High Street, a serious incident involving a pedestrian

could occur if the speed limit is not reduced. I believe from discussions with VicRoads that the installation of new signage would be straightforward in this instance and that the amount of funding required would be about $3000.

I recently launched the implementation of the reduced speed limits in school zones at Emerald Primary School. I understand that the rollout of all that new signage is a massive task being undertaken by VicRoads, given that every school in Victoria will benefit from this initiative. However, I believe just as much attention should be paid to facilitating safe shopping strips.

Again I request that the minister approve and make available funds to ensure that the speed limit in High Street, Berwick, is reduced for the safety of my constituents. I ask that this matter be dealt with urgently and congratulate the chamber of commerce for its representation.

Vocational Training Group: funding

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Education and Training. It concerns the Vocational Training Group (VTG), a registered training organisation located in my electorate of Bulleen. I ask the minister to review the decision made by the Office of Training and Tertiary Education (OTTE) not to fund VTG for 40 places under the initial apprenticeship/traineeship training program (ATTP) funding agreement reached between the organisation and the department.

On 27 February 2004 VTG received a letter from the Office of Training and Tertiary Education advising that an audit report raised a number of serious concerns about its compliance with standards. It states:

> I have been asked to advise you that until the issue of non-compliance with the standards has been resolved, OTTE will not enter into a performance and funding agreement with your organisation for 2004.

VTG felt that if it met the requirements, funding would be resumed. A second audit took place, and on 3 May 2004 VTG received a letter from the Department of Education and Training advising it that:

> The report indicates that at this point in time your organisation is fully compliant with the standards. Based on the audit findings I have removed the suspension under section 23(7) of the Victorian Qualifications Authority Act 2000 …

Unfortunately funding has not been forthcoming, despite VTG meeting the requirements. Representatives of VTG met with senior public servants but were advised that the decision not to fund the organisation will not be reversed. I therefore ask the Minister for Education and Training to investigate the VTG to see if it has met all the requirements, and if so to ensure that funding is reinstated for the 40 places agreed under the initial 2004 ATTP funding agreements. If the requirements have not been met, I ask the department to write to the organisation and tell it what it needs to do in order to meet the standards.

I have spoken to the chief executive officer of VTG. As far as he is concerned he was of the understanding that once the organisation met the requirements the government would pay for the 40 places provided for in the agreement the organisation signed with the department. That has not occurred, so I ask the minister to have a look at what has happened and ensure that if the organisation has met the requirements, the money for the 40 places goes to VTG, which serves Bulleen and Manningham.

Sunshine youth centre: funding

Mr MILDENHALL (Footscray) — I raise for the attention of the Minister for Victorian Communities the Hub Sunshine youth precinct project and request he give it his most earnest consideration as a project for potential funding out of the Community Support Fund. A local committee and the City of Brimbank propose to convert a former bulk store for the Sunshine Harvester plant located in the heart of the Sunshine shopping centre into a youth activities and advisory centre. It is a large building already made secure by the Woolworths group as part of their community contribution to the shopping centre precinct, and secured by the City of Brimbank through a 99-year lease for which it paid $500 000.

On 8 September I was present at a visit by the minister to the site. Also present were my colleagues the members for Derrimut and Keilor; the mayor, councillors and senior officers of the City of Brimbank; the chancellor of Victoria University, Justice Frank Vincent; the senior magistrate at the Sunshine Court, John Doherty; community board members, Stewart Bensley, Robyn Broadbent and Andrew Grech; and other members of the committee.

The vision for the centre is the concept of the one-stop youth shop pioneered by The Door in New York and the Visy Cares Youth Centre in Dandenong. To date a wide range of services and organisations have expressed an interest in locating or offering services from the centre. They include employment, housing, health, income, legal advocacy and family counselling services offered by a wide range of organisations. Court

diversion programs, youth theatre, life skills training and a work experience and employment placement centre are among the specific proposals from at least 14 organisations.

The location also offers the opportunity to link the building to the municipal library with its study areas and multipurpose rooms. The board is in the final stages of completing its submission to government. In addition to the contribution already made by the City of Brimbank and a major fundraising effort, the board and the city council will be seeking around $600 000 from government. The need for additional and better located youth services in Sunshine is undisputed, and the opportunity offered by this project is unprecedented. The support by local members, the council and a wide range of key agencies is enormous, and I seek the minister's attention to ensure it is given appropriate focus and attention in the forthcoming funding round. The outcome of the recent community cabinet in Brimbank was an appreciation that it could be said that Brimbank warrants additional attention by government, and when quality submissions like this come forward they deserve our appropriate and earnest consideration.

Responses

Mr BATCHELOR (Minister for Transport) — The member for Lowan raised with me the desire of the Rural City of Horsham to gain access to a railway reserve to construct a road that essentially would provide a more convenient connection between Horsham West and Horsham North. In doing so it would provide greater access particularly for school buses, given the proximity of the school. This is a matter for me as Minister for Transport because part of the proposed road would cross a railway reserve. Other railway land throughout the state is owned by VicTrack, which comes under my area of responsibility. VicTrack is the owner and custodian of railway assets on behalf of the people of Victoria, including being the owner of existing operational infrastructure, but it is also the owner of railway land that is currently not used for railway purposes.

Before that land can be transferred for whatever consideration to another party, be that another level of government or a private entity, VicTrack, being a commercial entity of the government, must be satisfied that the Department of Infrastructure has no foreseeable use for that railway asset now or into the future. This issue has been raised, as the member for Lowan indicated, directly with VicTrack, and it is now seeking the views of the Department of Infrastructure to check once again that this part of the railway reserve is not required. Certainly it is not required immediately, but VicTrack has an obligation to ensure that the Department of Infrastructure will not require it at some time in the future. We are honour bound to not only look after our assets now but to protect them into the future.

I understand the Horsham Rural City Council was requested by VicTrack to contact the Department of Infrastructure directly. It was asked to do that in September, and contact has been made. In an attempt to facilitate the elaborate and various contact points that would need to be made, a senior officer of the Department of Infrastructure has been nominated as a single contact point for the council. As usual with these types of requests, we need to be satisfied that all areas of the Department of Infrastructure have been given the opportunity to comment on the future requirements.

We are seeing whether the request can be accommodated. It is necessary to do that, and we are obligated to do that. We have got to protect the future railway needs for the broader community as well for the community of Horsham. When the responses from the various areas within the Department of Infrastructure have been finalised we will be in a position to work our way through what is the appropriate course of action and to see whether or not the needs and the views of the city of Horsham can be accommodated. We have set in place the process to resolve it, and we are happy to work through those issues with the city of Horsham and indeed with the member for Lowan.

The member for Gembrook raised with me the need to reduce the speed limit in High Street, Berwick. The member for Gembrook is a tenacious protector of her community in Berwick and throughout the whole of her electorate. She never ceases to raise these types of important community issues with me and with other ministers in this government. She has raised this particular road safety issue in order not only to look after the pedestrians and the people who use High Street in Berwick as a popular shopping destination but also in support of the chamber of commerce, which by seeking to have this issue resolved has highlighted the success and growing popularity of its businesses in High Street.

The chamber of commerce has turned it into quite a vibrant and dynamic area. This is recognised by the member for Gembrook, and she is seeking to have the interests of both the chamber and the community and pedestrians looked at.

This is a government that takes road safety very seriously, just like the member for Gembrook. We have put in place our Arrive Alive strategy. It is reducing the

road toll, although unfortunately this year it is not at the same record levels as it was last year, and we are continuing to look at the sorts of initiatives that will help bring that road toll down to the record levels achieved last year. The concept put forward by the member for Gembrook is exactly the sort of initiative we are seeking to hear about from local communities so that together with them we can make their area safer and save lives, and in this particular location we can create a better shopping and pedestrian environment.

I will have this matter taken up within VicRoads to find out the status of the proposal. Because of the representations made by the member for Gembrook, we understand that it is a worthy project. It is worthy of consideration by VicRoads, and we will see that this matter of road safety is given urgent consideration.

Ms KOSKY (Minister for Education and Training) — The member for Bulleen raised for my attention a matter in relation to the Vocational Training Group. It relates to apprenticeship/traineeship training program funding and the fact that it had its registration withdrawn for a period of time. The group has actually complied with that registration. I will follow that through with the department to find out why it was not allowed to be given funding for the 2005 period, and I will get back to the member on that.

Mr HOLDING (Minister for Manufacturing and Export) — The member for Hastings raised a matter for me in relation to the company B. P. and D. J. Lucas and Sons, which is seeking to expand its innovative asparagus products into markets in the Middle East. I firstly thank the member for Hastings for raising this matter with me. She is a very good advocate for the variety of industries within her electorate. I have previously enjoyed visits that I have had with her to different companies in her electorate, and I know we will continue to visit local businesses that are doing innovative things in the export area in the future.

In relation to B. P. and D. J. Lucas and Sons, it has already been the recipients of a Victorian government Grow Your Business program, which enabled it to develop specific promotional marketing strategies for its Austsparagus product. They feature a real-time packing shed that enables customers to select specific batches of produce and the new marketing brand that I just mentioned. The company wants to take this new marketing brand, which it developed with the assistance of the Victorian government Grow Your Business program, and chase export markets.

The Victorian government takes the view that it should do everything it can to support companies to become more innovative and more export focused. We are very pleased now to be able to provide some additional support to this outstanding company based in Cranbourne South and involved in asparagus growing in the nearby Dalmore area. I am very pleased to now announce a $10 000 grant for the Austsparagus product — a First Step Exporter program grant that will help the company go to the United Arab Emirates, meet with potential buyers and develop markets in the Middle East. It is a very exciting market, one of the three that we have identified within our Opening Doors to Export plan as being central to Victoria's export future.

I congratulate the member for Hastings for raising this matter, and more particularly I congratulate this innovative Victorian company for employing many Victorians in that part of the state. I wish it every success as it chases markets in the Middle East and beyond, and I look forward to reading more about its success in the future.

The member for Benambra raised a matter for the Minister for Water, and I will direct that to the minister's attention.

The member for Pascoe Vale raised a matter for the Minister for Victorian Communities. I will direct that to his attention for response.

The member for Bass raised a matter with the Minister for Environment. I will direct that to the minister's attention.

The member for Mitcham also raised a matter with the Minister for Water.

The member for Mildura raised a matter with the Minister for Consumer Affairs in another place. I will direct both of those matters to those ministers for their responses.

The member for Footscray raised a matter for the attention of the Minister for Victorian Communities, and I will direct that to the minister's attention for response.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.42 p.m.