

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-FIFTH PARLIAMENT
FIRST SESSION**

**Wednesday, 14 September 2005
(extract from Book 4)**

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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Joint committees

Drugs and Crime Prevention Committee — (*Assembly*): Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells. (*Council*): The Honourable S. M. Nguyen and Mr Scheffer.

Economic Development Committee — (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson. (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen.

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Law Reform Committee — (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan. (*Council*): The Honourable Richard Dalla-Riva, Ms Hadden and the Honourables J. G. Hilton and David Koch.

Library Committee — (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson. (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong.

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Public Accounts and Estimates Committee — (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino. (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek.

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Mr P. J. LONEY

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

Mr R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. P. N. HONEYWOOD

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
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Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
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Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
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Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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Wednesday, 14 September 2005

The **SPEAKER** (Hon. Judy Maddigan) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE**Notices of motion: removal**

The **SPEAKER** — Order! I wish to advise the house that under standing order 144 notices of motion 203 to 208 and 345 to 357 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.

PETITIONS**Following petitions presented to house:****Racial and religious tolerance: legislation**

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the house to the decision of the Victorian Civil and Administrative Tribunal in the complaint against Catch the Fire Ministries by the Islamic Council of Victoria, dated 17 December 2004. The decision has highlighted serious flaws in the Racial and Religious Tolerance Act 2001 which restrict the basic rights of freedom of religious discussion.

The petitioners therefore request that the Legislative Assembly of Victoria remove the references to religious vilification in the Racial and Religious Tolerance Act 2001 to allow unencumbered discussion and freedom of speech regarding religion and theology.

By Dr SYKES (Benalla) (147 signatures)**Taxis: rural and regional**

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house the crisis with country taxis and the need for recognition that country taxis are a proxy form of public transport and provide an essential service in country communities.

The petitioners therefore request that the Legislative Assembly of Victoria immediately implement commonsense changes to reduce country taxi operator costs — e.g., allow flexible hours of service — and make available to country taxi operators the same subsidies as Melbourne taxis and public transport — e.g., subsidies for the provision of wheelchair-friendly taxi services.

By Mr RYAN (Gippsland South) (208 signatures)
Mr DELAHUNTY (Lowan) (97 signatures)

Planning: Northcote Plaza development

To the Legislative Assembly of Victoria:

This petition of the following residents of the city of Darebin draws to the attention of the house that ministerial approval has been given for the development of 8 and 10-storey twin residential towers on the Northcote Plaza, adjacent to the All Nations Park, after the Darebin council, following extensive consultations with residents, decided that buildings in the High Street corridor should not exceed a maximum of four storeys and, in consequence, rejected the development.

The petitioners therefore request that the Legislative Assembly of Victoria seek to reject the ministerial approval of the development, the construction of which would be a complete denial that neighbourhood character would be respected, as set out in the Melbourne 2030 planning framework.

By Mr LANGDON (Ivanhoe) (1315 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools draws out to the house that under the Bracks Labor government review of education and training legislation the future of religious instruction in Victorian schools is in question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious education in Victorian government schools, and to provide additional funding for school chaplains.

By Mr LANGDON (Ivanhoe) (16 signatures)
Mr DELAHUNTY (Lowan) (92 signatures)

Buses: Brimbank service

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

The humble petition of the residents of Brimbank sheweth that funds be provided for a bus service to run from the Western Highway, Deer Park, along Station Road and Kings Road to Keilor/Melton Highway, Taylors Lakes. This will provide access to Brimbank shopping centre and Watergardens shopping centre.

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

By Mr SEITZ (Keilor) (95 signatures)

Preschools: accessibility

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house that preschool education in Victoria needs urgent reform to ensure every Victorian child can access high-quality preschool education.

The petitioners therefore request that the Legislative Assembly of Victoria recognise that preschool is the critical first step of education and move responsibility for preschools to the Department of Education and Training.

By Ms BEARD (Kilsyth) (280 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious education in Victorian schools draws out to the house that under the Bracks Labor government review of education legislation the future of religious education in Victorian schools is in question, and the petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary, require the government to provide additional funding for chaplaincy services in Victorian state schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious education in Victorian schools.

By Mr DOYLE (Malvern) (26 signatures)

Tabled.

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

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

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

Ordered that petition presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

AUSTRALIAN CATHOLIC UNIVERSITY

Report 2004

Ms KOSKY (Minister for Education and Training), by leave, presented report for 2004.

Tabled.

DOCUMENTS

Tabled by Clerk:

Auditor-General — Performance Audit Report — Franchising Melbourne's train and tram system — Ordered to be printed

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

MEMBERS STATEMENTS

Mr Ryan — On a point of order, Speaker, I draw your attention to an issue regarding the attire of those of us in the chamber. I note that the member for Burwood is in the chamber wearing a St Kilda Football Club scarf. If it were a Melbourne Football Club scarf, it might be different. The mighty Demons should be there! We had Neita out of that game with a bad knee and Johnno on one ankle by halfway through the third quarter — terrible injuries — but we struggled on —

Honourable members interjecting.

The SPEAKER — Order! In relation to the point of order, I remind the house that this is Victoria, the home of Australian Rules Football. There is no dress code that prevents members wearing scarves of teams, as long as, of course, it is a Victorian team. If it were an interstate team, I think that person would be put in Parliament's cell and left there until a Victorian team won a grand final, which I think should suit most members of the house.

Seymour: theatre groups

Mr HARDMAN (Seymour) — I rise to congratulate Seymour's two theatre groups, Theatrical Amateur Players Seymour (TAPS) and the Seymour Performers Workshop, on their magnificent productions performed over the past two weekends.

On Friday night I saw the TAPS production of *Sleeping Beauty*. It was TAPS 10th anniversary. Congratulation to TAPS on bringing 10 years of theatrical productions to Seymour. Thank you on behalf of the people who have benefited over the time and learned about

participating in and enjoying theatre and also those who enjoyed your shows. May there be many more anniversaries for you in the future.

On Sunday my family went to see *Seussical*, performed by the Seymour Performers Workshop. *Seussical* is a play about the characters, stories and messages in the Dr Seuss books. Both the plays were very enjoyable and filled with music, dancing and comedy.

Obviously a lot of work goes into putting such productions on. There are lots of volunteers and supporters who do things like the props and direct and drive the shows. I thank the people who work with both groups for the many hours of work they put in. It was great to see both shows including many young people from the district, providing them with opportunities to develop confidence in their skills. That experience enables them to learn and develop skills, enjoyment and confidence in performing in front of others, so congratulations. Seymour is a very fortunate community to have so many people dedicated to young people and to getting them into the positive aspects of community life.

Port Phillip Bay: channel deepening

Mr HONEYWOOD (Warrandyte) — In April the Bracks government put on the record its intention to make the port of Hastings the major container port by the year 2030. In a media released dated 22 April the Minister for Transport stated:

Hastings has a strategic advantage of natural deep water in the approaches to its berths.

In the meantime, it has gone about spending \$50 million of taxpayers' money in an attempt to prove up environmental issues for its short-term fix of channel deepening in Port Phillip Bay. This has included \$12 million for the environment effects statement (EES) that was thrown out by its own independent panel, \$32 million minimum on the current so-called trial dredging program with the *Queen of the Netherlands* and associated monitoring vessels. Another \$6 million is now being spent preparing the supplementary EES.

While all this money is being frittered away, the key question that remains unanswered is, 'Where do we go if the channel deepening project is proven to be so potentially damaging to the environment of the bay that it cannot proceed?'. Does the state government have any fallback position? What is its plan B? If all the eggs have been put into one basket, does this mean that no matter what the supplementary EES produces, channel deepening will have to occur simply because no-one

has spent a dollar examining alternatives. This is an indictment of the Bracks government's handling of environmental issues.

On Friday I was out on the bay with the members for Nepean and Polwarth and the member for South Eastern Province in the other place, the Honourable Ron Bowden, and we found that there is no independent auditor out there examining procedures. It is an absolute indictment of what is going on.

Glen Huntly Primary School: achievements

Ms BARKER (Oakleigh) — I want to thank Glen Huntly Primary School for its outstanding commitment to the provision of quality education for local children. Under the leadership of principal Wendy Wilson the school continually strives to increase opportunities for its students in interesting and challenging ways. Glen Huntly Primary School was one of the Victorian schools recognised for their high level of participation in the Premier's reading challenge and received a certificate and books for its school library from the Premier and Minister for Education and Training at a special reception held at the National Gallery of Victoria on 7 September.

A further opportunity to interest and challenge its students has seen Glen Huntly Primary School as the coordinator of a school cluster consisting of Glen Huntly, Carnegie, and Caulfield South primary schools; Glen Eira College, together with Deakin University and Monash University, to submit for funding under the federal Australian School Innovation in Science, Technology and Mathematics program.

Their project, titled 'Emerging scientists', has been successful in the first round. This project aims to focus on the science curriculum issue of global health and sustainability and will involve eminent scientist, Dr Jamie Rossjohn, and expert teacher associates who will work with mentored pairs of primary and secondary students on investigations in secondary college laboratories. This arrangement will be mirrored by primary and secondary teachers participating in a mentoring program aimed at providing primary school teachers with the methodologies to teach in science laboratories. The expert teacher associates will work with staff and students within each school and conduct research into successful science learning and teaching practice.

Glen Huntly Primary School also strives to teach its students to constructively care for the environment and runs a project collecting corks which are given to the Friends of the Zoo for recycling. Well done, Glen

Huntly Primary School, on your continued commitment to quality education.

Shepparton: Steps to the Future youth forum

Mrs POWELL (Shepparton) — On Friday, 9 September, I was a guest speaker at a fantastic forum for young people in Shepparton. The Steps to the Future youth forum was initiated for people aged 15 to 18 years. In Victoria the forums were held in Melbourne, Bairnsdale and Shepparton.

About 800 students from about eight secondary schools and other young people from the Goulburn Valley attended the forum and absolutely loved it. These young people heard inspiring and motivating speeches from a range of speakers including John Coutis who spoke about life with a disability — his story was truly inspiring. Other speakers were Dallas Terlich from Shepparton, a great role model who works with Aboriginal and young people at risk; Lieutenant-Colonel Jane Spalding, who spoke of the challenges of her career as a female in the army; Eric Bailey, a former professional basketball player, who gave a powerful speech about growing up in a tough Los Angeles neighbourhood, and Hugh Evans, this year's Young Australian of the Year, who, at 22 years of age has dedicated his life to helping underprivileged people. I was proud to join these wonderful people to hopefully send a message that anything can be achieved.

I congratulate the organisers of the forum, Robert Van Houten, the national executive director; Dianne Allan, national convenor; Jennifer Hipplesley, executive officer of the Goulburn Murray Local Learning and Employment Network; the student organising committee and the teachers. I also thank the sponsors who supported this event, including the commonwealth and state governments. The young people I spoke to after the event were truly inspired by the speakers and how they had moved on and made something of their lives, even though they had come from disadvantaged backgrounds.

Eltham Lacrosse Club: grand final

Mr HERBERT (Eltham) — I inform the house that it will be 'game on' this week when the Williamstown senior lacrosse team slug it out with reigning champs, Eltham, for the 2005 state league lacrosse grand final. The Premier's hometown boys have finally made it through, despite suffering a setback when they crossed paths with Eltham earlier in the semifinals.

As reigning premiers the Eltham boys have been waiting patiently during their week off and are keen to take it to their old cross-town rivals. There has been no love lost between these two teams in the past, with Eltham breaking its grand final drought at Williamstown's demise in 2004. Eltham has appeared in six of the last seven grand finals, only to be runners-up every time. But since taking out the premiership last year the club is at its zenith. With team members Jason Brammall, James Buchanan, Michael McInerney, Darren Nicholas, Keith Nyberg and Daniel and Nathan Stiglich all making this year's Victorian team, the line-up is as strong as ever, and I congratulate them all.

I note that Jamie Buchanan is at the top of his sport, having gone through all manner of ups and downs in his long service to Eltham Lacrosse Club and having missed last year's grand final win through injury. Jamie is raring to go this year, and I wish him the best of luck, as I do the Eltham lacrosse team, the club and the many supporters who will be cheering for victory on the day. If the Premier would like a friendly bet on the outcome of the game, I would be happy to accommodate him, comfortable in the knowledge that for Williamstown it would not be a safe bet.

Roads: Mornington electorate

Mr COOPER (Mornington) — If the Minister for Transport is not aware of the poor condition of many of our major roads, then I suggest he take the time to have a good look around the state. He will be shocked at what he sees. He could begin this investigation by coming down to the Mornington Peninsula, where he will see what motorists are complaining about. Lack of maintenance by VicRoads is rapidly turning major roads into unsafe tracks which cause damage to cars and are catalysts for accidents. A couple of years ago I raised this same issue and gave some examples of non-existent maintenance on the Nepean Highway, Seaford, and the Frankston freeway. Within three weeks some patch-up work was done, and obviously the minister hoped the whole issue would go away. The bad news for him is that those patch-ups are now starting to fall apart.

There are numerous other examples of the failure by the government to deliver on decent roads. To see just one of those numerous examples, I suggest the minister have a good look at the disgraceful condition of the Nepean Highway, Mount Martha, near Balcombe Creek bridge. The Mount Martha fire brigade has described this piece of highway as a disgrace, and it is quite right in doing so. The question that now needs answering is whether this failure by the government to

properly maintain our major roads is simply incompetence or whether VicRoads is being denied the funds to do the work it should be doing. Whichever of those is the answer, there is clearly a pressing need for the Minister for Transport to lift his game.

Gordon Perlstein

Mr CARLI (Brunswick) — The Coburg community has been blessed over many years with a generation of individuals who have contributed a lot to the community in terms of volunteer work and community organisations, many of which were established by these individuals. They have also contributed to church groups and to the Australian Labor Party. Very recently one of those individuals, Gordon Perlstein, died.

He was a local, born in 1926. He went to Preston Tech, joined the then Victorian Railways as a fitter and turner, became an inspector of locomotive maintenance and spent his entire working life with the railways. He had two children, Jenne and Robyn. He was an active trade unionist in the Amalgamated Engineering Union and later in the locomotive union.

He put an enormous amount of time into volunteer labour in community groups, particularly in his later life in the history group. He was secretary of the Coburg Historical Society and very much involved in promoting it. He was also a member of the Australian Labor Party for over 40 years. He was elected to the City of Coburg in 1980. He was the mayor of Coburg in 1986–87. In 1985 he received the Order of Australia. To his family I send my sincere condolences.

Water: infrastructure

Mr PLOWMAN (Benambra) — The Minister for Water must recognise there is an ever-growing need to upgrade irrigation infrastructure across northern Victoria, especially in those districts where the channels and infrastructure are close to 100 years old. In 2002 the Minister for Water announced a much-needed investment of some \$20 million from the Victorian Water Trust for an upgrade of infrastructure in Sunraysia. This grant was to go to the Merbein district to be shared between the First Mildura Irrigation Trust (FMIT), receiving \$8 million, and Lower Murray Water, receiving \$12 million. The Bracks government has now determined that this grant will go to Robinvale, and instead of the \$20 million being apportioned to both water authorities it will now go only to Lower Murray Water.

There is a desperate need for infrastructure upgrades in both districts as well as other projects such as in the Red Cliffs area. What is required for all irrigation districts of the FMIT and Lower Murray Water is a comprehensive timetable for funding that will cover all the infrastructure upgrade needs to ensure that these irrigation districts remain competitive in the 21st century. This investment may well be of the order of \$200 million. The government must face up to what is required rather than continuing its piecemeal approach to an industry which still provides the backbone of our exports and must stay competitive if it is to survive.

Premier's Women's Summit

Ms GILLET (Tarnet) — I wish to commend the 6th annual Premier's Women's Summit which a number of us attended last Friday in Geelong. The subject of the summit was of vital importance to all women, but especially to those aged 45 years and over, and I am proud to say that is the age group I fall into. It was about women's financial independence and security. Over 150 women participated from all over the state and their feedback was overwhelmingly positive. Many women government members of Parliament participated, facilitating discussions amongst tables of women. There were wonderful guest speakers such as Susan Ryan and Susan Jackson.

I congratulate the government on its announcement that it will provide over 20 financial seminars for women across the state in the coming months. I would also like to congratulate the Premier and the Minister for Women's Affairs for continuing this fine tradition of the women's summits. But most of my praise needs to go to the wonderful women in the Office of Women's Policy, ably led Fiona Sharkey. I would particularly like to thank Genevieve Fitzgerald for her painstaking work in making sure that participation of women around Victoria in government decision making is as sensitive and as substantial as it possibly can be. So congratulations to Genevieve Fitzgerald and all at the Office of Women's Policy.

Schools: regional dental services

Mr DELAHUNTY (Lowan) — This city-centric Bracks government stands condemned for centralising the school dental van service in rural and regional Victoria. I have been contacted by Jackie Raybone, a parent of a child at the Kaniva College which is 413 kilometres from Melbourne or a 10-hour round trip by car. With the high cost of fuel, very limited or even non-existent public transport and the effects of the drought, country children are now being denied the opportunity for school dental services that city children

are given. The Department of Human Services web site states that the school dental service is a Victoria-wide program providing dental care to all primary school children every one to two years. In country Victoria it is usually provided by a dental van visiting the school.

The Department of Human Services web site also explains that the rates of admission to hospital for preschool-age children with dental caries in rural Victoria is four times that of children in Melbourne. Rates of dental caries in young school-aged children are almost double those in Melbourne.

With the record revenue this government is collecting from the GST on fuel — \$35 million for every 10 cent rise in the price — the minimum this government could do is to continue the very valuable dental van service to our country schoolchildren. Victoria is bigger than Melbourne, and on behalf of these families living in rural and regional Victoria I ask the government to reinstate the school dental van service to our country school students. The Nationals support the entitlement of children in rural and regional Victoria to quality dental health services in their community. The Minister for Health must address the dental needs of our country schoolchildren.

Frenchman's Inn Hotel, Cressy

Mr TREZISE (Geelong) — On 22 August the Frenchman's Inn Hotel at Cressy was the subject of a heartless robbery. The inn, which has operated since 1841, was already struggling to keep its doors open, even prior to the crime. After the robbery publican Brian Armstrong told the *Geelong Advertiser* that the robbery was essentially the last straw for the old hotel.

But as this house appreciates, with every threat there is an opportunity, and the opportunity to at least help save the Frenchman's Inn has been taken up by members of the Valley Inn social club in South Geelong. Led by East Geelong legend Pearce Hoare and publican Brendan Ryan, the Valley Inn patrons are rallying to the cause. On 23 October a bus load of regulars of the Valley Inn are heading to the Frenchman's Inn for a big day out. As Mr Hoare told the *Geelong Advertiser* he expected his crew would be ready, willing and able to turn the old inn's fortunes around.

He assured *Geelong Advertiser* readers that Big Muzza would keep any pub in the black, and Snapper and Cobber would do the same. And in a real show of selfless sacrifice and support for the Frenchman's Inn, Mr Hoare even offered to leave Snapper down there for the weekend, no doubt an offer too good to knock back for a struggling hotel. I congratulate the Valley Inn

social club on its initiative and efforts to keep the Frenchman's Inn open and I genuinely wish the Armstrong family at the inn the very best for the future in keeping their business open.

Planning: Portland overpass

Dr NAPHTHINE (South-West Coast) — I rise to totally condemn the arrogant way in which the Minister for Planning in the city-centric Bracks Labor government has thumbed his nose at the recommendations of his own panel which examined the proposed Cliff Street overpass in Portland. The minister has totally ignored the panel recommendations and the view of the Portland community with regard to the need for ongoing access to Fisherman's Wharf and the Portland seafood retail outlet.

The minister appointed the panel, and the panel listened to the local community, the National Trust, Portland Seafoods, Portland Cable Tram committee, Promoting Portland's Maritime Heritage Group and received a petition signed by 2500 local Portland residents demanding continued access to the seafood business, the Fisherman's Wharf and the local cray fishing industry.

The panel listened and responded by recommending that VicRoads plans be amended to include access to Portland seafood and to Fisherman's Wharf for the local fishing industry and the community. The panel finding was well received by the community, but almost immediately the panel report was received the arrogant Minister for Planning totally ignored the panel he appointed and ignored the community. This is totally unacceptable. The Bracks Labor government is certainly not listening to its own panel. It is certainly not listening to the local community of Portland. It is certainly not listening to country Victoria. Minister Hulls and the Bracks Labor government should accept the umpire's decision. They appointed the panel; they should accept the panel's decision. The panel listened to the community and the government — —

Don Quixote de la Mancha

Mr LANGUILLER (Derrimut) — Melbourne has been home to several activities commemorating the 400th anniversary of the publication of the *Don Quixote de la Mancha*, the immortal novel by Miguel de Cervantes. The State Library of Victoria hosted a lecture by Cuban professor Dr Nilda Blanco on 30 August. Under the title 'The reason of unreason' Dr Blanco explained the genesis and importance of Don Quixote in the development of the novel.

In cooperation with the international Melbourne Writers Festival, the Spanish Consulate in Melbourne presented a play called *A Walk Through the Life of William Shakespeare and Miguel de Cervantes* that explores the coincidences in the biographies of both writers, who died on 23 April 1616. The play speculates on the possibility of their meeting. It is a dramatisation of their lives, illustrated with texts from Shakespeare's plays and fragments from Don Quixote and other relevant texts of the period. It was accompanied by vocal and instrumental music of 16th century Spain and 16th century England. Interpreted by Australian actors and musicians, it was performed at Chapel off Chapel.

In cooperation with the City of Melbourne and the universities of La Trobe, Monash and Melbourne, the Spanish consulate organised a half-day meeting about the novel of Cervantes and its impact. Under the title of 'Don Quijote: the myths, the realities, the impact', lectures were presented by Dr Ron Keightley on the literary impact of Don Quixote; Dr Frank Heckes on the illustrations of Cervantes' novel; Dr Griffiths on Don Quixote's musical microcosm; and Dr Alfredo Martinez of Queensland University on Don Quixote and the cinema.

Australian Intercultural Society: summit

Mr THOMPSON (Sandringham) — I wish to pay tribute to the work of the Australian Intercultural Society and the people who assisted with the co-hosting of a summit at the Melbourne town hall dealing with Muslim-related community issues.

Mainstream Muslims in Australia made a number of statements during the seminar denouncing acts of terrorism in the following terms: a Muslim cannot possess the attributes of a terrorist and a terrorist cannot be deemed a Muslim; extremism, bigotry and prejudiced and radical views are inappropriate practices for harmonious relations in a pluralistic multifaith, multicultural society; terrorist acts cannot be of benefit to Islam and Muslims — on the contrary the image and profile of Muslims is severely tarnishing; mainstream Muslims should pull together, act collectively and condemn extremist views and all forms of terrorism through united public expression; Islam condemns all forms of terrorism, regardless of the race, religion or any other affiliation of the perpetrators; terrorist groups are enemies not only of their affiliated race and religion but of humanity itself; and Muslims should not be viewed as a liability to Australia.

It was outrageously provocative on the eve of the anniversary of an act of terrorism in the United States for absurdist conspiracy notions to be given vent to in

the press. I also call upon the press to exercise their duty responsibly to ensure that there is no misinterpretation. Free speech has moral limits — —

Melton Secondary College and Kurunjang Secondary College: concert

Mr NARDELLA (Melton) — I want to congratulate the Melton Secondary College and Kurunjang Secondary College school bands on the family and friends concert at their friends and parents night. The friends of the band, made up of the parents of band members, organised this event. The musicians were able to perform in public and with their peers and family — some of them for the first time. I want to thank the music director, Mrs Joan Jones, who is a terrific dynamo; the principal, Mr John McConchie, who attended and acted as roadie; and Mr Chris Smith, the teacher who also attended and performed.

The members of the friends of the band are terrific people. I chair the committee, which comprises Cheryl Clark, Gabrielle Dittloff, Marion Morris, Kathleen Parr, Susan Partridge, Sue Rosenow, Connie Smith and Debbie Walker. I also want to thank the jazz ensemble leader, Leigh Walker. The other students who also did a terrific job are Dean Hulett, Nikita Dittloff, Christie Sumner, Adelle Parr, Rowan Clarke, Alex Morton, Erin Wilson, Jason Pettett, Brinie Wilson, Samantha Morris, Lindsay McConchie and Samantha Matthews.

There are others, and I hope I do not miss some; they are Brooke Johnson, Rebecca Morton, Si'an Tennen, Sarah Doody, Shelley Mitchell, Hayley Nisbet, Kayhla Waters, Daniel Rosenow, Amanda Borley and June-Alice Dewhirst.

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

South Barwon: Anglican debutante ball

Mr CRUTCHFIELD (South Barwon) — On Friday, 9 September, my wife and I had the pleasure of attending an adult debutante ball at South Barwon Civic Centre as a fundraiser for the Anglican parishes of St Cuthbert's, Grovedale and St Wilfred's, Mount Duneed. There were 14 debutantes and their partners, who ranged in age from 30 to 80, none of whom had presented for their debuts previously.

Congratulations to the debutantes, who moved much more gracefully than I did on the night in front of a large gathering of family and friends. The debutantes, in no particular order, were Debbie and Neville McGarrigle; Sue and Greg Ellis; Vicki and Bruce

Hardie; Pat and Ross Overbeck, who are 64 years married and the doyens of the group; Marion and Stewart Scott; Barb and Denis Ward, who were the organisers for the night; Kerryn and Stewart McDonald; Roslyn and Bert Lewis, who were the teachers of the group; Valda and Kevin Connelly; Stella Stoddart and Tim Carr; Krystyna Townsend and Phillip Colace; Allison and Max Payser; Jenni Brennan and Jeff Allison; and Jenny and Ken Graham.

Thanks also to Noleen and Jim Rowe who have previously organised many debutantes and whose idea this was. Thanks to flower girl Isabella Stone from Queensland and pageboy Griffin Brett from New Zealand and pipers Bill Spriggins and David Brock. Finally, thanks to the bishop of the western region, Paul White, and his wife Rhonda for his welcome and to Reverend Joanne Wells for her support.

Everyone involved should be suitably proud of their achievements and the message is loud and clear that whatever your age, we all need challenges. This group overcame their challenges with style, panache and enthusiasm.

Small business: Leader newspaper awards

Mr WILSON (Narre Warren South) — I recently represented the Minister for Small Business, André Haermeyer, at the Leader Newspapers business awards conducted by the Leader community newspaper group, which recognised the leaders of the Casey, Cardinia and Greater Dandenong business communities. Small businesses make an enormous contribution to our social and economic fabric, so it is great that the south-east is home to such a dynamic small business community with a thriving entrepreneurial culture.

The nominated businesses prove that if you are the best in your field and you set yourself up for the highest service standards, you are sure to be a success. The Bracks government values the contribution small businesses make to the economy and has a range of initiatives to help grow, expand and improve businesses which can be accessed through the small business network like the centre in Thomas Street, Dandenong.

The government places much value on acknowledging and rewarding local business heroes and entrepreneurs. I would like to commend Leader community newspapers for its ongoing support in promoting business achievement and the additional sponsors including Wizard for its effort in supporting local businesses. My congratulations go not only to the winners of the awards — the Hampton Park First National Real Estate managed by Sachan Arora and

Allan Gillett — but also to the dozens of finalists who went through a rigorous assessment plus customer voting. Again my congratulations go to Hampton Park First National Real Estate, and I look forward to them continuing to provide the service they have in the last few months.

Port Phillip and Westernport Catchment Management Authority: tree planting

Ms BUCHANAN (Hastings) — Since their inception nearly 20 years ago Landcare groups have played a major role in changing degraded rural landscapes and catchments across Australia, and no better example of the positive environmental impact can be seen than with the projects facilitated and funded by the Port Phillip and Westernport Catchment Management Authority, who were the proud recipients of the recently announced regional Landcare award.

Chief executive officer David Buntine and staff, with the chairman, Dr Mick Lumb, and committee members, have done an outstanding job of supporting land-holders around the Mornington Peninsula and Western Port region, providing a strategic focus on forging partnerships that are leading to the revegetation, soil stabilisation, enhanced biodiversity and water quality for many properties that impact on the Westernport and Mornington Peninsula environs.

No better example of this proactive approach was the Landcare tree planting on John and Sue Anderson's Bunyip property last Sunday, which saw the Bunyip scouts, local Rotarians, great Landcare members like coordinators Sue and Julie, Cardinia council staff and local land-holders out in united force to plant 3000 trees. A great day was had by me and the hundred-plus volunteers involved. Special mention goes to the Anderson family for their wise vision and staff from Sun Microsystems Australia who all pitched in to make this hard but vital and worthwhile work so much fun.

Well done to the catchment management authority; well done to Landcare; and well done to the government for its investment in our sustainable future. Let us hope that the state award received by the catchment management authority translates into national recognition, and everyone looks forward to visiting the Anderson property in future to see the magnificent changes the revegetation will make.

Sunbury College: *Present Past Future*

Ms DUNCAN (Macedon) — Last Friday night I had the pleasure of attending Sunbury College's

performing arts festival. The show was titled *Present Past Future* and the concert that I observed was the ex-student's concert. They had a number of nights of performance. What a show it was and what a tribute to Sunbury College's performing arts program and teacher Janet Sevier. It was also a tribute to and highlighted the talents of these students, all home-grown from Sunbury and surrounding areas. Many of these students are semiprofessionals, and one cannot help but be amazed at how talented they are. As Janet stated in the festival's program, 'A major bonus in teaching performing arts at Sunbury College is that our students never seem to leave — not completely'. Some of these ex-students were coming back to perform 20 years after leaving school and looking at the enthusiasm with which they all appeared — and the enthusiasm of their families and friends in the audience this was obvious.

Students such as Anne-Marie Sullivan, James, Paul and Robyn O'Donovan, Garth Ploog, Kelly Clayton-Boyd, Amy McPartlan and Ben Noble to name just a few are huge talents, and I am sure we will hear more of them as they continue to pursue their musical careers. That ex-students would commit so much time and effort to their rehearsals on top of busy lives demonstrates just how committed they are to their craft and their continuing support of Sunbury College. Many of these talented adults continue to perform at local venues such as the Boiler House Theatre Company in Sunbury and at Macedon with the Mount Players. The dedication of all the staff and parents — —

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

Carrum Afternoon Garden Club

Ms LINDELL (Carrum) — This coming weekend the Carrum Afternoon Garden Club will hold its 20th annual show at St Aidans church hall in Carrum. I have attended the show for the past six years and can certainly commend the floral displays, the cut flower displays and generally a fabulous display of people's passion for their gardens and for gardening. The azaleas and the orchids are always my favourites.

There is also a craft display with knitting, crochet and embroidery items of a great standard. I would like to congratulate the garden club on its 20th annual show, to thank it for the warmth of friendship offered to visitors and to encourage any members of Parliament who might have a spare half-hour over the weekend to spend some wonderful time looking at what can be done. Every time I look at a plant it dies, so I am not much of a gardener, but to see the amazing work that people can produce with the love and the tenderness they give to

their plants is really heart warming. I encourage members to attend.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Rural and regional Victoria: government policies

Dr NAPHTHINE (South-West Coast) — I grieve for regional and rural Victoria, which is suffering under the city-centric socialist Bracks Labor government. In country Victoria you know when there is an election on the horizon, because suddenly the city-centric Bracks Labor government seems to have a rethink about country Victoria — and we have that happening already.

After having been ignored, insulted and treated badly over the years by the Bracks Labor government, suddenly, because there is an election within 12 to 18 months, the government calls a summit of regional and rural mayors and chief executive officers. But members should note that this is a typical Bracks Labor government response to concerns in country Victoria. We do not get real action, we do not get real policies, we do not get real expenditure and we do not get real decisions. Instead we get another talkfest, another summit, another looking-into-it exercise from the Bracks Labor government. The people of country Victoria are sick and tired of a government that treats them with contempt between elections but when it comes to election time fills them with rhetoric and rubbish and does not deliver on its promises.

I can assure you, Speaker, that the people of country Victoria will not forget how this city-based government has treated them over the past five years. Let us look at some of the issues that will be remembered by country people. I refer, firstly, to the unfair and unworkable child employment regulations which are hurting country businesses and farms across country Victoria. Then there is the inflexible and stupid city-centric approach to native vegetation controls that lack commonsense and lack local input, to the point where people cannot even get permits to clear fence lines or rip rabbit burrows. Of course the classic decision by the city-centric Bracks Labor government was its killing off the Man from Snowy River with the banning of Alpine cattle grazing.

We have had the Victorian Farmers Federation complain about the mountains of rules, regulations,

laws and red tape that are stifling innovation, investment, job growth and local decision making in country Victoria. We have had government-led cutbacks in health and services to our country hospitals, especially obstetric and surgical services — for example, at the Koo Wee Rup and Rochester hospitals and now, in my own backyard, at the Portland hospital. We have had the closure of the Mininbah Hostel for country students, who need it when they visit Melbourne for work experience, TAFE training or school excursions. We have had the closure by the Bracks Labor government of eight country harness racing tracks that are really important for their local communities. The closure of tracks like those at Wedderburn, Hamilton, Gunbower and Wangaratta are taking those jobs, investments and visitors who come to the country harness racing events out of Victoria.

Country people will never forget the tragic bushfires in north-east Victoria in 2003 and the fires that devastated Wilsons Promontory, because they know that those fires highlight the Bracks Labor government's neglect and failure to manage its parks and Crown land. They know that this government is the neighbour from hell when it comes to owning land adjoining their properties. They know that if you want to get infestations of noxious weeds, if you want to be invaded by feral pest animals, all you have to do is be a neighbour to the Bracks Labor government's Crown land and national parks. That is why we have bushfires that are out of control and enormous problems through noxious weeds and pest animals.

Recently the government has sat idly by and been a partner in crime in the decimation of agricultural education in country Victoria. Whether it be the McMillan in Gippsland, the Glenormiston in the south-west or the Longerenong, the campuses have been decimated and country education has been decimated. The Minister for Agriculture has sat mute, doing nothing, while agricultural education in country Victoria has had the guts ripped out of it by the Bracks Labor government. It is totally unacceptable. The agricultural industries are an enormous opportunity for growth, development and investment in country Victoria. There is enormous opportunity to continue productivity growth. Agricultural industries are the major export earner for Victoria. Yet when it comes to ensuring that there are proper training facilities in country Victoria for agricultural education to produce a new generation of farmers, agricultural managers and other people who add value to agricultural production, this government stands idly by while the facilities are decimated. It is an absolute disgrace, and the people of country Victoria will not forget that.

The Bracks Labor government has abolished payroll tax exemptions for apprentices and trainees, and that has hurt the training and skilling of the new generation of people that are needed in country Victoria. Whether they are in the metal trades, baking, electrical work, plumbing or gasfitting, all of which are important, the government has made it harder for people to employ apprentices and trainees. At the school level we have had a lack of adequate funding for our country secondary schools for vocational education and training and the Victorian certificate of applied learning, which are important for young people in country Victoria, particularly young men.

We have had the terrible, heartless, cruel decision by the Bracks Labor government to impose an \$80-a-year motor vehicle registration fee on pensioners, war veterans and health care card holders. It was an absolutely disgraceful decision, and it really hurts people in country Victoria. I would have thought that with petrol prices at a record high it is time the Bracks Labor government reconsidered that decision, because pensioners, war veterans and health care cardholders in country Victoria are being forced to pay enormous prices for petrol. There is no alternative public transport. There is very great difficulty getting around in country Victoria unless you have a car. It is an essential item for pensioners, war veterans, health care cardholders and their families in country Victoria, and to have to pay the \$80 registration fee imposed by the Bracks Labor government plus the record petrol prices is too much to bear. I urge the government to reconsider the stupid, heartless and cruel decision to impose that \$80 fee on those unfortunate people in our community.

On top of that, people with disabilities in country Victoria are being hit for six with the multipurpose taxi cap. It is an absolute disgrace from a government that supposedly cares about the disadvantaged in our community. The Minister for Community Services is sitting at the table, and I know she would be embarrassed by the decision of her government and the way it has hurt people with disabilities in country Victoria. I believe that that policy certainly needs to be totally overturned.

One of the major issues in country Victoria is local roads and bridges. They are deteriorating, and any assessment of them shows that the investment required to maintain them — just maintain them! — is not being met by and cannot be met by the ratepayers. There is a gap that needs to be filled by the state government. It needs to work in partnership with local councils to invest in local roads and bridges for economic reasons, to promote tourism and to promote safe travel on our

roads, yet the Bracks Labor government runs a mile when it comes to funding local roads and bridges.

I urge the government to invest in that vital infrastructure for country Victoria. It is about time the Bracks Labor government genuinely worked in partnership with local councils on the major issue of investing in local roads and bridges.

Mr Plowman — Thank God for the Better Roads fund.

Dr NAPTHINE — As the member for Benambra said, if it were not for the federal government through the Better Roads fund that provides money directly to local government for local roads and bridges, our roads in country Victoria would be in an absolutely deplorable state. Local councils are struggling, even with that federal roads funding, but the people in country Victoria know that the ratepayers are doing their bit. The federal government is doing more than its share. The ones who are dragging the chain and doing nothing for local roads and bridges are the city-centric members of the Bracks Labor government, who do not care about country Victoria — and the major issue in country Victoria is roads and bridges.

The Bracks Labor government also removed the fox bounty. Under that bounty, 177 000 foxes were killed — which is 177 000 foxes that are not eating native fauna, little lambs and chooks and are not breeding the next generation of foxes. It was a very successful program, and the Bracks Labor government has taken it away and now we have a plague of foxes throughout country Victoria.

The government has also failed to deliver on key rural infrastructure. We only have to look at rail standardisation, which the government promised in 2001. It promised to standardise the rail on the Mildura–Portland line, which it said would be the first cab off the rank, but not 1 metre of track has been standardised some five years later. It is an absolute disgrace. Then there is the fast rail program —

An honourable member — A farce.

Dr NAPTHINE — And it is a farce. It is an \$80 million program that has now become an \$800 million program, and we know that if the government invested the same amount of money in improving signalling and track management within the city of Melbourne you would save more time and have a better and more efficient transport system for all of Victoria.

A rail connection was promised to Lascelles Wharf in Geelong to improve the port of Geelong. The member for Corio was yesterday in the house — —

The DEPUTY SPEAKER — Order! I think it was the member for Lara.

Dr NAPTHINE — The member for Lara was talking about the success of the Geelong port. It has been a successful port, but imagine how much more successful it would be if the government actually kept its promise to connect rail to Lascelles Wharf.

The government has failed to provide a life-saving emergency helicopter for south-west Victoria. In its 2002 policy the government promised to return the passenger rail to Leongatha and Mildura by late 2004. The government has killed off the yabby industry and hit the fishing industry for six with its unfair PrimeSafe fees. It has allowed unfettered access for union mates to work sites, farms and home-based small business. Every school I visit in country Victoria complains about the lack of adequate funds for maintenance. They have leaking roofs, peeling paint and rotting window frames.

Councils across the length and breadth of country Victoria are concerned about the high level of state government cost shifting. Far be it for me to anticipate debate, but let me remind members of the government: have a look at the primary industries legislation with regard to the new dog and cat rules. Imagine how much it is going to cost councils. Councils are concerned about library funding and interference in local planning decisions. The government has not listened to the community regarding wind farm issues and rural zones. The inflexible policy and gross underfunding by the state means that many country towns that need sewerage do not get it. This damages the environment and stifles those towns.

Of course in the north-west the major issue is the toxic waste dump proposed for Hattah-Nowingi. Let me clearly say that it was an appalling decision to put Melbourne waste 500 kilometres away at Hattah-Nowingi. It poses too big a risk to the Sunraysia food bowl, the native fauna and flora, local communities, the Hattah-Kulkyne National Park, the water table and the Murray Basin, and the cities, towns and communities along the 500 kilometre route from Melbourne.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I remind the member for Melton that constant interjection is

disorderly. I remind the member for Benambra that he is out of his place and disorderly.

Dr NAPHTHINE — Let me finish by speaking about the issue of employment. We hear the Minister for State and Regional Development continually talk about employment figures. Let me talk about the facts of employment. The facts are that in each and every one of the last 15 months the unemployment rate in Victoria has unfortunately and tragically been above the national average. In August 2005 unemployment in Victoria was 5.2 per cent; in Australia it was 5 per cent. The only state with higher unemployment than Victoria is Tasmania, which has 5.8 per cent unemployment. Every other state is doing better than Victoria because this government is messing up investment and employment in this state.

Let us have a look at what is happening in country Victoria. The small area labour market survey for the March quarter of 2005 says there has been a 13 per cent increase in the number of unemployed people in country Victoria from March 2004 to March 2005. In eastern Victoria unemployment has gone up by 18 per cent. In western Victoria unemployment has gone up by 10 per cent. The unemployment rate across the rest of Australia went down over that 12-month period, but in country Victoria under the Bracks Labor government it went up.

Let us have a look at some areas where unemployment has gone up in that 12-month period under the Bracks Labor government and we will see the contempt which has been shown by this government. Unemployment in the following regions has increased: Baw Baw has gone up by 19 per cent; Bendigo has gone up by 18 per cent; Castlemaine has gone up by 16 per cent; Latrobe has gone up by 12 per cent — that includes Morwell, which has an unemployment rate of 13.5 per cent, and Moe, which has an unemployment rate of 13.3 per cent; Maryborough has gone up by 22 per cent; and Mildura has gone up by 15 per cent. This government does not care about country Victoria — —

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

Tertiary education and training: international students

Mr LIM (Clayton) — I rise to grieve today for Victoria's international student community and particularly for the many who are isolated, lonely and discriminated against. A recent well-publicised Monash University study on the social and economic security of international students in Australia found that a

disturbing number of students struggle with problems such as discrimination, language difficulties and misinformation about courses. Another study this year, the federal Department of Education, Science and Training report on education services for overseas students, found significant problems with the system, particularly in the areas of pastoral care and student support services. Members will recall that some two years ago I commissioned a parliamentary intern to look into the support services for overseas students. Some of the findings were disturbing to say the least.

I wish to alert honourable members to the importance of international students to our society and our economy and to emphasise our responsibilities to these people, who enrich both our education system and our communities. We need to see past the stereotype of the rich and carefree international student and acknowledge the reality that many international students are poor, disillusioned, vulnerable and under pressure.

Life is generally increasingly difficult for all university students. Most are worried about a steadily accumulating higher education contribution scheme debt. More and more students are working to support themselves while studying. At the same time, increasing student-to-staff ratios make it more difficult for students to get the individual attention and support that they need.

International students, particularly those from non-English-speaking backgrounds, are exposed to that same pressure as well as a range of additional unique difficulties. Many university students will encounter personal or academic problems at some stage. However, for international students certain problems are more likely, the consequences are more severe and adequate support systems are more difficult to access. In many cases, the families of students have made enormous financial and personal sacrifices to fund their children's studies. Therefore, many international students are working under an enormous burden of pressure to fulfil their responsibilities to their families.

Virtually all those students experience the isolation and loneliness of living in a foreign culture without the vital social support systems of friends and family. The consequences of failure can be devastating: under student visa conditions, insufficient academic performance can result in visa cancellation and deportation. Federal government policy places the responsibility for the wellbeing of international students with the education providers. However, many of the issues faced by international students extend far beyond the scope of the institutions, particularly in today's competitive higher education environment in which

institutions are forced to make efficiency and profits their top priorities.

International students coming to Australia quickly become aware of an institutional and cultural environment in which they are valued as only an industry, not as prospective members of society. There is a very widespread perception among international students that governments and colleges regard them as merely cash cows. They are very much aware that higher education providers in Australia are to a large degree dependent on the revenue provided by international students. For example, the price of student visas in Australia is significantly higher than it is in comparable countries, with most classes of visa costing \$420, compared with, say, New Zealand, where they cost only \$130.

There is little to explain that difference other than blatant revenue raising by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). Furthermore, international tertiary students are ineligible for public transport concessions. Those students pay the same taxes as their local fellow students and they are just as likely to be under financial pressure. Despite that, exclusion from tertiary public transport concessions means that an international student can pay almost \$100 a month more than a local student just to get to university.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The member for Doncaster will have the call shortly. He can raise his concerns then.

Mr LIM — It is easy to see how such inequality can leave those students feeling exploited. In response to the member opposite, I need to add that now Victoria is the only state without a concession. I urge the government to look into that and ease it.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The member for Doncaster is well aware that constant interjections of that nature are disorderly. The Chair will not continue to tolerate that level of interjection.

Mr LIM — Dealing with visa issues is a major worry for many students. They are very well aware that Australia's immigration policy is characterised more by suspicion than support, with strictly enforced provisions concerning work, travel, enrolment, academic success and so on. Many students have difficulties dealing with the unhelpful DIMIA bureaucracy, particularly where language skills are an issue.

International students also report a general attitude of resentment and suspicion from both local students and the broader community. This is related to recent claims of crises in the higher education sector, as well as blaming international students for declining academic standards and the perception that international students are taking places which might otherwise be taken by local students. Accordingly, many international students feel unfairly exploited and undervalued.

One of the most disturbing issues faced by international students is the gap between the expectations of students and the reality of studying in Australia. Most surveys have found that prospective students receive inadequate or misleading information about the facilities, language requirements, teaching styles and the costs of the courses in which they enrol. To some extent, that is a product of aggressive marketing overseas by Australian education providers. Overseas students are intensely vulnerable to exploitation by unscrupulous education and migration agents, who often provide, either independently or on behalf of Australian institutions, dubious information regarding course and visa issues. That frequently results in students becoming disappointed and disillusioned with the Australian education experience.

The regulation of education and migration agents by the federal departments responsible for education and immigration is grossly inadequate. The focus is entirely on preventing students from using the education system for migration purposes. The departments do not address the issue of colleges and agents providing misinformation to overseas students. In addition, some students have had the unfortunate experience of buying or renting over the Internet off-the-plan apartments, only to arrive and find that their accommodation is considerably smaller than they were led to believe.

The difficulties for international students extend into the classroom. Many lecturers and tutors do not appropriately target their courses to the language abilities or cultural or linguistic needs of their students. Prospective international students are required to show adequate language proficiency in order to get a visa. However, in reality large numbers of international students struggle with both academic language and the informal language essential to social interaction as a student. DIMIA refuses to acknowledge the extent of this problem and is content to stand behind its externally tested visa requirements as a yardstick of language proficiency.

Many education providers run formal programs to help international students to adjust to Australian student life, both socially and academically. However, the

recent evaluation of the national code of practice governing education export found serious shortcomings in such services. Universities run orientation programs containing important information about available services directed at international students. However, most of those programs are run in the weeks leading up to the beginning of semester, whereas most overseas students do not arrive until the day before classes actually start and therefore miss out on that initial institutional contact.

Furthermore, the separation of orientation activities between international and local students creates an institutional division that, to the dismay of many students, extends throughout the university environment. Often language support services are under-resourced, there is a lack of awareness and access by students of the available services and many providers do not record the use of such services to measure how effective they actually are. In many cases, the training of international student support staff is inadequate. The evaluation recommended that the national code be changed to provide more detailed standards for the responsibilities of universities to ensure international students receive adequate support. Many students come from backgrounds where it is not usual cultural practice to seek outside help with problems. As a result, many well-intended services and programs are ineffective because of insufficient awareness and access. Often students with health or family problems do not seek help until it is too late — often with disastrous results for academic progress and the meeting of visa conditions.

In my electorate of Clayton, which contains Australia's largest university, I have dealt with several cases of international students at Monash University on the brink of having their visas cancelled and being deported due to academic problems resulting from substantial personal difficulties. That has been despite Monash providing an excellent range of student support services. In that environment often international student societies are some of the most important parts of the support framework for overseas students. Those groups play a vital role in helping fill the gaps and providing information, social connections and representation. They act as a visible and accessible referral service, linking student services with those who need them. However, such groups are funded by student unions and, under the federal government's proposed voluntary student unionism legislation, those important support structures will be severely compromised.

Of even greater concern is the wellbeing of those international students aged under 18 who are studying in Victoria's government and independent secondary

schools. Immigration department regulations require that international secondary students must either stay with a relative or guardian or be placed in a home-stay situation where they live in an Australian household. Home stays can be a positive experience, providing an opportunity for students to make connections with the local culture in a stable and supervised situation. It is inevitable that teething problems over adjustment and cultural misunderstandings will occur, and they are all part of the experience. However, there have been many reports of more serious problems such as overcrowding of rooms and carers smoking or providing only takeaway food rather than cooking for the students.

It is widely recognised that education export is a highly competitive and fast-evolving industry. The outstanding growth in overseas student numbers over the last 10 years is now under threat. Overseas enrolments in Australian institutions continue to grow; however, significant shifts in the market have occurred. Enrolments from countries such as Singapore and Hong Kong, which have traditionally been the heart of the industry, have dropped significantly. The number of students commencing studies here is not sufficient to maintain the current level of growth, and enrolments by overseas secondary school students have actually declined. Several factors are responsible for this.

Australia's competitive advantage is being reduced by the increased value of the Australian dollar and tertiary options are increasing for students who choose to stay at home in countries such as Singapore, Hong Kong, Malaysia and Japan. However, the quality of the experience of international students in Australia also has an important part to play.

Under the Bracks Labor government, Victoria has emerged as the leader in Australian education export. This government has acted positively to ensure that Victoria maintains this position and expands its market share in a highly competitive environment. The Positioning Victoria working party established by the Minister for Education and Training has identified a number of strategies that will further develop Victoria as an education destination. Among these strategies are further market research to assist business planning, industrial and product development and student support programs. However, these efforts will continue to be undermined as long as federal immigration and education policies allow international students to be exploited by immigration agents, treated with suspicion by immigration services and academically disadvantaged by inadequate support services.

The federal government must better address its responsibilities to the people who contribute so much to

Australia's economy and education system by improving the way educational institutions deal with international students. At the same time, we in Victoria need to seize this golden opportunity to exercise leadership in international education by securing a better deal for international students and helping to safeguard the future of the education industry in this state.

Fuel: prices

Mr RYAN (Leader of The Nationals) — I grieve today for all Victorians in relation to the issue of petrol prices, and I call upon the government of Victoria to do something to alleviate the problem. The government can do something, and it should. It is pointless for the government to wring its hands like Pontius Pilate and say that it cannot when in fact it can do something.

I refer to a transcript of a commentary by the Treasurer on WIN television earlier this week. When asked about this issue he said:

In an economic sense I think the jury is out as to whether that will be necessarily ... a bad thing or a good thing for Victoria.

The article then goes on to say that Mr Brumby has sent his sympathy to regional Victorians but will not budge on the government not assisting the public financially. Victorians do not want the Treasurer's sympathy, they want him and the Premier to do something in relation to this issue, which is a problem for all Victorians but which applies to an even greater extent in country centres.

The problem for those of us who live outside Melbourne is that there is no public transport system available. The system in Melbourne is subsidised by the government to the tune of about \$1 billion each year. We do not have the benefit of that system in country Victoria. The transport problem is something that applies across the whole of the state to greater and lesser degrees. In country centres, however, fuel is a basic necessity that enables people to live, to work and to enjoy leisure activities. It also enables volunteers to perform the wonderful work they do at so many levels in our communities.

Recently the commencement of the harvest across relevant parts of the state was raised, including the fact that hay will need to be cut soon. Also, general farming activities are absolutely dependent on the use of machinery, which in turn needs fuel. All of these issues are critical to people in country Victoria. This issue affects families; it affects small business in particular — and the government has got to do something.

The problem is of increasing magnitude. The price of petrol in Melbourne yesterday was an average of about \$1.31 per litre — the range is from about \$1.27 up to about \$1.40 in different locations. In country Victorian locations the prices were: Bairnsdale, \$1.40; Ballarat, \$1.34; Benalla, \$1.38; Echuca, \$1.35; Shepparton, \$1.34; Swan Hill, \$1.40 and Mildura, \$1.40. Those prices reflect the fact that the people who have to pay them have a terrible problem on their hands, and the government has to do something to assist them.

The issue was also highlighted by an article written by Liz Gooch on page 6 of today's *Age* newspaper. It refers to Mirboo North, which is in my electorate, and which, as members know, is a beautiful town that sits astride the magnificent Strzelecki Ranges in glorious Gippsland. It has a wonderful community that is making a great contribution to not only that region but beyond. It is also one of those in the grip of the problems relating to the price of petrol.

The article refers to Susan Gillies, a nurse who provides her able services to the Mirboo North aged care and bush nursing centre. Its chief executive officer is a fellow by the name of Lindsay Oates. I know Lindsay; he is a good bloke and a very capable man who does a terrific job on behalf of the organisation he looks after. In his role on behalf of the many people involved in the different levels of service provided by that great centre within the hospital administration he is one of many who are very concerned about the petrol issue.

I spoke to him this morning, and he reiterated the problems that apply to people such as Susan Gillies, who now finds herself in the most unfortunate position of wanting to continue to work at this magnificent centre but having to drive 60 kilometres. She is now faced with the terrible decision of having to cut down the number of shifts she does because she is balancing on the one hand looking after her own children and her family and on the other hand trying to make sure she does what she can to keep this facility at Mirboo North going, because staffing issues are always important there.

This is but one instance, but what I am highlighting at Mirboo North is reflective of what is occurring in thousands upon thousands of locations across Victoria, but particularly in country Victoria. I reiterate that these centres do not have the advantage of being accessible to public transport, and fuel is an absolute necessity. The government has options: the public cannot accept that the government of Victoria does not have options. If you look at the breakdown of the price of around \$1.30 for a litre of fuel — and even that is almost yesterday's news — the figures are very revealing. When you look

at the totality of that structure and break it down entirely you see that about the last 11 cents of the price is made up of GST.

As we know, the benefits of the GST come back to the states. The federal government collects the GST, but it is simply a collection point, because it then posts it out to the states. The states are the direct beneficiaries of all the money that is collected. It is a fact that Victoria does not receive back the amount of GST it contributes, and that is as a result of the formula that is applied to that distribution system. We are all concerned about that, and I wish the state treasurers, who are all Labor treasurers, would come together, reach agreement among themselves, present a different formula to the federal government and do something about changing it. But that is an issue for another day. I accept that Victoria gets back around about 4 cents in every 5 that it pays in GST, and I will use that figure for present purposes. The fact of the matter is that of every 11 cents per litre which is paid in GST in Victoria, the state gets back something of the order of 10 cents — again I use that figure in very round terms.

The other issue is the famous tax on a tax. Of that 11 cents of GST paid in Victoria, about 3.8 cents of it is a tax on the 38 cents of fuel excise which is collected by the federal government. This whole debate tends to get distracted by this question of a tax on a tax. I agree that across the nation in a variety of sectors this is an issue that bears further examination. It is one of the quirks of the application of the GST system, but it does not only apply to fuel. To debate it at any length today would distract us from the main issue — that is, that the 3.8 cents which is paid by way of GST, being that tax on a tax, nevertheless goes into the pool which is eventually rebated in Victoria. So let us not get distracted by that issue.

It is a fact that of the 11 cents GST per litre paid in Victoria, around about 10 cents comes back to Victoria. The government has the capacity to provide some relief, and it can do it in any one of a number of ways. It could examine, for example, the Queensland system. The business franchise tax, as it was known up until 1997, was collected in other states around Australia but not in Queensland. What that government has elected to do is return the total amount of money which is recovered by way of GST on fuel to its citizens. In that state they rebate a fixed amount of about 8 cents per litre, which is paid back to Queensland consumers at the bowser. That is why the price of fuel in that state is always under the price in the state of Victoria. That is an option which this government could look at. I am not suggesting that the whole of the GST collected here should be rebated to our people at the pump, but some

part of it could be, just as is done in Queensland, where 8 cents or a bit more is given back to the consumer at the pump.

In South Australia they run a zonal system whereby, depending on where you live in relation to the metropolitan area, certain amounts are returned to consumers. For example, in zone 1, which is within 50 kilometres of the Adelaide GPO, there is no benefit provided. In zone 2, which is within 100 kilometres of the GPO but not on the York Peninsula or Kangaroo Island, the rebate is 0.82 cents per litre. In the rest of the state it is 3.33 cents per litre. So in that state a benefit is paid. Again I concede readily that there are complications in the operation of that sort of structure. But nevertheless it is a mechanism that is being employed in South Australia, and it is something that the government here in Victoria could consider.

In addition to those sorts of considerations there is the prospect of the windfall gain being returned to Victoria. At the moment Victoria derives a benefit of about \$7.8 billion in GST payments from the system. Each month a cheque for about \$650 million is sent to the Victorian Treasurer by the federal Treasurer — thank you very much, umpire! That figure is up about \$493 million on last year's estimates. The Victorian budget was brought down in May this year. At that time the cost of fuel at the pump was around \$1 per litre; now it is about \$1.30 plus per litre. Remember that every time the cost increases by 10 cents per litre Victoria attracts about another 1 cent in GST payments. It means therefore that based on an increase of 30 cents per litre since the budget was delivered Victoria has enjoyed a 3 cents per litre windfall prospectively.

The Premier says, reflecting the commentary from the Prime Minister, that there is no net change. It is said that the expanse of the GST has not altered at all and that when you look at the bottom line the figures are the same. I challenge the state Treasurer to release the figures to Victorians and let everybody see what is happening with the GST payments. At 3 cents per litre, based on the amount of fuel that is sold in Victoria and the figures which are available publicly, that is a potential windfall gain of \$150 million in additional GST, which when you work back the formula of distribution means that prospectively Victoria has about another \$120 million available to it over and above the amount which was allowed for in the budget. The government could rebate that amount and send it back to Victorians, particularly to country Victorians.

I am the first to admit that whatever the government may do will not solve the problem. We do have issues of a worldwide nature — no doubt about that. There is

no question in Australia that the policy regarding parity pricing is a necessity. I come from Sale, which is the base of the oil and gas industry in this nation, although a few other players have emerged, particularly in the North West Shelf. I have worked closely in and around the industry over the roughly 30 years I have lived in Sale, and when you talk to people in the industry you learn that its nature is such that, if the product it produces in Australia could earn it a better price in another jurisdiction, then it would go and Australia would lose the benefit of what we are able to produce in our own nation. I recognise that parity is a reality, but at the other end of the scale the state government of Victoria enjoys an enormous benefit derived from the GST payments. That benefit should be returned in part to Victorians, particularly inasmuch as the aspect of that benefit relates to the GST on fuel.

Experts tell us that this is a short-term problem. Hopefully within 12 months there will be relief from this — and let us all hope it will be a shorter time than that. However, in the interim the government must help; it must come to the party on this. The state of Victoria has plenty of cash coming into its coffers. There are ample opportunities for it to properly examine this, and it should. Members of the government simply cannot stand aside, as the Treasurer did earlier this week, shaking their heads, bemoaning the global issues and saying that the government cannot do anything. In fact the government can do something. It is funded to the extent that it can help, and it should be part of the discussion. I assure the Treasurer that in the bar of every pub around Victoria, in the heartland of all our small business sectors, in our communities and, very particularly, on our farms this is the first topic on everybody's lips. The state of Victoria should help.

This is one of the classic instances where the government cannot stand aside from an issue that is of crucial importance to all our citizens. It should assist. Playing the part of Pontius Pilate, as the Treasurer did earlier this week, is no solution at all. Victorians want his financial assistance; they do not want his best wishes and sympathy.

Hospitals: federal policy

Ms BARKER (Oakleigh) — I grieve today for the people I represent in Oakleigh who are missing out on health and hospital funding because the Howard government has not fulfilled its commitment to the current Medicare agreement. I am pleased to see that the Minister for Health is at the table.

While the current Medicare agreement threatened penalties on the states if their share fell below a

fifty-fifty funding ratio, our latest figures clearly indicate that the Bracks government is providing 60 per cent of the funding for Victoria's hospitals, and therefore the Howard government is only providing 40 per cent. It is very disturbing to note that if the federal government had matched the Bracks government's contribution dollar for dollar only this year, Victoria's hospitals would have \$1.1 billion in extra funding. We can only imagine how many more thousands of patients we could treat with that sum.

Despite the miserly approach of the federal government to health and hospital services the Bracks government continues to rebuild our health and hospital system. Over the last five years we have increased funding to our health services by 54 per cent. More than 5700 nurses and health care staff are back working in the system, and we are treating an extra 200 000 people per year. We have continued to work very hard to treat more people within a reasonable period of time and to do the very difficult job of managing the increasing demands on our hospital system. We have always recognised that there is more to do. That is why we have built on the work to date through the recent state budget.

The Oakleigh electorate is primarily served by Southern Health and Bayside Health. Within those health networks are the Clayton and Moorabbin campuses of the Monash Medical Centre and of course the Alfred hospital. These health services are of great importance to my residents. Our commitment to rebuild and improve these health services can be clearly shown when a comparison of the recurrent acute health total expenditure budget is looked at. It excludes mental health and aged care; it is just the recurrent acute health total expenditure budget. In 1999–2000 Bayside Health's acute health budget was \$238.026 million. In 2005–06 it is \$380.194 million. Since the Bracks government was elected in 1999 Bayside Health's acute health budget has increased by 59.7 per cent. In 1999–2000 Southern Health's acute health budget was \$286.278 million. In 2005–06 it is \$515.237 million. Since the Bracks government was elected in 1999 Southern Health's acute health budget has increased by 80 per cent.

During that time we have worked hard to stabilise hospital bypass, and as I said, improve waiting times for patients wanting elective surgery. Importantly, we have worked very hard to reduce constant returns to hospital by people who have chronic and complex conditions, and that has worked very well in partnership with many other areas of health such as community health. But we recognise that there is always more to do, and that is why the 2005–06 budget allocated funding to further improve these areas. In 2005–06 we

will see Victoria's public hospitals receive a record \$554 million increase in funding. It will enable us to treat 40 000 extra patients and hire 900 more staff. Through this record increase in funding Southern Health has been given a \$50.74 million increase in its bottom-line funding. In just 12 months Southern Health has had its bottom-line funding increased by 10.9 per cent. Since 1999–2000 that funding has increased by 80 per cent. In fact in 2005–06 hospitals across the state have received an average 6.4 per cent boost to their budget bottom lines.

As well as this continued boost to the budget bottom line of hospitals, we are providing extra funding to take people off waiting lists, and that is absolutely vital. As announced in the 2005–06 budget, \$30 million in funding is to be provided over the next year to blitz the elective surgery waiting lists. That funding has now been allocated after public hospitals submitted plans as to how they would ensure that we can get people off those waiting lists. I note that while the number of procedures announced in the budget was put at 10 000, the plans submitted by hospitals raised that number by a further 1000. That funding will also be used to fund around 25 000 outpatient and allied health appointments.

Through the elective surgery blitz funding Southern Health will be given \$3.7 million to take 1646 orthopaedic, vascular and plastic surgery patients off waiting lists and fund 1658 outpatient appointments and 1296 allied health appointments such as physiotherapy and occupational therapy. Bayside Health has been allocated \$1.4 million, and that will enable it to take 309 orthopaedic, vascular, plastic and urology patients off waiting lists and fund 288 outpatient appointments and 700 allied health appointments. There are a number of other major elements to this package, including some new designated elective surgery centres at Williamstown, the Northern Hospital and the Royal Women's Hospital. The designated elective surgery centres have been successful. Cranbourne hospital was previously designated to do eye surgery, and that has been very successful in getting waiting lists down.

The package also includes extra elective surgery access coordinators at hospitals, and that is very important because when somebody goes to see a surgeon who operates only out of a specific hospital they are put on a waiting list, but opportunities are often available at other hospitals. People do not mind travelling to another hospital for a very urgent operation. The extra elective surgery access coordinators will look at the type of surgery required and stream the patients to other hospitals that have the capacity to do the operations.

That means better communication with patients. An amount of \$1.7 million has also been set aside for hospital refurbishment and new equipment, and \$2.7 million will be allocated through the year where capacity exists to meet patients with priority needs.

As well as the provision of funding for patient services in bottom line funding, the Bracks government continues to invest in capital funding. We are all very proud that since 1999, we have rebuilt the Austin and Mercy hospitals, 26 suburban and country hospitals and of course built the first new hospital in 20 years — the Casey Hospital in Berwick.

Construction is well under way on a number of major projects of importance to the Oakleigh electorate, the community I represent. In recent times I have been absolutely delighted to visit a number of those with the Minister for Health. The new \$60 million elective surgery centre at the Alfred hospital is rising from the ground at a rapid rate. It will be a state-of-the-art centre to be known as the Alfred Centre. It will mean that those short-stay elective procedures, including surgery, can be separated out from emergency care.

I understand that at the moment elective surgery can often be cancelled because a hospital has a busy run on its emergency department. Naturally, that ties up surgeons, theatres and nurses. The Alfred Centre will include diagnostic services, 18 short-stay beds, 16 medical diagnostic procedure beds, 8 medi-hotel beds, 25 same-day beds, 4 operating theatres, 2 cardiology suites, 2 endoscopy suites and 58 recovery beds and chairs. When fully operational the centre will be able to treat more than 20 000 inpatients and 28 000 outpatients each year. The Alfred hospital is very important to my area, particularly for residents who live in Carnegie, Murrumbeena and Glen Huntly.

Construction is also racing ahead in the \$10 million redevelopment of the emergency department at Monash Medical Centre. We gave a commitment at the 2002 election to redevelop the very busy emergency department of Monash Medical Centre, Clayton campus, and that redevelopment will be completed by the end of 2006. It is a major teaching hospital in the southern region, with more than 50 000 attendances each year. It has been growing at an average of 2.2 per cent a year over the past five years.

I know that a lot of attendances at the centre are brought about by the lack of bulk-billing and after-hours clinics in our area. I had reason to present after hours at the centre with a family member, and when you look around at the waiting room you realise that perhaps a lot of people there could have been seen by a general

practitioner. Increased capacity is desperately needed in the emergency department at Monash Medical Centre, Clayton campus. The southern region is growing rapidly and we need to deliver more benefits through improved efficiency of emergency services in that area.

The Minister for Health and I recently inspected the construction works, and I was very proud to see her open the new four-bed \$4.15 million dedicated paediatric intensive care unit at the centre. Until the opening of this new facility, the Royal Children's Hospital was the only dedicated paediatric intensive care unit in the state. As I said before, the southern region is growing rapidly; it has a very large population, and children in that region need intensive care paediatric services closer to their homes.

The other construction work which is very important to my electorate is the \$19 million expanded radiotherapy centre at Monash Medical Centre, Moorabbin campus. This will be known as Southern Melbourne Integrated Cancer Service. It involves not only the construction of a bigger and better cancer service, including adding two further bunkers, bringing the total number at Moorabbin to four, and a new outpatient department, but also the development of integrated cancer services, which are being established around the state.

The Bracks government's integrated cancer services framework was launched in November 2003. It is very important, because, as I have said previously, I do not think there are too many of us who have not had a family member or friend who has had cancer. The continuum of care is very important. The southern Melbourne service, based at the Moorabbin campus of the Monash Medical Centre, is one of eight in the state. It comprises a cluster of hospitals throughout the southern and bayside suburbs, along with associated health services, GPs, private hospitals and support services. They work together to ensure that patients receive the best and most appropriate treatment and support — as I said, a continuum of care. People in the southern and bayside suburbs will now have access to a wide range of services, including prevention, early detection, diagnosis and treatment, as well as supportive and palliative care.

The expanded service complements the \$6.8 million upgrade of the Alfred hospital's radiation and therapy services. This means that the William Buckland radiotherapy centre now has a range of new equipment and planning systems: two linear accelerators; an underground bunker; and more space for planning a patient's treatment and for accommodating them when they attend for their service. It also means that doctors are now able to use an Australian-first radiosurgery

technique. This is a fantastic thing, enabling them to treat hard-to-reach tumours in the brain and the skull base. It is quite amazing to see how medical technology has developed through the years and what surgeons are able to do now.

All of these patient services and construction works very much assist the people that I represent. I recently conducted a survey of the electorate, and I was very pleased with the big response that I received. I asked my constituents to let me know what they considered their no. 1 priority, and overwhelmingly the highest priority is health and hospital services.

Mr Perton interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Doncaster will get his chance.

Ms BARKER — It was an 18.6 per cent response, actually. It was a very big response.

Mr Perton — Of how many people?

The ACTING SPEAKER (Mr Ingram) — Order! The member for Doncaster should not interject.

Ms BARKER — It was over 30 000. I was pleased to write back to thousands of my constituents to let them know that the Bracks government is working hard to rebuild our health and hospital system. There is more to do, and we will continue that investment in health and hospital services. Victoria is certainly a great place in which to live, work and raise a family. We could do even more in health if the federal government abided by the fifty-fifty funding arrangement in the Medicare agreement and provided \$1.1 billion to our hospitals in Victoria.

Victorian certificate of education: English

Mr PERTON (Doncaster) — I grieve for the downgrading of standards in the Victorian education system. The issue that I wish to highlight today is of course a matter of great controversy in the community — that is, the dumbing down of Victorian certificate of education (VCE) English. I think most people would think it is a joke that you would set for the final year of school the requirement that for a student to pass VCE English they need read only one book.

No matter what you want to do in life, I think my constituents and the Minister for Health's constituents would agree that we want our children to be literate, we want them to understand something of our common literary culture, and we want them to be able to spell, to

have a good vocabulary and to have good grammar skills. What we have instead is a minister for education who is proposing the most extraordinary dumbing down of the Victorian education system. It is a joke. People in other states and other countries are shaking their heads in amazement. It is an issue on which I have had an avalanche of correspondence from parents, from teachers, from business people and from students.

This is an extraordinary proposal. It does not matter whether they come from the right or the left of politics, people are opposed to this proposal.

We had a debate for quite a while on diminishing standards in literacy. Whether it is the Organisation for Economic Cooperation and Development study which shows that over the last decade Victorian students have dropped to the bottom of national achievement in their literacy standards; whether it is the TIMSS study that shows that in mathematics and science we are well outpaced not just by other countries like Singapore, dare I say it, the Czech Republic and new economies like Latvia, but we are outperformed by other states.

In the statistical debate the government throws up its own sets of statistics and in general they are sets of statistics based on ever lowered standards. You can have that debate and in the end the public, whether it is your public, Mr Acting Speaker, or mine, may be dazzled by the array of statistics, but they know when they read a letter or an essay from a young person today the spelling is not as good as what they recall from school; that the grammatical structures are not as good as what they recall from school; and that the general quality of expression is not as good. In general we get dismissed as the romantic memories of a middle-aged man or 'When things were always better in your day'.

If ever we wanted proof of a Labor government downgrading standards it is this insane proposal to allow a student studying VCE English to pass their assessment by reading one book. It does not matter as I said whether you are from the left or right or the centre. Tony Thompson is an English teacher at Princes Hill Secondary College, not far down the road from here.

Ms Pike — It is in my electorate.

Mr PERTON — Indeed, as the Minister for Health says, it is in her electorate and he is a well-respected teacher known by the minister herself. He says:

The draft for year 12 English is a total dumbing down.

The draft of the new VCE English course has appeared. It has been a long wait and speculation has been endless. Now that it has appeared, speculation will be replaced by disbelief.

...

Well, I might as well come clean and admit that I do not believe that anything multimodal has the same significance as a piece of genuine literature. And strangely enough, neither do most students. Despite the baby-boomer generation's endless conviction that they, and they alone, are privy to what is hip, as they might say, there seems to be no evidence that any 17-year-old wants to study *The Simpsons* in year 12 English. They are sensible enough to know there is a time and a place for everything and most of them would like nothing more than to study some decent literature in school.

What minister of the Crown, much less an education minister, could go on statewide radio and essentially say that Shakespeare has no value. What minister with any self-respect could possibly go out into the public and say that lounging around watching *The Simpsons* and talking about it to an examiner should be given the same weight as reading, understanding and analysing a classical piece of English literature, a Shakespearian play or sonnet or modern novels or text written by someone like George Orwell. That is the case.

These proposals are the ultimate culmination of the work of Joan Kirner and her assorted mishmash of Marxist and postmodernists. The Minister for Education and Training trained at the feet of Joan Kirner. The member for Eltham, the former chief of staff, has come through that, but as chairman of the Education and Training Committee he has shown some sense and seen through some of these things. I would like to hear him speak in the next contribution about his belief about the dumbing down of VCE English, he having children about to pass through that phase himself.

The Melbourne commentator Andrew Bolt, put this very well.

Mr Herbert interjected.

Mr PERTON — I am glad the member for Eltham approves of this. Andrew Bolt wrote:

A course in English without a single novel! So cool!

Keep imagining, because all this may soon become very real. I am, after all, quoting from the new draft course of the Victorian Curriculum and Assessment Authority.

So imagine also students being taught how to use English to persuade, but finding themselves learning how to communicate with 'sound effects including music, association, colour symbols, gestures' — in fact, just about everything including grunting and pointing.

...

... You would swear this was all a parody — an English course without books, or even much English. An English of grunts and flashing lights.

Indeed, that is what we are faced with. On the other side of politics, the well-known commentator Roslyn Guy, a former editor of *Education Age*, said:

The debate about school reading lists is too important to allow it to be sidetracked into arguments about the modern meaning of the term 'text'. That battle was fought 15 years ago when I worked in the then Victorian Curriculum and Assessment Board (now VCAA) ...

...

Regardless of claims that teachers will still be able to ask their students to read more than the minimum number of books, especially in vague theme studies that, at this stage, seem more like social studies than English —

Bear in mind that this is about social studies, or socialist studies, rather than English —

the proposed changes mean that it is possible to complete secondary school having little more literary appreciation than Victoria Beckham has.

Victoria Beckham is well known for her statement that she has never ever read a book. Roslyn Guy goes on to attack another commentator, saying:

It is disingenuous for teachers like Paul Martin —

an education consultant and former manager of the English curriculum for the Victorian Curriculum and Assessment Authority —

who neglected to mention that he is a member of the review committee that devised the new course — to argue that 'an understanding of structure and the mechanics of expression' are still integral parts of the study. The fact remains that novels, plays and poetry have been downgraded.

Who would want to do this? What is puzzling the people of Victoria is why would you want to do this? That is put very well by Luke Slattery in an article in the *Australian* some time ago. In an excellent article he said, under the heading 'Put literacy before radical vanity':

This was in the early '80s and postmodern theory ... seemed like a funky new analytical tool with a dash of French glamour and some serious avant-gardist pretensions. It rose to prominence in France after May 1968: radical intellectuals, frustrated by their inability to overthrow the state, decided to subvert texts instead. Postmodernism was the place Marxism went when Marxism went (or left the building).

I have called the education minister a Marxist in public and will do so again. You can see the people she has appointed to the Victorian Curriculum and Assessment Authority and her department are postmodernists, people who do not believe in anything. They do not believe in a religion, they do not believe in a political philosophy and they do not believe that any piece of writing has any value at all. They believe, and it is not

an exaggeration, that studying a Kleenex tissue box should be given the same weight in the English course as reading a Shakespearean play or sonnet.

They believe the hardworking student should be given exactly the same qualifications as the lazy, that the intelligent should be given exactly the same marking as the dumb. If you go back to their style of reporting — consolidating — you will have the meaningless mishmash of reporting that they introduced that parents did not understand. The federal government, through its legislation, is forcing A to E reporting on the state government; it is using every means available to it to subvert that.

Some people say it is important that kids know how to use new technology — that in VCE English you ought to get a pass for texting, for using your mobile phone to send a message. It may be that under the Labor Party creative graffiti may be an assessable component of the VCE. Let us go out to some of the alleyways of Melbourne and assess some of these students for their contribution because spelling does not matter to this government, grammar does not matter and having a decent vocabulary does not matter to this government.

What is most shocking to me is that teachers who have taught overseas in Europe and in Asia report to me that children who might be learning English as a second or third language generally at the final year of schooling have a better vocabulary than our kids have, have better spelling than our kids have today and typically in many of these languages which have more complex grammatical structures they have a better grasp of English grammar than we do.

Do the IT people say this is valuable? One of the great leaders of the information technology industry in Victoria wrote to me yesterday, saying:

I agree with your well-expressed sentiments. I also find it difficult to understand how classical writings can be seen to be 'useless'. My experience with employing recent graduates, my contact with students in my several roles and my observations of my grandchildren's attempts to read (aged seven and nine) indicates there is no great emphasis placed on reading. Spelling and grammar are something else again, even worse. Keep pushing: get the bureaucrats out of the curriculum.

How well he puts that. Let us get commonsense people preparing the curriculum. Let us get the Thompsons of the world preparing curriculum, not this group of post-Marxist, postmodernist people who do not believe in anything — do not believe in the value of our culture, do not believe in the value of our history, do not believe that geography matters and do not believe

that history matters. These are the lunatics running the asylum today.

When the Liberal Party is elected to government next year this will not be tolerated anymore. The Victorian Curriculum and Assessment Authority and every organ of the education department will be charged with improving standards, not diminishing them. Their contracts will require them to improve standards, not diminish them. I quote from a Victorian public servant and mother of young children:

While I am a Labor supporter and have been for a long time, I am surprised and ... disgusted at this proposal to reduce the number of required texts at VCE

Victorian certificate of education —

level. I don't necessarily agree that Shakespeare is particularly relevant to young people today unless it is taught in a very creative way. However, I certainly agree that reading and literacy and capacity for objective and subjective analysis are basic skills that are required to create an intelligent society.

The letter goes on. The mother of a 16-year-old wrote to me saying:

I am [totally disgusted] with the changes that will be affecting my 16-year-old daughter who will be commencing her first year of VCE ... next year ...

My daughter thinks it is fantastic because English is her weaker subject. She hates reading, but she will only read what is expected of her, so in this case one book. She always puts in 110 per cent and the teachers highly praise her for her commitment. But like any teenager/adult if you only have to read one book, then one book they will read, especially when they dislike reading immensely.

Someone else wrote to me and said:

At the moment, more is being done to foster literacy in Victoria by J. K. Rowling than by the Victorian department of education.

This is a government of such hypocrisy. Last week it was lauding the Premier's reading challenge: 10 per cent of students participated and 15 per cent of the kids who started it finished it, but that was lauded. The message that comes from the top — from the Premier and the Minister for Education and Training and the authorities in the education department — is that books do not matter.

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

Roads: funding

Mr LONEY (Lara) — The temptation is to throw away what I want to say and go on to other topics after

that impassioned plea to the house — however, I have an important matter to raise. I wish to grieve today for Victorian road users who are still being short-changed by the Howard government, with the active support of the Victorian Liberal Party. This is a very important issue for Victoria, for road users, for our economy and for the provision of infrastructure both within the metropolitan area and in provincial and rural Victoria.

For years now Victoria has been campaigning to get its fair share of federal road funding, and nothing more than that. All we are looking for is our fair share. We are not greedy in this respect, we just want a fair go at things from the federal government. That campaign has been supported by many groups in this community, among them of course the Royal Automobile Club of Victoria, the Victorian Transport Association, the Victorian Freight and Logistics Council and many others — including, importantly, Victorian motorists, who want to see us getting a fair share of federal road funding.

Victorians pay their fuel tax — an issue raised earlier today by the Leader of The Nationals — and in doing so they contribute some 25 per cent of the money raised in Australia by the tax. What do they get back? Somewhere around 18 per cent is returned to Victoria. We get about 18 per cent or so of the overall federal road funding allocated through the AusLink program, which means there is a huge discrepancy between collection and return. AusLink, I might say, is simply yet another anti-Victorian policy being pursued by an anti-Victorian federal Liberal government. That situation was well highlighted by Philip Lovel, the executive director of the Victorian Transport Association, in an article in the *Age* of 14 March 2004. He made some interesting comments:

A peak Victorian transport group has labelled the federal funding of Victorian roads 'an appalling disgrace' and has called on Victoria's federal MPs to fight for a better deal in Canberra.

Philip Lovel, executive director of the Victorian Transport Association, warned last week that Victoria could be 'left behind in congestion' by Sydney and Queensland if the road funding situation in Victoria did not improve rapidly.

'What are the Victorian federal parliamentarians doing for Victoria? Why aren't they fighting for us — mainly (Treasurer Peter) Costello. Where are they? They're missing in action', Mr Lovel said.

The comments follow the release of new figures by the state government showing that in 2003–04 there is only one major road project with federal funding under construction in Victoria, compared with 10 in NSW and 16 in Queensland.

Based on current fuel prices and tax rates, the average Victorian motorist will contribute about \$65 000 in fuel taxes

during their lifetime, and Mr Lovel said more of this money should be returned to Victoria.

Of course since then, as the Leader of The Nationals pointed out, fuel prices have gone up considerably and Victorians would be contributing considerably more in fuel taxes now. He is correct: more of this money should be returned to Victoria.

Just how badly Victoria is being treated becomes even clearer when you look at the actual dollar amounts that are being allocated by Canberra, and they appear in the AusLink documents. I refer to table 1, 'Roads to Recovery allocation of \$800 million by jurisdiction'. And what do we find? We find New South Wales at the top of the pile with \$222.62 million, 27.83 per cent of the funding; Victoria, \$162.44 million, 20.31 per cent of the funding; and Queensland, \$162.40 million — only \$40 000 less than Victoria — at 20.3 per cent of the funding. But then you can go further to table 3, headed 'Distribution of land transport funding by state 2004–05 to 2008–09', which gives the forward projections of this funding. New South Wales will receive \$2505 million of the AusLink National Network funding, plus \$223 million of Roads to Recovery funding, a total of \$2728 million. Victoria will receive \$1429 million under the national network and \$162 million under Roads to Recovery, \$1591 million. Queensland will receive \$1463 million under the national network and \$162 million under Roads to Recovery, receiving \$1625 million in total, which in raw figures is more than Victoria will receive.

When the figures are broken down even further you find that New South Wales, which pays about 30 per cent of the fuel taxes collected in Australia, is going to receive a massive 38.2 per cent and Queensland will receive 22.78 per cent of the total funding over that time. Poor old Victoria is lagging in third place. This is an unacceptable situation, and unfortunately it is not just a recent occurrence. A press release put out by the Victorian Minister for Transport some time ago highlighted the same issues. The then transport minister said:

The federal government had invented the 1990s version of highway robbery in its treatment of Victoria's road funding needs ...

... Victorian road users were being short-changed, with the state subsidising interstate roads by more than \$100 million a year.

... Victoria contributed more than 25 per cent of the national total fuel excise revenue.

On that basis we should receive \$400 million each year in federal road funds. However, we receive only about \$290 million ...

...

Federal funding to all states should be in line with their levels of economic and social activities because these activities are what determines the size of the road task.

... Victoria accounted for 25 per cent of the national population, and 26 per cent of national economic output.

But in effect we are making a major contribution to the maintenance and improvement of roads of other states, with that contribution, or subsidy, being about \$100 million each year.

That transport minister was the former Liberal transport minister, the Honourable Geoff Craige. They were his words about this, so clearly the previous Liberal government was worried about the situation.

Unfortunately this once bipartisan position on road funding has been abandoned by the current opposition, whose members prefer to see funding spent on New South Wales and Queensland roads than on Victorian roads.

In February this year the Leader of the Opposition proudly trumpeted the claim that he had persuaded our federal colleagues to leave \$560 million in federal funding on the table. What this means in real terms is that he is responsible for \$560 million that could be spent on rebuilding Victoria being left sitting in Canberra's coffers while interstate road projects go ahead.

It is clear that Victorian road users are suffering as a result of this, and they are suffering in two ways. Firstly road projects such as the Deer Park bypass, which should be a total federal responsibility — there was agreement about that — and funded 100 per cent federally is being funded at 50 per cent. The AusLink package effectively pushes the Deer Park bypass project out into the far distance, when it is a project that needs to be carried out immediately. The \$560 million that is being punitively withheld by the Howard government, with the collusion of the state opposition, would allow this project to go ahead. I heard the member for South-West Coast talking about city-centric policies, but the Liberal opposition's policy would be the most city-centric policy of all, because it affects roads in provincial and country Victoria.

The second way it is happening is that state road funding is being diverted to projects that should be federally funded, thus some important road issues are unable to be addressed. In my region two roads are receiving enormous critical attention: the Princes Highway west of Geelong, between Geelong and Colac, and the Midland Highway between Geelong and Ballarat. Each of these roads has a tragic recent record of fatal accidents. The Midland Highway in particular

has recorded 16 deaths, 69 people seriously injured and 106 people hospitalised since 2000. This road has an appalling history. Police have raised a number of safety concerns about the road, and the *Ballarat Courier* earlier this week addressed them. Its article states:

Police say speed, alcohol and driver error have contributed to the crashes, but have called for VicRoads and the government to investigate whether more overtaking lanes could be built.

There are just two overtaking lanes between Ballarat and Geelong.

This adds to driver frustration and risky overtaking.

Police are also concerned about the number of dips in the road where it is difficult to see oncoming traffic.

There are a number of road-design issues that funding is needed to address. The next day the *Geelong Advertiser* carried a story about a road expert calling for the speed limit on this road to be cut from 100 kilometres per hour to 70 kilometres per hour because of the recent history of this road. He also went on to talk about doing things such as are done in the Swedish road system and taking other road-design measures which may be able to help. He talks about things like putting in centre barriers and other similar types of things so that cars cannot overtake and have head-on accidents.

Today the *Geelong Advertiser* has followed up by illustrating what VicRoads has been doing, and pleasingly it has already started to implement some of these Swedish road policies on the road between Geelong and Ballarat, and that is a very good thing. The safer we can make that road, the better.

I might say at this point that I commend the member for Ballarat East for the work that he has been doing in pursuing this issue. He has certainly been working very hard with VicRoads on this issue for his local community and others. But imagine what we could be doing with the \$560 million the Howard Liberal government and the Victorian state opposition are refusing to allow to come to Victoria. This is really affecting our roads. If the federal and state Liberals dropped their punitive, short-sighted and politically self-serving policies and allowed this \$560 million to flow to Victoria immediately, these two road projects — the Midland Highway and the Princes Highway between Geelong and Colac, which has a similarly tragic history to that of the Midland — could be addressed much sooner than they are currently able to be addressed. These are important projects in our community.

It is all well and good for members of the opposition to come in here and talk about city-centric policies. Their policy on road funding of saying to their federal colleagues, 'Don't give Victoria the money', is the most city-centric policy that one could imagine, and it is hurting provincial and rural road users every single day. It is time they got over it. It is petulant and should be abandoned. Victoria's essential road infrastructure is suffering as a result of these vindictive policies. It is time they ended, because all these policies are about helping the state opposition leader out of a policy morass entirely of his own making. Because of this ordinary Victorians have become the meat in the sandwich.

In the meantime — and this of course has been going on for some time — we have been waiting for the road policy to come from the Leader of the Opposition. I do not know what is going to be in it. I doubt if anybody in this house knows what is going to be in it. But in the parliamentary car park over the last few days I have noticed that the no-toll stickers have been disappearing from opposition cars. Perhaps this gives a hint as to what is going to be in its policy. One of the whispers I am hearing is that it will be looking at tolling roads in the west of Melbourne.

Building industry: border anomalies

Mr MAUGHAN (Rodney) — I wish to grieve today about a number of issues which are impacting on people in country Victoria. The first one of those is cross-border anomalies. I have spoken in this house before on this issue, particularly with regard to mental health. It is better now than it was, but these things are still not right: mental health; motor registration differences between the states; load limits on vehicles; and professional registration in a whole range of different areas, particularly as it applies to real estate agents. Today I want specifically to confine my remarks to the construction industry.

As members of the house would appreciate, Echuca Moama are twin towns with about 20 000 people. They are divided by the Murray River and joined by a bridge. Generally speaking people live in one town and work in the other. Tradesmen and construction firms work on both sides of the border. We have an absolutely ludicrous situation in Echuca Moama at the moment regarding an award-winning, Echuca-based construction firm called Permanent Erection Constructions. The principal of that firm is Mr Andrew Leorke, who wrote to me earlier this month. In the interests of clarifying the issue, I will read directly from the letter because it spells out the issue. His letter says:

As an employer of several apprentices and qualified tradesmen and subcontractors, I wish to bring to your attention some anomalies that have risen in a cross-border situation based in Echuca Moama.

My business is located at 24 Hovell Street, Echuca, with my workers gathering at this site before travelling in work vehicles to their designated workplace for the day. Sometimes this means travelling over the bridge to NSW to work.

This part of the letter I want members to notice:

To comply with my Victorian-based business, I have to comply with Victorian workplace compliance, which means I have to have all my workers with a red card at a cost of \$150 per person. I recently had to remove several employees from a Moama site because they did not have a green card for New South Wales, which is going to cost a further \$150 per person. WorkCover New South Wales in its arrogance has stated that a green card will allow you to work in NSW and Victoria but not the other way around with the red card. I also include a fax sheet for WorkCover New South Wales regarding WorkCover insurance.

Mr Leorke then asked me to have a look at what these background rates mean. He stresses the word 'theoretically'. I will come to that in a minute:

As you would be aware, 90 per cent of builders and construction workers in Moama are from Echuca. Should we as employers ban works over the border until further notice and therefore cause hardship and suffering to people on both sides of the river? I find this situation very frustrating and feel that it is very un-Australian and do we consider ourselves Australian or Victorians and New South Welshmen?

I will quote from document he sent me from the WorkCover authority in New South Wales. It gives some guidance as to how to deal with these issues. The objectives state:

To provide guidelines — a set of common and agreed rules — for employers who have employees who work in both Victoria and New South Wales ...

The letter gives a background, and it is important to understand it because this is a document written by the New South Wales WorkCover authority. It says:

Under current arrangements there are requirements that at least theoretically ...

This is the ridiculous bit. These are guidelines about WorkCover premiums. There is nothing theoretical about them; they are either in the legislation or they are not. The requirements at least theoretically:

... oblige employers to take out double insurance and pay double premiums. If employers do not comply with these requirements they may find they are not fully insured against all possible workers compensation eventualities. Current arrangements are:

New South Wales — Any employer who employs workers in NSW (for any period of time) is required to

maintain a NSW workers compensation policy. Premiums are paid based on a percentage of wages paid to workers.

So it goes on. Then it states:

Victoria — Any employer who employs workers in Victoria (for any period of time) is required to maintain a Victorian workers compensation policy. Premiums are paid based on a percentage of wages paid to workers.

I stress this:

Employers must declare 100 per cent of all wages paid to workers who work in Victoria, even if they spend a proportion of their time working interstate. This policy would cover the employer for any claim for Victorian statutory benefits and for any common-law action against the employer. It would not cover any claims for statutory benefits —

in another state. Here are anomalies, with a completely different set of rules in Victoria from that in New South Wales. The firm to which I have referred must pay to New South Wales authorities premiums based on the wages actually paid for work in New South Wales, as is stated in the guidelines. In Victoria, again according to the guidelines, the firm must pay a premium based on all wages paid — that is, 100 per cent — to an employee, irrespective of where they work.

The guidelines refer also to application to premiums and state:

Where an employer is required to obtain policies in both states, then the employer should declare wages in each state in proportion to the amount of work done in each state.

That is in regard to premiums in New South Wales. The document then refers to claims.

Going back to the comment of concern to my constituent, that theoretically that is what the law means — that is, that the WorkCover authority theoretically obliges the employer — what is the legality of that? It either does or it does not. The word 'theoretically' really does not help at all to solve the problem. Where does the legislation provide that a Victorian employer is not obliged? The WorkCover web site is of no assistance, either, because it states:

Under current arrangements there are requirements that at least theoretically oblige employers to take out double insurance and pay double premiums. If employers don't comply they may find they are not fully insured against all workers compensation eventualities.

That is the ridiculous situation we have — but that is not the only issue.

The other is the green card/red card issue, which is a bureaucratic nightmare. In order to work on a

construction site in Victoria, you must have a red card. In order to get the red card, you do a day's training, pay \$150 and get your red card, which entitles you to work on a site in Victoria. That red card does not entitle you to work on a construction site in New South Wales because to work there you must have a green card. That requires another day's training and another \$150 per employee. There is no local trainer in Moama, so if someone in Echuca wants to work in New South Wales they have to go to Deniliquin, which is an hour's travel away, do their day's training and pay another \$150 to get the green card. So they have a red card for Victoria and a green card for New South Wales and never the twain shall meet, because they are not interchangeable.

Mr Baillieu — Red and green should never be seen.

Mr MAUGHAN — Red and green should never be seen, as the member for Hawthorn says. It is just a pity that they must have both a red and a green card if they want to work in New South Wales and Victoria. What reasonable firm that has a business in New South Wales does not want to do construction work in Victoria, or vice versa — what firm in Victoria does want to do work in New South Wales? It is all the more ludicrous because the particular employer to whom I have referred has been in the building industry for more than 30 years. He has run his current company for 14 years and during the whole of that time has not had a single claim — I stress that, not a single claim — for a workplace injury.

In addition, the employer, Andrew Leorke, and three of his senior staff are all registered trainers. Permanent Erection Constructions employs four apprentices and it ought to be commended for doing that when we need apprentices. Recently the apprentices and subcontractors were refused entry to a Moama building site because they did not have green cards. The regulations will oblige the employer to train those employees. They will have to be able to take a day off, go to Deniliquin and pay \$150 to get a green card so that they can work on site. How petty, stupid and lacking in commonsense is that? The work site is essentially 5 kilometres from the head office of the company, where the employees gather in the morning to go to work in the work vehicle, and yet we have these ridiculous differences.

Further to that, recently Central Victorian Group Training put off 27 apprentices because of the additional cost of insuring in New South Wales. As all members of the house have indicated from time to time, we desperately need more apprentices. A firm that is training apprentices has had to put off 27 of them because they cannot afford to have a red and green

card, one in each state. Recently Permanent Erection Constructions was prepared to take on six work experience students. That is a great scheme which members would all fully support. The company had to refuse to do that because they could not enter the New South Wales work site. On Thursday and Friday of last week 20 Victorian tradesmen were ordered off work sites in Moama because they did not have a proper New South Wales card. One could go on. This is absolutely ludicrous and it indicates the difficulties that we have with so many cross-border issues.

Water: Campaspe irrigators

Another issue I raise with the house today concerns the plight of the Campaspe irrigators. The Campaspe irrigation scheme is very important to the Campaspe irrigation district. It covers about 8500 hectares and about 100 farmers have water entitlements. That group produces about \$17 million at farm gate and in terms of the multiplier effect it is worth about \$50 million to the local economy, according to Australian Bureau of Agriculture and Research Economics figures. Last year Campaspe irrigators got 39 per cent of their allocation and this year their allocation is zero. According to Goulburn-Murray Water the estimates are that they have 1 chance in 10 of achieving a 100 per cent allocation by 15 February next year and only 5 chances in 10 of receiving a 28 per cent allocation. So the situation this year is dire, as it was last year.

It is disastrous for those irrigators and the tradespeople and companies that depend on them. I want the Victorian government to take a bit more interest and help the irrigators. The government has refused to give the \$20 000 cash grant that it gave previously to Goulburn irrigators. It has refused to allow Goulburn-Murray Water to change its pricing policy so that irrigators have to pay for only the water received. Currently they must pay for their full allocation whether they receive that water or not. Obviously if irrigators do not receive the water they cannot produce the milk, tomatoes or meat to generate income in order to pay those water accounts.

The minister has refused consistently to do anything to help those irrigators. The government has been approached on behalf of irrigators to provide urgent assistance. While exceptional circumstances assistance is provided by the federal government, virtually nothing has been done by the Victorian government to assist that very important group of irrigators. Not only that, but the minister has not even been prepared to visit the area, talk to irrigators and look for himself. I wish they would come up and have a look. The state drought

committee visited Campaspe yesterday, and hopefully we might get something out of that.

The Victorian Farmers Federation (VFF) met with the Goulburn-Murray Water board and its chief executive officer, but they cannot do anything to change environmental flows without the say-so of the minister. I plead with the minister to change the environmental flows to assist those irrigators at a time when water is so scarce.

Finally, there are precedents for the government doing something, because the New South Wales government has been prepared to assist its irrigators. I quote from a recent media release:

State Water Corporation —

this is New South Wales —

today announced the crediting and payment procedures for the implementation of the government's decision to waive fixed water charges for customers in the Lachlan.

So there is a precedent. This government could do it if it wanted to. It has the means to do it, and I call on it to do so.

Schools: report cards

Mr HERBERT (Eltham) — I grieve for members of the Victorian state opposition, and in particular the shadow minister for education, whose policies on school reporting were repudiated by the federal minister when he capitulated to Victoria's commonsense approach and position. I note that the Minister for Education and Training is in the chamber. Her cool, calm and rigorous approach to the development of the new report cards stands in stark contrast to the rantings and ravings of Liberal education spokespeople at both the national and the state level.

It is a shame that not all the states have stuck to their guns on this issue. I note that the New South Wales government caved into the political pressure and funding blackmail applied by the federal Minister for Education, Science and Training and extremely reluctantly accepted the commonwealth's report card system in order to receive the hundreds of millions of taxpayers dollars that the federal minister unfairly — and I believe illegitimately — threatened to withhold over this issue.

In contrast Victoria has always had a vigorous and diligent approach to education. It has led the nation consistently, and under a Labor government it continues to do so, standing firm on its belief that the commonwealth system was fatally flawed and not in

the best interests of Victorian students. The Victorian Minister for Education and Training argued the case in the media and at various forums, and as we know she won that argument. Victorian students and their parents, including the thousands of people who live in my electorate, are all now breathing a sigh of relief that we stuck to our guns and won the argument. Not only has the Victorian Minister for Education and Training developed an innovative and extremely comprehensive student report card system for Victorian students, she has shored up our state's right to stand firm against the bully-boy tactics of the commonwealth government.

The Victorian report card is a sensational innovation in student reporting information. It is detailed, easy to understand and gives students and parents a clear understanding of a student's progress and the areas in which they need to improve. That is an important innovation. It is all very well to tell parents how a student is going — no matter what the arguments are about the way we do that — but it is a great thing for parents to know what is needed to improve their child's understanding of what specific areas need to be addressed and what needs to happen to improve their learning.

The Victorian government report card is a thousand times more comprehensive and informative than those silly little things the commonwealth government was promoting. That is, in essence, why the Victorian government stuck to its guns and had the tenacity to ensure it developed a far more comprehensive report card system. We also ensured that we got the education community in Victoria behind us. Anyone who has been involved in education — I notice that the member for Bulleen, a former teacher who is on the parliamentary Education and Training Committee, is in the house — knows that getting support on educational issues, given the myriad views that exist in Victoria and even given that differences are healthy, is a very difficult task. On the issue of report cards and reporting systems, whether they involve marks, grades or whatever, we have a long history of debate and contentious dialogue in this state about what is the best system. To get the support of the Victorian community for the Victorian report cards was no small achievement — and it was overwhelming support, I must point out.

Likewise, given the commonwealth government's constant attack on state rights, on state funding and on a whole heap of areas that are state responsibilities, and given its consistent approach of trying to politicise basic funding issues involving the state and the commonwealth, it was no small achievement to force a backdown by the commonwealth government on this

point. That backdown by the federal minister was achieved only because he realised that the Victorian report card had the backing not just of Victoria but of most educationalists nationally.

The new Victorian report card gives parents and students alike information by subject. It includes information on the student's progress in the last 12 months against state expectations, and this is an important point. The commonwealth government wants to rank students on an A to D scale against each student in that class. The state system, importantly, varies. It ranks students across a state expectation or a state standard. We all know that there are great variations in schools across Victoria. Different types of students go to different types of schools. We look at schools in Victoria as like schools — that is, schools that have similar characteristics.

The problem with the commonwealth model was that if they were in a very bright class of students, or a class of high achievers, then some of those students — 25 per cent — would always have to be ranked at the lowest level, even though they were, in terms of their ability and what they had achieved, performing at a far higher level than many students in other schools who were getting A's. That is really an unsatisfactory outcome, and that is why we rejected that system.

The Victorian system has an A to E ranking that shows how the student is performing against statewide standards. It has a statement of achievement, and it includes areas for improvement, as I said, and for future learning. It provides information on how the school intends to support the student with specific learning approaches or strategies. What a great innovation that is. It has areas for home help. It has a teacher's personal comments. It has a student's evaluation, attendance and feedback. What a great report card to have! It is one of the best I have ever seen, and I say that absolutely genuinely. What a great way to record students' progress as they travel through the years of school education! I only wish that my own children received these report cards during their early educational years. As a parent I would have loved to have helped more and assisted with their progress, and these report cards would have helped me do that.

I am at a loss to see how the state opposition could in any way criticise these reports and say they are 'dumbing down' — or whatever other rantings and ravings we have heard are. These are the most comprehensive reports we have ever seen in Victoria. The fact that they are being implemented in every single state school — and I think ultimately they will be

implemented in every school — is a fantastic achievement for our students and our schools.

This clear and easy-to-understand approach has been welcomed not just across Victoria, not just by peak educational groups and not only by national and international experts but by ordinary parents at a local school level. As I said earlier there is great relief within the local community about this reporting system. I recently did a survey of schools. It is clear that if schools ranked the commonwealth and state reporting systems, they would have given the commonwealth system a D — using their own ranking systems — and an E if they had compared it against the Victorian system.

When I interviewed all the schools — I got my office to ring each of the schools in the electorate and ask what they thought of the reports — I asked their representatives three questions. The first question was what they thought of the new Victorian student report system. Their comments were mostly positive, but not always — some of them had not read the details of the reporting system as such and had not got on top of it yet. But those that had all gave positive feedback. I received comments such as, 'We're very comfortable with what's being proposed by the state government'. Another comment was, 'The concept is terrific and extremely comprehensive'. Another school was 'happy with it'. One of the Catholic schools commented, 'We have just come back from a debrief with Minister Kosky — a good presentation'.

The second question I asked the schools was whether they thought parents would be impressed or would like the new Victorian student report system. Once again many schools had not at this point consulted their parents groups, but those that had were very supportive. They pointed out, 'Parents will like the simplicity of it'. There were comments such as, 'Parents will like it, as long as it enhances the current system'.

On the final and central political question I asked — which was whether schools thought the Victorian report card was a better option than the commonwealth's A to D approach — the comments flooded in, and they were all complimentary to the Victorian system. I received strong comments such as, 'Most definitely a better system than the commonwealth' system; 'No-one wanted the federal system. We're about improving our students, not ranking them'; 'The commonwealth system was a completely inappropriate system that labelled students'; and even, 'I can't see how the commonwealth system would value add'.

This response, glowing about the Victorian system and condemning of the commonwealth system, was virtually universal. Schools in my area objected to the fact that there was an attempt to thrust the federal option upon the states. Nothing could be clearer than the fact that Victorian schools totally oppose the commonwealth's ill-conceived and overly competitive approach. It also became clear as part of our consultation process that schools and parents alike wanted reports which were easy to understand, which were consistent in their layout and which told exactly what progress and achievements their children made. They wanted report cards which made provision for what could be done to improve educational outcomes for students and which allowed students to provide their own input and establish personal goals in that quest. The new Victorian report card addresses all these needs and, along with this government's other educational innovations, will ensure that Victoria continues to show educational leadership of the nation.

I would like to talk in the few minutes I have left about some of the details of what will happen in the implementation of the new report card. Some 600 000 students will have it in the next few years, so its implementation will be critical. All Victorian parents will be fully briefed about the new system before it is introduced. They will know that an A means a student is approximately 12 months or more ahead of their year level; a B represents 6 months' advancement on a year level; a C means a student is within their expected year level; a D suggests a student is 6 to 18 months behind their year level; and an E indicates they are approximately 18 months or more behind their year level.

This will put pressure on schools and parents to devise programs to ensure that those students who are behind rapidly come up to date and accelerate their learning. Parents will receive written reports at least twice a year, and where a student is having difficulty the school will continue to contact parents more regularly. If a student is gifted, it will be outlined and parents will be given information about exactly what additional learning the students will be given to accommodate their gifted nature. Parents will not be getting standardised computer reports. Each student will get a report in common, plain English, and a separate report will be written for every single child.

Schools already have briefings, but they will be receiving far more comprehensive briefings both later this year and in 2006. As for the capacity of teachers to undertake the new reports, the changes are substantial and teachers will need to be educated and receive assistance to not only understand what the state

averages are but how the new reports fit with the new curriculum material; there will be substantive assistance over the next few years.

There will be new software made available to support the new reporting process. It will be developed by the Department of Employment, Education and Training and made available to schools. A working prototype of that software will be available in November 2005. The software will be flexible so that schools can tailor-make the report, put in their school labels and logos and other information so that each school report is separate. There will be a whole range of professional development seminars, conferences and other means of support for those teachers to ensure they are up to speed when it is introduced.

In conclusion I would like to say that the Victorian report card is a great innovation. It is one that the opposition, given their rhetoric, should have embraced. It is a pity that they did not, because they are miles behind the entire education community and the desires and aspirations of parents in Victoria who see these new report cards and say, 'This is fantastic. This is what we have wanted for years. Congratulations to the government'.

Question agreed to.

STATEMENTS ON REPORTS

Family and Community Development Committee: development of body image among young people

Mr KOTSIRAS (Bulleen) — I wish to speak briefly on the inquiry into issues relating to the development of body image among young people. Can I first pay tribute to the members of the committee for such an informative and educational report. Body image among young people is one of the biggest issues that is raised with me when I go around Victoria and speak to young people. It is an area that causes me concern, and a large number of our young people are affected to some degree. In the report there are a number of views which young people have on body image, and I wish to quote from page 17 of the report:

Body image has a large effect on the people in my school ... people are always talking about how she put on weight or she's lost weight.

If you are fat you get teased a lot at school.

Some of my friends think they are fatter than they are because they are not as skinny as others.

Things have not changed. This has been the same for many years. I remember when I was at school I was not the person you see here. I was a bit chubbier and I was teased as well, as you would expect. This type of behaviour is not something new, but it is an important issue that we must deal with.

Turning to the report's recommendations, no. 1 states:

That the state government dedicate funding for the establishment of an Australian centre for research into body image and eating disorders.

I support this recommendation and hope the government supports it and puts in the money and resources to make sure that this research centre is successful. I would hope that they are not whingeing to the federal government to provide some money as well. The government has to also make sure that this centre is successful and does not become another layer of bureaucracy. There must be measurable outcomes, so after a certain time the centre should be assessed to make sure that it has met its objectives.

Recommendation 3 states:

That a code of conduct for the media industry be developed ...

I would have thought education would be much better than trying to tell the media what they can and cannot show on TV. It was interesting to read on page 21 some of the views that young people have concerning the media:

I think that the magazines with skinny blondes are just a put-down to those who feel less attractive;

We need less sticks ... on TV or in the limelight; and I would like to see more overweight girls in magazines because all the girls that model in them are pretty and skinny and I think that it's pretty hurtful to an overweight girl looking and seeing all those pretty girls.

Again, I think education is far more important than trying to lay down the rules as to what the media should show.

Recommendation 10 comes from finding 4, which is:

That whole-of-school programs that teach and promote physical wellness and self-esteem in primary students result in improvements in student wellbeing and learning.

The recommendation is:

That the department of education, with the Department of Human Services and in partnership with schools, undertake a program ...

to evaluate, monitor and implement the whole-of-school health promotion in primary schools.

Again it is something I support. I hope the minister will provide the resources to ensure that schools undertake this, because if there are no resources, schools will avoid taking action to improve the wellbeing of the students.

Overall, the issues raised in this report are important and very relevant. I hope the government not only accepts the recommendations but also puts in the resources to assist young Victorians. If that happens, I am sure there will be a change of attitude by the young people in terms of how they feel about themselves. It can only be achieved if we work together and if the government provides the resources.

Rural and Regional Services and Development Committee: country football

Mr HARDMAN (Seymour) — I rise to talk about the Rural and Regional Services and Development Committee's report on its inquiry into country football. The Premier gave the reference to the committee and asked it to look into the viability of football in country areas. It came from concerns raised by a number of communities that country football could be dying. The committee is an all-party committee, including an Independent. It travelled the state and took many oral and written submissions from very passionate supporters of country football, or Australian Rules football, right across the state. We found that country football is strong. It has its issues, but they can be addressed. We were pleased to put a report to the Parliament and six months later to receive what I consider to be a very positive response from the government to the committee's recommendations, which is always pleasing.

The committee worked through a number of possible recommendations. We deliberated extensively on them, and did our best to come up with sensible options which we thought the government could support and implement, and I am pleased that the government has done that.

The first thing that was obvious to us was that the backbone of country football is the volunteers. Without them there is no country football. We found that many clubs had at least 100 people to get their teams out onto the ground each week and to support the games, from the gates and the umpires to the people in the canteen, as well as the fundraising activities and the important social activities that occur during and after the matches. That was fantastic. We decided that we needed to find things that would support volunteers. We were told that a lot of people were reluctant to become a volunteer in

many things, but particularly in football, because of the concern about liability.

This government, I am pretty sure with the support of all sides of politics if they were sensible, supported the Wrongs Act which includes some protection for volunteers. The government was asked to get that information out to all the clubs so they could prove to people that their liabilities are not as great as they may have expected. The government has agreed to that and has started looking at more ways to improve that communication with people, and it is great to see the minister carrying that out. Through the local sports organisation in my area, Valley Sport, I received information about the Wrongs Act, which was fantastic.

Recommendation 22 is one of the more controversial recommendations. It relates to the government providing a new multimillion dollar grant scheme for the upgrading of football and netball facilities, particularly homing in on facilities for umpires, including separate changing rooms for males and females. Changing rooms and court surfaces at netball facilities are pretty run down in many places and not up to scratch. The government came up with \$2 million to provide for that which will be matched by the Australian Football League, local sporting organisations and also hopefully, local councils. That \$2 million could go a long way to addressing a number of the issues, and I am really pleased that the government is doing it.

There will be a \$90 000 study into the turf sportsground conditions and general safety issues, which is obviously very important. Many clubs were not able to play on their home grounds during the drought because they were too hard, and this study should help ensure that we can get the best grounds right around the state. Other recommendations have also been supported, and I thank the government for supporting the committee's report.

Family and Community Development Committee: development of body image among young people

Mrs POWELL (Shepparton) — I would like to make a number of comments on the Family and Community Development Committee's report on its inquiry into issues relating to the development of body image among young people, and associated effects on their health and wellbeing.

I congratulate Mr Paul Bourke, the executive officer of the committee, Lara Howe and Iona Annett. A lot of work went into the inquiry. It was a very important

parliamentary inquiry and a lot of research was brought forward. We received about 54 submissions. In evidence we found an increase in the number of people with eating disorders, particularly young people with disorders such as bulimia and anorexia, and also a dramatic increase in young people with obesity. We hear about the devastating effects of that on young people and on their families not only through the media but also through the schools.

The committee was asked to identify the factors which contribute to the development of poor body image among young people. We heard a number of stories about why people had this compulsive behaviour, and why they start to have issues with body image, and they have been documented in the report. It includes issues such as the media, role models and access to magazines showing stick-thin figures which young people could not possibly emulate.

We also heard evidence from a broad range of people such as service providers, the medical profession and those who suffer from these diseases, as well as from their carers. One of the most devastating stories we heard was from a mother who came in to talk to us about her daughter who had been a sufferer for many years, and the impact on her and her family, and the fact that she was unable to access services and get some sort of treatment. When the mother finished her evidence she went outside into the hall and sobbed. I know she felt she had to tell her story, but it was dreadful because she told us that her daughter had tried to commit suicide a number of times. That is the level of stories we heard from parents about how it is so hard because they cannot do anything for their children. They cannot seem to get the services.

We heard about the lack of services, particularly in country Victoria, for the sufferers themselves, but also for the families dealing with the eating disorders. We heard it in submissions in Shepparton in August last year. It was raised in a submission from Goulburn Valley Area Mental Health Services. We also heard it from medical practitioners and a school welfare coordinator. We heard about issues to do with body image from sportspeople, from the Valley Sport organisations and from private citizens. We had a number of young students come and talk to us from the Wanganui Park Secondary College and from Goulburn Valley Grammar School. They talked to us about some of the issues that they thought were impacting, particularly on people who suffer body image problems.

They included things like bullying and peer pressure, teasing about being overweight, and if you are

overweight the pressure to lose weight — and people will do anything to try to lose weight. Also the fact that role models on the television are stick thin. Obviously, not everybody is able to be that thin — and not just thin, but really thin. One of the worst issues was the focus on digitally enhancing photographs, which means that thin models can be made to look even thinner. It also takes away some things like moles on their faces and so forth. We saw issues about muscled men as role models, so thin boys are working out in gymnasiums and trying to use steroids.

There were 12 recommendations, including the Department of Human Services undertaking a statewide mapping exercise of eating disorder services to determine what areas need these particular types of services; the setting up of an Australian centre for research; the development of a code of conduct for the media industry, recognising the media's social responsibility to display images that are representative of the community; and primary schools evaluating their whole-of-school health programs. We heard of a number of initiatives that were going really well in schools, such as healthy promotion programs and healthy food choices in the cafeterias and tuckshops. We understood that it is not a case of one size fits all. We heard from a number of organisations like the Karolinska Institute and the Bronte Foundation. We hope the government takes on board these issues.

Economic Development Committee: labour hire

Mr ROBINSON (Mitcham) — I want to make some comments this afternoon on two inquiries into labour hire that have been undertaken — and the reports have now been tabled in the Parliament — by the Economic Development Committee, which I chair. The final report was tabled a few weeks ago. The committee consulted widely since this reference first came to us and has delivered to the Parliament reports with unanimous recommendations. I would once again like to place on record my appreciation of the work and the cooperative spirit of members of the committee and our staff, led by our executive officer Russell Solomon. I also thank Kirsten Hewitt and Andrea Agosta, as well as Frances Essaber, who has helped with the editing.

I want to make some brief comments on casual labour because it is very much at the core of this report. Casual labour — or temporary work, as it is known in Europe — is growing very rapidly, and nowhere more so than in Australia. I think the latest statistic is that about 27 per cent or more of the Australian work force is employed casually. There are huge variations in casual work across Australia and indeed across the

world. But it was a surprise to me to learn that in some casual positions in Australia no loading is paid. Casual work emanated very much from seasonal work. It emanated principally from the agricultural industries, but it has spread very broadly and there is no absolute standard in how casual loadings are worked out. There are huge variations where loadings apply, and as I said, I was surprised to learn that in some casual positions no loading is paid at all.

This compares with Europe, where temporary work is typically more tightly regulated, and it also typically brings with it all the entitlements of permanent work other than the tenure. The debate on temporary work in Europe is far more sophisticated than the debate we hear in Australia. There are a couple of key points from the research that was undertaken by the committee. The first is that there is no established link between the rate of casualisation in the work force and the health or productivity of an economy. Whilst we might have a casualisation rate in Australia that exceeds that of everywhere else in the world, people would not argue that our economy is performing to the same extent better than the economies everywhere else in the world.

The second point I want to make is that the absence of leave entitlements for people employed casually is a real and growing issue that needs to be addressed. This is because more and more Australians are working in casual positions for longer and longer periods of time. And it raises a very live question: at what point does the absence of a recreational leave entitlement for people employed in this way become a health and safety and a wellbeing issue for those workers? I do not think there would be any doubt at all about members agreeing that people employed in the same sort of work on an ongoing basis need a recreation leave break — whether it is after 3 months, 6 months, 12 months or 2 years, they do need it. Indeed, any member who argued the opposite would really be arguing that the minimal leave conditions which have been enjoyed by people employed in permanent positions could be dispensed with. I am sure no-one would argue that.

But we have to accept that in Australia at this point in time there is a growing number of people who are employed but who have no entitlement to leave, and that this is not a good thing for them and their families. As I said, some 27 per cent of the work force is employed casually, and many of these people are working for longer and longer periods of time in their jobs with no entitlement to leave. I think that is something this country will have to deal with. Certainly the committee made recommendations saying that work should be undertaken to examine ways in which that may be addressed.

The final point I want to make is about parliamentary committees. We found the sources of research available in Europe earlier this year quite outstanding. I refer to the work undertaken by the European Union, by the Organisation for Economic Cooperation and Development and by the International Labour Organisation, but in particular to the work done in Brussels by the European Union. It was an eye-opener for all committee members to see that particular institution at work. We benefited greatly from the research we were able to look at. I think that is a resource that committees should make use of.

Outer Suburban/Interface Services and Development Committee: sustainable urban design

Mr BAILLIEU (Hawthorn) — I want to comment briefly on the report of the Environment and Natural Resources Committee inquiry into sustainable communities, which was released in June this year. It is a fairly weighty report, with some 290 pages and a lot of recommendations. I cannot say to the house that I have read it in detail, but I have read portions of it and scanned others, and I am confident it contains very useful material. I want to comment on it in the context of another report. I am a member, as you are, Acting Speaker, of the Outer Suburban/Interface Services and Development Committee. Last year the committee completed a report which went to this Parliament entitled *Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas*.

The Outer Suburban/Interface Services and Development Committee has moved on and this year is undertaking an inquiry into the building of new communities. The point I want to make is that there seems to be a significant overlap in the conduct and operation of the two committees. That is not necessarily a bad thing, but it is interesting to consider how that overlap manifests itself and whether there are any gaps. Essentially the Environment and Natural Resources Committee has looked at many issues that were looked at by the outer suburban committee last year. It is curious that the definition of ‘sustainability’ occupied the attention of both committees in their opening chapters.

It is even more curious that both committees have come up with separate interpretations and cited different sources and versions of the history of the definition. That in itself is also not a bad thing, but it is open for others outside this house to be a little confused about what is going on. That confusion is not limited just to definitional issues, because there are issues with the Environment and Natural Resources Committee report

in terms of measuring sustainability. Those issues again were addressed by the outer suburban committee last year, and different interpretations and weightings were put on many of those issues. It is open for people to be confused about where Parliament stands on these issues and on the recommendations emanating from the two committees.

The most recent report goes on to discuss urban form and makes recommendations in that regard. Those very issues were addressed by the outer suburban committee last year. It is curious also to contemplate some of the gaps in the recent report entitled *Inquiry into Sustainable Communities*. One of the features of the report delivered last year by the Outer Suburban/Interface Services and Development Committee was the emphasis on accessibility and adaptability. The Disability Support and Housing Alliance would be disappointed to learn that the Environment and Natural Resources Committee, in considering its inquiry into sustainable communities, did not address the issue of accessibility and adaptability at all. Unless I have missed it and it is buried away in the report, I have not seen it. That is a significant issue.

It is the bipartisan view of members of the Outer Suburban/Interface Services and Development Committee that accessibility and adaptability are important in the sustainability of our communities. Curiously the recommendations from the outer suburban committee went to the government, which responded by choosing not to pursue those recommendations. It will be interesting to see what happens with the recommendations of the Environment and Natural Resources Committee. The Attorney-General, who is at the table, has not yet chosen to pursue accessibility and adaptability issues.

The ACTING SPEAKER (Mr Smith) — Order! The member’s time has expired.

Economic Development Committee: labour hire

Ms MORAND (Mount Waverley) — I want to comment on the final report of the Economic Development Committee on labour hire employment in Victoria. I want to take the opportunity of acknowledging, as the committee chair did, the fantastic work of the executive officer and the staff, Andrea Agosta, Russell Solomon and Kirsten Newitt, who is the research officer of this project. They all did an absolutely fantastic job in supporting this committee.

Labour hire is well and truly part of our employment arrangements in Victoria and part of the economy both in Victoria and across Australia and the world. Labour hire plays an important role in supplementary employment. There are a range of different ways in which labour hire arrangements are made, whether to cover unexplained absences or provide expertise in an industry or workplace which may not be readily available and which might only be used for a short period. Plenty of examples were given to the committee. It is estimated that up to a quarter of all Victorian workplaces value labour hire and that labour hire employment represents up to 3 per cent of Australia's work force.

During the course of the committee's investigations we heard of both the benefits and disadvantages of labour hire. There are certainly great benefits for industry in labour hire, including controlling employment costs and allowing flexibility. This particularly applies where industries have peaks and troughs, and the obvious example is the agricultural industry, where fruit pickers come in during periods of need. We heard from a range of stakeholders, and a lot of different views were presented.

I want to speak about occupational health and safety, which is reported on in chapter 4. The very nature of the triangular relationship in labour hire presents some problems. In the host workplace the labour hire company is the employer and the employee. The key issue is who is responsible for occupational health and safety and training in the triangular relationship. WorkCover told us that the data indicates that the labour hire industry has a higher rate of injury than the average workplace and that the frequency rate is particularly high in the blue-collar sector.

In relating to occupational health and safety issues the committee looked at sections 21 and 23 of the Occupational Health and Safety Act. We heard from some groups that they considered there was insufficient clarity in how the duties outlined in sections 21 and 23 apply to labour hire arrangements. That led the committee to recommend that the act be amended to clarify the allocation of occupational health and safety responsibilities between agencies and host employers.

The committee recommended in its final report that the act should be amended so that control of the workplace is one of the factors that is taken into account to determine whether a particular measure is reasonably practicable. During the review of the Occupational Health and Safety Act referred to as the Maxwell report, Chris Maxwell, QC, argued that the 1985 act did not give sufficient recognition to the reality that duty

holders exercise different levels of control in the workplace. Chris Maxwell recommended that the act be amended so that control is added to the list of practicality factors. That recommendation was held over during the deliberations of the committee.

A number of contributors to the committee's inquiry agreed with this position, including the Recruitment and Consulting Services Association (RCSA), Group Training Australia, the Electrical Trades Union and the Transport Workers Union. The committee came to the view that the act should be amended. We believe that the host and the labour hire agency should both share responsibility for occupational health and safety, but that greater clarification is needed in the allocation of those duties.

Another recommendation of the committee relates to protecting workers who raise occupational health and safety issues at the workplace. The committee received evidence showing that there is a weakness in the existing legislation in terms of protecting workers who raise occupational health and safety concerns. Currently labour hire workers are not protected where it is the act of a host employer that detrimentally affects their employment. Labour hire agencies are prohibited from dismissing an employee who raises an occupational health and safety concern under section 76, but what happens is that it is the host employer, not the agency, who takes action against the labour hire worker. For example, a worker is sent to a work site and raises an occupational health and safety issue and then finds that their services are no longer required. This has led to our recommendation, and we are now waiting for a response from the minister to our report. We look forward to that response.

PROPERTY (CO-OWNERSHIP) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill implements a number of recommendations contained in the Victorian Law Reform Commission's report on *Disputes Between Co-owners*. The bill will improve access to justice by co-owners of land and goods by introducing simpler and less expensive processes for the resolution of disputes between co-owners.

Co-ownership exists when two or more people have an interest in property, either land or goods, that entitles them to possess the property at the same time.

Co-owned property can be sold or divided with the agreement of all the co-owners. However, if co-owners disagree or if a co-owner cannot agree to sell because he or she is not an adult or lacks legal capacity, a process is required to authorise sale or division. In addition, other disputes may arise between co-owners such as a co-owner wanting to recover the costs of improving or maintaining the property from other co-owners.

Co-ownership disputes between spouses are normally resolved under the Family Law Act 1975 while domestic partners normally resolve these disputes under part IX of the Property Law Act 1958. Other co-owners who wish to end co-ownership of land must rely on part IV of the Property Law Act 1958. Under part IV co-owners of land must apply to the Supreme Court to resolve these disputes unless the value of the property in dispute is less than \$200 000 in which case the County Court may hear the claim.

Concern about the formality, expense and delay of requiring these matters to be heard in the Supreme or County courts was evident in submissions received by the Victorian Law Reform Commission. Concerns were also raised about the relevance of part IV. Part IV is based on English partition laws passed in the 16th century. The laws were amended in the 19th century to give the court power to order sale of the land in limited circumstances. The language of the legislation is now archaic. Furthermore, part IV is based on circumstances that are no longer relevant. During the 16th century, land was largely used for agricultural purposes and at that time it may have been appropriate for physical division of the land to be the main remedy for co-owners wanting to end co-ownership. However, today, co-owners are more likely to want the land to be sold and the proceeds divided between them.

This bill repeals and replaces part IV to address these concerns. The proposed bill will transfer jurisdiction over co-ownership disputes from the Supreme and County courts to the Victorian Civil and Administrative Tribunal (VCAT).

The bill provides VCAT with the power to provide flexible remedies to address the issues that arise in these disputes. VCAT will have a broad discretion to determine whether the co-owned property is sold or divided. In line with the recommendations of the Victorian Law Reform Commission, the sale of co-owned property will be the primary remedy ordered by VCAT but VCAT also has the power to order division of land if it is just and fair. In addition VCAT will have power to make orders relating to payment of compensation and accounting between co-owners.

VCAT will also have the power to appoint trustees to oversee the sale or division of the land. It is expected that VCAT will appoint trustees where there are circumstances of violence between the co-owners or where some of the co-owners are minors or are incapable of looking after their own affairs. VCAT will be able to direct the trustees as to the terms and conditions of the sale and to distribute the proceeds in any manner VCAT sees fit.

The Family Court will continue to have jurisdiction over disputes over property between spouses and the Supreme and County courts will continue to have jurisdiction over property disputes between domestic partners under part IX of the Property Law Act 1958. The bill also makes it clear that the courts retain jurisdiction over disputes over co-owned property if the dispute arises in the context of a dispute under the Partnership Act 1958 or a testator family maintenance claim under the Administration and Probate Act 1958.

The courts will also have jurisdiction in any proceeding that has commenced in the courts and the issue of co-ownership of land or goods arises in the course of the proceeding. In addition, the courts will also have jurisdiction to hear a co-ownership dispute if there are special circumstances. Special circumstances will exist when the dispute is complex or when the dispute, or a substantial part of the dispute, does not fall within the jurisdiction of VCAT.

It is expected that two of the major groups that will benefit from the transfer of jurisdiction are family members who have been left property by will and people who have purchased property as co-owners for investment purposes.

Section 85 statement

I wish to make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of this bill to alter or vary this section.

Clause 3 of the bill proposes to insert new section 187(3) into the Property Law Act 1958. Section 187(3) states that it is the intention of new section 187(2) to alter or vary section 85 of the Constitution Act 1975. New section 187(2) provides that if the chattels that are the subject of an application are goods that come within the meaning of part IV of the Property Law Act 1958 the person must make their application under part IV. The effect of subsection (2) is to remove jurisdiction over disputes between co-owners over certain types of goods from the Supreme Court and give jurisdiction to VCAT.

The reason for removing this jurisdiction from the Supreme Court is to ensure that applications that relate to both land and goods can be dealt with in VCAT under part IV of the Property Law Act 1958. Disputes may arise as to whether certain items are fixtures, and so form part of the land, or are chattels to be dealt with under section 187. As VCAT will have jurisdiction in relation to both land and goods, it will not be necessary to determine whether the chattel is a fixture or goods and whether VCAT has the jurisdiction to deal with it. This will allow co-ownership disputes over land and goods to be dealt with at the same time without the need to determine whether the goods in dispute are a fixture or a chattel. Providing VCAT with the jurisdiction to hear co-ownership disputes over goods ensures that co-owners have access to an accessible and affordable dispute resolution mechanism.

Clause 5 of the bill proposes to insert new section 234G into the Property Law Act 1958. Section 234G states that it is the intention of section 234C to alter or vary section 85 of the Constitution Act 1958. New section 234C limits the jurisdiction of the Supreme Court to hear an application under part IV unless:

the matter which is the subject of the application relates to a proceeding under —

part IX of the PLA (division of property on the breakdown of a domestic relationship); or

part IV of the Administration and Probate Act 1958 (testator family maintenance claims); or

the Partnership Act 1958; or

in any proceeding which has commenced in the Supreme or County courts the issue of co-ownership of land or goods arises in the course of that proceeding.

The effect of section 234C is to remove the jurisdiction of the Supreme Court to hear an application under part IV for the sale or division of land or goods or an application for accounting in accordance with section 28A of the Property Law Act 1958 that does not come within these specified categories or unless the special circumstances referred to in section 234C(4)(b) and (5) exist.

The reason that the Supreme Court's jurisdiction to hear disputes between co-owners is limited is to ensure that these disputes can be dealt with in a more accessible and affordable forum for dispute resolution.

In conclusion, I wish to thank the Victorian Law Reform Commission for the work it undertook in

preparing the report that underpins this bill. The aim of the commission in preparing the report was to simplify and clarify the laws relating to co-ownership of property, to make the sale or division of land and goods easier and to set out mechanisms for resolving disputes when they arise. This bill reflects those aims. It will provide more accessible dispute-resolution processes and broaden the remedies available to co-owners when co-ownership comes to an end.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Wednesday, 28 September.

TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The State Owned Enterprises Act 1992 amendment

This amendment is necessary to enable VicForests to implement a sawlog pricing and allocation model.

The model involves a phased-in transition from the current administered licence system for allocating timber supply to a fully competitive market auction system, in line with Victorian government policy articulated in *Our Forests Our Future*.

Two key elements of the model are:

a requirement that buyers process timber domestically; and

the preclusion of companies and directors of companies (for a period of two years) who completely relinquished their sawlog licences under the voluntary licence reduction program (VLRP) from participating in the initial auctions of timber.

These two requirements are driven by public policy objectives. The government has a responsibility to ensure that opportunities for wealth creation in Victoria are maximised. The requirement for domestic processing of timber will assist in maintaining and enhancing employment and investment opportunities in Victoria and Australia. This is particularly important given the value-added export potential of Victoria's sawn, dried and dressed hardwood timber. It is likewise

in the public interest that full VLRP recipients be precluded from participating in the initial auctions, as such recipients have already been compensated for relinquishing their licences, and their preclusion will minimise the opportunity for predatory bidding and subsidised competitive advantage to occur.

VicForests has, however, expressed concerns that such exclusion of parties from tenders could be seen to be inconsistent with part IV of the Trade Practices Act 1974. Consequently, the bill inserts a new section 86A in the State Owned Enterprises Act 1992, which provides for authorisation for the purposes of part IV of the Trade Practices Act 1974 of any act or thing done by VicForests and its directors and officers in connection with the allocation and sale of timber resources, if the relevant act or thing is done with the consent of the Treasurer.

This amendment is limited to contracts, arrangements or understandings entered into prior to 1 July 2015. From 1 July 2015, 100 per cent of timber will be auctioned in a fully open market, with no potential bidders precluded.

The Financial Management Act 1994 amendments

The amendments will allow the government to release a financial report prepared under section 27D of the Financial Management Act 1994 on any business day before the due date, irrespective of whether or not Parliament is sitting.

The existing protocols will remain for transmitting a report when either house of Parliament is not sitting. In this case the government is required to give one business day's notice of its intention to transmit a report to the Parliament. The clerks are then required to notify members on the same day of the receipt of a notice from a minister and distribute the report to members as soon as practicable.

Once the report has been provided to the clerks of the Parliament, the report will be published on an appropriate government web site.

The amendments also provide the ability to release these financial reports with the budget, where the budget will be delivered within one month or 30 days of the relevant financial report.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 28 September.

MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL

Second reading

Debate resumed from 17 August; motion of Mr HULLS (Minister for Planning).

Mr BAILLIEU (Hawthorn) — I rise to present the opposition's response on the Melbourne Lands (Yarra River North Bank) (Amendment) Bill. This bill in outline adds Crown land to the existing lease for the Melbourne Aquarium. That lease was established by the Melbourne Lands (Yarra River North Bank) Act of 1997. This bill facilitates the expansion of the aquarium to the north of its existing site — that is, the north bank of the Yarra at the south-east corner of King and Flinders streets. Obviously the existing site abuts the Yarra at the Yarra turning basin, where in the days of Melbourne's foundation ships that came up the Yarra were docked, downstream of what became known as Freshwater Falls. Indeed when the ships were required to leave they were put through what was then described as the turning basin, and that is now the location. The land also abuts Enterprise Park on the north bank of the river.

The project which this bill facilitates has the full support of opposition members. The aquarium was first embraced by the previous government — the Kennett government. We support the expansion of the aquarium. We think it is a fabulous facility. We would like to be able to support the bill in its entirety, but we have reservations of significance. As a consequence we say that we are not opposed to the bill, and we are certainly very supportive of the project.

Those reservations run to a number of items, and relate in particular to the undisclosed protocols dealing with existing on-site infrastructure, including the railway viaduct and overpass. That infrastructure is included in the land to be assigned by the bill. The second reservation is in regard to the undisclosed value transaction associated with the transfer. A third reservation involves the potential adverse impact of the implementation of the super-stop in Flinders Street associated with this additional project, and that is based on recent experience with super-stops as they are being installed. There also seems to have been considerable delay in the presentation of the bill, given that the project was first announced in 2003.

I am conscious that we will be adjourning shortly for the lunch break, but let me say that the 1997 act, which this bill amends, assigned the land on which the aquarium now sits by granting a lease of what was then

Melbourne City Council land adjacent to the Yarra River. That occurred after the divestment of the land by the Melbourne City Council. The bill sets up the Melbourne City Council as the committee of management for the ongoing administration of the land and establishes the basis for the lease of the land by effectively adding to the existing lease that portion of land which is now being assigned. The lease terms on the existing aquarium are retained for a maximum 99-year lease in maximum 21-year increments. Simply, this land will be inserted into that existing site.

The bill preserves all rights under the Public Transport Competition Act, and those rights go to issues of access to public transport infrastructure. That infrastructure is significant and crucial; it is the main rail link between Flinders Street and Spencer Street.

The aquarium is owned and operated by Oceanis Australia Pty Ltd, which undertook the project. The project is a major, creative and gutsy investment. It was a tortuous process and a torturous piece of construction, right on the Yarra River. Those involved encountered difficulties they might not have expected, but it was a total triumph. Oceanis has gone on to be a world leader in the operation of aquariums, including Underwater World, Shanghai Chang Feng Ocean World, the BA in South Korea and the Bangkok Ocean World in Thailand. Oceanis is involved in other projects in Dubai as well, and it is to be congratulated on the extraordinary growth —

Mr Robinson interjected.

Mr BAILLIEU — I did not hear —

The ACTING SPEAKER (Mr Smith) — Order! If the members would like to have a discussion, they should go outside.

Mr BAILLIEU — If the member for Mitcham could interject a little louder, I would be able to engage him.

As I said, this was a fantastic investment, and I particularly congratulate Peter O'Brien and Allan Myers. At the time the project was considered I went down there and looked closely at the project. I was a member of the Tourism Victoria board and a member of the board of the Melbourne Convention and Exhibition Centre Trust with an active interest in the Yarra bank. We inspected the site, looked at it from a nearby high rise and discussed the difficulties at length. Those difficulties were many as a construction project alone: there was contaminated soil; there was water penetration, obviously; and there was a particularly

difficult industrial climate that was foisted on the developers, and the building unions did their best to undermine the project, with a significant impact on the cost and financing. Nevertheless the owners proceeded with resilience and determination, and the aquarium opened in 2001.

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

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Port of Geelong: rail link

Dr NAPHTHINE (South-West Coast) — My question without notice is for the Minister for Transport. I refer to the government's announcement in July 2002 that the Lascelles Wharf rail link at Geelong would be built, and I ask: when will this important project actually commence?

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Mr BATCHELOR (Minister for Transport) — The member for Doncaster is right. Geelong is a great place to raise a family. There are lots of great places all around Victoria — even Doncaster, as he now knows.

The government has given a commitment to the people of Geelong to upgrade the rail infrastructure into the port of Geelong. Recently we launched an economic study of how important the port of Geelong is not only to —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Mr BATCHELOR — It is important not only to the people of the region but indeed to the people of Victoria. It is an important economic driver of activity for the whole of the state. It is important because of its comparative advantages in handling bulk freight. We want to assist in increasing the efficiency and capacity of that.

Honourable members interjecting.

Mr BATCHELOR — If the member for South-West Coast were aware of what was happening in Geelong, he would understand that this issue was raised this week with members of the community. We

are about to make an announcement very shortly in relation to this. However, I am not going — —

Honourable members interjecting.

The SPEAKER — Order! There is far too much interjection coming from the opposition. It is far too noisy. I ask members to be quiet and allow the minister to answer the question.

Mr BATCHELOR — This issue about improved rail access into the port of Geelong is — —

Mr Doyle interjected.

Mr BATCHELOR — I'm sure they are; they always are. No-one is listening to you.

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition will be quiet! The minister, through the Chair.

Mr BATCHELOR — The bell is going to toll for him shortly, Speaker.

Honourable members interjecting.

Mr BATCHELOR — Or maybe it will not. Is that it — there are no tolls?

The SPEAKER — Order! Has the minister concluded his answer?

Mr BATCHELOR — So the important issue of rail access on the independent goods line into the port of Geelong and access to Lascelles Wharf will follow on from the successful upgrading of other rail infrastructure already completed.

Dr Napthine interjected.

Mr BATCHELOR — The member for South-West Coast asks when we have carried out other tasks. He has no idea of what has happened in the past and what will happen in the future. That just shows how out of touch he is, as is the member for Benambra.

Mr Plowman — On a point of order, Speaker, I ask you to direct the minister to come back to answering the question as to when the project is actually going to commence. I do not think the minister has touched on answering that question.

The SPEAKER — Order! I understand the minister has concluded his answer. I call the member for Kilsyth.

Dr Napthine interjected.

The SPEAKER — Order! Without the assistance of the member for South-West Coast!

Football: club facilities program

Ms BEARD (Kilsyth) — My question is to the — —

Mr Perton interjected.

The SPEAKER — Order! Question time has been going for about 3 minutes and I have had to speak to the member for Doncaster three times already. I warn him that I will not put up with his continuous interjections.

Ms BEARD — My question is to the Premier. I ask the Premier to detail for the house how the government's announcement of the Victorian Australian Football League club facilities program has the potential to transform suburban grounds into community assets.

Mr BRACKS (Premier) — I thank the member for Kilsyth for her question. I was very pleased to be at Moorabbin today with the chief executive officer of the Australian Football League, Andrew Demetriou, and the assistant coach of the St Kilda Football Club, amongst others — including the member for Bentleigh, who was there as well — to work with the AFL on a new process for dealing with the projects that are coming forward for suburban grounds which had been the headquarters for AFL clubs for some time and, of course, have a strong presence in the community in which they operate but also serve as the elite training and support facilities for those clubs.

As you know, Speaker, our government has already supported a number of clubs in Victoria, including the Western Bulldogs — alongside the federal government and local government — in the plans for the redevelopment of the Whitten Oval; or the former Kardinia Park, with the redevelopment of the new stand; or the Melbourne Football Club, with the new development at Olympic Park, which will include the headquarters for the football club; or the facilitation of the development of the new precinct at Olympic Park for Collingwood.

The government is aware that in the future some demands will be made of the AFL, the state government, local government and the federal government in order that the facilities that have been there for some time for clubs remain there and service their communities and the clubs. In order to get a more systematic approach to this, the government is very

pleased to work with the AFL commission to develop a single set of guidelines which will be filtered through the commission for applications made in the future. Then in conjunction with the AFL commission and, of course, other parties including local government and the federal government we will examine those new proposals in the future.

It is important not only to retain the 10 clubs that we have in Victoria and have the best possible quality resources and support for those clubs but also to make sure that those clubs are opened up to their communities. Importantly one of the key guidelines which has been part of the commitment made by the AFL, the clubs and our government is that the facilities must be community based — they must involve a range of people in the community, whether in functions, events or other sporting organisations. That is a precondition for the support which will be offered in the future for the applications that come forward.

Our government is very pleased to work with the commission and the Victorian clubs on these very important infrastructure projects, to keep the facilities for the community and the clubs in the future.

Water: government initiatives

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Water. I refer to the concept of unbundling water rights, as is proposed in the government's water white paper, and I ask: will the minister guarantee that the government will prohibit Melbourne Water buying any water currently within the entitlements of Victorian irrigators?

Mr THWAITES (Minister for Water) — I thank the Leader of The Nationals for his question on the government's water white paper, which I might say has been regarded as an outstanding success right around Victoria. It has been regarded as a landmark in water reform. It has been very strongly supported by councils — today I have been in Bendigo — the Victorian Farmers Federation, environment groups and the general community.

Part of that reform project is in fact to introduce unbundling. That process will mean that farmers get a more marketable product, that they are able to sell their water rights and make money out of that, and that water will be able to be transferred from one area to another for its more efficient use. None of that has anything whatsoever to do with Melbourne's water supplies. Members of The Nationals ought to read the document more carefully. The question —

Mr Ryan — On a point of order, Speaker, the minister is debating the issue. If the answer is yes, he surely simply says so and sits down?

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

Mr THWAITES — The unbundling has nothing to do with what we are doing in Melbourne. What we are doing in Melbourne is investing in better systems, so we are reducing leakages and water consumption; we are investing in recycling, so we will have 20 per cent recycling by 2010; and we are investing in new supplies, like the connection of the Tarago Reservoir to our system. That means that, unlike Sydney and other cities, we have a plan that we are delivering on. We have a plan under which we can show that we have enough water for the future. We are able to deliver, which is something that members of both parties on the other side of the house have shown they are singularly unable to do.

Mr Ryan — On a point of order, Speaker, I am having some difficulty hearing the minister, because he is speaking with his back to this side of the house, but if the answer to the question is that he is going to give the guarantee then I ask him to simply give it.

The SPEAKER — Order! A point of order is not the occasion to repeat a question. In fact, the minister when answering a question is supposed to look at the Speaker, so I suppose that does mean that you get him side on.

Water: government initiatives

Mr DONNELLAN (Narre Warren North) — My question is also to the Minister for Water. I refer the minister to the government's commitment to improving water management and ask the minister to detail any recent announcements that deliver on that commitment.

Mr THWAITES (Minister for Water) — I thank the member for his question. This really once again demonstrates that the government's Our Water Our Future plan is working. I was very pleased this morning to be in Bendigo with the Minister for Agriculture, the Minister for Education Services and the Chair and board of the Coliban Region Water Authority, announcing the plan for the next 50 years for Bendigo's water, Our Water Our Future in Bendigo.

Under the Bracks government there has been enormous growth in our provincial areas. We are seeing more and more people wanting to live in great regional centres like Bendigo. The population of Bendigo and the Bendigo region is predicted to rise from some 97 000 now to around 170 000 people by 2055. That means

more jobs and a stronger economy for that region. But that will mean a challenge in terms of ensuring that we have enough water for Bendigo in the future. It will mean that we need to find around 20 billion litres of water by 2050 so that we have a secure supply.

This document identifies 22 billion litres of extra water that will be available for Bendigo over the next 50 years. It does so by a combination of reduced demand, improved recycling and additional supplies. For example, today we set out a very significant proposal for increasing the recycling of water in the Bendigo region. Where before water was wasted, it will now be re-used, both by rural users and in parks and gardens and the like.

We also set out ways to reduce the loss of water through leakage in both the urban and rural systems in Bendigo. For example, Coliban Water rural users are supplied through the rural channel system, and that will be upgraded over the next 15 to 20 years, saving some 3 billion litres of water.

We on this side of the house are delivering. We are delivering in Melbourne and we are delivering in Bendigo. We are delivering a much better water system. It is because we have a clear plan that we are working to, a plan that is backed by farmers, by environment groups and by the community. We are proud of our water plan, and we look forward to the opposition and The Nationals getting on board with this plan. This will mean that all of us, whether we live in Melbourne or in country centres like Bendigo, have enough water for the future.

Rail: Mildura line

Dr NAPTHINE (South-West Coast) — My question without notice is to the Minister for Transport. I refer to the government's promise in May 2001 to convert the Mildura rail line to standard gauge and I ask: when will some work actually commence on this long-delayed, vital infrastructure project?

Honourable members interjecting.

The SPEAKER — Order! I ask government members to be quiet.

Mr BATCHELOR (Minister for Transport) — It is the height of absolute hypocrisy for the member for South-West Coast to be asking these types of questions, because he was in the government that voted to close down country rail lines. The member for South-West Coast put up his hand at the cabinet table and voted to shut down the passenger service he is talking about. No

wonder the shadow minister would not ask this question.

Mr Perton — On a point of order, Speaker, the minister is clearly debating the question. He was asked a clear question about a particular rail line and he should answer it.

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

Mr BATCHELOR — As you would no doubt well remember, Speaker, we have allocated money in this year's budget to investigate and do the design work for this project. There is a joint — —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to stop for a moment. Once again I ask members of the opposition, after they have asked their question, to allow the minister to answer it without that level of interjection.

Mr BATCHELOR — As all members would know, the country freight track is actually not owned by the government of Victoria, the state or the people.

Honourable members interjecting.

The SPEAKER — Order! I ask members to cooperate with the Chair in enabling question time to continue in an orderly manner.

Mr BATCHELOR — The country rail track is not owned by the people of Victoria; it has been sold off and privatised. It is under a long-term lease and effective ownership and control is in the hands of a private company.

Honourable members interjecting.

The SPEAKER — Order! When I asked members to be quiet, that included members of the government. I ask members on both sides of the house to be quiet and allow the minister to answer the question.

Mr BATCHELOR — In 1999 this public asset passed into the control of a private company, which was then sold to an overseas company which has now been on-sold to a consortium made up of two Australian companies. They are now the subject of further activity on the Australian Stock Exchange, which may see a further change of control. So it can be seen that trying to upgrade and improve infrastructure we do not control is a very difficult exercise.

Freight Australia, to whom the asset was passed by the Liberal government, refused to allow the upgrading of this passenger service.

Dr Napthine — On a point of order, Speaker, on the issue of relevance, all of this was known to the minister when he made the promise in 2001. What we need to know now is why he has still not kept his promise four years later.

The SPEAKER — Order! The member for South-West Coast appears to be engaging in debate, not raising a point of order.

Mr BATCHELOR — This is the explanation: we, as a government, cannot upgrade lines that are not under our control. We have to first get the agreement of the owner or controller of the asset. Freight Australia would not provide that agreement; in fact it would not even allow the government to undertake a site inspection of the asset. We are now doing that with the commonwealth government, and we are working with the commonwealth government to try and resolve this issue.

It is the height of hypocrisy for the member for South-West Coast to be raising this type of issue. The opposition closed — —

Mr Plowman — On a point of order, Speaker, the minister is debating the question. I ask you to bring him back to answering the specific question about when the standard gauge will be — —

Honourable members interjecting.

The SPEAKER — Order! I was not aware that the minister was debating the issue and I ask the minister to continue.

Mr BATCHELOR — We will be able to progress these important upgrades when we get permission from the landlord. It is straightforward: we cannot do it until we get that agreement. We are having discussions and negotiations with the commonwealth government on the one hand — —

Honourable members interjecting.

The SPEAKER — Order! Once again there is far too much audible conversation, and I ask members to be quiet to allow the minister to be heard.

Mr BATCHELOR — We are having discussions with the commonwealth government on the one hand and, on the other, we are having discussions with the controller of the track, Pacific National.

Crime: victims charter

Mr HARKNESS (Frankston) — My question is to the Attorney-General. I refer to the government's commitment to improving the justice system's response to victims of crime and ask the Attorney-General to detail for the house the most recent government efforts to deliver on that commitment.

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby will cease interjecting in that manner, and I warn the member for Bass.

Mr HULLS (Attorney-General) — I thank the honourable member for his question. I am pleased to outline the latest initiative which builds on our track record of protecting the rights of victims of crime. Today I commenced a consultation process, proposing a very important victims charter for victims of crime.

Honourable members interjecting.

Mr HULLS — We on this side of the house actually care about victims of crime. We care about victims of crime!

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Scoresby that if he continues to interject in that manner I will remove him from the chamber, and I warn other members that if they continue with that level of interjection I will remove them from the chamber without warning.

Mr HULLS — I would have hoped there would have been bipartisan support for initiatives to assist victims of crime.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Mulgrave.

Mr HULLS — A victims charter will certainly build on a number of victims reforms already initiated by this government and will provide further acknowledgment of the harm, including the physical, the psychological and the financial harm, that crime causes victims.

The consultation process which I launched today will involve victims of crime right across this state and provide them with the opportunity to put forward their perspectives not only on what a charter should actually include but importantly on how a victims charter would

be put into practice to make a real difference to the lives of victims of crime into the future. Our aim in proposing a victims charter is to make the justice process easier for victims by spelling out the principles of justice that apply to victims. It should go some way towards making the experience of reporting crime or going to court less daunting for victims. At the same time it will help the public understand the courage and determination of those who commit themselves to the legal process.

A victims charter would set out the obligations on criminal justice agencies and government services to ensure that victims are treated with respect, that they have access to information and services and that their dealings with the criminal justice and other government agencies minimise any secondary victimisation.

Speaker, as you would know this government has reinstated compensation for victims for pain and suffering. We have streamlined access to the Victims of Crime Assistance Tribunal, we have created the victims register to allow victims to track the progress of offenders through the prison system, and we have established the Sentencing Advisory Council to allow victims to have input into sentencing reforms. We have also established the victims support agency, its statewide victims helpline and a new network of victims assistance and counselling services right throughout the state.

The initiative I have launched today builds on the Bracks government's reforms to improve victims' experience of the justice system. I might say that this contrasts with those opposite, who have their priorities all wrong. We should never forget that when in government they callously cut compensation for victims of crime — —

Mr Perton — On a point of order, Speaker, the minister is clearly debating the question.

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

Mr HULLS — It is a matter of getting priorities right. I believe today marks the start of a very important dialogue right across Victoria on how we can build on past reforms and further acknowledge and reduce the harm crime causes victims, as well as entrenching the rights of victims across the state.

Rail: Warrnambool university station

Dr NAPHTHINE (South-West Coast) — My question without notice is to the Minister for Transport.

I refer to the minister's promise made in November 2002 — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Treasurer to sit down. I ask members to be quiet and allow the member for South-West Coast to ask his question.

Mr Merlino interjected.

The SPEAKER — Order! I warn the member for Monbulk.

Dr NAPHTHINE — I refer the minister to his promise made in November 2002 to build a rail platform at the Deakin University campus at Warrnambool and have it operational within 12 months, and I ask: when will work actually commence on this project?

Mr Doyle interjected.

The SPEAKER — Order! The Minister for Transport, without the assistance of the Leader of the Opposition.

Mr BATCHELOR (Minister for Transport) — The Leader of the Opposition is offering various suggestions about the way I should answer this question. The one he did not offer is that the Liberal Party has a weak local member in that area — a hopeless local member.

Mr Haermeyer interjected.

The SPEAKER — Order! The Minister for Manufacturing and Export!

Mr BATCHELOR — There are various stages to the work to be undertaken. Design work is being undertaken at the moment.

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition will be quiet!

Tourism: rural and regional

Ms NEVILLE (Bellarine) — My question is to the Minister for Tourism. Can the minister outline to the house the outcomes of the government's initiatives in tourism in regional Victoria?

Mr PANDAZOPOULOS (Minister for Tourism) — I thank the member for Bellarine for her question and for her great support for tourism along the

Bellarine Peninsula and for the Queenscliff Music Festival. Under this government regional Victoria is no longer the toenails of the state, unlike its position under the previous government. We are about regional infrastructure, hospitals and schools and police, and we are also about regional tourism.

I would like to tell the house why regional Victoria is a great place to have a family holiday. This government has invested more in tourism than any other government in Victoria's history. We have dedicated around \$20 million to extra marketing campaigns for Tourism Victoria so we can show one of our great competitive strengths — we have a compact state that is easy to get around and offers many unique experiences right across the state and not far out of Melbourne. That is \$20 million of extra marketing campaigns, dedicated regional marketing campaigns and touring campaigns incorporating our regional product in all international marketing opportunities, which is very much typified by what we are doing with the Commonwealth Games.

The extra \$20 million does not even include our funding for major events in regional Victoria. Some of those major events are Rescue 2006, the world lifesaving championships and something that has become a calendar event now, and the women's world cup road cycling in Geelong. We held the Commonwealth Youth Games last year; we held the world hot-air balloon championship recently — the list goes on and on.

I want to share some very impressive economic data. Chris Brown, the chief executive officer of the Tourism and Transport Forum, was quoted in the *Australian Financial Review* of 12 August:

It's up to the state governments to play a role a little more aggressively ... if you spend marketing dollars they will come ... Victoria is spending well on tourism marketing and doing well.

This is the head of tourism in Australia saying Victoria is the state to follow if you are pursuing tourism. Let me tell you about some of the great economic results. Since we have been in government we have been able to grow the value of regional tourism by 27 per cent, and it is growing as we speak. We have seen tourism employment grow in regional Victoria at twice the rate of Melbourne — 13.8 per cent, compared to 7.3 per cent. The latest regional Victoria accommodation sector data tells us that takings are up 11.8 per cent; room nights occupied are up 6.4 per cent; and there are more tourism accommodation businesses in regional Victoria as businesses see that this government is about not only promoting Melbourne but promoting regional areas.

To wind up, Speaker, it cannot be typified any more than by our support for regional events. Under the previous government events supported by Tourism Victoria amounted to some 30-odd per cent; under this government they amount to over 50 per cent. The Liberal Party in government was known for some events in regional areas, and I attended many of those when we were in opposition. They were the events where communities joined together to attend the last day of school, the last hospital day, the last day of an open police station. Our events in tourism are about supporting the Stawell Gift, the Ballarat Begonia Festival, Skandia Week in Geelong and many other activities. That is why regional tourism is doing well: this government supports all of tourism, not just Melbourne tourism.

Police: liaison officers

Mr WELLS (Scoresby) — My question is to the Minister for Police and Emergency Services. I refer to the Attorney-General's earlier answer regarding a charter for victims of crime, and I ask: will the minister confirm that the placement of gay and lesbian liaison police officers throughout Victoria Police has in some cases been at the expense of victims of crime liaison officers?

Mr HOLDING (Minister for Police and Emergency Services) — Nobody could accuse the opposition of having a flexible question time strategy. The opposition is supposed to have different themes from the government. If the member for Scoresby had listened carefully to the Attorney-General's answer, he would know that this government is working tirelessly to promote and support victims of crime. We are doing this in a range of ways, as the Attorney-General was able to outline. Let us first put to bed this myth the member for Scoresby is trying to perpetuate — this government and Victoria Police are not in any way downgrading or reducing support for police victims of crime liaison officers. Let us make that absolutely clear.

Mr Perton interjected.

The SPEAKER — Order!

Mr HOLDING — In addition to the existing support that Victoria Police already provides through its victims liaison officers this government is also supporting victims of crime in lots of other ways. As the Attorney-General outlined, we have reinstated pain and suffering compensation for victims of crime.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Scoresby, and I ask the Deputy Premier to cease interjecting. The minister, to continue.

Mr HOLDING — We make no apologies for re-establishing pain and suffering compensation for victims of crime, something that was abolished by the former government. We also know that one of the best ways to support victims of crime is to make sure there are fewer of them, and that is why we have been reducing the crime rate in Victoria. That is why we have the lowest crime rate this state has had in over a decade. That is why we have a crime rate that is 16 per cent below the national average. That is why we have the lowest mainland state crime rate of anywhere in Australia.

We are very pleased to continue to support victims of crime in every way we can, whether it is through the establishment of the victims advisory support agency, whether it is through the reinstatement of pain and suffering compensation or whether it is through the ongoing support that Victoria Police provides through victims of crime liaison officers.

Public transport: franchising report

Mr CARLI (Brunswick) — My question is to the Minister for Transport. Could the minister inform the house about the conclusions contained in the Auditor-General's investigation into the re-franchising of the metropolitan train and tram systems?

Mr BATCHELOR (Minister for Transport) — On a day when the — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster has been warned. If I hear one more word from him, I will remove him from the chamber.

Mr BATCHELOR — On a day when the Auditor-General releases an important report on the re-franchising of public transport in Victoria we get not one question from the opposition on this report, not one.

Mr Doyle — We didn't get an answer. We didn't get a single answer!

Mr Bracks (to Mr Doyle) — You didn't get a question!

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the Premier! I ask the house to come to

order and allow the Minister for Transport to answer the question.

Mr BATCHELOR — It is clear that the Leader of the Opposition has been rolled — or perhaps he has been tolled!

This morning the Auditor-General tabled an important report on the re-franchising of the metropolitan train and tram businesses. I am pleased to report to the house that the Auditor-General has given the government's re-franchising process a very strong endorsement. Importantly, the Auditor-General found that Victorians are getting value for money from their public transport system.

Mr Doyle — What about those seven years — —

Mr BATCHELOR — Just wait.

The SPEAKER — Order! The Leader of the Opposition!

Mr BATCHELOR — It is important to go to the Auditor-General's report to see exactly what he said. The Auditor-General said the payments the government negotiated with the train and tram franchisees were close to the best possible prices it could have negotiated for the sustainable operation of the metropolitan train and tram system. That is a huge endorsement from the Auditor-General and indicates that we are prepared to make sure that public transport is delivered in a sustainable way here in Victoria.

Most people are very familiar with the sorry saga of public transport franchising under the previous Liberal government. It is a sorry saga, just like the one we are seeing from the opposition over EastLink. In 1999 this government and the state were left with a fractured public transport system that simply did not work. However, we are determined to put it back on a stable and sustainable footing. The original Liberal government arrangements were predicated on inaccurate passenger and revenue forecasting, inappropriate risk allocation, a flawed methodology for revenue allocation, a flawed performance management regime and a lack of coordination between operators. The Auditor-General identifies that. The Auditor-General's report shows that all these problems were addressed by this government through the re-franchising process, and we now have arrangements that are workable and sustainable. In addition to resolving those problems through the re-franchising, we have also established Metlink to provide a coordinated approach to marketing Melbourne's unique multimodal public transport system.

Of course there are things we can do better. We can strive to work harder, and the Auditor-General has made five broad recommendations on how the Department of Infrastructure can further improve its internal processes. All five of those recommendations have been accepted by the department. We are now working in partnership with Connex and Yarra Trams to build a much stronger public transport system for today, tomorrow and the years ahead. The contrast is absolutely stark. This government supports public transport. It wants to make it sustainable and workable, and it wants it to grow into the future. In stark contrast the Leader of the Opposition made his toll promise in haste, with no consultation, and a year later we have still not seen its delivery.

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

The SPEAKER — Order! I ask the minister to conclude his answer, relating it to the question.

Mr BATCHELOR — In the meantime the Bracks government will continue to invest in public transport, as we will in health, education and public safety. We will do it for the benefit of all Victorians. We are prepared to govern for all Victorians, not just for the few, and we will continue to do that.

MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL

Second reading

Debate resumed.

Mr BAILLIEU (Hawthorn) — Before the lunch break I was presenting the opposition's response on the Melbourne Lands (Yarra River North Bank) (Amendment) Bill. I made the point that we very strongly support the extension and expansion of the aquarium project, although we have some reservations about the bill. We would like to be in a position to support it wholeheartedly, but those reservations lead us to the proposition that we certainly will not be opposing it.

Before lunch I was speaking about the aquarium and its origins and the triumph the aquarium has been for the owners and operators, Oceanis Australia Pty Ltd. In recounting the history of the aquarium we had reached the stage where it opened in 2001 and operations commenced. As many members will know, those operations have not been without some major

difficulties, and the legionella outbreak that occurred at the aquarium in May 2000 with the loss of lives and the infection of hundreds of people was obviously a tragedy for those involved. It would seem the outbreak was random, and I understand that since then Oceanis has gone above and beyond the call of duty to do whatever was necessary to make the centre safe. It is a great centre, and I am sure just about everybody in this house has visited the aquarium.

It is now one of Melbourne's major tourist attractions, as an aquarium, function rooms, a centre for education and a research base, and it has certainly helped to open up the north bank of the Yarra and the progressive integration of the Yarra with the city of Melbourne over the last 25 years, pursued by successive governments as a fabulous adjunct to the culture of this city.

The proposal for the aquarium now is that it expand to the north by some 2500 square metres in buildings which will be no higher than the twin railway viaducts over the river. It includes all the land under those viaducts. It will take the extension through to the Flinders Street frontage and will proceed after the completion of the removal of the Flinders Street overpass, which is under way at present. In the process the intersection of King and Flinders streets is to be reconfigured. The second-reading speech and various other commentaries refer to a platform-style super-stop, whatever that may mean, at the Flinders Street address of the aquarium. Whether that platform-style expansion is a super-stop such as is currently being installed in Bourke Street or is more similar to the super-stops in Collins Street and elsewhere is still to be determined, but there are some difficulties with those super-stops, and there may yet be some in Flinders Street.

There will be a further expansion on the Batman Park side — the other side of King Street — again on the north bank. I note that this site was originally selected by the Melbourne Convention and Exhibition Centre Trust and endorsed by the previous government as the site for the proposed plenary facility. That followed a comprehensive analysis predicated on the basis that a plenary facility should have immediate proximity to a convention centre and public transport. Since 1999 the current government has dumped those plans and a new location for the plenary facility has been determined. There are those, including me, who think that is the wrong location. It is still to be observed in reality, because construction has not started. Indeed we do not know very much more of the detail about that, but the new location is distant from the convention centre and will limit the capacity to expand the exhibition centre.

We have lost six years in the process, but the adjacent site, which was to be the plenary facility location, is now available and has been let under an expression-of-interest process, we understand, to a combination of Oceanis and other parties. The detail of that is yet to be announced, but I note that a Tourism Victoria media release earlier this year states:

The development also features a sky bridge over King Street to link the existing and new areas of the aquarium. Work is set to begin this year, with the first stage of the aquarium scheduled to open in late 2006 and the entire project completed by the end of 2008.

We had not previously seen discussion about a sky bridge over King Street, but we would certainly welcome having further details of that linkage to the aquarium.

The purposes of the bill are obviously to transfer this land and to make changes to the leasing provisions in the original act so that the land can be incorporated in the ongoing lease. The provisions are such that in clause 4 there is a new definition of 'aquarium site land' which goes on to add the land between the original site and Flinders Street to the original land package described in the original act. Clause 6 provides the power to vary the lease to allow this to happen, and clause 8 preserves the rights under the Transport Act to ensure access to the transport infrastructure. Some 2500 square metres of land will be added — it is land beneath the railway viaducts — that will abut Flinders Street.

Principal amongst the issues are the encumbrances on the land which is being transferred — that is, the railway infrastructure, the superstructure that supports the railway overpass and the twin viaducts which pass over it. They are very substantial brick-lined columns, and obviously they have a principal part to play in the railway infrastructure. The land on which those columns sit and the footings and foundations are to be transferred in this lease arrangement. So we are then faced with issues of access, maintenance, occupational health and safety responsibilities and definitions of workplaces and the like. They are the range of issues which confront Oceanis Australia, which will be receiving the land.

When we asked about this we were told at a briefing that protocols will be included in the lease to cover these issues. I have discussed this with aquarium representatives. The detail of that was not available in the briefing. I think these are important issues that would have been raised about the adjacent site as well had the plenary facility proceeded there. But the lack of disclosure is cause for anxiety. The Parliament deserves

to know more about these protocols and about where the responsibilities and the division of responsibilities will lie, because this is important infrastructure. As it will inevitably be embedded in the middle of what is a privately owned building, I think these issues need to be spelt out further.

I also mention the fact that there is a value transaction here. Land is being acquired by the aquarium consortium, and the associated rights going with that have a value. The consideration of that transfer has again not been disclosed. We are in a position only to assume that the Valuer-General and the land monitor will be involved and that a fair assessment will be made. But I think it would have been useful for the house and for the people of Victoria to have had a clearer idea of this before the transaction proceeded. I am not suggesting anything untoward, but some idea of the value of the transaction would have been useful. I have mentioned the fish market site west of the Melbourne Aquarium in King Street and the expression-of-interest process. Again I think it would have been useful had we been at a stage where more details of that project were publicly available.

On the issue of the super-stop which is proposed in Flinders Street abutting the extension of the aquarium, which will now have Flinders Street frontage, super-stops are a great idea in theory but there are practical issues about them which the government is still not resolving well. The Clarendon Street, South Melbourne experience has demonstrated that, as has the recent Collins Street experience where the government and the council have failed to adequately consult property owners in Collins Street and the super-stop location has been changed in an ad hoc way to the detriment of some property owners and to the advantage of others. Issues involving taxis, their access and of loading access for the properties are significant and unresolved, and yet permits are being issued. As in Collins Street, there are likely to be ongoing access issues at the Flinders Street address outside the aquarium, and it would have been helpful to the house and to Victorians generally to have had further detail of the nature of the super-stop which is to be built outside the aquarium.

Equally, I have raised in this house a number of times before the issue of the super-stops in Swan Street and Burnley Gardens, and in debate on an earlier bill I raised concern about the reserves being transferred and what I considered to be an urban blight being imposed on Burnley Gardens. I note in the *Melbourne Times* of 3 August a commentary headed 'Super tram stop wrecks everything in its path ...' and that is the view of Richmond residents. Further, the article goes on to say:

In a letter to Yarra Council the National Trust said it was gravely concerned about the traffic changes in an area of heritage significance.

And the article by Alison Dean goes on further to say:

Now residents are appalled at the destruction of parkland and a second round of government intervention.

The Burnley Gardens super-stop is not going well, it was predicted it would not go well and there are going to be traffic, heritage and environment issues associated with that. Equally the progress of the tram 109 project is not proceeding well. The super-stops, as they have been configured in Whitehorse Road, have caused traffic diversion to the detriment of local residents. They have caused considerable angst to those who use Whitehorse Road and now we have alternative provisions for super-stops being foreshadowed in Whitehorse Road, moving from a peninsula to an island-based platform.

In Bourke Street we have a platform situation where the footpath is essentially extended to the tram line in a raised way and the net effect is for the tram line to be apparently dropped in the centre of the road, providing a direct step-off onto the new-age trams. We do not know yet what model will be used in Flinders Street but obviously there are traffic issues in Flinders Street outside the aquarium and if the super-stop is too narrow for the passage of traffic in Flinders Street, then that is potentially an issue.

The aquarium requires cab access stoppage at what will be its new frontage. That is going to have an impact on the location of the super-stop. If there is to be a peninsula or a raised platform from the footpath which causes further road narrowing, that is going to be an issue. There are a range of concerns we have in regard to this particular bill. We are very supportive of the project, we hope the government can resolve these issues quickly and publicly to the general satisfaction of the community. It would be useful if it did so while the bill is between this house and the other place.

Having said that, I do not intend to speak further on this bill other than to note the curious reference in the second-reading speech to the recent success the aquarium has had in regard to the artificial insemination of sharks. Of course we are not allowed to present newspapers to the house, but I think commentary on the increasing numbers of sharks might make some of us a little apprehensive — particularly those of us who spend a bit of time out in the ocean — about artificially inseminating the sharks and producing even more of them, particularly some of the big nasty ones that look a little bit like that when you glance at them! I am sure

the aquarium is doing good work; it does fantastic research. I wish the aquarium all the best. I think the owners have done a magnificent job, and I hope they can sort out some of these undisclosed and unresolved issues as soon as and as publicly as possible.

Mrs POWELL (Shepparton) — I am pleased to speak on the Melbourne Lands (Yarra River North Bank) (Amendment) Bill as spokesperson on planning matters for The Nationals, who will not be opposing this bill. The purpose of it is to amend the Melbourne Lands (Yarra River North Bank) Act 1997 to provide additional land to be included in the Melbourne Aquarium site. It involves a fairly substantial area — 3965 square metres of land. It is also to make provisions for varying the lease relating to the Melbourne Aquarium.

In November 1997 a lease for the initial term of 50 years was granted to Melbourne Underwater World Pty Ltd for the Melbourne Aquarium. This lease was between the City of Melbourne and the aquarium owners; the bill varies the lease to include the additional land which is required to allow the Melbourne Aquarium to expand its facilities.

Over the past five years Melbourne Aquarium has become a huge tourist attraction in Victoria, with 700 000 people visiting over the past 12 months, including about 70 000 children. The aquarium management want to dramatically increase that number by putting a focus on encouraging more children and students to visit the aquarium.

It already has some great attractions. It has an underwater zoo; you can dive with the sharks — and if that is not to your liking, you can use the glass-bottomed boat and still marvel at the sharks. There are also a number of different species of fish, sharks and crustaceans, so it really is a great exhibition of the different types of mammals and fish we have, and a great way to see them is behind glass. The building extension will accommodate more exhibits and some new attractions. That is a great idea because a number of visitors and students from schools go perhaps once a year, and if they see the same exhibitions and attractions then they may not go back again.

I think it is important to keep alternating the attractions and changing the exhibits so people who might like to go there a couple of times a year can be encouraged to do so because they can see interesting things rather than the same things each time. There is substantial additional space for the building extension — about 2500 square metres — and I understand the

development is worth about \$10 million. The development was awarded to a consortium which includes the aquarium owners.

I thank Rachel Joiner from the minister's office for providing a briefing at short notice. Often when country members come to Melbourne it can be very difficult to find times. The minister worked in with my itinerary, and I thank her for that. I also thank Melinda Knapp, the deputy director of Crown land management of the Department of Sustainability and Environment, and Lou Clayton, the senior adviser at the executive and legal branch of the Department of Infrastructure. I was able to ask a number of questions and to get some information about the consortium. I understand the consortium was also awarded the right to develop the fish market site, and even though it will be developed it will be developed separately. In effect the Melbourne City Council will be the landlord, but there will be a formal agreement between all the bodies.

The government said that it is committed to removing the Flinders Street overpass as part of the development, and I think that must happen quickly. It has started to happen, and it will be completed before Christmas. Works on the extension will start early next year, and I understand there is a commitment that it will not interfere with the Commonwealth Games. I think it is important that there will not be any interference with the games, particularly for the travelling public. There is also a commitment to allow continued access to the Flinders Street viaduct railway. This is provided for under clause 8 of the bill, which says that any rights under the Transport Act 1983 will be preserved for the whole of the site. I also understand that after the redevelopment the frontage will be at Flinders Street with a tram super-stop at the front to allow disability access and access for people who have wheelchairs, prams and those sorts of things so they can use the platform that has been developed for super-stops.

The issue of this particular land was dealt with when the Melbourne (Flinders Street Land) Bill was passed in this house in 2003. That bill was introduced three years ago and we are debating the bill that will enable that to happen. I spoke on the bill on 30 April 2003, and The Nationals did not oppose that legislation. The second-reading speech talked about the land on the north bank of the Yarra River being divested from the Melbourne City Council in an effort to rejuvenate the north bank of the Yarra. There was a need to understand that the south bank of the river has been redeveloped and has had a lot of beautification work done, but it is now time for the north bank to have some works done.

In May 2002 the Premier and the Melbourne City Council sought expressions of interest for the development of the two sites, being firstly the former fish market site south of Flinders Street between Spencer and King streets, and secondly the opposite side of King Street to the north of the Melbourne Aquarium. As part of the development on both of these sites, as I said earlier, the Flinders Street overpass will be removed. A new intersection will be created at the corner of Flinders and King streets, and that is also to be completed at the end of this year.

We understand the popularity of the Melbourne Aquarium. It has hundreds of thousands of visitors each year. There was concern in the year 2000 when the Melbourne Aquarium was closed for a short time because of four outbreaks of legionnaire's disease in Victoria, the source of one outbreak being the Melbourne Aquarium. A number of people were concerned because they had visited the site and had contracted some flu-like symptoms, which were found later to be legionnaire's disease. It is a huge concern when we have public buildings of this size with large numbers of people going into them. Public safety and health are paramount at such places, and particularly so for the elderly, those who have breathing difficulties and the young. The source was identified, and the cooling tower was removed. Again management acted responsibly and quickly, identified the source, worked with the department of health and the problem was corrected.

The Building (Legionella) Bill was introduced in 2000 and brought in regulations for public buildings such as the aquarium so that owners are now required to register cooling towers and to have risk management and maintenance plans in place. It also prescribes the types of chemicals to be used for cleaning cooling towers. Again that shows the importance of the health and safety of public buildings and the responsibility of owners and managers of buildings which people visit regularly.

Melbourne Aquarium is a great tourist attraction for Victoria. It attracts visitors from right around Victoria, around Australia and from overseas. With the Commonwealth Games coming, it will be another great icon for our visitors, who will be able to take their views of it home to their own countries so that hopefully we will have more visitors coming here. This extension will also allow more exhibitions and research, and the aquarium will be a better asset for Victoria. I hope inconvenience to the public because of the work on the extensions will be kept to a minimum, particularly at the time of the Commonwealth Games,

but as Victorians we all look forward to a much bigger and better Melbourne Aquarium.

Mr CARLI (Brunswick) — It is with great pleasure that I rise to support the Melbourne Lands (Yarra River North Bank) (Amendment) Bill. Great things are happening on the north bank of the Yarra. If you go there now you can see the removal of the Flinders Street overpass. While that has created some inconvenience for tram and car commuters in Melbourne, it is actually removing what has been a pretty horrific barrier between the Yarra River, the central business district (CBD) and Southbank. What we are seeing is the revitalisation of the north bank, and an important part of that is the expansion of the aquarium. This bill allows for that expansion.

Essentially what has happened is that the original Melbourne Lands (Yarra River North Bank) Bill of 1997 was the one that allowed the City of Melbourne, which is the committee of management for that land, to lease a large parcel of land to the aquarium, which allowed the aquarium to be built. This bill is giving the opportunity for that committee of management to provide yet another larger parcel of land, and that parcel will be used for the expansion of the aquarium. That will be of great importance. It is a terrific site for tourists and locals.

Some 700 000 people a year visit the aquarium. It is great for schoolkids, important for marine research and important for training. It is a very valuable asset, and it is pleasing to see the Liberal Party, The Nationals and the Labor Party all speaking about the virtues of the aquarium, what a good thing it has been and how important it is to further entrench its position not only as a tourist location but also as an important part of our local economy. It is also an important part of our training and research capabilities in this state. It is a project of great benefit.

There will be more land, and now that the overpass is being removed we will be able to reconfigure the aquarium so that it will have a Flinders Street frontage, which will be served by a tram super-stop. The super-stops are important because they give disabled access to our facilities. Basically they allow our low-floored tram system to work effectively for people in wheelchairs or with other mobility disabilities. They are also very important in terms of reinforcing the presence of trams in the CBD. It is a terrific part of the reinvigoration and revitalisation of that area.

Basically the removal of the bridge had been done with the condition of a tender going out for the former fish market site. That was won by the aquarium, and that is

why this land will be leased and gained by the aquarium as part of its expansion. It is a good example of the collaboration between the City of Melbourne and the state government of Victoria, and it demonstrates a benefit not only for Melbourne but also for Victoria.

The member for Shepparton spoke very well about the importance of the expansion of the aquarium and its sustainability. It is a fantastic site — I was stunned when I visited the aquarium — but at the moment the operators are limited in what they can do, and they are certainly limited when it comes to doing any extra events.

Ms Asher — Were you at the Liberal Party function?

Mr CARLI — No, I did not attend the Liberal Party function, and I did not get legionnaire's disease. That was a tragic event that affected the Liberal Party, and my condolences go to all those who were taken sick by that unfortunate event at the aquarium.

In my visit I noted the aquarium was limited in its scope and capabilities, because it does not allow for variety. People go there and think it is fantastic and marvellous, but they do not go back. This expansion will encourage people to have a number of visits — to come back and revisit it — because there will be difference in terms of displays and exhibitions. The needs of the aquarium are well recognised. This has been out in the public arena since October 2003, and people have known about the plans. I have not met anyone who has not wished the aquarium the best fortune for its expansion and future. I wish this bill swift passage. It is a good bill that is great for Victoria and great for the aquarium.

Mr HONEYWOOD (Warrandyte) — In rising to make a brief contribution to the debate on the Melbourne Lands (Yarra River North Bank) (Amendment) Bill I should, as has already been mentioned, congratulate the Melbourne Aquarium owners for their foresight and their commitment of capital, at some risk, to this important project which we are now facilitating the expansion of. Often when governments promise to upgrade the Yarra River and environs government money and action are not forthcoming and it is the private sector that implements the vision by committing its capital to enhance the built environment, as has happened in this case.

We have come a long way since the days of Robert Hoddle's city grid plan of the late 1830s, which turned its back on the Yarra River. It was the development of Southbank, facilitated by the previous Liberal

government, that got attention focused back onto the river. However, the development history of enhancing both the built and the natural environment along the river bank since that time has been unfortunately problematic. It should be pointed out that the natural environment has to be given top priority if we are to ensure that facilities built along the river bank such as the Melbourne Aquarium are going to be drawcards for international and interstate tourists and Victorians to enjoy, along with an enhanced riverscape.

The current government has put forward many plans about what it intends to do for the Yarra River. It is interesting to note that at the last state election this was a key point of difference. One of the Liberal Party's most significant policies was about enhancing the Yarra River and its environs. An \$18 million commitment was made at the time, which was very much welcomed by the Yarra boating and tourism industry. That policy was described by John Ferguson, a prominent journalist, as one of the best policies to be released by any party in the course of that election two years ago.

Mr Clem Newton-Brown, the then owner of Yarra Yarra Water Taxis, a former Deputy Lord Mayor of Melbourne and a great environmentalist — —

Ms Asher — And a future member of this Parliament.

Mr HONEYWOOD — And a future member of this Parliament, I should add, made the point that:

For years Parks Victoria rangers have tried to keep the Yarra clean with hopelessly inadequate litter traps which do little to actually solve the problems.

The traps do not collect cigarette butts and cannot cope with the influx of litter from stormwater drains after rain.

These are some of the issues. Mr Newton-Brown went on in that article of 14 November 2002 to raise these questions:

But why is Sandridge rail bridge still a rusting mess? Why is there a grotty strip of land between Federation Square and the river? Why is the Northbank area still derelict?

He noted that there had been a decade of phenomenal improvement to the Yarra environs under the previous government but that it seemed to have stalled.

Not many months after those comments were made a group of concerned businesspeople who had formed the Yarra River Tourism Association, whose 45 members include the operators of Federation Square, Crown Casino and, importantly, the Melbourne Aquarium — as I said before, it has often required the business community to put flesh on the bones of the

government's glossy pamphlets about the Yarra and environs and to do some of the implementation — made a statement maintaining that the river required better management to ensure its standing as Melbourne's heart. The association's president stated on 9 January 2003:

'This river is what people see of Melbourne and take back to other parts of the world', said association president Stan Liacos of Federation Square

The group went on to call for a number of government-sponsored, part-government and part-private-sector-funded initiatives that would ensure both the built and the natural environments of the Yarra River and environs would enhance tourism prospects. When we debate a bill on the Yarra River, and in this case the Yarra River's north bank, we cannot ignore the interface, if you like, of the natural and built environments. One of the group's proposals was that there should be a centralised body to manage the river from its source to the bay in order to replace the 14 organisations that are overseeing the Yarra River! Far from taking on the recommendations of that private sector body, which included the operators of Federation Square — a government-owned entity at the time — what was the response of the government? The Minister for Environment unilaterally sacked and got rid of the Yarra River community-based advisory committee.

It is worth pointing out that up until 18 months ago, in the Port Phillip and Western Port catchment areas there were five separate water advisory committees, including those for the Werribee River, Maribyrnong River, Yarra River, Dandenong Creek and the wider Western Port area. The community-based advisory committees had been instigated by the Cain government and continued by the Kirner government. The Kennett government then continued and strongly supported them. They survived on a bipartisan basis; different members had come and gone.

Regarding the Yarra River and the other rivers I mentioned, that community-based advisory committee, like any other committee that has management of a park — although the government often does not reappoint those committees nowadays — was about ensuring that various agencies which have part responsibility along different parts of the river, different sections of the waterway or the actual river bank were required to come together to answer questions such as, 'Who will take responsibility for litter traps, and who will take responsibility for the plastic bags that hang off the tree branches which overhang the river?'. As we discovered in January this year, there is a great demarcation dispute about that issue. The question

could be asked, 'Who is going to take responsibility for pollution discharges through stormwater?'. At the end of the day the advisory group was the one that had the authority to bring together the various bureaucracies involved with the Yarra River and ensure that somebody took responsibility.

The SPEAKER — Order! I remind the member this bill refers particularly to the aquarium land on the Yarra River, not the whole of the Yarra River.

Mr HONEYWOOD — I take your point, Speaker. The bill is the Melbourne Lands (Yarra River North Bank) (Amendment) Bill. I am speaking entirely to the issue of the built and natural environments of the Yarra River because they interface very much with the project we are discussing.

The SPEAKER — Order! I was not actually asking for the member's opinion. I was pointing out to him that this bill is not as wide as is his contribution. I ask him to return to the bill.

Mr HONEYWOOD — I thank you for your guidance. It is important if we are going to have coordination of projects such as the expansion of the Melbourne Aquarium that we have various committees and responsible authorities acting in concert and ensuring that projects such as this have fulsome community support and are interfaced properly with plans for the Yarra River. That was one recommendation that the government not only did not take up for that private-sector based body but actually acted against by sacking the community-based advisory committee.

Another recommendation was that there be better litter control along the Yarra River and that education programs be established. I note Melbourne Aquarium has very good education programs. If you go down there, you will see that it specialises in education programs about the Yarra River. Unfortunately we found there has been very little action. In January this year, we found that two years after this article was written, three kayakers were hospitalised with leptospirosis and hundreds of eels died overnight from pollution in the river.

Another recommendation from that organisation was to improve the north bank, which is specifically referred to in the bill, to make the city side of the Yarra River more appealing, including having a makeover of the station tunnel linking Elizabeth Street to the river's edge; other proposals were also included. Very little enhancement has been made to the built environments in terms of government support and sponsorship. Built

projects such as the one we are debating today has really been left to the private sector. Importantly, in a newspaper article association officer Tim Bracher says:

... a coordinated approach was needed to clean up the river.

One per cent of rubbish flow is from the city and 99 per cent from as far as Mount Baw Baw ...

Parks Victoria collects litter from the water, while river councils are responsible for cleaning its banks.

Again, we note that this vexed issue of who takes responsibility for the coordination of the Yarra River has been a major issue of contention for the current Bracks government. It has promised a great deal. It has very little overall coordination. We are still waiting for it to fill in the cracks in some of the promised projects which were meant to enhance this precinct.

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

Ms D'AMBROSIO (Mill Park) — I am pleased to be able to give my support to the Melbourne Lands (Yarra River North Bank) (Amendment) Bill. As other speakers have mentioned, the bill is fairly perfunctory in what it sets out to do, but nevertheless it is quite significant in what it does in terms of enhancing people's experiences of the Melbourne Aquarium.

The Melbourne Aquarium has been a very successful tourist attraction not just for residents of Melbourne but also for interstate and, indeed, international visitors. I understand that in the last 12 months the aquarium clocked up about 700 000 visitors. There is, of course, a range of benefits derived from a visit there. That is why other than tourists many schools take children to visit it and during school holidays it is full of parents and their children. I am very proud to say that on many occasions I have done that with my own children, who never cease to be excited by the jellyfish, sharks and other encounters that they have in the aquarium.

May I share with the house why I think the aquarium is important in terms of our cultural development as a city? While, as I said, the bill is quite perfunctory in nature, giving extra land to the aquarium for its extension will help to rehabilitate the north bank of the Yarra. I must commend the government on doing a terrific job in enabling a lot of important uplifting, if you like, of the scenery of the north bank. My memories of the city, other than the shopping precinct, as a young child are fairly much all based on what was going on on the south side of the Yarra, whether it was a visit to the flower clock or the National Gallery and having photographs taken there. I have one of me with

my favourite uncle that remains seared in my memory — it is really lovely.

I am pleased to say that future generations will have very different recollections of their experiences with their city. That is very important. The culture and how the residents of a city identify with their home town and the memories they have as young children are very important for them in the way they interrelate, if you like, with their city and neighbours well into the future. Members might call me sentimental on that point but I am happy to be accused of being that. I will be very pleased that my own children will be able to enjoy the experiences of an expanded Melbourne Aquarium. I certainly look forward in the future to comparing memories with them of the north bank. My memories are of driving with my parents along King Street and trying to cross the overpass to the other side, where it was always much prettier.

Banana Alley is another memory I have of when I was younger. An attempt was made to rehabilitate that particular area along the north bank of the Yarra where the aquarium is now. Unfortunately, that failed as a retail precinct. I hope that can be looked at in light of other developments, including the expansion of the Melbourne Aquarium. I reiterate the importance of the bill in providing the Melbourne Aquarium with the capacity for an extension. It will be of benefit to the Melbourne city precinct in terms of tourism and the economic benefits that will be generated by that development.

One thing that the government is very committed to is balancing the many needs of our community, whether in health, education or other types of infrastructure, with our own cultural needs. Culture can, of course, be at many different levels, including visiting the Melbourne Aquarium, where children in particular gain many educational benefits from learning more about their environment. It is nice to have an aquarium located along the Yarra River. That certainly poses a good contrast for children. I remember before the Melbourne Aquarium was opened visiting the aquarium in Perth. It was quite spectacular in its location, being built into a bit of a rock face above the Indian Ocean.

Ms Asher interjected.

Ms D'AMBROSIO — Is that what happened? They swam off? I do not think the one in Perth suffered the same fate. I am not sure how sharks would fair in the Yarra River if that ever happened at our Melbourne Aquarium. You never know but I hope it will never happen.

Once the Melbourne Aquarium was built, it certainly to my mind provided a much better experience. I can, of course, be accused of being parochial in saying that but the fact is that it is a wonderful place to visit. Without prolonging the debate further, I reiterate my commitment to the bill. I commend it to the house and wish it a speedy passage.

Ms ASHER (Brighton) — As has already been indicated, the Liberal Party does not oppose this bill. It in essence adds additional land — as shown in the map in schedule 1 — to the Melbourne Aquarium site to enable its expansion. The aquarium is, of course, a significant tourism attraction. It has been part of a program by successive governments to augment the Yarra and its use. The aquarium needs to expand — all tourism infrastructure needs constant refreshing. As has already been said, last year 700 000 people visited the aquarium. The owners will anticipate greater visitation as a consequence of the expansion. As an aside I also note, along the lines of the contribution of the member for Hawthorn, that the aquarium is embarking on groundbreaking work in shark insemination. I look forward to hearing more details on how that is actually done.

I now refer to the second-reading speech, which sets the clear context for the bill, which is in fact the Yarra River north bank development. It refers also to the tendering process for the former fish market site — obviously the aquarium owners were the successful tenderers there — the removal of the Flinders Street overpass to enable the extension of the aquarium, a new intersection of Flinders and King streets and the fact that when completed the aquarium will have a new Flinders Street address, which will be of benefit to it. However, an extraordinary claim is made in the second-reading speech. At page 2 the minister claims that this particular project — that is, the Yarra River north bank project — is 'on time and on budget'. What a false and misleading statement that is.

I move to an analysis of the history of this particular project. I am delighted that a former Minister for Planning is here. The project was originally called the Yarra plan and contained the following projects: the Sandridge Bridge project, the Queensbridge Square or plaza project, the former fish market site redevelopment, the Flinders Street overpass removal and the Flinders Street station upgrade. All those projects were launched in 2000 as part of the government's grand plan to revitalise the north bank in time for the Commonwealth Games in March 2006.

I refer to a press release dated November 2000 from a former Minister for Planning, the Honourable John

Thwaites, which is headed 'Sandridge saved in north bank vision' and states:

The historic Sandridge rail bridge — once the symbol of Melbourne's transition from settlement to city — is now the focus of a major redevelopment of the Yarra's north bank.

He went on to say later:

With the upgrade of Flinders Street station, Riverside Park, Federation Square, the aquarium and the Docklands on the north bank through to Queensbridge Square and Freshwater Place on the south bank, the opportunities for this site are immense.

He went on to say:

By the 2006 Commonwealth Games in Melbourne, the north bank will be a lively and attractive environment, completing the picture of a vibrant waterside city.

I suggest that members go down there and check it out. Later than that, on 28 October 2002, a press release issued by the then Minister for Planning was headed 'Days numbered for Flinders Street eyesore'. They were numbered all right. It still had about three years to go, so I guess that was factually correct but was just a bit out in time. This press release states:

The development of the former fish market site on Flinders Street is one step closer with the expression-of-interest period now closed, the Minister for Planning, Mary Delahunty, announced today.

The minister then went on to say:

... urban renewal of the former fish market site, and a second site on the south-east corner of Flinders Street, would feature a mix of commercial, retail and residential opportunities.

However, her closing date was even in advance of the date in the earlier press release. She went on to say:

The project is expected to be finalised by 2005 so that crowds can flock to the north and south banks of the Yarra in time for the Commonwealth Games in the following year.

Realising the time frames were probably not going to be achieved, the government split the Yarra plan up into three separate projects in late 2003. The first element was the Sandridge Bridge and Queensbridge Square — and they are still saying they will be completed by the start of the Commonwealth Games. The second element was the former fish market site redevelopment, which includes, and this is what the bill is about, the removal of the Flinders Street overpass, which is now to be finished by 2008. The third element of the plan was the Flinders Street upgrade, which the government says will be completed by the start of the Commonwealth Games.

I refer to a press release from the Premier dated 1 October 2003 and entitled '\$170 million facelift to reinvigorate city's west end'. The Premier yet again announced the Melbourne Aquarium extension, which is what we are discussing today in this bill, residential apartments, a hotel, retail shops, a redevelopment to revitalise Flinders Street's former fish market site and so on. The Premier went on to say that there would be a capped contribution of up to \$6.5 million for the demolition of the Flinders Street overpass, and later in his press release he said:

With work set to start in 2005, the first stage of the aquarium is set to open in mid-2006, and the entire development is to be finished by the end of 2008 ...

We note then the performance of the current Minister for Major Projects. He was so embarrassed about this project he issued a press release on 17 April 2005 indicating that work was going to start within one month. He also threw in the line that this particular project was:

... all part of making Victoria the best place to live and raise a family.

Further on he stated:

The aquarium expansion will start once the demolition works have finished and is expected to be completed by early 2007 ...

We are getting further and further out in time on this. The minister then issued two more press releases — the first involving a publicity stunt and the second, and final, announcing in August that the overpass was gone — three years after the minister at the table, the Minister for the Arts, said it would be gone.

Let us recapitulate on the government's performance on this project. The earliest completion date put forward by the government for the total development of the former fish market site was this year. In other words, that project was going to be completed by 2005. The current completion date, according to the Premier, is now 2008. It is only three years behind schedule; that is typical of the performance of this government. The aquarium extension — the critical aspect here is that the extension has been completely dependent on the demolition of the overpass — was originally meant to be completed by mid-2006. It is now scheduled for early 2007, so there has been a delay of almost one year on that element of the project. In terms of the costings, the government has been less than specific.

The original budget was a \$6.5 million capped contribution, according to the Premier. But then according to the Minister for Major Projects in his final

press release of April 2005 the project had expanded to be a \$9 million project. I do not know whether the cap has blown off to the tune of \$2.5 million or whether some additional funding has been sourced. I call on the minister in summing up to clarify that issue for the Parliament. If we have a \$2.5 million cost blow-out on the extension of the removal of the overpass, then this project, like every other single project, will either be late or over budget or both.

As I said, it is all very well for the government talk about the revitalisation of the north bank of the Yarra, but it is three years too late, according to its own timetable, which it set in 2000. Hence my shock to find that the second-reading speech almost invites my contribution. There is an extraordinary claim in the second-reading speech that this project is proceeding on time and on budget. 'In the minister's dreams!', I say. Every single major project touched by this government is either late, over budget, or both. It is a disgraceful record. This is a good bill, but the government's record is a disgrace.

Ms GILLETT (Tarnet) — It is my privilege to make a contribution on the Melbourne Lands (Yarra River North Bank) (Amendment) Bill. It is good to see that the opposition parties are not opposing this bill, but I have to reflect on the comments made by the member for Brighton. She has perhaps been a little ungracious, because in March 2006, when we have the best Commonwealth Games ever, people will travel to the north bank of the Yarra and see the wonderful building that is making wonderful progress and they will visit the aquarium. Having had their excitement whetted they will be back early in 2007, when the wonderful extensions to the aquarium have been built.

This bill allows for the expansion of one of the most popular destinations for visitors to Melbourne, and that is the Melbourne Aquarium. It is enjoyed by Victorian families and Australian and international tourists. This bill is good for tourism, it is good for the environment and it is good for the Victorian economy. I recall that a little while ago, when my children were still young enough for me not to be an embarrassment to them, we all went to the museum. I do not know who was more thrilled with the experience, them or me, but as most members who are parents will know, it is such a pleasure to take your children out and have them enjoy themselves to such an extent that you are the one saying to them, 'Can we go home now? Haven't we seen enough?'. The aquarium is that sort of tourism destination.

The activities of the aquarium as a whole are good for children — particularly, as we come up to the school

holidays, for schoolchildren who get terrific educational benefits in a fantastic and enjoyable environment. The expansion that this bill makes possible for the aquarium will allow it to build on its valuable training, research and environmental studies programs.

This is an example, in my opinion, of the government's strong partnership with the Melbourne City Council. That partnership is of enormous benefit not just to Melbourne but to Victoria. As other members have said, over the years an enormous number of visitors have been to the aquarium. The figures available show that in the last 12 months, the aquarium has had about 700 000 visitors — many from Victoria but many from overseas and interstate. All those visitors add value to our economy.

Educational tools are a key feature of the aquarium's activities and, as I said, hundreds if not thousands of schoolchildren every year undertake study trips and attend programs at the aquarium. To further develop this range of activities and attractions, the aquarium needs to expand, and this bill gives it the capacity to do that.

Following an extensive tendering process for the development of the former fish market site, a consortium which includes the aquarium owners was awarded the development right. I tend to take the view that if you are going to do something as important as an extension to the aquarium — and, in the process, help to restore and rebuild the north bank — you cannot do it in a rush. It must be done properly and carefully, because the aquarium will be there for generations to come. I think our hides are probably tough enough to suffer the slings and arrows of the outrageous torture of the opposition — just because we have done things properly and, having done things properly, taken our time.

Following an open and competitive tendering process for the redevelopment of the former fish market site, a proposal to extend the Melbourne Aquarium site by 2500 square metres was accepted by the government. The Melbourne Lands (Yarra River North Bank) Act 1997 enabled the Melbourne City Council, as the committee of management for the land, to grant a lease for the construction and then the operation of an aquarium for 99 years. The amendment to the Melbourne Lands (Yarra River North Bank) Act 1997 will enable the Melbourne City Council to vary the current commercial lease for the Melbourne Aquarium to include two additional parcels of Crown land for the proposed aquarium extension.

There has been some criticism from members of the public who are generally against the commercial development of Crown land — as Parliamentary Secretary for Volunteers and Commonwealth Games, with some responsibilities for the games village, I am aware that those issues were raised in respect of the games village. There may be criticism specifically against the Melbourne Aquarium. I have to put on the public record that the concept of an extension to the Melbourne Aquarium has been in the public arena since 2003. The impact on the park as a direct result of the aquarium extension will be minimal, with the majority of the built form to be constructed on existing roadway under the northern railway viaduct, where the current Flinders Street overpass structure is located.

This is a fairly straightforward bill, but it provides for the expansion of a very special asset for all Victorians. I commend the bill to the house.

Mr DIXON (Nepean) — The member for Tarnait raised a couple of interesting points that I wish to touch on before I start my contribution to the debate. I was amused when she said this was such an important project that it could not be done in a rush. I agree. The problem, though, is that the government time lines have not been met time and time again. It would be fine had the government been honest and said, ‘This project is going to take three years’, or, ‘It is going to take five years’. People would have said it was an important project and should take that long, but as we have seen with numerous major projects of this government, totally unrealistic and unattainable time lines have been set but never met, so they always have to be extended.

I think the member for Brighton said that the second-reading speech said it was on time and on budget. It always is on time and on budget, but the government has to keep on extending the time lines and the budget so that it is back on time and on budget.

An honourable member — You are a bit cynical.

Mr DIXON — I will be cynical! If you have unrealistic time lines, you can keep reannouncing the project almost as a new project, with new press releases and a lot of media coverage. Far be it from me to give the government any advice, but I think it starts to lose credibility when it keeps doing that — and there is a distinct lack of credibility as far as major projects are concerned.

We have heard a lot today about having the north bank ready for the Commonwealth Games. I hope Queensbridge Square and Freshwater Place are ready, and I certainly hope the Sandridge Bridge is ready, but

the government will have to get a bit of a move on. All the development is happening because of the visitors who will come to Melbourne for the Commonwealth Games. In the last week or so I read with some interest that six months out only one quarter of the tickets that have been allocated to interstate and overseas visitors in games packages have been sold. I cannot see that increasing. The 135 000 or 136 000 visitors who were expected to enjoy the environs of the north bank will unfortunately not be here, so I suppose it will be left to Melburnians to enjoy what is happening on the north bank.

The Melbourne Aquarium is a great tourist attraction, which is why I wish to speak on this bill, tourism being my portfolio. It has consistently attracted tourists to Melbourne and has a great location on the Yarra River. It is very important that a city the size of Melbourne has those sorts of facilities within easy access. It is wonderful that it is so close to tramlines, as one of the great ways of getting around Melbourne is on the free City Circle trams. The aquarium certainly has that good sort of access, and it is easily accessible from Southbank across the river. It is a great tourist attraction and one that we need to have, but the update is also needed.

People are expecting more and more these days when they travel. They do not want any old aquarium; they want something new and different that relates to the country it is in. Sometimes I think aquariums around the world all look much the same, like shopping malls. It is very important that the Melbourne Aquarium and other Australian aquariums reflect the sea life and marine diversity of their areas. Given some of the damage going on in the bay from the channel deepening, perhaps the aquarium will turn into a bit of a museum of how things used to be in the beautiful diving areas of the southern bay.

If you look at the visitor numbers for the aquarium, you see that the vast majority are locals from Melbourne and Victoria. It is good that numbers of people revisit the attraction. If there is something new to see, people will come back again. Like other major tourist attractions around Melbourne, the aquarium has recognised that and is prepared to make the investment to do it. I applaud the aquarium for the work it is doing.

The north bank has great potential. It is in the condition that Southbank was in 10 to 15 years ago, and we can see how well that has come on under successive governments. Southbank was easier in that it is far more attractive because it faces the north, so the sun is on it. The north bank is more of a challenge, because it is on the shady side of the river, and as well as the

railway station the line of buildings along Flinders Street and probably Collins Street shade the area. One way of meeting the challenge is to unclutter the area, because it certainly has been cluttered. It is good to see that the road overpass has finally been demolished. When you go along Kings Way and come to that intersection, you are actually hit by the light. It is now quite open and quite light, so the demolition has certainly made a great difference. But the demolition is one thing. The work that has to go on at that intersection, the opening up of that entire area and the beautification of it certainly has a long way to go.

I think we all had the expectation that more would be done by now, but we will be waiting longer than expected, and this certainly will not be happening before the Commonwealth Games. But it is good to see that it has started and to see the road overpass actually removed. I would love to see the rail overpass gone as well, because that is nearly as bad. It looks a bit better at night with the blue lights on it and you cannot really see it as much, but it is bit of a blight on the —

Ms Asher interjected.

Mr DIXON — Blue lights are better than blue trees, aren't they? Yes.

It would be great if the rail overpass could possibly go, but I do not think we are going to see that in our lifetimes. You wonder what our forefathers were thinking when they put all the rail lines and some of the freeways right on our river banks. I was in Brisbane a few weeks ago at a conference. The east bank of the river there — I suppose it is their north bank as well — is lined with freeways. It really is a shame we do that to our cities, but we cannot undo it. It is good that Melbourne is always renewing itself and finding new things to do to make and keep it an attractive city and to keep the visitors coming. It is a pity that our marketing of the Commonwealth Games has not worked and we are not going to have the visitor numbers that we expected. But we who live in Melbourne are going to enjoy it.

A final point, which the member for Warrandyte mentioned too, is that part of the environment of the north bank is the river itself, and there have been some shocking stories about the river's bad health starting right up river with unsewered properties and various drains into the Yarra. It has never been a clean river; it is just not that sort of river. It is never going to be crystal clear, but some of the junk in it and how unhealthy it is really are things that need to be addressed as part of the renourishment and rejuvenation of the entire precinct. You cannot exclude the river

from it. The river is part of it as well as the built environment on the north side.

I again wish to congratulate the Melbourne Aquarium on its expansion and look forward to seeing the exciting design of the extension. It will be a bit of a challenge to build it around the railway overpass, but I think it is important that we have something that is light, airy and attractive, and on past form I am sure the aquarium will do that.

Ms ECKSTEIN (Ferntree Gully) — I, too, am pleased to make a brief contribution to the debate in support of this bill, but before I go into the details I want to put on record that I think it is unfortunate that opposition members are continually talking down Melbourne and Victoria, and now they are talking down the Commonwealth Games. That is a very sad state of affairs.

This bill will enable additional land to be included in the site for the Melbourne Aquarium so that it can expand its facilities and its operations. The aquarium is situated on Crown land under a long-term lease to the City of Melbourne and is a very successful enterprise. It has become one of Melbourne's major tourist attractions since it opened over five years ago and is enormously popular, with around 700 000 visitors currently each year. That is a great achievement in a relatively short space of time. Many of these visitors are from interstate and overseas.

In addition numerous schoolchildren go to the aquarium either with their parents in school holidays or as school groups and undertake a range of educational programs provided there for students in our schools. When I was working in the Department of Education and Training some of my staff were involved in a project working with aquarium staff on materials and kits for students of languages other than English to use when they visit the aquarium. This expanded and complemented the other materials the aquarium offers students. We had produced similar kits with other facilities like the zoo, the museum, Healesville Sanctuary and the National Gallery of Victoria which enabled students to undertake worksheets and related activities in the language they were learning.

This increased their vocabulary and knowledge of grammatical structures in that language and provided them with a practical, real-life context in which to use their language skills. Taking the language out of the classroom into the real world is a great motivator for students, and the aquarium provides a great opportunity for this. It is a wonderful education facility, and I think most of us know very little about the underwater

environment, so it is there as an educational facility for us all and has an important role to play in that as well as in research.

The aquarium needs to expand its facilities in order to further develop its programs, activities and attractions, and this 2500 square metre extension will enable this to happen. This is going to occur after the removal of the Flinders Street overpass, which is a necessary and important thing to do. The removal of the overpass will also provide better access to the aquarium through Flinders Street and is part of the revitalisation of the north bank of the Yarra in that part of the central business district which has been much needed for some time.

The expansion of the aquarium will benefit all Victorians through better programs and facilities as well as through enhanced education and tourism options and will benefit the Victorian economy overall. It will ensure that Victoria continues to be the best place to live and raise a family. The aquarium is a fine place to take the family on an outing. With those few comments, I commend the bill to the house and wish it a speedy passage.

Mr LANGUILLER (Derrimut) — It is my pleasure to support the Melbourne Lands (Yarra River North Bank) (Amendment) Bill, the main purpose of which is to amend the Melbourne Lands (Yarra River North Bank) Act 1997, to provide for additional land to be included in the Melbourne Aquarium site and to make further provision for leasing powers. In addition, the Melbourne City Council is the committee of management of the land shown in the act. It is authorised under the act to grant a lease not exceeding an aggregate of 99 years for the purpose of the construction or occupation of an aquarium and substantial buildings or works for related retail, tourism or commercial purposes on that land.

Having visited the aquarium on numerous occasions with my four children, but particularly with the younger ones, I note that a number of interesting and exciting jobs are carried out there. For example, members would be aware that research is conducted, in particular by Monash University. The world's first artificial insemination of a shark took place at the aquarium in July, and I commend the researchers for a terrific job. I understand that after monitoring a reluctant male and female pair of Sevengill sharks for two years, a team of Monash University researchers, veterinarians and divers successfully performed the insemination on 20 July.

Professor David Galloway, a senior research fellow at the Monash Centre for Reproduction and Development, who is heading the project, said the dangerous but delicate procedure went smoothly and safely. He said there was a very good team effort — I assume he was referring to the efforts of Gonzo the shark and his female partner, Lonnie. I commend their efforts and look forward to a successful research exercise. This is a serious subject. This research cannot be conducted just anywhere in the world. It is certainly not conducted in most other cities in Organisation for Economic Cooperation and Development countries, and we should be very happy with the work done at the aquarium. Having an aquarium in one of its cities is a privilege enjoyed by only a few countries in the international community and is not one that every city can afford.

We look forward to the Commonwealth Games, as previous speakers have said, because thousands of visitors will be able to visit the aquarium. We respect people from countries and cities that do not have aquariums. They will be able to enjoy our aquarium in Melbourne. I understand that of the order of 700 000 people have visited the aquarium, and I count myself and my family in that number. As I said earlier, my kids enjoy Melbourne's great aquarium.

The aquarium project is on time and on budget. It is a good partnership and a good illustration of something the Bracks government is happy to support when it value-adds to the community, when it has social and economic benefits. The partnership between the Melbourne City Council, the people who lease and run the site and the state government is a good example of the government continuing to support good projects when they are highlighted and brought to our attention.

In conclusion, I am happy that the extension to the aquarium will make further provision for children, schools and students in particular to access the aquarium. Many of the schools in my electorate of Derrimut have already done so. I have spoken with many of those students, mainly children in primary schools, and a visit to the aquarium is often their first contact with the environment, nature, the sharks and everything that the aquarium offers. It is a great opportunity and a great experience for children. This is a good bill. It is a good project which is on time and on budget, and I commend it.

Mr MILDENHALL (Footscray) — It is also a great pleasure for me to join the debate on the Melbourne Lands (Yarra River North Bank) (Amendment) Bill and to participate in singing the praises of this great facility on the north bank of the

Yarra. It is a great success as a leisure, education and tourism facility. It attracts an enormous number of people and is obviously one of the reasons why Victoria is a great place to live and raise a family. It is one of those attractions that adds to our quality of life.

There are some very interesting, exotic and world-renowned exhibits at the venue, and this bill enables the facility to expand. When I have been at the aquarium with my kids I have noted a great array of quite exotic species, some would say a parliament of species. I have seen a stunned mullet, which closely resembles the Leader of the Opposition in question time trying to avoid scrutiny over the silly tolls promise.

There are jellyfish that I thought closely resembled what I have heard about the Liberal Party room, whose members did not hold the Leader of the Opposition accountable in any sense for his rash promises. Flathead closely resemble some members in this place who have been keeping their heads low and removing their 'No tolls' stickers in anticipation of an announcement on tolls later in the week.

I think I have also seen puffer fish that bear a striking resemblance to some members of the opposition front bench inflating themselves in order to create a diversion to protect an endangered species like the Leader of the Opposition. The clownfish are very popular following the *Finding Nemo* movies, although they could have been ancient sea bass, I am not quite sure. There are some very entertaining fish at the aquarium.

If there was an alpaca fish, I am sure there would be one at the aquarium because they are also quite exotic. I hear they have a 335-day gestation period, so it would take longer for the Liberal Party to bring out a tolls policy than it would for an alpaca fish to reproduce. They are great exhibits. Some old moray eels lurk in the rocks and come out to have a bite every now and again to keep everyone entertained. It is probably more entertaining at the aquarium, which is a great facility, than it is here in Parliament.

The facilitation of the expansion of the aquarium is part of this government's vision for the north bank. Like previous planning ministers, there is a great deal of interest in the whole precinct, from Birrarung Marr right down to the Charles Grimes Bridge. There is a great deal of interest in trying to bring the existing underutilised areas out onto the river, in the same way that former planning minister Evan Walker's vision of Southbank managed to achieve it. So the bringing out onto the river bank of the Banana Alley area, the Flinders Street Station area and those sorts of precincts as well as perhaps the prosecution of the case for a

young precinct around the old signalling area near Birrarung Marr and Federation Square could all be vital components of a whole new presentation of the north bank of the river.

The government is getting on with the job with the demolition of the Flinders Street overpass. We are creating the space for expansion of the aquarium. I am sure that in generations to come this government will be looked back on as the government that facilitated the creation of a vibrant tourism, lifestyle, retail and leisure area along the north bank of the river, at least the equivalent of the current Southbank precinct.

This is good legislation. It is a good precinct. The facility is high quality. Having 700 000 people come through the aquarium per annum is a very impressive performance. Of those, I think there are some 70 000 school students, so you cannot say that most of the visitors are captives in any sense. They are heading down in that direction because of the sheer stunning quality of many of the exhibits — the way it is able to present the jellyfish and the Murray cod and some of the other spectacular exhibits is a credit to the management of the facility, as is its ability to engage and educate the community. If the proposed \$10 million expansion can continue the momentum of both quality and educational standards of the facility, then we are indeed in for a treat when that facility is completed.

It is my great pleasure to endorse this legislation and to wish it a speedy passage. Hopefully the parliament of fish that are down there can continue their exotic presentation to the community and engage the fascination that they all have for us in this place as well.

Mr SEITZ (Keilor) — I rise to support the Melbourne Lands (Yarra River North Bank) (Amendment) Bill. Following the honourable member for Footscray, I cannot upstage his commentary on that. What he was saying was really poetry.

The bill is important because the expansion of the aquarium is important. So many times we see public facilities that are just left and not upgraded and modified, and then the facility becomes less attractive to the community. This is a step in the right direction. Again it is a result of cooperation between the state government, the City of Melbourne and, of course, the private owners and operators of Melbourne Underwater World Pty Ltd. It shows tripartite cooperation and reflects how the Bracks government is functioning and operating the development of Melbourne and regional Victoria. It is important to realise that the actual amendment being made by the bill is giving the land to

the committee of management, which is the Melbourne City Council, which will then lease it to Melbourne Underwater World Pty Ltd, subject to the minister's agreement on those conditions.

It is a 99-year lease, which these days is rare. In years gone by I know it was common for Crown land to be leased for 99 years. In this case there has been a special decision, and it is part of the legislation so that the private investors have got security of tenure. Removing the Flinders Street overpass and making access to it visible from Flinders Street will be a great asset to tourism, because when you take the City Circle tram you actually do not see the aquarium. It is a shame it has been hidden all these years. Hopefully these changes will bring the Melbourne Aquarium to the forefront so it has a prominent position and so it is packaged as part of every tourist trip, just as we have tourist coaches stopping to look at Parliament House and the precinct in this region.

The bill has the support of both sides of the house, which is good to see, because we want to see development and progress. The whole thing with the new exhibition centre built by the previous government — say what you may about the style of the building — is that it has brought lively activity to a part of Melbourne that was an industrial back water. The development of Docklands is making that part of Melbourne a very desirable area not only to live in but to work in and also visit, as we can see from the number of people who go down not just to the Crown Casino but to the whole area. The walkways along the Yarra will be more attractive on both sides now, which will make a great difference. Also the restaurants which overlook the Yarra are a fantastic development.

I commend Melbourne Underwater World for its cooperation with the university on its experiments and its research on animal and fish husbandry — although as I said sharks, are basically mammals in that sense. Again it is an encouraging step for us and probably a first for Melbourne, Australia. It is important to encourage some of those things, because as we well know a lot of the species that used to be in the wild nowadays have to be saved. Zoos around the world have started the regeneration and repopulation of some species that are endangered in countries where their habitats have been destroyed through clear felling, in particular. We can see that when we look at monkeys and various other animals in Asian and South American countries, where native forests are disappearing at an ever-increasing rate and governments are not stopping it.

Here we have a dual step that involves expansion and education and learning how nature lives, works and propagates in our own backyard. As other members have said, we can go to the aquarium as visitors; and when I get overseas visitors and want to show off the highlights of Melbourne and Victoria, I naturally select Healesville, Phillip Island and the penguin parade, and the aquarium as important places.

My first visit to an aquarium of a similar shape and structure was when I was in America and went to Omaha, Nebraska. There for the first time I saw an aquarium of the size we have, with a plastic tunnel to walk through with sharks swimming over the top and all around the visitors. Having divers in with the sharks was a great experiment and a thrill for all the visitors, but especially the young people. When we get tourists to this country we need to show them exciting things like that so they can go back home and attract other tourists to come and see the sorts of things that are available here. Particularly in the lead-up to the Commonwealth Games next year we want to get the message out that we are progressive and we are developing our tourist facilities in this state. I commend the bill to the house and wish it a speedy passage.

Mr LANGDON (Ivanhoe) — It is a great pleasure to add a brief contribution to the debate on the Melbourne Lands (Yarra River North Bank) (Amendment) Bill.

Mr McIntosh — Do you want those bats back?

Mr LANGDON — This is a bill on fish and aquariums, not bats and other zoo-like animals. The Melbourne Aquarium has been operating, as we all know, for some five years now. It has become a premier tourist attraction in Melbourne, with I believe over 70 000 visitors in the last 12 months. I know this issue has been addressed by many speakers before me. The aquarium has been tucked away behind Flinders Street and behind what can only be described as a hideous overpass that one has travelled over, quickly forgetting everything around it. The removal of the overpass will give the aquarium a Flinders Street address, and I believe a decent tram stop is being put in to incorporate the facility into Flinders Street itself. It will also allow for the extension of the aquarium by 2500 square metres, which will add to its reputation and no doubt add to the number of people going to see it.

Over the years successive governments have certainly brought the Yarra River to life. It is ridiculous to think that governments of the past — this is quite a few decades ago — basically hid our waterways, treating them as open sewers and dumping grounds for

domestic and industrial waste. Now in this more enlightened world we are turning our river and creek fronts into major attractions, and the aquarium is adding to that. Melbourne, with Southbank and every other facility around it, is certainly becoming a city that is alive, and the Yarra River is no longer a place of derision.

As I said, I only want to make a brief contribution to the debate. This excellent bill adds to what this government is presently doing and, to its credit, to what the previous government did, with its development not only of the museum but of the Yarra River — and the same goes for the Cain and Kirner governments before that. This is part of a continuous step in the right direction, and I wish it a speedy passage.

Ms DELAHUNTY (Minister for the Arts) — I am very pleased to sum up debate on this important bill — the Melbourne Lands (Yarra River North Bank) (Amendment) Bill 2005 — the purpose of which has been outlined by the contributions made in this place. It is a bill to amend the 1997 act to provide for additional land to be included in the site used for the Melbourne Aquarium. It will ensure that the proposed extension works to the Melbourne Aquarium can be accommodated by a variation to the existing lease between the aquarium's owners and the City of Melbourne.

I wish to thank all members who have contributed to debate on this bill for their understanding of how important this facilitation bill is in terms of redevelopment of the north bank. As has been said by government members, the vision of former planning minister Evan Walker for the Southbank precinct is a huge legacy for a Labor government and an important part of what contributes to Melbourne's livability and attractiveness. I think members will see when the north bank is completed in a very successful partnership between the state government and the Melbourne City Council, that in years to come we will say that this bill was one of a very significant series of decisions taken to improve and enhance the north bank.

The aquarium extension could not happen without the government's commitment to removing the Flinders Street overpass, which for many years has been a barrier to Victorians and visitors gaining access to the Yarra River at the western end of the central business district an area which I think most people would agree has been fairly run down. In addition, the proposed extension of the aquarium will utilise a substantial part of the undercroft of the railway viaduct, which I think in itself will improve the safety and attractiveness of the

area and the amenity of people moving through the CBD and along the north bank of the Yarra River itself.

The opposition was really struggling to try and come up with a few hits on the government over this. In fact, the member for Brighton was reduced to trawling through some of the government's excellent press releases by three planning ministers in this government. She was reduced to trawling through the government's —

Mr Kotsiras interjected.

Ms DELAHUNTY — You're out of your tree! We are happy to have a blue about how many days. What is it — 335?

Mr McIntosh — Tell us about the trees.

Ms DELAHUNTY — They think you're out of your tree. Probably people in your own party think you are out of your tree. I am very happy to have a blue about that. It is important to notice the opposition is actually reading our press releases, which I think shows we are doing their work for them.

Anyway, opposition members have been trawling through our press releases trying to mount a very flimsy argument — and it was a flimsy argument that tried to set up a sort of straw man about when we propose to have these various components of the redevelopment of the north bank.

Ms Beattie — It sounds fishy.

Ms DELAHUNTY — It sounds very fishy and a bit suss, but that is what the member for Brighton was reduced to. But 'Hooray Henry from Hawthorn', the member for Hawthorn, did not even bother to have a look at our press releases because had he bothered to read them, then look at the bill and the second-reading speech, then do a bit of research on the redevelopment of the north bank, he would have shown himself to be a little more informed than sadly his presentation on this bill has been.

Let me clarify some of the inaccuracies placed in *Hansard* by the member for Hawthorn. He said the protocols relating to the railway viaduct and overpass have not been disclosed. Wrong, member for Hawthorn! The bill preserves rights related to the railway viaduct under the Transport Act 1983. It would have been useful had he looked at that. VicTrack's rights along or in close proximity to the line are preserved. The varied lease will further clarify the parties' rights and responsibilities relating to all of that transport infrastructure. That was his first mistake!

Secondly, the member for Hawthorn said that the value of this transaction has not been disclosed, but the payment relating to the lease of the aquarium extension — \$1 million — accords with the Valuer-General's assessment, and that has been accepted by the government land monitor. That is the appropriate process. I do not know whether he was trying to hint that there was some sort of land scandal, but we should remember that the last land scandal in this state was under a Liberal government, and I remind the member for Hawthorn of that sad experience.

Thirdly, the member for Hawthorn raised so-called adverse implications of the tram super-stop. We know the Liberal Party is pathologically opposed to public transport, so I suppose I can understand that he got it wrong. The Liberals have very closed minds on public transport; they want to privatise it and basically get rid of it. But let us get to the facts about this. The intersection is being redesigned.

Honourable members interjecting.

The ACTING SPEAKER (Ms Lindell) — Order!

Ms DELAHUNTY — It is always nice to get a bite when you are talking about an aquarium. Let's get the facts right.

Honourable members interjecting.

Ms DELAHUNTY — It is your shadow minister who has put inaccurate statements in *Hansard*, so I have a responsibility as the minister summing up to try and clarify this for the Liberal Party, because the shadow planning minister has sadly — —

Mr Kotsiras interjected.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Bulleen is out of his seat and out of order in his interjections.

Ms DELAHUNTY — He is a naughty boy, isn't he? Back to your seat!

Honourable members interjecting.

Ms DELAHUNTY — Don't you worry about Theo!

Honourable members interjecting.

Ms DELAHUNTY — There is a lot of sensitivity on the other side about public transport, isn't there? I expected the barrage so we cannot clarify the inaccuracies of the member for Hawthorn — but let me

do it. The intersection is being redesigned to accommodate the tram super-stop.

Honourable members interjecting.

Ms DELAHUNTY — So there are no adverse implications. Traffic management studies appropriately undertaken by VicRoads actually support the design which incorporates two lanes of through traffic along Flinders Street and dedicated left and right-hand turning lanes and the super-stop. To go further, the tram super-stop will provide access for disabled passengers and convenient access directly to the main entrance of the aquarium.

Most contributors to the debate on this bill in this house have commented on the value and importance for tourism, for education and for families of the aquarium, and we want to see as many Victorians and visitors go to the aquarium and enjoy the opportunities it provides — and that includes our disabled citizens. This tram super-stop will provide access for disabled passengers and convenient access directly to the main entrance of the aquarium. The tram super-stop will also support park-and-ride arrangements for visitors.

Mr Wells interjected.

Ms DELAHUNTY — I am very happily able to speak from my notes and let you know that this is the fact. Images of this proposed new intersection have been on the VicRoads web site for months. Where on earth has the shadow planning minister been? I do not know whether he is doing the numbers after the tolls debacle, which we understand will be today, tomorrow or in another few weeks. He might be putting his hand up for the leadership. He might not be worrying about the aquarium; he might be actually looking at the numbers rather than looking at the VicRoads web site, which would have explained to him all about the proposed new intersection.

Fourthly, the member for Hawthorn claimed there was a delay in the presentation of the bill to Parliament. He does not seem to understand the basis of the development, which will be a private sector initiative. The program proposed by the developers is on track. The removal of the overpass was necessary for the extension to occur. This is a good partnership with the private sector, and the government is keen to work with it to facilitate an expansion of the aquarium and the redevelopment of the entire north bank, which is important both to safety and to the aesthetics of the western end of the central business district. Poor old Hooray Henry from Hawthorn got it wrong on many of

those counts. However, most contributions were helpful and very supportive of this bill.

I wish to thank all members who made a contribution. These included the members for Hawthorn, Shepparton, Brunswick, Mill Park, Brighton, Tarneit, Nepean, Ferntree Gully, Derrimut, Footscray, Keilor and Ivanhoe and the Deputy Leader of the Opposition. I very much support this bill and wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL

Second reading

Debate resumed from 13 September; motion of Mr CAMERON (Minister for Agriculture); and Mr WALSH's amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the interstate agreement is amended so that the designated area, and the management thereof, correlates with the boundaries of the aquifers affected, and not just a 40-kilometre-wide zone which encapsulates only sections of the aquifers affected'.

Ms DELAHUNTY (Minister for the Arts) — It is an absolute pleasure to see you, Acting Speaker, in the chair. It is a pleasure to sum up, on behalf of the government, debate on the Groundwater (Border Agreement) (Amendment) Bill.

Mr Ryan — Can you give us a run-down on the bill when you get to your feet?

Ms DELAHUNTY — I am happy to do that. This bill is to approve and give effect to the border ground waters agreement amendment agreement. This is an important bill, and I understand that so many members on both sides of the house have taken the opportunity to speak at length and with great eloquence about it.

The government has set the bar high when it comes to water. Most Victorians, indeed most Australians, acknowledge the Bracks government's leadership on water. The Our Water Our Future policy has been an outstanding success in inviting Victorians to examine the scarcity of this resource and to work collaboratively

with the government on trying to minimise our water use and to manage this resource for the future.

I would like to thank those members who have contributed — namely, the member for Benambra, the Deputy Leader of The Nationals, the members for Carrum, Mildura, South-West Coast, Ballarat West, Ballarat East, Seymour, Mill Park, Warrandyte, Narracan, Lowan, Macedon, Nepean, Mordialloc, Keilor and Ripon. I wish the bill a speedy passage.

The ACTING SPEAKER (Mr Kotsiras) — Order! The Minister for the Arts has moved that the bill be read a second time. To this motion the member for Swan Hill has moved a reasoned amendment. He proposed to omit all the words after 'That' with a view of inserting in place thereof the words which have been circulated and are in the hands of honourable members. The question is:

That the words proposed to be omitted stand part of the question.

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

Ayes, 59

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

Noes, 23

Asher, Ms	Mulder, Mr
Baillieu, Mr	Naphthine, Dr
Clark, Mr	Perton, Mr

Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr

Plowman, Mr
Powell, Mrs
Ryan, Mr
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

Amendment defeated.

House divided on motion:

Ayes, 75

Allan, Ms
Andrews, Mr
Asher, Ms
Baillieu, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Brumby, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Clark, Mr
Cooper, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Delahunty, Ms
Dixon, Mr
Donnellan, Mr
Doyle, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Mr
Helper, Mr
Herbert, Mr
Holding, Mr
Honeywood, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr
Jenkins, Mr

Kosky, Ms
Kotsiras, Mr
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Lupton, Mr
McIntosh, Mr
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Mulder, Mr
Munt, Ms
Naphine, Dr
Nardella, Mr
Neville, Ms
Overington, Ms
Pandazopoulos, Mr
Perera, Mr
Perton, Mr
Pike, Ms
Plowman, Mr
Seitz, Mr
Smith, Mr
Stensholt, Mr
Thompson, Mr
Thwaites, Mr
Trezise, Mr
Wells, Mr
Wilson, Mr
Wynne, Mr

Noes, 7

Delahunty, Mr
Jasper, Mr
Maughan, Mr
Powell, Mrs

Ryan, Mr
Sykes, Dr
Walsh, Mr

Motion agreed to.

Read second time.

The DEPUTY SPEAKER — Order! Is leave of the house granted to proceed immediately to the third reading?

Leave refused.

Consideration in detail

Clauses 1 to 6 agreed to.

Clause 7

Mr PLOWMAN (Benambra) — The issue I raise is in respect of clause 4(b)(ii) of schedule 2, which refers to:

all applications to construct, deepen, enlarge or alter or from which water is extracted, after the date of this Agreement; and

Paragraph (ii) is totally incomprehensible. I ask that the government amend it in order to make it apply. I suggested in my contribution to the debate that the following words should be substituted for it:

all applications to construct, deepen, enlarge or alter bores or to extract water therefrom as are made after the date of this Agreement; and

If those words were substituted I am sure that the clause would mean what it is intended to mean. I ask the government to amend the bill while it is between houses.

Mr HELPER (Ripon) — I welcome the contribution made by the member for Benambra and I take it at face value and in good faith. However, the difficulty is that what he is asking the government to do is, through amendment to this legislation, amend the agreement between the South Australian government and the Victorian government. Clearly that cannot be done. That is an agreement which both sovereign states have signed up to. One way of putting it is that the legislation reports on the agreement between the two states, as opposed to the subject of the agreement being part of the legislation. However, members on this side of the house recognise the point that the member for Benambra makes is one that we should examine as the legislation progresses to the other place.

Mr PLOWMAN (Benambra) — This is of enormous concern to me because members are not looking at the existing agreement. Schedule 2 forms the agreement which is to be signed off under the legislation. Therefore the legislation can and should be amended while the bill is between houses. Would members opposite want their Premier and the Premier of South Australia to sign off on something that is meaningless? The government must reconsider this.

The bill requires an amendment to be made while it is between houses. The opposition will have to move an amendment to correct it in the other house if the government does not make the house amendment.

Mr HELPER (Ripon) — Again, I take the comments made by the member for Benambra at face value. I will again explain the point that I tried to make in my previous contribution. The bill includes an agreement that is already in existence between the Victorian state government and the state government of South Australia. It is not as if the bill proposes that agreement. The bill includes a report of that agreement — that is, it includes the agreement which is already in existence. I assure the member for Benambra that the point he raises will be examined further, but it is not something that can be addressed with an amendment to the bill, because the agreement already exists.

Dr NAPHTHINE (South-West Coast) — I offer some suggestions that may be of assistance. I agree with the member for Benambra. He has obviously gone through the bill thoroughly, as he detected a paragraph which is a nonsense and means nothing. Clearly there is a mistake in the agreement. I understand what the member for Ripon is saying, that the agreement was signed by both premiers as of 29 May. However, until that agreement is ratified by the parliaments of both Victoria and South Australia the agreement is not in force. We in the Parliament are now ratifying the agreement. It is important for us to ratify an agreement that is sound and logical.

It may be that the bill will have to lie over between houses and not be debated in the upper house until the new agreement is reached between the two premiers. I understand from advice given by departmental officials, which we appreciate, that legislation similar to that which members are debating must be passed in the South Australian Parliament to ratify the agreement. At this stage the legislation has not even been introduced into the South Australian Parliament. It is proposed that it will be introduced into the South Australian Parliament in October.

There is time to recognise that there is a mistake in the agreement that has been signed. Before it is ratified by this Parliament with the mistake in it and before potentially having problems with it when it goes before the South Australia Parliament, I strongly suggest that the way forward may be to pass the legislation through this lower house and let it sit before it goes to the other house, renegotiate with the South Australians, fix up the error, have a new agreement signed, and then have the new agreement with the corrections made taken to the

upper house with amendments to the legislation, with a new schedule. Then it can be passed by the upper house in Victoria its correct form, brought back to this lower house and passed in its correct form and the correct form of the agreement can be incorporated in the legislation that goes before the South Australia Parliament.

To simply say that we know that there is an error in the agreement in the schedule but because it was signed in May there is nothing we can do about it is a nonsense. Before the legislation goes before the South Australian Parliament and before it is passed by both houses of this Parliament we have the opportunity to recognise that some rearrangements need to be made and make them. I am sure that the appropriate time can be found when both premiers can sign the agreement. Then we can bring before the Parliament an agreement which is correct and accurate.

Mr DELAHUNTY (Lowan) — This issue is of critical importance to my electorate and the questions being asked by the member for Benambra and the member for South-West Coast ring a bell with me.

On behalf of my electorate I must say it was really disappointing to see the Minister for Water walk out of the house only half a minute before the debate commenced on this issue. Even the parliamentary secretary walked out. It just shows how important they think water is to the community I represent. Water is critical to its economic development.

When we were talking about this agreement it was highlighted that the South Australian Parliament has not even got the legislation before it, so we have a chance to make changes to this agreement and its schedule before it actually hits the South Australian Parliament. As we know, the former agreement was 20 years old and it is great to see some discussions going on between the two states to try to resolve the problems. The Nationals were obviously disappointed that the government did not take on board the member for Swan Hill's reasoned amendment because we think that to really address this issue we have to talk not only about the lines but also the aquifers out there.

As I said, water is critical for the Lowan electorate, as it is for most of rural and regional Victoria — and Australia, for that matter. I highlight again the fact that the Minister for Water walked out of this house when this bill was about to be debated here. In any debate you identify issues or problems, and it is unjust to the people I represent to see a minister walk out of the house. If there is a problem, and it has been identified and agreed to by the government that there is, we

should address it before the bill goes to the other house. Just do not say that you are not going to do anything about it. We have identified problems and we should fix them before the legislation gets into the South Australian Parliament.

Mr LANGDON (Ivanhoe) — I wish to comment on this clause. I thank the Liberal Party, and in particular the members for Benambra and South-West Coast, for their contributions. I understand and I think the government understands the point they are trying to make, and I give an assurance that the government will examine the issue while the bill is between houses. Obviously, as the member for Ripon said, the agreement has been signed, but I take on board the member for South-West Coast's comment that if there is a flaw in the agreement, no Premier from either side of the border would want to sign it. We certainly will have it investigated.

I thank the Liberal Party again for taking a sincere approach on this issue. In respect of the digs from The Nationals, however, about the parliamentary secretary leaving the house; considering the parliamentary secretary is in the other house I find it very difficult to see how that person could leave this house.

Dr NAPTHINE (South-West Coast) — May I suggest — and perhaps the minister at the table, the Minister for Manufacturing and Export, could give us some advice — it may be better at this stage to have progress on the bill reported and get some advice. We could perhaps come back to it later this day or tomorrow. By doing that we could get some advice about the best way to proceed from the minister or his advisers before the bill has passed this house.

The DEPUTY SPEAKER — Order! I advise the member that under the new procedures which have been adopted we no longer have the mechanism of reporting progress. It would require an adjournment of the debate.

Dr NAPTHINE — Perhaps, while we are in the consideration-in-detail stage of the bill, we could adjourn the debate for an hour or two or until after the dinner break; or we could come back to it tomorrow. I know the bill is on the government business program so it has to be passed by 4.00 p.m. on Thursday, but we have time between now and 4.00 p.m. on Thursday to get some advice about the best way to proceed so that we can give assurances to the house and to the communities affected by this legislation on what action will be taken to make sure this schedule and this agreement are correct and that the legislation that is passed by the Parliament is appropriate.

Mr HELPER (Ripon) (*By leave*) — I thank the member for Benambra for granting leave.

The problem we have is that if we amend the bill, the legislation will no longer reflect the existing agreement. Our amending of the bill does not amend the agreement. As the member for Ivanhoe said, and as I have said previously, the government will examine the options that exist to take on board the well-intended comments by the member for Benambra regarding the wording of the agreement. All of us on this side of the house give an assurance that that will be the case, but to delay the bill in this house or, alternatively, to amend it in this house or to delay it with a view to amending it in this house, quite frankly, is nonsensical because the legislation reflects an agreement and our amending of the schedule in the legislation that reports that agreement does not, in retrospect, alter the agreement as it exists.

Therefore, the only assurance the government gives is that the matter raised by the member for Benambra will be fully examined to work out what possible options there are to synchronise the thinking of the member for Benambra and his concerns about the wording of the original agreement and the actual agreement.

Mr RYAN (Leader of The Nationals) — I have followed this debate with much interest because it is of crucial importance to everybody in this chamber. If we are not careful we are at risk of furthering the view sometimes held in the community that, while the law occasionally may be presented as an ass, parliamentary process also sometimes comes within that category.

With due respect to the member for Ripon, it seems to me that his position, as he puts it, with regard to this legislation and this agreement is not right. What we have is an agreement that will have no force or effect until this legislation passes through Parliament. It is an agreement, certainly, that has been signed by the relevant parties, but in the mix we now have the agreed fact that the agreement is wrong, in part, and that the component of the agreement that is wrong is going to have to be amended to make it right. Until this legislation passes, the agreement cannot have any effect. One needs only to have regard to the wording of the purpose of the bill, which states:

The main purpose of this act is to amend the Groundwater (Border Agreement) Act 1985 to approve and give effect to the Border Groundwaters Agreement Amendment Agreement.

It will not be until the passage of the legislation that the agreement has any effect. It seems to me therefore that in keeping with the point which has been raised by the

member for Benambra and to which the members for South-West Coast and Lowan have spoken, we ought to pause this process until such time as the acknowledged mistake in the agreement is addressed, we get the agreement right and we redo the legislation to reflect the amended agreement. Then we can bring the legislation back before the house to give effect to the amended agreement, which will in turn reflect what everybody intends.

The corollary of not doing it that way is to be in a circumstance where we all understand and acknowledge that there is a mistake but are prepared to compound that unfortunate error by nevertheless passing the bill so it becomes part of the law of this state. That is a bad option.

Mr PLOWMAN (Benambra) (*By leave*) — I accept the commitment from the member for Ripon to fix this, but I tend to agree with the member for Gippsland South and Leader of The Nationals inasmuch as I do not know how we can hold our heads up and say we are prepared to give the endorsement of this Parliament to an agreement that has been shown to be incorrect. I made the point earlier that to do so would make us look foolish in the eyes of the South Australians, because they know about this error and in turn are going to correct it.

I think we would be well advised to take the advice of the member for South-West Coast and adjourn the debate temporarily — we have until 4 o'clock tomorrow afternoon — and seek advice as to the best way in which this can be corrected. I am sure there will be a way to do it. To go straight ahead with this and say, 'Because it has been signed off by both premiers we have no alternative', would not actually be right. I think we would not be doing credit to both premiers if we did that. Certainly, as I said, we would be made to look foolish in South Australia if we pass legislation with a glaring error such as the member for Gippsland South has pointed out. I would like the government to reconsider and accept an adjournment of the debate until such time as we can come up with a solution that is agreeable to both sides of the Parliament.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

RACING AND GAMBLING ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 13 September; motion of Mr PANDAZOPOULOS (Minister for Gaming).

Dr NAPHTHINE (South-West Coast) — When I was interrupted by the adjournment debate last night I was referring to the fact that this bill is fundamentally another taxing bill and another tax grab by the avaricious Bracks Labor government. I was listing a number of new taxes that have been introduced by the Bracks Labor government in addition to this massive poker machine levy.

I talked about the water tax, the car parking tax, the motorcycle tax, the motor vehicle registration fee on pensioners, health care card holders and veterans, and the annual increases in taxes and charges that are well ahead of inflation. They are not based on the consumer price index; they are based on whatever the Treasurer chooses at the time, and the figures so far indicate they are well ahead of the CPI. There is the increase in royalties on coal and forestry products, the cruel cap on multipurpose taxis for people with disabilities in our community, the new payroll taxes on apprentices and trainees, the proposed special land tax on family trusts, the EastLink tolls that will hit people and businesses in the eastern suburbs of Victoria, the mortgage registration and discharge fee increases, the broadening of payroll tax to termination and leave payments and many more — and they are just new taxes and charges, on top of massive increases in stamp duty, land tax, GST windfalls and fines under this government.

What we have is another grab for money by the avaricious Bracks Labor government. That is all this is. It can dress it up all it likes as some sort of health benefit levy, but it is purely substituting so that if it gets more money from the poker machine tax, it will put less from consolidated revenue into health. The bottom line is that this government is reducing health services across regional and rural Victoria. It is reducing obstetric services in country Victoria, cutting services in country hospitals, closing surgical services in Koo Wee Rup and Rochester and winding back bed numbers and services right across country Victoria, including in the hospital in my electorate of Portland. Clearly the government is determined to wind back health services and increase taxes at the same time, yet it purports to introduce a health benefit levy by massively increasing its tax take from poker machines.

What is the impact of this on the racing industry? It has been a traditional beneficiary of the gaming industry, and if you go back in history you see that one of the greatest boosts to the racing industry of Victoria was the privatisation of the TAB by the Kennett Liberal government. It made sure that the Victorian racing industry led Australia and became one of the leading racing industries in the world in terms of stake money, return to owners, encouraging employment and economic benefit to the community. About 40 000 people across Victoria are directly employed in the various racing codes.

The economic benefit to the community is enormous. That economic benefit is not just to Melbourne, where the major racing clubs are, but to racing clubs through the length and breadth of country Victoria. There are greyhound clubs and racing clubs, including the Warrnambool racing club in my electorate, which has the fantastic Grand Annual Steeplechase in its traditional May meeting, one of the greatest race meetings anywhere in the world. I urge people to go along to the Warrnambool race meeting and see it in action.

When looking at the racing industry one cannot forget what this government is doing to it, particularly to harness racing in country Victoria. This government is closing eight harness racing tracks in country Victoria. It is ripping the guts out of country harness racing, because this city-centric government does not care about country Victoria. It is closing tracks at St Arnaud, Boort, Wedderburn, Hamilton, Gunbower, Wangaratta and Ouyen, and it will close either the Stawell or Ararat track. It is closing eight harness racing tracks across the length and breadth of country Victoria. This government is no friend of racing; it is an enemy of racing. It is out to hurt racing, and this bill will do exactly that.

When the government introduced the poker machine levy it recognised that it would take money directly away from Victorian racing. Indeed, it provided the industry with \$4 million a year in compensation for the introduction of the levy. It provided that in 2001 and has extended it a couple of times, but it will expire in 2006. Under this agreement, whereby they are doubling the poker machine levy, they are providing only a one-off payment of \$3.5 million to the racing industry as compensation for its losses. The racing industry, which used to get 25 per cent of Tabcorp's share of the gaming take, is going to be hurt by this change, which will reduce Tabcorp's profitability on poker machines. That will directly affect the money that is available to the racing industry for prize money

We are going to find in 12 months time that the racing industry will be \$7.5 million a year worse off because of the Bracks Labour government. This government is out to hurt the racing industry and particularly country racing. It is going to be interesting as the Spring Racing Carnival rolls on this year. We will have the Minister for Racing, who is also the Minister for Tourism, skiting about the enormous economic benefits of the spring carnival and its value to Melbourne and Victoria in terms of the economy, but what he will not be telling us is how he is ripping the guts out of the racing industry. Taking money away from the industry through this levy is going to hurt the industry and jeopardise its position with respect to its world leadership.

The Victorian racing industry is a proud industry and one that is leading the world. Victoria has the cleanest and best racing in the world. Ours is an industry which we can be very proud of, but it is being duded by the Bracks Labor government. Country racing will suffer given its reduced access to prize money. Our spring and autumn racing carnivals will suffer, and we will be running the risk of jeopardising jobs in and the pre-eminence of the Victorian racing industry. I think this is a retrograde step.

Let me also refer briefly to some of the other provisions. We support the transfer of the Crown lease from the Victoria Racing Club to Racing Victoria Ltd, and we support the provisions regarding appeal rights. We also support the action being taken to reduce access by Betfair and Northern Territory bookmakers to published Victorian race fields. I make two points about Betfair. Firstly, it is not 'bet fair'. It poses a real risk to the high standard of integrity of Victorian racing because of the forms of betting it allows, particularly in allowing people to back horses to finish last or other than first, second or third. That is a retrograde step which threatens the integrity of Victorian racing.

Betfair is totally wrong for Victorian racing, because even though it benefits from betting on Victorian racing product, whether it be harness racing, the gallops or the greyhounds, there is nothing Betfair can return to the industry from which it is benefiting. Betfair is a parasite that sucks information out of the racing industry, bets on the racing industry and returns nothing. On those bases I support any action to try to stop access by Northern Territory bookmakers and Betfair to this industry. I have some doubts that this will be successful, but I support any efforts to try to stop them becoming parasites on Victorian racing.

Mr JENKINS (Morwell) — I support the Racing and Gambling Acts (Amendment) Bill. This is yet

another way in which the Bracks government is supporting the racing industry and ensuring that the gambling that takes place in Victoria is done responsibly and that those who participate and benefit from the gaming and racing industries give fair recompense to those people who do the hard work to make our industry one of the best in Australia. The industry continues to grow, particularly in regional Victoria and Gippsland, which is one of the state's premier racing regions.

Dr Napthine — Tell us about Traralgon. How is Traralgon going?

Mr JENKINS — I am very glad to talk about the specific racetracks in my electorate. Traralgon Racing Club, at Glenview Park racecourse, is a race club that not only continues to thrive but has the full support of the Bracks government, the full support of the local council and importantly — and I think it is a very good example to put up — the full support of the racing industry. Racing Victoria Ltd and Gippsland Country Racing have to all intents and purposes been running the Glenview Park facility for the enjoyment of racegoers in my electorate and also for the good of those people who recognise the great economic benefits we get from the racing industry and from having one of our premier racecourses in my electorate. This is what it is all about.

The thinking behind this legislation is that we are making sure that we continue to work cooperatively and that those people who continue to derive a benefit from the racing industry will have to put something back. In particular, the people involved in gaming, gambling and betting on races conducted in Victoria will have to pay recompense and contribute to the industry they are deriving a benefit from. Betfair and others who at the moment are rorting the system are also operating outside the bounds of making any constructive contribution to racing. What they are doing is getting all the benefit they can and not putting anything back. That is anathema to the people in the racing industry in Victoria, which has been built very much in a spirit of cooperation.

This legislation introduces a new offence prohibiting wagering service providers from publishing information related to horses and dogs unless authorised by the controlling bodies. Again that authorisation has not been unduly withheld by those bodies, but it will be given on the basis of wagering organisations and privateers contributing to the racing industry, which is what a number of others, including Internet betting services, are also not doing. It will protect the industry against unauthorised wagering. It

will not do it by itself, but it will add another brick in the wall of legislative control mechanisms that restrict those illegal operators in what is a very clean industry and one of which we can all be proud.

In particular, this government has a real interest in regional racing and has given it real support. That support is seen not just at the Spring Racing Carnival in Melbourne but also in the Latrobe Valley, where the spring carnival meetings at the Traralgon and Moe racetracks have brought thousands of people into my region who participate in legal oncourse and offcourse betting. They have not been there to rort the system. They know that when they put dollars into the legitimate betting facilities available through the cooperative arrangements we currently have, a certain amount of that money — some of it might come back into their pockets — will no doubt go into making sure that the industry continues to grow.

The bill is consistent with actions taken by other states. A number of speakers have talked about how difficult it is going to be to regulate some of the activities. Just because it is hard does not mean you do not give it a shot. Just because it is hard does not mean you do not try to provide decent regulation and a regulatory framework to ensure that the legitimate operators — the people who are participating in the industry and who are prepared to put back in — derive a benefit. The industry has requested that the government take these measures, and we are working with it to make sure it takes place.

It also gives effect to the expenditure review committee's recommendations to increase the annual health benefit levy by gaming operators by \$1500 per machine per annum, and that will take the levy to just over \$3030 per machine per annum. It will increase the revenue that the public hospital system in the main derives from the gaming and gambling industry. This is another example of those people who derive a benefit from an activity that is very highly regulated by the state being able to participate.

In some cases they are in a monopoly or duopoly situation and are certainly in a position which has been made desirable by regulation under this government and previous governments. Because they are in that position and can derive benefits far in excess of those that might occur if there were an open-slaughter, more free market, deregulated approach, there is every right for this community to expect that some of the benefits it derives will be returned to the community on whose behalf we regulate to make sure that these people in are a very beneficial position.

As a community we will gain \$91 million in total which will be put back directly into hospitals and the community. There is nothing wrong with that, and people should not shy away from it. To all intents and purposes the increase is a form of taxation, and taxation is not a dirty word. It will go into hospitals and charities. We cannot have people standing up in front of groups and organisations who need more hospital services and more assistance for carers — I was fortunate enough to speak to a group of carers yesterday who need more support and assistance — promising those things and then shying away from any form of taxation or revenue. We all know, and the community knows, that there is no such thing as a free lunch. We must be able to derive some form of taxation from a whole range of broad bases providing as a community we remain the lowest taxing state in a low-taxing nation. Provided we continue to do that, the relatively small amount of tax derived from people in a very strong, regulated position means that this community will be better off.

Opposition members, particularly those in The Nationals, stand up time after time and promise people the world — promise them the sun, moon and stars — but they do not know where the money for the promises will come from. They think that for some reason it is going to fall like manna from heaven. The community is onto The Nationals and the Liberal Party. It knows that if we responsibly derive an income from where we should as a government, and we responsibly allocate it, the people of Victoria benefit. In this case the hospitals will benefit. I would like to know from those people who have spoken against the bill — I know the member for Bass spoke vigorously against this increase in revenue to be derived from the gaming machines — which hospital services, which health services, which charitable organisations he believes the money should come from. Which one of those is not deserving? Which one of the hospitals in his electorate, or the hospitals in Gippsland if he likes, does not need to be expanded? If the revenue does not come from this levy, exactly who in the community should pay for it?

Should it be a user-pays system, or should we have a system where when we can legitimately derive an income from people who benefit from regulation? Why should we not redirect that to the people most in need? We have to remember that you cannot keep telling people you will deliver everything for them but you will take it from nowhere. I commend the bill to the house.

Mr RYAN (Leader of The Nationals) — I am moved to make a contribution to this bill, having regard to the contribution which has just been made by the

member for Morwell. The fatal flaw in the position he puts is the policy position which underpins this legislation insofar as this latter aspect of the levy is concerned, and perhaps I will return to that in a moment.

First, I would like to commend the government for introducing those other measures contained in the legislation which relate to the racing industry. I am sure the member for Morwell is familiar with the magnificent Green Wattle racecourse at Sale in my electorate. It is a beautiful facility which is magnificently maintained and well administered and is the focus of many meetings held each year. I have had the pleasure on numerous occasions over the years — not as numerous as I would like, but numerous nevertheless — of attending meetings conducted at that track. I take this opportunity to commend all those involved in the operation of one of Victoria's outstanding country racing facilities.

I support the government's initiative with regard to the rejection of the notion of anything to do with Betfair and all that it seeks to bring to the racing industry in Victoria. The very principle of betting on the fact that a horse will come last, or do other than come first, second or third is, to use a term which is often used these days, simply un-Australian. It is against the notion of this nation, and the government is to be commended for taking the step it has taken, and that is reflected in the provisions of the bill to deal with what would be a very sad aspect of the industry if it were able to flourish in Victoria.

Similarly, The Nationals strongly support the other measures in the bill that assist the racing industry, but we take issue about the question of the extra money for the fund. I am pleased that the member for Morwell has come to the table so he will not be in any doubt about what I have to say on that topic with regard to the views of The Nationals. The basic problem is the government's policy position. It is a problem because the government is labouring under the false impression that you can simply go to a business of any sort and dock it to the tune of \$45 million.

This circus started a few years ago when the government announced it was going to impose the \$1500 fee for each of the 30 000 gaming machines in Victoria and thereby raise the first \$45 million. But the way in which this was done the second time around defies logic, let alone appropriate process. At the time of the introduction of the first fee this was a one-off situation, and we were not to have a repetition of it, as the Treasurer was careful to say. All these sorts of things were said with the qualification, out there in the

ether, that it was 'within the term of this Parliament'. That was the expression being used, or at least it was words to that effect, at the time.

That was setting the scene for what has now happened. Without further ado the government has ripped another \$45 million out of the industry. It is a poor policy position, because you only have to hear the position being put by the government, as echoed in the sentiments by the member for Morwell, that somehow or other this money tumbles out of the air. On the one hand he says that those in the opposing parties should not be complaining because you need money to run the different aspects of government services, and where do those members think that money comes from? On the other hand, he completely ignores the fact that the gaming businesses that are supplying it are now going to be short \$45 million in a situation that the government simply dropped on them.

This was the same two-week period when the government also announced that it was going to raise \$40 million from parking taxes here in Melbourne. These sorts of things utterly defy the logic of the way in which business operates. They go to the core of policy and to the basic rationale of why people who do business in Victoria worry about this government, because fundamentally this government does not understand how business operates.

What is going to happen now is that this \$45 million has to be found from somewhere within the business. It will mean that benefits that would otherwise be paid out by those businesses in a variety of fashions are not going to be paid. So how many other just causes are going to miss out because of the fact that there is no longer \$45 million in the pot? Is there a risk to the racing industry because of the fact that this \$45 million has been taken out of the pot? That is the other side of the equation that the government goes straight past, simply because it does not understand how business operates.

Let us go to the government's position on the other hand. The government says that these services have to be provided, that they have to be funded from somewhere and that raising taxes is the way to do it. As a general principle we do not object to that, but the fact is that this government is swimming in cash. This government has got more money available to it than has ever been previously contemplated by governments in this state. Five years ago it had a budget of about \$20 billion; now the budget is about \$30 billion — a 50 per cent increase in that period. Staggering amounts of money are coming into the state of Victoria — a budgeted income of \$7.8 billion alone this year out of

the distributions of the GST pool, and an increase of \$493 million on last year's figures.

If the member for Morwell wanted to look at a ready source of where this additional \$45 million can come from, he only has to look at what is happening with regard to the additional goods and services tax that the government is no doubt deriving from the increase in petrol prices. Of course they are getting windfall gains out of it — and that is completely apart from the additional over-budget income that the government is receiving on top of the \$7.8 billion for which it budgeted. Of course they are getting money on top of that, anyway. There is any amount of money coming from a variety of sources that the government should be relying upon for the purposes of being able to provide this extra \$45 million.

The other bit of hocus-pocus that we hear from the government, which has just been echoed again from the member for Morwell, is the notion that everyone ought to be cheering and clapping, because we now have a total of just over \$90 million going to the hospital and charities legislation for the provision of health benefits. Again, in principle, that is a good thing. But it is the old pea and thimble trick — that is all it is. What the government should be able to do is provide these services from the enormous river of money that it has available to it without going off and inventing yet more mechanisms of introducing new taxes, or adding to the tax system that we already have, to fund these services that they should be able to fund out of the cash they have available to them.

Although The Nationals support the essence of this legislation and the general thrust of what it says with regard to the racing industry, we certainly oppose the provisions regarding the \$45 million that is being raised for the fund. We think it is wrong on two basic counts — the first being that it is appalling policy to put the impost upon the businesses directly affected by this. It is appalling policy to think that businesses of any nature can simply be put upon in this manner by a government which seems to think they are just an enormous bottomless pit that it can raid at will to the tune of these extraordinary amounts of money. That is the first shocking approach to policy in this bill. The second is that in any event the government should, in a properly managed environment, have available to it an absolute river of cash available to do what needs to be done to provide the very important services that are appropriate to meet our needs in the health sector.

For those two reasons we object to that aspect of this legislation that relates to the gaming industry being shorn of this additional \$45 million. Indeed the Minister

for Tourism, who is also the Minister for Gaming, is at the table — —

Mr Pandazopoulos — And the Minister for Racing!

Mr RYAN — He is also the Minister for Racing as he reminds me. One would have thought that if the minister had had the interests of the three elements of his respective portfolios at heart he would have argued against this at the cabinet table. Even as I say it, I cannot help but wonder whether the minister argued against it and whether he again got done.

Mr LONEY (Lara) — I want to make a few brief comments on the Racing and Gambling Acts (Amendment) Bill and on some of its important provisions. Before doing so I make the observation that in the debate on the previous bill in this house some comments were made about how people outside this house would probably see as odd the way we deal with legislation. I think we have another one of those very odd moments for people outside this house to consider, because we seem to have had opposition speakers saying that they are opposing each of the provisions in the bill but supporting the bill itself! That is an interesting sort of a proposition coming from the other side.

Nonetheless I want to focus briefly on the couple of provisions relating to racing in this bill. While they may seem to be small and technical provisions, they are actually quite important, particularly the provision relating to the use of race fields. Within this bill there is a new offence designed to prohibit the unauthorised publication of race fields by wagering service providers. Without wishing to put too fine a point on it, I think it is fairly clear to most members in the house that the primary target of a provision like this is Betfair and Betfair-type wagering provisions. People may well ask why there is a need to do that. I think the member for Bass in some sense said that during his speech, but it is nonetheless important.

One of the things that the Victorian racing industry and this house, as I recall from debates on the industry in this place, have been proud of is the integrity of racing in this state. It is very important that this house does whatever it can to preserve and, where it can, improve the integrity of racing. Racing in Victoria is not simply a sport, it is big business. It has a multibillion dollar turnover each year, it employs thousands upon thousands of people and, with the internationalisation of events such as the Melbourne Cup, it also provides a great international focus on this city and our state.

When you go to other parts of the world where there is an interest in racing, people there know of Victorian racing and there is confidence that Victorian racing is well organised, has integrity and is clean. I might say that that view has not always been associated with racing in other states. It is very important that we are able to retain that. We do not wish to see incidents in Victoria similar to those that have occurred in recent times in the United Kingdom. I think at last reading there were around 80 incidents under investigation in the United Kingdom involving allegations of race fixing or other unusual practices.

We would want to ensure that anything we allowed in this state did not create any potential for that sort of behaviour to be imported into racing in Victoria. One way of pursuing that would be, if you like, by safeguarding the intellectual property in the race fields and putting some requirements on its use — and that is what is being done in one of the provisions in this bill. I think that is very significant, and it is a provision that I would have thought would have been widely applauded and supported. I have been a little surprised at some of the things said in the debate so far. These are very significant provisions, even though they are only technical in nature.

The other provisions make some technical amendments to the Racing Act to allow Racing Victoria Ltd to carry out its function as a peak body of the thoroughbred racing industry in this state. They are primarily about ensuring that Racing Victoria can do the things it is required and needs to do under the act. They include such things as alleviating any future concerns regarding the legitimacy of Racing Victoria Ltd as the rightful holder of Crown leases over certain pieces of land.

The other proposal relates to the operations and functions of Racing Victoria Ltd in its capacity as a disciplinary body in relation to rights of appeal through the disciplinary board and ensuring those provisions are correct. Again, these are important provisions which go to the heart of integrity and probity in our racing industry, and they are ones we should support.

As I said at the outset, I have been somewhat surprised by this debate. It seems that although each provision in this act has been in some way opposed by speakers on the other side, we are told that they are supporting the bill itself. I suggest that this is a bill that should be supported, because it will be good for the racing industry and will help to safeguard the integrity of racing in this state, an aim which I think all sides of this house should be fully behind.

Mr MULDER (Polwarth) — As was pointed out by previous Liberal speakers, the opposition is not opposed to the Racing and Gambling Acts (Amendment) Bill. The purpose of the bill is to give legislative form to stopping Internet betting exchanges, including Betfair, Darwin bookies and other international organisations, from publishing Victorian race fields. They will not be allowed to be registered in Victoria, and the same legislation will apply in New South Wales. This allows the transfer of a Crown land lease from the Victoria Racing Club (VRC) to Racing Victoria Ltd (RVL) — that is, RVL headquarters at 400 Epsom Road — and allows for consistency in appeal rights to Racing Victoria's appeals and disciplinary board. It gives the Racing Appeals Tribunal independence from the VRC. It also increases the annual health benefit levy — I love that term, because it is really a poker machine levy — from \$1533 per machine to \$3033 per machine, an increase and tax grab by the government of \$45 million annually.

Let us be frank about this: we in Victoria are great supporters of the racing industry, which generates enormous economic benefits. If we were to in any way, shape or form lose gambling revenue from the state to overseas operators such as Betfair and to the bookies who operate out of Darwin, it would be diabolical for the Victorian racing industry. Racing is a huge employer and promoter of tourism in the state. Our Spring Racing Carnival is upon us, and you only have to look at some of the economic benefits that are provided to the state of Victoria via the carnival. The annual report of Racing Victoria points to the fact that visitors to the 2004 Spring Racing Carnival spent more than \$15.7 million on fashion alone in Victoria. We are not just talking about hats and jewellery and —

Mr Pandazopoulos interjected.

Mr MULDER — How many biros did you buy to pop a few dates on some of those letters you write? The issue is the \$15.7 million that is spent on fashion in Victoria. Visitors to the Spring Racing Carnival spent a record amount of \$38.3 million on corporate packages in 2004. For the second year running more than 650 000 people attended the spring carnival, and in 2004 there was a record amount of \$467.4 million in gross economic benefits to the state of Victoria. When you look at the racing industry you understand what it provides to the state, and not just to those people who follow racing and who are engaged in thoroughbred, greyhound or harness racing. There are flow-on effects and flow-on net benefits across the state.

When you look at the additional interstate and overseas facts you will see that interstate and overseas visitors who last year came to Victoria primarily to attend the Spring Racing Carnival spent a further \$17.5 million in additional tourism spending pre and/or post race day. These visitors spent more than \$11.3 million on accommodation on the nights surrounding the Spring Racing Carnival events. You can imagine the flow-on effect for the shops in and around the city as well as the visits out to country Victoria. They would have attended shows and dined at restaurants, which would have gained significantly from the racing carnival. You can understand that we are concerned about the possible impact an organisation like Betfair could have on Victoria and Victorian racing. It is interesting when you go to the web page of Betfair that you get the welcome from Andrew Black, the organisation's co-founder. He has a message for those who wish to have a look at the operations of Betfair. In the body of this welcome he says:

Unfortunately there are some scurrilous individuals lurking on the Internet, and we would encourage you to take your account security as seriously as we do.

Of course we are not referring to the gentleman himself, but I am sure that people within the Victorian racing industry who look at the activities of Betfair in terms of how we conduct our betting here in Victoria and how our gambling dollar is spent would see it as being a somewhat scurrilous operation, given the impact it could have if indeed it was able to lure punters away from gambling with the TAB and with bookies on course. We just do not want that to happen.

I have some concerns in relation to one of the first points I raised — that is, how the government will actually stop international agencies from publishing Victorian race fields and how it will police it. You only have to travel overseas to see some of the pirating that goes on in some countries. You can get Nike shoes and Hugo Boss wallets and anything else you can buy for five or six bucks. What is going to stop them from printing out a Victorian race field and starting to bet on it? And how are you going to prevent them, with a nudge and a wink and through their connections from encouraging Victorian gamblers — and I am talking about the big punters — to bet with Betfair? The international agencies are saying that they are returning something of the order of a 20 per cent better return on dividends than you would get from your TAB.

This legislation does not actually deal with that. It does not stop that from happening. It talks about it, but it does not seem to have the bite that we would require to stop organisations like Betfair from infiltrating Victorian punters and taking that money offshore. I am

not talking about your average \$5 or \$10 punter; I am talking about the people who poke tens of thousands of dollars — the big punters — through. Obviously they are going to be attracted by those types of offerings from organisations like Betfair, and as I said, this bill does nothing at all to stop them. You can stop them advertising here in Victoria and stop them having agents in Victoria that actually take bets, but I do not see how setting up an account via the Internet is going to be stopped by this legislation. Despite that, the minister touts the fact that this is going to stop organisations like Betfair from buying their way into Victorian racing and taking away the Victorian product.

Without the Victorian product they still have the capacity to drag our biggest punters away and damage the industry. Of course if returns to the TAB start to drop and bookmakers who are betting on course start to lose these major clients, then the return to the racing clubs falls away. That of course impacts upon the product that is offered on a day-to-day basis and impacts upon race clubs being able to employ staff, and that affects their marketing, their training facilities and so on. We just cannot afford to allow this to happen.

The second point I raise relates to the rise in the so-called health benefit levy — the poker machines levy — from \$1533 per machine to \$3033 per machine, an increase of \$45 million annually. The government paid the racing industry \$4 million in 2001 when it increased the levy, and it now proposes a one-off payment of \$3.5 million to cover the shortfall the racing industry will not get from Tabcorp because of this latest \$45 million slug. But when you do the sums you see that the government has actually short-changed the racing industry, as this latest slug would have resulted in a compensation payment to the racing industry of \$5.165 million and not the \$3.5 million proposed. So as an immediate result of this action by the government the racing industry is behind the eight ball.

What we have is a range of supplementary payments going to the racing industry, and as I understand it this is a top-up payment of \$4 million, so we go to \$7.5 million. It would have to make the industry very nervous when you think that with the stroke of a pen the Treasurer decides, 'No more!'. We are interfering with their business. We know that a lot of clubs in their own right have invested in electronic gaming machines to help their operations. The government has come in over the top of them and then whipped out this massive amount of money — \$45 million — from underneath them, and now it is propping up the racing industry with the supplementary payment. But as I said, that sits there on the books and is reviewed on an annual basis. At some stage or other I have no doubt that the

government and the minister of the day will make a decision that they no longer intend to support the racing industry, and then that support of \$7.5 million a year is going to be pulled away from the industry. That would have a devastating effect on racing, and in particular on country racing.

Anything at all that has a propping effect to it, where the government has interfered with private sector markets, where it goes in and puts its greedy, tax-grab hand into the coffers of organisations who are conducting a business in a legitimate manner, has to have a flow-on effect. This is a flow-on effect that we have here today, whereby we have the industry hoping that at some stage the government will not pull the pin.

You have to ask why the government needs another \$45 million. When it came to power in 1999 it had a state budget of about \$19 billion a year. That has now moved out to more than \$30 billion. The Treasurer can, at the stroke of a pen, now increase every single government cost and charge across the range by any amount if he wishes to. You would have to ask: why do we have to continue to go to the racing industry and dive and mix into its affairs and put it in a very tenuous position in relying on handouts from government on a year-to-year basis? It gives the industry no confidence at all in relation to its investments, particularly the capital works programs that it undertakes. On that note, I wish the bill a speedy passage.

Mr HERBERT (Eltham) — This is an incredibly important piece of legislation which is designed to protect the integrity of Victorian racing and wagering behaviour from predatory behaviour.

It comes at a time when Robert Nason and Racing Victoria Ltd are doing a fantastic job in growing the size and diversity of our racing industry, a fantastic job in growing Victoria's share of the national and international racing and wagering industry. This growth in Victoria's racing industry and reputation has fantastic benefits for our economy, for employment — particularly in rural and regional areas — and for the pleasure of the Victorian public who love to have a punt and watch a race. In this context it is important to protect our racing and wagering industry from predatory behaviour, Internet betting and incursions by Betfair and similar organisations.

Despite the rhetoric, all political parties in Victoria recognise the need for government to regulate and legislate to protect the best interests of our racing industry. Despite the rhetoric, all political parties agree that government needs to act to protect our Victorian wagering operations from interstate and international

predatory behaviour not to restrict competition, but to ensure all players operate on an open, level playing field that protects our revenue stream. And, despite the rhetoric, all political parties recognise that we need to protect important revenue, which goes into our health and community services, from interstate and international predators who contribute nothing to the Victorian economy but who have the capacity to skim off real profits from the industry.

In this context the bill contains the following key amendments within the sphere of racing and gaming regulation: it ensures the creation of a new offence prohibiting the unauthorised publication of race fields; it has legislative support to facilitate the transfer of the Crown release from the Victoria Racing Club to Racing Victoria Ltd; it has consistency of process for appeal rights to Racing Victoria Ltd's racing appeals and disciplinary board; and it has an increase in the annual health benefit levy payable by gaming operators and the casino operator.

In enacting these provisions the government is supporting Racing Victoria Ltd in fulfilling its important role as the peak, controlling body of thoroughbred racing in Victoria. The bill is important in that it protects millions of dollars worth of revenue, which Victorian charities and our health system rely on.

Victorians' love of thoroughbred racing eclipses its love for most other sports. Victorians have a great passion for the racing industry and hold the industry's legendary heroes — human and animal — on the highest pedestal. The Spring Racing Carnival alone, as the member for Polwarth just mentioned, attracts some 650 000 patrons — 150 000 in the country and about 500 000 at metropolitan tracks. It generates some \$460 million in gross economic benefit for Victoria. We have over 400 country race meetings annually; there are nearly 4700 races each year, with some 50 000 horses racing. The Victorian industry offers a massive \$115 million in prize money — that is, 34 per cent of the national stake money. No wonder the industry seeks protection from interstate and international raiders.

It is estimated that \$342 million is wagered on Victorian racing in Darwin alone at a revenue loss to the Victorian government of about \$15.4 million and a loss to the racing industry of the order of \$22 million. This legislation will add another brick to the wall of protection for the integrity of the Victorian racing industry and its related revenues. It is consistent with the government's commitment to combat free riding on Victorian racing.

I was surprised to hear the opposition, particularly the member for Bass, describe the revenue component — I think he was referring to the health benefit levy — as a rip-off. He said he thought the government was more concerned about the loss of dollars going to its coffers than it is about the racing industry, as if ensuring the protection of an important Victorian revenue stream is somehow an anti-racing measure — or socialist excess, the member for Bass might say. It is weird that the opposition has also accused the government of being unaccountable to both the racing community and Victoria in general. How protecting revenue from interstate pirates is unaccountable is a strange stream of logic even for this dishevelled opposition!

Listening to opposition members' speeches and to their rantings and ravings, one wonders whether they wish to recklessly abandon financial responsibility in the racing industry, as they have done in their disastrous EastLink funding policy — or lack of it. They are worried about \$45 million in racing industry revenue, but at the same time they are proposing to strip \$7 billion out of the general revenue stream. It is clear that the opposition continues to live in an Alice in Wonderland world. Does it not realise that to run essential services there needs to be revenue certainty? In this case it involves \$90 million to the health and charities industries. Quite frankly, a first-year apprentice jockey knows more about financial operations in the racing industry than most of those opposite. There are some opposite who know a fair bit about racing — the member for Polwarth has a strong history in it and has experience in training.

This legislation is supported by all key national codes — Racing Victoria Ltd, the Australian Racing Board, the Australian Harness Racing Council, Greyhound Australia — and it even has international support from the International Federation of Horseracing Authorities.

In conclusion, I would like to congratulate the Minister for Racing and Robert Nason of Racing Victoria Ltd for their continued drive to protect, strengthen and internationalise a great Victorian product. Millions of Victorians love racing. They are looking forward to watching and having a punt on a race in the Spring Racing Carnival. Importantly, they fully support our moves to ensure that not only can the public have a bit of fun at the races but that the Victorian community benefits from that fun. I commend the bill to the house.

Mr STENSHOLT (Burwood) — I rise to support the Racing and Gambling Acts (Amendment) Bill. This bill provides a range of amendments to the Racing Act, the Gambling Regulation Act and the Casino Control

Act. As previous speakers have said, it aims to control and protect the racing industry and, of course, government revenues. As the Parliamentary Secretary for Treasury and Finance, I am naturally in favour of that. The bill will enhance the integrity of racing and wagering and assist Racing Victoria to make sure it manages its affairs and the conduct of thoroughbred racing well here in Victoria. Racing is a great sport.

I was tempted to speak on this bill after watching the cricket. What has that got to do with racing? I noticed all these advertisements for Betfair and www.betfair.com around the oval. I thought, 'There is a bill about Betfair coming to Parliament'. We do not think that Betfair is all that fair at all. We are not too keen on some interstate bookmakers either, insofar as they use a great Victorian product and activity and have a free ride on it.

Unlike the opposition, we are actually making an attempt. We are making a clear statement that we want to protect the integrity of the Victorian racing industry. We want to make sure that its integrity is protected and that the revenue stream is maintained. If it is being taken away by other operators, it can also be restored and enhanced. For example, it has already been said that many hundreds of millions of dollars are wagered on Victorian racing. In fact around \$42 million is wagered on Victorian racing in Darwin. This is a revenue loss to the Victorian government because it actually involves Victorian racing. That is a loss of around \$15 million. It is a loss to the racing industry as well. This is not just in terms of government revenue, but it is also a loss of around \$22 million to the racing industry in Victoria. There are provisions in this bill that seek to protect the integrity of the industry.

I note that there are also provisions to protect the integrity of the appeals process. I do not go to the races often now, but when I was a bit younger I went to the races every now and again. We need to protect the integrity of racing in the country. Often someone comes up before the stewards. I remember one story about a jockey and his brother at the races: often they tended to put a few bob on whatever the jockey was riding or, indeed, pulling. This is how Betfair tries to bet — on the losers. We do not want to extend the opportunity to bet on losers. We want people to bet on winners or placegetters.

The jockey and his brother bet on a horse to win. The jockey was on the red-hot favourite. It was a race of two-year-olds. The jockey's two-year-old got away from him around the corner. He was 13 lengths in front as they approached the corner. What was he going to do? He pulled the horse into the rail. He went over the rail. His brother rushed over and said, 'Are you all

right, Ted?'. The jockey turned over, opened his eyes and said, 'Did it win, mate?'. We want to make sure that we cut out that sort of activity on the racecourse. It has to be properly done and the appeals process has to be enhanced and have appropriate integrity.

There are a number of other provisions in the bill, particularly in regard to Betfair, which I have already mentioned, and Racing Victoria in terms of the lease arrangements and transfer of a Crown lease. That has been stated in the second-reading speech and talked about by other members here.

Finally, there is also a proposal in the bill which was covered in the budget providing for an increase in the levy payable by gaming operators and by the casino operator as well. It is very appropriate that it should be contained in the bill because it is related to gaming and gambling and needs to be included so that action can be taken both by imposing the levy and, where necessary, by providing appropriate interventions. In this case the intervention is being made in favour of country racecourses to assist them.

There has been some bleating by the Leader of The Nationals, who talked hocus-pocus about money. He must think that money grows on trees. The government must be fiscally sensible and make sound judgments about revenue raising to ensure that appropriate arrangements are in place for whatever licences and other matters must be addressed. A report has been published — —

Mr Smith interjected.

Mr STENSHOLT — I do not know if the member for Bass has read the Marsden report on the appropriate levy. When everything was sold off, there was an undervaluing of the machines for super tax. If my memory serves me right, it was an undervaluing of \$4500. The bill provides an additional super tax but it is a tax on the exceptional windfall gains provided to the monopoly operators — 'triopoly' is probably the best way to describe them in this particular case.

Mr Smith interjected.

Mr STENSHOLT — It is good fiscal management to make those sound decisions for revenue raising in terms of the management and regulation of industries so that there is fair balance in the interests of investors, business and, of course, the broader community. The role of government is to get the balance right and provide benefits for the broader community. The levy will go to health benefits. There will, of course, be no

impact upon players. No change has been made to the legislated minimum payout of 87 per cent.

Mr Smith interjected.

Mr STENSHOLT — The impact on operators is an impost in terms of the exceptional windfall gains they have had on the undervaluing, which has been recognised in the regulatory reports. As I said, all the proceeds of the increased health benefit levy of \$45 million per annum will be transferred to the Hospitals and Charities Fund, bringing the levy to about \$91 million a year from 2005–06.

The bill covers a range of issues in respect of racing and gambling. It provides good balance and integrity in seeking to protect the industry, to enhance its integrity and, as I said, to ensure that the levy and revenue are properly balanced, in the interests of the investors, business and the broader community and to provide funding for the health benefit. I commend the bill to the house.

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate on the Racing and Gambling Acts (Amendment) Bill, which does a number of things. Primarily it seeks to protect the three racing codes from predatory behaviour by interstate and international players who do not make any contribution to our excellent local industry which is worth some \$6.2 billion a year to the national economy. Our local racing industry is much loved by Victorians, whether they work in the industry, attend some of the 400-plus annual race meetings held in the state or just love a punt.

My electorate plays a strong part in the Victorian industry. Some locals have said there are probably more horses in my electorate than in any other electorate in the state. Many locals have ménages on their own properties, there are a couple of practice racing tracks and there is the Diamond Valley harness racing track. Importantly next year the Northern Melbourne Institute of TAFE in my electorate will become the first TAFE in Australia to introduce a three-year degree course in equine studies. The course will cover basic equine sciences and equine business management and better prepare graduates for employment in the equine industry both here and overseas. The local facilities at the TAFE institute boast stables, strapping stalls, a horse walker, a sand roll and a racing and training track as well as classrooms. Roy Higgins, the well-known former jockey, is one of the people who educate those in the course, so it is a very well-regarded course.

My family has had a long interest in the racing industry. I remember as a little girl my dad working on the gate at the old Botanic Park race track in Warrnambool before it moved to the showgrounds. My uncle, Ab Plozza, was well known in the area as a trainer of dogs at Brucknell Park. With my family I also attended many May race meetings in Warrnambool. These days I am a proud member of the Yarra Valley Racing Club.

In the time I have left, I point out that the important aspect of the bill is that it will introduce a new offence prohibiting wagering service providers from publishing information relating to horses or dogs nominated to participate in a race meeting unless they are authorised to do so by the controlling bodies. The provision is welcomed by the people in the three codes so it should be supported by the house. It is good to hear that The Nationals and the opposition will support the government's objectives, although some of the statements made by some speakers for the opposition parties do not seem to indicate that. In short, the bill demonstrates that Victoria is a great place to race a horse, jump a horse or race a dog. I commend the bill to the house.

Mr PERERA (Cranbourne) — I have great pleasure in supporting the Racing and Gambling Acts (Amendment) Bill 2005. In essence, the bill makes provision for the racing and gambling industries to be more beneficial to the Victorian community and it protects the racing industry.

First I comment briefly on the creation of a new offence prohibiting the unauthorised publication of race fields. The amendment is designed to protect the industry against the current and potential practices of unauthorised wagering service providers based interstate and overseas. The amendment is consistent with the legislative approach adopted in other states such as New South Wales. However, unauthorised wagering service providers, including corporate bookmakers based in the Northern Territory, also generate significant revenue from Victorian racing but make no financial contribution to the racing industry in Victoria. It is estimated that in Darwin alone \$342 million is wagered on Victorian racing, at a revenue loss to the Victorian government of around \$15.4 million and a loss to the racing industry of the order of \$22 million.

There are also concerns that bookmakers such as Betfair based in London have considered setting up in Australia and becoming involved in unauthorised wagering. They probably do so on the Internet currently. That organisation has a reputation for accepting bets on a horse or greyhound finishing last.

Betting on losing horses or greyhounds could make the industry corrupt and could scoop out large sums of money that could have come to Racing Victoria coffers.

The racing industry is big in Cranbourne, which has the largest racing complex in the southern hemisphere. About 700 horses daily and 250 greyhounds weekly are trained in the complex. Cranbourne will receive one of five horse ambulances worth \$40 000 to be funded from the Racing Community Development Fund. The Cranbourne facility has also secured \$20 000 for a water management drought-proofing racing demonstration project. It involves the planning of recycled water connection and site drainage collection at the Cranbourne Training Centre and Cranbourne racecourse. In 2002 the Cranbourne Turf Club was successful in getting \$50 000 to seal the car park and provide access roads. In 2003 it was successful in securing \$34 000 for a new grandstand roof. The Cranbourne Greyhound Racing Club received \$800 000 towards its project for building new kennels and administrative block at a cost of more than \$1 million.

While it collects the major part of wagering dollars, the Victorian racing industry provides the prize money for race meets and capital and maintenance funding for racing facilities such as those at Cranbourne. If the racing industry keeps losing money, not only will it be hard to provide this type of funding to enhance the industry, but the ability to hold race meetings will be severely affected. It will also affect the local economy and hence, local jobs. Cranbourne-trained horses are owned by parties living all over Australia and overseas; however, stabling of the horses is local to Cranbourne. Stable owners, trainers, vets, horse dentists, horse transporters and many others earn a living from the horse industry at Cranbourne. Allowing the destruction of the industry is unfair and creates a dangerous precedent that is not good for Racing Victoria.

The new offence adds another brick to the wall of protection for the Victorian racing industry and all its related revenues. The creation of the offence is intended to deter interstate and overseas operators from unauthorised use of Victorian racing products. It is envisaged that the new offences will encourage unauthorised wagering operators to seek appropriate approvals from Victorian racing authorities should these operators wish to conduct their business in Victoria. However, should enforcement strategies be required, recent case law — *Gutnick v. Dow Jones and Co.* — supports the potential for a successful prosecution of an interstate-based operator, as may be required, should this offence be committed by a person in a jurisdiction outside Victoria.

I would also like to comment briefly on the health benefit levy. This provision flows from the Bracks government announcement on 13 April 2005 that it would increase the health benefit levy on gaming machines by an additional \$1533 per annum per machine. It has been four years since the government last increased the levy. This levy will provide additional funding for hospitals, and we all pray for more services for our hospitals.

This is good policy. It is good legislation which will earn revenue for community services such as health services and will also protect the racing industry. I commend the bill to the house.

Mr LIM (Clayton) — Horseracing is one of the most ancient of sports, though for once this is not one that the Chinese can claim to have invented 5000 years ago. It is supposed to have originated amongst the nomadic tribesmen of central Asia.

In Victoria we inherit our love of horseracing from Great Britain where its origin can be traced back to the 12th century when English knights returned from the Crusades with Arab horses. These horses were crossbred with English horses to produce the thoroughbreds that are used in horseracing throughout the world today.

Racing has been an important part of the social fabric of this state since before the colony of Victoria was declared in July 1851. The Melbourne Cup, Australia's premier horse race which now has an international audience of about 700 million people in 170 countries and territories, was first run only 10 years after the founding of Victoria in 1861 and has been run every year since. The first race meeting held at Flemington took place in March 1840 when Melbourne was scarcely five years old, and Melbourne's first horse race was held two years earlier than that, at Spencer Street in March 1838.

I mention this long and splendid history of the racing industry in Victoria partly because there is another institution in Victoria with almost as long a history as horseracing — that is, the wowser movement. Wowserism has a long, if not very distinguished, history stemming, I believe, from the English Puritans of the 17th century who seemed determined that nothing enjoyable was to be permitted. The *Shorter Oxford English Dictionary* confirms this, defining 'wowser' as a 'puritanical enthusiast or fanatic'.

The English exported most of their Puritans to the United States, where they eventually became Republicans or members of the lunatic Christian right

and other horrors, but one or two of them eventually wound up in Victoria, where I understand that, with nothing better to do, they started the Liberal Party, and we have had to put up with them ever since. Of course I am as concerned as anybody else about the problem of excessive gambling, but it is noteworthy that it is the mechanised forms of gambling, introduced under the Liberal government, that seem to cause all the problems. Horseracing, when it is well managed — and we have a very well-managed racing industry in Victoria — seldom leads to such problems. Racing is an enjoyable and colourful sport which attracts a large following and brings visitors and prosperity to the state.

This bill contributes to the good management of the horseracing industry in Victoria by making a number of legislative changes designed to control unauthorised wagering systems. It also authorises the transfer of a Crown lease on the Racing Victoria centre from the Victoria Racing Club to Racing Victoria Ltd. It makes a number of technical amendments to Racing Victoria's appeal process and provides for an increase in the health benefit levy payable by gaming operators. I commend the bill to the house.

Ms BEATTIE (Yuroke) — It gives me great pleasure to stand and support the Racing and Gambling Acts (Amendment) Bill. Various members have spoken about their experiences at racetracks and what have you, and I suppose I am no different from others in the house in that I like to go to the races and have a little flutter — I dare say, like others in the house, with very limited success. Going to the races is a good day out, if you know when to stop.

This is a good bill that amends three gaming and racing acts: the Racing Act 1958, the Gambling Regulation Act 2003 and the Casino Control Act 1991. The amendments described have been requested by the racing industry. They will protect the industry, enhance the integrity of racing and wagering and assist Racing Victoria to efficiently manage the conduct of thoroughbred racing in Victoria. We all know that thoroughbred racing is an enormous industry in Victoria that makes a significant contribution to the state.

Other amendments will generate an additional \$45 million in revenue which will be directed to the state's public hospital system, and this is consistent with government objectives related to high quality accessible health and community services. Increasing that levy on gaming machines is a very important aspect of this bill.

One of the key features of the bill is the new offence of unauthorised publication of race fields. This amendment creates a new offence prohibiting the publication of race fields by unauthorised wagering service operators. The amendment is designed to protect the racing industry against current and potential practices of unauthorised betting operators based interstate or overseas. Earlier, members spoke about Betfair trying to penetrate into Victoria and having no success with that but perhaps being successful in Tasmania. I can only say from talking to people with far more experience than I have concerning wagering that this would be a bad thing for the racing industry.

This is a good bill. It is done with the usual consultation for which this government is known. I am pleased that the minister has come into the house to listen to my contribution. I commend the bill to the house.

Mr PANDAZOPOULOS (Minister for Gaming) — I thank members for their comments on the bill — those in support of it and those who are not opposing it. I think the member for Lara put it quite well when he questioned whether opposition members actually supported any of the provisions. They sit there and make glib comments about the racing industry and how important it is, but then they mock legislation which is widely supported, not only by the Victorian racing industry and its three codes and the three codes nationally but also by the Asian Racing Federation and the international horseracing council. They have actually argued that this is model legislation for racing jurisdictions around the world, while opposition members sit there and come up with glib things like, 'How will you regulate the Internet?' and so on.

I want to correct one aspect. A number of members have referred to Betfair in regard to the unauthorised race fields publication offence. It is important to understand that the work on race fields and the work on unauthorised betting agencies — being corporate bookies — started many years before anyone knew of Betfair. We have had a long history of interstate corporate bookies freeloading on the Victorian racing industry, and ministers with responsibility for racing, including my predecessor, the Attorney-General, have for a number of years been pursuing this matter. That pursuit is now emanating in some of this latest work — the banning of the publishing of race fields without authorisation from the controlling bodies themselves.

It is not a bill about Betfair; I want to correct that misconception. It is a bill about creating an environment in which unauthorised betting agencies can now have the opportunity to bring themselves to the table and deal quite seriously in regard to things like

product fees and integrity issues with the controlling bodies to see whether they will get approval. That is what this is about. It is about saying, ‘Stop freeloading; you are earning a living off other people’s work, and it is costing the racing industry many millions of dollars’. The member for Bass is incorrect to say we are only interested in state revenue.

Mr Smith — I didn’t say that.

Mr PANDAZOPOULOS — Your quote yesterday was:

I think the government is more concerned about the losses of dollars going to its coffers than it is about the racing industry.

How offensive to the racing industry! Members on the other side are very happy to go to all the racing functions — and they will do so again — right across the state, in the marquees, sipping their champagne —

Mr Perton interjected.

Mr PANDAZOPOULOS — They will be telling people about how wonderful the industry is.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Mr PANDAZOPOULOS — Then they will come into this house and mock things that the racing industry itself has asked for and that the international racing industry is applauding.

This is not about state revenue, this is about protecting the revenue of the industry and ensuring that those who are approved, rather than those who are unauthorised, have to go through the hoops, or through the ropes, to be approved by local betting agencies. I remind the house that I as minister and future ministers will have the ability to exempt from these provisions approved licence-holders of wagering products. So the door is open for all these groups that at the moment do not have licences, that are based interstate. Just out of Darwin alone the racing industry is losing around \$22 million a year on Victorian racing product.

The opposition complains about the health benefit levy and the small impact it will have on racing — what a load of crocodile tears! This bill is all about supporting the integrity of the product we have here, and preventing others from freeloading and bringing them to the table. Wait and see what happens with those who are brought to the table. They will say, ‘We acknowledge the arguments nationally; we want to be

legitimate and we want to talk to you’. That is what will happen in Victoria.

I will briefly mention the health benefit levy. It originated through the national competition policy process that we inherited from the opposition when it was in government. We do not have a problem with that. The Marsden report, which is a public document, highlighted that when the gaming industry was legitimised here and licences were issued, basically with the two pokies operators, they were massively undervalued — that is, the duopoly arrangement totally undervalued them. He suggested a levy per machine of about \$4500 dollars. We have not put that in place, but it is only reasonable when you have public reports like this to act on them. That is where the health benefit levy came from. It is better that the levy goes to the community and to health, and not into the gaming companies that entered the marketplace on the basis that they would earn less revenue than they do.

I commend the bill to the house and thank all contributors.

Motion agreed to.

Read second time.

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

RACING AND GAMBLING ACTS (AMENDMENT) BILL

Consideration in detail

Clause 1

Mr SMITH (Bass) — I had some concerns about the issues that the Minister for Racing raised in his summary of the second-reading debate. He tended to insult us on this side of the chamber by suggesting that we did not care about the racing industry in Victoria. We do care. We are concerned about the integrity of racing in Victoria, but I will say again what I said in my contribution to the second-reading debate: this government is only concerned about the revenue it is losing out on, not about what the racing industry is going to lose out on. That is all the minister cares about. He does not care about where this money is going to come from.

Mr Robinson interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Mitcham is out of his seat and disorderly.

Mr SMITH — Before the dinner break the minister stood up in this chamber and admitted that this happened — —

Mr Stensholt — On a point of order, Acting Speaker, we are on clause 1. Can we actually get on to clause 1?

The ACTING SPEAKER (Mr Delahunty) — Order! That is not a point of order.

Mr SMITH — Thank you very much, Acting Speaker, for the advice you have given. The minister admitted that this was going to happen. He referred to the report on gaming machines and to competition policy. He said that the licences were given out too cheaply, so something had to be done about it. He said Tabcorp, Tattersall's and Crown Casino had been too successful with their pokies. The government had to rip more money out of the system, and the Treasurer saw this as an easy way to do it — 'Let's just hit the poor old pokies' — —

Honourable members interjecting.

Mr SMITH — This government has whacked them as hard as they possibly can. They have taken billions of dollars out of the poker machine industry. You are the ones who are the problem gamblers. You are the ones — —

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

Mr SMITH — They are the ones, Acting Speaker, who rely so much on the revenue that is coming from pokies. They are the ones causing problems for the people of Victoria. The government has taken no action to try to do anything about relieving the problems of problem gamblers. It sees this as an easy take coming from Tattersall's, Tabcorp and Crown Casino.

Honourable members interjecting.

Mr SMITH — They all laugh. They all seem to say they are easy prey. They are not. They are companies that are organising and working within this community. They are people who are creating jobs. They are people who are creating wealth for their shareholders. We have to remember that.

This government says that things have been too easy for them so it has to take more money from them. Where does the money go? Can any government members show me a paper trail that explains where the last \$45 million went or where this \$45 million is going? Can they show me where it has gone into the health

system? The answer is no, it is not possible. What the government will do is say, 'We'll put another \$45 million in there, but we will not put it in from consolidated revenue'. So you have a lot more money going into the pool, but the government is just ripping it out of the pokies because it sees the industry as being an easy touch. It is not good enough.

The government should explain it to us properly. Tell us that it is going into hospitals. Tell us that it is going into the health system. Tell us that it is doing something good. The truth of the matter is that the government cannot tell us. There is no paper trail. There is no truth in what government members are saying. This is just another rip-off by the Treasurer because he sees the pokie people as easy touches — and this lot are just the same!

Mr RYAN (Leader of The Nationals) — On clause 1, which deals with various aspects of this legislation, I want to focus on the provisions relating to raising the extra \$1500 per machine — that is, the additional \$45 million. The Nationals have two problems with this. The first is that it is an absolutely appalling policy. Secondly, it demonstrates again the Labor Party's utter ignorance of the way in which business functions. It gives rise to that widely held view amongst business in the Victorian community that you cannot trust a Labor government to run the economy of the state.

As to the first issue, the reason it is terrible policy is that it shows the government's lack of understanding. What the government does not understand is that although the gaming industry appears to be a fatted cow upon which it feeds to the tune of \$1.4 billion, inclusive of gambling taxes at large, the public policy aspect is appalling. This government swore blind before the last election and the one before that that it would do all sorts of things to ensure that its reliance upon gambling and gaming would be reduced, and it made all sorts of promises to the public of Victoria about the measures it would introduce to relieve the pressure upon the proverbial problem gambler.

Of course, none of that has been delivered because the increased take from the gambling taxes, taken as a total, is there to be seen. In turn, when you look at the forward estimates, it is also there to be seen. As I said, the public policy aspect of this is appalling because the government has a fixation that you can simply go to an industry, of whatever sort, and tell it, 'We are going to nip you for another \$45 million' — but leave aside the cause, because I will come back to that in a moment. To say to business of any persuasion, no matter what it does, 'Without any further ado we are going to take

another \$45 million away from you' is appalling, dreadful policy, and that is the first area of objection from The Nationals.

An honourable member interjected.

Mr RYAN — I hear the interjections. The second problem is that in any event the government simply cannot manage money; it is awash with money. It should not need this additional \$45 million. Here it is with a budget that five years ago was about \$20 billion, now it is \$30 billion — but it still cannot make it work. An amazing amount of money is flooding into the government. Such amounts have never before been seen in the state of Victoria, and the government still cannot make it work. This illustrates that we still have these half-baked, Mickey Mouse measures being undertaken by the government, which again demonstrates that it cannot be trusted to run the till.

This happened in a similar period when not only was the gaming industry in particular snipped for a quick \$45 million, but in addition to that — —

An honourable member interjected.

Mr RYAN — No, the first \$45 million was about four years ago. That was at the time when it was said it would only happen once; 'in the life of that Parliament' was the qualification. This is the next Parliament, so the government is having another go at it. But apart from that, in the same period the government snipped Victorians for another \$40 million in parking tax for permanent car parking spaces. How inventive can you get that the government is going to tax Victorians for parking their cars to the tune of another \$40 million a year?

The two core issues are that firstly, it is demonstrably appalling public policy on the part of the government; and secondly, again it demonstrates very obviously that it simply cannot manage money. I want to finish by saying that the Minister for Racing believes that the levy should have amounted to more money. I want this minister to say whether he thinks it is enough money, or whether it should have been more. Let us hear him tell us.

Mr CAMERON (Minister for Agriculture) — What a great job the Minister for Racing has done in bringing forward this bill, and in particular clause 1. The poor, old member for Bass says, 'What happens to this money?'. I will tell him what happens to it: it will go into the hospitals and charities fund.

The Leader of The Nationals says, 'This is poor policy'. He says the \$1500 levy is poor policy. Yes, we know

that is what The Nationals think because the money goes into health. It is a long-term policy of The Nationals that putting funds into health is bad. We know that during the seven dark years it closed 12 hospitals and closed ambulance stations like the one at Kangaroo Flat. We know it is The Nationals policy that health is bad. That is the difference between the opposition parties and the government. That is why we are supported, because we are a government and a party that goes about wanting to put in place a good and proper health system so we can raise families in a fair and good way.

Mr JASPER (Murray Valley) — What a disgraceful performance from the Minister for Agriculture. Fancy coming into this house and trying to relate the comments made by the Leader of The Nationals to the closure of hospitals, particularly in country Victoria!

An honourable member interjected.

Mr JASPER — No hospitals were closed in the Murray Valley electorate during what he called the years of the coalition government.

Ms Lobato interjected.

Mr JASPER — I suggest to the government members who are interjecting that they should come to Murray Valley and have a look at what is going on. Time after time I hear about the closure of hospitals, schools and all the things that are supposed to have happened under the coalition government. So far as I am concerned a lot of that talk is rhetoric and rubbish. I suggest those members should come up and have a look at the parts of the state that I represent. The only hospital closed in the Murray Valley electorate was closed in the 1980s when we had a Labor government in power in Victoria. I might add it was done with the support of the people at the time.

Mr Cameron interjected.

Mr JASPER — I take up the Minister for Agriculture's interjection. The schools closed in the Murray Valley electorate were three that had less than 12 students; they could not be maintained.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Murray Valley should address his comments to clause 1.

Mr JASPER — Those schools are important to the Murray Valley, and I again suggest to those members who want to query it that they should come up and I will show them around. I said to the Minister for

Education Services when she repeatedly talked about these issues in the previous Parliament that she should come up to the Murray Valley, and I would show her what was going on. However, I strongly support the comments made by the Leader of The Nationals in relation to clause 1.

The government is wrong in imposing this additional funding on the operators of gambling machines in Victoria. An amount of \$1533 was imposed for each of the gambling machines, and without any discussion or contact with the operators, the government has said it will impose another \$1500, which will raise \$45 million. There is no doubt that the suggestion that this will go to health-related issues will strike a chord with many people, and it certainly strikes a chord with me when I think about it.

However, what the government is not saying is that the budget in Victoria has gone up by about 50 per cent in five years, from \$20 billion to \$30 billion. Over \$600 million a month is coming into the state from goods and services tax revenue, and very few taxes have been removed. Only three have been removed, when a commitment was given that taxes would be removed.

The government talks about consultation and going to the people. It says, 'We will not do anything unless we consult with the organisations'. There has been little consultation with the gambling machine operators, just an imposition on them. I suggest that there will be a backlash from that. The government should be able to put the money into better areas. The Nationals are extremely opposed to raising that money for state government revenue.

The Minister for Racing has sought to perform a good job in racing. I applaud many of the actions he is taking. I want to mention the difficulties we have had in north-eastern Victoria with the closing of the Wangaratta harness racing track and others in Western Victoria. The minister should take that on and make sure we have continued performance of harness racing. In Wangaratta we need a satisfactory operating harness racing club at Avian Park. We want the support of the minister on that issue, and I suggest that if he is to operate effectively as the racing minister, he should look at all the racing codes, particularly those in country Victoria that perform excellently and need support from Harness Racing Victoria.

I suggest he should be taking on the committee and consulting. He should go and talk to the people in north-eastern Victoria. He should meet us and talk about the harness racing club. We would be pleased to

talk further. He should make sure we get the funding required to maintain such an important club in north-eastern Victoria. Again, I join with the comments made by the Leader of The Nationals and strongly oppose the comments made by the minister in attacking The Nationals and what we do in this Parliament.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of clause 1. I think we need to note here that what in effect Tabcorp and Tattersalls have is a licence given to a duopoly under government sanction to make money. We are happy for that arrangement to exist. We are happy for Tabcorp and Tattersalls to make reasonable profits. I note from their most recent reports that in fact Tabcorp and Tattersalls are making very good profits, but there is nothing wrong with government taxing a duopoly activity which is licensed by government and getting a reasonable return on that money. The government would be remiss if it did not redistribute that money towards socially useful activities.

We have heard a lot of cant from the member for Bass about the level of revenue that the government has been raising from poker machines. The fact of the matter is that when we came into government poker machine revenue every year was rising by about 25 per cent in real terms. It is this government that has taken the measures that not only slowed but reduced the level of that revenue take. It was this government that introduced measures such as the smoking bans that actually resulted in a cut in the revenue the government was receiving. It was this government that had the courage to introduce a measure that resulted in a net loss of revenue to the budget. We did that for sound reasons: we did it for sound health policy reasons, and because we knew that there was a strong link between people who were involved in problem gambling and smoking.

I do not know what the member for Bass is talking about. When he came into government, there was a licence for 10 000 gaming machines. Vasey Houghton said there were going to be 45 000. You were going to let it rip! You were going to let there be 45 000 machines in our state.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Bentleigh will direct his comments through the Chair.

Mr HUDSON — I invite the member for South-West Coast to have a look at the media release from Vasey Houghton that said the number would be increased from 10 000 machines to 45 000 machines. It

was only because Jeff Kennett realised the backlash that he was experiencing that a cap was put on.

So let us have a look at the record of state governments on this matter. Let us have a look at who has introduced the responsible gaming policies. Let us have a look at the government that has set up a framework for responsible gambling in this state. Let us have a look at who directed the Community Support Fund money not to funding yachts that sank at the bottom of the San Diego harbour while running for the America's Cup but has actually put the money into hospitals, schools and community facilities. That is what this government has done. This government has introduced a socially responsible gaming policy. We have introduced measures to reduce problem gambling. We have introduced measures to restrict the advertising of gaming venues. We have introduced a whole range of measures which have ensured there will be less problem gambling in the community.

In addition, we have recognised that this is a duopoly, that in fact they are reaping very substantial profits, as they have over the last 13 years since poker machines were introduced, and it is reasonable to tax this duopoly activity at a reasonable level to still ensure that the operators receive a reasonable rate of return, but that the money is put into schools, hospitals, and to socially useful purposes in the community. That is what the Bracks government is doing. I commend the minister for clause 1.

Mr MULDER (Polwarth) — I rise to make a brief contribution — —

An honourable member — They let you speak after dinner, do they?

Mr MULDER — Yes, I am allowed to speak after dinner. I will start my contribution and pick up an interjection from the Minister for Racing on this issue. When the \$3033 levy was mentioned, he said, 'Not enough'. I would like to know from the minister how much he thinks we should be dragging out of the electronic gaming machines? How much is it going to be next year? Is it to be another \$3033, will it go up again? Obviously the minister is not happy with the amount of money that is being dragged out.

The minister is quite obviously happy with the process that was undertaken whereby Tattersalls and Tabcorp were dragged into the Treasurer's office and not consulted but told exactly what the Treasurer intended to do with their machines and with their business. The minister is saying it is not enough. I want to get a clear understanding from the Minister for Racing that, should

this amount be increased by another \$1500 next year, he has a guarantee from the Treasurer that the racing industry will be compensated with another \$4.5 million or \$5 million — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Delahunty) — Order! Members on the government side!

Mr MULDER — Quite clearly the minister is very keen to follow this whole process of what is nothing more than hypothecation, whereby firstly, the government raises the levy and calls it a health levy benefit. It is supposed to go into the health area, and of course we know that at the very end of it and on the other side of the chain the Treasurer says, 'We will drag some money from consolidated revenue and replace it with this particular levy', just as the government did with speed camera revenue, just as it tried to sell it as a road safety initiative — —

Mr Andrews interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Mulgrave will have his chance.

Mr MULDER — Speed camera revenue was supposed to be thrown in as a road safety initiative, yet at the other end we know that the Treasurer dived straight into that pocket money and dragged the consolidated revenue component out of it. If the Minister for Racing is, as he says, an advocate for country racing, I would like him to explain to the house whether he is happy about the take because the minister said the \$3033 was not enough and if you — —

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

Mr MULDER — If it is going to be more, what is the top-up going to be for the racing industry?

Mr PANDAZOPOULOS (Minister for Gaming) — I will comment on this broad clause, and the earlier debate ended up being about state tax policy, but nonetheless the bottom line is the government believes it is in the public interest, unlike the Leader of The Nationals, that we collect an additional levy as a health benefit levy from the gaming industry. The reason for that is there are two very good reasons in the public interest.

One is that as part of national competition policy process which the opposition started when in government, the Marsden report — —

Honourable members interjecting.

Mr PANDAZOPOULOS — The reality is national competition policy has been and continues to form a whole lot of government policy decision making. The reality is that the Marsden report identified that the nature of the duopoly was that it was in the public interest in order to capture revenue that the gaming industry was making that had not been intended when the gaming industry was set up as a duopoly. That is exactly why the government has done it. One can imagine the effect of having this report in the public's face as it says, 'Raise up to \$4500 per gaming machine because it is in the public interest to capture it on behalf of the community, by government for the government's shareholders, being the public, compared to private sector shareholders who bought into the business when they expected less out of it'.

That is why it is good public policy to then address that issue and actually raise what is a reasonable levy. That is exactly what the Treasurer has done. The Treasurer has raised a reasonable levy and has actually raised it to a level less than the Marsden report indicated. Imagine if the government did not act on that report? One would have the hypocrites on the other side at the same time saying that the government had a report, that it had released it publicly and is not even acting on it.

It is a no-win situation as far as the other mob is concerned. This is good policy, it is good policy to collect the levy, it is good policy to put it in the health arena and it is only a top-up to health, as has been one of the interjections from the health parliamentary secretary. There has been a huge increase in health funding by this government and this is an additional contribution

Debate interrupted.

DISTINGUISHED VISITOR

The ACTING SPEAKER (Mr Delahunty) — Order! Before I call the next speaker I would like to recognise a former member of this Parliament, Mr Frank Wilkes.

Debate resumed.

Mr SMITH (Bass) — I would like to go back to what the minister has just been saying. The minister is saying it is not enough. How much is enough? How much is enough money, when is the next amount going to hit, how much is it going to be — —

Mr Pandazopoulos — Four thousand five hundred dollars?

Mr SMITH — You are saying it is not enough and you need more. How much is it going to be and when are you going to start chasing it? Next year or the year after?

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Bass will direct his comments through the Chair.

Mr SMITH — Thank you, the Chair is quite right, I am sorry about that. I would like the minister to give us a straight answer if it is possible. I want to know how much is enough and how much more the government is going to rip out of this system.

Mr Stensholt — Fifteen hundred dollars.

Mr RYAN (Leader of The Nationals) — That is an interesting observation, Acting Speaker: \$1500 is the answer to the question that was posed by the member for Bass as to how much more. That is in addition to what we now have before the house — —

Mr Stensholt — On a point of order, Acting Speaker, I refer to the comments by the Leader of The Nationals that we are actually on clause 1 dealing with the purpose of the bill, and the bill is to do with the levy — —

The ACTING SPEAKER (Mr Delahunty) — Order! What is the point of order?

Mr Stensholt — We are not able to go on to extraneous matters like hypothetical matters — —

The ACTING SPEAKER (Mr Delahunty) — Order! That is not a point of order.

Mr RYAN — This is a desperate endeavour by the member for Burwood to cover up on the enormous mistake that he has made, because at least he has the good grace to admit that the government is intending to add another \$1500 — —

An honourable member interjected.

Mr RYAN — Wait a minute, I will get to him. The member at least has had the good grace to admit that the government is after another \$1500 per machine on top of what is now to be \$3000 per machine.

This is in fact completely in accord with the view of the Minister for Racing. He has made it absolutely crystal clear. This whole industry needs to take note of the fact that this minister, who has the responsibility for the

administration of this industry, has tonight made it perfectly clear in this place that he is going to rip this industry off again, and the figure that is being talked about is another \$1500 per machine. It just goes to show again how appalling is the understanding that these people have, no. 1, of public policy, and no. 2, of the impact that these sorts of things have upon the operation of business in Victoria. No-one in this place disagrees about the need for appropriate funding to be provided to health services.

Honourable members interjecting.

Mr RYAN — Of course you do! Everybody understands that you need to have that funding provided, and everybody understands — certainly on this side of the house — that here we have a government utterly awash with money in a way that no other government in the state of Victoria has ever come close to being, and yet it still struggles to make it balance. It still cannot run the provision of services without having to introduce these absolutely ridiculous measures. It is compounded by the fact of the re-creation of history. Here we have the member for Bentleigh, who has been here 5 minutes, starting to rewrite history about the introduction of gaming machines.

What he needs to be reminded of, with the greatest respect to him, is that gaming machines were introduced into this state by the Labor Party. Gaming machines were introduced to the state of Victoria by a Labor government. That is no. 1. No. 2, this was going to be the gambling-led recovery. Don't we all remember this? Victoria was going to get out of its desperate economic position by a gambling-led recovery. And how do we know that to be so? Because it was said in the advertisements that the then Premier, Joan Kirner, was presenting on the television screens of Victorians.

Mr Hudson interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Bentleigh is out of his seat!

Mr RYAN — Victorians saw on their television screens the then Labor Party Premier of the State of Victoria, Joan Kirner, telling us all we were going to have a gambling-led recovery. That is the second thing.

The third thing is the other bit of history that is being rewritten here tonight by the member for Bentleigh — that is, the fact that it was the Labor Party that was going to put the upper limit on the number of machines.

Honourable members interjecting.

Mr RYAN — Yes it was; we all remember that. What was the number? The Labor Party was going to have 45 000 machines. Who cut it to 30 000, who imposed a limit and who actually had the guts to apply the limit in Victoria? The former coalition government! That is who did it. These wimps on the other side of the house, who now say they are the government of this place, come in when these debates are on and want to rewrite history in circumstances where, no. 1, their understanding of public policy is utterly disgraceful — they have never understood it and they still do not; no. 2, the impact of this proposal upon business in all its forms is equally disgraceful, and they still do not understand it; and no. 3, they take these occasions to try to rewrite history about which they should be absolutely, utterly ashamed. That is what the Labor Party has done.

Mr STENSHOLT (Burwood) — I rise to say that the purpose of this bill in regard to the levy is a fair and reasonable measure. The Leader of The Nationals clearly does not understand good financial management and good fiscal responsibility in terms of a government. The way it works, to remind the Leader of The Nationals in case he has forgotten, is that with revenue and expenditure you always have to look at it in terms of savings and additional funding. You have to balance the budget. You always have to have regard to reports that are provided to you. In this case we had the Marsden report, which said that the dividend was less than it should have been, and in this regard the government pays attention to that. It weighs these things up in the economic review committee of cabinet, in full cabinet itself and then in the budget, and this is the way in which fiscal management occurs.

I know that the Liberals are not fit for government and that The Nationals abandoned the country in the Kennett era. We call it the Kennett era. I must admit that we do not talk about McNamara. We all know that he forgot about country Victoria. This measure is fair and reasonable, and one that takes into account the exceptional windfall gains and provides a balance for investors, for business and for the people of Victoria.

Mr MULDER (Polwarth) — I think that the issue has been answered quite clearly by the minister himself when we asked him what he thought a fair levy would be and what it would rise to. When he got to his feet he said \$4500. Then the member for Burwood said it would be another \$1500. You have confirmed what we all knew here tonight — that is, that you are going to hit the electronic gaming machine operators and lot of the racing clubs around the country who have those machines in place — —

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

Mr MULDER — You are going to slug them for another \$1500. The Minister for Gaming has confirmed it; the member for Burwood has confirmed it; and is it any wonder that when he tried to climb on the back of poor old bloody Subzero that the horse laid his ears back and tried to throw him off? It was because the clubs knew what this minister had in mind for the racing industry. All this legislation will do is hurt the racing industry. What you are saying here tonight is: have you got a guarantee of \$11 million from the Treasurer?

The ACTING SPEAKER (Mr Delahunty) — Order! Comments through the Chair!

Mr MULDER — That is what it is going to cost. It has gone from \$4 million to \$7.5 million, and if what the member for Burwood and the minister are saying is true, the racing industry is going to need a top-up of about \$11.5 million to cope with what you are going to take out of electronic gaming machines in your great big tax grab. And I will tell you what: if Subzero did not want you on his back it is a wonder he did not drive the boot onto you as you climbed off because you are an absolute enemy of racing, an absolute enemy of electronic gaming machines and the operators. You have no idea — —

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Polwarth, no more warnings! Through the Chair!

Mr MULDER — You have no idea of the work that has been put in by the industry over a long period of time to make this work. There is the money that goes back from Tattersall's and from the TAB and finds its way back into country racing, into capital works, into training track improvements, into stakes and into employing people within the industry. The government and the minister of the day, obviously supported by the member for Burwood, are very happy to see this whole process fall on its face, provided they can continually put their hands in and dress it up as a health benefit levy when we know all along that it is nothing other than another Bracks government tax grab.

Mr PANDAZOPOULOS (Minister for Gaming) — *Hansard* will clearly show what I said and that the member for Burwood referred to \$1500 in this bill. Yet on the other side we have the side that always lied and was always loose with the truth. They loved regional Victoria when they were in government. That

is what they said. Loose with the truth! They loved hospitals. Loose with the truth! And here they go again!

The reality is that *Hansard* will show that what I said is that Marsden recommended a higher figure than the government has actually set. That is fair and reasonable. Do not go and rewrite all of that. Let us not have all these fibs.

Mr Mulder interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Polwarth!

Mr PANDAZOPOULOS — If these guys are so passionate about this, let them ask questions on this at question time tomorrow. Let them — —

Mr Smith interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Bass!

Mr PANDAZOPOULOS — Let them vote against the health benefit levy. Let us see what they do. If they are committed to what they are saying rather than the claptrap they normally come out with they will vote against it, and if they do not they will show themselves to be the liars that they are.

Dr NAPHTHINE (South-West Coast) — It is important to have a little bit of decorum in this debate.

Mr Pandazopoulos — Well, sit down!

Dr NAPHTHINE — It is disappointing that the minister has obviously lost his cool because he cannot handle a decent debate. I think it is important to correct the record in what has been said tonight, and I follow the Leader of The Nationals on that. The important point to make with respect to some of the comments made by the government members, particularly the member for Bentleigh, is that they were trying to rewrite history. History is very clear: electronic gaming machines were introduced to Victoria by the Kirner Labor government.

I well remember that the first electronic gaming machine was played by Jack Dyer and Joan Kirner out at the Footscray Football Club premises, if I remember correctly — and Joan Kirner used the phrase 'a gambling-led recovery'. I was here in the house when the debate on electronic gaming machines took place. I well remember that it was the Labor Party that proposed that there be 45 000 machines. The Labor Party said Victoria would require 45 000 machines in the initial phase, and then the number could build up

over that. That is what Tom Roper said and that is what Joan Kirner said. Forty-five thousand machines!

The member for Bentleigh is entirely wrong. He stood up and referred to comments by the Honourable Vasey Houghton. Vasey Houghton had retired from politics — —

The ACTING SPEAKER (Mr Delahunty) — Order! I would like the member for South-West Coast to come back to clause 1.

Dr NAPHTHINE — I am responding to the comments made by the member for Bentleigh about the Honourable Vasey Houghton, who had retired from politics before the electronic gaming machine legislation entered the Parliament. The member for Bentleigh's credibility is a little bit dubious in the whole area.

The bottom line in relation to clause 1 is that this bill is a tax grab by the Bracks Labor government on top of the myriad of other tax grabs that it has perpetrated since being elected to office. The loser in this whole process is the racing industry. I heard the minister's summing up. He seemed to blame the national competition policy for this. That is the most stupid comment I have heard in Parliament for a long time. This legislation is being not introduced as a result of national competition, and it is not being imposed on the Bracks Labor government. This is a policy decision by the Bracks Labor government to impose higher taxes on the poker machine industry. One of the groups that will suffer from that is the racing fraternity, because there will be less revenue for the racing industry. The Victorian racing industry, which employs more than 40 000 people and is important to the economy of country Victoria, is going to be worse off because of this levy. Then if we get the situation, as the member for Burwood and the minister have indicated, where the government wants to increase the levy to \$4500 per machine, the racing industry will be hit again.

This government is an enemy of racing. It is not only closing harness racing tracks across Victoria, through this legislation it is dudding the harness racing industry, the greyhound industry and the thoroughbred industry. The government is taking money out of racing through this levy on poker machines. There is no doubt about it. The industry knows it, and the government knows it. When the government did it initially, it provided compensation for the racing industry. But this time there is a one-off compensation factor that will disappear. The industry will be millions upon millions of dollars worse off next year, the year after and the year after that, which will jeopardise Victoria's

leadership in racing not only in Australia but across the world. That is how the Minister for Gaming is jeopardising the Victorian racing industry.

That is an absolute indictment of somebody who purports to represent racing in his capacity as Minister for Racing. I love the racing industry, and I love country racing. I think it is disappointing when the government of the day is introducing measures that will hurt the racing industry in Victoria.

Mr HUDSON (Bentleigh) — It is a great pleasure to rise and contribute to the debate again. We have heard all sorts of inaccurate and misleading claims being made by the member for South-West Coast and the member for Bass.

Dr Napthine — What about Vasey Houghton?

Mr HUDSON — I am prepared to correct the record and say it was Haddon Storey, but let us have a look — —

Honourable members interjecting.

Mr HUDSON — Let us have a look at the report and the media release put out by Haddon Storey on 21 June 1994:

The Report of the Review of Electronic Gaming Machines in Victoria was released today by the Minister for Gaming, Haddon Storey.

The minister ... welcomed the report and in particular the finding that there had been a high degree of community acceptance of ... electronic gaming machines ...

Mr Storey said that there would be major changes to the gaming industry. The major feature of the industry would be:

there will be no limit on the number of machines in Victoria other than a maximum number of 45 000 machines ...

It was the Kennett government that introduced a new cap of 45 000 machines. When Labor left government, do you know how many venues for gaming machines there were? Less than 10.

An honourable member interjected.

Mr HUDSON — Less than 10!

The ACTING SPEAKER (Mr Delahunty) — Order! Through the Chair! I ask the member to get back to clause 1.

Mr HUDSON — The Kirner government had a cap of 10 500 machines. When it left office there were less than 10 venues. The Minister for Gaming at the time,

Minister Haddon Storey, undertook a major review, and following that review he indicated the cap would be lifted to 45 000 machines. Let us have no more of this cant from the opposition suggesting that somehow it was the Labor government that introduced a cap of 45 000 machines. The lie to that is given in this media release issued by the Minister for Gaming at the time, Haddon Storey.

We have also heard from the opposition a whole lot of claims about how the levy is going to have a major impact on the industry. We do not know whether it is a real policy or whether he just plans to introduce it, but the Leader of the Opposition is on the record as saying, apparently without any consultation with the industry, that he is going to take 5000 machines out. We heard the member for South-West Coast, the Leader of The Nationals and the member for Bass claim that we had imposed this levy without any consultation. I understand that the Leader of the Opposition thought up this policy over lunch and then went out and made an announcement about it without any consultation with the industry.

Quite frankly, I do not believe the opposition actually intends to implement the policy. It knows as well as we know that there are major contractual arrangements in place in relation to this industry until 2012 and that major compensation to both Tabcorp and Tattersalls will be required to implement such a policy. The Labor government has taken a more responsible attitude by tackling the key problem, which is problem gambling. We have made commitments to remove machines from areas where communities are vulnerable. We have made the commitment to remove the advertising —

Mr Smith interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Bass! The member for Bentleigh will direct his comments to clause 1.

Mr HUDSON — We are the party which made the commitment to remove the advertising of gaming venues. We are the ones who have introduced clocks in venues and made sure there is natural light in those venues. We are the ones who introduced smoking bans which will make sure that people get proper breaks when gambling. We are the ones who introduced a major problem gambling campaign which alerted people to the problems associated with problem gambling. We are not the ones who said, 'Go out and have fun. It is a bit of fun. Go out and have a flutter. You can be a winner'. That was the opposition's problem gambling strategy. That was the strategy the opposition introduced. It said, 'Everyone is a winner'.

We at least alerted people to the problems associated with problem gambling, so the opposition need not come in here and talk about problem gambling initiatives! We have a record that leads Australia. The opposition is a complete failure in this area.

Mr COOPER (Mornington) — I did not intend to participate in the consideration-in-detail stage, but I have been dragged into it after listening to the member for Bentleigh. When I hear the member for Bentleigh talk about how this government has a commitment to dealing with problem gambling, and how this government has decided that the best way to go with poker machines is not to reduce the numbers of poker machines but to put resources into dealing with them, I am reminded of the person who protesteth too much, because this government is doing neither.

It is not contemplating removing or lessening the number of machines in this state and is doing very little, if anything, that is positive in regard to the situation with problem gambling. The member for Bentleigh knows this and knows it only too well, because I know he has been speaking to people outside this place who have —

The ACTING SPEAKER (Mr Delahunty) — Order! I have reminded the member for Bentleigh, and I will remind the member for Mornington that we are dealing with clause 1.

Mr COOPER — Yes, I certainly am. I think I am entitled to respond to remarks made by the member for Bentleigh. Those remarks related to what he said is this government's commitment and action. This bill in fact imposes an additional tax on electronic gaming machines. It is a \$45 million tax. The member for Bentleigh is justifying that tax by saying his government has done all this wonderful work in regard to dealing with problem gambling. As I said earlier, the member for Bentleigh does not really believe that deep in his heart. He knows that is not so. If it were so, there would be a lot of congratulations coming to this government over the actions it has taken.

The people who are out there dealing at the coalface with problem gamblers — as the member for Bentleigh used to before he came in here — know full well that this government is full of rhetoric but not of action. That is the great shame that we have in this state. There is insufficient work being done on problem gambling. Every member in this place who speaks to constituents who come into their offices and have a problem with gambling knows there is insufficient work.

As I said during the second-reading debate on this bill, I do not accept the fact that ripping \$45 million out of the companies which are providing poker machines — Tabcorp and Tattersalls — and calling it a health benefit levy is anything but weasel words. They are nothing more than weasel words. It is taxation by stealth. The government is saying, ‘We’re going to get \$45 million out of Tabcorp and Tattersall’s and we’re going to call it a health benefit levy because it makes it more palatable to the people of this state’.

Those people who look at the issue and understand it know that it is nothing more than another taxation measure by this government. During the second-reading debate I said, and I repeat: I oppose this increase in taxation because it will not be put into anything meaningful. It will go into consolidated revenue. It will not be dealing with the issue that the member for Bentleigh has just told this house is so important — that is, problem gambling. No more resources are going into that; in fact fewer resources are going into that.

The people who were dealing with it, having been appointed by the government, and who came up with resolutions and recommendations that the government did not want to hear were sacked — because the government did not want to know about it. That is the sadness of the whole situation. We have increasing numbers of divorces, suicides and people facing the courts on criminal charges for stealing to feed the poker machines out there, and the members of this government are standing by and, as the member for Frankston said in a motion, sitting on their hands and doing nothing.

The ACTING SPEAKER (Mr Delahunty) — Order! The member’s time has expired.

Ms ASHER (Brighton) — I wish to also speak on clause 1 of the bill. In particular I address my comments to clause 1(b). I also wish to make some comments about the health benefit levy.

The first point I make about the bill is that the health benefit levy is completely consistent with the attitude of members of the Labor Party. Members know that the fiscal delinquents are back in power. Basically members of the Labor Party have a motto: if it exists, tax it — tax it again and tax it more. Members have seen that in a range of areas. Probably of all the areas of taxation this has been an area where members of the Labor Party think that they can get away with raising taxes because the increase is masked in the language of doing something beneficial for health. That does not confuse members of the public. The level of the

increase in the health benefit levy is outlined in clause 8. My general point is that members of the Labor Party will consistently tax people. Whether it be land tax, stamp duty or whatever, they will allow rates to increase. In this particular instance they have decided that they have seen a soft target and they have again increased the tax.

Secondly, I note that when the Labor Party first introduced a tax on gaming machines its members indicated that it would be a one-off tax. Members of this place can cast their minds back to the ill-fated Harvey report commissioned by the Premier and the Treasurer. John Harvey, a man I respect, advocated a raft of additional taxation — including, quite frankly, a voracious level of land tax which would have impacted particularly badly on small businesses and small investors. It was because of the level of pressure from the community that Labor had to dump the Harvey report. However, members of the Labor Party did not dump completely the idea of a gaming machine tax. When that was initially introduced members were told that it was a one-off tax. That was not so. Taxes are never a one off with the Labor Party; they are perpetually increasing under this government in order to fund its various indulgences.

Thirdly, I am also amused by the attempted rewriting of history by individual members of the Labor Party — and I too was amused by the contribution of the member for Bentleigh. I know the member for Bentleigh admires former Premier Joan Kirner greatly, but sometimes he has to acknowledge that she got this one wrong. She says she got it wrong. She introduced poker machines, in fact, in numbers higher than existed under the previous government. No amount of attempted rewriting of history by the member for Bentleigh will exonerate Joan Kirner from the fact that she introduced poker machines — with fanfare. Nothing can ever remove that from the consciousness of Victorians. He should not seek to shift blame.

Fourthly, on the impact on this particular area of business, I make the observation that the Labor Party has targeted this particular area of the economy. Members of the Labor Party have done so because they think it is soft. In other words, they think they can get away with taxing this area of industry again and again. There are some real issues for judging the performance of this government in terms of business certainty and other businesses observing the conduct of this government in changing taxation regimes at whim. That is what the government has done. Every time there is a bit of a problem with the budget its members simply decide to whack it on poker machines — whack that particular part of the gaming industry. The fact that

it has been couched in the term ‘health benefit levy’ means that members of the Labor Party think the public will accept it and may say, ‘Okay, it’s going to a good purpose. Let’s leave it be’. However, there are real ramifications for industry in terms of the fact that the Labor Party will pick off industries if it does not think those industries are politically popular.

In concluding my comments on clause 1, I also indicate my grave scepticism of targeting this particular industry for increases in taxation. The fact is that this government will always go for a bigger tax take. It has a track record of being fiscally delinquent. Clause 1 of the bill epitomises that to the full extent.

Mr INGRAM (Gippsland East) — I will try to do something different — I will try to stick to the bill and make my comments through the Chair. I looked at the bill before the debate started and thought that it is all fairly basic. I could not understand what all the excitement was about when the debate started. A couple of issues were raised. Members have focused on a couple of aspects, particularly the increase in the levy on poker machines, which is in clause 11.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Gippsland East should address clause 1.

Mr INGRAM — I realise that. The levy is included in the purposes of the bill in clause 1. I look forward to the divisions that will be called on the bill because considering the way the debate has been conducted, I am sure that nearly everyone on this side of the house opposes the bill. Surely that is so when people speak so vehemently against clauses in legislation.

I put my position on this fairly clearly: I oppose poker machines. I consider them a blight on our community. They rip out of a community money that could be well spent continuing family lifestyles and putting food on the table. Unfortunately, usually poker machines impact on those people who can least afford that expenditure. I grew up in a coastal community next to the New South Wales border. People from our region travelled over the border to play poker machines, so I understand the debate that occurs around borders. When there are poker machines in everyone’s community the people who can least afford it spend money on them. I do not have a problem with raising the levy on poker machines. The community can make a decision on whether that is right or wrong.

The issue on which I will focus in particular is one of the purposes of the bill. In relation to Betfair and similar organisations, the bill ensures that the fields — —

Mr Walsh — On a point of order, Acting Speaker, I believe the family of the member for Gippsland East has a pecuniary interest in the racing industry. I wonder if he should have declared that before he spoke.

The ACTING SPEAKER (Mr Delahunty) — Order! That is not a point of order. It is for the member to declare that.

Mr INGRAM — I thank the honourable member! As members may know, my wife has an interest in training, but that does not mean I have a pecuniary interest, because none of the horses are in my name. One of the horses my wife does have, since the member has raised it — —

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Gippsland East, on clause 1.

Mr INGRAM — One of the purposes of this bill relates to racing fields. One of the fields that has recently been described included a horse called Forlorn Hope. Forlorn Hope is named after The Nationals — no, sorry, I was joking! Forlorn Hope is not named after The Nationals, it is named after a place in the high country — but it could be named after The Nationals’ chances at the next election. In particular it could be named after the chances of the Leader of The Nationals.

On a more serious note, one of the main purposes of this bill is to ensure that the government and Racing Victoria are able to limit the availability of their racing fields. It is important to make sure that control exists. We have basically set up a monopoly in the racing industry in Victoria, and it is important that the industry is able to manage who has access to its racing fields to ensure that the benefits of the investments in the racing industry are returned to the racing clubs and the industry. There are some challenges in the future because if that is not managed properly competition will come in and — —

The ACTING SPEAKER (Mr Delahunty) — Order! The member’s time has expired.

Mr BAILLIEU (Hawthorn) — I have listened with fascination to this debate in my office downstairs, and I simply want to make a very short comment about what I have heard from the government side. It relates to two facts: I make these comments, my having been the shadow Minister for Gaming for a number of years.

One of these facts is that the total tax take from gaming in this state has dramatically increased under the current government. The other fact is that the number of problem gamblers in this state has also increased under this government. The government’s approach to

gaming and gambling in this state has been a simple one: it sees it as a cash cow and a repository for cant and rhetoric, and that is all.

Clause agreed to; clauses 2 to 5 agreed to.

Clause 6

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

Clause 6, lines 23 and 24, omit “for valuable consideration” and insert “in the course of business”.

Mr SMITH (Bass) — This is a very simple amendment the minister is moving and I wonder whether he could explain it in detail to the house.

Mr PANDAZOPOULOS (Minister for Gaming) — This is about the race fields. The bill has been in the house for some time; the racing industry is very supportive of it; it has had an opportunity to look at the bill and this amendment is recommended so that the words ‘in the course of business’ will potentially get rid of an unintended loophole that might arise if this was ever tested in court.

Mr COOPER (Mornington) — I note that the clause that is being amended states that a wagering service provider must not, in Victoria or elsewhere, publish the field for racing and I would like the minister to give an explanation as to how the government intends to police this and put it into operation in respect of Internet betting providers who do not operate within the boundaries of either Victoria or Australia.

Mr PANDAZOPOULOS (Minister for Gaming) — I am happy to assist. Like all offences under this act, the police — either themselves or the Victorian Commission for Gambling Regulation (VCGR) — are responsible for the enforcement provisions. In relation to the Internet, it is very much understood that there are issues around cross-border jurisdiction. Originally, in order to deal with unauthorised betting agents around Australia and overseas, all the states collectively asked the federal government to amend the Interactive Gambling Act nationally. This is the act which it can effectively police because at the end of the day it is really transnational laws at the Australian government level with other nations that can assist in this area.

They have told us their response is, ‘No; you strengthen your own legislation’. That is exactly what we are doing, but we still intend to have the federal government amend the Interactive Gambling Act. At the end of the day the federal government may not want

to involve itself in this area. It has technically banned Internet gambling for pokies and casino games. For this area it should do so as well. If the federal government passes that regulation, that will assist us in being more effective regulators at a state-based level. Internet betting technology is going to provide a much bigger challenge to all jurisdictions in the future, and at some time in the future a federal government is going to deal with these in a much better way than the Howard government is doing.

Mr COOPER (Mornington) — I understand and support the intentions of the government in this regard. The racing industry would certainly take that view as well, because, as we are aware, organisations like Betfair and similar agencies take bets but do not put anything back into the industry in Victoria or anywhere else in Australia. The intention of the amendment is fine; the problem I am having is how it is going to be effective.

I understand from the minister’s response that he is saying the government is putting this into operation and strengthening its act, but it is now having to rely upon somebody else to police and enforce it — that is, the commonwealth government.

So far, not only the government of Australia but other governments have been unsuccessful in trying to ban gambling on the Internet. Overseas online casinos are still operating not just in Australia but elsewhere. It would appear that federal governments are finding it not only extremely difficult but, it would seem, impossible to control Internet gaming. On that I pose a question: is this simply a form of words that is meant to make the industry believe that something might happen, when the reality is that nothing will happen and we will have to deal with Internet wagering services going on forever and taking away some of the turnover that otherwise would go to the racing industry in this state?

As I said at the beginning of my remarks, I understand and support the direction the government is going in, but it seems to me that while that is a nice form of words, the reality is that with all the goodwill in the world nothing is going to be done to stymie the activities of organisations like Betfair and others who accept bets on the Net.

Mr PANDAZOPOULOS (Minister for Gaming) — I thank the member for Mornington and appreciate his raising these issues in good faith. I can assure him that it is not just a matter of glib words. These words are very much supported by the racing industry, and we have been commended globally for being prepared to go down this road by bodies

including the International Federation of Horseracing Authorities and the Asian Racing Federation.

It is fair to say that, globally, regulation such as this is a relatively new field of law. There are some cases globally — and also in Australia — that provide us with some confidence in going down this road in terms of opportunities for cross-border enforcement, certainly within Australia. I think that is potentially easier to do than cross-national enforcement. This clause really is just as much about the cross-border bookies in places like the Northern Territory who have been freeloading on our racing product over here.

To date it has been an offence to bet on unauthorised product. If you are the person doing the betting, that is illegal. This provision will make it an offence to publish for profit race fields without authorisation; without being licensed. This bill will strengthen at least those in the industry who might have set themselves up for convenient purposes but at the end of the day want to be law-abiding businesses. It will bring many of them to the table to take seriously approaches that have been made to them in the past about dealing appropriately with respective racing authorities in an attempt to be licensed by agreement by those racing authorities. There is no doubt we will still have a dilemma with those who choose not to go down that road or who may not be able to satisfy integrity issues; but this is about increasing our armoury. Case law in this area will continue to evolve, and this is the advice we have about making us potentially leading edge along these lines from a state jurisdiction point of view.

Amendment agreed to; amended clause agreed to; clauses 7 to 11 agreed to.

Bill agreed to with amendment.

Remaining stages

Passed remaining stages.

SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 17 August; motion of Ms PIKE (Minister for Health).

Mr McINTOSH (Kew) — Having listened to the majority of the debate on the previous bill, I think this debate will bring a bit of sanity back into the place! This legislation deals with a number of amendments that have been hanging around for a considerable

amount of time. They are based on recommendations made by Justice Vincent, who reviewed the forensic leave procedures of the Victorian Institute of Forensic Health. As a result amendments were made to a number of acts relating to the Mental Health Act, the Sentencing Act and the Corrections Act back in 2002. Because a few residual matters were left over from that review by Justice Vincent, a discussion paper was issued by the Department of Justice, and as a result of the consultation that followed the release of that discussion paper, these amendments have now been brought into the house.

The Liberal Party does not oppose this bill, as it seems to be part of significant reforms that have been taking place in the way we deal with people in the criminal justice system who have been suffering from a mental illness over a number of years. The bill seeks to reflect what has been a substantial change in the way we treat people suffering from a mental illness in our medical institutions, and it reflects the deinstitutionalisation of those treatment practices over the last 30 to 40 years. The discussion paper emphasises, as did the Attorney-General in his second-reading speech, this deinstitutionalisation of the way we treat those suffering from mental illness and, in particular, the impact that has had on the criminal justice system. I will quote from the discussion paper entitled *Treatment and Care of Mentally Ill Offenders Pursuant to Part 5 of the Sentencing Act 1991 and Parts 3–4 of the Mental Health Act 1986*, which was published in December 2003. Its general overview on page 5 says:

At the time the hospital order provisions were incorporated into the Mental Health Act 1959, treatment and care for serious mental illness occurred in large stand-alone institutions. Persons subject to hospital orders could be expected to remain in these institutions for very long periods of time, with limited or no access to ongoing treatment ...

In the late 1950s and early 1960s new psychotropic medications began to be developed and the focus of treatment for mental illness commenced a shift away from inpatient care to community treatment. Following these developments, and consistent with changes throughout the Western world, large stand-alone institutions in Victoria began to close. By the early 1990s, and following large scale national and state policy reform, mental health services began to be 'mainstreamed' with general health services. As part of this process, inpatient services formerly provided by large stand-alone institutions were co-located with general hospitals.

That is a long way of saying that the traditional approach to treating mental health, which was to lock mentally ill people in large asylums and forget about them, changed dramatically. They are now treated as part of the mainstream medical process in normal hospitals, with a few stand-alone institutions dealing

with the particularly severely affected. A former Attorney-General, Jan Wade, the former member for Kew, introduced substantial reforms to the way people suffering from mental disorders were treated in the criminal justice system. She abolished the old Governor's pleasure notion, which was based upon the fact that somebody who was unfit to plead or not guilty by reason of mental impairment could then be detained at the Governor's pleasure.

One of the great concerns at the time was that this meant there were open-ended, indefinite penalties, so no matter what the crime or indictable offence, it could lead effectively to incarceration for life. A discharge or the continuation of that institutionalisation was really dependent upon a decision of the executive. Importantly the Crimes (Mental Impairment and Unfitness to be Tried) Act, which was passed by the former government, profoundly altered the way we dealt with people in the criminal justice system suffering from mental impairment. It did away with the old notion of the Governor's pleasure and transferred the decision-making process back to the courts rather than leaving it with the executive.

The bill amends the Sentencing Act with respect to orders that may be made for mentally ill offenders; the Mental Health Act, with respect to involuntary and security patients; the Corrections Act, to allow parole orders to be made for persons in detention under hospital orders; and the Crimes (Mental Impairment and Unfitness to be Tried) Act, to allow forensic patients and forensic residents to apply for leave.

I will now deal with the main provisions of the bill. The bulk of the bill, and certainly the bulk of the Attorney-General's second-reading speech, dealt with the issue of hospital orders. Essentially, where a person suffering from a mental illness is found guilty of an offence and a court is satisfied that the person should be detained in an approved mental health service for his or her own safety or for the protection of the public, rather than passing a sentence, as would normally happen in relation to an offence, the court can make a hospital order which means that a person can be detained in an approved mental health facility. But once again, a number of problems with those hospital orders were identified by Justice Vincent. In practice the order may be for an indefinite period, so normally one would expect to be tried and sentenced, and then depending on what governing legislation applied once the sentence had been served, the person would be released.

However, even for a minor indictable offence someone could be incarcerated for a long period, if not for life, in a hospital because of their mental impairment. Justice

Vincent considered all of the matters, and his recommendation was that this period should be given some degree of finality. It should not just be for an indefinite period, although it does not have to be for an indefinite period; it is still subject to court direction. But in many cases it could be for an indefinite period, if not for life.

There was a concern that perhaps a hospital order should not be applicable to more serious offences. I notice the Attorney-General has adopted the definition of 'serious offence' — which I have often spoken about in this place, and indeed it was debated in another place today — that was placed in the Sentencing Act by substantial amendments to that act by a former Attorney-General, Jan Wade, in relation to the ability for courts to impose an indefinite sentence in particular circumstances.

However, Justice Vincent felt that it was no longer appropriate for a hospital order or a number of other dispositions, which I will talk about a bit later on, to apply to those serious offences, and the Attorney-General has picked that up in this legislation. Serious offences in the Sentencing Act are described as things like murder, rape, sexual penetration of a minor, kidnapping and armed robbery; the offences that would attract the most odium in the community. Certainly in a normal situation one would expect a very long sentence, and, as I said, the Sentencing Act provides that in particularly difficult circumstances when the offender has a number of antecedent priors, a court is able to impose an indefinite sentence, a life term of imprisonment, where the normal maximum period for those offences is 25 years. Murder is an exception to that, and a life term can be imposed in that circumstance. But certainly for an offence of rape, the maximum term is 25 years.

Where circumstances are particularly difficult and the crime is particularly odious, a court can take those matters into account and impose an indefinite sentence. I do not have the current figures, but three or four months ago I was led to believe by representatives of the Adult Parole Board that currently six prisoners in our jails are subject to an indefinite sentence.

The Attorney-General has set the benchmark that a hospital order should not apply to somebody who has been charged, or who is being processed in relation to a serious offence. In practice, the indefinite length of hospital orders was a matter of concern, and this bill provides that a hospital order can last only up to two years. Where in practice they may have been sentenced for an indefinite period, they now have a limitation of two years.

During the time of the hospital order, the person is detained in an approved mental health service for up to two years, and subject to the decisions of the chief psychiatrist and the Mental Health Review Board, they can be provided with a restricted community treatment order in all of the circumstances where it would be safe to do so. A person can be treated as an involuntary patient but be in the community. There is no doubt this bill provides a degree of flexibility in relation to the way the orders are applied and can come into operation.

If, at the end of the two-year period, the person is still suffering from a mental illness, they are then shifted out of the criminal justice system to be dealt with under the Mental Health Act in what might be described as a civil commitment. This is where people can be involuntarily detained because they are suffering from a mental disorder within the criteria set out for such civil commitments, which are not related to the original crime for which they went through the criminal justice system but pertain for their own health or safety or for the protection of the public under the criteria set out in the Mental Health Act. So there is a mechanism, but the bill recognises that at the end of the two-year period of a hospital order, it transmogrifies from a criminal justice problem into a much broader community problem as a civil involuntary patient.

The expression 'hospital orders' now changes to a 'restricted involuntary treatment order'. Some of my former colleagues say the term 'hospital orders' will probably be used colloquially although the bill definitely changes the name which, according to the Attorney-General, better reflects what they actually do. Longstanding practices will take some time to change, and I have no doubt that people will simply refer to them as hospital orders, recognising that formally there will be a change.

The restricted community treatment orders can be dealt with in a far more flexible way. For example, if a person is given a hospital order as a result of going through a court process, in circumstances where the chief psychiatrist, treating psychiatrists and the Mental Health Review Board think it appropriate, they can be released on day one on a restricted community treatment order. That order can be revoked during the course of its currency.

I should also point out — this is something that causes the opposition some concern, because it has had ramifications in the past and certainly has received a lot of publicity — that the government is now going to change all current hospital orders, which by operation of this bill will now automatically revert to a two-year period, no matter what the intention of a judge in

imposing a hospital order may or may not have been and no matter the indication of the duration or otherwise, or what the expectation may have been. Once the bill comes into operation, all hospital orders will automatically revert to a two-year hospital order with the flexibility to provide a restricted community treatment order in those circumstances.

The legislation also changes what are called hospital security orders. These differ from normal hospital orders in one profound way, which is that a person who is suffering from a mental illness could be found guilty of an offence and, but for the mental illness, would normally have been sentenced to a term of imprisonment. Instead the person is sentenced to a fixed period of detention in the way the normal sentencing provisions would operate in an approved mental health service. Essentially it is a hospital order for a fixed period of time. As a result of that, the person who is the subject of a hospital security order cannot be released into the community for the period of the order, so there is no capacity to provide a restricted community treatment order in those circumstances. If such persons no longer require medical treatment in an approved mental health facility, they must be transferred to a normal prison.

The legislation provides all of the mechanisms available to a judge in relation to some serious offences. They do not necessarily have to be serious offences but, certainly in relation to hospital security orders, it provides for a fixed period which can go beyond the two years. In that regard it becomes almost like a normal sentencing option, but one that can commence in an approved medical health service, and the person can be detained for treatment. If the treatment is successful and they are rehabilitated, rather than being released into the community they are transferred into a prison.

Certainly I have looked at the act and perhaps there is an anomaly there. To put it beyond any doubt, it provides that there is a degree of flexibility in moving from one side to another. For example, if someone is sentenced under a hospital security order for a long period of time and treatment proves to be successful, rather than being released into the community, they are then transferred into a normal prison environment. But this legislation also provides that option. There was some doubt as to whether they could be transferred back into the approved mental health service for treatment if they had a relapse of the mental illness. The way the act operates, in a normal situation a prisoner who was sentenced to prison would serve that period of sentence in an adult prison. If the prisoner was suffering a mental disorder while in prison, they would be

transferred to a mental health service as a secure patient because they were still under a custodial order of the court and would need treatment to stabilise their mental disorder.

Once that had been stabilised they would be transferred back to a prison. So they would be treated no differently from a prisoner in a jail who would be transferred to a hospital. In the case of a serious ailment they would still be a prisoner. This leaves no doubt that, if the prisoner is transferred back to a mental health service for treatment while in custody, having undergone a hospital security order, they could be treated fully within the mental health service. There is also a mechanism in the legislation for the discharge of a hospital security order by a court, and the bill lines up the criteria for granting, discharging or revoking a hospital security order.

The bill contains a couple of other amendments. The Adult Parole Board is given power to grant a parole order to a person who is subject to a hospital security order so they do not have to necessarily return to prison. They can be released into the community subject to whatever conditions are imposed by the Adult Parole Board.

In my experience the Adult Parole Board would have one of the most difficult tasks known to the community in the sense that it is damned if it does and damned if it does not. Even if someone has committed a serious offence, if they are suffering from a mental disorder, have gone into a mental health service, have had treatment and have moved back to a prison, there would be a maximum term. Upon release after the maximum term the prisoner then walks out, unless they are subject to a monitoring order, which only applies to serious sexual offenders.

It is regrettable that those orders only apply to serious sexual offenders as they should apply to all serious offences. The benchmark that the Attorney-General has adopted for not providing a hospital order but a hospital security order is used in this bill, and it is regrettable that the Adult Parole Board is not armed with the ability to continue monitoring in relation to serious offences right through to the monitoring it performs for serious child-sex offences. It should apply to all serious offences as well as serious sex offences against children, and certainly I am on record as saying it should apply to interstate parolees who are subject to relocation in Victoria.

That flexibility as provided by the Adult Parole Board is adopted here to enable the Adult Parole Board to give parole to a person who is subject to a hospital security

order. The board can provide it when it is appropriate to release them, subject to those conditions. The Adult Parole Board is quite often faced with the prospect that, notwithstanding that it can predict that somebody is likely to reoffend, it has to release them on parole to at least subject them to strong conditions to enable them to be transferred to normal community life. After serving a long period of incarceration the cultural shock can be profound. Whether it is 5, 10 or 20 years, that shock is so profound that the Adult Parole Board, even in the case of dangerous prisoners, has to almost grant parole to at least enable these people to come back into the community to some extent.

It is regrettable, as I said, that we do not have the powers of the Adult Parole Board to continue to monitor those serious offenders who may be likely to reoffend, or whom a court has assessed as likely possibly to reoffend, after the maximum term of imprisonment. But the government does not want to do that, and it is regrettable.

As I said, the Adult Parole Board has jurisdiction to grant release on parole for hospital security patients. In relation to the Crimes (Mental Impairment and Unfitness to be Tried) Act, forensic patients and residents who are people unfit to be tried are effectively on remand, they have not been convicted of any offence under the Crimes (Mental Impairment and Unfitness to be Tried) Act, those people who are unfit to be tried are effectively placed on remand. That remand remains indefinitely while they fit that criteria and it is only when they have a satisfactory level of awareness that they can then be dealt with by the criminal justice system.

There are many patients who are just unfit to be tried and who have committed quite serious offences, but they are held effectively on remand. This bill makes it perfectly clear that those people on remand who are unfit to stand trial are able to be granted leave by the forensic leave panel, which is an adjunct, if you like, to the Adult Parole Board. It is chaired by Justice Teague, and it can provide day leave. Indeed it was that very issue of forensic leave that caused this initial review by Justice Vincent.

Acting Speaker, you may recall that a dangerous prisoner escaped from custody while on forensic leave, and that was a matter of some substantial criticism. It cost a lot of resources to recapture the prisoner after a period. It caused the suspension of forensic leave for a very long period of time — 6 to 12 months — while this review was conducted. This bill amends the Crimes (Mental Impairment Unfitness to be Tried) Act so that forensic patients and residents who are on remand and

unfit to stand trial will be able to be granted special leave by the forensic leave panel. With those few remarks and those few concerns that I have raised, the opposition does not oppose this legislation.

Mr DELAHUNTY (Lewan) — I compliment the member for Kew for grappling with this very difficult bill, the Sentencing and Mental Health Acts (Amendment) Bill. We know the main purpose of the bill is to amend the Sentencing Act 1991 and the Mental Health Act 1986 to improve the operation of hospital security orders and restricted community treatment orders. These orders, as we know, can be made for mentally ill offenders.

The reality is that the bill amends four acts: the first one is the Sentencing Act 1991; the second one is the Mental Health Act 1986; also amendments to the Corrections Act 1986 to allow parole orders to be made for persons in detention under hospital security orders; the fourth is the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 to allow certain forensic patients and forensic residents to apply for leave.

The Nationals come from the premise of firstly protecting the community, and secondly and most importantly, getting the balance right between people's need for treatment and their security. The Nationals have consulted widely and consulted with many people and organisations, and have come to the position of not opposing this legislation. The Sentencing Act and Mental Health Act, particularly the mental health area, is a very delicate topic, and I must say that I feel sometimes inadequate in my true understanding of the issues affecting those people with a mental illness. The former member for Warrnambool, John McGrath, has been of great assistance to me — —

Mr Andrews — He does a great job!

Mr DELAHUNTY — He does a great job! I am also informed the former member made some excellent contributions to this house on mental health, and I believe he still gives advice. I am also well aware and we must remember, even though I do not know the man, that the former member Mr Neil Cole was afflicted by a mental health disease.

The genesis of this legislation goes back to the fact that in 2001 Justice Frank Vincent chaired a review panel to consider leave arrangements for patients at the Victorian Institute of Forensic Mental Health; it was commonly known as the Vincent review. This review followed a number of security-related incident at the Thomas Embling Hospital in 2001. Part 5 of the

Sentencing Act enables Victorian courts to make hospital orders and hospital security orders for persons found guilty of offences who require involuntary treatment and care for mental illness. Parts 3 and 4 of the Mental Health Act 1986 provide a mechanism for community treatment and hospital order patients, and also sets out the circumstances in which these should occur and provides for discharge orders when certain legislative criteria are no longer satisfied.

Most of the recommendations of the Vincent review requiring legislative amendment were implemented in the Forensic Health Legislation (Amendment) Act 2002, but two recommendations requiring amendment of the Sentencing Act were held over for further consideration and consultation with the stakeholders. I am aware of and have read the discussion paper that was distributed to key stakeholders in 2003. I am informed that about 12 submissions were made in response to that discussion paper. I am also informed that those 12 submissions were taken into account in developing the legislation we are debating tonight.

My thanks go to the staff from the various government agencies who briefed us on this bill. At the briefing I asked for some information or a flow chart or some diagram that could help The Nationals understand the complex nature of mental health and the sentencing options that are available. I am pleased to say I was given some diagrams. The first one deals with the mental health system orders that are made by the court. The second diagram concerns transfer from prison to hospital and civil mental health orders. We were given another piece of information regarding the legal framework for progression under the Crimes (Mental Impairment and Unfitness to be Tried) Act. All of this information is available, but it is a very complex issue.

It talks about assessment orders, diagnosis, assessment and treatment orders, hospital orders and hospital security orders. It also talks about the dealings with the Mental Health Review Board, and further talks about restrictive hospital transfer orders, hospital transfer orders and civil mental health orders involving involuntary patients in hospital and involuntary patients on community treatment orders. Numerous orders are involved in the sentencing and mental health bill we are debating here tonight. For the sake of time I will not go through all of them, but I have a flow chart that helped me enormously in understanding the various options there are for the chief psychiatrist and for the Mental Health Review Board.

The Nationals support any changes that will assist in the rehabilitation of mentally ill people. The Vincent review panel was chaired by Justice Frank Vincent, and

I am informed that other members were Penny Armytage, Mr Noel Perry and Professor Norman James. They argued that the treatment of patients in hospitals should focus on the acute phase of their illnesses, and after that security patients should be returned to their place of detention where treatment could be continued.

The Vincent review came about following the absconding of Neville Garden, a security patient on day leave from the Thomas Embling Hospital. Although I have not had the opportunity to visit that facility, I am informed that it is an 80-bed facility in Melbourne which provides excellent service to people in the Victorian community afflicted with mental illness. The other case referred to by the Vincent review was the case of Claude Gabriel, who absconded from a Queensland institution but came to Melbourne and was unable to be apprehended under the law that was in place at that time.

Currently if a person with a mental illness is found guilty of an offence, under certain conditions the court may, instead of passing sentence, make a hospital order. The chief psychiatrist, with the approval of the Mental Health Review Board, can place patients on community treatment orders. There are many different types of orders, which I highlighted earlier in my contribution to the debate. At the briefing and when I asked for this flow chart, even the staff had difficulty in explaining it to me, but I do appreciate getting something in writing to further understand the various different orders and the current situation as it applies in Victoria.

The Vincent review raised concerns regarding hospital orders for serious crimes and for their duration. I am informed that about 17 people are on orders in Victoria, and some of those have been on them for more than 10 years. However, this bill addresses the concerns raised by the Vincent review. Hospital orders will not be made for persons found guilty of a serious offence. This bill picks up the definition of 'serious offence' from the Sentencing Act 1991. On page 10, under section 3 of that act the definition states that a serious offence is murder, manslaughter or an offence against any of the following sections of the Crimes Act 1958: causing serious injury intentionally; threats to kill; rape; assault with intent to rape; sexual penetration of a child under the age of 16; abduction or detention; abduction of a child under the age of 16; kidnapping; and armed robbery. There are a few others. This has picked up the definition of a serious offence, and from The Nationals point of view that is commonsense, and we support it.

As was said by the member for Kew, the bill also provides that hospital orders can be for a maximum of

two years. As I said earlier, there are 17 people on orders in Victoria, and some of those have been on them for more than 10 years.

The Nationals have consulted widely on this bill. We consulted with the Mental Health Review Board, the Mental Illness Fellowship of Victoria, the Mental Health Foundation of Australia and Mental Health Australia. It was interesting to note when we spoke to the people from Mental Health Australia that they had not seen this bill and were downloading it at the time we contacted them. They have come back with no comments, so they are obviously happy about it. But the Law Institute of Victoria has made some comments which I would like to quote. I have a letter dated 7 July, which is addressed to the Attorney-General. It is signed by Victoria Strong, the president of the Law Institute of Victoria. She wrote:

Dear Attorney-General

Proposed changes to hospital orders under Sentencing Act 1991

Administrative Law and Human Rights Section of the Law Institute of Victoria ... is concerned about proposed changes to hospital orders under section 93(1)(d) of the Sentencing Act 1991 ...

The LIV understands that changes are soon to be introduced in the Victorian Parliament to provide that a magistrate or judge will no longer be able to make a hospital order where the offence attracts a prison sentence. While it is not suggested that section 93(1)(d) orders are or should be commonly used in relation to serious offences generally warranting imprisonment, we suggest that there should be the option of discretion, in appropriate cases, for the making of a hospital order.

The Parliamentary Secretary for Health might want to make some comments on that letter, because I have no doubt that he also would have seen it. The letter goes on to say:

People on hospital orders are diverted away from the prison system in that, once they are well enough to be discharged from hospital, they are released into the community, albeit often on a restricted community treatment order. Convictions are often not recorded, and in such cases people are eligible for social security.

The letter goes on with a few other paragraphs, which I will not have time to cover here tonight, but there are concerns with this legislation.

Other concerns have been raised by members of The Nationals, and I want to highlight some of them. The member for Rodney and the member for Shepparton raised the issue of these patients coming out of a service. I see that the member for Rodney has just walked into the chamber. These people raised the

concern that the notification of parents or family should happen once these people are released from a facility or from a jail. It was highlighted to me that often the institutes have very little contact with patients' families, and in some cases they have no contact at all. Therefore the people who come out and who have been in the institutes because they have a mental illness have little or no support following their release. In a case highlighted to me, one committed suicide and the other was hit by a tram. It is important that we realise that more work needs to be done when mentally ill patients are released from institutions.

Yesterday all the members of The Nationals attended a Victorian family carers forum on the front steps of Parliament House —

Mr Baillieu interjected.

Mr DELAHUNTY — There were members of the other parties there too, but I wanted to say that all The Nationals were there. The forum was called, 'Walk a mile in our shoes', and very complex stories were told. A log of claims — entitled 'Carers log of claims' — was presented, and I want to cover a couple of them. No. 5 asks the federal government to:

Implement a parliamentary inquiry and review of funding policies and delivery systems for mental health services, so that all Australians with mental illnesses have access to adequate mental health care and rehabilitation services, during and following a crisis, with adequate follow-through services throughout the nation.

Item 6 asks the federal government to:

Ensure that people with mental illness have access to adequate housing and support before leaving these services.

At the end the log of claims states:

The message to our state-elected representatives is crystal clear: state-support systems have failed families caring for people with disabilities and mental illness.

I know it is a very difficult task. The staff in the mental health service do a good job under very difficult circumstances, and that can be no better highlighted than in the report put out by a Senate select committee on mental health, which resulted from a review of mental health programs across the state. For the sake of time I will not be able to read all of it, but based on the Victorian submission it virtually admitted that the mental health system in this state was in crisis:

Client growth of more than 7 per cent per annum over five years has led to services operating above capacity, as evidenced by high community caseloads and chronic acute bed blockages, with 9.6 per cent of patients staying for more than 35 days. This has resulted in crisis-driven service responses, difficulties with the service and bed access ...

The submission also highlighted that 4000 mental health clients in 2003–04 had to wait longer than 12 hours for a bed in an emergency department. The staff do a reasonable job under very difficult circumstances. However, in country Victoria they are under extreme workload difficulties because of the tyranny of distance.

I go back to my first point. The Nationals have come to the position where we are not opposing this legislation because, firstly, we want to make sure we protect the community and, secondly and importantly — and this is the reason why we are not opposing this legislation — it is about getting the balance right between the need to treat people with a mental illness and the need for security not only for them but also for the people of Victoria.

Mr Baillieu interjected.

Mr DELAHUNTY — The member for Hawthorn says this issue was covered in *A Current Affair* last night, but I do not want to go into that detail. In finishing I just want to say that this is a very delicate subject. The treatment of people with a mental illness is an issue that all governments have grappled with. We in The Nationals are not opposing this legislation, because it gets the balance right.

Mr ANDREWS (Mulgrave) — I am pleased to rise in support of the Sentencing and Mental Health Acts (Amendment) Bill. As the member for Lowan noted, this is a very important bill with an important set of arrangements that strike an appropriate balance between community safety, which is important for all of us, fairness in sentencing and providing the best possible environment for therapeutic care and the treatment for patients suffering from a mental illness.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Police: antisocial behaviour orders

Mr COOPER (Mornington) — I ask the Attorney-General to take action to investigate the successful introduction in England of antisocial behaviour orders — or ASBOs — and to give serious consideration to their introduction in Victoria. ASBOs represent a new approach to dealing with the issue of antisocial behaviour, thereby reducing the apprehension

of many people about whether they and their property are as safe as they should reasonably expect.

Most members of this house would know only too well about the concern in the community about antisocial behaviour, because we all receive numerous complaints about it from our constituents and we often see it reported by the media. Antisocial behaviour leads to harassment, alarm and distress in many people, particularly but not exclusively older people. Among the forms it can take are abusive or intimidating language or behaviour, excessive noise late at night, fouling streets with litter and drunken behaviour in streets. It can also include criminal damage, substance abuse, assault, throwing missiles and gatecrashing parties.

Antisocial behaviour of the types I have just mentioned are never victimless. All too often the victims are the most vulnerable in the community, including members of minority groups, the elderly, the poor and the disabled. Often when the police are called to an incident they are able to identify an offender but have no evidence to take the matter further. ASBOs are about stopping the antisocial behaviour rather than punishing the offender. When an ASBO is issued by police to an offender it has the same status as a court order and tells the offender that they are not permitted to continue with their unacceptable behaviour. If they are subsequently found to be behaving in breach of the ASBO, they will then be brought before a court and dealt with by a magistrate. The initial step of issuing an ASBO is not a criminal action against the offender; it involves a court order that lets the perpetrator know that they will be brought before a court if they do not change their ways. It is a quick, efficient way of giving people a significant warning. In some ways an ASBO is similar to a family violence intervention order, because it is issued to prevent, not to punish.

I understand that this approach is working remarkably well in England and has had a real impact on reducing antisocial behaviour and protecting individuals and communities. I urge the Attorney-General to take immediate steps to introduce this system into Victoria, thereby giving our police the power they need to better deal with behaviour that concerns a great many in our community.

Multicultural affairs: grants

Mr LONEY (Lara) — I raise for the attention of the Minister assisting the Premier on Multicultural Affairs the issue of support for some wonderful community festivals and celebrations by multicultural groups in my electorate. I ask the minister to ensure funding for them

to celebrate both Victoria's multiculturalism and their community's particular cultural background.

I am pleased to say there are a number of groups in my electorate that want to celebrate their community's cultural background and are organising festivals and events to celebrate and promote diversity in my local area. I am also proud to say that I have some very hardworking ethnic community groups in my electorate. As with many community organisations, most of them are run by volunteers who freely give their time to assist the community. All of these groups are working tirelessly for their communities and at the same time are contributing to our multicultural society.

There are a number of planned festivals and celebrations, and I ask the minister to assist with the provision of funding to these local groups. The German Karneval Society, which was one of the first German clubs in Australia, will celebrate its 50th anniversary later this year. It has been planning a great celebration for some time, with groups coming from all over Australia to celebrate. The Lithuanian Geelong Community cultural leaders conference is another important event that is being planned for early next year. The Serbian Pensioners Club, Branko Radicevic, Geelong, is having a 10th anniversary festival, which is particularly significant for my community. And the Geelong Indian Association will be celebrating the Deepavali night, better known as the festival of lights.

All those events are coming up in a short while. The groups have all submitted applications for grants. I know the grants available will not cover all the costs, but they would go a long way to assisting the groups with their celebrations. These festivals are wonderful examples of how small groups are working in my electorate to celebrate Victoria's great diversity. Therefore I seek from the Minister assisting the Premier on Multicultural Affairs that the funding of these groups in my electorate be made available to assist them in the celebration of their and our cultural diversity.

Tatong Primary School: reopening

Dr SYKES (Benalla) — I wish to raise for the attention of the Minister for Education and Training the strong desire of the Tatong community to reopen its school. I ask the minister to ensure that the Tatong community is provided with clear guidance on the steps that need to be taken to reopen the school and that her office and the Department of Education and Training assist the process in a timely and helpful manner.

Tatong is a small community about 25 kilometres south-east of Benalla. For over 100 years the previous Tatong Primary School educated local students. However, as with many small country schools, student numbers dwindled over the past few years. Several years ago Tatong Primary School, along with Swanpool Primary School, Violet Town Primary School, Baddaginnie Primary School and Strathbogie Primary School were amalgamated into Peranbin Primary College. This amalgamation allowed administrative functions and costs to be spread over five schools while retaining a campus in each of the small communities.

This year student numbers at Tatong dwindled even further to five students, at which time the parents of the five students elected to send their children to other schools. The school closed temporarily. Since that time the Tatong community, led by Daniel Grima, Dennis Scott and Mark Saunders, has rallied and become very keen to restart the school.

Local parents have already committed 15 students to attend the Tatong school in 2006, but only if it operates as a stand-alone school. The community feels very strongly about the need for the school to be a stand-alone school so community members can have a greater say in its management. The regional office of the Department of Education and Training has been very helpful in providing guidance to the Tatong community on the steps that need to be taken. However, at this stage the view of the Department of Education and Training is that the school must restart as Peranbin Primary College and then seek to become a stand-alone school. There is no guarantee that that will occur.

I am not convinced that this is the only option available. I ask the minister to define a pathway which would enable Tatong Primary School to start up as a stand-alone school in 2006. I assure the minister there is very strong support for it to be a stand-alone school. This support will materialise as money, participation on the school council and care and improvement of the school buildings and grounds. The level of support was demonstrated to me a couple of weeks ago at a rally at the school. Former students Kelly Lewis and Janelle Scott spoke proudly of the fact that attending Tatong Primary School had provided a sound foundation to go on to secondary and tertiary education. Kelly and Janelle spoke also of the lasting friendships they had made at Tatong primary. Older residents, Nita and Betty McCauley, both in their 80s, spoke proudly of their time at Tatong primary.

In closing, I ask again that the minister ensure that Tatong primary is provided with clear guidance on the

steps that need to be taken to reopen the school and that the guidance be timely and of assistance.

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

Racing: Ripon electorate

Mr HELPER (Ripon) — I direct to the attention of the Minister for Racing the issue of funding for key racing events in my electorate. I urge the minister to take the necessary steps to ensure support for racing in the electorate of Ripon. I am aware, as I am sure all members of the house are, that the Bracks government has been a strong supporter of racing clubs throughout Victoria — of particular interest to me are those in the Ripon electorate — through grants from programs such as the Living Country Racing program. Grants from that program have assisted in funding much-needed infrastructure projects that have improved facilities for the wider community to enjoy. As all members would be aware, country racing clubs play a very important role in the community, not only for the racing fraternity but also in a general community-building sense.

The support offered to clubs in Ripon, such as those at Ararat, Maryborough and Warrnambool, have enabled them to undertake infrastructure projects that would otherwise not have been possible. The marketing assistance given to those clubs in the past has also enabled them to develop their key race days as successful tourism events showcasing the region and its attractions.

No better example springs to mind than the marvellous race meetings held by the Avoca race club, which are renowned throughout the state. Held in March of each year, the Ararat Chinese Racing Festival highlights Ararat's racing and Chinese heritage, combined with a day of harness racing. I have very fond memories of attending that race meeting over a number of years. I pass on to members of the house a tip given to me for the forthcoming Ararat Chinese Racing Festival — the horse Forlorn Hope. That is the name of a horse, not a reference to the political prospects of some members opposite. With recognition of Ararat's multicultural history and heritage, the day is a key country event in the Victorian Spring Racing Carnival. I am aware that a strong emphasis of the Ararat Chinese Racing Festival is for racegoers and tourists to experience the many tourist activities the area has to offer. The harness racing event is complemented by Chinese activities for the family, Chinese food, and wine from the fabulous wineries in the region.

The aim of the weekend is to develop strong links with the Chinese community to make the event a must-see event for inbound Chinese tourists. The organisers of the event are beginning to develop strategic tourism packages with tourism agencies to increase the presale of tickets for the event.

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

Rail: Wodonga line

Mr PLOWMAN (Benambra) — The issue I wish to raise is for the attention of the Minister for Transport. On Friday, 22 July, grade 4 students at Wodonga Primary School took a train to Melbourne to view the Egyptian mummies exhibition at the Melbourne Museum. The party consisted of 95 students, 18 parents and 7 teachers. A booking was made through the Bendigo group booking office and Mrs Morven Foster, the grade 4 team leader, was assured that two designated carriages would be made available for the group to travel to and from Melbourne.

I quote selectively from a letter to the Minister for Transport from Mrs Morven Foster:

Imagine our consternation when, on arrival at Wodonga station, we were informed that we were only getting one carriage and had to share the other with the general public in unreserved seating.

The one carriage reserved for Wodonga primary turned out to be an ancient 'dog box carriage' which had no toilets as they had been decommissioned. This left us with a situation where we had one accessible toilet for a group of 120 plus the other travellers. This toilet was not in full working condition and did not fully flush.

...

When we arrived at Seymour station we faxed the attached letter to V/Line requesting that they rectify the problem. As this was actioned at 9.00 a.m., and we are aware that you have spare running stock from the Bendigo line being closed, we were hopeful that something could have been done. Imagine how we felt when we returned to Spencer Street to be met with the same situation. To make matters worse, Friday night is a very busy night on the Albury–Wodonga line and the train was packed, including the carriage that we were to share.

This was nothing short of an administrative fiasco. On that basis, I ask the minister to review the protocols for schools wishing to book a large group of students for train travel to and from Melbourne. I ask that as a result of the review he ensures that that highly unsatisfactory situation cannot happen again and that a letter of apology be sent to the school on behalf of V/Line.

In concluding the letter, Mrs Foster says:

Mr Batchelor, country children are disadvantaged in many ways when it comes to having access to facilities in Melbourne because of the time and cost factors involved.

...

We were very proud of our students and their resilience but are disappointed that they had unnecessarily to endure such substandard conditions.

I am sure you will agree that our students didn't experience the best of public transport. These students and their families had paid for a train fare, expecting adequate and appropriate seating and service.

At a time when we are attempting to increase the use of public transport, such experiences have a very strong counterproductive effect.

Racing: Seymour electorate

Mr HARDMAN (Seymour) — I rise to ask the Minister for Racing to look at the issue of funding for key racing events in my electorate. I urge the minister to provide practical support for racing in the electorate of Seymour. The Bracks government has been a great supporter of the racing industry in Seymour. Under the Living Country Racing program it has provided several grants for projects such as the upgrading of toilets, stormwater drains and the installation of water tanks at racing clubs right across my electorate. I will give a few examples of some of those fantastic projects.

New toilets were put in at the Yea racecourse, where people were having a fairly bad time on some of their race days, with the toilets spoiling the enjoyment of patrons on those days. That problem has been addressed now and the people of Yea are very pleased about that. Other people who use that recreation reserve, the golfers and members of pony clubs, have also benefited from that particular grant.

A new playground has been put in at the Seymour racecourse. That has been fantastic and has meant that people who go there on race days and for other events held there get to have a great family day. Everyone can come along and enjoy those days.

The facilities at Healesville racecourse were a bit run down when we first came to government. Now they have been spruced up and look great. The picnic race day there is fantastic. It looks a picture when you drive past or go there for events on race days or at other times. I encourage the minister to continue that great support.

Great racing events are held right across the electorate. Seymour is blessed with racing. We have great harness and thoroughbred racing at the Yarra Valley Racing centre. The annual food and wine event attracts

thousands of visitors. Last year 3300 people came from across the state, and 4 per cent were interstate visitors. I understand that on average those visitors stayed for three nights, which brings great economic benefit to our area. The Yarra Valley food and wine racing weekend highlights the Yarra Valley. There is a strong emphasis on food and wine and racing to attract racegoers and tourists.

I encourage the minister to ensure that the racing industry in the Seymour electorate continues to be supported by the Bracks government into the future and thank him for the work he has done in the past to promote Seymour racing.

Gippsland East electorate: infrastructure

Mr INGRAM (Gippsland East) — I direct my matter to the attention of the Minister for State and Regional Development. The action I seek is for the government to fund, under the provincial Victoria statement, a number of extremely important projects in my electorate. There are a number of very important infrastructure projects that I would like to think the government would give serious consideration to funding. These include projects like the Mallacoota boat ramp, which is the subject of an environment effects statement (EES) at the moment. It will be put out for public comment in the near future. If that project gets through the EES process, it will be important to include it in the provincial Victoria statement.

Another very important regional project that should be included is sand management in Lakes Entrance channel. Because we have put in an artificial entrance, sand accumulates inside the entrance, and Gippsland Ports are after a replacement for the *Sandpiper*, which is a dredge that manages that. Putting in a bypass system to move the sand from one side of the entrance to the other is another important project. The management of recreational and commercial boating and tourism infrastructure in my electorate is extremely important. Long term we need to look at replacing the *April Hamer*, which is an extremely large capital investment.

Another issue that is very important to my electorate, considering its large areas of national parks and state forest, is public land tourism infrastructure. Things like a coastal walk have been suggested for my area. This is a walk from Cape Conran all the way through to the New South Wales border, linking up with the section through to Eden. It is a beautiful area, and if the right infrastructure were put in place people would come from all around the world to see it. It would lift the profile of the national parks in the region. Other

projects include the Tulloch Ard drive through the Snowy River National Park and walking tracks like the one to Tulloch Ard Gorge. There are a number of other infrastructure needs in the electorate. They are extremely important projects for our region.

I have raised this issue with the Treasurer, and he has discussed it with some of the local councils in my area, looking at important projects such as transport infrastructure, assisting smaller communities to develop community plans and providing funding to ensure that those plans are implemented. Also areas like Macalister are in need of irrigation infrastructure. I ask that the government include these projects in the provincial Victoria statement.

Multicultural affairs: grants

Mr CARLI (Brunswick) — I raise a matter for the Minister assisting the Premier on Multicultural Affairs. I seek support, through the Victorian Multicultural Commission's festival and events program, for a number of events in my electorate. As members would know, the Brunswick and Coburg area, which I represent, is multicultural and diverse. It is an area that takes great pride in its cultural diversity.

In fact the City of Moreland motto is 'One community, proudly diverse'. It is an area that has been very strong in celebrating its diversity. Not only does it have people from many parts of the world, it is also has large Middle Eastern and Islamic communities. At the moment a lot of work is being done in the community to ensure that people can work together so we can celebrate our diversity and feel comfortable together. As members would know, there is a lot of anti-Islamic inflammatory material around at the moment, so it is very important that we act as one community that is proudly diverse.

I am seeking support from the minister for a number of communities that are looking for funding. These include the Cypriot community, which runs the Cypriot community centre in my electorate and which is also very excited about the Commonwealth Games because of the Cypriot athletes that will be coming here. The Greek elderly citizens, the Cretan brotherhood and the Pallaonian brotherhood all have annual festivities. There are also new groups such as the Nepalese Association. A Nepalese community is emerging in the area, and I am very proud of it. Its members have put a lot of time and effort into building some solidarity into that group. There are also more established groups like the Moreland Turkish education social centre group, which has been doing an incredibly good job with the Turkish community over many years. These small

groups want to celebrate diversity. They build community and solidarity in the area, and I am asking that the small grants be maintained and made available to these groups so they can celebrate their diversity.

I understand that the money is not enough to sponsor them totally, but it gives that little bit of support and assistance that encourages the volunteers to keep going, to do the community strengthening work and to build on that diversity. At the moment this is a very important issue, because as we know there is a lot of tension around as well as a lot of people who I believe are trying to break the cohesion at a community level. For communities like ours that are so diverse, particularly Muslim communities — —

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

Koo Wee Rup: infrastructure

Mr SMITH (Bass) — I wish to raise an issue with the Minister for State and Regional Development regarding the fantastic township of Koo Wee Rup. I ask for sufficient funding to ensure that this town is not neglected by this government any further. I have worked with the federal member for Flinders, Greg Hunt, in establishing a plan for Koo Wee Rup which will give the town a great lift, and the minister should be able to assist.

There is a need in the town to replace the current police station with a decent permanent building. We also need to revitalise the current disgraceful railway line and railway station and provide more car parking spaces. This line runs through the middle of the town, and if the rail service is put back, that would be just wonderful — but one cannot believe it will actually happen.

We need to ensure there is sufficient money for the Koo Wee Rup regional health service so that aged care facilities are fully funded. We also need more child-care and after-school-care places. The township needs a major bypass and an upgrade of the Pakenham–Koo Wee Rup road to improve road safety in Koo Wee Rup. We need a commitment to extend natural gas to this area. This was forgotten by the minister when he went out and promised natural gas to other Gippsland towns — but we know it could take some years before that happens, if it does. The minister is responsible for the delivery of all the money for these services.

Koo Wee Rup is a great town that is prepared to work for itself. It does not just want a handout but it needs government support from time to time. The secondary college is delivering excellent education to nearly

1000 students. The government and the minister should be working with the federal government to ensure that this school becomes an annex for an Australian technical college. I am asking the minister to go the extra mile and put sufficient funds into the can that is labelled 'Koo Wee Rup township'. We are prepared to work with the minister on all the issues I have raised tonight — and they are all serious issues as far as the town is concerned. It is important that money is supplied to the town to allow it to be able to work with the government to be able to provide all those services.

Probably one of the most vital things the minister could do is to assist with the upgrade of the road between Pakenham and Koo Wee Rup. This major north-south thoroughfare would connect the Princes Highway and the Pakenham bypass to the South Gippsland Highway. The existing road now runs through the middle of the Koo Wee Rup township and has caused a major intersection to become hugely dangerous. It has to be addressed at the very earliest time. I ask the minister for his assistance.

Crime: property identification

Ms MARSHALL (Forest Hill) — I raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is an undertaking by the minister to investigate ways of increasing Victorians' awareness of the importance of creating an inventory of valuable household goods, including photographs of valuable jewellery and a record of the serial numbers of electronic items.

Recently I had the pleasure of going on a tour of the Nunawading police station with the Minister for Police and Emergency Services. I enjoyed several valuable conversations with members of the police force, both male and female, of varying rank and specialisation. All the police officers I met displayed outstanding professionalism and were friendly and informative. I would like to commend the Nunawading police station for the obvious pride and care that all staff clearly displayed in their work.

An important point that came from one of the conversations I shared with the police officers was their repeated frustration at the limited options for recovering stolen goods if people neglect to record the serial numbers of or take photographs of their valuable household items. If a person fails to compile this list of important household goods, then police are unable to scan the databases of second-hand dealers to attempt to match the serial numbers with the stolen items and those recently handed in to stores. Without the serial

numbers it is impossible to do this and markedly more difficult for police to retrieve the stolen items.

It is of the utmost importance that people are made aware of just how important it is to record these details and that Victorians be strongly encouraged to record them immediately. In October 2001 the New South Wales police service and NRMA Insurance launched a joint campaign to educate and encourage New South Wales residents to protect their property from burglary. The campaign, called Property Safe, included a brochure containing information on who to contact in the event of a robbery and on the importance of recording serial numbers and taking photographs of valuable jewellery. This brochure was distributed widely as an insert in a major daily newspaper. The campaign also featured a Property Safe sticker which was prominently displayed by residents to indicate to potential thieves that their homes were protected. I believe Victorians would benefit from a similar campaign.

I commend the Bracks government for its outstanding commitment to increasing community safety and their ongoing support of Victoria Police. Since 1999 the Bracks government has employed over 1000 additional police officers and refurbished or built 77 police stations. The 2005–06 police budget is the biggest Victoria Police budget allocation in history — approximately \$300 million more than was allocated in 1999. This exceptional support is evidenced by massive reductions in crime, with a 21.5 per cent reduction in the crime rate since 2000. I call on the minister to investigate how he might reduce this rate further by helping Victorians to better protect their household items.

Responses

Mr PANDAZOPOULOS (Minister for Gaming) — The members for Lara and Brunswick requested support for various multicultural festivals and events in their electorates, which are both culturally diverse and have been welcoming to migrant communities over a very long period. Certainly the Geelong and Corio areas had a migrant settlement centre for many years post-World War II. In the Brunswick electorate the Coburg and Moreland areas have been the first port of call for many postwar migrants. This will continue to be true of both electorates.

The government agrees that it is important that we celebrate and value our diversity. It is one of our great social and economic strengths, and it will be even more so in the future. Hundreds of multicultural festivals and

events are held every year in Victoria, predominantly funded and supported by the communities themselves. The government needs to recognise, encourage and nurture that, as well as encouraging the sharing of event experiences. That is something communities want — they do not only want to celebrate within their own communities, they also want to share the celebrations with others who are not part of those communities. Many well-known multicultural festivals and events target the broader community.

We have nearly quadrupled the amount of dollars for grants programs through the Victorian Multicultural Commission. We fund 1800 different community organisations at the grassroots level every year. One of the categories we fund them under is the festivals and events category. I am pleased to let the house know that in the latest round, 390 different organisations have received festival and event grants totalling \$357 000, which is not a huge amount of government sponsorship. However, as both members said, it is important that government recognises the work that others do, even with small contributions. That small amount of money goes a long way for those communities, which do an excellent job.

I am very pleased to inform the member for Lara that \$3100 is available for the four organisations he mentioned, as well as for 45 other multicultural festivals and events in regional Victoria. Some of those are very important and significant celebrations. The German Karneval Society is celebrating its 50th anniversary. That would have to be one of the oldest multicultural groups in Geelong. There is also the Geelong Indian Association's very important festival of lights, the Deepavali festival. I am sure they will all be very pleased, and I thank the member for his support of different communities in Lara.

I am pleased to inform the member for Brunswick that 11 local organisations in his electorate will receive a combined \$10 300 for their events. This includes the Association of Greek Elderly Citizens Clubs of Melbourne and Victoria, which is the peak senior Greek citizens group. It is having its 21st anniversary this year, and like all good 21st birthdays, it needs to be celebrated.

Another interesting event is the Cyprus Community of Melbourne and Victoria's annual Cyprus Wine Festival. It is good to share food, wine and drink, and it is an opportunity for the Cypriot community to highlight its history and the cultural contribution it has made. It is really looking forward to waving the flag both for Australia and Cyprus as part of the Commonwealth Games. Another interesting event —

and I encourage members to visit this — is the Turkish Tulip Weekend, run by the Moreland Turkish Educational and Cultural Affairs Centre and celebrating the origins of the tulip. The Tesselaar festival in the Dandenong Ranges is also a tulip festival, but it is interesting that the Turkish community also has ownership over the tulip. It is important to be part of that celebration. I thank the member for Brunswick for his strong support for multiculturalism and multicultural groups in his electorate.

The member for Ripon and the member for Seymour raised two matters with me wearing two of my portfolio hats — Minister for Tourism and Minister for Racing — and sought support for racing clubs in their electorates. They referred to a couple of programs, one of which involves tourism events funding. The racing industry is part of our tourism industry, and we have worked closely with the racing industry.

For the first time we have developed a racing tourism action plan — and we are the only state to do so — which is about formalising the relationship between racing and tourism, bringing them closer together, getting more non-local visitors to racing events that add to local economies and help showcase local communities. As part of that arrangement with the Victorian Country Racing Council we have agreed on five different events across Victoria that it has recommended we initially target to help grow those racing events, which are also very much tourism events.

I am very pleased to let the member for Ripon know that \$17 000 for marketing has been made available to Wimmera Racing for the NMIT Ararat Chinese Racing Festival, something that I understand the Minister for Education and Training has been to on a number of occasions. It celebrates the origins of Ararat, including the discovery of gold by Chinese miners, and is also an opportunity to celebrate the local wines of the Ararat region, which are excellent.

I am pleased to let the member for Seymour know that \$10 000 has been made available to give marketing support to the Yarra Valley food, wine and racing weekend, which is growing in popularity. As the member said, a number of visitors will be there as well for this event. Also highlighted was the Living Country Racing program, which is a recognition by government that racing clubs are community facilities. Facilities can sometimes get overlooked, particularly if they are used not only by racing clubs but by the broader community and are not part of the core business of racing. It is very important that through small grants programs we support those racing clubs by helping to upgrade

facilities that are used not only on race days but on other days of the year by many other groups.

I am pleased to let the member for Ripon know that his electorate is receiving \$26 000 for two projects, one for the Maryborough Harness Racing Club, which has been a recipient in the past, and for Wimmera Racing for machinery, shed and public amenities upgrades.

I am pleased to let the member for Seymour know that \$39 000 will be provided to a total of seven projects in his electorate, which certainly has a fair number of racecourses, including Healesville Amateur Racing Club, Alexandra Race Club and Yea Race Club, for example, and capital works which include concreting and sealing works and upgrades to public barbecues, racing tracks and safety rails.

I thank the members for their support of tourism and racing in their electorates, and it is my great pleasure to make those announcements.

Ms KOSKY (Minister for Education and Training) — The member for Benalla raised a matter in relation to Tatong Primary School and indicated that it had some years ago amalgamated with Violet Town Primary School, Baddaginnie Primary School, Swanpool Primary School and Strathbogie Primary School to form Peranbin Primary College and that Tatong school is asking to be a stand-alone school. I have to say it was under the Kennett government that the schools were amalgamated to become Peranbin Primary School in July 1994. We are certainly keen to work with the school. I understand that a number of members of the community, including parents, have come together and are really keen not only to re-establish the campus but to reopen the school as a primary school in its own right.

The advice I have is that the school has not actually been closed as a campus, so it is able to re-establish itself and may be able to do that in an unstaffed capacity. Then it will need to go through a number of steps to establish stand-alone status. The first step is to develop the business case for the campus as a stand-alone school, but it will firstly need to recommence that operation as a campus. The school can do that as an unstaffed campus and then develop the business case for it as a stand-alone school to establish the educational rationale and vision for a stand-alone school and to detail how it will meet criteria for sustainability in the long term, addressing consideration of issues such as demographics, alternative local education provision and changes to patterns of education and employment.

My strong recommendation is that the community continue to work with the regional director, Adele Pottinger, as I know it has been doing, in order to meet the steps required. Certainly my discussions with people in the region indicate they are very happy to work with the school to identify the steps it needs to meet and to assist it to work towards meeting those different requirements in order to obtain stand-alone status. I can assure the member for Benalla that the department will assist this process in a timely and helpful manner. I ask him to encourage the school to work with the region to achieve some of these goals.

Mr PANDAZOPOULOS (Minister for Gaming) — The member for Mornington raised a matter for the Attorney-General about antisocial behaviour laws in the UK and gave some interesting information. I am happy to pass that on to the Attorney-General.

The member for Benambra raised a matter for the Minister for Transport in relation to an unfortunate experience students from Wodonga Primary School had on a train trip to Melbourne. He raised issues about V/Line protocols for trips booked by schools. I will pass that on to the minister.

The member for Gippsland East raised a matter for the Minister for State and Regional Development about the provincial Victoria statement. He listed many different projects, but I think he missed one — new stabling facilities for Forlorn Hope or something might have missed the list. The Mallacoota boat ramp, sand management in the Lakes Entrance channel, public land tourism infrastructure — the list goes on. Provincial Victoria is very important to this government; that is why we are doing a statement. I will pass those comments on to the minister.

The member for Bass also raised a matter for the Minister for State and Regional Development. He referred to a Koo Wee Rup plan for different community facility upgrades which he believes are required — aged care facilities, a police station, the rail car park to get ready for when the rail service comes in and road upgrades. I will pass that on to the minister.

The member for Forest Hill raised a matter for the Minister for Police and Emergency Services. It was a very important matter about raising awareness of a register of valuable household goods. It highlights that as a community and individuals we can do a lot to improve our level of safety and protect our own homes — it is not all just for the police and others. She has made a very valuable suggestion, and I will pass that on to the minister.

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

House adjourned 10.42 p.m.

