PARLIAMENT OF VICTORIA

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LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

7 December 2004

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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TUESDAY, 7 DECEMBER 2004

Tuesday, 7 December 2004

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

QUESTIONS WITHOUT NOTICE

Police: database access

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer the minister to the decision last week by the Ombudsman to initiate a fresh investigation into the improper access of confidential police files and abuse of the law enforcement assistance program system, including by the minister, and I ask: will the minister now admit that the integrity of the LEAP system is in tatters?

Mr HAERMEYER (Minister for Police and Emergency Services) — Firstly, may I say that this government gave the Ombudsman own-motion powers. We called on the previous government to do that: it refused to do it. We have given him own-motion powers, extra resources and extra powers to investigate inappropriate behaviour on the part of the police. I am glad that he is using them because that is exactly what they are there for.

Environment: greenhouse gas emissions

Ms LINDELL (Carrum) — My question is to the Premier. Will the Premier outline to the house the major elements of the government's Greenhouse Challenge for Energy policy released today and its significance for the economic and environmental future of Victoria?

Mr BRACKS (Premier) — I thank the member for Carrum for her question. Today, with the Minister for Energy Industries in the other place and the Minister for Environment, I was very pleased to launch Greenhouse Challenge for Energy, which is the government's policy on greenhouse gas emissions, following an extensive study which was commissioned by our government from Allen Consulting Group, which produced a very good report from which the government has determined its policy and which will now go forward for examination by the other states and territories and also the commonwealth. It will be open for comment and discussion by industry, community groups and organisations until February next year.

This comes at a time when we know that from January next year most, if not all, of Europe is moving to an emissions trading system and when in 10 weeks time the Kyoto protocol will be ratified, now that Russia has also agreed to be a signatory. So in those circumstances it is timely and important to have a response from the Victorian government on its position in relation to the issue of greenhouse gas emissions which will confront us in the future.

We have two objectives in the determination of our policy. The first objective is to cut greenhouse gas emissions, and the concurrent and second objective is to drive new investments and new jobs to ensure we have a system which is complementary and supportive of what is happening around the rest of the world, enabling our high energy users to trade internationally as well as in Australia.

I commend the Allen Consulting Group for the groundbreaking work it has done. This is something which can be taken forward as a proposal for other states and territories and the commonwealth. It proposes that Victoria have an emissions trading system so long as every state and territory government also agrees and signs on to such a system. It has rejected, as has our government rejected, a new carbon tax. We do not see the necessity or need for the collection of a new federal government tax, which a carbon tax would become. Rather, we see the need to have sensible trading targets customised to particular sectors of the industry which are achievable over time, either with standstill positions in the first few years or with achievable reductions in greenhouse gas emissions over a period of time.

That is sensible. It means that industries can adjust. It means that if they get those savings, they can accrue them. If they get more savings, they can trade those. We have left open the possibility of other environmental works occurring around Victoria as a compensatory measure over and above reducing greenhouse gas emissions directly by the industry involved — it might be by tree planting or by other important measures.

This is a sensible, workable system which gives, first, the opportunity for Victoria to have a strong and sustainable future with a cut in greenhouse gas emissions and, second, a strong and sustainable position for industry. It is predictable, it is certain, and it will mean that with industries investing over a 10, 15 or 20-year period, they will know the policy of the state government. It is one of the unanswered questions: what will you do in response to what is happening in Europe and around the rest of the world? What is happening with the signing of the Kyoto protocol? There is no doubt now about Victoria's position. The challenge now is for other states and territories to come

on board the model we have set. We are confident about the majority of the states.

An honourable member interjected.

Mr BRACKS — We have to convince Queensland — you are quite right — and Western Australia is currently taking an open position on this matter. We have to convince them, but the majority of the states are supporting it, and that is important.

We also have to urge the federal government to take up its responsibilities. A system of simply waiting and assuming nothing will happen is not good enough. It is not good enough for industry; it is not good enough for the environment; and if it is meeting the targets, there is no problem. If it is already meeting them, it should simply sign the protocol.

The *Greenhouse Challenge for Energy* position paper released today by our government will go forward for public consultation until February. It will become, after a refinement from that public consultation, the policy of the state on greenhouse gas emissions. If adopted, it will be very good in cutting greenhouse gas emissions and also for providing certainty and predictability for the investment climate here in Victoria.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Prior to calling the next question, I welcome into the gallery the previous Minister for Agriculture, Keith Hamilton.

Questions resumed.

Hazardous waste: Nowingi

Mr RYAN (Leader of The Nationals) — He's got a coat on, too!

My question is to the Minister for Major Projects. With environmental concerns obviously being uppermost in the minds of the Premier and his government, and with the government's own consultants having reported that the proposed toxic waste dump site at Hattah-Nowingi is home to the rare greater long-eared bat and at least eight fauna species of national significance, will the government now abandon its ridiculous proposal for development of the project at this location?

Mr BATCHELOR (Minister for Transport) — This government takes the environmental investigations at Nowingi seriously. We have released seven documents today; six of those are for the preliminary stage 1 investigations — important scientific investigations — that will form the basis of the environment effects statement (EES), which is expected to go on exhibition around the middle of next year. The Leader of The Nationals has raised the issue of the greater long-eared bat, which is an important issue. Evidence of its existence in or near the proposed site has come from the government's investigations. There are a number of significant animals and birds that have been found to be — —

Dr Napthine interjected.

Mr BATCHELOR — Again, the member for South-West Coast suggests that he should put the waste containment facility in the Royal Botanic Gardens! It just shows you that they do not take this issue seriously.

The government has identified that there are significant birds, animals and vegetation at this location, and it will now go to stage 2 of its investigations. Having identified what the facts are, we will now evaluate them. But behind the question from the Leader of The Nationals is a request that the government abandon scientific investigations and the EES process. We are not proposing to do that. The government thinks the scientific community should be given the opportunity to examine the facts and then have those tested by an independent panel, and provide an opportunity for the local community to have its say and input. We reject The Nationals' suggestion, implicit in this question, to abandon the EES process. Neither will we have a predetermined outcome. Unlike members of The Nationals, who have predetermined their outcome, we will allow the investigations to proceed, to conclude, to be properly evaluated, to allow the community to have its input, to allow the EES to be independently interrogated and to allow the government to make the final decision. We reject the proposals being put forward by The Nationals.

The other thing that is worth remembering is that in the reports that we put out today it quite clearly states that the best way of determining what the environmental assessment will be is to examine what the facts are, to take into account what those facts are in relation to these important environmental issues and to then understand what the design of the facility will be and then how that design and the environmental issues will be taken into account when we site it on a very large government block of land that is many times larger than the footprint required for the facility. It is also worth noting that these stage 1 studies we have carried out and released today will involve more work being done, and when that work has been completed we will make it

available to the local community. We have given an undertaking to do that.

These studies will look at the range and distribution of these significant species that have been identified, not only on the site in Nowingi but in the broader region. We also need to acknowledge that 80 per cent of the habitat that is currently available for these significant birds and animals is nearby in protected parklands. There are very large areas of protected habitat available for these birds and animals nearby.

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

The SPEAKER — Order! I ask the minister to draw his answer to a conclusion.

Mr BATCHELOR — As people would understand, the vegetation and fauna habitat varies across the site. Because our footprint requirements are much smaller than the total area of the site, we have the flexibility and the options to be careful and considerate to the environment while also meeting the needs of the facility as to where it is located. All of that will be determined as a result of the environment effects statement process. We encourage people to actively engage in it, because it is through the establishment of the facts and their proper evaluation that we will get the right decision.

Environment: greenhouse gas emissions

Mr LIM (Clayton) — My question is to the Minister for Environment. Can the minister outline to the house what recent initiatives the government has implemented to reduce greenhouse gas emissions and the implications of that for jobs and growth in Victoria?

Mr THWAITES (Minister for Environment) — I thank the member for Clayton for his question. Victoria is already feeling the impact of climate change. If we do not act now, we will have more bushfires in the future and we will have less water. Farmers know this. The president of the National Farmers Federation, Peter Corrish, recently said at the National Press Club that possibly the biggest risk facing Australian farmers in the coming century is climate change.

A national emissions trading scheme will drive new investment in cleaner energy production. It will help position our businesses for a low-carbon economy. It will give businesses the choice to cut their own emissions or to buy credits from other businesses that are being efficient or producing greenhouse sinks.

The Bracks government is taking other initiatives to reduce greenhouse gas emissions and to fight climate change. One of the key recommendations in the report today is that there should be mandatory reporting and disclosure of greenhouse gas emissions by large emitters. I am pleased to say that we have already commenced to implement that. At the Environment Protection and Heritage Council meeting last week I moved that resolutions be prepared that would enable greenhouse gas emissions to be recorded on the national pollutant inventory. I was very pleased to receive support for that from Western Australia and Queensland. I was very pleased about that.

Honourable members interjecting.

Mr THWAITES — We have support from all states. Contrary to the interjections of the opposition, all states supported that important initiative.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass!

Mr THWAITES — This is the easiest way for businesses to support their emission reporting. We urge the commonwealth government to also support this.

Brown coal is a key energy resource in Victoria and will remain so, but it is important that we diversify our energy sources. That is why on this side of the house we strongly support the $1 billion investment proposal from Origin Energy for a new base-load, gas-powered station in Mortlake. We support that, as it will provide cleaner energy and jobs. I have to say it is very unfortunate that the opposition opposes this very important — —

Mr Smith interjected.

The SPEAKER — Order! The member for Bass will cease that continual interjection!

Mr Doyle interjected.

Mr THWAITES — The opposition interjects with, 'Do they oppose it? Where is your evidence?' The evidence is in a Liberal Party press release. I know they have a busy day. It shows how much work you do on your own shadow ministries.

The SPEAKER — Order! I ask the minister to return to answering the question and to conduct his comments through the Chair.

Mr THWAITES — The opposition opposes a gas-powered, very environmental energy producer at

Mortlake. Mr Philip Davis in the other place who is the shadow minister — —

The SPEAKER — Order! I ask the minister to answer the question. It is not an opportunity to discuss opposition policy.

Mr THWAITES — I refer this to the Leader of the Opposition for his own edification. I seek leave from him to table this so he can inform himself about what his own shadow ministers are saying. Is leave granted?

Mr Doyle interjected.

Mr THWAITES — Leave refused. Right!

We also strongly support wind energy, which will provide jobs and clean energy around the country. We are also providing direct financial incentives for our businesses to become more efficient and greenhouse friendly. As a result of these projects it is estimated that businesses are going to save some 500 000 tonnes of carbon dioxide per annum. These are companies like Murray Goulburn Co-operative Company Ltd, Blue Circle Southern Cement, Collex, BlueScope Steel, Sugar Australia, Alcoa, Robert Bosch (Australia) Pty Ltd, Pioneer and Shell. This is a very good list of companies which are working with this government in ensuring we produce cleaner energy, more jobs and a better environment.

Seymour Technical High School: principal

Mr PERTON (Doncaster) — My question is to the Minister for Education and Training. I refer the minister to the dumping of Mr Bill Brearley, principal of Seymour Technical High School, by regional director, Adele Pottenger, against the wishes of the school's community, and I ask: is it appropriate that Ms Pottenger appointed her partner, Mr Tom Greene, as the consultant to prepare the case for Mr Brearley to be sacked?

Ms KOSKY (Minister for Education and Training) — I thank the member for Doncaster for his question. I find it incredibly hypocritical that he comes into this chamber and feigns concern about the employment of teachers and principals — something which of course the opposition never concerned itself about when it was in office. It sacked teachers and principals — —

Mr Perton — On a point of order, Speaker, the minister is clearly debating the question. The question relates to a conflict of interest and she should answer that question.

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

Ms KOSKY — He does have a glass jaw, doesn't he?

This government has a very strong commitment to the state education system and to demonstrate that commitment we have invested billions of additional dollars in the system. We want to make sure that every student in every school in every community across the state gets the very best education.

As members of this house would be aware, the employment of teachers and principals is a matter for the department and not one that I involve myself in. I have not involved myself in this matter, despite the requests of the opposition for me to do so. The department has informed me in fact that the person in question has been employed by Goulburn Ovens Institute of TAFE to deliver a personnel improvement plan called 'People matters' across a number of schools, including that particular school. So no, he was not the consultant for the review; he has been working on this project. The member should get his facts right!

Honourable members interjecting.

The SPEAKER — Order! I remind members that they are required to be quiet when the Chair rises to her feet. If they persist in interjecting they will be removed from the chamber without further notice.

Mr Seitz interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under standing order 124 I ask the honourable member for Keilor to vacate the chamber for 30 minutes.

Honourable member for Keilor withdrew from the chamber.

Questions resumed.

Melbourne showgrounds: redevelopment

Mr HELPER (Ripon) — My question is to the Minister for Major Projects. Can the minister outline to the house the significance of the government's most recent announcement concerning the $101 million redevelopment of the Royal Agricultural Society's showgrounds?

Mr BATCHELOR (Minister for Major Projects) — The Bracks government and the Royal Agricultural Society of Victoria Ltd (RAS) have embarked on a new, exciting era for one of Victoria's much-loved and really popular icons, the Royal Melbourne Show. Yesterday the Premier, the Minister for Agriculture and I unveiled the redevelopment plans for the showgrounds. These plans maintain the best traditions of the show while providing new and exciting spaces for visitors and exhibitors. Highlights of the proposed redevelopment include a new animal outdoor competition area, a grand pavilion which will be enclosed under a big top so it can be used in all types of weather conditions, a town square providing a separate public open space from the arena itself, and a revitalised major entrance and boulevard off Epsom Road.

The proposed design carefully considers the heritage of the showgrounds which contains many heritage buildings which will be retained and restored. The preferred proponent, PPP Solutions, will now be applying for heritage approvals, which will provide members of the public with the opportunity to comment on heritage aspects of the design being proposed for the showgrounds.

The government, as I said, is providing $101 million under a joint venture arrangement with the RAS, and redevelopment works are expected to commence early next year, with completion required by the 2006 show. In the meantime, the 2005 show will go ahead — the show must go on, Speaker.

Honourable members interjecting.

Mr BATCHELOR — This will not protect the opposition, because unlike previous Liberal governments, this government is going to do something about protecting the show. We are committed to reinvigorating the show and ensuring that the link between regional Victoria and the capital city is not only maintained but strengthened. We want to bring provincial Victoria and its productive activities to the attention of the capital city. We support country Victoria, we support the Royal Agricultural Society and we support the Royal Melbourne Show.

Seymour Technical High School: principal

Mr PERTON (Doncaster) — My question is the Minister for Education and Training. I refer the minister to the dumping of Mr Bill Brearley, principal of Seymour Technical High School, by regional director, Adele Pottenger, on the advice of her partner Tom Greene, and against the wishes of the school's community, and I ask: why was the announcement of Mr Brearley's dumping delayed until Ms Pottenger and her partner, Mr Tom Greene, were conveniently in England and away from media scrutiny?

Ms KOSKY (Minister for Education and Training) — I think it is extraordinary that we have a member in this house who is now prepared to attack public servants who are just doing their jobs. We have made an absolute commitment to education in this state. We have made a commitment to reinvest in education, something that the other side never ever did, and we have made a commitment as well to ensure that our schools continually improve. The department is doing a terrific job in ensuring — —

Mr Perton — On a point of order, Speaker, on the issue of relevance, the question relates to the timing of the dismissal, as the school council gave advice in July but — —

The SPEAKER — Order! When members are making points of order it is not necessary to repeat the question. The minister, to continue to answer the question.

Ms KOSKY — It is disappointing that the opposition member will say anything to try to get a headline. We have very good staff within our department. We are moving to make improvements in schools to ensure that the outcomes for our students are much better. The timing actually coincided with the fact that the principal, who had offered his retirement, then reneged on that retirement.

Melbourne Centre for Financial Studies: establishment

Mr STENSHOLT (Burwood) — My question is to the Minister for Financial Services Industry, and I ask: can the minister outline to the house what progress has been made towards establishing the Melbourne Centre for Financial Studies, in doing so confirming Melbourne's importance as a centre for Australia's financial services industry?

Mr HOLDING (Minister for Financial Services Industry) — I thank the member for Burwood for his question. Unlike many members of the opposition, the member for Burwood takes a keen interest in the financial services industry. He is a great supporter, for example, of community banking in his electorate.

Honourable members will recall that in October 1998 then Premier Kennett informed the Law Institute of Victoria that Victoria should abandon any pretence of being a centre for financial services and should cede

this opportunity to Sydney. I am very pleased to inform honourable members that this is not a view shared by the government.

The Bracks government takes the view that we should do everything we can to support Melbourne as a centre for the financial services industry and to make sure that Victoria continues to play a lead role in Australia in supporting the industry. To that end in May this year I was very pleased to launch the government's industry action plan for supporting our financial services industry, entitled Investing in Victoria's Future. This is a very important industry — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is far too high. I ask members to be quiet to allow the minister to be heard.

Mr HOLDING — This sector contributes over $14 billion to our gross state product and employs over 90 000 Victorians. The centrepiece of our industry action plan for the financial services industry is the establishment of the Melbourne Centre for Financial Studies. I am very pleased to inform honourable members that we have entered into an agreement. We are now able to announce that the three joint venture partners in establishing the Melbourne Centre for Financial Studies will be the University of Melbourne, RMIT University and Monash University. They will be establishing an advisory board that will ensure that the centre is operational in the 2005 financial year.

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast and the member for Kew will cease interjecting in that manner!

Mr HOLDING — The centre will bridge the gap between our universities, our research organisations and our financial services industry. It will conduct important research in subjects such as the Asian and Australian financial markets, derivatives and other tradeable markets, the funds management industry and the banking and financial services sector, as well as broader issues that are also of interest to our financial services industry, such as superannuation, taxation, the housing market and our biotechnology sector.

This government will continue to work in partnership with our financial services industry to make sure that we grow this sector for our state. We are contributing over $1 million over two years to support the establishment of the centre, and we are pleased to be able to use these funds to leverage over $1 million in cash and in-kind support to ensure that the Melbourne Centre for Financial Studies will be a success.

We are pleased to take this sector seriously — unlike the previous government, which said that Melbourne should cede its leadership in this area. We will continue to work in partnership with our financial services sector to make sure that we create employment, attract investment and continue to grow this vitally important part of the state's economy.

Wind farms: planning

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Planning. I refer to a Department of Sustainability and Environment recommendation that in the interests of native flora and fauna wind farms should be set back at least 1 kilometre from the boundaries of a national park, and I ask: in the interests of country people, will the minister show the same level of respect and use the same criteria to ban wind farms within 1 kilometre of residential dwellings?

Ms DELAHUNTY (Minister for Planning) — I thank the Leader of The Nationals for his question. We have a strong environmental policy. Members have just heard both the Premier and the environment minister outline our plans to manage greenhouse gases. Part of that is support for renewable energy, and an integral part of that is support for wind energy.

How do we do that? We have wind energy guidelines. Every application that comes to government is tested against those guidelines. Every application that requires it has an environment effects statement (EES). In particular the big applications — the big projects — are tested by an independent panel. So each of those projects is tested on a case-by-case basis against our guidelines. That is the appropriate way forward, and that is the analysis that we apply to each of our wind farm projects.

As far as flora and fauna and proximity to houses are concerned, each of these issues is tested according to the guidelines determined by this government, and each project is tested against those. So of course it is fair that people who are living close to any proposed wind farm project have the ability to put their submissions to an independent panel. Also the independent panel will test — —

Mr Ryan interjected.

The SPEAKER — Order! The Leader of The Nationals.

Ms DELAHUNTY — It will test the proximity to any homes. In the case of the one that you refer to, we have not required — —

The SPEAKER — Order! Through the Chair.

Ms DELAHUNTY — With the one that the member raises, we have not required an EES panel, because the advice that has come to me is that that is not required. But there is always the opportunity for the public, through the normal planning process, to put their points of view about proximity of homes — —

Mr Ryan — On a point of order, Speaker, the minister is debating the question. All the minister is being asked is whether the same criteria are being applied to people as are being applied to flora and fauna. It is a simple question.

The SPEAKER — Order! When members raise points of order they are required to do so in the appropriate form, which is not just to repeat the question. I do not uphold the point of order.

Ms DELAHUNTY — In conclusion, the difference is that we have an environmental plan, we have guidelines for wind farms, we are actually sincere about the environment and we are very clear that we have a policy for supporting renewable energy. That is the difference. Members on the other side do not have a plan for anything.

Land tax: caravan parks

Ms ECKSTEIN (Ferntree Gully) — My question is to the Treasurer. Can the Treasurer outline to the house any recent tax initiatives and how these changes have been received?

Mr BRUMBY (Treasurer) — I thank the member for Ferntree Gully for her question. Of course the Bracks government has an outstanding record on tax reform, particularly on business tax reform. We have reduced the payroll tax rate from 5.75 per cent to 5.25 per cent — the second-lowest rate in Australia; we have abolished financial institutions duty; we have abolished duty on quoted marketable securities; we have abolished duty on leases; we have abolished duty on unquoted marketable securities; we have abolished duty on mortgages; and in April this year we announced the most far-reaching reforms to land tax that this state has ever seen.

Honourable members interjecting.

Mr BRUMBY — The opposition can interject all it likes. We have taken Victoria from being the state with the most number of business taxes to being the state with the least number of business taxes. During the whole period of the Kennett years — seven dark years in Victoria — how many business taxes were abolished? One! And do you know what it was worth? One million dollars! We have led the way in tax reform.

At the weekend we announced a further reform which is significant for caravan parks. This further reform will be important in reducing the cost of permanent accommodation for residents who live in caravan parks across the state — and there are around 9000 of them — and who are generally older and generally poorer Victorians. This decision will benefit those permanent residents — and of course, it will be a great boon to the tourism industry. So at the weekend we announced that, from 1 January 2005, caravan parks will no longer be required to pay land tax.

I thank the member for Bellarine, who chaired the task force established by the Minister for Environment. She provided me with an interim report some weeks ago which said that this was a major issue and should be addressed. We have listened to that, and we have reacted to those views and the views of other caravan park owners across the state. The owner of the Wynndean caravan park said:

> It's been a threat that's affected every business decision we've made in the past 15 years, and this has lifted an immense burden …

He indicated that he had seen the former Treasurer, Mr Stockdale, with no success.

The chairman of the Victorian Tourism Industry Council, Bob Annells, welcomed the decision as well. In a newspaper article headed 'Inverloch "saved" by caravan land tax move', Mr Phil Redmond of Inverloch Holiday Park is quoted as saying:

> That's good news for caravan park operators …
>
> More importantly, it is great news for caravan parks in Bass Coast Shire and good news for people on the outskirts of Melbourne looking for low-cost residential accommodation.

Mr Smith interjected.

Mr BRUMBY — It is also good news for the member for Bass. He will now have somewhere to retire to!

BUSINESS OF THE HOUSE

Parliament House: room bookings

Mr Honeywood — On a point of order to do with the administration of the house, Speaker, prior to the conclusion of the last sitting government members were provided with the dates for this sitting well in advance of any similar dates being provided to members of The Nationals and the Liberal Party and to the Independents. The reason I raise this is that it came to my attention that a queue developed at your attendance desk to make bookings for meeting and function rooms for this current sitting. Given that you administer this house on our behalf, Speaker, I ask that prior to the end of this sitting you come back to us with a commitment that any bookings by members for meeting rooms and function rooms will be done on an equitable basis and not as a special deal for government members only.

The SPEAKER — Order! If the Deputy Leader of the Opposition had bothered to check with my office, he would have found that the booking of rooms is strictly monitored. No rooms are allocated until the sitting dates are made available. A very strict count is kept to ensure that all parties get equal treatment.

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144, notices of motion 160 to 169 inclusive will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Mr THOMPSON having given notice of motion:

The SPEAKER — Order! The second part of the member's notice of motion is out of order. The member might like to stop there. It sounds as if he is making a 90-second statement, but these are notices of motion. The first part is in order, but the second part is not.

Mr THOMPSON — It is supplementary information putting the notice of motion in context.

The SPEAKER — Order! No, it is not.

Further notices of motion given.

CHANNEL DEEPENING (FACILITATION) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to make provision for the carrying out of the deepening of channels providing shipping access to the port of Melbourne, to amend the Port Services Act 1995 and for related purposes.

Read first time.

CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Corrections) — I move:

> That I have leave to bring in a bill to amend the Corrections Act 1986 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister for a brief explanation of the contents of the bill.

Mr HAERMEYER (Minister for Corrections) — The purpose of the bill is to facilitate the establishment of a community transition unit to assist in the pre-release rehabilitation of prisoners.

Motion agreed to.

Read first time.

RETIREMENT VILLAGES (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Retirement Villages Act 1986 and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Wonthaggi State Coal Mine: future

To the Legislative Assembly of Victoria:

The petition of Friends of the State Coal Mine, residents of Wonthaggi, residents of Bass Coast Shire in the state of Victoria, draw to the attention of the house that Parks Victoria has ceased underground tours at the Wonthaggi State Coal Mine tourist attraction after advice from engineering consultants that haulage and electrical equipment is no longer in line with the new regulations. This means that all underground workings, operations and maintenance done by volunteers have stopped. All tourist mines must now operate to working mine standards.

The petitioners therefore request that the Legislative Assembly of Victoria provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and equipment up to the same standard as a working mine. We, the undersigned, will gratefully accept every possible assistance you can offer us to have this valuable tourist attraction in working order so that underground tours can resume.

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

By Mr SMITH (Bass) (297 signatures)

Housing: loan schemes

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

The humble petition of the following residents to the state of Victoria sheweth state government sponsored home loan schemes under the flawed new lending instrument called capital indexed loans sold since 1984–85 under the subheadings: CAPIL, deferred interest scheme (DIS), indexed repayment loan (IRL), home opportunity loan scheme (HOLS), shared home opportunity scheme (SHOS) are not fit for the purpose for which they were intended.

We the undersigned believe these loans are unconscionable and illegal and have severely disadvantaged the low income bracket Victorians the loans were meant to assist.

Your petitioners therefore pray that:

1. the existing loans be recalculated from day one in a way as to give borrowers the loans they were promised 'affordable home loans specially structured to suit your purse';

2. the home ownership be achieved within 25 to 30 years from date of approval;

3. the payments to be set at an affordable level (i.e., 20–25 per cent of income for the duration of the term for all the loan types);

4. past borrowers who have left the schemes be compensated for losses that have been incurred by them being in these faulty structured loans;

5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients;

6. the interest rate will be at an affordable rate (i.e. flat rate of 3 per cent per annum or less for the length of the term of the loan) geared to income;

7. capital indexed loans be made illegal in this state to protect prospective loan recipients.

We ever pray that we may lead a quiet and peaceable life in all godliness and honesty. (1 Tim. 2:2)

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

By Mr LOCKWOOD (Bayswater) (9 signatures)

Housing: loan schemes

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

The petition of certain residents of the state of Victoria draws to the attention of the house that we object to the exorbitant amounts of public funds being used to mount an unethical defence of litigation brought against a government department by impecunious recipients of failed state government created home loan schemes.

The petitioners further draw to the attention of the house that these loan recipients have maintained their loans in a meticulous manner and through no fault of their own have been burdened with a lifetime of debt. And that this litigation occurs as a direct result of the refusal of past and present government ministers to acknowledge the government's responsibility to the people who embraced the promise of home ownership offered to them through home loan schemes, especially designed for them by the state government of Victoria.

Your petitioners therefore request the house to initiate an independent board of inquiry with the scope to fully investigate the loan schemes. Further your petitioners respectfully request that until such an inquiry is held, the Minister for Housing ceases and desists from sending letters containing incorrect information to elected members and that legal representatives acting on behalf of the defendant in this matter be instructed to act as model litigants.

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

By Mr LOCKWOOD (Bayswater) (9 signatures)

Sandringham: beach renourishment

To the Legislative Assembly of Victoria:

The petition of the residents of Melbourne draws to the attention of the house the lack of government funding for beach renourishment works as part of the cliff stabilisation program proximate to the former Red Bluff Hotel in Sandringham.

Prayer

The petitioners therefore request that the Bracks government, in addition to providing funds for cliff stabilisation works, also provide funds for beach renourishment works to preserve and protect one of the great beach and scenic areas of Melbourne.

By Mr THOMPSON (Sandringham) (4 signatures)

Tabled.

Ordered that petitions presented by honourable member for Bayswater be considered next day on motion of Mr COOPER (Mornington).

DOCUMENTS

Tabled by Clerk:

Audit Act 1994 — Report on the Performance Audit of the Victorian Auditor-General's Office, December 2004

Parliamentary Committees Act 2003 — Response of the Minister for Education and Training on the action taken with respect to the recommendations made by the Education and Training Committee's Report of the Inquiry on the Impact of the High Levels of Unmet Demand for places in Higher Education Institutions on Victoria

Ombudsman — Report of the Office for the year 2003–04 — Ordered to be printed

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

Colac Otway Planning Scheme — No C35

Greater Dandenong Planning Scheme — No C31 Part 2

Greater Shepparton Planning Scheme — No C47

Hume Planning Scheme — No C51

Kingston Planning Scheme — No C50

Knox Planning Scheme — No C7

Latrobe Planning Scheme — No C27 Part 1

Moreland Planning Scheme — No C45

Queenscliffe Planning Scheme — No C14

Stonnington Planning Scheme — Nos C5 Part 2, C36

Statutory Rules under the following Acts:

Births, Deaths and Marriages Registration Act 1996 — SR No 143

National Parks Act 1975 — SR No 142

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 142

Minister's exemption certificate in relation to Statutory Rule No 143

Victoria Grants Commission — Report for the year ended 31 August 2004.

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

Death Notification Legislation (Amendment) Act 2004 — Remaining provisions on 26 November 2004 (*Gazette S246,* 26 November 2004)

Limitation of Actions (Adverse Possession) Act 2004 — Whole Act on 26 November 2004 (*Gazette S245,* 26 November 2004)

Mental Health (Amendment) Act 2003 — Part 2 on 6 December 2004 (*Gazette G49*, 2 December 2004).

ROYAL ASSENT

Message read advising royal assent to:

Children and Young Persons (Koori Court) Bill
Construction Industry Long Service Leave (Amendment) Bill
Energy Legislation (Amendment) Bill
Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill
Mildura College Lands (Amendment) Bill
Transport Accident (Amendment) Bill
World Swimming Championships Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 9 December 2004:

Accident Compensation Legislation (Amendment) Bill

Gambling Regulation (Further Amendment) Bill

Heritage (World Heritage) Bill

Housing (Housing Agencies) Bill

Occupational Health and Safety Bill

Safety on Public Land Bill

Transport Legislation (Amendment) Bill.

These bills number seven in total and constitute the government business program for the last sitting week of the Legislative Assembly in this current session. Contained among the seven bills is the Occupational

Health and Safety Bill, which is a landmark piece of legislation which I am sure many members, possibly from both sides, will want to speak on. Taking that into account I believe sufficient time has been provided to deal with these issues, including that of the Occupational Health and Safety Bill.

In order to assist members about the likely order that we will follow, the suggested order on the notice paper is not how we will proceed today. We will firstly deal with the Heritage (World Heritage) Bill, then the Gambling Regulation (Further Amendment) Bill followed by the Accident Compensation Legislation (Amendment) Bill. It is the government's intention to bring the bills on in that order, and if possible to deal with them before moving on to the remainder of the bills on the government business program, and deal with them by way of lead speakers in the first instance, before going back to undertake the second-reading debate in considerably greater detail.

Mr PLOWMAN (Benambra) — On this occasion the Liberal Party opposes the government's business program for one basic reason — that is, that as usual the government has left the worst to last. Nothing in this session of Parliament matches the Occupational Health and Safety Bill for its draconian measures in the way it will affect all businesses right across Victoria. What is more appalling is that it could not have been introduced a moment later than it was. In other words there has been absolute minimum time for the opportunity to discuss this with the electorate, with businesses, with business houses and organisations.

This bill is clearly going to affect all sorts of businesses; it will affect every business in Victoria. It will allow union access to people's homes, businesses and farms. The reason for our opposing the business program is that we do not have enough time for consultation.

Mr Lupton — On a point of order, Speaker, the member for Benambra appears to be anticipating the debate and going into great detail about the opposition's attitude to the bills that are likely to be debated this week rather than the government business program itself. I ask the Speaker to bring the member for Benambra back to the issue of the government business program and the time that is going to be devoted to that during this week.

Mr PLOWMAN — On the point of order, Speaker, the member for Prahran suggested I was referring to bills that might be debated. Quite clearly this bill is on the program, it is going to be debated, and we are opposing the business program on the basis that this bill is being debated with the very least time available to us. On that basis this bill should lie over, and that is the reason for the debate by the opposition.

The SPEAKER — Order! On the point of order, I believe the member for Benambra did briefly go into the subject matter of the bill, but he had returned to the point of time when the point of order was raised. Does the member for Benambra wish to continue?

Mr PLOWMAN — The reason for the opposition is this: in the last sitting week we had eight bills before the house, which we got through pretty well, but the Speaker might remember one of those bills was the Multicultural Victoria Bill, which was very important to a lot of members here and members on both sides of the house did not get the opportunity to speak on that bill.

An honourable member interjected.

Mr PLOWMAN — So I am not just saying members of the opposition — and I am glad to hear that endorsed. Therefore the program for the last sitting week did not cover the entire debate that was required by members on both sides.

This week we have seven bills. I must admit with some relief that we do not have a ministerial statement to take up more time. But the Occupational Health and Safety Bill will take up the time, I would think, of at least three bills under normal circumstances. Nothing will get more debate in this house than that bill. Not only are we going to run short of time, but it is essential that this bill gets sufficient consultation. On that basis the bill should not be concluded in this sitting week but should lie over until the autumn sitting. I know of no other bill that will affect more businesses, and on that basis those farmers, home-based businesses, non-union workplaces and all small businesses — —

The SPEAKER — Order! On the issue of time.

Mr PLOWMAN — They require additional time and additional consultation. On that basis we oppose the business program.

Mr MAUGHAN (Rodney) — Firstly, I wish to thank the Leader of the House for giving us a very detailed outline about how we are going to deal with legislation this week. That is appreciated — and means we know the game plan right at the start of the week.

Under normal circumstances, and if these were just normal pieces of legislation, we would not be opposing the government's business program. Seven bills is not a huge workload for the week — we can adequately get through those — but we support the sentiments

expressed by the member for Benambra regarding the Occupational Health and Safety Bill. This is a major piece of legislation that will have significant consequences on the farming community, the business community and organisations like the Victorian Employers Chamber of Commerce and Industry and the Victorian Farmers Federation. VECCI, as recently as today, has expressed grave reservations about that, so we would argue that this bill should lie over so that the community can have a better understanding of the implications of this legislation.

It is only the Occupational Health and Safety Bill that we are concerned about. We have no problem with the other six bills to be debated this week or with debating another bill instead of the Occupational Health and Safety Bill. But because of the limited time for the community to get to grips with the implications of the occupational health and safety legislation, including the implications it is going to have for individuals and business, we will be supporting the Liberal Party in its opposition to the government's business program this week.

Mr LONEY (Lara) — I rise to give strong support to the government business program this week for probably precisely the opposite reasons to those that have been outlined by the speakers so far, although I do agree with them in one thing — that this is a tremendously important piece of legislation. That is why it should be dealt with. We know that the attitude of those opposite is not to want to deal with occupational health and safety legislation. That has been their position for many years. There would not be occupational health and safety legislation in this state if the attitude being presented today, and as has been presented in the past, was able to prevail.

The government business program is a reasonable program this week. The reasonableness of it has been outlined by the two previous speakers. They have both picked up that there is no other bill on the program that they have any difficulty with. It is simply this one bill. So what we are really discussing here is the management of the week and nothing else. What they are saying to this house is that they are not prepared to cooperate in the management of this business week of the Parliament in such a way that will accommodate properly the — —

Mr Plowman — On a point of order, Speaker, clearly the member is suggesting that we are saying that this should not be a debate about the business program.

The SPEAKER — Order! What is the point of order?

Mr Plowman — Quite clearly, he is misrepresenting the suggestion inasmuch as — —

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

Mr LONEY — Speaker, as I was saying, what this is really about is management of the house through the week. You would have thought that where all sides say they are agreed that this is a very important piece of legislation and are also agreed that it is a piece of legislation that should be subjected to debate, that perhaps there would be some cooperation about its management during this week to allow that to occur. The proposition that the Leader of the House has put forward is reasonable in that it allows an accommodation of both sides of the house to be able to debate this particular piece of legislation at some length. I do agree that it should be debated at some length, and I would certainly want the opportunity to make some remarks about this piece of legislation.

Mr Baillieu interjected.

Mr LONEY — And so evidently would the member for Hawthorn. It is interesting, of course, that what is being put here is an objection to one piece of legislation. I think that that objection is really along the lines of, 'We had a go at knocking it off the other day after the second-reading speech on the deferral; we will have a second run at it during the government business program to see if we can knock it off by not having it debated; we will do anything to prevent this legislation coming before the house', because that is what we are really looking at here. The opposition, in its approach to the government business program this week, is really revealing that its underlying agenda is to do anything to stop this legislation coming before the house.

I strongly believe this is legislation that the house should be debating and should be giving as much time to as it can. We should be implementing management procedures to maximise the opportunity for all members to be able to make a contribution on this particular piece of legislation. From my point of view, when it comes before the house I hope it is a successful appearance.

Mr COOPER (Mornington) — The Leader of the House described the Occupational Health and Safety Bill as landmark legislation, and I would suggest that that is probably a pretty apt description; but in so doing I hope he was not denigrating the remainder of the legislative program he is proposing, because of the seven bills on it, certainly six have some moment. I suggest that the Gambling Regulation Bill, the Heritage

(World Heritage) Bill, the Safety on Public Land Bill, and the Transport Legislation (Amendment) Bill will all receive some attention from members in this place, and therefore time needs to be made available to them.

It is not as if we are, as the honourable member for Lara has just hinted to this house, basically putting all these pieces of legislation to one side and allowing them to be passed at 4 o'clock next Thursday, and devoting the entire sitting week to the occupational health and safety legislation. The reality is that a number of people will be speaking on each of the seven bills before the house. There will be more, no doubt, wanting to speak on the Occupational Health and Safety Bill. That should therefore draw the attention of every member of this house to the time allocated to debate in this place.

I did some work on that point yesterday, and in a normal parliamentary week there are some 22 hours of sitting. Of the 22 hours, after you deduct the time for question time, members statements and other business — and in the case of most of the recent weeks matters of public importance and ministerial statements — you are left with a very conservative 15 hours of debate for legislation.

This week we have seven bills. Seven bills will mean there will be lead speakers for the Liberal Party and The Nationals and that will take, of the 15 hours left, a conservative 10 hours for those seven bills. Then, by the process of simple mathematics, that leaves 5 hours for debate for members of the backbench on both sides of this place. That therefore means we will have a maximum of 30 backbench contributions on the seven pieces of legislation, which is an average of four per bill, and that is without allowing any time for consideration in detail of any of the bills, and certainly the Occupational Health and Safety Bill will require consideration in detail.

Under any reasonable scrutiny that is insufficient time to debate. It is simply insufficient time for the house to deal with seven pieces of legislation, particularly when you have among them a major bill which the Leader of the House himself has described as landmark legislation.

I make the point — and it is a point I have been keen to make for some weeks but I have let it go because I wanted to see how the management of this house would occur — that this government is reducing the time available for members of the house to speak on legislation; and the figures I have here clearly show that. Then in recent weeks we have also had that time further reduced by ministerial statements. It is just not good enough for the government to be bringing forward legislation of major moment, which it describes as landmark legislation, inside a package of seven bills — most of which are important and backbenchers will want to deal with them — and say it is allowing reasonable time to debate legislation. It is not.

That is why this business program is being opposed. It is simply wrong for the government to say it is being open, accountable and transparent in the way it promised it would be in the running of this house. It is clearly shown by all the performances during this sitting alone that the backbench on both sides of Parliament is being stifled by the government, and debate is being truncated.

Mr INGRAM (Gippsland East) — I desire to move an amendment to the government's business program. I move:

> That the Occupational Health and Safety Bill be deleted from the government business program.

In speaking to both the proposed amendment and also the business program, it is clear that seven bills would normally get through in a normal week, even taking into account the fact that there are a number of important bills here, and I will be taking some interest in a number of them.

It is quite clear from correspondence to my office and through consultation with constituents that there is a fair amount of concern about the Occupational Health and Safety Bill; there have been a number of recommendations put to me that the bill be held over, and I support those calls. That does not mean that we cannot actually start the debate — we can still debate it — but by including it in the government business program it means that the bill comes under the guillotine and at 4 o'clock on Thursday that bill is passed, whether I, as a member of this place, have had the opportunity to speak on it or not.

It is very important when we discuss important pieces of legislation that all members of this place have the opportunity to speak on them. That is why I have moved the amendment, and I would like to think I will get support for it. It does not mean we cannot actually start the debate and have lead speakers make their contributions, for example, but it gives everyone the opportunity to speak on it. If all members of this place who wish to speak get a chance to speak, then maybe the bill can be passed this week as well.

With those few words, and with the omission of the Occupational Health and Safety Bill from the program, I am happy to support the government business program.

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

Ayes, 59

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

Noes, 26

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

Amendment defeated.

House divided on motion:

Ayes, 59

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

Noes, 26

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

Motion agreed to.

MEMBERS STATEMENTS

Commonwealth Youth Games

Ms ALLAN (Minister for Education Services) — Congratulations to the entire Bendigo community for the marvellous job it did last week in hosting the 2004 Commonwealth Youth Games. Last week Bendigo was host to 1000 athletes and officials from 25 commonwealth countries. It was great to see the athletes, who thrilled us with their performances. We saw many stars of the future compete at venues around the city. Thanks should also go to the officials from the teams and from Australian national sporting bodies, who ran the competition so smoothly.

The City of Greater Bendigo is to be congratulated for its outstanding job in organising the games, with particular credit going to the team of people who were hands on, especially the games organiser, Michelle Pryde, and the games chairman, Alan Besley. Everyone was dazzled by the performances at the opening and closing ceremonies, when we saw the talents of young

people from our region on display. It was wonderful to see the incorporation of an indigenous welcome and the display by the Chinese Association, which included the much-loved dragon, Sun Loong.

The value to Bendigo and the region from hosting the games was enormous, with an estimated $6 million in economic spin-off plus the many tourist visits to the region. Its potential promotion not just locally and throughout Victoria but internationally cannot be overestimated.

Thanks to the media who covered the event, including the local media, the *Herald Sun* and the *Age*, which gave it great coverage. Also congratulations to the Bendigo community, without whom it would not have been possible.

Seymour Technical High School: principal

Mr PERTON (Doncaster) — I raise the matter of the Seymour technical college and the dismissal of Mr Bill Brearley. It is not my role to judge whether Bill Brearley ought to be principal or not, but the first thing I object to is that the school council was ignored. The school council ought to be the primary body in determining the principal of the school, and in this case the council unanimously called for the continuation of Mr Bill Brearley's contract.

The second thing I am concerned about is due process. I would have thought that any member of Parliament would find it shocking that a public servant would have her husband appointed as the consultant who was to make the decision and recommendation on whether Bill Brearley was to continue as principal of the college. It is a massive conflict of interest that this regional director had her husband appointed as a consultant to Innoven, that she made the choice of Seymour technical college and that her husband was in fact the judge and jury in respect of the removal of Bill Brearley.

Lastly, I express disappointment on behalf of the Seymour community about the member for Seymour. The member has praised Bill Brearley in the past — indeed, in this Parliament — and for him to sit passive on this dismissal is a crying shame.

Wathaurong Aboriginal community: 10 000 Steps program

Mr LONEY (Lara) — Yesterday I had the privilege to be at the Wathaurong Aboriginal community cooperative in Geelong to participate in the launch of the 10 000 Steps program, along with the chairperson of the cooperative, Lyn McGuinness. It was wonderful to see this terrific health initiative being embraced by the indigenous community in Geelong. It is a program in which all sectors of the community can take part, from the youngest to the oldest. It encourages the adoption of healthy lifestyles for long-term benefits.

The Wathaurong Aboriginal community is very proactive in looking after the interests of indigenous people in my area. It does such things as provide employment opportunities through the highly successful and highly regarded Wathaurong Glass. It also has many other programs in place which look after the total wellbeing of the community. Health and health issues are the top priority for Wathaurong, and the 10 000 Steps program that it has taken up in itself represents a positive step towards better health outcomes for the indigenous members of the Geelong regional community. I wish it success with the program.

Students: Join the Chorus

Mr MAUGHAN (Rodney) — I bring to the attention of the house the dedication and achievements from students from government schools across Victoria that are members of Join the Chorus as well as the lack of commitment by the government to the future of this program. Join the Chorus is a talented group of students who travel from all over Victoria every Saturday to undertake training and further their careers in singing, dancing and instrumental music. There are three groups — the Join the Chorus dancers, the Join the Chorus singers and the Join the Chorus stage band.

Members of Join the Chorus traditionally put on an annual performance at the end of the year to celebrate their achievements and showcase their many talents. Another longstanding tradition has been the Nine Lesson Carol Service held at Scots Church in Collins Street for the Join the Chorus choir. This was the choir's final performance of the year. It was an important way to mark the choristers' achievements and an appropriate way to farewell members of the choir who are moving on. The Nine Lesson Carol Service has now been discontinued.

The future of Join the Chorus has been in doubt for more than 12 months now. A report was commissioned, but the findings of the review have not been made public. Join the Chorus has provided great opportunities and training for students in government schools, but until the government clearly articulates where it stands with regard to the future of this important program, the morale of students and their parents who make an enormous commitment to participating is being

compromised. I express my strong support for Join the Chorus.

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

Jess Ginberg

Mr LUPTON (Prahran) — I rise today to congratulate Jess Ginberg, a 12-year-old student from Prahran who was the grade 6 state winner of the 2004 Nestle Write Around Australia creative writing award, which is also supported by the Victorian government through the Department of Victorian Communities.

Jess submitted a story entitled 'The streets of Melbourne' about a homeless woman squatting in a building site. Her piece begins:

> Pavement gets harder and greyer each day. It gives no refuge, it has no life. Graffiti is the only art I see, the only literature I read. Scraps are my cuisine, garbage bins my deli. I am old and grey; I blend into the landscape of the city.

Jess has shown a remarkable amount of insight and concern for others in her writing. It shows the power of language and is a credit to her and her family. The award highlights the importance of reading and writing from a young age and the wonderful talents of our young people.

The awards presentation on 22 November was attended by hundreds of people, and it was a wonderful occasion. I enjoyed it very much. Winning such an award from a field of over 13 000 entries from across Victoria is a great achievement. I wish Jess continuing success with her writing in the future.

Emergency services: mobile data network

Mr WELLS (Scoresby) — This statement condemns the Bracks government and its bungling Minister for Police and Emergency Services for the appallingly incompetent mismanagement of the long overdue, over-budget and now out-of-date police and ambulance mobile data network project.

Police, ambulance officers and Victorian taxpayers have been duped by the government into believing that the new mobile data network expected to be fully operational in 2006 — some 10 years after the initial business case for the project was developed — is the latest data communications technology available. Not only should the project have been re-tendered, as stated by the Auditor-General earlier this year, but the mobile data network is now considered old and slow technology. The truth is we are getting a system that is already five years out of date and which, as police have described it to me, is like a five-wheeled, left-hand-drive FJ Holden. To make matters worse, the very features and functionality on which the system was sold to police in particular have mysteriously disappeared. Police are extremely disappointed that the system and its features have been watered down due to massive cost blowouts.

Police were promised that the mobile data network would provide imaging and mapping functionality. This was seen by police as a major benefit of the system. Police were promised they would have in-vehicle online access to images of wanted or suspected criminals or at least be able to crosscheck photographs of missing persons. Due to the incompetence of the forever-bungling minister, the new mobile data network will not deliver the promised benefits of imaging.

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

Barwon Disability Resource Council: access awards

Mr TREZISE (Geelong) — Last Friday morning I had the pleasure of attending the second annual Barwon Disability Resource Council (BDRC) access awards. These important awards are presented to businesses and organisations which have provided people with disabilities quality access to buildings, social access or access to information.

These important awards are sponsored by Alcoa Australia Rolled Products and are supported by BDRC and the City of Greater Geelong. The awards were conceived to acknowledge that organisations are making real efforts to improve access to people with disabilities and to encourage other businesses and organisations to see the benefits in doing the same.

I acknowledge the following people, who brought the awards together: Debbie Garnaut and Dave Meulengraaf from Alcoa; Janine Shelley and Brad Sadler from the City of Greater Geelong; and Carol Okai and Glenda Dowling from BDRC.

The winners of the 2004 awards were: for accommodation, Seatree Cottages; for events, the Bunyip Festival; for health and community services, Kyba Nominees and Vision Australia Foundation; for retail and information, Australia Post at Market Square and Medicare at Market Square; for restaurants, Banc; and for tourism, the Summer Sensations Cafe and Berry Garden.

I congratulate all the people involved with those businesses and wish the awards well for 2005 and beyond.

Rosebud: schoolies week

Mr DIXON (Nepean) — I have received a letter from a constituent who said that on the morning of 2 December he complained to Rosebud police regarding the noise created by a large group of schoolies who had moved into the house next door to him. He said the noise was especially bad from midnight to 3.30 a.m., with loud music and drag races up and down the local street. The police were notified and were very sympathetic, but the local policeman at Rosebud police station said that the station was understaffed and that he was unable to police the district to an acceptable standard.

My constituent said:

> I was under the impression that Premier Steve Bracks promised improvement, and obviously it has not occurred to an acceptable level.

Later, following more complaints, one of the local police officers from Rosebud rang the constituent back and said that what he needed to do next time the noise was heard was to ring the police straightaway because otherwise they cannot do anything. But that was exactly what the constituent had done the night before, when the police said they could not arrive because they were undermanned. It just goes around in circles.

We have heard a number of complaints about schoolies' behaviour. I suggest that before next schoolies' season the hot spots in Victoria be identified, and then the police stations could be manned accordingly with some sort of roving or immediate response group that could stop this sort of loutish behaviour. It is spoiling the fun of those who legitimately want to have a good time and especially the residents who have been seriously affected.

Moreland: problem gambling

Mr CARLI (Brunswick) — I wish to acknowledge the work done by Moreland religious leaders in a local interchurch gambling task force. These church leaders have been raising awareness in the local community about the harm of problem gambling and also have been looking at comprehensive measures to minimise the harm caused by electronic gaming. Early this year they raised a major petition in the area, which I presented to the Parliament, drawing the community's attention to problem gambling. Along with local government and local operators, I am looking forward to a forum next year with the Minister for Gaming which will deal with local issues, numbers of machines and various measures of reducing problem gambling and minimising the ill effects of this in our community.

I wish to really commend their work, their foresight and their commitment in tackling this issue of problem gambling and seeking to minimise the effects of it in our community, whilst at the same time acknowledging that there is a role for electronic gaming.

Land tax: caravan parks

Mr INGRAM (Gippsland East) — I rise to speak on the government's decision on land tax exemptions for caravan park owners, and I think all members of this place would agree that it is a welcome decision. Many caravan parks were struggling under that tax, particularly in coastal areas like those in my electorate.

However, I call on the government to expand that decision to include coastal tourism operators in small country towns as well as some of our hotels, which are essential parts of the character of small, country coastal towns and usually hold the prime position in those towns. The land value of some of those businesses has gone up extraordinarily, and the Metung Hotel is a case in point. This hotel, if members know it, is a small country hotel on land valued in excess of $5 million — and that valuation is an extreme escalation of the price — which will put an enormous strain on that hotel.

The business owner has said to me, 'We will have to redevelop the business so that it is totally out of character with its current surrounding and the character of Metung'. They need to gain the best use value for the cost of that land, which would probably be multistorey unit developments, which is definitely not in keeping with the character of those coastal communities. The government really needs to take this into consideration and provide some land tax relief so that those businesses can maintain the quality and character of those towns.

Abbeyfield House, Croydon

Ms BEARD (Kilsyth) — On Monday, 22 November, I was made very welcome at the 18th annual general meeting of the Croydon-Ringwood Abbeyfield Society in Trawalla Road, Croydon.

Committee members for 2004 were Anne O'Shaughnessy, chairperson; Clive Baum, vice-chairperson; Marina Leutton, secretary and food safety supervisor; Ron McMahon, treasurer; Judy Jarman, public officer; Bev Thomas, member; and

subcommittee garden contact, Carl Aaltonen. All were re-elected for 2005. I congratulate all these members for their ongoing support of the Abbeyfield residents. Staff members are Lyn Leake, housekeeper, and weekend cooks Greg Staines and Margaret Brown.

The house is built on a site made available by the city of Croydon and is leased by the Maroondah City Council to Abbeyfield Society (Victoria) at peppercorn rental for a period of 30 years. The Croydon-Ringwood Abbeyfield House has, since its inception in December 1986, been the home of 53 residents. This year the house welcomes three new residents — two residents needing care have been moved into hostels and one into an independent living unit.

Abbeyfield houses provide appropriate and affordable group housing for older people seeking companionship and support in a community where they have links. Houses are planned, designed and furnished to provide an environment which is home-like and provides privacy and physical and personal security.

Taxis: multipurpose program

Mr COOPER (Mornington) — The heavy-handed approach by the Bracks government to the users of the multipurpose taxi program (MPTP) continues despite the soothing rhetoric and the public relations spin to the contrary that has been applied to the issue by the Premier and the Minister for Transport.

On 16 November a 91-year-old constituent in my electorate received a letter from the Victorian Taxi Directorate advising her that she had exceeded her subsidy cap of $550 by $122.30. The letter went on to say that as a result of her exceeding the subsidy cap, her MPTP smartcard had been cancelled and she would not be provided with subsidised taxi travel until 1 July next year. She was also informed that she would be required to apply for a new smartcard on 1 July 2005, and would be charged for the issue of that card. This 91-year-old lady has now been effectively confined to her home in Mt Eliza for 7½ months by this heartless government.

The multipurpose taxi program was designed to assist those in need to have access to transport to enable to them to shop, see their doctors and dentists, and to socialise with their families and friends. Removing access to taxi transport from this lady in my electorate flies in the face of everything that this government purports to stand for, and displays an arrogant disregard for the plight of the elderly, the disabled and other people in our community for whom this program is essential. This action against my 91-year-old constituent is a disgrace and the government should be ashamed of what it has done to her and many hundreds of other needy Victorians.

Eltham Football Club: facility grant

Mr HERBERT (Eltham) — I bring to the attention of the house a significant boost for some of the fantastic local sports clubs in my electorate. Last Sunday, along with the member for Yan Yean, I was pleased to host the Minister for Water, the Honourable John Thwaites, when he met with local sporting groups at the highly successful Eltham Football Club. The minister announced a $13 000 funding boost to enable a $33 000 rain sensor irrigation system to be installed at the Susan Street oval. This system will protect the oval from the impact of drought and greatly improve the quality of the playing surface. This grant is part of the second round of the country football grounds assistance program grants.

A number of our great local clubs, including the Eltham Junior Football Club, Lower Eltham Cricket Club and the Eltham Rugby Club, use the Susan Street oval for training purposes. This grant is terrific news for these clubs as well as for the other local residents who use the oval for recreational purposes. Drought has had a major impact on our local sporting clubs so I was very pleased that Minister Thwaites also requested that a committee be established to make recommendations to the state government on further Smart Water savings initiatives in our local area. Because of its high water usage the government has identified this local area as a priority, and a committee of local sporting and community representatives is being established to make recommendations about future Smart Water ground improvement projects. I have encouraged members of local — —

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

Ministers: performance

Mr DELAHUNTY (Lowan) — This city-centric Labor government stands condemned for not complying with its promise to be open and accountable. The Premier should remind and instruct some of his ministers to respond to letters from democratically elected members of this Parliament. As we are near the end of the year, I, along with my excellent staff, are attempting to tidy up things in my office. We have many letters unanswered by ministers, and therefore people in the Lowan electorate do not have answers to queries. I will highlight some of those.

One is a letter I sent to the Minister for Police and Emergency Services and the Minister for Transport, which was referred to the Treasurer, regarding stamp duty on an unused Pomonal fire truck. The second letter was to the Deputy Premier regarding changes to addresses and rural road numbering, which has been with him since April this year. The third letter was sent to the Attorney-General from a lady regarding paedophilia. Still no response.

But the one I want to highlight is a letter sent in April this year to the Minister for Police and Emergency Services about the State Emergency Service (SES) traffic control at Kaniva. It states:

> … Ms Fiona Hicks of Kaniva … outlined the difficulties faced by SES members in dealing with traffic control.
>
> Ms Hicks points out that SES members are not to undertake traffic control tasks as there is no legislation to cover SES members performing this role.

The accidents on the highway last week really highlight the importance of this work.

Victoria is bigger than Melbourne, and there is no excuse for ministers to not respond to letters from democratically elected members of Parliament. I ask the government to again look at its promise to be open and accountable to people in all areas of Victoria.

Psychiatrists: overseas trained

Mr WILSON (Narre Warren South) — I had the pleasure of attending the first annual meeting of the Indo Australasian Psychiatry Association (IAPA) last month. I was pleased to be welcomed by Dr Russell D'Souza, a resident from my days on Springvale council, who is now the hardworking national general secretary of the association. As noted at the annual meeting, many countries of the world are actively recruiting and working hard to retain medical professionals such as psychiatrists. There is a significant shortage of these professionals world wide.

The Victorian government has a very successful program of recruiting overseas-trained psychiatrists — so successful that overseas-trained psychiatrists and other medical officers represent one-third of these professionals in the Victorian mental health services. As I said that evening, the system would grind to a halt without them. As noted at the time by the Parliamentary Secretary for Health, the honourable member for Mulgrave, their contribution is highly valued. As part of the recognition of our need and their value, the Victorian government is again increasing the level of support given to overseas-trained health professionals, including mental health professionals. Naturally this need for more psychiatrists has increased by the Bracks government opening of mental health beds, such as 25 beds at the new Casey Hospital. Of the 229 beds at the hospital, some 25 are inpatient mental health beds allocated to meet the urgent need for mental health services in the south-eastern suburbs. I congratulate Dr D'Souza and the president, Professor Bruce Singh, for their continuing good work in supporting overseas-trained psychiatrists in Australia through the IAPA.

Spencer Street station: compensation claim

Dr NAPTHINE (South-West Coast) — On 7 October Margaret and Peter Evans were walking along Spencer Street from the railway station to the bus terminal when a gust of wind blew a solid sheet of temporary fencing from the Spencer Street redevelopment site onto them, knocking them to the ground and onto the street. Mr Evans is a 59-year-old who is currently suffering from a cancer condition. He suffered a range of injuries as a result of this accident. An ambulance was called, and the ambulance report identified shoulder discomfort and pain, and a subsequent ultrasound confirmed significant soft tissue damage in the shoulder. He was disoriented and suffered lacerations, neck pain, and other soft tissue injuries.

Leightons, which was working at the site, paid $150 for the taxi fare for Mr and Mrs Evans to return to Ballarat. Mr Evans has been off work since the accident. He has had many visits to doctors and the physiotherapist. Mrs Evans, who is a casual carer, has been unable to work and unable to bring any income into the family. Unfortunately no funds have been forthcoming to Mr and Mrs Evans from the insurer, and Mr Evans has been told to take his own sick leave and use his own income to pay for doctor and physiotherapy treatment. In addition no compensation has been available for the loss of income for Mrs Evans, who is unable to work and is now looking after a sick husband. It is time the government stepped in because it is its redevelopment that has caused this accident, and Mr and Mrs Evans need proper compensation.

Bayswater: school art competition

Mr LOCKWOOD (Bayswater) — Recently I ran an art competition in my electorate involving five secondary colleges: Ringwood, Bayswater, Heathmont and Wantirna secondary colleges and Fairhills High School. The competition was called Bringing us Together, in which young artists were able to show their skills. A selection of entries was exhibited for two weeks at the Maroondah Art Gallery in the Federation

Estate at Ringwood — a magnificent setting, well-run under the management of Di Childs of Maroondah council — and the 2004 mayor, Neil Rose, assisted with the opening.

I was struck by the ingenuity of our young artists and their capacity to make original, eye-catching art out of unusual materials. *Human Reading Lamp* is just one example of this creative approach, which makes me want to let Jarrod Williams loose in my back shed to see what he would create! *Ageing* also caught my eye, perhaps because it is a topic getting closer to my heart. Rachel Wood from Wantirna college found a unique perspective on this theme which really got me thinking.

The winners for 2004 are: 2D Art year 10, Jacob Matthews from Ringwood; 2D Art senior, Anna Prybycien from Wantirna; 3D Art year 10, Ian Browning from Heathmont; 3D Art senior, Jarrod Williams from Bayswater; photography and new media year 10, Brianna Minto from Bayswater; photography and new media senior, Rachel Wood from Wantirna; Penguin award senior, Jarrod Watters from Heathmont; Maroondah Art Gallery encouragement award, Nikki Wytkamp from Bayswater; and the Moon Jump award, Sarah Allen of Fairhills. I thank the teachers, Leah Bright, Verne Simmons, Alison Ross, Tony Walker and Kevin Lewis, from the various schools.

Beau Williams

Ms OVERINGTON (Ballarat West) — I place on the record the passing of Alan 'Beau' Williams on 30 November 2004 at the age of 94. Beau commenced an apprenticeship as a boilermaker at the Ballarat railway workshops on 27 April 1927. He was a member of the Amalgamated Engineering Union. Beau was elected as a representative on the Ballarat Trades and Labour Council for the AEU. In 1955 Beau was elected — unopposed — as secretary of the labour council, and served there until 1975. This was a time of great tension, with the split between the Australian Labor Party and the Democratic Labor Party dividing the council between left and right, and Beau proved to be an excellent mediator. Beau had been a member of the Communist Party pre-1955 but joined the ALP and stood as a federal Labor candidate in the 1960s.

Beau was a very intellectual person who was well read. He had an unquenchable thirst for knowledge. He also had an absolute commitment to workers' rights and social justice, and worked tirelessly to ensure both. At his funeral on Friday his family spoke of how appropriate it was that the funeral was on the date of the Eureka rebellion. Beau had always been very vocal about the right of the miners to take up arms to bring about social change, even when it was not popular to do so — because, let me tell you, in Ballarat in the 1950s, 1960s and 1970s it was considered as just that miners' little battle and they were all rabble. Solidarity forever! Vale Alan 'Beau' Williams.

Oak Park Primary School: upgrade

Ms CAMPBELL (Pascoe Vale) — Congratulations to the Minister for Education and the Minister for Education Services for their work in ensuring the provision of the upgrading and/or rebuilding of existing state schools. On 26 November I attended an enthusiastic and fun-filled opening of stage 1 of Oak Park Primary School's rebuild that covered general-purpose classrooms, administration, staff and first-aid rooms. The project came to fruition due to the dedication of school councils led by Paul Mamro, current school council president, and Jenny Parfett, past president; staff led by Gavin Healy, principal, and Pam Park, assistant principal; the regional office, particularly Peter Enright, Ann Kimber and Tony Keys; and finally, but most importantly, for the design efficiency and neighbourhood sensitivity of the building, Bruce Baird, an architect from BHA, and for a successfully delivered project, on time and on budget, by Newton Manor, builder.

A recent letter from the school says, 'Oak Park Primary School community and staff have been delighted with the project facilitation including the architects, builders and tradesmen'. I look forward to working in partnership with the school community and the Department of Education and Training on continuing the improvement and rebuilding of the remainder of this 50-year construction at Oak Park Primary School. In June 2003 it had a great 50th anniversary celebration, led by Lisa Brown. The continued upgrade will be — —

The ACTING SPEAKER (Ms Lindell) — The member's time has expired. The member for Gembrook has 55 seconds.

Water: Powelltown supply

Ms LOBATO (Gembrook) — I would like to inform all members of the community spirit and level of community participation evident amongst residents of Powelltown. I was interested to learn some time ago that Powelltown has its own water supply system as it does not have reticulated water. Powelltown has three large water containment facilities that are meant to serve the gardening and firefighting needs of the township. The Powelltown Residents Water Group president, Ian Martin, took me on a tour of the facility a while ago, and on Sunday I was fortunate enough to

witness the water-use drill, which sought to determine the effectiveness of the water system as to how it would stack up in the event of a bushfire. The community is a proactive one that ensures the safety of all residents prior to the fire season. All members of the local Country Fire Authority and State Emergency Service units sacrificed their Sunday to provide expert assistance to the community. Commitment to the community was alive and well in Powelltown on Sunday.

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

HERITAGE (WORLD HERITAGE) BILL

Second reading

Debate resumed from 18 November; motion of Ms DELAHUNTY (Minister for Planning).

Mr BAILLIEU (Hawthorn) — I rise to make the Liberal opposition's contribution to debate on the Heritage (World Heritage) Bill. Some people would exhort the down-at-heart to remedy their state of mind by pursing their lips and whistling. That is the thing. I humbly suggest that those who are in that state of mind should dedicate themselves to a tour of world heritage listed places. There is probably nothing more uplifting than to spend some time in those places. They are the best that man and nature have to offer. They are the places where triumph has obviously ascended and where nature is truly in its realm. From my own experience, there is nothing more uplifting than the counterpane of world heritage listed properties. They are from god and the gifted. We are obliged to treasure them forever, and may it ever be so.

I have a picture in my office. It is a photograph taken in the midst of the 2001 federation celebrations facing west in the Royal Exhibition Building. It is taken from the floor, and it is of the noted historian Geoffrey Blainey addressing the audience, which was the commonwealth Parliament. It is a huge representation of the Australian community. It captures the romance of that building and the light splashing through the western fanlight. It picks out the arch trusses and the colonnades of a magnificent building. The light is flooding the hall. It is a magnificent image. With all apologies to Tom Roberts, who painted that dramatic painting *The Big Picture*, the photograph captures the building in a fabulous light.

Those who know the building love it. I love it. I love the surrounds, and I only regret that I was not able to attend a joint function held last Friday night to celebrate the addition of the Royal Exhibition Building to the World Heritage List. We have come a long way in Victoria with our approach to this grande dame of Australian architecture — this extraordinary building. It has been there for some 120 years. It makes an extraordinary contribution to our urban landscape and to our heritage in this state.

This bill arises because of the world heritage listing of the Royal Exhibition Building. The opposition supports this bill. It does so in good faith. Opposition members have some commentary to make on matters of implementation which we hope will be taken in good faith. I repeat, we support this bill.

The purposes of the bill are to amend the Heritage Act 1995 to provide generic protection of places in Victoria which have been included on the World Heritage List. In the process it will align the management of those places with the federal act, the Environment Protection and Biodiversity Conservation Act, or the EPBC Act. There are essentially seven steps in the processes of this bill, and I will quickly visit those. We support the arrangements. The first step is taken in clause 8 of the bill, which inserts new section 62A to allow the minister to declare a world heritage environs area — a WHEA. We understand from the briefing that the proposed environs area is that part of the Royal Exhibition Building which includes the north and south gardens, the museum, the Denton Corker Marshall museum and the blocks around that property.

It can be defined by Drummond Street, Faraday and Bell streets to the north, Fitzroy Street to the east and Little Lonsdale Street to the south, including the Royal College of Surgeons area. It is a substantial proportion of Melbourne. The first step defines that world heritage environs area. The second step allows anyone to make a submission to the Heritage Council and to make a request for an opportunity to be heard on the preparation of a draft of the world heritage strategy plan. That is provided under proposed sections 62B, 62C and 62E. The second step also requires the Heritage Council to examine all the submissions made to it and before it in the preparation of that world heritage strategy plan draft.

The third step effectively involves the Heritage Council's deciding to effectively gazette a final world heritage strategy plan. The adoption of the draft plan is provided for in new section 62G, and the process of making this decision public is provided for under new sections 62I and 62J. The insertion of the world heritage strategy plan as finalised into the relevant planning schemes is provided for in new section 62K.

The bill also requires a copy of the approved world heritage strategy plan to be kept at certain locations for inspection under proposed section 62J.

The fourth step is the establishment of a steering committee for a listed place, under proposed section 62M. The steering committee will have the responsibility of preparing a world heritage management plan as distinct from a strategy plan. The purpose of a strategy plan is essentially to put down the values and the uses for the listed property. The management plan is to deal with the implementation, the mechanism as such, and the reporting functions involved. The fifth step is the preparation and finalisation of the world heritage management plan under proposed sections 62O to 62W. As I said, they go into the matter of establishing mechanisms and management actions for the management plan and aligning the plan with the federal responsibility under the Environment Protection and Biodiversity Conservation Act.

The sixth step is to make it an offence for owners or occupiers of a listed place, or part of a listed place, to fail to comply with an approved world heritage management plan in carrying out any works or activities at the listed place. The seventh and final step basically deals with the assessing of any application in a world heritage environs area, including properties that are not on the World Heritage List, but are in the nominated area. The impact that the application will have on the values described in the world heritage strategy plan and on the management plan needs to be taken into account. That is described in new section 73(1)(ab).

All that is relatively straightforward, and we support it in terms of the generic protocols implicit in this legislation. In the event that there is a further property in Victoria on the World Heritage List these provisions will apply, and we think they will apply reasonably, to the extent that we are able to anticipate them at this stage.

As I said, this bill covers the Royal Exhibition Building, the gardens north and south of the building, and by dint of the area to be defined — and we are only going by what is proposed at this stage — the buffer zone around the property in question. We express some concerns that need to be considered in implementing this legislation, and we trust they will be. One is that in establishing the world heritage environs area under clause 8 the minister has unilateral declaratory powers. While that in itself is not necessarily a problem, we exhort the government to consult with both the City of Yarra and the City of Melbourne on that matter. The reality is that the site in question abuts the boundary between the cities of Melbourne and Yarra and the proposed environs area includes land which is in the planning scheme of both cities. Indeed when it comes to approving the draft strategy plan it will need to be included in both planning schemes.

As a consequence of the overlap and of this extension of the property by way of buffer zones into this proposed new environs area, there is the potential for it to have an impact on the capacity of other properties in the environs area, and that needs to be considered with care. The owners of those properties need to be afforded due process and information, and we trust that in the passage of this bill the owners of these properties will be made aware of their responsibilities and obligations, and of any opportunities to comment.

We have a further concern in regard to funding. Clearly it is not cheap to maintain and manage a world heritage-listed property, but there is no provision for funds. It is not unusual in a bill of this type, but at the briefing we asked specifically about the provision of funds. Yes, there will be commonwealth funds, but we imagine there will also need to be significant state funds associated with this which will need to be earmarked and made public soon. There is also in the process some potential conflict with neighbouring properties. I refer to St Vincent's Hospital on the corner of Victoria Parade and Nicholson Street; that is obviously a major public asset which has development capacities and needs which need to be treated with care. We trust that those concerns will be alleviated in the implementation of this bill.

The history of this bill is interesting. The world heritage listing has arisen following eight years of lobbying of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) body which accepts such nominations. That lobbying was generated by all levels of government — federal, state and local. It was initially proposed by the Melbourne City Council and in 2001 the previous planning minister in Victoria gave state government support, which we in turn supported, and in 2002 the federal environment minister, David Kemp, signed off on federal government support. We are fortunate that listing has taken place since.

In terms of world heritage listing, there are nearly 800 listed sites around the world. Eleven of them, we are told, are cultural listings which include some 150 described as natural, basically being environmental listings, and a further 23 which are both natural and cultural. The World Heritage Committee, which is a subsidiary of UNESCO, met in Suzhou earlier this year. I have had the pleasure of being in Suzhou. It is a

remarkable place itself and has its own world heritage-listed properties. The extraordinary Garden of the Humble Administrator, I think, is located in Suzhou. We visited those gardens and they certainly are extraordinary; you understand when visiting them what we are up against in achieving world heritage listing. Ray Tonkin led the team of six from Victoria to Suzhou which secured the final listing.

In Australia we have only 16 world heritage listings, with only one building. Indeed, there are not many buildings listed in the world. To have one building in Australia listed and for that to be the Royal Exhibition Building is a real treat. There are five listings in Queensland, including the Great Barrier Reef and Fraser Island; four in New South Wales, including the Blue Mountains and the Lord Howe Island group; and one in the Northern Territory, Kakadu, which many Australians have visited. There are two in Western Australia, including Shark Bay; two in Tasmania — obviously the wilderness and Macquarie Island; and one in the Antarctic zone, Heard and McDonald islands. But there is only one listing in Victoria, and it is for the only building listed in Australia — that is, the Royal Exhibition Building (REB).

The World Heritage Committee met in Suzhou in July, and the Royal Exhibition Building and the Carlton Gardens to the north and south of the building were inscribed on the World Heritage List as a consequence of that meeting. The citation for the REB and Carlton Gardens reads:

> The Royal Exhibition Building and the surrounding Carlton Gardens, as the main extant survivors of a palace of industry and its setting, together reflect the global influence of the international exhibition movement of the 19th and early 20th century, which helped promote a rapid increase in industrialisation and international trade through the exchange of knowledge and ideas.

It is a simple and appropriate tribute. Between 1851 and 1915 there were some 20 recognised exhibitions around the world of a world fair type and style, and they included Melbourne in 1880 and 1888. The 1880 exhibition attracted over 1 million visitors over a period of some eight months, and there were even more — some 1.3 million — in 1888. The Royal Exhibition Building hosted the first sitting of the federal Parliament on 9 May 1901. We celebrated that sitting just a couple of years ago, and I have the photograph of it in my office. The exhibition building was the home of our own Victorian Parliament from 1901 to 1927.

In terms of the other palaces of industry, as they were described, or exhibition centres around the world, only remnants remain. Hence the Royal Exhibition Building and Carlton Gardens stand as an extraordinary reminder of that great and glorious past. The fact that together they are one of the only remaining intact buildings assisted in the listing. The exhibition building is a symbol of Melbourne in boom. It was during the gold boom, and gold was on exhibition. A growing golden pyramid was exhibited in Melbourne between 1880 and 1888. The other cities which were conducting exhibitions at the time were London, Paris, Vienna and Philadelphia. That is testament to Melbourne's importance in the 1880s. Obviously Marvellous Melbourne was to the fore, and we were part of the international scene as long as 125 years ago. The building and the exhibitions helped forge our national identity.

The building itself was designed by a great architect, Joseph Reed, who, as members would know, also designed Riponlea, the Melbourne Town Hall and the Trades Hall, which is no doubt a feature of many government members' attention. Joseph Reed was a splendid architect. The building itself was built in 1879 by David Mitchell. The Carlton Gardens to the north and south, which fit so well into the garden state and into the fabric of Melbourne, were designed by Reed and William Sangster.

The building has had a chequered history. In 1953 fire destroyed the eastern annexe. In 1959 the National Trust classified the building at a time when that was perhaps not seen to be a popular step. In 1956 the western annexe was demolished, and in 1979 the royal ballroom on the eastern side was demolished. They made way for those extraordinary mirrored glass boxes which were on the building for so many years and in which I am sure many members attended exhibitions. Many members would also have had the great pleasure of sitting their exams — —

Ms Garbutt — Endless exams!

Mr BAILLIEU — Endless exams, as the minister says. We stared at the floor rather than at the glorious ceilings of the building. Certainly I had the pleasure of sitting school and university exams in the REB, and that will never be forgotten — let alone sitting outside in the Carlton Gardens contemplating what lay ahead.

In 1992 the dome and roof were overhauled and the mirrored glass boxes were demolished. It was fantastic for Melburnians to see those extraordinary and much-criticised additions removed and the REB revealed in all its splendour again. In 1999 the museum to the north of the building was built, and from memory it was opened in 2000. Many have been critical of the museum, but it is part of the listing, which is interesting

in itself. I think the museum is a good reflector of the REB, the big wings of the museum being seen to embrace and salute what is the magnificent Royal Exhibition Building.

The building has a special place in the hearts of Melburnians. We will need to take extra steps to ensure its preservation and use into the future. Its use and its funding are not a straightforward matter. I was on the Melbourne Convention and Exhibition Centre Trust for a number of years before I entered this place, and at the start of my tenure the REB was part of the trust's responsibility. That responsibility has shifted to the museum. I know that the REB is not an easy building to use in terms of contemporary exhibitions. The floor is not as sturdy as many exhibitors would like, and the services are obviously not as easy, but that does not detract from the fact that the building is a magnificent piece of architecture. I hope we can find a future for it in its being displayed as a building as much as we can in displaying anything in it. As I mentioned before, doing your exams and staring at the floor or the desk is one thing, but to walk through the REB and look at the trusses, the ceiling and the painted frescoes on the ceiling is something special. And whether it be gifted from God or from the benefit of gold, the REB is something that we should treasure for ever.

As I said, it is the only Victorian listing. There are plenty of other places that I am sure members might think could make the World Heritage List in the future, both in Australia and in Victoria. The fact that we have only this one listing enforces the awesome responsibility that we have to deal with it properly. I think of the Great Ocean Road, the Twelve Apostles and Wilsons Promontory, and on an Australia-wide basis you can think of the Sydney Opera House, which has not made it, even with its significance on the world architectural stage, which suggests that you might have expected it to be there. It is not, but the REB is.

This chamber and the building itself are an extraordinary reminder of the wealth generated by the gold rush and the ambition of a relatively small community back in the 1879s and 1880s. There were only a few hundred thousand people, yet they were capable of constructing not only these buildings but the Treasury and the REB. This is an opportunity to pause and think about these buildings. I have been critical of the renovations that have been done to this chamber, and we are about to do some further renovation of this chamber as a consequence of the flaws in the previous renovation. We should be very careful about the way we mess with our architectural heritage. We have messed with it previously in this chamber, and we are about to try to correct those messes — and in the process I think we are going to do further irreparable damage. That aside, this building remains an extraordinary contribution to the architectural heritage of Victoria.

There are some mischievous choices that I am sure we could all contemplate as world heritage listing candidates in the future. I think of the Boyd house in Camberwell, on which the government has spent millions of dollars seeking to have it entrenched on our own heritage register. It is a property that is unlikely to ever be visited or appreciated. The Boyd component of the house in Riversdale Road, Camberwell, is very much diminished. The expenditure of that sort of money has been misplaced, as has been the persecution of the owners.

It will never be a complete World Heritage List until the great places in Victoria are included. I am sure some members in the chamber would agree with me that it will not be a world heritage register of any worth until Kardinia Park is on it and the great hopes of the navy blue and white are recorded as icons for the world to enjoy!

This is a relatively straightforward piece of legislation. We support it, we look forward to its passage and we look forward to the government securing the building and the environs with sufficient funding to maintain its purpose into the future.

Mrs POWELL (Shepparton) — I am pleased to speak on the Heritage (World Heritage) Bill on behalf of The Nationals and to say that we support it wholeheartedly. The main purpose of the bill is to amend the Heritage Act 1995 to provide for the protection of places in Victoria that are included on the World Heritage List. This is good news for Victoria. After eights years of lobbying by the National Trust, the federal government, the state government and municipal governments, the World Heritage Committee has finally agreed to inscribe the Royal Exhibition Building and Carlton Gardens on the World Heritage List. That happened on 1 July 2004. I would like to congratulate everyone involved in the nomination and listing for their commitment and research. This is the first time that a place in Victoria has been included on the heritage list, and it is the first time an Australian historic cultural place has been listed.

I know that over the years credit has been given, particularly to a former councillor of the City of Melbourne, Rosemary Daniel, to the efforts to stop plans to build the Melbourne Museum next to the Exhibition Building. The former councillor also formed a committee to see what could be done about the

nomination. I would like also to congratulate the *Age* for its publication of Friday, 3 December 2004. The member for Hawthorn directed me to that publication, which gives a fairly comprehensive history of this great icon. Those people who want to have a look at the history of the Royal Exhibition Building need look no further than the *Age* on Friday, 3 December.

The Melbourne City Council commissioned a conservation architect, Meredith Gould, to prepare the world heritage nomination document. In 2001 the state government supported the nomination, but a formal nomination to the world body can only come from the federal government. David Kemp, the then federal heritage minister, agreed to sign the nomination for a world heritage listing application, which was then submitted to the World Heritage Committee, a Paris-based branch of the United Nations Educational, Scientific and Cultural Organisation (UNESCO). That was done in February 2002. The committee referred the Royal Exhibition Building application to the International Council on Monuments and Sites (ICOMOS), which is also based in Paris. Through that committee a number of concerns were raised, one of which was whether the building of the museum destroyed the site's world heritage value.

I refer to some research done by the *Age*:

> The Australian's reply was that the area north of the building, where the new museum was built, had previously been temporary buildings erected for the 1880 and 1888 exhibitions. The space had later become sporting grounds and car parks, and so the new museum did not impinge on the gardens in the world heritage nomination.
>
> The committee also questioned whether the Exhibition Building was unique … The Australians researched the 21 major cities that had held exhibitions and found that the Royal Exhibition Building was the only surviving palace of industry in the world.

So this building is unique in that it is still used for its original purpose, which is exhibitions, as well as for other purposes. Victoria participated in most of the major international exhibitions. I will read from the Australian government response to the ICOMOS assessment report on the Royal Exhibition Building and Carlton Gardens world heritage nomination. The report recommended the deferral of the nomination to allow further research to be undertaken on the integrity and authenticity of the Carlton Gardens. The Australian government completed an examination of the issues raised in this report and included statements from international experts supporting the inscription of the Royal Exhibition Building and Carlton Gardens. The Australian government believed the information from the experts supported the argument that it should go onto the world listing.

Some of the other concerns were the siting of the Melbourne Museum, the current interior paint work of the exhibition building not being related to an international exhibition, and the loss of the great organ, which was an original feature of the building. I will just quote the opinions of some of the experts:

> These experts also concluded that the Royal Exhibition Building and Carlton Gardens are the best remaining physical expression of the international exhibitions, and they support its inclusion on the World Heritage List without reservation.

Professor Cannadine said:

> … the expositional ensemble comprising the Melbourne Exhibition Building and Carlton Gardens is a unique, magnificent and outstanding survivor from this great age of great exhibitions. There is nothing like it anywhere else in the world today. There are occasional remnants in, for example, Chicago and St Louis, but they do not convey or recall the range, imagination and excitement of the original conception … it conveys with exceptional force, coherence, power and vividness the worldwide reach and significance and appeal of the international exhibition movement in that major phase of human history from 1850 to 1914 … it is an iconic site … complementing the many industrial heritage sites from the same period, which only give a partial picture of human progress during the 19th century … In terms of the importance of the international exhibition movement, as an embodiment and epitome of industrial civilisation in the second half of the 19th century, and also in terms of its unique and emblematic survival from that time, the Royal Exhibition Building and Carlton Gardens should certainly be declared a world heritage site.

Professor Findling said:

> … the Royal Exhibition Building in Melbourne is the finest example of Golden Age exhibition architecture still standing. I know of no other exhibition building (or buildings) that can match Melbourne's original architecture style or unaltered setting.

Professor MacKenzie said:

> The survival of the Royal Exhibition Building in Melbourne is remarkable … it constitutes a striking and representative example of an exhibition 'great hall'. What is even more striking about the Melbourne building is that it is still surrounded by a gardens landscape, albeit modified over time, which contributes much to the memory of the exhibition that was held there … This architectural and horticultural ensemble is unquestionably unique … It is an outstanding example of a building type which has almost completely disappeared, and its associations with a movement which had universal significance in the late 19th and early 20th centuries are clear.

One last opinion is from Sir Neil Cossens, who said in part:

> Melbourne offers now the only opportunity to properly recognise this important global movement … it was technically innovative … and its setting is reflective of the 'palace in the park' that typified all the great exhibitions of their day. That a great 19th century exhibition building might be recognised by world heritage status seems beyond question. Only Melbourne offers us the chance.

Mr Ray Tonkin, Heritage Victoria's executive director, along with a deputation of six other Australians, went to Suzhou in China in June this year for the annual World Heritage Committee meeting and was delighted when after one week our wonderful Royal Exhibition Building and Carlton Gardens were recognised and approved for inclusion on 1 July.

The Royal Exhibition Building was designed by Joseph Reed, and the gardens which surround the building were designed by Joseph Reed and William Sangster. At a briefing by the Heritage Council I was given some documents along with some absolutely magnificent photos of the gardens, the building and the internal structures. It is amazing to see the magnificence of the building. To now know that this building will be on a world stage is fantastic for Victoria.

This is a great honour for Victoria. The Royal Exhibition Building, while based in Melbourne, has huge connections to country Victoria. The exhibitions held there have promoted worldwide trade and the exchange of technology. Country people who have come to Melbourne to see some of those Australia-wide exhibitions have been able to see what is best and innovative across the world. My husband, Ian, remembers going to the Royal Exhibition Building for a motor show in 1965. He remembers it because the HR Holden was brand new. He went with his technical school class; they travelled by train and stayed overnight. He also went to the hot rod show: his dragster was exhibited at the Royal Exhibition Building on the Melbourne drag-racing stand, so he has had an exhibition there.

Country Victorians also flock to the flower shows, the home shows, the boat shows and the car shows. Along with my husband and other members of the Parliament, including, I believe, the member for Hawthorn and the member for Bass, I went to the centenary celebration of Federation at the exhibition building in 2001.

I am sure many of us here went to that celebration, and we hang proudly in our offices, the photo that was taken of the celebration that day. It was wonderful to be there as part of history, and to realise that 100 years ago the first sitting of federal Parliament was held there. A number of people have sat exams there — obviously rural students do not sit their exams there — and it must be fairly daunting to sit in that magnificent building with so many other students. I am not sure whether they are still holding exams there, but it is part of history for those people who have sat their exams there.

In the second-reading speech it says that Melbourne in the 19th century was the economic capital of Australia, and that the Victorian colony was seen by European countries, particularly France and Germany, as an emerging market in which they wished to participate. Melbourne had a reputation as one of the great 19th century cities. Melbourne's 1880 exhibition is considered to be one of the great historical international exhibitions, according to the Bureau International Des Expositions, which runs the world expos.

In 2004 there are 788 sites listed on the World Heritage List. Of these, 611 were cultural sites, 154 were natural sites, and 23 sites had both natural and cultural values. There are 16 places in Australia on the World Heritage List. I know the honourable member for Hawthorn read many of those into *Hansard*, so I will not repeat them, except to say that at the bottom of those 16 places we now see, proudly, the Royal Exhibition Building and Carlton Gardens under the cultural criteria. It was listed in 2004, and it is the first one in Victoria.

The committee in Suzhou, China, referred to the world heritage listing, with the following justification:

> The Royal Exhibition Building and the surrounding Carlton Gardens, as the main extant survivors of a Palace of Industry and its setting, together reflect the global influence of the international exhibition movement of the 19th and early 20th centuries. The movement showcased technological innovation and change, which helped promote a rapid increase in industrialisation and international trade through the exchange of knowledge and ideas.

Over the years we have heard that there have been a number of attempts to change the building or to modify it, and now it is good to see that that will be protected and any modifications or changes will go through a fairly stringent process. The overlay that will be put over that development now will also have to go through some stringent guidelines to ensure that there is no detrimental impact on the buildings or the gardens. The honourable member for Hawthorn went through the processes in this bill, so I will not.

There are seven steps, and if anybody wants to see them they can look at the bill and also in the contribution of the honourable member for Hawthorn. Included is a management plan which will be prepared in accordance with the policies and procedures recommended by the Australian International Council of Monuments and Sites. The public processes will go through all of the planning processes that would normally occur with a

planning and environment act to ensure the community is aware of what will be on the management plans and what will be part of the procedures and policies for that site.

Heritage is important for a community, and I am sure the Minister for Planning would be disappointed with me if I did not raise the issue of community heritage. In Shepparton we have Parkside Gardens, which is the former International Village. The minister's second-reading speech says:

> The many wonderful buildings and public places, which have been preserved through the strong partnership between the Victorian community and the government, are important for Victorians to understand who they are. They explain how our ancestors changed the landscape and left their mark on the land. They are passionately and vigorously defended by the community.

And none more so than in Shepparton where the community there has been trying to protect Parkside Gardens, the former International Village.

Heritage Victoria actually made a recommendation that the Aboriginal keeping place is of such state significance that it be put onto the state heritage register, and that the environs and the rest of the park be put on a local council heritage overlay. The council has chosen to ignore that and the recommendations by Heritage Victoria, and is now going to build 150 houses on it, which will be developed by this government's own development arm — VicUrban. It is a real shame for the community of Shepparton.

Although I am delighted to see that we are preserving history in Melbourne as it should be, I am also disappointed that the Minister for Planning and the Premier did not intervene and make some recommendations that our former International Village, which is now Parkside Gardens — a much loved 21-hectare parkland — be protected. The Nationals support the protection of the Royal Exhibition Building and the Carlton Gardens by its listing on the World Heritage List, and we wish the bill a speedy passage.

Mr CARLI (Brunswick) — It is a great pleasure to rise and support this bill in conjunction with the previous two speakers. As we know, on 1 July 2004 in Suzhou, China, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) decided to list the Royal Exhibition Building and the Carlton Gardens as part of the World Heritage List. That is not the first listing of an Australian site, but it is the first time a building has been listed. Of the 16 UNESCO world heritage-listed sites in Australia, 15 are there for their natural beauty and importance and this is the first that is part of the built environment.

I am very sentimental about the Royal Exhibition Building for a number of reasons. One is that it is heavily influenced by Italian renaissance architecture, and the town my family is from in Italy, Vicenza, is on the World Heritage List because it is famous for its renaissance Italian architecture. Vicenza and the surrounding villas have been on the World Heritage List for a number of years. Andrea Palladio was influential in the architecture of 19th century Melbourne, and he also had an influence on the Royal Exhibition Building. Equally influential in terms of the dome was Brunelleschi's dome in Florence. The dome of the Royal Exhibition Building was actually modelled on the Duomo, the main church of Florence, so I have a very strong sentimental attachment to the building and its dome, given my roots in the famous Italian Renaissance city of Vicenza. This listing has shown Melbourne to be a famous Victorian-era city, with its important neoclassical architecture.

Apart from Italian Renaissance architecture, you can also see elements of Byzantine, Romanesque, and Lombardic elements within the Royal Exhibition Building. It was, in some sense, postmodern and brought in a number of other important elements that were not, strictly speaking, part of the neoclassical Italian renaissance style. That is a very important part of the building. But it is also unique because it was part of the era of the great exhibition halls from the period 1850 to 1914. Eric Hobsbawm, the English historian, described it successively as the age of capital and the age of empire.

It was an era of globalisation, of international exhibitions and also the spread of European colonialism. It was an era where ideals of hope, prosperity and progress abounded; where we saw the emergence of liberalism and socialism as two great ideals out of Europe. It was an era that believed in the capacity of the industrial age to transform society. It was a great era of hope, where many of the thoughts of enlightenment and the concepts that we hold important in Australian society emerged.

The building is unique in the sense that it was part of that exhibition and is the only one from the great 70 exhibitions that has survived in totality. Only 20 of them are deemed to have been part of that exhibition era, and it is the only one that has survived intact. It symbolises not only a period of industry, capital and industrialisation but also a period of strong globalisation, which we are revisiting today. It is important to recognise that the period from the 1850s to 1914 was one of globalisation and internationalism.

The cities that held these exhibitions were cities that were able to demonstrate that they had made it. We held two exhibitions — one in 1880 and one in 1888. They showed that Melbourne had gone from a colonial backwater to a city in the middle of a gold rush to a city that had made it in terms of being an economic player on a world scale. It was also a period that demonstrated the qualities of Marvellous Melbourne as a symbol of the prosperity of the Victorian era and a city that in terms of its design, architecture and planning was one of the premier cities in the world. So it had gone in a few years from essentially a colonial backwater to Marvellous Melbourne.

It is fitting that we recognise the Royal Exhibition Building and the Carlton Gardens as being symbolic, not only because of their architectural importance but because of the cultural and historical values they represent for Melburnians and the people of Australia. The exhibition building is a monument to 19th-century western industrial culture and to the hope and prosperity that liberalism demonstrated — and to the socialist ideal, which equally saw industrialisation as a means of human emancipation.

The Royal Exhibition Building symbolises the achievements of the industrial age. It is a relic of that period in that it is the only surviving palace of industry that remains intact, although there are obviously other elements of other exhibition buildings around the world. It is a tangible expression of the peaceful international interchange of ideas in the 19th century, and it demonstrates the fundamental economic, social and political changes that were occurring at that time — the age of capital, to repeat the title of Hobsbawm's historical work.

It was a great historical and interesting period. It had its negative sides, as those European ideals took hold and colonialism spread, but they were ideals which we took on board and which remained fundamental in the 20th and 21st centuries.

I am really pleased to support this bill and the listing of this important heritage building. We know this protection is part of the national government process. Minister Kemp finally made it possible, because without federal government support and protection, we could not maintain it as part of the World Heritage List.

This piece of legislation basically recognises the Royal Exhibition Building and the Carlton Gardens as world heritage places. It ensures that they will be in a world heritage environment area and that a strategy plan will be created to ensure that there is a buffer zone around it. I note that the Minister for Manufacturing and Export is at the table. They will be a bit like the buffer zones around the port of Melbourne and Tullamarine airport. The idea is to protect the building from intrusions and to ensure it remains an international icon. Being on the World Heritage List means it is given international significance. We need to ensure that it is protected and that there is a strategy plan around it, and the buffer zone is important to that.

It is a terrific thing to happen to Melbourne. I know the City of Melbourne and the Lord Mayor, John So, were supportive of this process. The state government, the commonwealth government, the Minister for Planning, the Premier, Heritage Victoria and so many others have contributed to make this possible. It took many years to achieve. Members of Parliament were supportive, writing letters and lobbying the World Heritage Committee, and I recall my own contribution to that. Many people contributed to ensure that the heritage committee did the right thing by Melbourne and Australia by inscribing the Royal Exhibition Building and the Carlton Gardens on the UNESCO list. It is terrific that we have 16 entries in Australia, and others should come. The Sydney Opera House is one that deserves a world heritage listing. It is unusual to have new buildings, but that is a standout for its importance culturally, architecturally and socially to Australia.

Mr HOLDING (Minister for Manufacturing and Export) — In concluding the debate I thank the honourable members for Hawthorn, Shepparton and Brunswick for their contributions to the debate, and I thank all honourable members for their interest in this important bill. I wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

GAMBLING REGULATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 17 November; motion of Mr PANDAZOPOULOS (Minister for Gaming).

Mr SMITH (Bass) — The Gambling Regulation (Further Amendment) Bill is a very interesting bill that raises more questions than it answers. Bills are introduced into this Parliament to improve existing legislation, as this bill is designed to do, or to control

whatever it may be. This bill concerns gambling. Parliament has debated a number of gambling bills in the last 12 months. For example, just on 12 months ago the government introduced the mammoth Gambling Regulation Bill.

This bill makes a number of changes to the Gambling Regulation Act 2003 and to the Casino Control Act 1991. It amends the requirement for employees of a gambling establishment to hold a number of separate licences, so they will need only one licence. That is a good idea, because the myriad licences held by some people for a short period put them to too great a test. The one-off licences will be able to be held for a period of 10 years before renewal, or until they are suspended or cancelled. I do not have any hassles with that process. It will be up to a single commissioner of the Victorian Commission for Gambling Regulation to approve licence applications, so it means that the commissioner will have to have the right information put to him and that the commission will have to undertake the proper probity checks. But as I said, a commissioner acting alone can approve a licence application.

The bill also abolishes the Gambling Research Panel and establishes the Responsible Gambling Ministerial Advisory Council in its place. We are all aware of the Gambling Research Panel which was a panel of three people: Linda Hancock, the chair, and David Western and Peter Laver. They put together some very good, creditable reports — three of which were released earlier this year. They were probably the most comprehensive reports that have been released since the Productivity Commission report of 1999. It gave us the chance to compare one lot of research with another, even though it was not necessarily carried out under the same criteria. We were able to see the difficulties being created in the problem gambling area and the difficulties caused to problem gamblers' families and loved ones.

When we talk about problem gambling it always seems to relate back to poker machines; it does not relate to other types of gambling. One must wonder why. You only had to look at yesterday's front page of the *Herald Sun* to see the headline and article about the problems and damage of pokies. It referred to the millions of dollars that have been spent illegally by people who had stolen from workplaces, family companies and so forth. The headlines all referred to pokies, but when you turned to page 2 there were a number of convictions and only 1 of about 8 or 9 related to people who put stolen money into pokies. Yet the whole focus of the article was on pokies. We also tend to do the same thing when we talk about gambling. It is never about the races, the table games in the casino, Tattslotto or sitting in a club somewhere and playing Club Keno. All of them are classified as gambling, not just pokies. I am not saying I am sticking up for the pokie industry, but it is seen to be the only cause of the problem and it should not be.

The research panel has been taken over by the Responsible Gambling Ministerial Advisory Council. It will be made up of a cross-section of the gaming industry and the anti-gaming lobby which will prepare issues requiring research and report to the Minister for Gaming and the Minister for Community Services. It appears to be a strange move as the government during debate on the last bill talked about the amount of money that was going to be put aside for the Gambling Research Panel. It prioritised that panel as being the no. 1 priority as to where money from the Community Support Fund should be going. Then in the next piece of legislation that came before the house within two months it has chucked out the Gambling Research Panel and introduced another panel. You have to wonder what the government is on about.

It is interesting to see that the government has dropped Linda Hancock as chair but has managed to retain the other two panel members. It is a strange way to go about it. If the government was not happy with the panel you would think it would have got rid of all the people. I consider the research panel was doing a good job. Was it because the minister was not happy with the research, or with how long it was taking for issues to be raised, or were the reports too negative for the Minister for Gaming? We know this government lives off gambling. It is probably more addicted to it than the worst problem gamblers in Victoria.

Opposition amendment circulated by Mr SMITH (Bass) pursuant to standing orders.

Mr SMITH — The amendment reads:

> Clause 35, line 17, after "is" insert "to table in each House of the Parliament all results from its research and its reports to Government within 2 months of the results or reports, as the case may be, being presented to Government and".

The act refers to the information going to the Minister for Gaming and the Minister for Community Services.

The reason we have moved this amendment is because the minister has set up this advisory council to take the place of the research panel. I do not think it is right that the government should be able to get the reports and the advice from those reports and not pass that onto the house. We are in a position where we are all very interested in trying to do something about problem

gambling, and if reports are going to be made out, it is important that this house be able to read those reports when they come through. The previous research panel always had a public release of the documents it had researched and, as I said before, the reports were always very informative and very good.

We know that Kerrie Cross-Zamurs has been appointed as the chairperson of this new advisory council, and we also know that she is a friend of the government. We would hate to think that if any of the information gathered was not friendly, if I can put it that way, to the government itself, that it would not be looked at by the government and would be held back from the opposition in this Parliament.

The amendment itself is a very reasonable one. We know that Kerrie Cross-Zamurs was also appointed as the advocate for responsible gaming and was working four days a week in that position. I wonder whether there was enough work for her as the advocate for responsible gaming and whether the government looked at trying to top-up her salary a little by giving her this additional job and responsibility. It will be interesting to see the sorts of reports she puts forward and the types of research work she is going to pass on to the minister. We have to ask why the government would not support this amendment. As I said before, it is a very fair and reasonable one.

This bill tightens up the responsibility for commercial raffle organisers to conduct raffles in a more responsible way and will introduce more probity and integrity into the bigger raffles being held. People who conduct the raffles for large organisations or for commercial operators will have to be licensed to carry out this work.

I reflect back on the court action and the eventual jailing of a character by the name of Lawrence Shannon who conducted raffles for the Kids at Sea program. About 30 raffles were run by this man, the first of which was conducted correctly; the next two or three were a little bit wonky, if I can put it that way; and after that Mr Shannon had his snout in the trough in a way that would not be believed. He was considered to be one of the luckiest men in the world, winning almost every one of the last 30 raffles that he conducted. He won prizes consisting of very fancy cars and watches — taking 1st, 2nd and 3rd prizes in most of these raffles.

It was interesting to read documentation put to the now defunct Office of Gaming Regulation, which had the responsibility of conducting raffles in Victoria and sending inspectors out to watch the raffles being drawn. Reports were put forward noting that the raffles did not seem to be conducted in the proper way. Senior police were involved who also reported back that the raffles being run by Mr Lawrence Shannon were quite illegal in the way they were conducted. Every time he applied to the responsible body, the then Office of Gaming Regulation — now snaffled up by our large bill last year — it kept issuing him with a licence.

Mr Bill Lahey was the manager of the Office of Gaming Regulation and the man responsible for taking US$200 000 for an investigation held into one of the gaming machine companies in America. A number of his colleagues also travelled to America on numerous unnecessary occasions, and were feted there by the company under investigation. Mr Lahey had the cheek to then charge them US$200 000 for the investigation, and the Office of Gaming and Regulation accepted this at the time.

One has to wonder what was going on in that office, particularly when these issues had been raised. Bill Lahey has been moved to one side from that position, as I understand it, but there are still others who I will not name but who are involved in that organisation and hold senior positions, and they were more than happy to issue these licences to Lawrence Shannon. Some of the notations on the freedom of information documents we obtained mentioned the wonderful big raffle, that it was the biggest one ever held in the state of Victoria and that it should be supported. This was all after the Office of Gaming and Regulation had been told that Mr Shannon was a cheat, a thief and a fraud. He was flogging off tickets at about $300 a piece around the traps. This went on for over 30 raffles. They got him in the end for about $8 million, and he is now sitting in one of our jails probably accruing a fair amount of interest which, when he comes out of jail, will enable him to be reasonably well off.

But Mr Shannon should never have been issued with the number of licences he was issued against the will of its own inspectors and against the will of some of the senior police officers, who were also issuing warnings to the office that this guy was a crook.

There is also a clause in this bill providing for the need for disclosure of political parties that are involved in community raffles. One very much relates this to the much-publicised raffle that was run in the South Gippsland council area — an issue that was raised during the federal campaign. I must say quite honestly that it was a raffle for which members of the Liberal Party in that area were certainly selling tickets. Basically they were selling tickets to Liberal Party members and branch members, and it was not any

secret down there that they were selling tickets on behalf of the South Gippsland community raffle benefit. In the end, if I am not mistaken, the money was passed on to a charity when all the fuss came up about it. I can understand the reason for it, and I do not have any objections to this part of the bill being brought in, but I must ask: does this clause also apply to community bingo? We are all pretty much aware that political people can be involved in bingo.

Mr Ryan — Where are we going with this?

Mr SMITH — Where are we going with this? We are probably going out Keilor way, I think. We are all very much aware of the great work that was done by the member for Keilor in a number of bingo parlours around Keilor! I am sure not everybody knows that the member for Keilor was using community bingo to assist with the funding of his election and re-election campaign. I would be interested to find out from the Minister for Gaming, and I am pleased that he has come into the chamber, whether bingo is also covered by the same legislation.

The bill also makes amendments to the act to allow Club Keno to be played at the casino. I found that to be quite interesting, because it is my understanding that the casino had Club Keno initially but chucked it out because it was not of any interest to the people at the casino. But now we find that the government has written into the legislation that it can in fact be played at the casino — and, of course, we only have one casino in Victoria. I am just wondering whether the minister is thinking about having some more casinos where it could be played? The minister would not think so?

Mr Pandazopoulos interjected.

Mr SMITH — No; I would not think so, either.

Clause 16 removes from section 6.2.4 of the principal act the wording 'in an approved venue'. This is in regard to Club Keno and the participants in Club Keno, which are Tatts and Tabcorp. They are now allowed to conduct Club Keno in any venue, whether it be licensed or not. A recent AAP news wire report states:

> A Productivity Commission report says the states' revenue from gambling taxes will come to a halt as the population ages — and it can't be expected to rise again.
>
> The analysis … suggests that stress on public finances would increase further — forcing up other taxes or cuts to services.
>
> That's unless states tempt people into new forms of gambling.

It goes on and talks about the age of people who gamble and the fact that as they grow older they gamble less. I wonder whether the government is now looking to float Club Keno out into other venues and putting them in football clubs, senior citizens clubs, cricket clubs — I could go on and on — and hotels that do not have poker machine licences. I wonder whether the government is being a little bit sneaky in the way it is trying to get this in and approved. If that is the case, I have a problem with that. It would be nice if the minister explained to us later whether or not this is correct. This government has relied upon gambling and the gambling dollar. As I said before, it pulls in nearly $1 billion a year from it. Revenue is going down at the moment, which is fine, but if the Treasurer knows that gambling will not prop up his budget a bit longer, it will make it difficult for him to give away things like land tax, which he has just given away.

The bill will also make it necessary for each venue operator to submit to the commission the community benefit statement for each approved venue it has. This is to bring into line the operators who have a number of venues, or multi-venues, who are putting in combined statements so that they will provide a statement for each of the venues they own. I think this is a good idea. It is important that people know how much money goes back into the community. We know that hotels have to pay 8.3 per cent of their take into the Community Support Fund, and we know that local sporting and other types of clubs also contribute a great deal of money into their local communities.

The government is also keen to get its hands onto the money from unclaimed prizes. It has found it necessary to see that unclaimed prizes from multiweek tickets in lotto and so forth are paid to it in the period of six months from the date of the last week of the lottery. Tattersall's, the operator, was having problems with providing on a weekly basis the Tattersall's results and having to decipher how much money was unclaimed; now it will at least be able to do it within six months. But we know from the last lot of legislation that went through that the government, which was obviously a little bit strapped for cash, decided it would change the requirement so that unclaimed amounts of money would be paid to it after 6 months and not 12 months. Of course we know it put part of the money from unclaimed racing wagering into the — —

Mr Pandazopoulos interjected.

Mr SMITH — It did, and it went into the racing museum at Federation Square. I wonder what part of the industry might be calling out now for the minister to take this extra money from Tattersall's — —

Mr Pandazopoulos interjected.

Mr SMITH — It is just to be consistent — that is what it is. Thank you for that, Minister. We do not object to this bill. I have asked for this amendment, which I circulated earlier. Has the minister seen that?

Mr Pandazopoulos — Yes.

Mr SMITH — I have asked that it be given some consideration. We do not ask for very much. In fact this will give more information to Parliament, which has some entitlement to look at the type of information that is being passed on to the minister.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate on the Gambling Regulation (Further Amendment) Bill. This industry, taken as a whole, is a huge contributor to Victoria's fortunes. That statement is not meant to be a play on words; it is representative of the fact. Thousands upon thousands of people are employed in the industry across the state at various levels of gambling and gaming, and the present government draws of the order of $1 billion of tax income arising from the operation of this sector. For that reason the appropriate regulation of it is very important.

The bill before the house makes a further amendment to the Gambling Regulation Act. The essence of it has been outlined by the member for Bass, so I do not intend to dwell on the various specifics to which he has referred. However, I will note a few of the primary aspects of the legislation.

The regulatory controls are to be introduced for commercial businesses that organise raffles for community and charitable organisations. Those amendments are introduced by clause 29. As a result of that clause a new part 5A will be introduced into chapter 8 of the principal act to provide for a new licensing regime for commercial raffle organisers. In essence this will be akin to the current controls which apply to bingo centre operators. The practical effect of the regime will be that a commercial raffle organiser — an individual or entity — will need to be appropriately licensed to conduct a raffle under new part 5A, which is being incorporated into the legislation by clause 29. That is a sensible thing to do because, as matters have transpired, the numbers of those engaged in the organisational aspect of this particular element of the industry have continued to grow. Therefore it seems appropriate that there be consistency in the way in which the regulatory controls operate. Accordingly clause 29 of the legislation provides for the consequent effects that I have outlined.

Greater disclosure will be required as to the beneficiaries of raffles. The member for Bass has talked of the events which transpired during the recent federal election. The contribution to this whole debate by the Labor Party is renowned, so there is no need to dwell on it. From a consumer perspective, it is appropriate in this day and age that people fully know who is to be the ultimate beneficiary of any raffle being conducted. Therefore this provision is appropriate and sensible.

There will also be a provision which will ensure that the previous gaming activities of an applicant will be taken into account by the commission when considering an application for a minor gaming permit. This is once again a matter of consistent application of the laws. It is a sensible provision. Importantly there is an additional provision which will see the introduction of a single licence for gaming employees. This will be the gaming industry employees licence. It will replace the special employees and technicians licences and the bingo centre employees licence. Given the growth of the industry and the way in which its regulatory controls have continued to evolve, this is a sensible thing to do. It will save the duplication of process and effort. It will mean that an individual can qualify across the board to work in the relevant aspects of the industry in a manner that is presently not available. The Nationals support this innovation.

The bill will enable the minister to establish the new Responsible Gambling Ministerial Advisory Council. It will replace the gambling research panel, which is to be discontinued. That panel has comprised the various stakeholder interests in the industry. Presumably that structure will be replicated in the course of this new entity being established. I would hope that the government is able to continue to receive advice from across the board insofar as the industry is concerned. It is important to have the views that are both pro and against, in the sense of being able to appropriately develop public policy in this area. I hope that balance is able to be maintained by the new advisory council.

Gambling research and problem gambling services will continue to have an equal first call against the Community Support Fund. That is an important issue, because one of the origins of the expenditure out of the fund was the need to do what could be done and to assist those who are struck by what is termed 'problem gambling'. To this day nobody has ever properly defined what that term means.

There is a tendency for a lot of ad hoc policy to be applied to an area that remains largely undefined. That is an unfortunate state of affairs because, from the perspective of the public at large and the industry

generally, these ad hoc arrangements can be put in place because they seem like a good idea at the time without necessarily having any specific rationale behind them, let alone a focus for their application. When you are dealing with an industry which contributes what it does to the state by way of direct taxation benefit; which provides the levels of employment it does; and which, in an almost esoteric sense, throws up difficulties for people who are encountering problems with what is termed 'problem gambling', it makes it all the more important that the term be fully defined. Through the University of New South Wales extensive work has been undertaken to try to come to grips with this issue.

I urge the government through the operation of this advisory council to institute appropriate initiatives to enable society to better define individuals who are so often termed 'problem gamblers'. If that were done, it would mean there would be a much better focus from all parties on the issues which are pertinent to the people who have that difficulty.

The bill proposes further amendments to the Gambling Regulation Act 2003 which will ensure that each licensed gaming venue — as opposed to each licensed gaming operator — will need to produce a community benefit statement within their annual report. That is a sensible thing to do, because it could happen that a specific community — particularly one in country Victoria — would not know the relevant details of the particular venues within their own community which are pertinent in this regard. To have a community benefit statement applicable to each of the individual venues is sensible.

The member for Bass has moved an amendment on behalf of the Liberal Party. If it were adopted by the government, it would mean there would be greater transparency in the way in which the moneys derived by the government in one form or the other through the operation of this industry are expended. I therefore endorse the amendment which has been moved by the member for Bass.

Mr MILDENHALL (Footscray) — It is a pleasure to join the debate on the Gambling Regulation (Further Amendment) Bill and to endorse the Bracks government's relentless pursuit of appropriate gambling regulation, and to continue its program of supervision, reform and regulation.

It is a source of pride that Victoria has the strongest and toughest gambling regulation in Australia, far from the all-too-easy claims made by the opposition and media outlets that the state government is addicted to the gambling dollar. For the second successive year spending on gambling has come down, and therefore government returns have come down. The common accusation by critics and members of the opposition that the government is too light-handed because its income keeps going up and it has become financially dependent on it is disproved by the facts. Recent initiatives include the ban on all forms of advertising from 1 January 2005, and other measures to come into effect such as the restricting of signage, the requirement for gaming venue staff to be attend training in responsible gambling and giving more power to local government over applications for poker machines in their area.

The legislation we are dealing with today is part of that suite of measures demonstrating this government's commitment. It is a far cry from the open slather times, the attitude adopted by the previous government of 'We will see what happens with these poker machines', and the panic at the impact of them, followed by the sudden capping of the numbers of machines that was instituted by the former Premier. This bill today deals with essentially three areas of gambling regulation: the new measures to ensure the probity and integrity of raffles; the streamlining of existing provisions to remove unnecessary duplication, particularly by consolidating the three existing licensing schemes into one; and the abolition of the Gambling Research Panel to make way for the Responsible Gambling Ministerial Advisory Council and the independent peer group research panel.

I note the support for these measures from the opposition. Its support for the raffle measure — this amendment that has come forward — could be called the South Gippsland Liberal Party amendment after that fairly well-publicised raffle in the political history of Victoria. The member for Bass noted that the income from it was donated to an appropriate charity. We are not sure who won the overall raffle, but I am aware that the existing provisions were complied with and the Liberal Party was to be a minor beneficiary as distinct from the major beneficiary of that community raffle. What these amendments do is to ensure that where a political party of any sort is to be a beneficiary the purchasers are made aware of that fact so we can all be sure of the destination of the funds.

More seriously, though, the member for Bass outlined the notorious Mr Shannon and the scams which were recently brought to light, the money involved and the number of innocent purchasers of tickets who would have been, as you often find, among the least able to afford the tickets. They spot a good cause and say they will give it a hand, only to find that their hard-earned donation has disappeared into some luxury purchase,

which I certainly hope is not awaiting the exit from Her Majesty's custody of this notorious character to enjoy upon his return to community life. It is of some concern that these incidents have occurred.

The streamlining measures have been supported by the opposition. It is pleasing to note that there is a recognition of the reduction of three types of licence for gaming special employees, technicians and bingo centre employees into one gaming industry employee licence. It is part of the never-ending process of looking for more streamlined ways of going about these matters without interfering with the quality of the surveillance and the interrogation of the information that comes before the gaming regulators.

Finally, there is the abolition of the independent Gambling Research Panel in favour of the Responsible Gambling Ministerial Advisory Council, which will replace the problem gambling round table. The government is determined to bring all sections of this industry, including community activists, academics and researchers, into the loop in advising the government on appropriate types of research. This research needs to be integrated with national efforts. Victoria has carried a disproportionate load of the national effort in recent times, so we need to coordinate these efforts. All the parties need to be at the table to debate the most appropriate directions for research.

The independent peer group that will be set up to monitor and advise on the quality of research will also be a welcome addition to the structures that are available to the minister and the advisory council in this regard. We need to improve the quality of the research. I do not believe there is an issue with the transparency of the research so I question the need for the amendment, but I am sure the minister will come to his own view and advise the house accordingly.

I also note that the bill retains gambling research as an equal first call against the Community Support Fund alongside problem gambling services. In recent years the government has dramatically increased the amount of money available for these services, so there is an unrelenting pursuit for appropriate regulation and for dealing with problem gambling issues in what has now become a vital industry to Victorians in terms of their leisure enjoyment, but always with a mind to reducing problems that come from it.

Mr COOPER (Mornington) — I want to make a few remarks on this bill and I do so with a sense of history, probably one that is a lot more accurate than that exhibited in the remarks made by the member for Footscray, particularly in regard to gaming machines. He wanted to put the whole problem of gambling machines onto the head of the Kennett government. Of course he should know, does know and prefers to ignore the fact that gaming machines were introduced into this state by the Kirner government. He also clearly does not want to remember the well-publicised comments that were made at that time by people like former ministers the Honourables Tom Roper and David White who said that we could quite easily have up to 50 000 gaming machines or more in this state.

It was the Kennett government that brought back some sense of reality and introduced the cap of 27 000 machines. The member for Footscray would do well not to try to rewrite history but to be honest, open and accountable and say, 'Yes, this is what happened back in the days of the Kirner government. We made a mistake and we acknowledge it'. We would not then have the situation of wasting a couple of minutes of my time reacting to that remark.

It is also worth while saying that he who is without sin should throw the first stone, if I can paraphrase the Bible. In commenting on community raffles and mentioning the well-publicised Gippsland branch of the Liberal Party's involvement in a community raffle, the member for Footscray should also be aware that it is not just the Liberal Party that has been involved in community raffles. If he would like to do some fairly basic research, he need only go across Queen's Hall and talk to a member of his own party in the other place who represents an area very close to mine, and he will be told about the Labor Party's involvement in a community raffle in Frankston. Whilst it would also have been a minor beneficiary, nevertheless I think we would find if we really delved into community raffles held throughout the state that probably all political parties, and a number that are not represented in this Parliament, have participated in community raffles.

I have no difficulty whatsoever with the clause in the bill that requires that to be divulged and acknowledged, because I think that people who buy raffle tickets should understand who is going to be the beneficiary, in either major or minor part, of those raffles. That is fair enough.

I counselled Liberal Party branches in my electorate and nearby not to become involved in these raffles, because their participation was not going to be acknowledged. I felt that that was not the right thing to do, and to the best of my knowledge those branches never did participate in those raffles. But in doing that at the time I was aware that the Labor Party was involved in one raffle in Frankston and I felt that it was very unwise of it to be so involved. It may well have

ceased that involvement by now, but I am sure that whatever money was raised from that raffle would have been a very minor amount and certainly not worth the political odium that is attached by the community to such matters when it becomes public.

Mr Mildenhall interjected.

Mr COOPER — I did not hear the remark by the member for Footscray but I am sure it was a very wise one.

I want to address the issue of the political correctness approach to gambling because I believe in the freedom of the individual and that people have a right to participate in gaming and gambling activities. But I also acknowledge that a minor number of people in the community will not be able to control themselves. That has been well publicised and we should not take the position that this involves the majority of the community. Most people who gamble in any way do so responsibly and without any problems. Whether you go onto a racetrack or into a club or a pub or wherever gambling takes place, you find a lot of people enjoying themselves and doing so responsibly.

But it raises the issue of how we separate the rights of the majority and allow them to have those rights and also deal with the sins of the minority, if I can put it in those terms — the people who are out of control and who gamble away the week's pay packet or their savings. In fact in one case I know of the house was mortgaged, which brought the marriage to its knees. The marriage survived — how it did I do not know, but nevertheless it did — but it said a lot about the spouse who found out that the house had been mortgaged for the purpose of gaming. It said a lot about that person's capacity to bear pain and suffering and to forgive.

How do we go about it? We do it through education and by assisting the community in whatever ways we can to ensure that people are fully aware of what they are doing when they start to gamble. We have had gaming machines in this country since 1956 when they were first introduced into New South Wales, and as we all know lots of Victorians went up to New South Wales in buses over the period between 1956 until gaming machines were introduced into Victoria. So Victorians were very well educated about them.

I am still staggered at the number of people who seem to believe that they can make money out of a gaming machine. They go to gaming venues and pour their money in. I do not approach this from a wowser position; I am quite happy to chuck $10 or $20 into a gaming machine if I happen to be in a place where they are, and if I am fortunate enough to get a win, then I put it in my pocket and walk away. But I watch people who hit a jackpot, money pours out of the machine and then they proceed to put it back in because they think that there is more where that came from. I am staggered at the stupidity of people who take that approach to gaming machines and end up doing their dough, because that is what the machines are there for: to take their money, not to give them money.

The only way to address this issue involving a minority of people who abuse their assets by pouring them into gaming machines is through education. I hope that the government's efforts will be directed towards that rather than regulating down and imposing on the vast majority of people who gamble responsibly. They are the majority and their interests needs to be protected.

In the short time left to me I want to address the issue of Club Keno. I am concerned about the fact that this bill apparently — and I will be very interested to hear the response from the minister at the end of this debate — opens the door for Club Keno to go not only back to the casino but into a lot of other places where there is no gambling at present, such as community clubs, football clubs and cricket clubs. They are premises that are around every community throughout this state, both in the metropolitan area and outside — and I have lots of them in my electorate. It is something that I would urge the government to be cautious about.

Club Keno may be seen as an innocuous form of gambling, but it can be as devastating to a problem gambler as gaming machines. It is very easy to blow $20 or $30 or $50 a night on the game. It was invented by the Chinese, and as everybody knows, when the Chinese invent something, it is always on the side of the bank and never on the side of the player! Keno is a very clever game. I recall a visit many years ago to the casino at Darwin, when I decided that I would take on the casino and spent 12 hours playing Keno. I worked at it very hard. After 12 hours of solid play I was down $150. When I told somebody about that they said, 'You are lucky to have got out of it as lightly as you did'. I thought I could win with a system. It just shows that systems do not work and that Club Keno can be as pernicious and dangerous as gaming machines to those people who have a gambling problem.

I urge the government to look carefully at extending Club Keno out onto the highways and the byways and to every suburban and country club and pub that puts its hand up. The government should be careful, because while it is arguing about controlling gambling it may well be initiating a gambling problem that is not there at present.

Mr LONEY (Lara) — At the outset I should declare a new found admiration for the member for Mornington. Anybody who can sit and gamble at Keno for 12 hours has a degree of stamina, patience and application to the task that I certainly would not.

This legislation continues this government's gambling industry reforms, and in particular the priority it gives to probity in the industry. I think that is entirely appropriate and very important. If you are going to have a gaming industry in this state, the key feature should be ensuring its probity so that the interests of those who gamble are protected. I will pick up a point the member for Mornington was making towards the end of his speech. He expressed the hope that regulation would not just be aimed at that part of the community that has a problem in relation to gambling. I would put forward the view that regulation is about ensuring that the best interests of all who participate in gambling are protected. Regulation is very much about protecting the consumers of gambling products.

This bill does a number of things. It introduces some new measures, as I said, to ensure the probity and integrity of raffles. It streamlines a number of provisions in the act to remove unnecessary duplication. One of the things it does is consolidate the licensing provisions around employees, so that the three tiers of licences will be brought together into one. That is quite a reasonable and practical thing to be doing, for two reasons: one, there is an unnecessary duplication, or I suppose you would say triplication, in that — —

An honourable member interjected.

Mr LONEY — They are finding new ways to get at my speeches, Speaker!

Mr Stensholt interjected.

Mr LONEY — However, I will struggle on. As the member for Burwood correctly says, we hope this is not an indication of a return to the seven long dark years! But back to the bill.

As I was saying, removing the triplication is a good idea on a couple of levels. The first is that it is unnecessary. The second is that the more you have different regimes or alternative procedures for checking people, the more likely it is that someone will slip through the cracks. If you want a good probity regime, then it is much better to have a single system to assess people rather than having it done in three places. The third thing this will do — and I will come back to this also — is abolish the gambling research panel and put in its place a new advisory committee for the minister and the ministerial gambling advisory council which will provide advice on responsible gambling measures and research priorities. I think this is a move which will empower that group.

The changes that are being made to raffles are unfortunately a comment on the difficulties that have occurred in the past, and members have referred to some of them. I do not wish to go down the track of picking out specific items, but there have been a number of significant scams relating to raffles. I remember that down my way, in particular, a fellow was running raffles of houses the proceeds of which were meant to go towards helping people with disabilities. As it transpired none of that raffle money was getting to those people, but it was going to aid the person running the raffles!

The first aspect of the changes is that raffle ticket scams not only affect the charities or bodies that lose out and the people who buy tickets in the belief that they are helping those charities or bodies, they also affect a much wider group. Once people lose confidence in a publicly run raffle, regardless of who it is for, they also start to lose confidence in other raffles on the same basis, in that they do not know whether or not it is a scam. Those sorts of scams can have a wide-ranging effect on the ability of other charitable organisations to sell their tickets to the public. So this change is needed.

The second aspect of the changes relating to raffles is that they introduce a greater level of transparency for the raffle ticket buyer, and that is also appropriate. When you buy a raffle ticket you should know absolutely who the ultimate beneficiary will be. Whether it is a political party or some other group does not matter, but it should be transparent. That should be available to the purchaser of the ticket, because they can then make up their mind about whether they wish to support the charity or other body. That is the reason for transparency — to get that information to the buyer of the raffle ticket — and it is appropriate.

The other major change in this legislation is the advent of the Responsible Gambling Ministerial Advisory Council replacing the current body, the Gambling Research Panel. That is an appropriate change. It will give some strength to the way in which gambling research can be conducted and prioritised, and the way in which issues can be taken up. I note the proposed amendment of the member for Bass, and that he is seeking to ensure a transparent regime; but at this stage my understanding is that all of the papers of that council will be required to be published, will be made available, and I think there are some time limits involved, so a regime of transparency will exist. I take

it that the honourable member for Bass has offered his amendment in that spirit, but transparency arrangements are in place and perhaps we should have a look at how well they work before necessarily proceeding down the line of the amendment.

All in all the amendments to gambling made through the bill are both appropriate and necessary. They strengthen probity and transparency within the industry through these changes, and to that effect this is a worthwhile bill, one that will serve the interests of consumers of gambling products in the state. I commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — It is with pleasure that I rise to support the bill, and follow what I thought was quite clear wisdom from the honourable member for Lara, yet again, particularly in relation to his views on raffles. So many of us have heard examples in our own electorates and in the media of people who scam or scalp the public. Their raffle prizes and the raffle itself are not for the benefit of the charity, but for their personal benefit. If and when cases come before the courts in future, I think it is good that the honourable member for Lara has outlined to the house the importance of the integrity of raffles and the importance of the public having confidence in those raffles, not only for the charities that often are scammed but also for the public generally. There are many people of goodwill who want to donate to good causes, and they need to know that the money they give in raffles or donations actually goes to the people for whom they believe their donation is made.

We could move on to provisions of the bill to be inserted by clause 29, but I will get to that in a moment. The first item that I would like to cover is the community benefit statements (CBSs) in clause 8. In my own electorate I have many good causes — people who ask for my support in identifying where there might be potential for a donation to their particular charity or cause. Clause 8 of the bill states quite clearly that the public now will have the benefit of clarity. We are going to make minor amendments through this clause to ensure that section 3.6.9 of the principal act, relating to the requirement to complete a community benefit statement, is quite clear. The amendments before us address minor technical issues that were identified in implementing the CBS requirements. The first CBSs were submitted for the last financial year 2003–04, and were due in September of this year.

Clause 8(a) clarifies that the community benefit statement is required for each licensed venue rather than for each venue operator. It has always been the government's intention to require a CBS for each venue, as the purpose of the CBS is to show the community the benefits generated by individual gaming venues. I, like other members, have participated in local debates about the community benefit that supposedly flows from licensed venues and from gaming venues, and it is not always easy to have clarity. In fact some people in the past preferred to have great secrecy in relation to the community benefits that flow from the gaming venues. This amendment will highlight the situation to us quite clearly, and I congratulate the minister on that.

Clause 8(b) provides that the community benefit statement form must be approved by the commission instead of the minister. Of course it is clear that it is unnecessary for the minister to determine the form used to collect this information, and we are aware that other forms required under the act are generally approved by the commission. Clause 8(c) provides that amounts paid as GST cannot be included as revenue applied for community purposes, and most of us would say hooray to that. The legislation is part of our government's continuing reform on responsible gambling. The minister, in the two terms of our government, has worked very hard to ensure that these reforms are clear and have been developed in partnership.

The other item I would like to cover briefly is the evolving of trust and partnership that has occurred as relationships have matured. Certainly in my time, when we were discussing the gambling round table in the early stages, there was not always a great deal of trust. It is a tribute to the minister and those involved that the gambling round table evolved, relationships were established and trust grew. As a result of that growth we will now have the ministerial advisory council, and that positive partnership will be cemented. In passing, all of us should pay tribute to those who worked on that gambling round table, and wish those in the new ministerial advisory council our very best.

Given that some people have made reference to the transparency of research, I wanted to mention that the previous Gambling Research Panel was a good panel, but the Responsible Gambling Ministerial Advisory Council will be even better. The transparency of research is very clear. I was just looking at the relationships and how we will ensure that that transparency occurs, and this bill does it.

In conclusion, it is a good piece of legislation; nothing would be added by the proposed amendment of the honourable member for Bass. This bill builds on the strong work of the minister and the measures of responsible gambling that this government has implemented. I wish the bill a speedy passage.

Mr PANDAZOPOULOS (Minister for Gaming) — I thank the member for Bass, the Leader of The Nationals, the member for Footscray, the member for Mornington, the member for Lara and the member for Pascoe Vale for their contributions. I also thank the staff of the Office of Gaming for their work on this measure.

I first refer to raffles. A number of members highlighted the importance of providing confidence to those in the community who purchase raffle tickets, and that is exactly what these provisions are designed to do. The provisions are catching up with reality. There is nothing against commercial raffle organisers, but we had to make sure the appropriate transparency and financial rules were available so the purpose of the raffle is clear. There has been a lot of public debate about raffle organisers so it is important that while the permit is given to non-government organisations, those who choose to have commercial companies run raffles do not accept the responsibility without having the control of the responsibilities. This bill puts the onus on the commercial raffle organisers to have similar rules to those of bingo centre operators. That is entirely appropriate.

The raffle conducted by the South Gippsland branch of the Liberal Party was referred to. It is important to put on the record that it did nothing wrong, but it highlighted an anomaly. Now that we have public funding for election campaigns in Victoria, it was felt that a higher level of transparency was necessary for political parties when conducting raffles in the community, so disclosure is important. It is important to put on the record that they were not doing anything wrong at the time, but this sets the rules for all political parties in the future. Confidence will be maintained for raffles conducted in the community and that is a positive for the community and non-government organisations that raise a lot of dollars through raffles.

The bill contains a number of positive streamlining measures that will help reduce duplication. It will set one licence fee — a gaming employee licence — rather than three separate licences. Employees have had to get three separate licences depending on the nature of the gaming industry they worked in. The focus of the employee licence is about probity, and once you go through the test you should be able to work in a bingo centre, a gaming venue or the Crown Casino, instead of having three separate licences, so we are simplifying that regulation.

Comment was made about Club Keno. It is important to correct some of the comments that were made during the debate. I understand the issue was not raised in the briefing, but it is important to understand that there are regulations for Club Keno that include Crown Casino. We have brought the regulations under the principal act. As members may know it is a lot harder to change regulations when there is a bigger process to go through, even for minor changes. It is easier to do it by legislation, which is why this is being introduced through the bill. It does not expand Club Keno operations, as some members believe, but is neutral. It provides more clarity, and I am happy to provide the member for Bass with further information on that.

Some members highlighted community benefit statements. More clarity for venues will be provided because from this year venues will have to provide community benefit statements that will be published annually, venue by venue, on the community benefit that both clubs and pubs provide to their communities. Some venue operators who are multiple owners were confused, thinking that providing a combined community benefit statement for all their venues was what was required. It was quite clear in the discussions and in the initial legislation that they were to be venue-by-venue community benefit statements. This legislation provides clarity and ends that confusion.

The member for Bass raised the issue of unclaimed lottery prizes. The government is not desperate for money, and that is why it is providing consistency. The member was indicating support for our change to unclaimed dividends from wagering with Tabcorp, which went to a good community purpose, being the Racing Museum, which now is an admired venue around Australia. People who came here during the spring carnival were rapt that Melbourne, with its great racing tradition, had the museum. If we applied those rules to Tabcorp, we had to apply them in the same way to Tattersall's as well, which was not fussed about that. That money is being used for important community activities, including the new home for Life Saving Victoria. Some of the revenue will also help fund our obligations with the Athens torch relay.

Some members referred to research. The member for Bass will move an amendment and I need to comment on that. I know it is being done in good spirit and good faith. It would have been good to have discussed the issue so that we could have a more appropriate amendment, but that does not always happen. The government cannot support the amendment in its current form. This bill is about transparency. With all our research we have been transparent — it has been published, it is on the web site and anyone can look at it — lock, stock and barrel.

The problem with the amendment is that we are setting up a ministerial advisory council that will have a role with research. It is very important. We have advertised for members of the 15-member panel and applications close on Friday, 10 December. There needs to be a balance between community and industry and it is important that we are able to ask them what they want to do with research, and then there is the public availability of that. I do not have a problem with it in principle and I will raise it with them, but the way the amendment is couched may mean that the ministerial advisory council role is usurped without it being involved in the discussion.

Victoria is part of the national research effort. We run the secretariat for the National Gambling Research Working Party out of the Department of Justice. The current drafting of the amendment will mean research will be tabled that is not entirely owned by this government. The government will consider the issue for the future because it is important that any research is transparent, but we cannot support the amendment in its current form.

In talking about research I want to thank the Gambling Research Panel for its work in the past. The panel was set up on the basis that very little research was done in Australian jurisdictions anywhere. The government took a step forward and said it was prepared to do a lot more research than anyone has ever done. Now the environment has changed. The focus on research means that all states are doing more. There is a national gambling research effort, and discussions will go on in the future, especially at the ministerial gaming council, about more appropriate ways of doing national research. As the member for Footscray said, Victoria has been funding a lot of the national research because it puts in most of the dollars. The research that the research panel has completed has been looked at by other jurisdictions around Australia, yet all states face similar issues. It is not inappropriate to see whether there is any better model than that of Victoria funding research for all other states.

State-specific research will still be required and that will be determined by me, as the minister, in consultation with the advisory council. It is important to involve all parties. Why is that? There has been criticism that industry will be involved. At the end of the day, like the Gambling Research Panel, as the minister I have to approve the research plan. Everyone was consulted including industry, and there will be a similar approach except that it is very important that we encourage industry to take steps forward with us. Having industry involved in agreeing that research needs to be done, knowing that I will be ticking it off at the end of the day, locks them into taking much more seriously whatever the research says, so we can go to the next step. That is exactly why the government is setting up the ministerial council.

I thank all members of the gambling roundtable. The member for Pascoe Vale highlighted that it was a confidence-building measure to have industry, community and local government talking together for the first time in a less confrontational way than occurred in the past. Confidence has been built up — it does not mean we have all the answers — so now we can take a small group of 15 people with a focus that is much more task driven and not just about advising on strategies. It will be a good sounding board for a whole lot of things that government is doing. It is a work-driven approach and industry has to be a key part of that because it has so much information and knowledge about how to improve the reduction of problem gambling. I do not move away from that. It is not a pro-industry program but practical reality requires that industry must be a key part of it if we are to focus our efforts on research and those things that help reduce problem gambling. The sooner more people understand that, the better it will be for us all.

I thank everyone who has contributed to the debate. I thank everyone who has contributed to the development of the bill. While there have been a number of small changes to gambling regulation, they will have a very large impact. I commend the bill to the house.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 34 agreed to.

Clause 35

Mr SMITH (Bass) — I move:

Clause 35, line 17, after "is" insert "to table in each House of the Parliament all results from its research and its reports to Government within 2 months of the results or reports, as the case may be, being presented to Government and".

I am looking for more openness and transparency from this government, which preaches it to us all the time. I ask that any of the advice that is handed on, the research and reports that are given to the government are tabled in the Parliament so that we are all in a position to gain benefit in helping problem gamblers.

House divided on amendment:

Ayes, 24

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

Noes, 51

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

Amendment defeated.

Clause agreed to.

Clauses 36 to 49 agreed to.

Bill agreed to without amendment.

Remaining stages

Passed remaining stages.

ACCIDENT COMPENSATION LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 18 November; motion of Mr HULLS (Minister for WorkCover).

Mr McINTOSH (Kew) — The opposition certainly does not oppose this legislation which in many respects regularises a number of anomalies relating to benefits for injured workers. Accordingly those provisions will improve the efficiency and operation of the act for injured workers.

The first and principal point I make is that currently in common-law claims a worker who wishes to proceed to the narrative test rather than percentage impairment assessment, which according to the American Medical Association (AMA) tables is the alternative to making a common-law claim, has to first demonstrate the actual individual amount lost through their injury. This bill among other things improves that position by removing the requirement for the impairment assessment to proceed as a prerequisite to demonstrating the narrative test. Given the fact that, according to the minister's second-reading speech, the vast majority of claims under common law proceed by way of a narrative test, it seems to be an efficient way of speeding up the process to ensure that compensation is provided to injured workers. Therefore the opposition has no difficulties with that provision.

Secondly, the bill provides for the fast-tracking of common-law claims, particularly where there is a terminal illness such as mesothelioma or other forms of terminal injury. In the case of mesothelioma, which has a long latent period before onset and afterwards the person has a very rapid decline resulting in death, certainly these can be fast-tracked. Why it would require legislative change given the fact the courts have the ability to speed that process up is a matter of conjecture, but we certainly support the idea that it is entirely appropriate that anybody who has a requirement to have their common-law claims fast-tracked because of a terminal illness can do so. There are improved benefits in speeding up compensation claims by ensuring the level of impairment and the determination of liability are determined at the same time rather than the existing two-stage process.

There are also benefits that will recognise the role played by older workers. Although there is still a notional age in many industries of 65, we know many people continue to work well beyond retirement age.

The current legislative provisions provide that anybody over the age of 63 who is injured is only entitled to 52 weeks of paid-up income rather than the 104 weeks for other workers. The increase in compensation benefits to 104 weeks is certainly a step forward for older workers. It also recognises the important part that older workers are now playing in a modern economy and acknowledges their entitlement to continue to work. As honourable members know, not all of us necessarily aspire to having a defined retirement age, and while people are able to make a contribution, that is a good thing for the individual and a good thing for the economy.

Some current return-to-work requirements provide almost a disincentive to injured workers. Workers who are currently paid at 95 per cent of their pre-injury average weekly earnings for 13 weeks would see that drop to 75 per cent if there was no capacity for work, but to 60 per cent in the event that they have some capacity for work. Concern was expressed that employers may not be providing the injured worker with the opportunity to work. Accordingly this can work to the disadvantage of workers and that is supported in this case by this legislation and is seen to be a good thing. The provision relating to information for workers also broadens the ambit of the freedom of information provisions that apply enabling the non-WorkCover agents to be also included in the information that can be accessed through the freedom of information process. That is a step forward as it provides that degree of access to that information.

There are a number of other matters like the provisions that relate to hearing loss that overcome the decision in the case of *Victorian WorkCover Authority v. del Borgo and Others* where there was, according to the government, an anomalous decision by the Court of Appeal. The provision restores the mechanism whereby if a person who suffers a hearing loss has been compensated for that pre-existing injury and recovers and subsequently sustains a further hearing loss, it provides a mechanism to assess the difference and that then becomes a compensation injury.

The opposition has certainly been fully briefed on this bill. It is a step forward and improves the process of compensation for injured workers. There are perhaps concerns about the speed with which the government has introduced the legislation to overcome the Del Borgo case. Hopefully the return-to-work mechanism will not work against employers.

There are a number of other provisions relating to the timing and processing of applications. There is also something that, at the extreme, the opposition would support — that is, choice of rehabilitation providers. Concern has been expressed by some employer groups that that may be something that would be union friendly and that it may work against injured workers.

Apart from those matters that I have raised, the opposition has no other difficulty with this bill, and accordingly it does not oppose the legislation.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate on the Accident Compensation Legislation (Amendment) Bill, which proposes to make a number of amendments to the accident compensation legislation. The amendments are in a general sense set out in clause 1 under the heading 'Purpose'.

In brief, they propose to streamline the processes to give terminally ill workers access to common law, to amend the provisions relating to compensation for hearing loss, to ensure that workers injured over the age of 63 are not unduly discriminated against in their entitlements, to make further improvements to the return-to-work aspects of the WorkCover scheme, to make some amendments to the freedom of information (FOI) legislation to give better access to workers seeking details under that legislation and to improve the administrative efficiency of the scheme at large. Also the amendments will enable faster access for those who are making the usual form, if I can term it that way, of common-law claim.

Before turning to the content of the bill I want to deal with the legislation in a generalist sense, because this offers the opportunity to deal with one of the great urban myths — that is, that the Labor Party did something in terms of returning common-law rights to injured workers and actually made the changes that it promised so vociferously to make in the lead-up to the election of 1999. Of course for those who are involved in the practice of common law it is an urban myth. It is another of those instances where — all credit to it, in a political sense — the Labor Party has been able to create a mantra and sing it long and loud, convincing the public at large of the fact of it and therefore getting away with it. Of course one of the ironies in all of this is that, from my conversations with it, the union movement understands that it has been done over, and that continues to be the case.

I had intended to get the figures on the writs that have been issued since the amending legislation was brought into the house by the government some years ago. Unfortunately, as things transpire I thought the bill was

coming on in another day or two's time, so for various reasons I have not had the opportunity to obtain the figures. I challenge the Labor Party to get the figures, if this debate is still running by the time the guillotine takes effect at 4.00 p.m. on Thursday, and provide the Parliament with the information on the number of writs that have been issued by injured workers since the government went through this process — or should I say 'this charade' — of returning common-law rights. As I say, I have no doubt that the unions know what is going on, but they feel constrained in complaining about it, so we have got what we have got.

One of the great commentaries upon the changes was made by a wonderful barrister and terrific bloke by the name of Pat Dalton, QC. I briefed Pat for many years when we were doing plaintiffs' claims. Back in 2000 — to be precise, 25 May 2000 — Pat wrote to me about the provisions of the Accident Compensation (Common Law and Statutory Benefits) Bill, by which the government purported to be returning common-law rights to injured workers.

Mr Cameron interjected.

Mr RYAN — The Minister for Agriculture is at the table as I speak, smiling winsomely and saying it was a very good bill. In political terms it was, because it maintained the charade. Those who did not know thought that that bit of legislation was supposed to be about the Labor Party delivering on the so-called promise. Of course they were sadly disappointed, and the fiction continues to this day. But Pat Dalton wrote me an absolutely brilliant — —

The ACTING SPEAKER (Mr Kotsiras) — Order! I ask the honourable member for Eltham to go outside to use his phone.

Mr RYAN — No, you do not have to ring to get Pat Dalton's opinion; I have it here, and I can give it to you! Pat sent me a superb piece of correspondence in which he outlined how he thought the legislation would apply — and as it has turned out to apply. I will quote from paragraph 3, in which he states the following, after a discussion about the current state of the common law under the Transport Accident Commission (TAC) legislation, after referring to the fact that the rights of plaintiffs had been severely diminished and after, I might say, reflecting on the fact that the former government had removed those rights in 1997.

Pat Dalton went on to say:

> If this bill —
>
> namely, the Accident Compensation (Common Law and Statutory Benefits) Bill —
>
> becomes law, the situation will deteriorate even further. This is because although the government purports to restore common-law rights to workers, the fact is that under its proposed legislation both the number of workers who will be entitled to recover damages and the amount of damages which will be recovered will be significantly reduced.

He said further:

> As you know —

in that instance referring to me —

> the two main ways of establishing a right to sue for common-law damages are first to have the Victorian WorkCover Authority (VWA) determine the degree of impairment to be 30 per cent or more, in which case the injury is deemed to be a serious injury. The government sees this as the main gateway to access for common-law rights … The second way is by application to a court for leave to bring proceedings … when the court must be satisfied that the injury is a serious injury ('the narrative test'). If this bill becomes law, it will greatly narrow these gateways.

That is precisely what happened. The government brought in legislation whereby it sold to the union movement in particular the pup about restoring and expanding so-called common-law rights. What injured workers got was an absolute dog. That was the case because the bill contained a number of changes to the narrative test. What were the changes? It employed the substitution of the word 'permanent' for the term 'long term' in the definition of 'serious injury'. It employed the insertion of the language of the *Humphries v. Poljack* test into the legislation. It then went about adding the requirement that a court shall not grant leave unless the worker establishes that he or she has and will continue to have, presumably permanently, a loss of earning capacity of 40 per cent or more. The bill went on to impose on the worker the onus of proof as to inability to retrain, rehabilitate or undertake suitable employment. It provided for a direct right of appeal on serious injury decisions. It required the giving of reasons for decisions on serious injury application, and so on.

All of this translated into the government's achieving exactly what it wanted to achieve. It conveyed the image of the return of common-law rights when the government knew well that the effect of this legislation would be — as I have colloquially described it — an absolute dog. I would have thought the annual return of the Victorian WorkCover Authority would be instructive on this issue. Unfortunately it is not. When you go through the various aspects of the accounts on page 45 of the Victorian WorkCover Authority's 2004 annual report you will see in the second of the three

tables on that page reference to the common-law claims paid in the 2004 year compared with the 2003 year. On my reading of this, the claims have gone from $135 million in the 2003 year to $91 million in the 2004 year. That is a $40 million reduction. I emphasise that this is my reading of the accounts, and I stand to be corrected if the authority or members opposite can tell me otherwise.

I point that out in fairness, because the table makes reference to note 19(c) to the financial statements on page 50 under the heading 'Movement in outstanding claims liability'. Common law is referred to there. I presume it to be the actuarial calculation, which, on the face of it, would suggest that the potential liability has gone from about $1.1 billion up to $1.36 billion, which is an increase of something in the order $260-odd million. That would be an actuarial calculation.

The point is that the Labor Party pulled yet another ruse through the operation of that legislation, and that is self-evident. I challenge it again to produce to the Parliament the actual number of writs that have been issued through the court system since that legislation was passed all those years ago. The house would find it extremely instructive. If the government is serious about its commentary about all of this, it should have no fear at all in doing that. The information should be easily obtainable. I am sure the house would be very interested to see what it has to say.

This bill before us deals with a number of initiatives. It commences with the notion of providing faster access for those who wish to seek a common-law claim. That is set out under the terms of clause 6 of the bill. At the present time if someone wants to issue a common-law proceeding under the terms of the narrative test, they must also go through the process of having an impairment assessment undertaken. The bill proposes to split that so that no longer will there be a need for an impairment assessment to be undertaken. Someone who wishes to pursue a claim on the basis of the narrative test will be able to do that. That is a good change. It is a change which is fair to the workers who are involved in wanting to make an application of that nature.

There is also a second change in relation to common-law claims. This appears under clause 12, which deals specifically with the notion of fast-tracking common-law claims for those who are terminally ill. That will entail an application to a Master of the Supreme Court. New section 135BA(3), inserted into the act by clause 12, requires that application to be made, and consequent amendments to the act flow from that. In essence the applicant must demonstrate to the Master of the Supreme Court that the plaintiff or prospective plaintiff is suffering from a terminal illness. A sequence of events flow from that which will enable the fast tracking to occur.

I hope that in time to come the annual report of the WorkCover authority will make the clear distinction so we can see what the common-law position is. For example, it should show how many claims have been lodged. It should show how many certificates have been issued. It should show how many writs have been issued. The annual report should set out how many common-law claims have been settled, because the authority is the repository of that information. It should also set out in clear terms the amount of money involved in claims payments.

My reference to the current structure of the annual report indicates a $40 million diminution of that sum over the last 12 months. Importantly the actuarial calculations for future liability should be clearly set out. I have quoted what I think is the figure but I am not sure that such is the case. I would exhort the authority, for the sake of the importance of this aspect of the operation of the legislation, to ensure that future annual reports are modified so as to achieve that outcome.

Clause 5 amends section 104B of the Accident Compensation Act and deals with the new impairment benefit process. The intention is to reduce the time taken for common-law access. The purpose of this clause is to ensure that the impairment benefit process — both the impairment assessment and the issue of liability — can be determined simultaneously unlike the current two-stage process. Again I think this is a very fair and sensible change to make.

Clause 9, which inserts proposed section 134ABA into the act, allows for the suspension of the six-year period for the Limitation of Actions Act. Certain of the times that are otherwise devoted to the processing of applications under section 98C or 98E will now be ignored for the purposes of the calculation of the six-year period. Again, as a matter of fairness, that is a reasonable and sensible change. In essence, in terms of those common-law claims and the changes that have been made to enable them to proceed on a more reasonable basis, I commend the government.

Mr Cameron interjected.

Mr RYAN — What I said was I believe they are reasonable changes and I commend the government for having made them. That does not alter the myth of course which overrides all of this, but that is a separate

story as I have already outlined. So the Minister for Agriculture should not get carried away. As a former lawyer he really should know better.

There are changes which extend the period of weekly payments for older workers. At the present time a worker who is injured within 52 weeks of retirement age, which is generally at age 65, or after retirement age, is only entitled to receive up to 52 weeks compensation. The bill will extend the period of entitlement from 52 weeks to 54 weeks for older workers who are injured when they are over 63 years of age. There is a further amendment regarding the return-to-work improvements. Taking an overview, I must say that the concern about these is that they cast a significant onus upon employers. Essentially employers will bear the brunt of these changes. The authority needs to watch carefully how this transpires, and similarly one would hope that the government, through the minister, will do likewise.

The first of those changes. insofar as encouraging return-to-work provisions is concerned, will see a legislative definition of a provision which now deals with the notion of the notice which an employer has to give after receiving a notification from the employee as to an injury having occurred. Presently the authority uses an expression, 'unless not reasonably practicable for the purposes of calculating the relevant dates'. It is now going to put that into a legislative form.

The second of the changes is to do with the notion of employers having to provide suitable employment to enable a return to work. At present after the employee has been on full payments for 13 weeks, the payments are stepped down to 60 per cent of the payments that would otherwise be made. It is now proposed that under this legislation those payments will remain at 75 per cent, which is the stepped down figure that injured workers are presently entitled to, if no suitable employment can be obtained. The risk in this is, of course, the definition of 'no suitable employment', so again there is a prospective problem for employers being able to satisfy the provisions of the legislation.

The third change deals with the timely lodgment of claims by an employer. At present the employer has to lodge the claims with the authority within 10 days. The agent has to respond within 28 days to indicate whether the claim is accepted or rejected, or if the response does not come within that time the claim is deemed to be accepted. There is a problem because this process could delay the return-to-work provisions. It is proposed to change all of that in a way appropriate to what is thought to be more likely to encourage workers to make their way back to the marketplace.

The final change is that the worker will be able to choose rehabilitation providers from a VWA short list. I urge the VWA to have regard for the position that applies in the country, because we are often short of people with qualifications. It needs to be careful about it.

There is also an amendment regarding freedom-of-information access. In effect workers will be able to get information from claims agents as well as from the authority, inasmuch as that information would otherwise be available through the authority. There is also a substantial claim regarding compensation for hearing loss, and that is to do with the proceedings of the *Victorian WorkCover Authority v. del Borgo and Others*. It appears in clause 15 but time is against my explaining it.

I finish by saying on another point that WorkCover is now fully funded, I think at 116 per cent. The government should review the position it has imposed on our schools whereby they are required to contribute up to $10 000 of their global budget toward WorkCover premiums. That should be abolished if the government is fair dinkum about the proper operation of this scheme and the proper support of our schools. It should abandon that stupid notion and allow the scheme to operate on its merits. The Nationals do not oppose this legislation.

Mr STENSHOLT (Burwood) — I rise to support the Accident Compensation Legislation (Amendment) Bill. I am pleased the member for Kew and the Leader of The Nationals are supporting the bill, because it will deliver increased benefits to injured workers and improve the efficiency of the scheme. This is consistent with the government's broad thrust in continuing a very soundly administered scheme as well as a fully funded workers compensation program and in providing workers access to a fair and efficient scheme. It is these two hallmarks that we see as being very important, because the Victorian WorkCover scheme is one of the great success stories of the Bracks Labor government.

Labor governments aim to make a difference, and with our administration of WorkCover we have made and are making a difference. This bill writes yet another positive chapter in the history of the scheme. The government is very conscious of restoring sound financial management to the WorkCover scheme. Indeed one of the hallmarks of this government is its high standard of fiscal and financial management. We look after the workers and we look after business, maintaining a just and equitable balance.

This year we are debating a bill about increased benefits and the improved efficiency of the scheme. It is the same year in which we have delivered a 10 per cent reduction in the average WorkCover premium. This year we have seen the full funding of the scheme, which is a historic achievement, in contrast with the past, where costs blew out and the Kennett government's only recourse was to cut the benefits to injured workers.

Mr Robinson — Shame!

Mr STENSHOLT — As the member for Mitcham says, 'Shame!' — and certainly opposition members should hang their heads in shame. In the last financial year, injured workers received more than $1 billion in compensation and benefits. That has been further bolstered by the Victorian government's decision to increase benefits to permanently injured workers by another $15 million a year — and this additional package is included in the bill. Victoria's competitive advantage has been enhanced, with Victorian employers sharing in $180 million in savings. The 10 per cent cut in the average premium rate from 2.22 per cent to 1.998 per cent gives Victoria the second-lowest average premium rate of any state in Australia. This is coupled with the most significant reform to a previously flawed and complex premium system. We now have fairer and simpler premiums. The bill strengthens the link to improved health and safety performance and provides increased incentives. We are in the business of sound fiscal management and of managing the finances of the scheme in a responsible way.

The announcement of full funding was made at a time of the year when racing was the predominant sporting theme. It talked about the ultimate trifecta of the full funding of the scheme, increased benefits for injured workers and reduced premiums for employers. That is what the accident compensation scheme does.

The bill delivers around $15 million annually in additional benefits. It includes better and faster processes to deliver compensation to seriously injured workers, who will get better handling and treatment when they need it. As well, there will be fairer treatment for older workers, measures to improve the safe return to work of injured workers and additional measures to give injured workers faster access to information. They should know about their entitlements, and that is what this bill provides.

What are the bill's key initiatives? It streamlines the processes to improve access to common law for seriously injured and terminally ill workers so that they receive the compensation they are entitled to without unnecessary delays. What could be fairer than that? The bill ensures faster access to common-law damages by removing the current requirement that an injured worker must first undergo an impairment assessment. The member for Kew made mention of these processes, and I am happy to inform him that about 96 per cent of injured workers would like to undertake the narrative test. This change in the bill will aid that process and ensure a faster access to common law for those undertaking that test.

The bill also improves the impairment benefit process by ensuring that determinations of the level of impairment and liability are done at the same time rather than in two stages, which is the existing process. The one-stage process will speed up compensation claims. We are after fairness and equity and making sure that people who need assistance get it. The bill aims to fast-track the common-law process for workers with a terminal illness. This has been in the news this year, particularly in regard to people with mesothelioma. Just recently I attended a moving service at Federation Square. Many people are affected by the disease and many people fear that they may get it. As other speakers have mentioned, it can lay dormant for years, but the onset can be very quick and it soon becomes a wasting disease. It is a sword of Damocles that hangs over the heads of the many people who come into contact with asbestos. The bill will fast-track the compensation process, enabling them to apply to the courts for a speedier resolution of their claims.

Other aspects of the bill include ensuring that workers injured over 63 years are not unduly discriminated against in their entitlements to weekly payments. Currently there is a 52-week restriction, which is regarded by this government as discriminatory and as a disincentive for older workers. Many people are now working well beyond 65 years, and the bill extends the entitlement to weekly benefits for workers injured over 63 years from 52 weeks to 104 weeks, in line with the entitlements for younger workers. The bill also makes further improvements to the return-to-work aspects of the WorkCover scheme, which were partly outlined by the Leader of The Nationals.

The proposed changes recognise that a return to work is vital to maintaining sustainable and endurable outcomes at the worker, employer and scheme levels. We are out to look after people who are injured. We also want to make sure that they get back to work when they are able and that there is no reduction in their compensation payments if the employer fails to offer suitable employment. We also want the Victorian WorkCover Authority (VWA) to waive the

requirement for workers to lodge notices of injury in certain circumstances.

This bill makes it easier for workers who have been injured to get back to work. It provides injured workers with a general right of access to information relating to their claims. The Freedom of Information Act enables the public to access information, and while the VWA is subject to that act the authorised agents who perform the VWA's statutory functions in managing workers claims are not. The bill proposes to rectify that situation and to provide the information to the workers.

The bill contains a range of other provisions which improve the administrative efficiency of the premium collection system and the scheme in general. We have made some changes which bring various provisions into line with the Taxation Administration Act 1997. The bill also serves to minimise the VWA's exposure to compensation paid for hearing loss as a result of the recent Court of Appeal decision in *del Borgo and Ors v. Victorian WorkCover Authority*. It is important to maintain the integrity and consistency of the scheme, and that is exactly what these provisions aim to do.

In conclusion, the Bracks government is achieving its dual goal of restoring sound financial management to the scheme and restoring equity to injured workers. This is one of the activities that the Bracks Labor government is proud of. We are here to look after the workers and to help business.

Mr HULLS (Minister for WorkCover) — How good it is to be able to stand in this place as a Labor minister responsible for WorkCover and have bipartisan support for such an important bill! This is a real Labor piece of legislation, and we on this side are very proud to be able to introduce increased benefits — —

An honourable member interjected.

Mr HULLS — I have just been given a bit too much information! We have been able to increase benefits for injured workers, make it easier for injured workers to get access to common law, introduce fairer benefits for older injured workers and improve return-to-work outcomes, at the same time as having a fully funded scheme.

So this is great news for Victorian workers and great news for the long-term viability of the scheme. Not only have we achieved full funding and been able to reduce premiums in Victoria, but we have also been able to increase benefits for injured workers. This has been done after the former Kennett government abolished common law for injured workers. I repeat: the VWA is an iconic institution, and this legislation is great legislation.

Most people in this house would know I am a mad Geelong supporter, but I was very proud recently to be with that Australian Football League icon Ron Barassi when he assisted me to launch part of this legislation which will provide fairer benefits for older injured workers. As Ron Barassi said at the time, it is absolutely crucial that we as a community look after our older workers. They are a great resource for this entire state. When you look at somebody like Ronald Dale Barassi, you see how much he still has to contribute to this community. He makes it quite clear that he intends to work as long as he possibly can.

Of course this legislation will assist people like Ron Barassi because it, amongst other things, updates the current legislation and provides injured workers aged 63 years or older with up to 104 weeks in weekly loss-of-earning payments.

Mr Smith interjected.

Mr HULLS — I would have thought the member for Bass would appreciate the fact that we are looking after older workers. I notice that mention was made of him today in relation to land tax exemptions for caravan parks, so everyone wants to look after the interests of the member for Bass. When he leaves this place and goes down to his — —

The ACTING SPEAKER (Mr Kotsiras) — Order! I ask the minister to go back to the bill, please.

Mr HULLS — And goes into retirement in his caravan and travels up to the Northern Territory to live, he will know that — —

The ACTING SPEAKER (Mr Kotsiras) — Order! I ask the minister to go back to the bill.

Mr HULLS — He was part of a Parliament that passed legislation to ensure there were fairer benefits for older injured workers.

This is a very important piece of legislation. I want to thank all those who contributed. I thank the shadow Attorney-General for his wholehearted support. I think I heard him use the word 'support'. Usually he just does not oppose our legislation, but I think he actually supports this legislation, so I thank him for that. I thank the Leader of The Nationals for his support, and I thank all other members who did not have the opportunity to contribute, but I have no doubt they fully support this legislation as well. It is great legislation and it comes from a great government.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Clerk's amendment

The ACTING SPEAKER (Mr Kotsiras) — Order! Pursuant to standing order 81 I have received a report from the Clerk that he has made the following correction in the Accident Compensation Legislation (Amendment) Bill:

> In clause 5, page 7, line 25 I have inserted "of" after "purposes" so that the new section 104B(4) inserted by the clause reads: "(4) The worker must at the request of the Authority or self-insurer attend an independent examination to be conducted by a medical practitioner referred to in section 91(1)(b) for the purposes of this section.".

HOUSING (HOUSING AGENCIES) BILL

Second reading

Debate resumed from 18 November; motion of Ms PIKE (Minister for Health).

Government amendment circulated by Mr CAMERON (Minister for Agriculture) pursuant to standing orders.

Mrs SHARDEY (Caulfield) — I rise to speak on the Housing (Housing Agencies) Bill. I note the government amendment which has just been brought into the house in relation to clause 14 at page 55. I assume I will have the opportunity to speak on that at some later stage. However, I have yet to determine whether the government really wants to go into the consideration-in-detail stage to discuss this very important amendment, which I gather is in relation to the omission of the word 'not'. I assume, without having to go into a great deal of detail, that the opposition will not have a problem with the inclusion of the word 'not'. However, it is quite an extraordinary amendment to have to bring to the house at this time.

The Liberal Party does not oppose the Housing (Housing Agencies) Bill, but I would like to reflect a little on the background of this particular bill. It arises out of a promise — a flagship promise, in a sense — made at the last state election in November 2002 to introduce housing associations in Victoria.

The first discussion paper about this piece of legislation was made available in December 2003. It took until 11 October of this year for an exposure or draft bill to be made available to the community, and particularly to the housing sector. The consultation period for that exposure draft was between 11 October and 22 October — one would say a very short period of time. Then the bill was introduced to the house on 19 November. I have spoken to the sector and been told that most people found the time was exceedingly short in relation to when they were given the opportunity to look at the exposure draft and the introduction of the bill into this place. There was a lot of comment about this and a lot of dissatisfaction on the part of peak bodies and the sector, because the government really had not given enough time for peak bodies to talk to their member constituencies on this very important piece of legislation.

This is a very interesting bill. It opens up for the housing sector a whole new way of funding housing for those in our community who most of us believe would be looking for more affordable housing — those people at the lower echelons of the income earning stream. The purpose of the bill is to amend the Housing Act 1983 to create the regulatory framework for the government's plan to establish non-profit community housing associations for the provision of low-cost housing to low-income people.

I will talk about the main provisions of the bill first. The bill in essence adds a new part to the Housing Act 1983 to enable rental housing agencies to be established as registered housing associations or registered housing providers. The whole purpose is for those housing associations to raise money within the private sector for the funding of affordable housing here in Victoria. In a sense it is recognition of the fact that public housing in this state, and perhaps in other states as well, has failed to provide low-cost housing for those in our lowest income stream.

To be a registered agency in this state as either a housing association or a registered housing provider an agency must have a non-profit structure and must have the provision of affordable rental housing to low-income people as its primary focus. It is anticipated that this will allow the housing associations to raise money from private sources, to expand the stock of affordable housing in Victoria — all of which is contained on page 54 of the bill. In fact, as the second-reading speech elaborates, there are six housing associations which have been now approved to put forward their plans for the creation of these housing associations.

Most of the bill is concerned with the creation of the new office of the registrar of housing agencies, which

will act as the regulator for the new entities, and this is in division 2, starting at page 6 of the bill. The registrar will be given the task of monitoring the performance of the housing associations and housing providers — that is, all housing agencies — against performance standards. The registrar will have the power to intervene in the running of housing associations if he or she feels they are being managed poorly, including the power to sack their boards or force them to merge. The registrar will have an interest in the assets of associations where the funds from the Office of Housing have been used to acquire or develop such assets. It is important to understand that housing associations will not be in receipt of that stock which is owned by the Office of Housing and which has been provided for under the commonwealth-state housing agreement, nor will the government or the Office of Housing be able to contribute to housing associations using funds under the commonwealth-state housing agreement (CSHA). In other words, commonwealth funds and assets will not be used to set up these housing associations, nor will they be used in the perpetuation of these housing associations.

The registrar's actions will be governed by guidelines set by the minister, which will be published in the *Government Gazette*. In other words, the registrar, in his role, will be very much guided and controlled by the minister and the government, so he or she will not be at arms length from the government. This is something that I will talk about later, but it is of some concern in relation to the operation of this whole concept.

The registrar's decision on any of the issues, particularly in relation to intervening with housing associations and forcing mergers between housing associations are reviewable by the Victorian Civil and Administrative Tribunal (VCAT). There are new regulation powers which are substituted for those in the act, and a provision dealing with the improper interests of contracts inserted. The bill also cancels the perpetual head leases of 11 housing cooperatives established in the 1980s. This is an area which is quite removed from the whole purpose of the bill, which is the establishment of housing associations in Victoria for the purpose of raising capital within the private sector.

There are a number of areas of concern, and I suppose I would say at the outset that the whole concept of setting up housing associations in Victoria with the aim to raise private capital or capital within the private market is not a concept which the Liberal Party is averse to. Certainly within the commonwealth-state housing agreement the federal government has encouraged states to do just that, and it is part of the commonwealth-state agreement that this be encouraged and in fact occur. So we do not have a problem with the concept. What we do have a problem with is the way it has been done, and the fact that we perceive that these associations may not be viable in the way it has been done. It is not just size; it is some of the features that are missing in terms of the way it is being done.

The government's plan to establish housing associations was first flagged by Hal Bissett's social housing innovation project (SHIP) report, and many people will remember that report. He talked about a very large transfer of public housing stock to housing associations. This is something that will not happen, and part of the reason is that the commonwealth has said, 'We have contributed financially to these public assets and they are not to be just transferred or even sold at discount to housing associations'. That is the first major problem, and a matter which I believe will force the state government to go back to the commonwealth, to badger them and try to force them to reconsider this situation.

In the absence of any substantial investment from either the state or federal governments it is generally acknowledged that investment from the private sector will now be required if the stock of housing available to those on low incomes is to expand. In other words it is acknowledged within the whole sector that there is a problem, and the problem is that public housing is not meeting the needs of those who require accommodation who are on low incomes in this state.

Ms Green — What did you do about it for the seven years that you were in charge?

Mrs SHARDEY — The member will have an opportunity to make a contribution, and I suggest that she wait for that opportunity.

It is acknowledged that public housing currently only provides accommodation to those people in the lowest 5 per cent of income earners, and mostly they are people with very complex needs in this state, people who are unemployed, people often with issues in relation to drug and alcohol abuse, to mental health and so on. We acknowledge all of that, and we acknowledge that there is nothing in between that group of people and perhaps the lower income earners who are having trouble with the private rental market. So there is this gap, and housing associations, in a philosophical sense, could fill the gap.

The model that has been selected by Victoria is based on the experience in the United Kingdom. But the features of the United Kingdom model are very different from the features of the model in Victoria,

which is why there could be a problem with viability. The features of the United Kingdom model are that government and local authorities transferred a large amount of stock to the housing associations. It was paid for at a discount rate, but nevertheless it occurred. The United Kingdom government also provided substantial capital investment for the expansion of housing associations. The government had control of the subsidy received by tenants through the payment of housing benefits. Now under this model we are debating today the government is not making any contributions. The government is not subsidising rent. It is withdrawing the rent subsidy and expecting tenants to pick up commonwealth rent assistance. The whole system is predicated on commonwealth rent assistance going to tenants. In that sense we have a state government relying on federal government funding to prop up Victorian housing policy.

Ms Green interjected.

Mrs SHARDEY — This is something that government members behind me may not like me saying, but it is fact and is not something that can be discussed. Another factor is that the United Kingdom government is using planning powers to mandate the provision of social housing and new developments. The Victorian government has not admitted that it intends using planning powers to allocate affordable housing across Victoria, but that is something that may be of interest in the future.

In Britain housing associations were able to borrow money at the lowest commercial rate available. In other words, they were able to borrow at rates that were only 30 to 50 points above the interbank lending rate. This is not something that has been said to occur in Victoria. None of the preconditions for success is in the Victorian model, which is a cause of some concern. In fact the government has ruled out large-scale transfers of public housing stock to housing associations, as was suggested in the Bissett report, not only for the reason that the commonwealth will not allow the housing stock to which it has contributed to be transferred but also because tenants in Victoria are concerned that it is a road to privatisation. Public housing tenants in Victoria are really opposed to this.

The Victorian government is not providing large-scale capital investment to housing associations. It promised $70 million over four years, which has now become $70 million over three years. This is to be given to all six housing associations, which is about $3.8 million per housing association over the next three years — not a lot of money for setting up and creating stock. More importantly the government has no control over the subsidies that tenants will receive as rent assistance paid for by the commonwealth. This whole system is predicated on federal government funding.

The state government has not said that it will use planning powers to mandate the provision of social housing in new developments in Victoria, although I note that it is giving itself the power, through clause 10 of the Planning and Environment (Development Contributions) Bill, to do some very interesting things. I question whether this is a circuitous route to setting preconditions on permits to provide affordable housing as part of some development. I ask that question, and I hope the minister will answer it.

What we are saying is — —

Mr Cameron interjected.

Mrs SHARDEY — No, I am raising it as an issue. Victorians would like to know the truth in relation to this issue, because the government is saying absolutely nothing. In other words, if housing associations in Victoria are to survive, they will have to be able to raise money through the private sector, presumably through banks or statutory lenders, and their cash flow will depend on rent and rent assistance via the commonwealth government. Tenants will be paying, we are told, 25 per cent of their income in rent. The Victorian government is not expecting that housing associations will have access to cheap capital — and I have talked about the situation in the United Kingdom, which offers a very competitive rate of interest.

As I have said, the whole system is predicated on the commonwealth continuing to pay rent assistance to tenants. While the commonwealth is broadly supportive of the approach, it has also said that it will not allow stock it has paid for in the CSHA to be transferred. At present only the poorest people who qualify for public housing in Victoria have any prospect of being housed. We are seeing only segment 1 people being able to achieve accommodation under this government, and this narrow range of tenants has tended to focus on people with a large number of complex problems.

The current eligibility criteria allow a broader range of tenants to achieve accommodation, but very few are actually doing so under this government. In other words, if you are poor but working, you have no chance of getting public housing in Victoria. If housing associations are to receive large-scale private investment, they will have to have, if they are to reach the size required to be viable, a much broader range and mix of tenants. It is of great concern that this may not be achievable, because the eligibility for the tenants is

such that they will have to be either public housing tenants or tenants who are able to receive rental assistance under the commonwealth eligibility criteria.

It seems to me that the biggest problems housing associations will face are, firstly, that there will not be a large number of stock transfers, so they will find it difficult to reach the critical mass required to encourage lending by the private sector, and secondly, that in terms of achieving accommodation, they will only be able to use those people who are either eligible as public housing tenants or eligible to receive commonwealth rental assistance. The idea that you will have a wealthier group of tenants subsidising a poorer group of tenants is something that is not feasible. This could create a huge problem for Victoria and the viability of these housing associations.

The government refused a request by the opposition for economic modelling data on housing associations. I was amazed that the government refused this request, so I applied under the Freedom of Information Act, yet still the economic modelling data was refused. That is of grave concern, because there are some fundamental issues regarding how the system will work which both the prospective housing associations and the entire sector need to understand. As I have said, Victoria is basing its model on the English model, yet the indicative features of the latter model are not present here, so perhaps it could be a huge failure. The other thing is that housing cooperatives, which basically have nothing to do with the system, will also lose their entitlements.

It is hard for housing associations to grow critical mass. The two things that are stopping them, as I have said, is that there is no transfer of stock and there is limited tenant eligibility, and this will not allow enough cross-subsidisation for the system to work.

I will cite a report to the Affordable Housing Forum by Allen Consulting:

> This report argues that much of the nation's housing affordability problem can be overcome if government can stimulate institutional investment in affordable rental housing. Furthermore, where affordable rental housing is supplied, it needs to be occupied by low and moderate-income households.
>
> In this context target households are broadly considered to be those in the bottom 40 per cent of the income distribution after adjusting for household composition.

We are not looking at the bottom 40 per cent — we may be looking at the bottom 10 to 20 per cent. The report goes on to say:

> The essential policy challenge is to give institutional investors a reasonable return for their perceived risks. This requires government to reconcile two core objectives:
>
> > an appropriate risk-adjusted rate of return for investors; and
> >
> > an affordable rental level for low and moderate-income households.
>
> In this context the key risks applying to affordable housing relate to changes in the capital value of dwellings and changes in rental yields. If investors are to assume market risks, they will demand to be compensated for them through a higher expected rate of return. This will imply a higher government subsidy. If government chooses to absorb this market risk itself, there is a reduction in the budget cost for government, but not the true cost.

But of course we know this government is not going to give a higher level of subsidy, and so perhaps this system is not going to work.

I am just trying to work out where the heck I am going with this, because I see I have less than 5 minutes. Perhaps I will move to some of the concerns that have been raised with me by the sector and various groups. Some of the questions were in relation to proposed section 144(1), which will terminate a lease between housing cooperatives and the director of housing on 90 days notice. That is very important, because this sector feels it is being poorly done by. Those in the sector believe that proposed section 144 creates great uncertainty for housing cooperatives in relation to their future funding and other arrangements, and they ask if the minister can provide an explanation as to why there was no consultation with housing cooperatives and the sector on such a fundamental change prior to the release of the exposure draft. The sector also asks how the minister plans to proceed post the proclamation of the act. It asks: will the minister make a commitment in relation to the cooperatives which will not financially disadvantage future funding arrangements? It asks if the Office of Housing has undertaken any financial modelling in relation to rental housing cooperatives, and, if so, what does this show? We know the government has refused to provide any information in relation to this.

The concerns of the Victorian Council of Social Service (VCOSS) relate to the fact that there was very little consultation on this bill. It said in relation to the operation of housing associations and the bill itself:

> There is no clear specification:
>
> > that the assets must be managed and maintained for low-income earners;
> >
> > that the agencies act in the best interests of tenants and house a widespread group of tenants, including those

> with complex needs or those exiting homelessness services; or
>
> that the registrar's role includes ensuring tenants benefit from the system.

These will apparently be addressed by performance standards, but then again these performance standards are not outlined in the bill. They will be part of the agreements between housing associations and the registrar and they will come under the control of the government itself. Finally VCOSS said:

> There is no requirement that data indicating agencies' compliance with social goals — such as tenancy mix, affordability et cetera — be publicly available.

In that respect the opposition calls for the government to make public what has occurred in relation to performance indicators and reports to the government. We believe these should be tabled in the house or at least made public.

The Tenants Union of Victoria also raised the fact that:

> Our organisations have been promised that the performance standards which will be made by ministerial direction will allay our fears. However, those standards are not even available in draft form, and with the bill having been watered down in favour of the prospective providers, we are not convinced that such strong standards will be delivered. Furthermore, performance standards will never be able to replicate the strong hard-wired protections that only you can ensure are in the bill.

In other words tenants unions have a huge problem with this legislation and feel they are not going to be protected.

Finally, the Council to Homeless Persons raised the following issues. It said there was no new money for public housing, which we know has occurred over the last two years in relation to crisis accommodation. It believes tenants will have to pay more than 25 per cent of their income for housing associations to be sustainable and that poor people will not get access to accommodation. The council believes we will end up with a two-tier system. It also says no-one has undertaken any modelling so no-one really knows how eligibility, access or waiting lists will work.

The system in theory sounds good. In theory Liberal Party members would perhaps even offer support, because we realise there are problems in the sector, but this bill is all about controlling the system. We have huge concerns about the viability of the system, as do many other people.

Mr MAUGHAN (Rodney) — The primary purpose of the legislation before the house tonight is to create a regulatory framework so that the non-government, not-for-profit community housing agencies can be provided with government funding to assist in the provision of low-cost rental housing for people on low incomes. I think it is true to say that one of the basic requirements of any civilised society in addition to food and adequate medical services is to provide affordable housing. In some ways that is what this legislation is about.

The commonwealth-state housing agreement provides the foundation for public housing both in this state and throughout the commonwealth and clearly defines the role of the commonwealth and the states across all forms of public housing. It is also worth noting that a major driver of housing policy has been the declining funding over time for public housing — for example, government assistance for public housing provided through the auspices of the commonwealth-state housing agreement has declined in real funding terms by almost 15 per cent between 1990 and 2000 and so other ways need to be found to provide that housing for people, particularly those on low incomes in the community.

It is fair to say that there are a range of products which deliver low-cost affordable housing to people in the community. There is everything from the long-term public rental housing run by the Office of Housing which we are well aware of and where Aboriginal housing is an important part of that public rental program. There is crisis accommodation and support, and that certainly has a very important part to play in our communities; transitional housing where people are moving about the community and have a need for short-term accommodation; and group self-build opportunities or the so-called 'sweat equity' — a great system where people who have very limited amounts of capital are prepared to put in their sweat as their equity, and to work within a community to provide much of the labour required to build their homes.

We have several of those projects operating in Echuca and they are a great success; not only are people able to get their homes at an affordable prices but other benefits surface like working together in the neighbourhood and physically building their own home in cooperation with neighbours.

In general terms it takes about 12 months of work to make the contribution to get into your own home and that then provides the equity for the person to own their home. I might say at this stage that I am a great believer in the objective that everybody in the community should ultimately be able to own their own home. That is the objective we should be aiming for, although it

needs to be acknowledged that there are many people in the community who because of their financial circumstances are not going to be able to achieve that. We do need large numbers of public housing units, but our objective should be to create the opportunities for people to ultimately own their own homes.

There are many benefits from that, one being that those people who have the chance of owning their own home are going to value that property more so than if it is owned by the state or owned by a private landlord, and they will look after that home better than they otherwise would. There are housing cooperatives which are a very important part of providing housing in the community. This could be called 'common equity housing' — cooperatives where groups get together to build homes. Again, this option is a very important provider of homes in our community for people that are going to build and ultimately own their own homes.

Then there are the housing associations and primarily that is what we are concerned about in this debate. There are 200 000 public and social housing tenants who are dependent on public housing in our community. The properties that are owned by the Victorian government are valued at more than $10 billion, so it is a very significant investment by the state in providing that low-cost affordable housing to low-income families. It also needs to be pointed out that under the commonwealth-state housing agreement which was signed in June 2004 the Department of Human Services made a commitment to increase non-government investment in social and community housing. That is certainly a step in the right direction. Government cannot and should not be required to provide all the housing funding for people on low incomes in the community. The legislation that is before the house essentially has the function of being able to tap into some of that non-government capital out there in the community.

The bill gives effect to that commitment that was entered into under the commonwealth-state housing agreement and the government's affordable housing policy that was announced during the 2002 election campaign. The objective is to provide government funding for not-for-profit housing associations. There are initially six of those spelt out in the minister's second-reading speech. One is Community Housing Ltd, and another is Loddon-Mallee Housing Services Ltd, which is based in Bendigo and managed by Ken Marchingo to whom the Honourable Damian Drum in another place and I have spoken over a long period about this great concept of using the resources available together with government funding to maximise the opportunities for providing housing that is appropriate for people in those respective communities.

There are six of those housing associations in this first tranche and I would expect that there will be later on more added to that. I have sought advice on when that timing might be and at this stage the government is unable to give any indication as to whether that is going to be in another 12 months, 2 years or 5 years. I would hope it would be sooner rather than later, but I think we need to see how this experiment works with these housing associations and then extend it to a broader group of the community. There are many smaller communities that want to become involved in this sort of government funding.

One of them is Birchip Community Housing, which is concerned that by picking out the six organisations it will be denied the opportunity to benefit from the funding. In the short term that is probably true. I simply mention Birchip because it is typical of many others in our community — there are many towns like Birchip which have their own community housing associations.

Mr Walsh — It is a great town.

Mr MAUGHAN — It is a great town. It is in the electorate of my colleague the member for Swan Hill. A letter which was sent to my colleague spells out the problem in Birchip. As I say, it is typical of other towns right throughout the length and breadth of country Victoria.

Mr Delahunty interjected.

Mr MAUGHAN — Yes, they are in Dimboola, they are in Shepparton and they are in the Rodney electorate — they are all around the community. They all have the same problem, which is essentially — —

Mr Honeywood — And in Warrandyte.

Mr MAUGHAN — And in Warrandyte; I am not aware of Warrandyte, but I dare say they are there as well. The idea is that the community wants to establish housing for teachers, police officers or elderly people who want to be able to live in their community in affordable housing. Birchip is typical. The letter says it has an:

> Ever growing waiting list for low-income rental accommodation.

In Birchip there are 22 on that waiting list at present. It also states:

> General housing shortage within the Birchip area — 2004 saw no housing available for purchase and/or rental for the months of January, February and now March.

Again that is now typical of many country towns. The letter also talks about the increase in numbers in the Birchip community. Again that is typical of towns in my electorate like Tongala, Girgarre and Lockington. In this case employees are coming in for cropping, but in my area it could be for the vineyards in the Mount Camel Range. Then there are schoolteachers, council employees, water authority employees and the like — and houses for teachers and police officers are very important in country Victoria. Birchip Community Housing, like many other groups, would like to be able to build more units to ease its present needs and to accede to community expectations for housing. It is concerned that at this stage it is missing out on this funding. One would hope that in the not-too-distant future it will also be able to participate in the funding that is provided under this program.

As I say, there are 200 000 public and social housing tenants in properties in Victoria, with a total value of about $10 billion. A wide range of housing options is available. Under this scheme the government is able to leverage its investment in housing by providing that a dollar of government money is able to achieve more than a dollar's worth of housing. In general terms, for every dollar expended the government will get perhaps a couple of dollars — double that — in terms of housing. That is something that we on our side of politics encourage — using available government funding and matching it up with funding that is out there in the community, using local knowledge and expertise to maximise the value of that government spending, and providing a greater variety and choice of affordable housing for low-income families. The scheme will utilise private sector capital, expertise and partnerships, and this is most important — that local knowledge and partnerships are used to build affordable housing in each one of those individual communities throughout the state.

I am pleased to note that the government has committed $70 million over the next three years for this program. The government is to be commended for providing that $70 million for this very important scheme. The mechanism for achieving it is that the Housing (Housing Agencies) Bill essentially changes part VIII of the Housing Act 1983. The outline of the bill is in the explanatory memorandum, and it sums it up very nicely — that the purpose of the bill is to provide a regulatory framework comprising a registration system for non-profit community housing agencies providing low-cost rental housing for low-income people. I think that is a good summary of what the bill is all about.

The mechanism is that it sets up a registrar of housing agencies, which is referred to in clause 5 of the bill. New section 73, which is inserted by clause 5, states:

> The object of this Part is to provide a regulatory framework to encourage the development of rental housing agencies serving the housing needs of low-income tenants by providing for …

It goes on in more detail. It talks about the registrar of housing agencies — this is at page 6 of the bill — and states that the registrar is to be appointed by the Governor in Council, is entitled to hold office for a term not exceeding seven years and may be reappointed. The functions of the registrar are set out under new section 79 of the act. It states that the functions of the registrar are to register rental housing agencies, to recommend to the minister the making of performance standards to be met by registered agencies and to monitor compliance by registered agencies with the performance standards. The performance standards are set out a little further on under new section 93. It states:

> The Minister may from time to time determine performance standards to be met by registered agencies.

New section 94 then mentions what those performance standards are — the governance of the agency, management, probity, financial viability, tenancy management, allocation of housing, affordable rents, risk management and so on. Further on the bill talks about the changes to the constitution of any registered agency and what must be done there with annual reports, declarations by registered agencies and so on.

The registration criteria are in new schedule 7 on page 54 of the bill. The schedule sets out in detail the criteria for registering a rental housing agency. It has to be a non-profit body, and there are provisions for not being able to return any profits to individuals or organisations. There are some guidelines for the constitution et cetera. Then new schedule 8 of the bill provides details of information to be included in the register that the registrar keeps. They are all detailed there, as is a list of rental housing cooperatives in new schedule 9 of the bill.

It is fair to say that this legislation has a lot to commend it. As I indicated earlier, it is important that we use the capital, the goodwill and the expertise that is out there in the community — the local knowledge — to build affordable housing. But there are some concerns as well. One of them is expressed by the Sunshine/St Albans Rental Housing Cooperative. It is a view that has been expressed to The Nationals by a number of different

groups. I refer to a letter from Deb Silversides on behalf of the cooperative. The letter says, in part:

> Our greatest immediate concern with the exposure draft of the bill was with clause 141: power to terminate existing leases. This clause has been amended to now become clause 144: power to terminate existing leases. The amendments within this clause do nothing to alleviate our concerns as all that has happened is a minor shift in time lines which really amount to bureaucratic processes rather than removing the intent to dismantle rental housing cooperatives.

I hope the minister, when summing up, will address the issue of clause 44. What is the real intent and what does the government intend to do about terminating those existing leases? It is of some concern to rental housing cooperatives out there in the community.

The letter goes on to say:

> Hidden within this bill is the decision to abolish the state-funded rental rebate system for all community housing tenants and in its place it is proposed that community housing tenants access commonwealth rent assistance. This cost shifting exercise undermines the security of the community housing sector and is fraught with problems.

It goes on to conclude:

> This bill does not work in the interests of low-income Victorians.

As I indicated earlier, there are lots of different forms of housing available for people on low incomes. One of those that is very well received in the community is the common equity rental cooperatives. There are many of them out in the community. They do a great job in providing housing for people on low incomes.

The bill before the house tonight is a step in the right direction. It utilises government funding, private or non-government capital, community expertise and community knowledge to provide important housing for people on low incomes in our community. The Nationals see quite a bit of value in this legislation, but we do express concerns that have been summed up in the letter that I put on the record tonight. The Nationals will not be opposing this legislation but do express concerns about a number of the provisions contained in the legislation before the house this evening.

Mr WYNNE (Richmond) — I rise to support the Housing (Housing Agencies) Bill. I thank the members for Caulfield and Rodney for their contributions and support for this bill.

As was indicated at the last state election, the Bracks government announced the affordable housing strategy for Victoria, including the creation of new housing associations to expand housing options for low-income earners. It is important that we understand the historical context within which this government has had to operate. It is important to understand that to expand the stock of affordable housing the government has committed $283 million above Victoria's obligation to the commonwealth-state housing agreement on affordable housing and the homeless strategy.

The commonwealth-state housing agreement, which was recently signed by the minister with some reluctance, did not in effect improve the situation for Victoria much at all. It would be fair to say that over the last seven years of the Howard federal government the commitment to public and social housing by the commonwealth government has steadily diminished. The weight has been put on Victoria to pick up that slack which has occurred because of a failure in public policy terms by the federal government to recognise its commitment to Victoria.

The $70 million for the establishment of the community based rental housing associations is to further assist and grow the supply of affordable housing across Victoria. In our view this policy will substantially increase the supply and choice of housing options for low-income Victorians. Low-income housing is of particular interest to me because my electorate of Richmond hosts the largest proportion of public housing of any electorate in Victoria. Fifteen per cent of the population of the city of Yarra lives in public housing. Despite being a small municipality, it has the highest number of housing units. We house the three largest public housing estates. The estate in Richmond is the largest stand-alone public housing estate in Victoria with five towers.

An honourable member interjected.

Mr WYNNE — It is a beautiful electorate. As people know, along Elizabeth Street there is a range of walk-up estates.

Mr Honeywood interjected.

Mr WYNNE — Acting Speaker, can you provide me with some protection from these outrageous contributions from the other side?

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Warrandyte should cease interjecting across the table.

Mr WYNNE — Considerable consultation has occurred on this bill over the last year. There have been meetings and consultations with over 350 organisations. It would be fair to say that from my experience in the housing sector, and because of my interest in this over many years, this bill has been

widely consulted on. Certainly there have been issues that have been raised. Contributions from the members of Rodney and Caulfield indicated some concerns that had been raised from the sector. People who I regard very highly who have substantial knowledge and experience in the housing sector regard this bill as being a very substantial bill and a substantial move forward in two respects: firstly, in terms of setting up the regulatory environment for the housing associations; and secondly, by wrapping rental housing cooperatives into this new regulatory regime.

It is not unreasonable that organisations in receipt of public funds ought to fall within the framework of a regulatory environment where accountability mechanisms both ways — from the point of view of the state and the rental housing cooperatives — is clearly established and understood. A number of colleagues and friends of mine who are involved in the rental housing cooperative area have welcomed this initiative by the government. They feel this is an appropriate mechanism and regulatory framework that has been established.

There were some issues indicated by the member for Caulfield and the member for Rodney in relation to proposed section 144. I will indicate in my contribution that the government is proposing not to proclaim section 144 affecting rental housing cooperative perpetual leases until 1 July 2005, so it will give a period after the passage of this bill of nearly seven months for further discussions to continue establishing that regulatory framework. I indicate to the member for Rodney that that is the government's intention. Also, as a result of the consultation it amended the bill to give organisations greater independence to enter into social partnerships and joint ventures. That was a concern for some of the housing associations. The director of housing will have only a registered interest in land belonging to agencies if that land was funded or provided by the director of housing. There is a whole range of experiences, as we know, particularly in the rental housing cooperative area where church organisations or philanthropic organisations may be in effect the owners of the land, and it was never the intention of this bill to shift the ownership status from the original cooperative agencies.

I am delighted to say that in my own area Yarra Community Housing and Melbourne Affordable Housing have been chosen as two of the housing associations to be included in the bill. Yarra Community Housing, an excellent organisation based in Fitzroy, runs a very large tenancy network. It is the largest manager of rooming houses in the state, managing over 500 tenancies in 32 rooming houses with a further 44 units within its portfolio. The benefit that housing associations will provide to organisations like Yarra Community Housing is flexibility. It will give them the opportunity to garner funds from the private sector and an organisation like Yarra Community Housing can be quite opportunistic in the way it intervenes in the marketplace.

It has always been frustrating to the government — and I know also to my colleague the member for Bentleigh who has had a long history in housing provision — that bureaucracies tend to move very slowly. The rooming house sector has been under sustained attack, particularly in the inner city where rooming houses would come up for sale; but by the time the Minister for Housing had gone through all the checks and balances and investigatory processes the places would be on the market and opportunistically snapped up by developers, with a resultant loss in rooming house beds.

Yarra Community Housing will have the flexibility, with a large stock of its own, extensive experience in managing and renovating rooming houses to get out into the marketplace and be extremely opportunistic. I am very confident that with the share of the $70 million it is going to get from the housing associations fund we are going to see the delivery of a significant number of rooming house beds which are so critically needed in the inner city and, of course, in the western suburbs where Yarra Community Housing also operates.

The other organisation I am familiar with is Melbourne Affordable Housing. One of the leading lights of the past 25 years in housing debate, the Honourable Brian Howe, who was a former employer of mine and of the member for Bentleigh, is a director of Melbourne Affordable Housing. I know he is delighted that his organisation has also been funded, and it will certainly be actively intervening to ensure that it increases its stock of affordable housing in the inner city. I would submit that this is an excellent piece of legislation. It is an important regulatory framework that has been established, not only for rental housing associations but also for the cooperative housing sector. I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until later this day.

SAFETY ON PUBLIC LAND BILL

Second reading

Debate resumed from 17 November; motion of Mr THWAITES (Minister for Environment).

Opposition amendments circulated by Mr HONEYWOOD (Warrandyte) pursuant to standing orders.

Mr HONEYWOOD (Warrandyte) — The opposition will not be opposing this bill but will be proposing some amendments to the Safety on Public Land Bill. For all the rhetoric of this government about being open and transparent and, supposedly, to quote the Minister for Planning, holding a conversation with the community, what do we have in this case? Again, with this legislation consultation occurred only a week ago. All the key affected groups were hauled into the office of the Minister for Environment to be informed of how they were to be shafted by this legislation. Of course the minister himself was far too important to be involved in such dictates. He left it to his minions.

What we have is a bill that was brought about supposedly, if you abide by the minister's second-reading speech — a speech that he read in a hurry, on his way to the next photo opportunity — by the Sustainable Forests (Timber) Act. According to the minister, that was a bill to establish a working party — and we know this government is run by working parties — to advise on forest safety and their recommendations as reflected in the sustainable forests legislation. Some time down the track we had what was supposed to be a piece of legislation that would if necessary limit the right of access by non-timber industry workers to an individual logging coupe and ensure protection for logging industry workers, as well as protesters and other parties. What we have instead is a catch-all and a cover-up for any number of user groups who want to access state forests.

So while the minister would have us believe that this legislation before the house this evening is all about ensuring that there will be 150 metres or two tree lengths — according to the minister — between protesters and logging industry workers, instead of that buffer we are going to have a situation in which any number of individuals and organisations will be banned from access to state parks. Why would you ban beekeepers, legitimate four-wheel-drive organisations, public land users or bushwalkers? We know why.

It is because this government has a record low reputation for funding and supporting our national and state parks. We know that it wants to hide behind closed doors what is going on in those state parks. We know that it is ashamed of being the lowest funding state or territory in Australia per head of population for weed and vermin control. Those are not my figures; they are the figures of the Australian Bureau of Statistics. So we know the government has a lot to hide and a lot of reason to lock up the parks and throw away the key.

But that is not a legitimate excuse to bring in legislation that was purported to be only for the timber harvesting industry and the issues that arise there. Those issues are legitimate. There have been many cases where protesters have gone beyond what would be regarded as a legitimate protest activity in any democratic society and have used physical violence, and that has worked both ways in some cases. In the past protesters have been able to argue that they were only on public land anyway, and magistrates have been fairly flexible in their rulings in terms of punitive actions against individual protesters and protest groups.

Therefore there was a need to tidy up the issues associated with trespass on public land — the issues associated with ensuring that a legitimate activity could go about its business without being unnecessarily hindered. But to then foist upon this Parliament catch-all legislation that purports to ensure that every single activity that could be associated with state forests could in fact be declared to be in a public safety zone is beyond the pale so far as the opposition is concerned.

Clause 4 is headed 'Declaration of public safety zone' and states that such declaration can be made by the Secretary of the Department of Sustainability and Environment for any area of a state forest in our state of Victoria provided it fits the following purposes:

(a) the conservation of flora or fauna …

That is already covered in the Flora and Fauna Guarantee Act. It continues:

(b) the protection of soil or water …

That is covered by other legislation:

(c) the protection of natural, cultural or historical values …

That is covered by the Heritage Act:

(d) public recreational activities;

(e) scientific, research or education purposes;

(f) fire operations;

(g) timber harvesting operations,

(h) the maintenance of public safety —

and then that wonderful catch-all subclause —

(i) Any other prescribed purpose.

In other words, whatever the minister decides when he wakes up in the morning the secretary of his department should do when it comes to declaring a so-called public safety zone, the minister can dictate will be the case.

Therefore, the first amendment that the parliamentary Liberal Party brings to the house this evening will remove paragraphs (a) to (d) and (i) of clause 4(2). The removal of those paragraphs will ensure that public safety zones will not be able to be declared unnecessarily for activities or for areas of land associated with state forests that are already covered by existing legislation and that would not unnecessarily affect existing user groups. I might add that unlike the government, the opposition has consulted extensively with the Victorian Association of Forest Industries, with Lawyers for Forests, the Four Wheel Drive Association, Timber Communities Australia, the Central Highlands Alliance, the Wilderness Society, the Minerals Council of Australia and the Public Land Council of Australia — with a number of organisations right across the spectrum. They are all in furious agreement that this bill goes too far when it comes to the so-called issue of public safety zones.

The opposition's second amendment relates to inserting an initial subclause in clause 9 to allow the exemption of holders of exploration licences, but not of tourist or fossicking licences, from being included in a public safety zone declaration unless specifically mentioned. This proposed amendment has been put to us directly by the Minerals Council of Australia. It is greatly concerned by the fact that many of its members who have gone through a protracted procedure to gain a legitimate exploration licence in a state forest will now be subject to a second level of bureaucratic interference and obstruction.

The additional amendment that we are proposing this evening would ensure that holders of exploration licences would not be included in a public safety zone declaration unless they were specifically mentioned. This would ensure that omissions by bureaucrats would not necessarily prevent authorised mineral exploration activities. These exploration licence-holders go through incredible hoops to get a licence from government, and by mere bureaucratic oversight to be then stopped yet again from conducting their legitimate activity would be an unfortunate and unnecessary impost given they have had to meet any number of environment effects statement requirements to get their initial licence anyway.

The third amendment the opposition is proposing this evening would insert an additional clause after clause 24 of the bill to ensure that details of the implementation of the so-called public safety zones each year were required to be reported in the annual report of the Department of Sustainability and Environment and therefore tabled in Parliament. I am sure you will agree, Acting Speaker, that the reason for this is that if this government is going to preach the gospel of consultation and the gospel of involving the community, then why is it not brave enough to publish in the annual report of the department and table before this Parliament each year which areas of state forest have been locked up for 12 months or more?

These public safety zones will allow the secretary of the department to declare a large area of state forest — in some cases many hundreds of hectares — as exempt from access by any number of legitimate user groups and individual Victorians. It is not just for 12 months; these periods can be rolled over so that the secretary has this incredible new power to stop Victorians from accessing their public land. Therefore if we are going to have these public safety zones, let us at least require this government to deliver on that promised consultation and transparency and to print in the annual report where these so-called public safety zones have been declared, how many hectares have been affected and who has been affected by them.

These are three very sensible amendments that we hold out to the government. As usual the practice of this government is to ensure that the minister responsible for the legislation that comes before the house is never present in the chamber. So of course we have the Minister for Tourism, who would not have a clue what is going on with this legislation, sitting at the table this evening. Back in the previous government's day it was a requirement that the minister responsible for legislation was here in the chamber at least when the lead speaker of the major parties was giving their presentation so that the minister could be made aware of some of the concerns brought forward by the wider community that had been consulted with. But this government has a practice of ensuring that any minister other than the responsible minister is here in the chamber. So, for example, during the debate on one of the most invidious pieces of legislation that has ever been brought before this Parliament — it added rights to the police when it came to criminal investigations and went far beyond any normal privacy issues to do with Western democracies — the Attorney-General,

who was responsible for that legislation, went swanning off to New Zealand.

This evening the Minister for Tourism, who has nothing to do with safety on public land, is sitting here for and on behalf of the Minister for Environment, who is obviously having a long dinner. On that basis the minister cannot be bothered being here, and he deserves to be damned accordingly.

This bill is all about doing what this government is infamous for, and that is delegating more power to bureaucrats — in this case the Secretary of the Department of Sustainability and Environment — and allowing the bureaucrats to run the show on its behalf because it is too busy doing other things with who knows what, and of course ensuring that public servants are the real government of the state of Victoria. The current Minister for Environment has tripled the number of senior public servants' salaries in his department in the last 12 months, because of course he needs their expert advice. He cannot be bothered coming into the chamber to be involved in the debate on this legislation, so he needs to delegate it to his minions and to public servants.

In terms of the representations that have been provided to us, the Minerals Council of Australia said, 'Here we have the Treasurer coming into Parliament day after day preaching the rhetoric of more mining activity in the state of Victoria, and yet with this piece of legislation he is actually supporting a minister who wants to stop any mineral exploration in the state of Victoria'. So on the one hand the Treasurer is saying one thing — that mining is booming in Victoria — and on the other hand the Minister for Environment is introducing a bill which the peak body for miners in Australia and Victoria actually says is anathema to the requirements of its members.

Then we have the Flora and Fauna Guarantee Act, which is one of the most incredible pieces of legislation when it comes to protecting flora throughout the state, and indeed protecting native fauna. Yet we have a situation where the powers that are associated with that piece of legislation are totally ignored when it comes to this bill. The department secretary can turn around and declare a public safety zone that goes way beyond any issues to do with the Flora and Fauna Guarantee Act and in fact ban anybody from walking through or accessing any area of state forest simply because of a flower or simply because of fauna issues that the secretary of the department — not the minister, but as per the usual delegation of authority by the elected representatives of this government, the secretary of the department — unilaterally decides are the issues of the day.

We have the situation where on the one hand timber harvesting operators are pleased that finally after five years this government has acknowledged the fact that they have a legitimate right to be able to access their harvesting operations — where the government has deemed them in increasingly declining proportions to be able to access the legitimate activity of being able to harvest timber. On the other hand we have a situation in which, whilst holding out much hope for the timber harvesting industry through this legislation, we have a great deal of expansion from the original intent when it comes to what the working party was examining and what the working party recommended be the true scope of this bill. Can you imagine, Acting Speaker, any piece of legislation brought in by the previous government that provided for the ability of a bureaucrat to declare a public safety zone for any other prescribed purpose?

So after listing a whole litany of potential issues and access areas in which the public safety zone should apply — after providing a shopping list of those — we then have that wonderful catch-all clause 'any other prescribed purpose'. That is just not on when it comes to the ability of Victorians to access their parks and state forests. The declaration supposedly has to be published according to section 7 of the bill. But where is it going to be published? It is going to be published in the *Government Gazette*, and how many Victorians get to access the *Government Gazette*? I defy any member opposite to tell me that they bother even picking up the *Government Gazette*, and they are elected representatives, let alone any normal member of the public.

So a public safety zone declaration must be published in the *Government Gazette*. Then it needs to be supposedly published in a newspaper that circulates generally in Victoria. That could be in the *Tootgarook Herald* on page 57, and of course legitimate user groups would have no idea that this area of state forest had in fact been set aside and that access to all Victorians had in fact been denied. So that is the way this government goes about the so-called publishing of these declarations.

The real concern is that you would think that three months or six months would be a legitimate period of time to allow a timber harvesting activity to be carried on. But this bill, under proposed section 8, actually permits a declaration for more than 12 months — not 12 months maximum but a minimum of 12 months. How appalling it is to think that Victorians will be denied access to a state forest of many hundreds of

hectares not just for 3 months and not just for 6 months, but for more than 12 months. Of course, what we have been told is that the 12 months issue will be regarded as a de facto maximum, but that is not held out in the legislation itself.

Business interrupted pursuant to standing orders.

The ACTING SPEAKER (Mr Nardella) — Order! The time has come for me to interrupt the proceedings of the house.

ADJOURNMENT

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

> That the house do now adjourn.

VicRoads: compensation claim

Dr NAPTHINE (South-West Coast) — I raise a matter for the attention of the Minister for Transport. The action I seek from the minister is for him to direct VicRoads to fully and properly compensate victims of actions by corrupt VicRoads officers involved in a criminal car rebirthing scheme. In particular I refer to the case of Jodie Cram from Newport, who is the registered owner of a Mazda 626, registration no. RLM 331.

She purchased this motor vehicle in March 2002 for $17 800. Prior to purchase Ms Cram contacted VicRoads and gave the vehicle ID number, the chassis number and the engine number, and she got from VicRoads a certificate of registered interest dated 21 March 2002 which said that the vehicle was free and clear and available for purchase. She received a vehicle registration transfer advice and a roadworthy certificate, and she registered the vehicle at VicRoads at Werribee. She used the vehicle for some 13 months in her job as a travelling salesperson. She is only a young lady, and this vehicle was very important to her and a major purchase. Indeed she still owed money on the car at the time that this next terrible incident happened.

In April 2003 she was contacted by police from the organised motor vehicle theft squad, who seized the car and said it was part of a major vehicle stealing and rebirthing racket which was the subject of an article in the *Herald Sun* in 2003. I do not have the exact date, but I will quote from the article:

> The road transport regulator has agreed to fully compensate owners who bought stolen cars illegally registered by its staff.

It says further:

> Many of the cars in doubt are rebirthed cars sold to unwitting buyers by major crime rings.

It goes on:

> The cooperation of crooked VicRoads staff assisted this process.

The editorial of that day says:

> VicRoads has decided to compensate victims of the scam, provided they can prove their vehicle was falsely registered because of corruption within VicRoads.

This vehicle was clearly part of that rebirthing scam, and this young lady, who spent $18 000 on this vehicle, has had the vehicle seized. She has received no compensation, she is still having to pay back the loan that she took out to buy that vehicle and clearly she is distinctly out of pocket. She has sought FOI information from VicRoads and been denied access to specific information. She has been to see her local member of Parliament, the member for Williamstown, and has received no satisfaction from the member for Williamstown's office. Her parents have come to see me because they live in my electorate.

The bottom line here is that VicRoads has promised compensation. She is a victim of this terrible rebirthing scheme and needs compensation. It is unfair and unjust that she is not getting appropriate compensation as promised.

Beaconsfield Reservoir: future

Ms LOBATO (Gembrook) — I raise an issue with the Minister for Environment, and the action I seek is that the minister fully investigate a proposal for the future use of Beaconsfield Reservoir. It is currently owned by Melbourne Water but is no longer in operation. It would have to be considered the jewel of Beaconsfield. However — and fortunately — because the local asset is relatively unknown it has been protected and retains numerous precious environmental values. The whole site is fenced, and once you enter you realise just how untouched it is. There is very little evidence of human and animal disturbance, and looking at the water and its surrounds you feel as if you are in another world. Certainly you feel unaware that there is a booming housing development just down the road.

The Cardinia Environment Coalition presented me with a proposal some time ago for the future use of the area, as members of the community had been concerned that the site would be sold off for development. The minister has confirmed that the site will be retained in public ownership, but the question now is what to do with it. The proposal put by the Cardinia Environment

Coalition is based on a New Zealand model known as the Karori Sanctuary. That sanctuary is managed by a community trust and combines a facility for research into wildlife conservation with an ecotourism venture that includes nocturnal tours and a visitors centre. One benefit of this sanctuary model would be the creation of homes for the protection and survival of the now famous helmeted honeyeater, the growling grass frog, the powerful owl and also the Leadbeaters possum.

Recently I arranged for Julie, Anthony and Neil from the Cardinia Environment Coalition and the reservoir's friends group to present their idea to the minister. I am totally inspired by the concept that could be applied to the reservoir site, and I call on the minister to ensure that investigations into this issue occur immediately so that the security of this site can be assured.

Border Anomalies Committee

Mr JASPER (Murray Valley) — I wish to raise a matter for the attention of the Premier, who has responsibility for the Border Anomalies Committee. The house would be very much aware of my keen interest in border anomalies. I regularly seek assistance in eliminating those anomalies which affect greatly those of us living on the border between Victoria and New South Wales.

I am calling on the Premier to put a greater emphasis on the operation of the Border Anomalies Committee. It needs reactivating. The committee, which was established in 1979, has in previous years performed extremely well in addressing anomalies, seeking to clarify them and undertaking corrective action. In the early years it produced an annual report, indicating the work it had done. More recently the committee has not done as much work, and there is still a huge range of border anomalies that need to be addressed.

We need a greater emphasis from the government and a reactivation of the committee, but we also need increased funding to provide for a larger allocation of staff to address these anomalies and negotiate their resolution, particularly with the New South Wales government. We also need to ensure that the committee reports on an annual and not an ad hoc basis, which has been the case more recently.

Some of the anomalies that still are causing great difficulties include the differences between the states over L-plate and P-plate drivers; V/Line concessions for New South Wales ticket-holders seeking to access the Victorian rail transport system; and medical support for health issues, including the difficulties people who live across the border in New South Wales face in being able to access the Victorian system in the same way as Victorian people do. There is also the problem of reciprocal rights for long service leave. I note that we have passed legislation through the Parliament in relation to that matter, but the difficulty is the difference between the states in the system for paying long service leave.

The differences in fishing licences between the two states are a huge and continuing anomaly, despite the changes implemented at Lake Mulwala and Lake Hume. Boating licences are another issue which needs addressing straightaway, but the latest one was brought to my attention by a nuclear scientist who operates at the Wangaratta Base Hospital but also goes to Albury on occasion. He has to have a licence to operate in Victoria and a licence to operate in New South Wales. The Premier has indicated that there needs to be discussions with the various authorities to resolve that anomaly. What we need is mutual recognition, but we also need the reactivation of the committee and a greater emphasis by the Premier on addressing these border anomalies to ensure that they are eliminated.

Road safety: Christmas campaign

Mr SEITZ (Keilor) — I raise a matter with the Minister for Transport. With the festive season upon us and enjoyable parties and the Christmas spirit abounding, I ask the minister to remind motorists about their duty of care on the roads and how important it is not to drink and drive and to wipe off 5. Recently in my electorate there have been several accidents, and the media tried to blame the Minister for Transport and VicRoads when people did not follow the road laws.

I ask the minister to initiate a campaign between now and the start of the holiday mass exodus. People are rushing around the shopping centres doing their last minute shopping, and they get very aggressive, fighting for car parks and so on. Therefore I ask the minister and VicRoads to convey a message about the responsibilities of drivers and the community in general.

We all seem to be hyped up with the Christmas spirit, attending parties and doing our shopping, but courtesy on the roads and driving safely are still important. You still should not enter an intersection when there is no room for your vehicle on the other side. The same rule applies to a railway crossing: you should not enter a railway crossing unless there is room on the other side for you to safely exit.

Those laws normally apply at all intersections controlled by traffic lights, but while I was driving to

Parliament House today I saw people starting to queue up in intersections, fully knowing that there was no room on the other side before the lights changed, therefore causing traffic gridlock. These things are always important at this time of the year, when we have a lot more people on the road. During the school holidays young drivers have more time on their hands. They are inexperienced, so it is important that we get the message through, via the newspapers, radio broadcasts, talkback programs and television. It is particularly important if by doing so we can save lives, prevent carnage on our roads and reduce the trauma that our emergency staff have to face. We hear stories over time about emergency staff needing trauma counselling because of the horrific accidents which they have to attend.

It is incumbent on the Minister for Transport and VicRoads to take the necessary action and advise and educate the community on road behaviour, particularly during the festive season we are entering.

Mitcham–Frankston freeway: environment

Mr CLARK (Box Hill) — I raise with the Minister for Environment the issue of a proposed state environment protection policy, or SEPP, relating to traffic noise. I ask the minister to make public both the current status of this proposal and the government's intentions as to its future — in particular, whether it will apply to what was the Scoresby freeway and is now the Mitcham–Frankston tollway.

I raise this issue as a result of a letter I have received from the Eastern Coalition on Transport and the Environment, which is made up of conservation environment groups ranging from my own electorate of Box Hill through to Croydon and Knox. I should say that I have been pleased to work with ECTE or its member organisations from the time of the extension of the Eastern Freeway undertaken by the Kennett government. Their representations and input contributed to what I believe were some good environmental measures incorporated by the Kennett government into the Eastern Freeway extension.

In more recent times the ECTE has been engaged in some protracted and often frustrating attempts at dialogue with the government and with the Southern and Eastern Integrated Transport Authority over the various environmental implications of the Mitcham–Frankston tollway. One issue on which it has sought further information is that of noise. It has raised questions about portal boom noise and whether it is proposed to install sound barriers such as exist on the CityLink tube at Flemington. It also wants to know whether the tollway will comply with night-time noise limits and with what the ECTE tell me are 1980 World Health Organisation recommendations.

A key aspect of the Eastern Coalition on Transport and the Environment query relates to the proposed state environment protection policy for road traffic noise. The coalition tells me that the Environment Protection Authority commenced drafting this SEPP about two years ago and received about 70 submissions. This is consistent with the EPA's web site, which has a page stating that the EPA is developing a road traffic noise strategy and includes a background paper on the strategy dated May 2002. The web site goes on to say:

> Already initial consultation with stakeholders has identified the need for a state environment protection policy to provide the statutory basis for this strategy.

The ECTE has told me that a draft of the SEPP has been due for 12 months but has just not appeared. This may be a case of typical Bracks government incompetence — lots of talk and not much action. However, in this case ECTE fears there may also be a direct political reason for the non-appearance of this draft SEPP. It tells me the EPA wants to get the policy out as soon as possible, but the EPA cannot say when that will be. The Eastern Coalition on Transport and the Environment questions whether there has been intervention by the Minister for Transport to slow down the process in issuing this SEPP. I cannot express a view one way or another on the merits of the proposed SEPP because I do not know what is in it, but I believe that ECTE and the rest of the community are entitled to a full and frank explanation of what has happened to the policy, what has been the reason for the delay, whether there has been any political intervention to slow down the process for ulterior motives, what the future timetable will be and what the government's intentions are regarding it.

Schools: Torquay

Mr CRUTCHFIELD (South Barwon) — The matter I raise is for the Minister for Education and Training. It is what I regard as by far the most important issue currently facing the Torquay, Jan Juc, Bellbrae and Anglesea communities — that is, the provision of secondary education in the area. The action I seek is for the minister to make this the top priority for education provision in the area. Not having a high school in this region is causing hardship. It is disadvantaging children and families on the Surf Coast.

At the moment children in the area are travelling day in and day out into Geelong; in winter they are leaving and returning home in the dark. Some children are

leaving home as early as 7.00 a.m. and do not arrive home until approximately 5.30 p.m. That is a very long day for secondary school students, especially when they should be doing their homework on their return home from school. It is having the effect of reducing social and recreational options for some children and is making family and transport arrangements extremely difficult.

The Surf Coast is one of the state's fastest growing regions, and there are young families everywhere in the area. The numbers are there. We need to see some action to give children the option of undertaking their secondary schooling in their local community. At the moment we have a large local primary school — a very good primary school — Torquay Primary School, which has a wonderful reputation. It has won a number of awards and has developed into one of Victoria's top primary schools. Just last week Torquay Primary School won another state award — a Victorian schools garden award, which recognises environmental and gardening ideas.

I would like to see an expansion of that school so that it can offer children continuity of schooling in their local community, beginning with a structure that has an established reputation for delivering quality education. I have met with the Torquay Primary School principal and the president of the school council on a number of occasions, and they are very supportive. I think the leadership and the ability to expand is at the school now. I have no doubt that appointment to secondary positions in this wonderful region would be prized and that we would be able to attract top teachers.

Torquay Primary School has a reputation for delivering quality education and getting great results in the core subject areas of mathematics, reading, writing, science, social studies and physical education. It is also building on this by developing curriculum options that reflect the interests and character of the people in the area. An example is its inter-primary school surf carnival, which has gone from strength to strength over the years. Last year I was lucky enough to be there when Warrnambool was represented, which the member for South-West Coast would be well aware of.

I call on the minister to meet this challenge. Nothing is more important than a good education. We have an obligation to provide good quality secondary education services for the children and families of the Surf Coast.

Great Alpine Road: upgrade

Mr INGRAM (Gippsland East) — I raise an issue for the attention of the Minister for Transport. The action I seek is for the minister to ensure that the Great Alpine Road meets its B500 classification. A significant funding commitment will be required to do that. It is essential that the state government match the commonwealth government's commitment announced in the last election campaign.

Members in this house would know that the Great Alpine Road is a spectacular road and a great tourist drive. Since it was sealed right across from Mount Hotham, traffic has significantly increased, but so have the risks at the bottom end of the road in the area around Ensay where it is narrow and winding. It clearly does not meet the B500 standard, which sets clear standards for width of pavement, shoulders and line marking. Those familiar with the road will acknowledge that that standard cannot be met. When the Road Management Bill comes into force next year VicRoads may be seriously at risk, because the bill indicates that the road should be of a particular standard and the road does not meet that standard. There will be some risk of liability if the government does not address the issue.

It is essential that the minister visit East Gippsland and ride with the Omeo Bus Lines to see first hand how narrow the road is, because there are a number of corners that are less than the standard width required for a large passenger vehicle like a bus and the current B-doubles that travel up and down the road. That creates a risk for passenger vehicles travelling on the road.

I was recently involved in a forum looking at motorbike safety and fatigue, because an increasing number of motorbikes are travelling on the road. Unfortunately some fatal accidents have occurred on the Great Alpine Road over the past 12 months. I have been looking, together with the East Gippsland Shire Council and a number of people with a great knowledge of motorbike safety, at ways of reducing the incidence of accidents in the future. Ultimately what is needed is increased funding. I call on the minister to take action to ensure that the road meets the B500 standard.

Springvale–Wellington roads, Mulgrave: traffic control

Mr ANDREWS (Mulgrave) — I raise a matter for the attention of the Minister for Transport. I ask the minister to take action to address significant safety concerns adjacent to the intersection of Springvale Road and Wellington Road in my electorate of Mulgrave.

I have been approached by representatives of Coles Myer, which has some 1300 staff based at 690 Springvale Road, Mulgrave. Coles Myer shares the facility with other prominent tenants, including Bristol-Myers Squibb and a range of others, and it is fair to say there are some 2000 employees who work from this Mulgrave site.

The site is serviced by traffic lights just east of the main Springvale Road–Wellington Road corner. It seems that these lights — the lights that control entry to Coles Myer and to multistorey car parks for the 2000 employees — are not being seen by approaching motorists. It seems westbound traffic along Wellington Road — those familiar with the area know it is a very busy road — travels at up to 80 kilometres an hour, and motorists seem focused on the main Springvale Road lights and are missing the signals in the foreground. Given the many thousands of vehicles that enter and exit the building via these lights, their failure to register with motorists is of great concern. Indeed having met with representatives from Coles Myer, I have been informed that a number of collisions have occurred at this intersection during 2004 and that many other incidents have narrowly been avoided.

I am informed that around 30 incidents were reported by staff to Coles Myer management between November 2002 and August this year. I acknowledge the hard work of John Kimpton, general manager, safety, at Coles Myer, and his hardworking colleague, Alec Nothnagel, who serves on the Mulgrave safety committee at the facility at 690 Springvale Road, Mulgrave. Given the serious nature of these concerns and the incidents that have occurred and those that have been narrowly avoided, I ask the minister to take action to examine the potentially dangerous situation and address it either through modifications to the intersection or by making adjustments to the traffic light sequencing at surrounding intersections.

Police: Torquay speed fine

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services on behalf of a Torquay pensioner. Earlier this year she read an article in the *Geelong Advertiser* of 15 April which states:

> Imagine the fright a coastal policeman got yesterday when he pulled over surfing's world no. 1, Andy Irons, for speeding.
>
> Irons said he was on his way back to Bells Beach after a brief stint at Johanna when he was caught by the policeman, who proved that even the local enforcers are surfing fans by not fining the two-time Bells winner.
>
> 'We were flying 'cause I got the call they wanted to start at 1.00 p.m. and we were still a long way away', Irons explained.
>
> 'The cop was actually going the other way but they whipped a big U-turn and pulled us over. I was freaking, but the policeman was actually really cool about it.
>
> 'He knew who I was so I told him the situation and he totally understood.
>
> 'He just told me to slow down next time', he laughed.

One person who was not laughing is a Torquay pensioner who was fined $125 earlier this year for doing 54 kilometres in a 50 kilometre zone. Correspondence I have received in the matter states of the pensioner:

> Her Toyota only indicates speeds at 40, 60 and 80. The *Geelong Advertiser* ran a story about an American surfer competing in the Bells Beach surfing competition who was rushing between Johanna and Bells Beach over the Easter period … In 56 years of driving she has never had an accident and only once incurred a speeding fine. She also resents losing two demerit points.

I quote from a letter from Victoria Police dated 22 March 2004:

> I refer to your letter regarding traffic infringement notice no. 0106518553.
>
> Your driving record has been taken into consideration. However, due to the nature of the offence you are ineligible for a caution.
>
> The prescribed penalty of $125 is now due …

This is a lady who was exceeding the speed limit by 4 kilometres an hour when the police let off a surfer who was speeding well above the speed limit. An important principle in the Australian legal system is equality before the law. I do not care whether it is the member for Gembrook or the leader of the federal opposition. The law that applies to any citizen in this state should be the same whether you are a war widow pensioner living in Torquay or the world surfing champion. I would like the Minister for Police and Emergency Services to look into this matter so that all Victorians have confidence that the law that is being applied in this state is equally upheld no matter who you are or where you are travelling to.

Panton Hill: women's community leadership program

Ms GREEN (Yan Yean) — The issue I raise is for the Minister for Women's Affairs, and the action I seek is for the minister to approve an application for funding under the women's community leadership program submitted by the Panton Hill fire brigade, the Panton

Hill Living and Learning Centre, together with the Nillumbik shire to run a project entitled Women in Community — Disaster Recovery. This project aims to provide women in the Panton Hill community with leadership skills and knowledge to actively participate in community disaster recovery. The Country Fire Authority (CFA) provides wonderful service to my electorate, with 20 brigades servicing our community including the Panton Hill brigade.

The Panton Hill community knows first hand what this service by CFA volunteers means as the Panton Hill brigade lost five of its own at Upper Beaconsfield on Ash Wednesday. The Panton Hill community to this day demonstrates its respect for those men. The Panton Hill Memorial Park was built in memory of them, and the Panton Hill Football Club has named its senior memorial encouragement award after Dave Essex, a former player who lost his life on that day. The five pegs at the fire station remain vacant as mark of respect for their lost members.

The women in the community have provided and continue to provide support in recovery from this terrible event, but more than 20 years on they still need our help because this legacy lives on. The Ash Wednesday bushfires touched so many families, including my own. The Framlingham fires of that same terrible day caused the loss of four close friends of our family — Jack, Merve, Nellie and Gareth. Last year on the 20th anniversary of this terrible event, when talking with family and friends about our loss, I realised that many in our community still suffer great pain from this terrible event and deal with it in different ways. My own way, and that of many of my family, has been to join the CFA, be active members and feel like we can make a difference and work in a safe way to try to ensure it does not happen again. We try to learn from each terrible fire event where the CFA loses volunteers and ensure it does not happen again.

I know members in this place will remember the Linton disaster, and we try and learn from those experiences and hope they do not happen again. But 20 years later the community of Panton Hill needs this support, so consequently I urge the minister to provide funding to the Women in Community — Disaster Recovery program proposed by the Panton Hill Living and Learning Centre, the Panton Hill CFA and the Shire of Nillumbik as it will provide still much-needed support for this community and will also build on the skills of the women in our community who have provided support and continue to provide it in all sorts of ways for family members and individuals in crisis.

Responses

Ms KOSKY (Minister for Education and Training) — The member for South Barwon raised a matter about education provision in the Surf Coast region, in particular secondary education provision. Certainly this matter has been raised with me on very regular occasions by the member and was also raised at the community cabinet that we had in South Barwon. The region has a particular issue where there are quite a number of primary schools, but once the students are finished at primary school they then have to travel to Geelong to attend secondary school. Unlike other parts of the state these areas and these small communities are growing quite significantly in numbers given the population growth in the Surf Coast region, so the Department of Education and Training knows that the government needs to address this issue.

The regional division of the department has been working very closely with schools in the Surf Coast region and will continue to do so. I can assure the local member that we will be looking at the issues of provision for secondary education within that area and obviously we will take into account the numbers, because we need to make sure that the population is large enough to ensure the adequate provision and breadth of secondary education within the Torquay and Surf Coast region. I can assure the member that we are looking at this issue and will take it very seriously.

The ACTING SPEAKER (Mr Nardella) — Order! The Minister for Transport, to respond to the matters raised by the members for South-West Coast, Keilor, Gippsland East and Mulgrave.

Dr Napthine interjected.

Mr BATCHELOR (Minister for Transport) — Alister who?

Dr Napthine — Alister Paterson.

Mr BATCHELOR — There's a blast from the past. Wasn't he defeated?

The member for South-West Coast raised with me particulars in relation to an individual. I missed the first part of his contribution, and I am not sure whether he mentioned the name of the member of the public upon whose — —

Dr Napthine — Jodie Cram!

Mr BATCHELOR — Jodie Cram. He suggested that the person on whose behalf he was making representations had been caught up in a vehicle

rebirthing scam and had suffered serious loss because of criminal activity.

Essentially I can advise the member for South-West Coast of two things: firstly, that criminal activity was being undertaken where vehicles were being rebirthed; and secondly, that the allegation involved was that fraud was undertaken by some VicRoads employees. These matters are in the hands of the police, so I am constrained from making full comments.

What I understand has happened since these matters were brought to light is that all of the claims covered by the allegedly fraudulent activity by VicRoads employees have been met and settled by VicRoads — that is, all claims made to VicRoads. We understand that there may well be some from people who choose not to make a claim because they do not want the investigation to look too closely at their activities. However, I take at face value the circumstances as described by the member for South-West Coast, and if he were to provide the information to me I would have VicRoads look into that and investigate the matter. It may well be that the person on whose behalf he made representations simply has not followed through on the full procedures. It may be that there are other circumstances surrounding the matter, but we will take it at face value.

It is an important issue. The salient thing to remember out of this is that the registration certificate is not a certificate of ownership; it is not now and has never been during the registration process under this government, the previous government or probably since the registration system was set up. People need to understand that, and that is why they need to be very careful when buying a second-hand car, particularly when they are not doing it through a licensed motor vehicle trader. The member for Murray Valley nods his head in agreement because he would understand the extra protections that provides.

There have been, as a result of this fraudulent and criminal activity, changes by the government to improve the security of the registration scheme in a attempt to prevent this type of similar fraudulent activity being perpetrated against the motor registration authority here in Victoria, and there has been a significant decline in that sort of fraudulent activity. It has even led to a decline, as I understand, in the number of cars being stolen. It is a very serious matter, particularly for an individual.

We understand that all of the claims that have been made by people to VicRoads as a result of allegedly fraudulent dealings by VicRoads employees have been met, but if there are any that have fallen between the cracks, we will investigate those. It could be that the circumstances of the person concerned were not captured by that alleged criminal activity. We are happy to investigate this matter for the member for South-West Coast.

The member for Keilor raised with me the need to remind motorists about their duty of care on the road and the importance of that during this festive season. He was asking people not to drink and drive, to modify any speeding behaviour and to join in with the campaign which has been successfully put in place by the Transport Accident Commission (TAC) to 'Wipe off 5'. I thank the member for Keilor for this very timely reminder. The TAC, along with the other road safety agencies — Victoria Police and VicRoads — will be putting a concerted effort into reminding motorists on the eve of our festive season to take extra care to remember their responsibilities and to make sure that they do not end up being a statistic during this time or undertake driving behaviour that causes others to become statistics.

Members would have heard of figures from this recent weekend where the police through carrying out breath-testing stations were able to identify a significant number of people who were well over the .05 limit, and this a real concern to all those involved with road safety, as it is to the member for Keilor. Victoria's road toll is currently 324 — that is, 18 more deaths than at the same time last year. Primarily this toll seems to be focused in the eastern and southern areas of metropolitan Melbourne, which is a great tragedy. It is an alarming trend when the metropolitan road toll achieved a record low number of fatalities last year, so we urge motorists to take extra care, to be compliant and to remember the road laws. We will be asking the road safety agencies to make an extra effort to make sure that our roads are safe for this festive season.

The member for Gippsland East raised with me an issue in relation to the Great Alpine Road. The federal government, through the federal Minister for Transport and Regional Services, gave a commitment during the federal election to spend slightly over $6 million in delivering the improvements to this road. This is interesting because I happened to be in Gippsland in the very same area about which the federal minister made his announcement during the election campaign, but he failed to invite me along. He failed to notify me in advance that this was what he was proposing to do. In fact, as I understand it, he has said and done nothing since then.

Mr Jasper — Did you inform the members?

Mr BATCHELOR — The members of what?

Mr Jasper — The other members of Parliament — —

Mr BATCHELOR — I thought the member meant members of the Liberal Party. No, I do not inform members of the Liberal Party about where I am going.

The federal transport minister did not inform me then, and I was on the same stretch of road on the same day at the same time, and I have heard nothing since the federal election campaign. We are waiting for the minister, John Anderson, to send down the $6 million cheque; if he does, we will apply it to the road improvements the member for Gippsland East is seeking. The Great Alpine Road provides an important transport link. I understand it is a route for school buses and for other commercial vehicles, and it is a road for which the government will greatly appreciate the contribution offered by the commonwealth government.

The member for Mulgrave raised a matter about the difficulty motorists were experiencing due to the close proximity of two sets of traffic signals on Wellington Road, Mulgrave. There are traffic lights at Springvale Road, but just to the east of Springvale Road — I think it is called Wanda Street — there is a second set of traffic lights that services a development there.

The member for Mulgrave has identified a number of near misses where drivers travelling west along Wellington Road appear not to notice the traffic signals facing them at Wanda Street. They miss them because they are effectively concentrating on the traffic lights ahead at Springvale Road. This is a major concern because we only have traffic lights in these situations to provide road safety advice and meet traffic control requirements. I will be asking VicRoads to investigate what remedies are available to make modifications in the interests of safety. The sorts of things we could be looking at are replacing the backing boards of these signals with larger ones so that the Wanda Street signal displays would be more prominent; or perhaps we might look at reviewing the sequencing of the traffic signals to see if the displays of both intersections can be better aligned.

As the local member, the member for Mulgrave is aware of the road safety problems in his area. A lot of work has been undertaken and in this particular area we have pruned the adjacent vegetation to improve the visibility of the traffic signals, but the suggestions made by the member for Mulgrave appear to be a sensible way of alleviating this problem. I will be asking VicRoads to also investigate this important road safety matter, and I thank the member for Mulgrave for raising it. They are the only matters that were raised with me as Minister for Transport.

The member for Gembrook raised a matter for the attention of the Minister for Environment, as did the member for Box Hill, and I will draw those matters to the minister's attention.

The member for Sandringham raised a matter for the Minister for Police and Emergency Services, and I will have that brought to the minister's attention.

The member for Yan Yean raised a matter for the Minister for Women's Affairs, and I will bring that to the minister's attention.

Importantly, the member for Murray Valley raised a matter for the Premier, and I will bring that to his attention.

The ACTING SPEAKER (Mr Nardella) — Order! The house stands adjourned.

House adjourned 10.44 p.m.