

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**Thursday, 18 August 2005
(extract from Book 2)**

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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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Standing Orders Committee — The Speaker, Ms Campbell, Mr Dixon, Mr Helper, Mr Loney, Mr Plowman and Mrs Powell.

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.

Education and Training Committee — (*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton. (*Council*): The Honourables H. E. Buckingham and P. R. Hall.

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House Committee — (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith. (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen.

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.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith. (*Council*): Ms Argondizzo and Mr Somyurek.

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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Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson. (*Council*): Ms Argondizzo and the Honourable Andrew Brideson.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

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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Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
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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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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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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Thursday, 18 August 2005

The **SPEAKER (Hon. Judy Maddigan)** took the chair at 9:32 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 326 to 334 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2 o'clock 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) (105 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.

**By Ms LINDELL (Carrum) (35 signatures)
Ms GILLETT (Tarneit) (277 signatures)****Balcombe Road, Beaumaris: speed zones**

To the Legislative Assembly of Victoria:

The petition of the residents of the Sandringham electorate draws to the attention of the house concerns regarding the uncertainty of four speed zone signs within 1 kilometre regulating traffic speed for vehicles travelling in a westerly direction along Balcombe Road in the approach to Reserve Road.

Prayer

The petitioners therefore request that the Bracks government introduce a speed limit of 50 kilometres per hour in Balcombe Road just west of Dalgetty Road to the point just prior to Reserve Road where the speed reduces to 40 kilometres per hour during school day hours. This will have the practical benefit of reducing four speed sign designations to two speeds.

By Mr THOMPSON (Sandringham) (7 signatures)**Sandringham and District Memorial Hospital:
car parking fees**

To the Legislative Assembly of Victoria:

The petition of the residents of the Sandringham electorate draws to the attention of the house the proposal by the Sandringham and District Memorial Hospital and Bayside Health to introduce a range of car parking fees to provide not only for car parking maintenance but also to assist in funding future capital works, equipment demands and improving staff and patient facilities. Residents are concerned that this may result in increased parking in nearby streets by both staff and visitors which will impact on local amenity and quiet enjoyment of their neighbourhood.

Prayer

The petitioners therefore request that the Bracks government provide sufficient funding for the efficient management of the hospital without the impost of these fees which will see hospital employees paying up to \$480 a year to subsidise projects which should be funded by the state government.

By Mr THOMPSON (Sandringham) (18 signatures)

Tabled.

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

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

BUSINESS OF THE HOUSE

Adjournment

Ms PIKE (Minister for Health) — I move:

That the house, at its rising, adjourn until Tuesday, 6 September 2005.

Motion agreed to.

MEMBERS STATEMENTS

Vietnam Veterans Day: Shrine of Remembrance

Mr MILDENHALL (Footscray) — Later today there will be a ceremony to commemorate Vietnam Veterans Day at the Shrine of Remembrance, which the Governor will attend. Vietnam Veterans Day is now commemorated nationally each year on 18 August, the day of the Battle of Long Tan, the most costly engagement of the Vietnam War. Thirty-nine years ago today 18 Australians were killed and 24 wounded during a 3-hour battle against overwhelming odds. The battle ended with the withdrawal of the enemy forces.

This year represents the 30th anniversary of the end of the Vietnam War, and there are many veterans who still suffer from physical and psychological pain, pain which often is also borne by their families. The impacts were exacerbated by a nation divided over the war, the shunning of the returned servicemen and the failure of government to deal with issues like Agent Orange, which in a timely way is symbolised by the orange of the badge.

I recently read a harrowing account of a Vietnam vet's post-traumatic stress disorder called *Well Done Those Men*. Barry Heard's riveting book demonstrates how the Australian loss of 504 lives in Vietnam has been exceeded by losses from the after-effects and the ongoing trauma.

Today's commemoration is organised by the Vietnam Veterans Association of Australia's Victorian branch, which has kindly donated these badges. Congratulations to the president, Richard Culliford, and the VVAA on their outstanding work for the welfare of veterans and their advocacy on behalf of veterans.

Road safety: speed cameras

Mr McINTOSH (Kew) — The Liberal Party has always supported genuine methods to strictly enforce road rules. No Victorian could be unaware of Victoria's

.05 regime and its speed limits. Likewise Victorians know that the Victoria Police have devices to detect idiots who continue to speed. Accurate as speed cameras may be, they are only machines requiring humans to operate them, but if the machines are not properly operated they can become an instrument of fraud. Regrettably the Bracks government uses a fraud to wrongly collect millions of dollars.

That fraud works like this: you first set up a speed camera anywhere — the location does not matter, even if it is contrary to where police manuals say it should be. The speed cameras shoot photos of hundreds of cars, resulting in thousands of fines every day. Many show speeding drivers, but some cannot show speeding drivers or even accurate speeds — but the fines are still issued. The government gets away with this fraud because the overwhelming number of innocent drivers just pay up. A brave few challenge the system, but eventually they buckle because it is just easier to pay. The few who elect to face court are provided with doctored photographs by the police and have to prove their innocence. All but the zealots abandon their quest in disgust and just pay up.

The few who brave the system, like the elderly man who was wrongly booked as travelling at 134 kilometres per hour, will still be out of pocket to the tune of thousands and thousands of dollars.

Go for Your Life awards

Mr LANGUILLER (Derrimut) — This is the last chance to reward Victoria's best in sport. Members should celebrate the people who make their local sporting clubs great by nominating them for the Go for Your Life sport and recreation awards. Now in their ninth year, the awards are a fantastic opportunity to reward individuals, organisations or partnerships that have made significant contributions to sport and recreation in Victoria. I will certainly be doing that in Brimbank. Successful sporting clubs define our community. Grassroots sporting clubs bring our communities together and provide the launching pad for future sports stars. The awards recognise the dedicated sporting volunteers and administrators for their tireless work.

The winner of last year's community event award was the Lorne pier-to-pub race and race director, Mark Williams, said that winning the award was a fantastic experience. He said also that:

Entering an awards program like this forces you to realise the value of what you do and it's also a way of people behind the scenes to get the recognition they deserve.

With volunteer organisations it's always the administrative people who run things, so to recognise that team was important.

The 10 categories for this year's awards are: the Minister for Sport and Recreation's award, Go for Your Life community participation award, volunteer involvement award, organisational management award, young people in sport award, community event award, user-friendly club award, applied research in sport and recreation science award, sport and recreation education award and community facility design award.

The sport and recreation awards celebrate the excellence and innovation of volunteers, employees, players and organisations.

Rushworth P-12 College: regional transfer

Mr MAUGHAN (Rodney) — The Bracks government talks a lot about consultation. Its Department of Human Services document entitled *A Fairer Victoria* has as one of its key points:

Involving communities in decisions affecting their lives and making it easier to work with government.

The reality is quite different, as is exemplified by a recent government decision — without one skerrick of prior community consultation — to transfer a number of schools that were formerly under the administration of the Goulburn North-Eastern Region to the Loddon Campaspe Mallee Region.

One of those schools is Rushworth P-12 college, which is an excellent school in my electorate and where I had the privilege of participating in the principal-for-a-day program a couple of years ago. Through its president, Mr Geoff Wall, the school council of Rushworth P-12 has expressed its concern over the lack of consultation and its fear that the change of region may very well disadvantage the Rushworth school community. The school is particularly concerned about three programs that they believe might be threatened: the Learning Bridge program to improve college performance, the master plan upgrade to the technology wing, and Safe Routes to School, where the school community is doing some excellent work.

One would hope that the change of regional boundaries will not in any way disadvantage that school and the excellent programs that it runs for the benefit of its students and the community.

Glen Eira: councillors

Mr HUDSON (Bentleigh) — I would like to speak briefly on the Glen Eira City Council, which was

dismissed last week by the Minister for Local Government. Some people have sought to claim that the council was dismissed for political bickering, but it was far more serious than that. The council asked for a municipal inspector to be appointed and his report is a damning indictment of the conduct of councillors and their flawed decision-making abilities.

The problems within Glen Eira City Council are longstanding and systemic and councillors have continually failed to both acknowledge and rectify those issues. Instead, there has been a culture of intimidation and denigration of not only the council administration but also ratepayers who have dared to ask questions about the propriety of the actions and behaviour of individual councillors.

It should be put on the record that the report praises the chief executive officer, Andrew Newton, and the council administration and acknowledges that it was only their performance which ensured that Glen Eira remained a high-performing municipality. The CEO was subject to one of the more bizarre actions by a council when it offered him a new written five-year contract and announced his reappointment in the local paper, only to do a backflip and refuse to confirm his appointment for the next four months, for reasons none of the councillors could explain adequately to the inspector!

The issues highlighted by the inspector have been consistently raised with me by a wide range of despairing residents in the Glen Eira community. I have no doubt they will take these issues into account when they go to the polls on election day in November. The fact that the member for Caulfield claims this week in the *Caulfield Leader* that 'the sacking was politically motivated because the council was perceived as Liberal' only shows how out of touch she is.

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

Middleborough Road, Box Hill: grade separation

Mr CLARK (Box Hill) — I raise concern about the lack of progress in, or publicly available information about, what is happening with the proposed grade separation of the road and rail line in Middleborough Road, Box Hill.

This was a \$45 million election promise by the Bracks government in 2002. In the 2003 budget just \$1 million was allocated to the project for planning and investigation work. In the 2004 budget a further

\$1.2 million was allocated for more planning and investigation works. There was no further funding in the 2005 budget and there has been no further announcement about what is happening. Residents still do not even know whether the road is proposed to go under the rail, or the rail under the road.

A VicRoads manager was reported in the local press on 11 May this year as saying VicRoads would present three options to the government in June for consideration and approval. The member for Mitcham was reported as saying the expectation was that tenders would be let later this year. However, on 3 August the member for Mitcham was reported again, this time saying VicRoads had already had two or three goes at getting the Department of Infrastructure to approve plans by lowering either the rail line or the road.

When even a Labor MP publicly admits a project is delayed, it is well beyond time for the Minister for Transport to take responsibility for what is going on and give residents the opportunity to have some input, even at this late stage. The last thing residents in Box Hill and Mitcham want is another flawed plan like Melbourne 2030 foisted upon them because of government mismanagement and without even being given the opportunity to have a say.

Laura Theobald

Ms MUNT (Mordialloc) — Last week Laura Theobald from Mentone Girls Secondary College did work experience in my office. It was a pleasure to have her company for the week. Laura wrote this of her work experience last week:

My name is Laura Theobald. I'm from Mentone Girls Secondary College, and I have spent my last crazy week with Janice Munt doing work experience. I have done more this week than I could ever have imagined from filing and packing in the electorate office, to a wild boat trip out onto Port Phillip Bay. I went to a parliamentary committee and learnt more about science and maths than I have in four years of secondary school, and I have also been here watching the exciting and hectic rabble of question time. I have had an unforgettable week, and one that will make my poor friends in supermarkets and schools across Victoria green with envy!

I have learnt so much about what really goes on behind these beautiful walls and met some fantastic, friendly people that I will never forget. (not that anyone's likely to believe me when I tell them!) I want to thank each and every person I have met this week for teaching me something new, helping me find my way through this maze of a building, making sure that I survived our boat trip and even smiling for a photo. You have all made my week a memorable one and an experience I will treasure forever.

Finally, if there is one thing I have taken from my week here with Janice, it's that the life that the people in this chamber get to live is one that's exciting and fascinating and these

unforgettable few days have made me even more determined to one day be sitting in one of these seats. So look out Mr Bracks, I want your job! Thank you.

Well done, Laura, and thank you for choosing me for your work experience. You have a very bright future in front of you.

Planning: Hilton on the Park

Mr BAILLIEU (Hawthorn) — In December the planning minister called in and approved the redevelopment of the Hilton hotel and adjacent sites in East Melbourne. To justify the call-in as of state significance, the minister claimed in documents that the project would be 'finished in time for the 2006 Commonwealth Games'. Outraged residents took the proponent and the minister to court.

In May the Supreme Court ruled that the call-in was not technically unlawful but, in his judgment, Justice Morris noted the developer had:

... threatened to downgrade the hotel if government support was not forthcoming —

but —

... the only aspect of the development which —

the developer —

was undertaking to complete before the Commonwealth Games was the refurbishment of the existing hotel: an aspect of the development that did not require planning permission.

... the proposition that an abbreviated process was justified so that additional accommodation would be available for the Commonwealth Games (was) so devoid of plausible justification that no reasonable minister could have taken that course (and) no rational minister could have believed that a building such as that proposed at the rear of the MCG hotel was likely to have been completed in time for the Commonwealth Games.

...

... there is a clear inconsistency between the statement of purpose and the true position

...

... one cannot rule out the possibility that public documents explaining the minister's decision were intended to put a gloss or 'spin' on the real basis for the decision, possibly to avoid or minimise public criticism.

...

... I find that the main purpose why the minister exercised her powers to approve the amendment without notification was to put —

the developer —

in a position where it could proceed with the expansion of the Hilton hotel without having its proposal subject to the normal scrutiny involved in a planning appeal process.

In short, the call-in was a lie, but it was not illegal — the Steve Bracks way!

Bayswater Primary School: tree planting

Mr LOCKWOOD (Bayswater) — I recently went to Bayswater Primary School and had a great time getting my hands dirty with a whole bunch of primary school students. Together we planted around 300 trees and shrubs supplied by local expert Darren Wallace. Darren supplies plants indigenous to the Knox area. With parents, helpers and teachers guiding the children, and the older children supervising the younger ones in their efforts, a great deal was achieved. This planting was a continuation of the program at Bayswater Primary School to further green its surroundings.

The children were Brody, Daniel, Lebron, Shayne, Scott, Sunny, Harley, Dylan, Caden, Tahlia, Lukek, Tim, Zac, Piper, Michelle, Olivia, Sammy, Blake, William, Anson, Chloe, Alicia, Amber, Shirley, Taliesha, Andrew, Kalvin, Joel, Chloe, Jasmine and Lilly May. Parents and helpers were Jessica Jacobs, Maureen Merrett and Jo Goodman. Teachers were Pam Jacobs and the principal, Ian Michelson. Despite it being a cold winter's day the children took to their task with enthusiasm and care. They obviously enjoyed what they were doing and felt great pride in their efforts. They did a great job, and I enjoyed my part in helping them get the plants ready for proper planting. We all enjoyed getting our hands into the soil and getting the young plants started.

Bayswater Primary School has been around since 1879 and has around 250 students. It is a great school which plays an active role in the local community. The school is part of the monthly Bayswater Market, supports its local preschool, Koolyangarra, and is there to support whenever the community asks. Ian Michelson has recently been appointed principal of Bayswater Primary School, having previously been its assistant principal. Ian has taken a leading role in the school's information and communications technology programs as well as the student welfare program.

Vietnam Veterans Day: *Well Done, Those Men*

Mr INGRAM (Gippsland East) — Like the member for Frankston earlier, I would also like to mention Vietnam Veterans Day. Today marks 39 years since the first major conflict in Vietnam at Long Tan. Today we recognise the service, bravery and sacrifice of those Australians who fought in Vietnam, many of

whom were conscripts. They were unlucky enough to have been born on a particular day and found themselves in Vietnam.

One of those conscripts was Barry Heard, who was mentioned by the member for Frankston. He has written a book entitled *Well Done, Those Men*. It is a great book, and I encourage all members of this house to read it. Barry Heard is one of my constituents, and I was lucky enough to be at the launch of the book, when hundreds of people turned up at the local RSL. It is not a pretty story, but with passion and feeling it explains what he went through, not only in his training but also in his experiences in Vietnam. He found it difficult to adjust after the war, and like many veterans he suffered mental problems and serious health issues.

I congratulate Barry for writing this book, and would like to say a personal thank you on behalf of all my constituents. Well done, that man!

Arts: Burrinja theatre

Mr MERLINO (Monbulk) — On Tuesday, 2 August, I was pleased to join with the Minister for the Arts in launching a membership program to raise money for a new performing arts space in the Dandenong Ranges. Amazingly, there is no purpose-built performing arts space in the Dandenongs available to local schools, artistic groups or professional touring companies.

Burrinja, a community arts centre in Upwey, aims to rectify this and build a new performing arts theatre. Three studies into the area's cultural facilities since 1996 have concluded that 'there is a clear case for improved performing arts facilities' with 'the optimal site assessed to be the DRCC (Burrinja)'. A community working party that I helped to set up has developed a new master plan to meet the current and future arts and cultural needs of the region. The proposed facility would be a fully functional theatre with seating for 400 to 450 people.

The foundation membership scheme is an example of how members of the community can help support the arts. Individuals and organisations can become foundation members of the proposed new space by pledging to support its construction. The new foundation membership is set at three different levels: gold at \$1000, silver at \$400 and bronze at \$200. Foundation members will receive a plaque on the back of a prime position theatre seat, acknowledgment on a foundation member's board in the foyer of the performance space, an invitation to an opening performance or event, and ticketing benefits. I was very

proud to be the first person to pledge gold level support for this vital initiative. People who are unable to become foundation members are able to support the new performing arts space by joining the Friends of Burrinja and becoming a Jarmbi member.

I will keep the house informed of the progress of this great project.

Rail: Sandringham line

Mr THOMPSON (Sandringham) — I wish to draw to the attention of the house the concerns of Sandringham residents in relation to the unreliability of the train service. In many ways it is becoming the service you have when you do not have a service, and is delivering a frequency level that might rival the Frankston–Mornington train line. According to Connex network performance data, 68 trains were cancelled in July on the Sandringham lines. One only needs to contemplate the number of people who use the train service to travel to work, to school and to medical appointments and who are reliant on connections with other transport or on being met at destination stations to understand the level of inconvenience that this has given rise to.

Furthermore, during the extraordinarily cold snap in Melbourne last week there were people on railway platforms at Richmond and elsewhere along the Sandringham line who were freezing while waiting for the next train. This morning one fellow just missed the 6.06 train at Sandringham and had to wait 39 minutes for the next train owing to the cancellation of the intervening train service. No other Connex line has had more than 38 cancellations, with the exception of the Camberwell–Alamein connection, which has had 49 cancellations.

Why is the Bracks government picking on Sandringham line commuters, who include the residents of Hampton, Sandringham, Black Rock, Beaumaris and Cheltenham?

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

Kardinia Park: Geelong Sports House

Mr TREZISE (Geelong) — On 3 August I had the pleasure of attending the opening of the Geelong Sports House, which is incorporated into the new Eastern Stand at Kardinia Park, soon to be known as the Reg Hickey Stand.

The inclusion of the sport house is part of the \$26 million redevelopment of Kardinia Park, which is

providing benefits not just to the football community in Geelong but to all grassroots sporting clubs in the region. The sports house is truly a one-stop shop for sports administration in Geelong. The mix of sports administrators and services that is offered makes it easier for local clubs to get the important support they need. In turn clubs can then offer more opportunities for people in the Geelong region to get involved in sport and recreation. This means more people playing sport, joining clubs, getting fit and meeting other people — a great thing. The sports house will become a focal point for sport in the region, leading to all kinds of sporting administrators sharing ideas and working together and hence providing even higher quality sport and leisure outcomes for people of all ages and sporting abilities in the Geelong region. This is important when one considers that about 40 per cent of children do not play sport outside school.

The sports house was created through a great partnership between the state government, the City of Greater Geelong, the Geelong Football Club and the Australian Football League. The sports house in Geelong is a great facility and one that will serve the region well for many decades to come.

Aboriginals: Won Wron rehabilitation centre

Mr RYAN (Leader of The Nationals) — On Tuesday night this week I was present at a public meeting in Yarram in my electorate. The meeting was called to deal with the development of the indigenous adult residential diversion program at Won Wron, which is the site of the former prison. The Minister for Police and Emergency Services was also in attendance, as was my colleague the Honourable Peter Hall, a member for Gippsland Province in the other place. The Honourable Philip Davis, also from the other place, was there on behalf of the Liberal Party. About 110 to 130 people from the local community were in attendance.

The issues discussed were the development of the program and the facility which the government is looking to establish at Won Wron. I must say the mood of the meeting was one of great concern about the lack of detail being provided to the community. The government needs to do much more to persuade the people of the Yarram region that Won Wron is an appropriate site for the development of the facility. The ideals of this program are fine in my opinion, but the government has to market this and develop it in a way that makes it much more acceptable to the local community.

The other element that was discussed that night was the fact that in 2001 the government told the Parliament

that the Won Wron prison was going to close. Promises were made about infrastructure developments in the region to replace the loss of jobs. The government needs to make sure it delivers a package of programs that will achieve the delivery of that promise.

Victory in the Pacific Day: 60th anniversary

Mr CRUTCHFIELD (South Barwon) — Last month I joined with my parliamentary colleagues the member for Lara, the Honourable Elaine Carbines, a member for Geelong Province in the other place, the member for Geelong, and Gavan O'Connor, the federal member for Corio, to remember and celebrate the 60th anniversary of the victory in the Pacific — VP day — in the Second World War. The event was moved into a function room of the Geelong RSL club. It was standing room only, with probably double the number expected.

It may have been cold and grey outside, but inside the atmosphere was much warmer. In a lively, concise and very well-run program, reflections were intertwined with celebrations. President Hayden Shell of the Geelong RSL acted professionally as the master of ceremonies, and the Reverend Bert Bell gave us a reading. Guest speaker Barry Abley presented a very well-researched local aspect of VP day. He reflected on the celebrations in the streets of Geelong on that day some 60 years ago and on the church service at St Mary's. He remembers an ecumenical service being held at Kardinia Park the next day, where over 10 000 people attended.

That evening the mayor of Geelong held a community bonfire at Eastern Beach. The federal member for Corio, Gavin O'Connor, on behalf of the federal government presented VP medals to a number of World War II veterans and widows. A unique touch was the singing of Peter Allen's *I Still Call Australia Home*. The sight and sound of some 200-odd people singing this song with gusto was very moving indeed.

Congratulations to Hayden Shell and those who made it an event to remember, and particular thanks go to Phil Marshall, the manager of Geelong RSL, for his support in managing the smooth transfer of the event inside. A special thankyou goes to the World War II veterans and their families who attended. Once again, well done to all.

Minister for Water: performance

Mr PLOWMAN (Benambra) — It would appear that we have a new Minister for Water, and some would say it is not before time. Mr Adam Richards,

chairman of the Victorian Coalition for Sustainable Water Use, sent a letter to the Premier dated 29 April 2005. Together with that letter was a copy of the submission of the Victorian Coalition for Sustainable Water Use to the Victorian Water Industry Association's working group. Mr Richards received a reply dated 8 August as follows:

Dear Mr Richards,

Thank you for your letter of 29 April ... to the Premier of Victoria ... Your letter was referred to me as the Minister for Water ...

...

Given that ... the guidelines ... have not yet been submitted to me, as Minister for Water, for consideration, it is not appropriate for me to comment on the contents of your submission at this time.

Once the proposed guidelines have received my endorsement they will be circulated to all urban water authorities ...

The letter is signed by David Downie, apparently the new Minister for Water.

This would indicate that there is an extraordinary level of incompetence in the minister's department or in the performance of the minister himself. This is an indication of the abrogation of ministerial responsibility. Mr Adam Richards represents a very important water industry body — —

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

Northern Ireland: Sinn Fein peace initiative

Ms BEATTIE (Yuroke) — I take this opportunity to congratulate Sinn Fein for providing the people of Northern Ireland for optimism and hope as their country moves towards a brighter future. Sinn Fein is working for the establishment of a new Northern Ireland based on sustainable social and economic development, genuine democracy, participation, equality and justice at all levels of the economy and society, and a lasting and meaningful peace with unity of purpose and action. Sinn Fein's backing of the Good Friday agreement and its commitment to the peace strategy is now supported by the end of the armed campaign by the Irish Republican Army.

I congratulate Gerry Adams and Martin McGuinness on leading Sinn Fein on the path to peace after decades of violence. Sinn Fein now has five Westminster MPs, 24 MLAs and 118 councillors. In the 26 counties the party currently has 5 TDs and 57 councillors. It is a true political force committed to exacting change through the democratic process. May all citizens of Northern

Ireland now enjoy a future of peace, prosperity, justice and equity.

Congregational Christian Church in Samoa, Frankston

Ms LINDELL (Carrum) — On Saturday, 13 August, I had the pleasure and honour of attending a major fundraising function for the Frankston parish of the Congregational Christian Church in Samoa. I would like to take this opportunity to thank the Samoan community for their welcome and the hospitality they showed me on Saturday and to congratulate their minister, Mr Iakopo Pesaleli, and his organising committee.

It was a wonderful day, and I believe it was financially very successful, raising over \$120 000 for the new church, which has been a long time in the planning. The amazing efforts of members of the Samoan community has them getting very close to seeing their church built in Soden Road, Bangholme. It is a great tribute to their commitment to their homeland and their church that members of this relatively small community have been able to band together and raise these funds. I would like to congratulate them and wish them all the very best.

Tabulam and Templer Homes

Ms ECKSTEIN (Ferntree Gully) — Recently I visited the Tabulam and Templer Homes in Bayswater, together with my colleagues the members for Bayswater and Monbulk, a member for Koonung Province in the other place, and the Minister for Aged Care.

The homes cater for 84 residents, ranging from low-care, hostel-type facilities to high-level nursing home care, including a secure dementia unit. They also have 31 independent living units and a number of respite beds for emergency situations. There is also a planned activity day care program for frail elderly German-speaking people still living in the community which is provided through the home and community care program.

The facility was established by the Temple Society Australia and the Australian German Welfare Society over 30 years ago to cater for the increasing number of German-speaking elderly people in our community needing such care, largely as a result of postwar migration. The Tabulam and Templer Homes provide excellent care, and there is not one case of bed sores at this facility. It has received an award from the Aged Care Standards and Accreditation Agency for its high standard of care.

I would like to commend Dr Martin Schreiber, the chief executive officer of Tabulam and Templer Homes, and his excellent team of staff for the high standard of care they provide to the residents. I would also like to acknowledge the important work of Mr Fred Sawatzky, president of the management committee, and his committee and the many volunteers who give very generously of their time to support the elderly German-speaking residents of the homes.

Eltham electorate: school art competition

Mr HERBERT (Eltham) — I rise to congratulate the winners and all participants in my Victoria Day art competition for primary schools in the Eltham electorate. The competition celebrates Victoria Day — the day Victoria gained independence in 1851. As part of the celebration students were invited to colour in a picture of our faunal emblem — the weedy sea dragon — and others submitted their own designs. Thanks to the great support from Eltham, Research, Glen Katherine, Holy Trinity and Plenty Valley Montessori primary schools, this year's winners are the best yet.

My office was inundated with colourful entries, and winners were announced at an awards ceremony recently. Over 50 parents and students attended the awards, testimony to Eltham's fantastic school community and support for ideas such as this. This year's 18 winners from across the schools were praised for their masterpieces. Let me assure the house that picking the winners was not an easy job for our judges. Our children are obviously very talented and are carrying on Eltham's great artistic tradition. The staff and school communities at these schools are to be congratulated for the work they put into making their schools exciting and creative places in which to learn.

I would also like to thank Serge Daeffler and Robert Phillips from the Banyule School of Heritage Artists for judging all the entries. I know this was a tough job this year, and I am sure it will be even tougher next year.

FISHERIES (ABALONE) BILL

Second reading

Debate resumed from 17 August; motion of Mr CAMERON (Minister for Agriculture).

Mr COOPER (Mornington) — I will continue my remarks on the Fisheries (Abalone) Bill, which were interrupted last night when the adjournment was called. I was talking about the activities of poachers and

particularly about the activities of that well-known poacher David Strachan, who has certainly not covered himself in glory with his activities over a great many years.

As the member for South-West Coast said during the debate, Mr Strachan has had over 100 convictions for abalone poaching, and it was only at the end of all that that he started to get some jail time. Clearly what that shows is that there needs to be some education of the judiciary in regard to the seriousness of this offence, because when poachers like Strachan and others — and there are many others — go out and attack Victoria's biggest fishery they really are attacking the very basis of the economy of this state. The judiciary needs to understand the seriousness of these activities and needs to be applying penalties that are in accordance with the seriousness of the offence. It is quite clear from what has gone on over the years with Strachan, who as I said has had 100 previous convictions for abalone poaching and abalone-related offences and who has only started to get some jail time towards the end of that record, on his 100th or so offence, that it certainly is a message that the judiciary should receive and should understand very clearly.

In my opening remarks on this bill, I want to make it quite clear that I do not accept for 1 minute that we are seeing the right kind of justice coming from our courts in regard to abalone poaching. No matter whether it is the people who take undersized abalone or an excessive bag limit of abalone from the Mornington Peninsula and who, when they are caught, claim they are doing it for family reasons and get a slap on the wrist for it, or whether it is serious commercial poachers like David Strachan and others, the courts are simply not applying penalties as they should to these sorts of people.

Some years ago I spent the entire day with officers from Fisheries Victoria who were based at Mornington. We looked at the situation of abalone poaching along the coastline from Point Nepean to Flinders. I was amazed by the extent to which these officers have to go to detect poachers and then apprehend them. It is not a case of just apprehending people who pinch a few abalones and put their hands up happily when caught. In many cases they are violent people who are armed. The officers from Fisheries Victoria, who are employed by this state, take their lives in their hands on many occasions when they try to deal with these sorts of people. I think we need to understand that. Fisheries officers are under-resourced in terms of numbers, and they are also under-resourced in terms of their equipment, gear and facilities.

I know that on many occasions the fisheries officers have requested the right to be armed when necessary. That is something I support: I believe that in many instances the officers need to be armed for self-protection. This is something the government should look at very seriously. There have been many instances when people who were poaching abalone were not able to be apprehended because the officers felt they would be putting their lives at enormous risk in doing so. The officers had to call the police; but of course the resources of the police are stretched to the ultimate. Often when the police have not been able to respond in the speedy way that is necessary, the poachers have got away.

The time for change is well overdue. If we are serious about protecting our abalone fishery, we certainly need to be looking at better ways of equipping our fisheries officers and enabling them to do the job they want and are eager to do. We need more officers, and they need better resources. As I said, I certainly support arming officers when necessary.

I note that the Fisheries Co-management Council in its annual report for 2002–03 said:

Illegal fishing remains the greatest single threat to the ongoing viability of the fishery.

Nothing has changed: the poaching is still going on. There is a fair degree of hand wringing and hand-on-heart stuff when we talk about illegal activities involving our fisheries, and particularly abalone. The reality is that that is all that is happening. Resources are not going back into protecting the industry, which I believe should be happening. This bill makes a number of changes and certainly turns people who have abalone licences into wealthier people than they were before. I note that the member for South-West Coast says the average abalone licence will be now worth in excess of \$7 million, which is a lot of money.

I also note that the member for East Gippsland is not here today. He is probably checking out the Rolls Royce dealerships! Good luck to him. The fact is that although the abalone fishermen have licences worth \$7 million, we need to understand that the government of Victoria is also doing very well out of this. A good amount of the money that the government of Victoria is receiving needs to go back into protecting the fishery itself.

We have a fantastic abalone resource here in Victoria, and it needs to be protected far better than it has been. I know most poaching activities around the Mornington Peninsula are not commercial activities. They are the activities of groups of people who go down there at

weekends with buckets and grab as much as they possibly can. Nevertheless we still have commercial poaching around the Mornington Peninsula. When you get outside the peninsula, particularly down the Victoria east coast past Lakes Entrance, significant abalone poaching is going on.

Again I stress — as I will stress at every opportunity I get in this house — that not enough is being done to protect this fishery. There is not enough being done to give the resources to our fisheries officers, and the government needs to pay attention to that. This is a very important industry for Victoria, and it needs greater protection; it is not receiving that at present. No matter what government members and ministers say, the government is not giving the industry the protection it needs, and the people of Victoria who take an interest in such matters are asking, ‘Why is the government dropping the ball on this matter?’.

Mr JENKINS (Morwell) — It gives me pleasure to support the Fisheries (Abalone) Bill and to follow the comments of the previous member. As has been stated, Victoria has one of the most sustainable abalone fishing industries in the world. We got that because of careful management and because those people who have been legitimately engaged in the industry for many years have worked together and made changes when they were required, and they have been able to work with this government to manage the resource effectively.

The important changes here separate quotas and licences whilst bringing in the notion of competition. That will have a number of benefits. Doing that is part of the government’s commitment as part of the abalone management plan, one that was worked through in consultation with the industry. The management plan is already being implemented. This government has demonstrated that it can effectively manage the abalone resource.

Australia produces 50 percent of the world’s abalone, and Victoria’s is second only to the quantity harvested by the Tasmanian abalone industry. As has been indicated, there is a small number — 71 — of abalone licences. Those licences have a quota system attached. This bill separates the quotas from the licences. The genesis of the legislation was a response to the national competition policy review. I am not one normally to spunk the benefits of the national competition policy but this instance has the capacity to inject a deal of new capital into the industry as well as new ideas and new participants, but on the sound basis of the management plan that the government, with the industry, has put in place. The plan separates the access licences from the quotas.

In August 2003 the Victorian abalone industry was issued a five-year export exemption. That recognises the stringent management conditions and the successful management of the industry currently undertaken in Victoria. Separating out the quotas allows them to be traded separately from the licences, and that will allow quotas to be owned by people other than licence-holders. So the trading will not be restricted to those who have abalone licences: they will be able to be transferred to any fit and proper entity, and the normal rules and regulations that apply to legal bodies would apply to those entities. In previous discussions about the management plan, the quota setting, management and administration arrangements have already been made clear. They and the management plan have been and are recognised as being successful.

This bill also provides for specific offences and penalties for breaches. We need to do that; we need to make sure that this industry, which is sustainable, effective and internationally recognised, remains sustainable. We will only do that if those people who are illegally obtaining abalone — not recreational fishers but abalone poachers — get their comeuppance and that at the end of the day the penalties reflect the seriousness of the crime.

This industry does not provide benefits for just the 71 licence-holders. Many communities, particularly those of East Gippsland’s coastal areas, rely on the abalone industry for their livelihood. It is an integral part of the fishing industry, and we need to make sure that it continues to be so and to be sustainable. Again, this will only take place if we continue to work with industry to ensure that the investment that is required in this industry comes about.

The Victorian abalone fishery management plan is the chief strategic policy in this area. It is already in place; it is already working; it already has the support of the industry. Part of that management plan was a precursor to the separation of quotas and the licence system. The separation is part of this government’s commitment to the management plan. The industry as well as the government is committed to the management plan. Victoria has already been recognised federally for its capabilities in that regard, and this is one of the reasons why we have achieved the capacity to export under the management plan.

The bill also allows for the separation of greenlip and blacklip abalone so that quotas can be specific to those different types of abalone. That is important, because the two types of abalone have vastly different populations. Neither abalone population is inexhaustible, and we have to make sure that we do not

exhaust either one. That would be the beginning of the end. The abalone industry supports the changes, and has been consulted.

Importantly the bill is not about open slather on the fishing of the abalone itself. It maintains the limit on the number of divers in the water on any one day. It does not increase the number of those licences; rather, it allows transferability for the quotas.

The bill allows for an increased capacity for vertical integration in the industry and an increased capacity for economic efficiency and investment. Those involved in the processing side of the industry can be assured that the product they rely on will be able to be delivered to them year after year in a sustainable manner. They will then be able to make the investment in value adding that is needed in this industry. The industry is very important to coastal communities, but we also need to make sure we can make the investment required to market and process the abalone well. If we do not do that, we are only doing half a job. This government has been supportive of value adding in our primary industries. This bill is another example of this government's willingness to work with primary industries and with the fishing industry to make sure that that occurs.

Along with new investment, new participants and capital in the industry, we have the capacity for innovation and development — for new, fresh ideas coming into the industry. At the same time, importantly, we are protecting the sustainability of the industry and ensuring that the number of divers in the water is not greater than at present and that the total catch does not exceed the current limit, which has been recognised as sustainable.

This bill is part of the government's commitment to the management plan. I applaud the large number of people in the industry and the department who have worked together on the management plan to ensure that bringing some form of competition into the ownership and production sides of the industry will not attack the industry's sustainability. There has been a lot of work undertaken by a lot of people. The industry and the department deserve our congratulations and support. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The abalone industry is one of the most remarkable industries emanating from Victoria, which is reflected in the fact that Victoria has one of the world's last sustainable supplies of abalone. Overseas the resource has been overfished, depleted and destroyed. In Victoria we have seen the remarkable circumstance where over the last

35 years or so, the cost of an abalone licence has gone from a matter of a few dollars through to approaching \$7 million today. In fact, the value of an abalone licence has risen from between \$2 million and \$3 million in 1995 to \$7 million today.

The reason for this extraordinary increase in the value of an abalone licence is that abalone is in great demand overseas, particularly in Japan and the South-East Asian region. It is a great thing for Victoria that we have one of the world's last sustainable supplies.

Another factor behind the state of the industry is that Victoria has one of the greatest coastlines in the world, stretching from the South Australian border and Nelson in the west of the state through to the New South Wales border. We have a variety of reefs and tidal patterns, and a healthy water system that is now further protected by system of marine parks and sanctuaries that is designed to ensure that the state's natural resources are protected into the future. A very careful balance needs to be achieved so that the resource can be exploited within sustainable parameters.

The abalone regulative regime has gone through a number of changes. In 1995 a new Fisheries Act was passed in Victoria, and around the same time a new set of regulations was introduced governing the tagging of abalone. During the course of a few hours of an afternoon illegal poachers could collect abalone that would be worth \$15 000 to \$20 000 in the boot of a car. Abalone became highly prized by illegal poachers, and it is important for the sustainability of the resource that those people who are not licence-holders are apprehended and brought to justice.

The member for Mornington drew to the attention of the house the array of illegal activities undertaken by David Campbell Strachan over many years. He has earned his prison sentence not only for the stock he has taken but also for placing at risk the welfare of the people who pursued him under dangerous circumstances. I trust he serves his jail sentence in full as a deterrent to other illegal poachers and potential illegal poachers.

The bill does a number of things. Individual abalone quota units, which are currently tied to the abalone fisheries licence, will allow the separation of amounts so that the quantity of abalone that is caught from the fishery access licence can be traded separately. This will allow non-abalone fishery access licence-holders to hold a quota. It will also provide increased competition through greater quota trading and allow a quota to be more readily acquired by entities other than licence-holders. Interestingly the generic quota-setting

management administration provisions will apply to all quota-managed fisheries. A new quota setting will be introduced along with management administration provisions specifically for the commercial abalone industry. Single abalone quota units will be able to be transferred to any entity, including people who do not hold an abalone fishery access licence.

It is interesting that under the changes introduced a number of years ago, from the moment abalone is brought on to a boat to the time it lands in a cannery it is subject to a very sophisticated monitoring process, so that each licence-holder — and there are some 78 or 79 licence-holders in this state, each having a licence valued at \$6 million to \$7 million — has the opportunity to haul in their quota, which might be 20 tonnes over the course of the year, over a three-month period. That allows them a fair bit of time in which to pursue other interests and other activities.

Diving for abalone can be a very dangerous activity. In the waters of Bass Strait and off the Victorian coastline I am sure a number of divers have turned around and seen a white pointer shark looking at them. It is also a dangerous activity, given the different depths divers are required to go to in order to retrieve abalone.

In country Victoria abalone is an important industry. A cooperative cannery in Mallacoota provides valuable employment for local people. It is a great industry in a country area. Some advocate increasing the level of aquaculture in Victoria. A number of years ago a fellow named Fred Glassbrenner was very keen to develop abalone aquaculture in Port Phillip Bay and a couple of members of Parliament did a dive to have a look at the area he had in mind as being useful for the purpose of aquaculture in the bay, noting that it is a valuable economic resource.

One reason why abalone has been depleted is that you need a certain critical mass of stock remaining in the water to enable breeding to take place. Stock has collapsed overseas because abalone has been overgathered, depleting the critical mass that is necessary for breeding to continue.

The bill before the house draws attention to the importance of the industry to Victoria, to the importance of employment opportunities in country Victoria and to the importance of there being an appropriate regulatory regime. Following extensive consultation, the bill meets the aspirations of those people in the industry who have a keen interest in ensuring its sustainability, especially those licence-holders who have such a large investment in their licences. The opposition does not oppose the bill.

Mr MAXFIELD (Narracan) — I rise to speak on the Fisheries (Abalone) Bill. I support the bill that has been brought before us by the government. It is part of the ongoing reform that the Bracks government has been delivering across Victoria. The abalone industry has a strong history within Victoria, and it has also gained significant attention.

Honourable members interjecting.

Mr MAXFIELD — I have just been made aware that even school groups look closely at the abalone's history. In fact some of the year 9 students from St Paul's Anglican Grammar School in Warragul have looked very closely at this issue, and it is good to see some of those students looking down from the gallery. It gives us all great pleasure that they are here.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Narracan will address the bill.

An honourable member — You have been working hard this week.

Mr MAXFIELD — I have been working very hard this week, haven't I! This bill is about ongoing reform and is part of the national competition policy reforms. Sometimes I have had some questions about national competition policy and what is being forced on this state — and at times we have done so under the threat of significant fines. In the past the federal government has withheld or threatened to withhold amounts of up to \$10 million from this state if we did not move in the way it wanted us to move. But in this case I strongly support the national competition policy reforms, which require the implementation of the bill that we are debating today.

The key objectives of this bill are the removal of the minimum and maximum quota holdings and the separation of the abalone quota from the abalone fisheries access licence. Abalone licences have been valued at approximately \$6 million. It is almost impossible for any individual to go out and purchase a \$6 million abalone licence, and it is very difficult for an ordinary person to get access to part of a licence. As a result we are seeing real difficulties in terms of competition and a proper commercial attitude. Separating the two means that we can break up a quota into segments. By creating these smaller segments we will create the opportunity for new entrants to come into the market rather than stay with the small number of operators we currently have.

Why do we have these quotas? Quotas are probably why we have one of the best abalone fisheries in the

world. Many countries are seeking abalone, and that is why its value is so high. Effectively it is because we have seen a significant depletion around the world of abalone stocks. Because of smart thinking in the past that established quotas in Victoria, we have had strong control over the ability of people to take abalone. They actually protect the fisheries we currently have.

I also want to thank those who have been involved in law enforcement in this area. It has been very difficult for the law enforcement officers. We have seen illegal abalone divers, especially in East Gippsland, sneaking around in high-powered boats. They dive, grab the abalone and then rush it to illegal outlets in Melbourne, and in some cases they export that illegally gathered abalone. Because the diving is so dangerous we have seen some significant health issues among abalone divers, even deaths. We want to ensure that we protect our abalone fisheries and reduce to an absolute minimum any illegal gathering of abalone, because it threatens the viability of the entire industry. It is a great generator of jobs within Gippsland — particularly in East Gippsland — and it helps to create the wonderful environment we have in that area. I certainly commend the bill to the house.

Mr DIXON (Nepean) — It is always a pleasure to follow the member for Narracan. He has always shown a very keen interest in baloney, but I did not know about his interest in abalone!

An honourable member — We'll pay that one.

Mr DIXON — It is Thursday, isn't it? I thank the member for Sandringham for feeding me my lines. As has been indicated by the many members who have preceded me in the debate, the abalone industry is very important to Victoria. It is because of its importance to Victoria's aquaculture and agriculture industries that it needs to be protected and kept sustainable, as it has been in the past. The legal abalone industry, which has existed in this state for a long while, needs to be commended for what it has done, and because of that it needs to be supported. The legal industry and those who have the licences have shown a realisation that they have a resource that needs to be sustained, and their practices have shown that they are willing to embrace that sustainability and plan for the future. Future sustainability is very important as well. They do not want to bite the hand that feeds them, so to speak.

On the other hand there is the illegal industry, and I wish to concentrate my thoughts on that. It is huge, and there is big money involved. It needs to be stamped out so we can protect our legal industry, which as I said is very important to Victoria. The way to stamp out the

illegal industry is to have very heavy penalties and increased enforcement. An illegal poacher needs to know that there is going to be a fisheries officer or a police officer on their tail all the time. They also need to know that if they are caught they are going to be prosecuted and that the magistrate will hand down a heavy penalty.

In the past I think magistrates have been quite lax in handing down penalties. Not only do they not realise the importance of the industry to Victoria, but they also do not appreciate the dangerous ways in which a lot of these poachers are prepared to take on the authorities, whether they be fisheries officers or the police. Magistrates need to realise that these poachers are endangering their own lives and at the same time those of the fisheries officers. That lack of understanding by a lot of our magistrates has meant that some serious poachers have got away with what I think are very serious offences.

Like the member for Mornington I have had a day out with the local fisheries officers along the back beaches of the Mornington Peninsula. I could not believe the extent of the officers' professionalism and the lengths to which poachers will go to hide their tanks and stores. They hide them in little caves along the back beaches, especially in the national park, where few people walk. We were out there for half a day, and during that time I saw about three lots of illegal poachers and a number of these caches in little areas where they camp and watch and keep their equipment. I just could not believe that was the case.

I have also had a real problem over a number of years in that I frequently receive phone calls to my office from locals who live along the back beaches of the Mornington Peninsula and who see poachers on a regular basis. In fact they even know the cars and the faces of the people who go there to poach. It is just blatant poaching, and it really upsets the locals, because they see it going on time and again. They call the fisheries officers, but usually by the time the fisheries officers get there — if they can — it is too late and the poachers have got away with incredible loads of abalone. It has even got to the stage where people have become so frustrated that they have acted as vigilantes and taken the law into their own hands. They have scratched cars and let down tyres, and there have been confrontations. They have done this out of frustration because of what they have seen happening on the back beaches day after day from their lounge room windows.

I acknowledge that the regulations on bag limits and so on have been tightened up. I fully support that because the current regulations have been taken advantage of by

many groups who have poached off the back beaches of the Mornington Peninsula. The new regulations will go some way to alleviating that problem.

Fisheries Victoria officers are not armed, so they go to the police and cooperate with them if they intend to undertake a major operation. Because of the professionalism and high costs involved some poachers are prepared to resort to violence and spend big money to continue their illegal poaching. In that situation, fisheries officers cannot react quickly. They need to go to the police so that they can have armed people with them during major operations. Fisheries officers need to have the flexibility to be able to carry on operations on their own without the support of the police. Therefore serious consideration now needs to be given to rearming fisheries officers so that they can undertake far more effectively some of the operations that are needed.

I ask that the government consider that. Theoretically we have police numbers on the Mornington Peninsula but the reality is that many of them are off on leave or have been seconded to other jobs on committees and other police stations in the area. So the local police are loath and do not see it as a high priority to work with fisheries officers on poaching exercises. Therefore it is very important that consideration be given to rearming fisheries officers so that they can clamp down on poaching off the ocean beaches of the Mornington Peninsula.

The opposition is not opposing the legislation because we recognise the importance of the abalone industry to Victoria and the legislation goes a long way to protecting it and keeping the industry sustainable.

Mr TREZISE (Geelong) — I am also very pleased to speak briefly on the Fisheries (Abalone) Bill 2005. As a member whose region has a history steeped in the fishing industry, I appreciate the importance of retaining and ensuring the prosperity of a sustainable fishing industry. In Australia, especially in the southern states of our nation, Victoria and Tasmania, we have a thriving and sustainable abalone industry. As a number of members have said, it is subject to illegal poaching regularly, but it is a very prosperous industry. I note with great interest that Australia produces nearly half the world's wild abalone catch. That is obviously a significant amount and really highlights the importance of the abalone industry to the states of Victoria and Tasmania.

The Bracks government fully appreciates the importance of the abalone industry to the state and the nation and has in recent years demonstrated its

commitment to the industry. Recently Parliament passed legislation to ensure that trafficking in abalone was at least minimised. That bill was debated in this house in 2003.

The genesis of this bill is a response to the national competition policy. As has been noted by previous speakers, it essentially separates the quota of abalone caught from individual licences. All members are aware that in the last decade or so the cost of licences has shot through the roof so that now it costs \$6 million to \$7 million to buy one. The decision by the government to separate the quota from the licence and the initiative to remove the maximum and minimum quota-holding limits comes from recommendations following the consultation process that was undertaken in the industry over the past couple of years by the Fisheries Co-management Council. As with all bills, this one has been through a consultation process and, as I understand it, has the agreement of those in the abalone industry.

The real purpose of separating the quota from the licence and thus allowing greater quota trading will, as we have heard from other speakers, allow for wider competition, leading to a more efficient industry and further market development of the industry. That, of course, is all to the benefit of the abalone industry.

The bill does a number of things that have been referred to by speakers before me. As I said, the bill predominantly sets a new quota-setting regime for the abalone industry. It also allows for abalone quotas to be traded and transferred to bodies other than the licence-holders, allowing extra traders to come into the abalone industry. The bill also provides that the minister may determine the sale of abalone quota units through public sale or auction. Another important recommendation from the management plan that the bill picks up is the separation of blacklip from greenlip abalone. All members understand the importance of that to the industry.

In summary, the abalone industry is important to Victoria, particularly to regions such as the south-west coast. The Bracks government understands and appreciates the importance of the industry and hence has introduced the legislation that we are debating today and I wish it a speedy passage through the house.

Mr DELAHUNTY (Lowan) — I want to make just a few brief comments on the important Fisheries (Abalone) Bill. I do so not only because I represent the seat of Lowan in western Victoria, where a lot of fishing normally goes on but because of lack of water we have had a problem, but also because in the

previous government I was a member of the Environment and Natural Resources Committee which conducted a very interesting inquiry into fisheries management. We considered sustainability management and focused particularly on the rock lobster and abalone industries. I believe that the member for Keilor will speak briefly and will cover more details of the committee inquiry. During that important inquiry members of the committee saw the importance of that growing industry to Victoria, and many speakers have covered some of the issues.

The bill separates the abalone quota from the abalone fishery access licence so that they can be traded separately, allowing non-licence-holders to own quota. The member for Geelong just spoke about the cost of a licence. From my understanding of the process, the provisions of the bill will push up some of those costs. From the point of view of The Nationals and speaking as the member for the Lowan electorate, we have no problem with that.

Not too much abalone is caught in the Lowan electorate but there are many fishers in the electorate. The Wimmera fishers, a large group of about 100 people, travel regularly along the coast to catch abalone — and other fish, of course. The bill is important to the people in the western part of Victoria whom I represent. While I have the chance, I want to talk about some of the other issues we need the government to take up. Apart from the issues relating to abalone, there are issues relating to the amount of carp in the Rocklands Reservoir and Glenelg River. I ask the government to take further action on that. We are not seeing enough action in relation to that.

Aquaculture is also part of this bill. If there is one great aquaculture industry in my electorate it is the yabby farming industry. A fellow out at Edenhope by the name of Trevor Domaschenz has spoken regularly to me and also to the minister. I notice that the Minister for Agriculture is at the table. I hope that he is listening to those people because they have some real issues about the enormous increase in PrimeSafe fees. Trevor, who operates 20 kilometres from the South Australian border, tells me that he would rather be across the border because the South Australian government is more receptive to the concerns of the industry. Given our government's regulations and costs he is not able to compete with South Australian farmers. With all of us, he realises that food safety underpins all food products.

Mr Andrews — Mention the word 'abalone' — go on!

Mr DELAHUNTY — We are talking about aquaculture and this is part of the aquaculture industry, too.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Lowan!

Mr DELAHUNTY — Coming back to the bill, I ask that the Minister for Agriculture take note of the concerns raised by those who are part of the aquaculture industry. With those few words, The Nationals, and I as the representative of the Lowan electorate, will not be opposing the legislation. It is commonsense legislation and we support it.

Mr LIM (Clayton) — Abalone, as anybody who is familiar with the works of Shane Maloney will know, is big business in Australia. So big that, as the antihero electorate officer Murray Whelan finds in Mr Maloney's novel *Something Fishy*, this humble seafood delicacy is subject to the attention of smugglers, poachers and other criminals as if it were gold or illicit drugs. We could all laugh at Murray's inept nautical antics in this very funny novel, but the Victorian abalone industry is very serious business indeed. The fact is that abalone is in very great demand, especially in Asia, but most of the world's fisheries have been mismanaged so that they are no longer productive.

Australia is responsible for about half the world's abalone catch, and we have just about the only sustainable commercial abalone fishery in the world. The Victorian abalone industry is second in importance only to Tasmania's. In a world in which abalone is so much in demand, where there is little prospect of other regions of the world increasing supply and where we in Victoria are sitting on one of the few sustainable populations of this delectable gastropod, it is essential that we manage our abalone fishery in a responsible manner.

Many members have referred to the illegal poaching and the illicit trade in abalone. I am particularly concerned about the fact that many sections of our Asian population are not appreciative of the delicate ecological balance of this fishery. The sight of hundreds of families from Asian backgrounds descending on the coast and ravaging the shore to collect abalone is disgraceful. It not only has created the ecological imbalance on the shore but also has created racial tension. I have received representations from people on the coast, writing to me complaining of the behaviour of those Asian people. I have put out many media releases explaining the delicate situation, and I hope and trust that I will see that improved considerably.

The Bracks government is committed to the proper development and management of our valuable abalone fishery and has recently enacted legislative reforms targeting the illicit abalone trade. This bill continues that commitment by implementing reforms the government has previously committed itself to as part of its response to the national competition policy review of the Fisheries Act 1995 and as recommended for the abalone fishery management plan.

More specifically, this bill amends the Fisheries Act 1995 so as to introduce a new system that separates individual abalone quota units from the abalone fishery access licence. By separating the quantity of abalone that can be caught — that is, the quota — from the access licence, the bill will allow the two to be traded separately, enabling non-abalone fishery licence-holders to hold quotas. Abalone quota units will be able to be transferred to any fit and proper person or organisation, including those who do not have an abalone fishery licence, thus increasing the number of traders. The bill also empowers the minister to allow for the sale or auction of specific individual abalone quota units, in accordance with national competition policy. The bill creates offences and specifies penalties for breaches of the quota regulations in line with those that apply to other fisheries. It also provides for the minister to make further abalone quota orders for a variety of matters to do with the regulation of the abalone fishing industry in Victoria.

Mr Maloney rather pointedly set his hilarious novel about the abalone industry in the past, in the Kennett years, when so much about the administration of this state was a laughing matter. Now that matters have improved out of sight in all areas of public administration, poor Mr Maloney must have hardly anything to write about! It is bills such as this that are making this a better and fairer state for all Victorians — and are depriving Shane Maloney of a profitable living. I commend the bill to the house.

Mr HONEYWOOD (Warrandyte) — I rise to make a brief contribution to the Fisheries (Abalone) Bill 2005. In doing so I note that this has been a very wide-ranging debate and the chamber has been very tolerant of members in some of the issues that have been raised, which are somewhat extraneous to abalone.

Having said that, in this debate government members have made much of the fact that we have one of the only sustainable abalone industries in the world. That will always be at threat while Victoria has Third World sewage outfalls. To this day we have 26 sewage outfalls off the coastline of Victoria, including at Gunnamatta

and off the coastline of Geelong, and the member for Geelong made a contribution earlier in this debate. These can have a real effect on the abalone breeding grounds, and indeed on other fisheries right up and down our coastline. There are many sewage outfalls along the Gippsland coastline which if not dealt with correctly, could have a major detrimental effect on the biodiversity in some of those areas.

The opposition has published its very strong policy position, which is to ensure that what is currently class C treated water is increased to class A water if it is going to be pumped out to Gunnamatta. Alternatively, to look at that water once it is treated as class A water to be used as potable water down in the Latrobe Valley for the power industry. That is a very important policy. In addition, our policy is to close down all 26 sewage outfalls along the coastline when we are returned to government.

This is just one aspect of our concerns for the environment. All the talk about how we have one of the world's only sustainable abalone industries means nothing if the environment in which the abalone needs to breed and grow is detrimentally affected by sewage water of Third World standard being pumped out along the coastline, and if we do not manage the environment in a sustainable way, or indeed, as the member for Clayton mentioned, if we have certain members of our community poaching any number of shellfish off the seashore. Once these shellfish are taken the biodiversity in terms of other organisms is adversely affected by that poaching whether it be of abalone or of other types of shellfish and fish.

With that brief contribution I call on the government to do better than it is currently and to follow the Liberal Party's lead and close down our sewage outfalls, and at least increase Gunnamatta's treated water from class C to class A, as per Liberal Party policy.

Mr SEITZ (Keilor) — I rise to support the Fisheries (Abalone) Bill. As the member for Lowan told the house, the Environment and Natural Resources Committee conducted an extensive inquiry into the abalone industry and in particular into poaching, as it was termed. I would not refer to these people as poachers, but simply as thieves and robbers. To me poaching is romantic, old-English terminology. These are criminal gangs.

The bill follows some of the recommendations of the inquiry. The inquiry found that as a person got older and could no longer dive, they were able to hold onto their licence and sell some of their quota to allow other young people to do the diving, but still run the industry

and therefore be able to keep their superannuation. Those people have had a real windfall because their superannuation is getting bigger and bigger with every piece of legislation brought into this house, and that is very significant. We talked to people who could no longer dive and who set up manufacturing and processing plants in Australia.

But the issue is that while the abalone industry was in its infancy some 30 years ago, the pioneers developed a market and found a niche market for the abalone in Asia and that has driven up its price. California has overfished its resource and has therefore depleted its supply of abalone. That has forced this government, and previous governments, to look at the position here to see how we can safeguard the industry, make it sustainable, and provide a living for those who are still in the industry. This has been done by regulatory means.

However, no matter what legislation is brought in there will always be people who try to bypass it if there is a fast buck to be made. The committee was told various stories about the lucrative abalone poaching business. It was interesting to note where they get it processed because it is one thing to capture the abalone, but it has to be processed before it is shipped overseas. We were told that the abalone were taken to South Australia and to other places. In one case we were told that poachers hire a car or a boat and have couriers running between places, like we have drug couriers these days. When they are caught and everything is repossessed they say, 'It was only a hire care' and they just walk away. It is the same situation with boats and diving gear.

This government is committed to putting extra fisheries officers in the field, which was one of the committee's recommendations. My concern is about how high the price of the fishing licences and quotas will go as a result of the legislation. Will young people be able to buy into the industry and continue to live off it? The inquiry found that it is a way of life and a choice of lifestyle for those people, and that sort of thing has to be considered. I know that other members want to speak on this bill. This is good legislation. I support it and recommend it to the house.

Ms LINDELL (Carrum) — I rise to support the Fisheries (Abalone) Bill primarily because of the inquiry that I had the privilege of joining with the members for Keilor and Lowan who have spoken before me.

During the inquiry we discovered a lot of things that we never knew before about abalone, and indeed about all sorts of other fish. Certainly the most precious thing

about our abalone fisheries is that it is one of the last sustainable fisheries in the world. Its popularity, particularly in Asian countries puts great demands on this natural resource. I was very pleased to hear the member for Clayton acknowledge in his contribution that we have particular problems with getting the message through to many of our Asian-born Australians that we must balance and make every effort to protect this industry, while at the same time allowing it to be profitable, because it is a very major export industry.

During the inquiry we went to an abalone processing factory. A regulatory framework surrounds the entire process from the capture of the abalone at sea right through to its processing in the manufacturing plant, and the canning and export, and every abalone is tracked. It is an amazing system and obviously needs to be so because of the profitability of the industry to Victoria, but also because individual licences can be valued at around \$7 million. This bill makes some very good changes in that people will be able to hold onto their licence, but allow others a quota of that licence so we can have some new entrants into that industry, which is obviously very hard when you need \$7 million to buy a licence.

Many have raised the topic of poaching in this debate. Certainly down at the Patterson River in my electorate we often have large fishery enforcement operations because the Patterson River is used as an access point out to the bay and down to the Mornington Peninsula, and a lot of illegal fishing is going on. The debate has also covered different methods of enforcement. In the Northern Territory a special division of the police force is dedicated to fisheries enforcement. In our report we took one step away from that position but recommended that a special-purpose police squad should be established to help with the ongoing enforcement and that this special squad should assist fisheries officers, along with the water police, in ensuring that we protect the abalone industry from the large amount of poaching and illegal fishing that takes place. With those brief words, I support the bill and wish it a speedy passage through the house.

Mr CAMERON (Minister for Agriculture) — I thank the honourable members for South-West Coast, Ballarat East, Swan Hill, Gippsland East, Mornington, Morwell, Sandringham, Nepean, Geelong, Warrandyte, Clayton, Keilor, Lowan and Carrum for their contributions to the debate on the bill.

This bill is about the wild-catch abalone industry and the internal industry arrangements relating to the unitisation. There have been inquiries around this

matter, and honourable members have mentioned that, as well as around the abalone fishery management plan 2002, which flagged unitisation as part of the management regime. Putting that regime in place has taken time. There has been a lot of work with the industry to address its concerns so that we could get to the position we are in today where we have broad support across this Parliament and across the industry.

Southern Australia — Tasmania and Victoria principally — is the location that has the last sustainable wild-catch abalone industry in the world. Other abalone fisheries have collapsed or are in the process of collapsing, as we see in South Africa, and poaching has been the primary reason, as well as overfishing. We have a vastly different regime, which Fisheries Victoria polices with the assistance of other agencies. For example, this year we had Operation Black Ice — a very large operation — and I congratulate Fisheries Victoria on that and on the work it does to ensure there is a sustainable catch every year. I also congratulate the abalone industry on the work it does, putting arrangements in place within the industry to promote a sustainable fishery and to develop a regime with Fisheries Victoria that will continue to develop over time. That cooperation is very important if we are to have an abalone fishing industry for the future. There are vested interests that properly and appropriately go about that business.

During the debate a couple of queries were raised about greenlip and blacklip abalone. These will be separated in the future for quota purposes. Greenlip abalone is substantially depleted, and the general proposition is that for some time there will be no quota for greenlip abalone. However, some work is being done in the western zone. It is at present subject to a survey, and there may be some possibility — subject to the work under way — of there being a small quota in the western zone in the immediate future. As I say, that is dependent on that work.

There was a query in relation to rules for quota units and the rules of ownership. They are the same rules as presently apply under the existing licensing regime. There was also a query about aquaculture. The Department of Primary Industries advises me that on the latest figures aquaculture continues to increase in value.

I again thank honourable members for their support, and I thank the abalone industry for all the work it has done, together with Fisheries Victoria, in bringing about this new regime. I hope the new arrangements work extremely well.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 16 August; motion of Ms PIKE (Minister for Health).

Dr SYKES (Benalla) — I continue my contribution on the Residential Tenancies (Further Amendment) Bill. As I said in commencing, I cannot support the bill, because it has got the balance wrong. The government did not consult with caravan park owners, and unfortunately the bill runs the risk of making the situation worse for the vulnerable people it intends to assist. I recognise that homelessness is a serious problem affecting people of all ages, but youth homelessness is a particular problem. Figures have been quoted to me that show that about 17.5 per cent of our total population is aged between 12 and 25 years yet 35 per cent of our homeless population is in that age bracket.

One of my early experiences as the member for Benalla was attempting to address the issue of youth homelessness in Benalla. The low-cost accommodation providers at the Benalla Caravan Park and Trekkers Rest budget accommodation came to me expressing their concerns about the problems they were having with young homeless people causing damage to their premises and not respecting the rights of other people living there. It was clearly an issue of some people knowing their rights but not knowing their responsibilities. We have been through a series of meetings, and it has become clear that young homeless people — and homeless people in general — need not only a roof over their heads but also significant support services to help them understand their rights and responsibilities and also give them training in life skills and, in particular, future financial management.

Turning to the bill, I have a question as to the basic logic of not allowing energy costs to be shared between residents when more than one person occupies a room in a rooming house. I understand the objective of this approach is to protect vulnerable people from being exploited by unscrupulous landlords, and I strongly support that objective. However, as I understand it, one

of the implications of this bill is that if a couple is in a married or de facto relationship and in the habit of sharing their costs, then this bill will prevent that occurring if they choose to share accommodation in a rooming house.

Secondly, I can see a situation where it is reasonable to expect that when landlords factor energy costs into the basic room rent, as is the intent of this bill, they will put a loading in place on all rental allowances to build in a safety factor against some residents using an exorbitant amount of energy and incurring a very high cost. This is going to result in more people paying a higher cost for their accommodation rather than keeping it at a lower level. That is not commonsense in my book. Equally, if landlords are not in a position where they feel they can increase the cost of accommodation to a level where they can cover the risk of high energy costs, they are likely to withdraw those rooms from the shared accommodation market, and that is going to make the accommodation situation worse for our vulnerable people. That, to me, is also not commonsense.

Another basic issue is whether people genuinely believe that unscrupulous people, the people this bill attempts to foil, will not come up with another method of getting around the system and exploiting vulnerable people. The government needs to look hard at the honourable intentions of the bill versus its unintended implications — in particular, putting our vulnerable people back on the street.

The concerns of the caravan park operators, many of whom are providers of low-cost accommodation, have been raised by previous speakers. I have received letters and emails from a number of caravan park operators in my area, including Ray Octigan from Bonnie Doon; Tracey and Ludy Pawlik from Bright; Mrs Tabe from the Euroa Caravan Park; Ray and Julie Plumpton from Goughs Bay on beautiful Lake Eildon; Alan and Helen Pettifer from Mansfield, the gateway to the high country; and Mick and Julie Perkins from Porepunkah, up in the fabulous Ovens Valley. The concern these caravan park operators have is that this bill will significantly impact on their ability to operate their businesses effectively. They see it complicating their ability to make reservations at particular sites for tourists. Given that tourism is so important to north-east Victoria, with its absolutely fabulous natural assets, we want to make sure that we are not endangering our ability to provide tourist accommodation.

In Bright, which is a great place to visit at any time of the year, the population during autumn swells from 5000 to 30 000. We rely very heavily on tourists and people visiting the area. If caravan park operators and

providers of low-cost accommodation are concerned about the impact of this legislation, those concerns need to be listened to by this government.

The caravan park operators also anticipate they will need to undertake more stringent rental history checks and probably to increase the bonds they will apply to people seeking short-term accommodation. A flow-on consequence of this will be a reduction in the accommodation available in caravan parks, which will further exacerbate the accommodation crisis for vulnerable people.

The government says it has countered these claims in this debate. In that case the government should get out and talk to the caravan park operators who fear the impacts of the bill. Rather than pushing this legislation through without adequate consultation, they should come up and talk to the fabulous caravan park operators in north-east Victoria. They should listen to the operators' concerns and explain why they do not have any problems. The Bracks government should practise what it preaches. It should listen to all Victorians and govern for all Victorians. If it listened to caravan park operators and other small business operators, especially those in country Victoria, it would come up with more commonsense solutions.

In closing, I cannot support this bill as it fails the commonsense test, and it will put at risk the wellbeing of the vulnerable people which this bill is intended to protect.

Mr HELPER (Ripon) — It gives me a great deal of pleasure to support the Residential Tenancies (Further Amendment) Bill. In doing so, I think it is fair to say that the bill goes to the core of Labor values; it addresses the fundamental responsibility of governments so often neglected by those opposite when they were in government but so diligently followed up by the Bracks government in that we need to strike a balance between the rights and responsibilities of residents in this case. That needs to be seen in the broader context of always striving to balance the rights and responsibilities between two parties to any agreement.

The bill has two important components. The first one is to strike that balance of rights and responsibilities between tenants and landlords in shared rooms and rooming houses. The second part of the bill addresses, as previous speakers have indicated, the balance of rights and responsibilities between caravan park operators and long-term tenants.

Having listened to the debate so far, I find the gnashing of teeth and claims of lack of consultation, and so on, on the part of the opposition to be amazing.

Consultation is a concept that the opposition parties in this state do not quite understand. Consultation does not mean that a particular view expressed by a party which has been consulted needs to necessarily be the view that prevails. Consultation is about balancing the views and aspirations of the people and the interests consulted.

The bill strikes a balance, allowing residents in caravan parks to accrue long-term residential tenancy rights and responsibilities after 60 days as opposed to the present 90 days. One would think there is some sort of implied magic in either 60 days or 90 days. Whenever legislation draws a line in the sand — whether it be date, geography or some other measure, one side accrues rights and responsibilities and the other side does not — somebody will gnash their teeth and say the line should be drawn elsewhere.

I would argue that the balance of bestowing upon residents the rights and responsibilities under the Residential Tenancies Act in caravan parks after 60 days is a valid and reasonable compromise, and I fail to understand and comprehend any magic in drawing the line at 90 days as is proposed by those opposite.

I think it is fair to say that in all sorts of circumstances, the line in the sand — that magic line of 60 days or, as proposed by those opposite, 90 days — will cause circumstances to arise where it would be better to draw the line elsewhere. The reality is that legislation — and this legislation is no exception — has to draw the line somewhere. I believe that the government has drawn the line with an appropriate balance in terms of bestowing upon long-term residents in caravan parks rights and responsibilities under the Residential Tenancies Act after 60 days.

I come back to the theme of consultation. As to the point made by opposition speakers that consultation has not been wide, nothing could be further from the truth. The formulation of this bill has seen an exemplary consultative process within industry, tenancy groups and stakeholders in the community as widely as is practicable to come up with the balances that this legislation strikes.

To allow other speakers to also make a contribution, I will curtail my comments, and in conclusion express my pleasure at supporting the bill.

Mr BAILLIEU (Hawthorn) — I rise to make a contribution to the debate on the Residential Tenancies (Further Amendment) Bill. As members have heard, the

opposition will seek to amend the bill, particularly its caravan park provisions, because in the process the government has effectively ignored the caravan parks association. Over the last few years the government has made quite an assault on caravan parks, including, as other members have said, an assault through the imposition of land tax. Yes, some changes have been made, but those are too late for many and do not go far enough. In fact, the changes are phoney and simply have deferred the land tax arrangements until the sale of properties. The problems are simply growing in those caravan parks.

I have spent quite a bit of time with caravan park owners over recent years, particularly on these issues. That is why my ears pricked up recently when I listened to a series of contributions from the member for Preston, who is not known for making many contributions to this house, let alone outstanding ones. However, it is curious that since January he has viciously attacked the owners and staff of the Summerhill Residential Village. He has done so under the privilege of Parliament, and he has deliberately sought to demean the owners and staff of that park. In extraordinary attacks the member for Preston has used a vast array of defamatory language to describe the owners. In my six years in this house, I have not witnessed such an extensive, extended and vicious attack.

I understand the purpose of the privilege of Parliament, but I also understand that abuse of that privilege is appalling. The fact that the member for Preston has engaged in such a sustained parliamentary assault would need to stand on pretty extraordinary evidence; it is even more curious that he has been unwilling to repeat any of his claims outside the house.

After I had heard his repeated assaults I wondered whether we should take the member for Preston on his word on this subject, so I did my own research. In my view the member for Preston's assault is completely over the top. It is unjustified and, I believe, unreasonable. I am confident it is unfair — and I know it is cowardly. Sadly, it has been very divisive in the Summerhill Residential Park. It has hurt residents and generated anxiety and illness amongst park residents.

I can only conclude that the member for Preston has pursued a smear campaign for some shallow end associated with his union alliance and in an attempt to advance some political issue of his own. In his contribution to debate on this bill the member for Preston criticised the Victorian Caravan Parks Association for mounting quite an aggressive campaign against the bill. The association encourages its members to write to members of Parliament regarding

their views and concerns about this bill. They have done so respectfully and rationally. In contrast, the member for Preston in my view went over the top in his attack on the owners of the Summerhill Residential Park.

On the first occasion, 22 February this year, in a members statement the member for Preston said staff there ripped off people and were vultures and leeches on society. During the adjournment debate on the same day the member for Preston attacked the owner of the Summerhill Residential Park and referred to him as 'a bloated leech sucking dry the residents'. He went on to say that residents 'have had to sign contracts'. Two days later, on 24 February, in this house the member for Preston attacked the owners again and referred to 'rogue management'. On 20 July he referred to the owners as rogues and scoundrels whose behaviour was unconscionable.

This week we heard the member for Preston refer to the owners as the biggest cowboys — the words 'rogues' and 'scoundrels' were mentioned three times — and the greatest shonks in the industry. In addition to that, the member for Preston used a parliamentary intern to conduct an investigation of the Summerhill Residential Park. Albeit that the investigation was titled in another way, it focused on the Summerhill Residential Park. I make no criticism of the person who produced that intern report or conducted that investigation. It suffices to say that he got it wrong, and the conclusions were probably reached in advance. The member for Preston no doubt encouraged those conclusions.

In addition to that there has been a current affairs program on television which referred to the Summerhill Residential Park as a Nazi prison camp. I think you would be hard pressed to find a lower form of reference than that. My take on all this is that it is an extraordinary and extended attack that must require substantial evidence.

I have done my own research. I visited the Summerhill Residential Park unannounced and not foreshadowed. I toured the park and spoke to residents. I spoke to management. I read the intern's report. I sought responses from management. I read letters from dozens of residents offering their support for the park and its management. In my observation the residential park is clean, tidy and cheerful. It appears to be well managed and busy. From all this I can only establish that the source of this assault is a claim that rentals have been high. This claim is subject to a current Victorian Civil and Administrative Tribunal action — although I note that the evidence produced to me suggests that the rents are consistent and that in fact Summerhill Residential

Park residents are offered good value. That is my observation. I will leave it to VCAT to consider this matter in due course.

In addition I have established that there was a dispute that has been long since resolved over the placement of some pot plants in the street by residents. There was a dispute, but I believe it was resolved amicably. That is hardly cause for the sort of criticism which has been launched here. Curiously the member for Preston, in his contribution to the debate on this bill, has also heavily criticised management for asking VCAT to determine whether Summerhill Residential Park is actually a caravan park. When you are at Summerhill Residential Park one of the things that strike you about it is that there are no caravans whatsoever. It is not a difficult to reach the conclusion that it may not be a caravan park.

It is designated as a caravan park under the limitations of the planning scheme, and it has been for some time. Interestingly in his contribution in February the member for Preston, in fluffing around at the time, actually posed the question and suggested that there should be an investigation into whether the Summerhill Residential Park actually is a caravan park. On the one hand he posed the question, but on the other hand he is criticising the owners for asking VCAT to make a determination.

If there is an issue with this definition under the legislation, there is plenty of opportunity for the government to fill in such a definition and amend the act accordingly. I do not believe that what has occurred here has warranted this sort of attack. It is entirely over the top. In my assessment Summerhill Residential Park residents have every reason to continue to enjoy their tenure. There are provisions in the act that mean that if there are disputes they can be tested in the appropriate forums. I think the attack has been over the top, and the evidence produced to date is far from convincing. The definitions have been misrepresented in reports. The commonwealth residential assistance has not been taken into account, and tenure is secured by contract in the park.

I have had access to numerous letters from residents who suggest that they are not only happy with the residential park and its management but also extremely distressed about the approach taken by the member for Preston. I invite the member for Preston to make amends, and I look forward to the appropriate processes being pursued in due course.

Ms BEARD (Kilsyth) — It gives me great pleasure to speak in support of the Residential Tenancies (Further Amendment) Bill. This bill reinforces the

Bracks government's commitment to improving tenure security for people living in all forms of long-term accommodation, and it further protects the rights of low-income earners. It improves tenure security for rooming house and caravan park residents by providing these vulnerable tenant groups with recourse to legislative redress should a residency dispute arise. The bill also amends the current Residential Tenancies Act to ensure that a number of measures are taken in relation to shared accommodation. For example, written notification of whether a room will be shared will be given prior to the occupation; any change to this must be by agreement with all parties; and the rent must be reduced if the status of the accommodation changes from exclusive to shared use. There are a number of other protections.

It also amends sections 3 and 145 of the current Residential Tenancies Act to reduce the probation period from 60 to 90 days so that people who occupy a caravan park as their only or main residence become residents after at least 60 consecutive days of occupancy or when they have made prior written agreement with the caravan park owner. As residents they will be afforded legal rights and protection under the Residential Tenancies Act. The act does not change an operator's ability to manage clients who have been accepted on a temporary basis becoming residents by default. It only changes the period of occupation. The bill will not affect tourists staying in a caravan park for more than 60 days, because a tourist is not using the park as their main or only residence. The bill strikes the right balance between the conflicting positions of caravan park and rooming house owners and tenant advocates. It further insures that Victoria is the best place in which to live and raise a family. I commend the bill to the house.

Mr MERLINO (Monbulk) — I also rise in support of the Residential Tenancies (Further Amendment) Bill. The legislation introduces protections for residents sharing rooms in rooming houses and changes the provisions relating to caravan parks so they apply after 60 days rather than 90. In my brief contribution I would like to focus on the caravan park amendments. They have been the subject of considerable correspondence sent to my office and, it seems, to the office of every member of this house. The letters I received said that the government either had gone too far in its proposals or had not gone far enough. When you seek to make balanced decisions that kind of response is one indication that you have probably got it about right.

Under the act tenants are provided with basic protections that include clear processes if owners pursue evictions, notice requirements for rent increases,

processes for challenging rents that tenants allege are excessive, procedures for pursuing repairs and dispute resolution processes including access to the Victorian Civil and Administrative Tribunal (VCAT). As things stand, tenants in houses and flats or residents in rooming houses have access to these basic rights and protections immediately, but caravan park residents have to wait 90 days.

The Tenants Union of Victoria, as opposed to the caravan parks association, is seeking to abolish the waiting period totally. It has indicated in correspondence that it sees no sound reason for any waiting period. The Victorian Caravan Parks Association wants to retain the current 90 days. It is concerned about the impact on the management of its businesses and the reduction in the differentiation between residents and people seeking short-term, flexible accommodation. The challenge for the government has been to seek a balanced resolution to these competing points of view. To put it in context, this involves around 600 caravan parks in Victoria, 7500 households and around 12 500 individuals.

During our first term the now Minister for Education Services chaired a working group that examined many aspects of the act, including caravan parks. Those views I have just outlined from the tenants union and from the caravan parks association were put to that working group. It is important to note that during this process the caravan parks association initially indicated a willingness to accept the reduction from 90 to 60 days. Following the report of the working group the government considered that a reduction from 90 to 60 days was reasonable compromise.

While it was finally opposed by the association, I think it remains a reasonable outcome. It improves the rights of caravan tenants without negatively impacting on the operation of caravan parks. The act does not relate to tourists. It comes into effect only where the caravan park is the only or main residence, and I refer members to section 145(b) of the act, which spells it out in black and white. It does not mean that a tourist staying in one park for 60 days suddenly becomes a tenant under the act. Park managers still have the ability to ensure that clients accepted as temporary do not become permanent. In addition the act also deals with people who gain residential status under false pretences. Management processes will not change; all that changes is the period of time after which tenants living permanently in caravan parks access the rights that tenants in flats, houses and rooming houses access immediately. I commend the bill to the house.

Mr ANDREWS (Mulgrave) — I am pleased to rise in support of the Residential Tenancies (Further Amendment) Bill and make a brief contribution in support of these important measures. The bill has two main focuses: firstly, it provides residency rights to residents of shared rooms in rooming houses; and secondly, it reduces the period a resident of the caravan park needs to wait before they accrue rights under the Residential Tenancies Act from 90 days to 60 days. The bill fulfils a commitment given by the government some time ago to put in place new arrangements to strike a better balance between the rights and responsibilities that landlords enjoy and are obliged to meet and the rights and responsibilities that tenants or residents should equally enjoy under the Residential Tenancies Act 1997. As the member for Monbulk just mentioned, the current Minister for Education Services chaired a review of these matters in 2000. The changes that are being brought to the house today are part of that.

Ms Asher interjected.

Mr ANDREWS — I will get to the member for Brighton in just a few moments and deal with some of the issues she raised in her contribution to the debate on Tuesday evening. This bill is about fulfilling the commitment to review the legislation and strike a better balance, and it does just that.

One of the key recommendations from the review relates to conferring more appropriate rights on those who share rooms in rooming houses, which the bill does. The other key recommendation relates to the caravan park issue. A number of comments have been made by previous speakers, and I will go to some of those. I did not hear all of the member for Hawthorn's contribution, but I think he was essentially rebutting the contribution of the member for Preston the other evening. What I took from the member for Preston's contribution was that he cited a great example of why we need to strike a better balance between the rights and the responsibilities of those who run caravan parks. I have a caravan park in my electorate — the Sundowner Caravan Park in Springvale North — and have visited it on a number of occasions.

We are talking about people who need the proper and appropriate protections that everyone else enjoys, despite the fact that they are not residents in houses, flats or, after these changes, shared rooms. The member for Preston provided the house with a great example of why a better balance needs to be struck. There are people who do not act as they should. The member for Preston's example confirms the need to strike a better

balance, and that is why we are here to support the legislation the minister has brought before the house.

In relation to caravan parks and the move from 90 days to 60 days, a number of comments were made by the members for Caulfield, Brighton and Nepean. I will deal with the member for Nepean's comments first. He spoke about these changes as 'red-taping the caravan park industry out of existence'. It is unreasonable to say that the right to have your rent reviewed, to get proper notice before eviction and to have rights, responsibilities and privileges in relation to maintenance is somehow red tape. That is an extraordinary proposition. This is not about red tape at all; this is about proper balance and conferring upon people what they are entitled to — that is, proper representation, proper rights and fair process.

Mrs Shardey interjected.

Mr ANDREWS — The member for Caulfield interjects; I will get to her. In her contribution she quoted a whole range of examples and spoke about how caravan park owners and holiday bookings will be affected and that holidaymakers are in great danger because of these changes. I quote:

It is quite reasonable for people, even in a holiday period, to want to stay in a caravan park for two or three months.

This is the example that was quoted by the member for Caulfield.

Often people go to caravan parks in early December and stay through to the end of January or into February. There is going to be a lot more reticence.

So there are dark clouds on the horizon and the sky is falling in!

The member for Brighton read a provision from the act and then went on to complain about how this was going to be a problem. Section 145(b) states:

even if an agreement referred to in paragraph (a) is not entered into, the person becomes a resident of the caravan park if the person occupies, for at least 90 consecutive days —

in this case, that would become 60 days —

any site in the caravan park as his or her only or main residence.

I remind the house that it says 'only or main residence'. It says nothing about a three-month holiday or a sabbatical down on the coast, as was referred to by the member for Caulfield. This has nothing to do with holidaymakers at all. If you then take the position, 'Hang on! You will have a situation where people

running these businesses will be under attack, there will be great uncertainty and they will not be able to plan and make proper provision within the number of sites they have and therefore they may have to cancel bookings' — and that is the other criticism that is made — 'but to give any credibility to that process the case you would need to make is that this is not a problem at 90 days. None of these problems occurs at 90 days, but at 60 days suddenly the sky will fall in. Suddenly there will be wholesale cancellations of holiday bookings'. What an absolute joke!

Mrs Shardey interjected.

Mr ANDREWS — It is better than being turned out at 89 days. The member for Caulfield is wrong about this. The member for Brighton actually quoted this section and then went on to say just how terrible it was. I do not know how many caravan parks there are in Caulfield, but I would not be lecturing people on who has or has not been consulted.

Mrs Shardey interjected.

Mr ANDREWS — The member for Caulfield invites me to point out another complete inaccuracy in the contribution she made — —

The ACTING SPEAKER (Mr Savage) — Order! The member for Mulgrave shall not respond to interjections. There is an increasing level of interjection across the table, and it should cease.

Mr ANDREWS — I thank you for your guidance, Acting Speaker. Can I point to another patent inaccuracy in what was said by the member for Caulfield: one of the rights that a resident in a caravan park will now accrue at 60 days rather than 90 days is the opportunity to have their rent reviewed. The member for Caulfield made out:

On the issue of excessive rent ... the occupant can complain to the director of housing.

That is wrong. As I am advised, you complain under section 102 of the Residential Tenancies Act to the Director of Consumer Affairs Victoria.

Honourable members interjecting.

Mr ANDREWS — This is what I am told, that is the advice I have been given. I am not the shadow Minister for Housing nor am I the parliamentary secretary for housing. I cover the health portfolio, but I know that what the member said is absolutely wrong.

The members for Caulfield, Nepean and Brighton and others can try and paint this as some sort of attack on

the caravan park industry, but it is not. This is about striking an appropriate balance between the rights and responsibilities of those who run small businesses. The rights and responsibilities of the people who live in these places ought to accrue, either by agreement on day 1 or by default at 60 days. They could accrue these rights on the first day but in terms of striking an appropriate balance, 60 days is seen as a much better way to go.

These are appropriate changes to be made, and the criticisms that have been put forward by those opposite are either simply wrong in fact or wrong in a policy sense. I oppose the amendments and support the bill, and I look forward to the consideration-in-detail stage. I commend these arrangements to the house as an appropriate balance for us to move forward.

Mr LOCKWOOD (Bayswater) — I will make a brief contribution to the Residential Tenancies (Further Amendment) Bill. As the house has heard, this bill will improve security of tenure for people living in all forms of long-term accommodation and will protect the rights of low-income Victorians, those who use rooming houses and caravan parks as permanent accommodation.

It will improve security of tenure for rooming house tenants in relation to shared accommodation. Previously owners could make changes to the sharing arrangements without the consent of residents. This will now change. They will require rooming house owners to notify new residents in writing prior to their beginning residency whether they will have to share a room or have exclusive use of a room. Owners will need to get consent from existing residents of a room before the owner can change the capacity of a room and a reduction in rent will be required when room capacity is changed.

There is a provision in the bill to exempt tenants from rent if a breach of room capacity occurs for the period of that breach, which is a very worthwhile provision. There are transitional provisions where owners must inform residents of the number of residents in the room, but the owner will have the right to choose who they will be.

On the caravan park changes, the change of the probation period from 90 days to 60 days has been debated long and hard. It has been argued by tenant advocates that there should not be a probation period at all for permanent residents, but the caravan park owners argue that because of the nature of caravan parks and that their primary use is tourism, they need this probation period to help them manage their business.

Of course this is being supported; there will still be a probation period.

Along with many other members I received many emails and much correspondence on the issue from various people. One interesting communication that has been quoted was from the Howlong Caravan Park. It is a very nice caravan park and it put a nice argument on behalf of the association, but Howlong is on the other side of the Murray River. It is in New South Wales, so although members quoted Howlong, not much is going to change for that caravan park because it is not subject to Victorian law. Many other caravan park owners put their view from their association and their view is valuable, but at the end of the day a 60-day probation period is quite adequate. That will allow them to continue to manage their businesses in a proper manner.

All this affirms the government commitment to enhancing security of tenure for people in various forms of long-term accommodation, and particularly those vulnerable people in need of support who need that kind of accommodation. I commend the bill to the house.

Mr LIM (Clayton) — I am pleased and privileged to speak on this important bill which addresses one of the most fundamental human needs — that is, the need for shelter and security. It is easy for those of us who own their own homes to forget sometimes what it is like to be poor and to live in rental accommodation. In particular I think of those who live in what is essentially insecure accommodation, such as rooming houses and caravan sites. About 25 per cent of the total households in Victoria are renting from private landlords, while about 1 per cent are said to live permanently in caravan parks. This is a substantial number of people.

Such households are more common in electorates such as mine. Clayton has a large number of people who have come to Australia from other countries, of elderly people, and of single-parent households. All of these people and groups are much more likely to live in private rental accommodation than people who live in Liberal electorates, for example in Hawthorn.

No doubt this is why the original Liberal government's Residential Tenancies Act 1997 was so grossly unfair to the people of Clayton. The 1997 act was framed so as to serve the interests of landlords, not tenants. I was privileged to speak in 2002 on the earlier Bracks government bill that considerably modified the much-hated and grossly unfair Kennett government's Residential Tenancies Act. I said then that residents of caravan parks have been particularly disadvantaged under that act.

Then, as now, caravan parks accommodated some of the most financially and socially disadvantaged members of our community. Therefore, although I am not surprised I am still amazed to hear the member for Hawthorn's strident defence of a rogue owner of a caravan park. To point this out more clearly, I draw the attention of members to an article that appeared in the *Melbourne Observer* of 27 July. It is about Summerhill Residential Park, which for many years has been marketed to the elderly as a supposedly cheaper alternative to a retirement village. I understand that the park has some 200 residents, all of them of retirement age and most of them living on a pension.

According to the *Melbourne Observer* article, for a number of years the owner of Summerhill, Steve Wellard — who apparently lives in the electorate of Hawthorn and who, as an architect, happens to have taken the same career path as the member for Hawthorn, so they have a lot in common — has been charging his elderly tenants excessive rent, no doubt preying on the fact that their tenancies are insecure and the tenants are very frightened of becoming homeless. Mr Wellard is quite properly described in the article as a rogue and a villain. But Steve Wellard and his kind — and I have no doubt there are others like him out there — are much worse than that. In response to the member for Hawthorn's question as to why his rogue mate, Wellard, belongs to the Victorian Caravan Parks Association if Summerhill is not a caravan park, he knows why and he is not prepared to identify it. That is the hypocrisy of the member for Hawthorn.

There is a tendency in Australia to admire the larrikin and to laud the rule breaker who stands up to authority. But Mr Wellard is no Robin Hood, stealing from the rich to give to the poor. He is not even in the mould of Ned Kelly, who arguably was standing up for the rights of poor farmers. He does not even steal from the poor to give to the rich, as the Liberals are wont to do with acts of Parliament, such as the original Residential Tenancies Act. No, Steve Wellard takes from the poor to feed his own inflated ego, his own monstrous megalomania. What sort of man screws his elderly pensioner tenants for more than they can afford to pay and openly displays his ill-gotten wealth in the form of not one or two but three top-of-the-range Mercedes-Benz cars? That man has no morals or even any good sense. What greater obscenity can there be than parading his gross wealth in this way, in front of his pension tenants? The member for Hawthorn has the audacity to defend a man like that.

The man is a greater schemer and a worse villain than Ebenezer Scrooge, who at least played by the rules. Steve Wellard likes to make up his own rules. He does

not to believe that the Residential Tenancies Act should apply to him. Of course, he has mates like the member for Hawthorn — he thinks that he is above the law!

Summerhill charges its tenants more to keep their mobile homes on its sites than they would pay to rent a flat or unit in adjacent suburbs. He charges them excessively for maintenance works, for which he obliges them to use his own on-site maintenance service. He does not permit them to have free choice of electrical and gas suppliers, so they are unable to benefit from the advantages of competition in the energy industry. The member for Hawthorn should think about that. Furthermore, the facilities at Summerhill are not what were promised to residents when they first moved to the site nor what are required by his planning permit. There is no 24-hour supervision, the croquet court is overgrown and useless, and the swimming pool is long gone. I have spoken at some length about Steve Wellard and Summerhill Residential Park, as the Summerhill residents are exactly the sort of tenants that this bill is designed to protect — elderly, vulnerable people who are in an unequal relationship with a rapacious landlord.

I began this speech by speaking of everyone's need for shelter and said that those who live in insecure housing may sometimes be forgotten. I will finish by promising the Summerhill residents and all those who live in insecure housing or are persecuted by grasping landlords such as Steve Wellard that they will never be forgotten by the Labor Party. I also promise Steve Wellard that I and my fellow Labor members of Parliament on this side of the house will not rest until villains such as him are forced by law to treat their tenants in a fair and equitable way. I commend the bill to the house.

Mr STENSHOLT (Burwood) — I rise to support the Residential Tenancies (Further Amendment) Bill because it basically delivers on the government's commitment to look after the security of tenure of people who are vulnerable in their housing and long-term accommodation and to protect the rights particularly of those on low incomes. Living in a rooming house is just one step away from homelessness. Let's not kid ourselves. It is all very nice to weep tears of blood and talk about how terrible it is; doing something about it is a different thing. That is what the bill seeks to do.

I am aware that there are a number of rooming houses near my electorate and one or two in my electorate. I have talked to the managers and owners of some of those in Kew and Hawthorn. I understand from the 2001 census that there are over 200 rooming houses

and that about 20 to 25 per cent have shared rooms. The bill is aimed at dealing with issues relating to shared rooms in rooming houses and to providing protection to residents of those rooming houses.

It is a matter of considerable concern that Victoria in general and Melbourne in particular have been losing rooming houses. That longstanding source of low-cost accommodation has been drying up gradually. In recent years quite a few rooming houses have been sold or closed. That trend has developed in the last 20 or 30 years and is continuing. Studies on low-cost accommodation have been undertaken, and a couple of years ago one was launched by Tim Costello at the Hawthorn town hall, which I attended. The Department of Human Services, through the minister, provided some support for that study. I was happy to go along. As I recall, I was the only local member who attended the launch of that study.

I was particularly happy that this year, after some lobbying which I was happy to be involved in, the Bracks Labor government, which actually looks after the poor and vulnerable, was prepared to provide an exemption from land tax for rooming houses. People in Hawthorn and Kew, particularly those we are talking about today, the most vulnerable, will benefit from that. I would like to see the Boroondara council join in and provide rate relief for rooming houses.

Rather than just talking about low-cost accommodation, I would like it to join with the government and provide relief for rooming houses by virtue of providing some rate reductions to ensure that low-cost accommodation in Hawthorn and Kew is maintained. It could do so by providing some incentives not just for community-based rooming houses, for which the council provides some rates exemption, but also for private ones to ensure that they continue to provide much-needed accommodation in Hawthorn and Kew for the most vulnerable in our society — who, as I said, are just one step away from homelessness. The rooming houses that those people live in are the only places where they can get a home. If they go to real estate agents, they are knocked back.

If you are living on the margins of society it is actually quite hard to get accepted — people ask where your references are et cetera. If life has been pretty hard and you have a mental illness or a history of homelessness, it is actually quite difficult, because you are really right at the bottom end of society. We should not abandon our obligation to look after the poor and the homeless just because we focus on individualism. We might well talk about the philosophy of individualism — but let me tell you: blow the philosophy! Let us look after the poor; let us look after the vulnerable in our society.

I am not too keen on fancy-pants philosophy — whether or not we call it liberal philosophy — that is proclaiming the individual, proclaiming the fact that they do not look after themselves therefore we should not look after them. We want to make sure that people can advance in our society and that they have every opportunity to do so. There are people who have problems, and we should be looking after them. We should look after them in the best way we can. This is nothing new in our history or civilisation. We should maintain and hold on to it, and it should be a strong tenet of the general philosophy of the whole community, not just necessarily of the Labor Party.

This legislation provides a fair balance in looking after the rights of both owners and occupiers. As we have said before, it is a difficult sort of area — we are dealing with people in difficult circumstances. It is a matter of providing rights to all these people and doing so in a fair manner. As I said before, we are providing support through another act by exempting rooming houses from land tax. I urge Boroondara and other councils to do similar things by providing rate relief for owners of rooming houses to ensure the continuance of the low-cost accommodation that rooming houses provide here in Melbourne. I commend the bill to the house.

Mr LUPTON (Pahran) — This is an important piece of social legislation that I am very pleased as a member of the Bracks government to fully support. The Residential Tenancies (Further Amendment) Bill will make some significant improvements to the rights of people living in caravan parks and rooming houses in this state. It is in my opinion a piece of well-balanced and appropriate legislation that this Parliament should thoroughly support. It is a great disappointment that in an area dealing with the accommodation of some of our vulnerable fellow citizens the opposition in this Parliament does not see fit to support the legislation and give those most vulnerable some additional protections, which I believe any reasonable person looking at this issue would say is a fair and proper thing to do.

The legislation deals with two particular areas of accommodation. One element deals with the rights of people living in caravan parks to gain access to the protection of the Residential Tenancies Act. The other element gives people living in shared rooms in rooming houses the same entitlements as are enjoyed by people who have had sole occupancy of the room. I will deal first with the provisions for caravan parks and then move on to the rooming house provisions.

Members of Parliament were subjected to a fairly intensive campaign of emails from the Victorian

Caravan Parks Association prior to the introduction of this legislation and this debate, which is of course its members' perfect entitlement. The emails that were sent out came from a number of caravan park owners, but they were all in the same terms — the pro forma email — and it does get to a point where those sorts of email campaigns can probably be described as spam campaigns rather than individual communications with members of Parliament. The member for Caulfield in her contribution to the debate on behalf of the opposition the other night made reference to the email campaign and said how important it was that it be taken into account.

She mentioned a number of emails from caravan park owners who she claimed would be adversely affected by this legislation if it were passed. In particular she referred to an email received from the Howlong Caravan Park. If the opposition is arguing that the legislation will interfere with and reduce the rights of caravan park owners in Victoria compared to caravan park owners in other states, then I doubt whether the Howlong Caravan Park owner would legitimately oppose this legislation, because that caravan park is in New South Wales! If the Liberal party's position on this issue was correct, I would have thought that that caravan park owner would in fact be a supporter of this legislation.

The member for Brighton made some interesting comments in relation to the issue of caravan park owners entitlements, and took the view that in order to have a proper balance between the rights of tenants and owners the views of the peak association of caravan park owners needed to be taken into account and its views supported. There are two sides to this argument; there are landlords and there are tenants. There are caravan park owners and caravan park residents. The caravan park owners have an association, and that can be regarded as a peak body. But the residents also have an association, and the Tenants Union of Victoria comes to mind. It is also regarded as a peak association. It does a great job on behalf of tenants in Victoria, and I applaud it. The opposition does not take its views into account at all in this debate.

With this legislation the government intends to give residents of caravan parks entitlements under the Residential Tenancies Act after they have been living in a caravan park, as their main domestic residence, for 60 days instead of after 90 days. If a person does not have entitlements as a resident under the Residential Tenancies Act after 60 days and is not entitled to those protections of the Residential Tenancies Act after living in premises for 60 days, and the opposition cannot support that, then it is a very poor show indeed.

Without question, people living in caravan parks are some of our most vulnerable citizens in Victoria. Accommodation is of extreme importance to them and they should be entitled to protection under the Residential Tenancies Act in the same way as anybody else renting private accommodation. The government has not moved to give those entitlements on day one; it has sought to provide what it regards as a balanced approach, bearing in mind the peculiar natures of some caravan parks, their provision of tourist accommodation and a whole range of other factors, together with the fact that from time to time people move in and out of caravan parks after short durations.

We took those matters into account and decided that reducing the time limit from 90 days to 60 days to gain the benefits of the Residential Tenancies Act is proper and appropriate, and shows this government is a government of balance. It is a government that takes both sides of the argument into account and comes to an appropriate decision, bearing in mind the rights and responsibilities of both sides in the equation. It does not simply pander to one side of the argument, or sectional interests, and that is a very important point to bear in mind.

In the amount of time I have left I want to make some comments about the rooming house provisions in the bill which opposition members are also opposing, and they stand condemned for opposing it. In this legislation the government intends to give entitlements to people in a rooming house who are living in shared room accommodation, in the same way that people who are living in single room accommodation in rooming houses currently enjoy. A Supreme Court decision of a little while ago cast doubt on the entitlement of people in shared accommodation to have access to the Residential Tenancies Act.

If somebody is sharing a room with another person in a rooming house, there is no sensible, practical or logical reason why that person should not be entitled to the benefits of the Residential Tenancies Act in the same way as a person living in a rooming house in a room on their own. There is no reason at all why those people, who through no fault of their own and simply because they need to live in a shared room in a rooming house, should not have the protection of the Residential Tenancies Act to make sure that an unscrupulous landlord does not take unfair advantage of them.

Anybody in this Parliament who suggests that a person in a vulnerable position who has no income, or possibly a very small income, who might suffer from mental illness or various other forms of disadvantage, and who has to take a shared room in a rooming house, does not

have the same entitlements to residential protection as somebody who just happens to be given a single occupancy room in a rooming house, does not understand the nature of the problems that those sorts of people are suffering from, does not understand the real world, and does not understand the responsibility that is placed upon members of Parliament to protect the most underprivileged and vulnerable people in this community.

If we are not in a position to give protection to those most vulnerable people and make sure they have the entitlement to secure and proper accommodation and rent protection and the like just because they happen to be sharing a room with somebody else, then we have abrogated our responsibility as parliamentarians. Opposition members stand condemned for their opposition to these amendments. It is a disgrace. They should rethink their position on this. They should support the bill when it is voted on, and if they do not they should be condemned by the people of Victoria.

Ms DUNCAN (Macedon) — It is a privilege to follow the member for Prahran to speak on this bill, and it is a privilege to support the Residential Tenancies (Further Amendment) Bill. This bill comes about as a result of a review of the Residential Tenancies Act. In August 2000 the Residential Tenancies Legislation Working Group was set up to undertake a review of the Residential Tenancies Act, in part in response to the court case referred to earlier by the member for Prahran.

As I recall the opposition has often criticised the government for setting up various reviews and for spending time consulting with key stakeholders as a way of ducking, weaving or avoiding the issues. I believe the opposite is true. This government takes a lot of time, often setting up working groups or reviewing existing legislation. It looks at gaps in legislation that are often only identified after there has been a court case, listens to the key stakeholders and then acts accordingly in what it believes is a balanced way that takes into account all the various views. I am also at a loss to understand why the opposition would not support this bill, which, as has been said previously, gives some of the most vulnerable people in our community some additional safeguards. Probably more than any other group, those people require these sorts of safeguards. Most people who have a bit of money behind them have other options and can exercise those options, whereas people who find themselves often in these forms of accommodation — particularly in shared rooms within a rooming house, and also caravan parks as their primary residence — require far more

protection rather than less. So again I urge the opposition to support the bill.

This is a balanced approach to this issue. In the case of caravan park residents the bill reduces the wait before they are able to access this legislation from 90 days down to 60 days. We have had a large number of identical emails from owners of caravan parks. I read five or six of the emails until I understood that they were all the same. I listened and took note of the arguments they raised, and I believe the government did the same. We believe that the 60 days is a balanced approach. It is not what the tenants union would ask. It would ask that there be no waiting periods at all. We believe the bill gives the balance between the existing 90 days and having no waiting period. The 60 days is a compromise between those two positions. As has been said, we are talking about some of the most vulnerable people in our community.

I believe the legislation has been some time coming, and I note from recent media reports that it is seen as a good thing and a way of giving further protection to people. It also gives protection to caravan park owners and to rooming house owners, because as has been said, this is a two-way street. There are increased rights for caravan park occupants, in particular with the 60-day period, but there are also rights for the caravan park owners themselves as tenants. Instead of everybody operating in a grey zone, the bill makes clear the rights and responsibilities of everybody. We know that housing is one of the most fundamental human rights, and secure housing is as fundamental to people as food and clothing. I believe this legislation gives effect to an excellent change, and I wish the bill a special passage.

Mr PLOWMAN (Benambra) — In listening to the debate on this issue I was most impressed by what the member for Brighton had to say. For anyone who wants to get a better insight into this whole issue the Asher report provides significant information that would be of value to both sides of the house — not one side specifically. I think that report is comprehensive, and it certainly indicates our reasons for opposing the second part of this bill in respect of caravan parks.

I have talked to a series of caravan park owners, and I think their main issue is just the reduction of the qualifying period to 60 days. Almost invariably the caravan park owners who talk to me say they understand that they provide a service to the people in the community who desperately need to have this alternative accommodation. In many respects caravan park owners provide over and beyond what is asked of them. On many occasions they give additional assistance to all sorts to people who need it, but they are

faced with the fact that if they have someone who is disruptive, someone who is antisocial and may be on drugs, that has an effect on their caravan park as a business that they cannot afford. They have to have the opportunity to remove those people and to do so in a way that does not disquiet the other people in the caravan park. It is clearly the case that very many of these people are able to put up a good front for a start — —

Mr Andrews — They have rights.

Mr PLOWMAN — Fair enough, they do. Of course they have rights, and I agree with the member. They do have rights, but they can put up a good front for the period of 60 days and probably convince the caravan park owner that they are suitable tenants for that park. But in many cases when the period extends to 90 days — a three-month period — it has proved to make quite a substantial difference to the ability of the caravan park owner to determine those who are completely obnoxious or whose behaviour will be detrimental to the business of that caravan park.

I have talked to caravan park operators of two types: those in smaller country towns, of which there are many in my electorate, and those in Wodonga. Wodonga is one of the fastest growing cities in country Victoria, and the demand on caravan parks is enormous, because we have homeless people and we need to provide that accommodation. There is almost no crisis accommodation in Wodonga. It is a real problem. I understand caravan parks in a city like Wodonga are an essential part of providing that service, but those caravan parks also have long-term tenants, and those long-term tenants are very quick to advise the caravan park owners of behaviour that they see as antisocial and totally unacceptable. Bringing the period back to 60 days will create a distinct problem for the owners, who are genuinely there to provide a service and try to give assistance to the people who seek low-cost accommodation.

On a further point, we were contacted by Howlong Caravan Park. When asked, I said that maybe it was on the Victorian side of the river, but it is not; it is in New South Wales. On further inquiry by the shadow minister that caravan park proprietor said they are well and truly aware of the issues surrounding this legislation and particularly surrounding the reduction in the period of time for qualification. They say that, if this legislation is introduced into Victoria, effects from it will flow across into New South Wales. They can see a real problem in the reduction of the opportunity for a caravan park owner to sort out whether tenants are going to be detrimental to the management of their

park. They see it as a real problem, and on that basis they contacted us to say that this legislation not only is going to be detrimental in Victoria but may be detrimental in New South Wales if it flows into that state.

I support the amendments circulated by the shadow minister and oppose those provisions of the bill. Clearly it would be a distortion to say that the opposition opposes the other aspects of the bill dealing with rooming houses.

Mr LANGUILLER (Derrimut) — It gives me pleasure to support the Residential Tenancies (Further Amendment) Bill. It is a good bill, something we are proud of on the government benches and in the Labor Party. Looking after the vulnerable is something we do happily. It is pleasing to register that the opposition is supporting the bill. Whilst I disagree with the amendments it has circulated, it is important for the purpose of looking after the vulnerable in the community that we come to an understanding.

The purpose of the Residential Tenancies (Further Amendment) Bill 2005 is to introduce protections for residents sharing rooms in rooming houses and to apply the caravan park provisions of the act to residents after 60 days rather than 90 days. I understand wide-ranging consultation took place. The committee was chaired by the now Minister for Education Services, and I understand the Tenants Union of Victoria made very strong submissions saying that tenants ought to have rights from day one. Its submission was unequivocal. Everyone in our community ought to have tenancy rights, including the most vulnerable. On the other hand the Victorian Caravan Parks Association (VCPA) made a different submission. It wanted to stick with the 90 days — in other words, the tenancy rights would only kick in at the end of 90 days after a person actually occupied a place in the park.

In the end, as I understand the summary of the report and the conclusion and arrangements reached between the relevant parties, the VCPA agreed that it was reasonable that 60 days now be applied. It ought to be noted that there is an understanding and an arrangement between those representing the interested parties — namely, the Tenants Union of Victoria and the Victorian Caravan Parks Association. The government consequently decided to do what we do well in this government: we govern for all. We try to strike a balance and make sure that we recognise and accommodate the interests of all parties.

This is not a bill against Victorian caravan park owners and their association — quite the contrary. As I

understand it, this bill will protect the interests of tenants and of caravan parks. In my area, where one would find vulnerable tenants and residents, I have not received any submissions or complaints from any parties. Indeed I have received support from tenants indicating that this is a good bill that will enhance their rights. I think this is a good bill that strikes a balance.

The other issue I wish to mention very quickly is rooming houses. There are many rooming houses in my electorate, and this bill will improve the rights of occupants of shared rooming house accommodation. It will enhance the quality of life and has been welcomed by many of the residents in rooming houses to whom I have spoken. I commend the bill to the house.

Mr LANGDON (Ivanhoe) — I wish to contribute briefly to the debate on the bill. In my previous occupation I was a youth worker with homeless teenagers. I notice in the minister's second-reading speech that this bill is to protect the most vulnerable in our community — that is, those who are homeless or in danger of being homeless. Having been a youth worker in a residential tenancy unit, I can assure members that many of the tenants went on from that unit to rooming houses and often needed greater protection — I am talking about people from, say 14 to 18, if not 20. The younger age groups in particular needed extra protection, but sometimes facilities were not available at any of the agencies, so they went to rooming houses.

Again this bill provides them with that support, and therefore I totally support it. As has been said in the house by many speakers, this bill was brought about by consultation, with the member for Bendigo East, now the Minister for Education Services, chairing a consultative committee whose recommendations have been agreed to by all parties. I know the opposition will move amendments, but I do not believe it is opposing the bill per se. Nevertheless the amendments will not be supported by the government.

I support the rooming house aspects of the bill. I do not have to my knowledge any rooming houses or caravan parks in my electorate, but as a former youth worker I commend the bill to the house because it supports those people who desperately need it.

Ms LOBATO (Gembrook) — I wish to speak in support of the Residential Tenancies (Further Amendment) Bill 2005. The main provision I wish to comment on is the amendment that will alter the arrangements relating to when a permanent resident of a caravan park is eligible for protection under the Residential Tenancies Act. Currently a person who permanently occupies a caravan park does not receive

protection under the act until they have been there for 90 days. This new provision will reduce the period to 60 days, ensuring that when our most vulnerable people become permanent residents in a caravan park they have the protection they need and deserve.

Over the past year I have visited caravan parks in the electorate of Gembrook in order to gain an understanding of the issues that surround their residents. I have visited Blue Gum Caravan Park in Officer, the Warburton Caravan Park — —

Mr Wynne interjected.

Ms LOBATO — The member for Richmond is commenting on the fact that the Warburton Caravan Park is so beautiful. I also visited the Yarra Junction Caravan Park and the Doon Caravan Park.

Some of the residents said that they felt vulnerable, that they felt like their tenancy in these places was not secure and that they really needed the security that this bill is going to provide for them. They also spoke to me at length about many other issues. Certainly the caravan park managers are very keen to provide protection for these residents as well. I have not received the feedback that the other side of this house claims it has received. The managers have been very keen for this amendment to take place. Given the time restraints upon us, I will now commend the bill to the house.

Ms PIKE (Minister for Health) — I had the honour of being Minister for Housing in the last term of government when we commenced a review of the Residential Tenancies Act. There were some items which were discussed and consulted on at the time but which did not form part of the first slate of amendments, so I am very pleased to now have the opportunity to represent the minister in another place in putting further amendments to the Residential Tenancies Act to the house, because I think they cover two very important areas in particular. Firstly, they provide the security of a right of accommodation — and I refer to all the rights in the bill for people who live in rooming houses. Secondly, they amend the provisions for people in caravan parks who are there for a longer period of time and for whom they are their only places of residence.

I thank the members for Caulfield, Rodney, Richmond, Brighton, Preston, Nepean, Narre Warren South, Mildura, Bellarine, Benalla, Ripon, Hawthorn, Kilsyth, Monbulk, Mulgrave, Bayswater, Clayton, Burwood, Prahran, Macedon, Benambra, Derrimut, Ivanhoe and Gembrook for their contributions on and their interest in a very important piece of legislation, which as many

people have noted provides protection for people who are often in tenuous and insecure accommodation and who potentially would be otherwise homeless.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 3 agreed to.

Clause 4

Mrs SHARDEY (Caulfield) — I move:

1. Clause 4, page 3, line 7, omit ‘109A’; and insert ‘109A’.
2. Clause 4, page 3, lines 8 to 10, omit all words and expressions on these lines.

We are moving these two amendments together, because the government is seeking to decrease from 90 days to 60 days the qualifying period for a person wanting to become a resident in a caravan park. In talking on this issue the Minister for Health, who was the previous Minister for Housing, referred to the previous legislation that was introduced into this house. She seemed to be of the view that this provision was not introduced when that legislation was discussed. In fact clause 44 of the previous bill tried to do exactly the same thing. At that time, of course, there was a huge response by the caravan park industry. The Liberal Party opposed the provision in the previous legislation. We were joined by The Nationals and the Independents, and of course we won the division on it.

The Labor government has sought to reintroduce this provision, knowing full well that it now has the numbers. Unfortunately for the industry, Labor has put this provision together with other provisions relating to shared accommodation and rooming houses, which we would like to have supported — and which we do support. So it is a great pity that the government has put these two things together. Of note is the fact that there was absolutely no consultation with the sector on the reintroduction of this provision. Also I am told there was no consultation on the other provision relating to rooming houses prior to this bill being introduced. However, what we are concerned about is that those most vulnerable people who should have the protection of being able to access crisis accommodation in caravan parks are being put at risk through a provision like this.

We know that throughout Victoria there is an enormous lack of crisis accommodation. In fact there is a crisis in this entire area. The situation has not got any better

under this government, and I view that with grave concern. The member for Benambra talked about his electorate of Benambra. I visited his electorate and met with housing agency people there, who told me they were deeply concerned because there was no crisis accommodation for homeless people in the area.

I believe the government has made the wrong decision in relation to this. I understand the need to protect people, both residents and those who are looking for short-term accommodation — for example, people who need to easily get crisis accommodation in caravan parks. Caravan park owners should not be put in a position where they are going to be turning people away because they hold fears in relation to those people becoming residents. Therefore the Liberal Party strongly opposes the provision and has therefore moved the amendments.

Mr LEIGHTON (Preston) — The government does not accept or support the amendments moved by the opposition. The opposition seeks to gut the part of the bill that provides protection for residents of caravan parks. One of the many reasons for a state having legislation is so that people who have low incomes and are vulnerable or old — in the case of the people I represent — can have some statutory protection.

Earlier I listened to the contribution to the debate of the member for Hawthorn. Despite his being an architect, it is clear he does not understand the Residential Tenancies Act. He dismissed my arguments about caravan parks. What he does not understand is that the Residential Tenancies Act applies to caravan parks and not just those parks that have wagons that you might tow on the back of your car from one park to another. It also applies to parks that have fixed dwellings. Summerhill Residential Park calls them demountable home units; they are relocatable homes that are lowered from the back of trucks which have been driven from Queensland.

The member for Hawthorn said I had produced no evidence to substantiate my criticisms of Steve Wellard. I need not go past the fact that inspectors from Consumer Affairs Victoria have visited the park at Summerhill. CAV has issued a formal determination that the rents there are excessive. Therefore I stand by my comments — —

Mrs Shardey — On a point of order, Acting Speaker, the member is not discussing the amendments I have moved. He is discussing another issue that was raised in the course of the debate. He is not discussing this narrow part of the bill. I ask you, Acting Speaker, to bring him back to the amendments.

Mr LEIGHTON — On the point of order, Acting Speaker, this clause provides protection for residents of caravan parks and applies provisions of the act after 60 rather than 90 days. I am debating whether it should apply to caravan parks and which caravan parks it could apply to. I would have thought I am very much in order. I am speaking specifically in order.

The ACTING SPEAKER (Mr Smith) — Order! The point of order is overruled. I think the member should speak about the amendments.

Mr LEIGHTON — I absolutely stand by my comment that Steve Wellard is a rogue and scoundrel of the first order.

The member for Hawthorn has tried to defend Mr Wellard's right to go before the Victorian Civil and Administrative Tribunal (VCAT) and argue that his park is not a caravan park. When canvassing the issues in so far as the Victorian Caravan Parks Association is concerned, the point is that Mr Wellard is a member of that association through his ownership of Summerhill Residential Park. To be a member of it the association says you must be a caravan park owner. Mr Wellard has signed up as a member. The Victorian Caravan Parks Association happily gives him his membership and takes his money.

Mr Wellard now runs off to VCAT to argue his park is not a caravan park. The reason he does that is to try and weasel out of the ruling made by Consumer Affairs Victoria that his rents are excessive. Mr Wellard is a rogue and scoundrel. His rents are excessive. He will be held to account. If he manages to weasel out of the VCAT ruling, we will amend the legislation. We will hold Mr Wellard accountable.

I want to finish my contribution by saying that while the member for Hawthorn defended Mr Wellard, members of this house should be aware that Mr Wellard lives in Hawthorn and is an architect. I'll go he if he is not known to the member for Hawthorn. We on the government side of the house are going to hold this rogue and scoundrel accountable.

Mr DELAHUNTY (Lowan) — Like many other members of Parliament, I have been contacted in relation to this — —

An honourable member — You're a bit slow, aren't you?

Mr DELAHUNTY — No, I am never slow. I am just listening to the debate and getting my thoughts together.

Ms Pike — ‘Considered’.

Mr DELAHUNTY — Yes, considered. Thank you! The reality is that is a very controversial issue. No doubt the member for Preston has mentioned all the personalities involved. Unfortunately we have to lift ourselves above that. We have been contacted by caravan park owners and by people on the other side. I heard the member for Richmond speak about that last night. It was a good debate — let us keep it at that level.

At the end of the day members of The Nationals are concerned because we do not think we have got the balance right. No-one has raised with us the need to reduce it from 90 days to 60 days. Not one person has come to us from our electorates in relation to that. I have been contacted by the Henty Bay Caravan Park and many other caravan parks across my electorate who are concerned about this. They feel that we might not get the best outcome for the people this government is supposedly trying to help. The caravan park owners are saying that they might not let them in the door in the first instance. That is the worry with this type of legislation, particularly when we have not had concern raised with us about the need to reduce it from 90 days to 60 days. I think it is important that we support these amendments because there is no need to do what this government is trying to do.

Ms PIKE (Minister for Health) — The government will not be accepting the amendments proposed by the member for Caulfield. We believe the changes made by the Residential Tenancies (Further Amendment) Bill, which we have been debating, strike the right balance. When the act was first amended I recall extensive consultation over an extended period. A lot of attention was given to trying to get agreement between the various parties. We believe the bill strikes the right balance between wanting to give caravan park owners the best possible options to enable them to fulfil their responsibility to tourists and to people who want to live in those caravan parks and wanting to provide some security for people who really do have rights and need to have those rights protected.

House divided on amendments:

Ayes, 24

Asher, Ms	Mulder, Mr
Baillieu, Mr	Naphine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Sykes, Dr
Jasper, Mr	Thompson, Mr

Kotsiras, Mr
Maughan, Mr

Walsh, Mr
Wells, Mr

Noes, 52

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

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

Amendments defeated.

Clause agreed to.

The ACTING SPEAKER (Mr Smith) — Order! I advise the house that the member for Caulfield is not able to move amendments 3 to 9 as they were consequential upon amendments moved to clause 4.

Clauses 5 to 31 agreed to.

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

That the house agrees to the bill without amendment.

House divided on question:

Ayes, 52

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

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

Eckstein, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Perera, Mr
Green, Ms	Pike, Ms
Hardman, Mr	Robinson, Mr
Harkness, Mr	Seitz, Mr
Helper, Mr	Stensholt, Mr
Herbert, Mr	Thwaites, Mr
Howard, Mr	Treize, Mr
Hudson, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr

Noes, 24

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

Question agreed to.

Bill agreed to without amendment.

Remaining stages

Passed remaining stages.

Sitting suspended 1.04 p.m. until 2.01 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTER

The SPEAKER — Order! I wish to advise the house that the Minister for Gaming is absent this afternoon. Questions for him should be addressed to the Minister for Manufacturing and Export.

QUESTIONS WITHOUT NOTICE

Police: database security

Mr WELLS (Scoresby) — My question without notice is to the Minister for Police and Emergency Services, who is also the Minister for Corrections. I refer the minister to his public statements that neither the Chief Commissioner of Police, Christine Nixon, nor the director, ethical standards, Kieran Walsh, knew of the breach of the law enforcement assistance program (LEAP) security which led to the police files of 1000 Victorians — 22 000 pages of it — being improperly sent to a whistleblower, and I ask: given the

publicity and the fiasco in LEAP security over the last three years, how can it be that the two senior police officers who should have known of this breach did not know, despite the fact that three senior bureaucrats in the Department of Justice knew a month earlier?

Mr HOLDING (Minister for Police and Emergency Services) — I thank the member for Scoresby for his question. The first point I would make in relation to his question is that my representations in terms of what Victoria Police has known relate to the Chief Commissioner of Police. My clear understanding from my conversations with her is that she was not aware of this release of information. I was not aware of the release of this information. Questions as to what other people within Victoria Police knew and at what stage will need to await the outcome of the privacy commissioner's investigation.

Outer suburbs: government initiatives

Ms LOBATO (Gembrook) — My question is to the Premier. I refer the Premier to the government's commitment to making Melbourne's growing outer suburbs a great place in which to live and raise a family, and I ask the Premier to detail for the house any recent government initiatives that demonstrate that commitment.

Mr BRACKS (Premier) — I thank the member for Gembrook for her question. Can I also say that the member for Gembrook is doing a great job on behalf of her constituents. I get a lot of feedback on members of Parliament and their effectiveness, and I have to say that the member for Gembrook is doing a great job in the outer suburbs of Melbourne.

Mr Smith interjected.

Mr BRACKS — I am not going to talk about the member for Bass as a courtesy to him!

In answering the question could I say that the member has raised with me the attention this government is paying to the growing outer suburbs of Melbourne. It is a clear objective of our government to make sure of that. Can I indicate that where young families are settling, often for the first time as a family, are the areas in which there are great demands on our services. There is a great demand on education services, a great demand on health services and a great demand for roads. In some areas there are country roads which need to be upgraded into the suburban and arterial road system. There is a great need for police resources and police stations. That is exactly what we are paying attention to, and it is exactly what we have applied

ourselves to, if you look at the last two or three budgets this government has undertaken.

I want to refer to two key areas to illustrate that. One is health, and I want to congratulate the Minister for Health for what she has done for the outer suburbs of Melbourne. A large portion of the \$2.4 billion in capital investment in our hospital system has gone to the outer growth areas of Melbourne. If you look at the rebuilding of the Maroondah Hospital in Ringwood, which was under threat from the previous government, you can see that it has been rebuilt under our government. The Angliss Hospital in Ferntree Gully has been rebuilt under our government. The Northern Hospital in Epping has been rebuilt under our government. If you look at the Dandenong Hospital and the Frankston Hospital, you can see that they have been rebuilt under our government.

As we know, the only new site on which a new hospital has been built in the last 20 years is at Berwick, where we have committed to the Casey Hospital. Again we have led the way in making sure that that gap was covered by our government in providing that new hospital facility. I was also very pleased in our last budget to have proceeded — and now the work is being undertaken — with super-clinics to be located at Lilydale, Craigieburn and Melton. This is \$42 million of new investment. These will deal with those people who require day procedures and with the total health of individuals coming in, and of course it will be a great adjunct to our hospital system to have these super-clinics in place.

There is one more thing I want to mention, and it is in relation to education. I said I would illustrate health and education. It is probably the biggest innovation we have seen in education for some time, and in relation to the provision of information technology it is probably the biggest for many years as well. It is the rollout of broadband technology to every government school in Victoria.

Mr Perton interjected.

Mr BRACKS — The member for Doncaster could only dream of this. We have actually delivered it. There will be \$89 million of new investment in broadband technology, making sure that, for example, access to the Internet is 60 times faster in some cases than it is currently. That has resulted in \$100 million of related new investment by Telstra, whereby 700 exchanges were to be upgraded almost immediately on our making that announcement. It is a great achievement, and I congratulate the Minister for Education Services for that as well. That will help schools like the Don Valley

and Hoddles Creek primary schools in the Gembrook electorate, which will get quick access to that broadband technology — almost 60 times faster than they have had.

We will continue to govern for the whole of Victoria. We will ensure that the growing outer suburbs are a focus of attention for this government. They have been in past years, and they will be in the future as well.

Police: database security

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Police and Emergency Services. With the imminent passage of the working-with-children legislation and the consequent police checks to be conducted on 500 000 Victorian volunteers, will the minister guarantee that the private files of these half a million Victorians will not be leaked from the government department which is to have responsibility for them?

Mr HOLDING (Minister for Police and Emergency Services) — The guarantee that I will give in relation to the preservation of Victorians' private information is that this government will make the investments that are required in the law enforcement assistance program (LEAP) database to make sure that its security is enhanced and improved in every way that it can be so that Victorians can continue to have confidence that the information that is collected by government agencies on their behalf is securely held.

Hospitals: outer suburbs

Mr MERLINO (Monbulk) — My question is to the Minister for Health. I refer the minister to the government's commitment to making Melbourne's growing outer suburbs a great place in which to live and raise a family, and I ask her to detail for the house what the government is doing to meet the health needs of families living in these areas.

Ms PIKE (Minister for Health) — I thank the member for Monbulk for his question. There are plenty more things I can say about the Bracks government's commitment to people in the outer suburbs, adding to the things that the Premier has already brought to the attention of the house.

Under the leadership of the Bracks government more Victorians are able to share in the economic growth and prosperity of this state. The government was elected on a platform of governing for all Victorians, no matter where they live. With the growth of residential development and population in the outer suburbs of Melbourne, the government has increased substantially

its investment in health services for these communities. And these communities really do deserve the best possible health services. So instead of — —

Honourable members interjecting.

The SPEAKER — Order! I ask ministers and shadow ministers to cease having conversations across the table and allow the minister to answer the question.

Honourable members interjecting.

The SPEAKER — Order! The member for Brighton!

Ms PIKE — Instead of closing or downgrading services in the outer metropolitan areas, as was the plan — I think Angliss would probably have been no. 13 of the hospitals that were closed — we have actually substantially rebuilt or expanded hospitals like Maroondah, the Angliss, the Northern, Sunshine and Dandenong. The development of the Casey Hospital, delivered on time and on budget, provides a full suite of medical services for people in that community. People can have emergency services, paediatrics, elective surgery, maternity services and mental health services. All those services are available now for people in the Casey area.

Casey Hospital is linked very closely with Dandenong Hospital. There the government has funded a two-stage \$55 million redevelopment. When that is finally completed, the hospital will have 65 more beds. Our Fighting Cancer policy, which is very significant and will assist the growing number of people in our community who have cancer, is really taking shape. For example, at Moorabbin a \$19 million radiotherapy expansion will see services much closer to the homes of people who have cancer. I think it is an exciting initiative and it is something that I am very, very proud of.

Let us not to forget the new emergency department at Bacchus Marsh, in another significant growth corridor; a \$10 million expansion of the Werribee Mercy Hospital's emergency department; and also the new \$30 million rehabilitation and palliative care centre at Knox, which again will meet the needs of that community. The Premier has already mentioned, but let me reiterate those very exciting developments: the three new super-clinics at Melton, Craigieburn and Lilydale.

The federal government has released a report on the performance of our public hospitals and that very clearly shows that our emergency departments perform the best in Australia. It is no coincidence. The investment in growing and developing those emergency

departments has helped us to cope with the enormous expansion in demand for emergency services in the outer metropolitan area. Our investment is paying dividends. We have excellent clinical performance and the people of those communities are benefiting.

The government is committed to providing state-of-the-art health services for people in our outer metropolitan area. Good access to these services does give people peace of mind and is part of our ongoing commitment to restoring the confidence of people in our growing suburbs.

Police: database security

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer to the minister's explanation of his failure to take action on the improper release of 1000 Victorians' police files — that is, that he read two paragraphs, made notes on the memo and then sent it back to his department for correction — and I ask: even if we were to accent this implausible story, are we also meant to believe that in his department, when critically important ministerial memos are unsatisfactory and need to be redrafted, such information simply disappears without trace back the department, only to magically reappear when the story hits the media?

Mr HOLDING (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. I have — —

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question. He should allow the minister to answer.

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth!

Mr HOLDING — I have already provided an explanation in terms of how this information came to be provided in the circumstances — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to cease interjecting so the minister's answer can be heard.

Mr HOLDING — I reiterate that the first I learnt of this matter was on Monday, when my — —

Honourable members interjecting.

The SPEAKER — Order!

Mr HOLDING — The first I learnt of this was on Monday. However — —

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby!

Mr HOLDING — However, I did receive a memorandum in relation to this — a briefing paper. I did not fully read the briefing paper — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition has asked his question.

Mr HOLDING — I asked that it be redrafted accordingly. I made a note on it that it was to be redrafted and resubmitted, and the memo never returned to my office.

Mr Cooper interjected.

The SPEAKER — Order! The member for Mornington should be careful of his language or I will remove him from the house.

Roads: outer suburbs

Ms McTAGGART (Evelyn) — My question is the Minister for Transport. I refer the minister to the government's commitment to making Melbourne's growing outer suburbs a great place to live and raise a family and ask the minister to detail for the house what the government is doing to build road infrastructure to service these areas.

Mr BATCHELOR (Minister for Transport) — I thank the member for her question. Since coming into government — —

Mr Doyle interjected.

Mr BATCHELOR — God, you are stupid! You are such a dill!

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting, and I ask the minister to address his comments through the Chair.

Mr BATCHELOR — Since coming into government we have invested over \$400 million in outer metropolitan roads. We have invested billions of dollars in infrastructure. But in that really important

area of roads in the outer metropolitan areas, where for many, many years the population growth has exceeded the infrastructure build, we have systematically sought to address that issue through our Outer Metropolitan Arterial Roads program.

Recently we have announced \$18 million to improve Plenty Road in South Morang. That is on top of the \$14 million that had already been announced for an earlier section of that road. Also \$24.5 million has been announced for South Road to relieve traffic congestion in and around Moorabbin, and \$4.7 million has recently been announced for Ferntree Gully Road between Cootamundra Drive and Jells Road in Mulgrave.

We have duplicated or are in the process of duplicating over 100 kilometres of roads in the outer metropolitan area of Melbourne. That is the equivalent of the distance between Melbourne and Ballarat. It is a huge distance in terms of our road building activity in outer metropolitan Melbourne. These projects include the \$19 million duplication of Narre Warren-Cranbourne Road from Princes Highway to Golf Links Road in Narre Warren; the \$13.2 million duplication of Cranbourne-Frankston Road from McClelland Drive to Warrandyte Road in Langwarrin; the \$5.9 million widening of the Moorooduc Highway between Golf Links Road and Frankston-Flinders Road in Frankston; and \$4.2 million for the road realignment on Eltham-Yarra Glen Road. Very shortly we will be opening the \$14.3 million duplication of Fitzgerald Road from Leakes Road to Dohertys Road in Laverton North.

So it can be seen that we are getting on with the job. We had a huge backlog that was neglected by the previous government. We are not only doing that, we are making headway. We are acting. We are rebuilding our road network in outer metropolitan and growth areas. We are doing that with projects such as the \$3.3 million that is being spent in Lyndhurst to widen Thompsons Road; the \$9.3 million to duplicate Wellington Road in Rowville; the \$15 million to duplicate and widen Canterbury Road in Bayswater North; the \$8.9 million to duplicate Berwick-Cranbourne Road from Greaves Road to Pound Road in Berwick; and the \$15 million widening of Cheltenham Road between Springvale and Chandler roads in Keysborough.

The same sort of thing is happening with the \$19.5 million duplication of Cranbourne-Frankston Road from Warrandyte Road to Centre Road in Langwarrin and, at the Cranbourne end, a further \$21 million for the duplication of Sladen Street.

Mr Plowman — On a point of order, Speaker, I believe the answer to this question is becoming more and more like a ministerial statement, and I ask that the Minister for Transport conclude his answer.

The SPEAKER — Order! I uphold the point of order. I ask the Minister for Transport to conclude his answer. He has been speaking for over 4 minutes.

Mr BATCHELOR — I apologise, Speaker. There are so many roads we have been building in outer metropolitan areas, such as the \$9.9 million duplication of Hallam Road at Narre Warren; the \$9.1 million Mickleham Road duplication in West Meadows — —

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

Mr BATCHELOR — I am concluding my answer.

The SPEAKER — I require the Minister for Transport to do so now.

Mr BATCHELOR — I am concluding with the \$22.6 million road construction at Palmers Road, Point Cook. The list goes on and on. This demonstrates that what this government has done is to give priority to the outer suburbs of Melbourne and to provide them with the road infrastructure they need to go about their daily lives.

Parks: East Gippsland

Mr INGRAM (Gippsland East) — My question is to the Minister for Environment. As Gippsland East's 800 000 hectares of national park appear to have missed out in the last state budget round of parks funding, I ask: will the minister guarantee there will be no reduction in Parks Victoria rangers — —

Interjections from gallery.

The SPEAKER — Order! The Parliament will adjourn for 2 minutes.

Sitting suspended 2.25 p.m. until 2.27 p.m.

The SPEAKER — Order! I ask the member for Gippsland East to ask his question again.

Mr INGRAM — My question is to the Minister for Environment. As Gippsland East's 800 000 hectares of national parks appear to have missed out in the last state budget round of parks funding, I ask: will the minister guarantee there will be no reduction in Parks Victoria rangers or park visitor services, no closure of park walking tracks, no reduction of roads and no reduction in other infrastructure maintenance to fund the

government's recently announced pest plant and animal control changes?

Mr THWAITES (Minister for Environment) — I thank the member for Gippsland East for his question and point out to him that there was additional funding for parks in the last budget. It was part of a package of some \$19 million in extra funding for parks, weeds and pest control, and I can assure the member that a proportion of that funding will go to East Gippsland. Extra staff will be employed to implement those weed and pest programs. It builds on the very positive programs that are now being undertaken, like the Southern Ark program which is successfully reducing foxes in the public lands of Gippsland. With the extra money — —

Mr Honeywood interjected.

Mr THWAITES — Relax, Phil. I know you cannot get anything up through your own party. I know you get rolled every time.

The SPEAKER — Order! The Minister for Environment should address his remarks through the Chair!

Mr THWAITES — I know you get rolled — —

The SPEAKER — Order! The minister will address his comments through the Chair!

Mr THWAITES — Sorry, Speaker, I know the Deputy Leader of the Opposition gets rolled on a weekly basis by his colleagues. We are improving our parks right around the state. We are improving them in East Gippsland. We are taking action not only to improve the parks, but also the whole natural environment including the Snowy River, as the member knows. As a result I am sure the member will be able to assure his constituents that under the Bracks government his natural environment will be significantly improved.

Community legal centres: outer suburbs

Mr DONNELLAN (Narre Warren North) — My question is to the Attorney-General. I refer him to the government's commitment to making Melbourne's growing outer suburbs a great place to live and raise a family. Will the minister detail to the house the government's latest initiatives to provide legal advice and support to families living in the outer suburbs?

Mr HULLS (Attorney-General) — I thank the member for his question. I know that his electorate is indeed a great place to live and raise a family!

The government is committed to getting on with the job of improving access for Victorians living in the outer suburbs of Melbourne to the legal and advisory services they need. The Bracks government has already invested an extra \$14 million in legal aid, as well as \$3 million in community legal centres (CLCs) right across Victoria.

Now we are implementing a further commitment to establish four new CLCs, three of which will be located in the outer suburbs of Melbourne. As part of the Fairer Victoria initiative we allocated \$8.9 million, which includes funding for four new community legal centres to be established in the outer south-east in suburbs such as Doveton, Cranbourne, Narre Warren and Pakenham; the outer west, which includes suburbs like Melton and St Albans; and in the outer east in suburbs like Boronia, Bayswater, Belgrave, Ferntree Gully and Healesville; and also in the Loddon Campaspe region.

Mr Honeywood interjected.

Mr HULLS — You ought to get out there some time!

These new services are in addition to the CLCs the Bracks government established in 2004 as part of its commitment to providing services to Whittlesea and the surrounding community. These four new CLCs will provide an additional 8200 Victorians living in Melbourne's outer suburbs and the Loddon Campaspe region with support and legal assistance when they need it. This is a significant increase in legal services in the outer suburbs of Melbourne. In the past there has been a lack of appropriate community legal centres in the outer suburbs for people who need them. We have been working with Victoria Legal Aid and community groups to identify exactly where those CLCs will go. We hope to make an announcement about that in the not-too-distant future.

We have demonstrated our commitment to access to justice for all Victorians, because as well as improving access to CLCs and making new services available to people living in the outer suburbs we have also opened, are building or have refurbished some 13 courts right across Victoria. That is in stark contrast to those opposite, who actually closed 13 courts when they were in government. It is a bit like that Lucky Starr song:

We closed courts everywhere, man,
We closed courts everywhere — —

The SPEAKER — Order! I advise the Attorney-General that that behaviour is not appropriate in Parliament, and I will not tolerate it again.

Mr Thompson — On a point of order, Speaker, the Attorney-General made the same comments in question time some time ago, and just to make the point — —

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

Honourable members interjecting.

The SPEAKER — Order! Without the assistance of the government benches!

Mr Thompson — The Labor Party closed over 50 courts in Victoria between 1982 and — —

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

Mr HULLS — We are all about opening and refurbishing courts, but those opposite, when in government — —

Honourable members interjecting.

The SPEAKER — Order! There is far too much audible conversation in the house. I ask members to be quiet to allow the Attorney-General to be heard.

Mr HULLS — I will not sing in the chamber, Speaker, but the opposition when in government closed courts everywhere, including Camberwell, Cheltenham, Niddrie, Mornington, Sydenham, Oakleigh, Springvale — —

The SPEAKER — Order! The Attorney-General will resume his seat!

Police: database security

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer to the police minister's ridiculous and unbelievable claim that he read only two paragraphs of a memo alerting him to the massive breach of security in releasing 1000 police files, despite the title of that memo being 'Unauthorised access to leaked data'. I ask: when will the minister stop lying to this Parliament and tell the truth about this fiasco?

Mr HOLDING (Minister for Police and Emergency Services) — I have indicated in relation to this memorandum that I read the first two paragraphs and that I noted on the front of it that it contained inaccuracies and was not ready to sign on that basis — —

Honourable members interjecting.

The SPEAKER — Order! The member for Benambra will cease interjecting in that manner. I again ask members to cooperate with the Chair to enable question time to continue in an orderly manner. The minister, to continue his answer.

Mr HOLDING — And it needed to be redrafted accordingly, and I returned it — —

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby!

Honourable members interjecting.

The SPEAKER — Order! I will not tolerate that continual level of interjection. I ask members to be quiet.

Gas: regional supply

Ms GREEN (Yan Yean) — My question is to the Minister for State and Regional Development.

Honourable members interjecting.

The SPEAKER — Order! I ask members to show some courtesy to the member for Yan Yean and enable her to ask her question.

Ms GREEN — I refer the minister to the government's commitment to investing in Victoria's infrastructure and I ask the minister to detail for the house any recent initiatives that demonstrate that commitment.

Mr BRUMBY (Minister for State and Regional Development) — I want to thank the member for Yan Yean, and I notice the Honourable Ron Bowden is retiring — —

Mr Dixon interjected.

The SPEAKER — Order! The member for Nepean will cease interjecting in that manner, and I ask the Minister for State and Regional Development to address his answer to the question.

Mr BRUMBY — Speaker, I was asked by the member for Yan Yean to provide the details of some recent infrastructure investments in the outer suburbs of Melbourne and more generally across Victoria. I think what the member is alluding to is the government's \$70 million natural gas rollout program. I am only guessing at that because one of the towns to be connected to natural gas under the biggest rollout in

natural gas since the 1970s is Hurstbridge. It will be getting the benefits of the natural gas rollout program.

I have to say the government has committed \$70 million. Adding in the investment of the gas companies, the total investment in natural gas is well in excess of \$100 million. I will give just this statistic about the size of the program: in total something like 940 kilometres of natural gas pipeline will be laid.

An honourable member interjected.

Mr BRUMBY — I am surprised at that. I know I should not respond to the interjection, but 308 days is a long time. When are you releasing your policy? When are we going to see the \$7 billion policy?

The SPEAKER — Order! The minister is not assisting the Chair in enabling question time to continue.

Honourable members interjecting.

The SPEAKER — Order! I remind the member for Scoresby that he is required to be quiet while the Speaker is on her feet — or was it the member for Murray Valley, or the member for Doncaster? Whoever it was is not to do it again!

Mr BRUMBY — Last week along with the member for Gippsland East I was in Bairnsdale, where we connected up the meter to the Bairnsdale hospital. Patties Pies will be connected to gas in the next couple of weeks. Of course in the Yarra Ranges gas is being connected to a number of towns, including Yarra Glen, where gas has already been connected, Wandin, Seville, Seville East, Woori Yallock and Launching Place. I will be out in Woori Yallock on 1 September, along with the members for Gembrook and Evelyn. We will be at the Woori Yallock Hotel, and the reason we will be there is that the gas is being connected. Do you know why? The local community reckons it is terrific. Do you know what? The only people who do not like natural gas being rolled out in Victoria are the members of the state Liberal Party. The Nationals are big supporters of the natural gas rollout program — —

Mr Plowman — On a point of order, Speaker, the Minister for State and Regional Development is now clearly debating the question. I ask you to ask him to bring his answer back to government business, not to the business of The Nationals or the Liberal Party.

The SPEAKER — Order! I uphold the point of order, and I ask the Minister for State and Regional Development to return to answering the question.

Mr BRUMBY — In the interface council area gas is being connected at Hurstbridge. There are seven towns in the Macedon Ranges, and work is under way at this point in time. As I have said, connections have already occurred in Yarra Glen and are occurring progressively throughout the Yarra Ranges. I should say that in the Yarra Ranges work is six months ahead of schedule. The connections there have been well in excess of the expectations of the company. There will be a large crowd at the Woori Yallock Hotel. It is a great hotel — a hotel with beer. We have all heard the expression ‘the pub with no beer’. Opposite we have the party with no policies.

The SPEAKER — Order! The time for questions has now expired.

VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL

Second reading

Debate resumed from 17 August; motion of Mr HULLS (Attorney-General).

Mr HUDSON (Bentleigh) — It is a great pleasure to support the Vagrancy (Repeal) and Summary Offences (Amendment) Bill. This bill is important because it overhauls some quite Dickensian legislation which is in desperate need of amendment. It is interesting to know that vagrants were described in the past as persons who:

... wake on the night and sleep on the day, and haunt customable taverns and alehouses and routs about, and no man wot from whence they came, nor wither they go.

Traditionally vagrants were divided into three classes — idle and disorderly persons, rogues and vagabonds, and incorrigible rogues. While the Vagrancy Act no longer refers to ‘idle and disorderly persons, rogues and vagabonds, and incorrigible rogues’, it nevertheless continues to regulate and punish those considered to be vagrants. Society as a whole over the years has been pretty keen to regulate those who are poor, those who are deviants and those who do not fit the mould of respectability, but we need to remember that these are people who are often vulnerable, have little power in the community and have few resources and friends. They are often people who sleep on the streets and rely on squats, and as a consequence they do not often get to choose their friends. If you live on the street, your life is exposed for everyone to see.

It is interesting to see who has been affected by these laws. The Scrutiny of Acts and Regulations Committee should be commended for the work it has done in this regard. SARC was presented with evidence from Hanover Welfare Services which shows that people who are begging have the following characteristics: 93 per cent are long-term unemployed; 71 per cent are sleeping rough or in squats and a further 28 per cent are living in crisis accommodation; 71 per cent suffer from substance addictions; 43 per cent are long-term homeless; and 93 per cent are receiving social security payments. However, 29 per cent of the latter group have had their payments reduced or targeted as a result of Centrelink breaches.

We ought to pause to reflect that the numbers of people put in this position are going to increase, because what we have been doing at the federal level over the last decade is progressively making the social security laws more complex. The breaches that now apply to people on social security for simple things like failing to turn up at an interview or failing to respond to a letter can lead to suspension of their benefits for periods of 6 or 12 weeks or more. Those people are then put in a position where they have no income for very significant periods of time. We are seeing other changes being made at the federal level which also are likely to have an aggravating effect.

Let me refer for a moment to some of the changes being proposed around the disability support pension and sole parent pension. Every new applicant for the disability support pension and sole parent pension with school-age children will be put on unemployment benefits rather than on the disability support or sole parent pension. That will mean that sole parents will receive \$22 a week less and people with a disability, \$40 a week less. On top of that, the rate at which their pensions are reduced will increase from 40 cents to 60 cents in the dollar for every extra dollar they earn.

What we are going to see is more people on incomes that are below the poverty line. We are seeing more people being subject to breaches under the Social Security Act. This is having a profound impact on people who might have drug — heroin or alcohol — addictions, people who might have psychiatric disabilities and disorders, and people who might have gambling addictions. Let us always remember when we have this kind of legislation that there are other forces at work that are increasing the number of people who are induced into begging and feel they have to go out and beg.

All us have been confronted with the dilemma of deciding what to do when we see someone who begs. Is

this person a professional beggar who is using this to generate large amounts of income, or is this someone who is in really desperate straits and who desperately needs some assistance? It is a terrible dilemma. We hate being confronted with the reality of poverty and deprivation on our streets. But let us not forget that often the cause of this lies in the way we deal with these people under the social security system. I want to make the point that even with the offences that are going to be retained in the Summary Offences Act it is going to be critically important that our police exercise those laws with discretion, that they give people warnings, that they give them advice about where they can go to emergency relief agencies to seek additional assistance and that they have the capacity, as police officers, to refer them on to homeless shelters and give them good advice about where they can get the right type of assistance so they do not need to beg on the streets.

The other issue I wanted to cover is the whole question of changes to the consorting laws. I think everyone agrees that the old consorting laws gave rise to a number of concerns. These concerns are very well articulated in the Scrutiny of Acts and Regulations Committee report. The police saw the old consorting laws as a tool that could be used strategically in crime prevention. I understand that. The police want to intervene and to prevent crime from occurring. However, a large body of evidence given to the Scrutiny of Acts and Regulations Committee indicated that there were real problems with these laws.

These problems included things such as, firstly, the fundamental basis on which the consorting law was struck, which is that anyone could be found guilty by association, which offends one of the fundamental principles of our democracy: freedom of association — the principle that as a general rule you will not be condemned or found guilty of a criminal offence just because of the people you happen to be friends with or hang around with. Secondly, it was said that the law as it stood gave too much discretionary power to the police to charge individuals in the absence of a substantive offence. The fact that they could be charged under the consorting laws with any offence left too much power in the hands of police at the local level.

Thirdly, the law applied a reverse onus of proof on the individual, who had to prove they were not consorting with criminals. They had to demonstrate that they were with those people in an innocent way and not in any sort of malevolent, scheming or illegal way. Fourthly, despite the existence of these laws, they very rarely formed the basis of a charge. I think all of us would agree that there is not much point having laws on the statute book if they are laws that are not going to be

used and are not going to be enforced. Finally, these laws can have a very negative impact on relations between the police and the community. There are particular groups, such as young people and our indigenous people, who are marginal in society, who often are on the streets and who can develop very negative attitudes to the police as a result of the variable application of these laws.

I believe the changes that are being put forward by the government are sensible changes. Clause 5 inserts a new section 49F in the Summary Offences Act to make it an offence, without reasonable excuse, to habitually consort with a person who has been convicted or is reasonably suspected of an organised crime offence. What this does in a sense is target the consorting laws much more effectively. They will focus on the most serious offences. This will ensure that the police are able to target their crime prevention strategies and that people are not being harassed where their only crime is a lack of resources and a limited circle of friends. It will ensure that we are targeting the consorting laws at organised crime and the individuals who do the work that goes into organised crime. These changes will ensure that our criminal law is more effectively targeted. The bill will ensure that offences such as witchcraft and fortune telling, which do not cause harm to others, are no longer on the statute book. We should reflect on the fact that legislation which targets people where there is no danger to law and order or fails to focus on criminal activity brings the law into disrepute. That is reflected in the fact that there has only been one charge in the last five years for professing to tell fortunes, and that was struck out. I commend the bill to the house.

Mrs SHARDEY (Caulfield) — I too rise to speak on the Vagrancy (Repeal) and Summary Offences (Amendment) Bill, and note that this bill inserts into the Summary Offences Act offences previously covered by the Vagrancy Act. I will be focusing on the begging or gathering alms provisions which were in the Vagrancy Act and are now to be moved to the Summary Offences Act. As the shadow Minister for Housing, I have often come across issues to do with people who beg, why they beg and the profile of people who find themselves on our streets asking for money. I suppose for a large number of people to be approached by someone asking for money is not a pleasant experience. I think people are a little torn between fear at being approached by someone and on the other hand a sense of pity that someone is resorting to that sort of thing.

Hanover Housing, which has been referred to, did a research paper back in 2001 called *A Question of Begging*, in which it looked at the nature, extent and

profile of people who beg. What its survey and research showed, I believe, is something we should be aware of. Firstly, 71 per cent of those found begging were people who were sleeping rough or were living in squats — in other words, people without a permanent home. Another 28 per cent were people living in either crisis accommodation or with friends and family. Today we have been talking about the extreme shortage of crisis accommodation and the effect that some changes to the Residential Tenancies Act will have on the availability of crisis accommodation in caravan parks.

Secondly, almost all individuals were long-term unemployed people experiencing long-term homelessness — that is, people who were without a job for more than a year. A couple of years ago I met one such man who had moved into a rooming house. He told me that although he was a carpenter he had been living in a squat and therefore was not working. I said to him, ‘That must be an awful experience’. He agreed. I said, ‘Is it impossible to go and work if you do not have somewhere to live?’. He said, ‘Absolutely impossible. You cannot present yourself for a job if you cannot get up in the morning, have a shower and do all the things that other people do in order to go to work’. He had moved into a rooming house and he told me he was getting his life back together. I thought that was most commendable. His family had broken up. There was a marriage breakdown, and it was those circumstances that led him to that situation.

Thirdly, most people who begged were in receipt of government benefits, but importantly, 28 per cent had had their payments reduced or stopped because of Centrelink breaching. In most cases there was also linkage to substance abuse. These people had reduced benefits because they had broken the rules, so to speak, with Centrelink. These are issues which are addressed at a federal level, but I think we should be cognisant of them.

Melbourne Citymission has also done some work in this area. One person who is a link between Hanover House and Melbourne Citymission is Michael Horn, who takes a great interest in all these issues and has done some fine research. Melbourne Citymission found that 29 per cent of a sample of 705 respondents who were a mix of traders, residents and visitors identified begging as one factor that made them feel unsafe.

This information, which people mention when discussing this issue, refers to surveys done in the central business district of Melbourne. However, the further conclusions of the study were that the level of begging in the Melbourne CBD is considered low. Only up to 10 people are found begging in any one day.

For most people, begging is opportunistic. They seek small amounts of money for immediate needs. They are not people who spend all day every day begging on the streets; it is something they do as a last resort. They do it to get some money to buy a meal and sadly, to supply their drug habit in some cases.

As I said, there is a clear connection between substance abuse, homelessness and long-term unemployment. There is no evidence that middle-class young adults beg, and there are no instances of aggressive begging in the study period of these surveys. As I said, for most people it is a last resort. But it is seen to be the more preferred way of getting money than resorting to illegal activities. The reason for the perception that begging is rife is that a single person begging in a prominent location will be seen by a substantial number of people. In fact, it is estimated that if 10 people are begging for 4 hours a day during a busy period, they may be seen by some 96 000 passers-by. Members can understand why people will get the impression that Melbourne is full of beggars if one or two people are begging in a prominent place in the city; of course, Melbourne is not full of beggars.

What can be done? I note that I only have a short period of time to address this issue. Hanover and Melbourne Citymission came up with some recommendations; those from Hanover were:

We recommended that the Victoria Police further develop their training programs for those officers involved in city patrol ...

Then they may understand and gain experience in how to handle situations, and how to put people in touch with appropriate services. Furthermore Hanover advocated:

... for the City of Melbourne with the Office of Housing to consult with homeless service providers to enhance the coordination and coverage of assertive outreach in the CBD and surrounding areas.

... that the City of Melbourne develop additional strategies to increase awareness and understanding in the community of the facts around begging and take a collaborative approach with the police, business and resident groups on informed responses to begging.

Melbourne Citymission made a number of recommendations as well. It wants to stress that:

... begging is fundamentally a social, health and welfare issue. Punitive policy measures through police operations and the court system are not ... effective ...

It believes that these measures invariably:

... shunt the problem temporarily to other suburbs. They do not ensure access to services or help.

Furthermore it believes that begging is the outcome of:

... the lack of adequate social welfare resources including: the lack of accommodation and supported housing; the inadequacy of income support; and the lack of personal support to enable people with mental illnesses to sustain living in the community. ...

I believe it is this lack of mental health services, which has been talked about a lot in recent months, that comes into play. In many cases deinstitutionalisation has produced unfortunate results because there is a lack of services to assist and support such people.

Melbourne Citymission believes:

... a coordinated effort should be made to better integrate outreach services between welfare agencies and police operations. ... A range of initiatives need to be developed or strengthened including:

Mapping of outreach services to build a more integrated and consistent coverage across the city;

Structured liaison between police city patrols and welfare services to raise understandings of the circumstance and needs of people found in public space ...

It also says:

... we advocate for the trial of a multidisciplinary outreach team comprising police, social work and health professionals to bring the most appropriate skills together and ensure better access to services.

More broadly it says:

... outreach, assessment, advice and information are next to useless in the absence of accommodation and support that is timely, flexible and matched to needs. Generalist crisis accommodation facilities are unable to meet demand and have limited resources for outreach teams to access on an immediate basis. A crisis bed for a few days in itself is insufficient to achieve longer term outcomes for clients with complex issues.

And finally it says:

... far too little is being done to both prevent and effectively respond to the increasing levels of homelessness in our community.

Therefore I think we have some very useful ideas of possible solutions to address the issue of begging, and I hope I have given some understanding of the dimension of the issue.

Mr SAVAGE (Mildura) — I will make some very brief comments — I know that time is against us. After having spent 29 years in the police force I have a slightly different perspective on this legislation than other members do, perhaps. Not everybody out there has an altruistic attitude towards society. There are

some vagabonds, thieves and — I think this is the common term now — losers out there. They are not all worthy of the sort of consideration that some members in this place have been giving them.

I am disappointed that there has been some watering down of the act. A very good example would be ‘unlawfully on the premises’. The Scrutiny of Acts and Regulations Committee (SARC) report suggests that section 9(1) of the Summary Offences Act adequately provides for the circumstances of that offence. My view is that the Summary Offences Act relates to trespass under that section, not to being unlawfully on premises. The back of the Scrutiny of Acts and Regulations Committee report suggests over 1000 people were charged in the period that report refers to, so it is a very common offence. The section covers the situation where you find a person unlawfully on premises but you cannot prove the intent to commit burglary. It is a very useful tool for the police force to enable it to prosecute people who have unlawful intent, but it is difficult to prove. That is a significant flaw in the new provisions that are being transferred across to the Summary Offences Act, because that is not covered.

I listened to some contributions to the debate about being ‘without lawful means of support’. I have not seen too many examples of that — in fact I cannot remember anybody. I worked in country areas where itinerants had some difficulty making ends meet, but I have never seen those provisions applied to people who were genuinely in need and who were not out there with intent to commit crime or make a nuisance of themselves.

Begging is an absolute menace in the community we live in. You cannot walk down the street here without people biting you for money. I am sure many other members will concur with me: these people are not without means. Being a beggar is a profession. I concur with these provisions being kept, but I heard one member say that they should not be charged if they do not have any money. They should not be begging. There are provisions for finding your way through society without having to put the bite on passers-by. Some people feel very threatened by that activity. There are professional beggars in our community.

I would like the Attorney-General to give some explanation as to the apparent failure to transfer from the Vagrancy Act the offence of being unlawfully on premises, because that is a vital tool for the police in managing criminality when it does not amount to intent to committing a burglary.

Mr WALSH (Swan Hill) — I would like to make a few brief comments about the Vagrancy (Repeal) and Summary Offences (Amendment) Bill. Reading *Daily Hansard* from last night, I see it was a very wide-ranging debate. There seems to have been a fever in quite a few on the government benches for modernising legislation just for modernising's sake, rather than focusing on a good outcome.

I was very disappointed that in the wide-ranging debate last night they trivialised an issue that is very important to some people in society. It reflects the slide in moral values that some people on the government benches see wanting to be Australian or sticking up for Australian values as something to be apologetic about. We have seen a number of petitions and inquiries about the Racial and Religious Tolerance Act — that is another vexed issue that needs to be resolved.

There was a fever for sticking up for the legislation and saying that the Scrutiny of Acts and Regulations Committee had been through the process and approved it. In this house we have recently debated the Working with Children Bill, about which SARC had major reservations and the Privacy Commission had major reservations. There seems to be a double standard from the other side of the house: when SARC says something that suits what the government wants to do, it supports it, but when SARC says something on another bill that does not suit the government, the government does not want to take any notice of it.

I put on the record on behalf of The Nationals that we have traditionally stood up for the values of Australia, and we are proud of that. We will not be intimidated by the trivia that the other side of the house wants to put forward when we raise issues on behalf of people who have concerns.

Mr HULLS (Attorney-General) — In relation to the issue raised by the member for Mildura, sections 9(1)(d) and (e) and subsequent sections in the Summary Offences Act deal with trespassing unlawfully on premises. There has been consultation with the police in relation to these matters, and I understand they are happy with the transfer of the offences out of the Vagrancy Act. I believe the summary offences legislation adequately applies.

I will also quickly touch on an issue raised by the Leader of The Nationals when he said the police were calling for some amendments. He discussed a case heard in the County Court recently and reported in the *Herald Sun*. I think he said that the case involved a person arrested when apparently on his way to rob a security van, and based on the newspaper reports that

person was acquitted of attempted robbery but convicted of theft and shotgun charges. I think the Leader of The Nationals referred to this case to indicate that the police had expressed some concern about what they saw as a gap in the law that the government needs to have regard to. I think the newspaper reports indicated that the police had written a report for the government on that matter.

Of course I would consider any report or recommendations I received from the police on the matter, but there has been none to this stage. There is an existing offence under the Vagrancy Act of 'being armed with criminal intent', which is re-enacted by this bill as an indictable offence under the Crimes Act. In addition, existing offences cover going equipped to steal, being disguised with unlawful intent and loitering with intent to commit an indictable offence. What astounds me is the fact that the Leader of The Nationals has come in here — and I thank all members for their contributions to debate on this bill — and said that because he had been written to by the Briggs family, whoever the Briggs family are, The Nationals had decided to move an amendment to ensure that witchcraft and fortune-telling remained outlawed.

As the member for Prahran pointed out so eloquently, the amendment The Nationals are moving actually tightens up the offence as it has existed in the Vagrancy Act; it would become a strict liability offence. What The Nationals are saying is they want to ensure through this strict liability offence that any person who pretends 'to exercise or use any kind of witchcraft, sorcery, enchantment or conjuration' should be guilty of an offence and subject to 5 penalty units.

This really shows The Nationals for what they are. There is no question that they are indeed under a spell of irrelevance! They want to retain as an offence something that I do not think any of us could reasonably consider to be a criminal activity. I do not know if The Nationals have had the opportunity to try to understand what the offence of 'enchantment' currently means and what we as a government want to get rid of.

When it defines 'enchantment' the *New Shorter Oxford English Dictionary*, as well as talking about the 'use of magic' or 'putting someone under a spell', says it means 'great charm or fascination; the property of delighting; an enraptured condition'. I do not know when the Leader of The Nationals was last in an enraptured condition.

Mr Ryan — It's none of your business!

Mr HULLS — He says it is none of my business, and I understand that. He wants to keep his enraptured conditions private. But the fact is that he is saying being in ‘an enraptured condition’ ought to be illegal. It ought to be against the law to be in ‘an enraptured condition’, which is really quite extraordinary.

It is not as extraordinary, though, as when one goes to the same dictionary’s definition of ‘conjuration’. We have to remember that in the amendment that is being moved by the Leader of The Nationals he says it should be illegal to ‘pretend to exercise ... conjuration’. The Oxford dictionary definition of ‘conjuration’ includes, amongst other meanings, the ‘act of swearing together; a making of a common oath; a banding together’. I barrack for Geelong. They are not going too well at the moment, but I have no doubt they swear an oath of allegiance to the Geelong Football Club. I have no doubt that when you sign up to join the VicNats you have to sign some sort of secret oath of allegiance to the VicNats.

By this amendment the Leader of The Nationals is saying that The Nationals should be illegal, that anyone who signs up to that oath ought to be made a common criminal in Victoria, because that is what ‘conjuration’ is all about. ‘Conjuration’ is also defined as ‘the performance of magic tricks’. I do not know whether the Leader of The Nationals hired a magician or a clown for his kids’ parties when they were younger, but I am sure most of us have done or will do so. He is saying that when the magician or clown performs some sort of trick he should be taken straight to jail because he has performed an illegal conjuration. I really do not think that the Leader of The Nationals has thought through the crazy amendment he is moving.

If you look at the definition of ‘conjure’, you see it is defined as ‘to charm or bewitch’. Nicole Kidman has just made a new film called *Bewitched*. The Leader of The Nationals is saying that that film should also be outlawed, because it portrays somebody performing magic tricks by twitching her nose. She is bewitching the audience, and under the proposed amendment that ought to be illegal. The Nationals are absolutely off tap when it comes to this amendment. If you follow it through to its logical conclusion, you will see that apart from saying that magicians who perform at kids parties should be outlawed, it is also saying that astrologers writing horoscopes for daily newspapers — they are unashamedly telling fortunes or professing to tell fortunes — should be outlawed.

Mr Ryan — If they are intending to defraud, they should. Are you happy for them to defraud?

Mr HULLS — The Leader of The Nationals is trying to throw up a bit of sorcery in this place in relation to the amendment. He is trying to claim that it means something it does not. He knows full well that his amendment, like the Vagrancy Act, should go up in a puff of smoke and that no amount of his wizardry or sorcery will convince members of the government to move away from the recommendations of the all-party committee. The existing legislation is outmoded and outdated. These types of activities should not be criminalised.

I would be interested to know whether while the bill is between this place and the upper house The Nationals could give further details on the correspondence they have received from various people in relation to this matter, because it must be compelling correspondence. A compelling case must have been made out for the Leader of The Nationals to waste the resources of parliamentary draftspeople in drafting up this hotchpotch of an amendment on the basis of what he says is some ‘correspondence from the Briggs family on this topic’.

I do not know whether the Briggs family has threatened to put him under a spell or cook up some sort of witches brew filled with Nationals members unless he moves this amendment, but it seems pretty odd for us to have to put up with the resources of this place being used to outlaw something that is outdated and outmoded. As many other speakers have said, gone are the days of witch-hunts, when women thought to be witches were burnt at the stake or drowned. By moving this amendment The Nationals want to return us to an era that criminalises people for the beliefs they hold.

The government will not be supporting the ridiculous amendment that has been moved by the Leader of The Nationals. I do not know how he moved it with a straight face, to tell you the truth. I honestly do not know how he can come into this place and say, ‘I am the Leader of The Nationals in this state. I want to be taken seriously. I am going to use the resources of this place for law reform — for great law reform — and I am going to sell that to my electorate and to the people of Victoria. And that law reform is to outlaw clowns at parties, to outlaw fortune tellers and to outlaw witchcraft’.

For goodness sake! I would have thought that The Nationals, who have already been accused of losing touch with the real people out there, would have had something far more serious to do than waste or utilise the resources of parliamentary counsel. Whilst often I listen to and respect the contribution that is made by in particular the Leader of The Nationals in the debates

that occur in this place, I am really quite surprised that he has moved this amendment. Perhaps I will wake up tomorrow, read *Hansard* and find that I have been under a spell and that he did not move this amendment at all — that it was just a trick and that he has not wasted the resources of this place.

But I do recall only a short time ago that his deputy came in and also supported that amendment. I think it is more understandable for the deputy to be coming in here and wanting to outlaw witchcraft, sorcery, conjuration and enchantment. For some reason or other — I do not know why — it seems more up his alley, but it is quite extraordinary that the Leader of The Nationals should want to do this. I do not know how his party is going to draft its press release about this. Will it be ‘We stood up for outlawing witches’ or ‘We stood up for banning clowns at parties’ or ‘We stood up for ensuring that we got rid of people telling fortunes’ or ‘We stood up for ensuring that no longer will astrologers be able to attempt to predict the future’? It is sure to be a great press release, and maybe The Nationals will not have to draft it themselves. Maybe they will get someone out in the ether to do it for them — perhaps it will appear by way of magic.

With the utmost respect to the Leader of The Nationals, I think he has been had. He has gone too far in relation to this ridiculous amendment. The all-party committee made it quite clear that this is all about ensuring that we modernise our laws, bring them up to date and get rid of redundant laws. That is what a modern, democratic society should be all about. This ridiculous law is outdated and outmoded, and it should be consigned to the dustbin of history. As I said earlier, it should go up in a puff of smoke. I hope that the Leader of The Nationals decides not to divide on this particular matter and simply lets it go through to the keeper. We will pretend it did not happen. We will not put out a media release opposing what they have done, and the bill deserves a speedy passage.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 4 agreed to.

Clause 5

Mr RYAN (Leader of The Nationals) — I move:

1. Clause 5, page 5, line 26, omit “influence.” and insert “influence.”.
2. Clause 5, page 5, after line 26 insert —

“49G. Fortune telling and pretending to exercise witchcraft etc.

A person must not —

- (a) pretend or profess to tell fortunes or use any subtle craft, means or device by palmistry or otherwise to defraud or impose on any other person; or
- (b) pretend to exercise or use any kind of witchcraft, sorcery, enchantment or conjuration; or
- (c) pretend from his or her skill or knowledge in any occult or crafty science to discover where or in what manner any stolen or lost goods or chattels may be found.

Penalty: 5 penalty units.’.”.

Mr HULLS (Attorney-General) — I do not know whether the Leader of The Nationals actually fully understands the wording of his amendment, apart from anything else. Let us pretend for a minute that he does want to outlaw witchcraft, conjuration and other things. If he actually has a look at the wording that currently exists in the Vagrancy Act and the wording of his particular amendment, what he seems to be doing is invoking a strict liability offence, which currently does not exist under the Vagrancy Act.

By moving this amendment he is proposing something that is stricter than exists under the current Vagrancy Act. If that is the intention of his amendment, he should say so or alternatively admit that even the amendment has been badly drafted and does not meet his intentions.

Amendments defeated; clause agreed to; clauses 6 and 7 agreed to.

Bill agreed to without amendment.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Ms DELAHUNTY (Minister for the Arts).

ADJOURNMENT

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

That the house do now adjourn.

Courts: Werribee

Mr McINTOSH (Kew) — I raise a matter for the attention of the Attorney-General. It relates to the

dilapidated condition of the Werribee courthouse. The action I seek is for him to fully refurbish the Werribee courthouse and to undertake the necessary steps to have constructed a purpose-built courthouse adjacent to the Werribee police station. As I have previously mentioned in this house, recently I went to the Werribee courthouse where I had the opportunity to speak about that court to a number of people, including members of the Wyndham Action Group and concerned citizens, police and local councillors.

The courthouse was opened some 25 years ago by the then Attorney-General, Haddon Storey. The building is quite large, with facilities for three courts in separate buildings although for the last number of years two have been used as storage areas; only one courthouse is in use. There are no holding cells, so prisoners have to be brought in one at a time, often in difficult circumstances. There is virtually no security outside the courtroom, and they have to wait in the paddy wagon until the court needs them.

The building itself is in pretty poor condition. It has a brick floor, the chairs are very uncomfortable and tinny, and there are no interview rooms or other facilities, except for one set of toilets, which certainly were not in the best condition when I saw them. Most importantly, on any court sitting day there is only one police officer on duty, which means hearings are confined to one courtroom in one building. Perhaps the presence of only one police officer is due to the notorious shortage of police in Werribee.

All civil cases, all defended criminal cases and all cases involving a prisoner have to be dispatched to Sunshine, which is 40 minutes away by road, or down to Geelong. Obviously this court has the potential to be very busy. The representations that were made to me were that there would be enough work — civil and criminal, as well as domestic violence, which takes up one day — for two magistrates to sit five days a week. When you consider the population, which is now nearing 120 000, it is certainly a large area, and Wyndham deserves far more. One would hope this is not the way the Bracks government has demonstrated its commitment to the outer suburbs, because in relation to justice, police and courthouses this certainly does not seem to be —

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

Environment: plastic bags

Ms MARSHALL (Forest Hill) — I rise this evening to raise a matter for the Minister for Environment. I am concerned about Victoria's use of plastic bags and the

ongoing need to reduce our consumption of that environmentally destructive product. The action that I seek is that the minister ensure that this government is taking steps to work with retailers and the community to ensure that targets set by the Environment Protection and Heritage Council are met and that plastic bag use continues to be reduced.

It is estimated that annually in Australia 5.58 billion plastic bags are used. That is an average of 275 plastic bags per person per year. Of all bags used, only 5 per cent are recycled and most plastic bags become rubbish. Planet Ark estimates that every hour over 200 000 plastic checkout bags are dumped in landfills. It takes up to 1000 years for a plastic bag to decompose.

In 2003 the Environment Protection and Heritage Council, comprised of environment ministers of the commonwealth and state governments, negotiated with retailers a coordinated set of measures to reduce plastic bag use, increase recycling opportunities and reduce the littering of plastic bags. Those measures were summarised in the 2003 Australian Retailers Association code of practice for the management of plastic bags and include strategies now common in many retail outlets, including the provision of plastic bag recycling bins and the sale of reusable bags. Approximately 90 per cent of retailers have signed up to the code, bearing outstanding testament to the attitude of the vast majority of retailers in Australia.

In addition to summarising strategies, the code of practice also lists specific targets for the reduction of plastic bag use in Australia. Retailers committed to an attempted 25 per cent reduction in plastic bag use by the end of 2004 and a targeted reduction by the end of 2005 of 50 per cent. Between 2002 and 2004 plastic bag use fell by an estimated 19.4 per cent, from 6.92 billion to 5.58 billion. That is a great reduction, and I commend the Bracks government on playing a leading role in that coordinated strategy to reduce plastic bag consumption. To meet the 50 per cent reduction target by the end of this year, we will need to continue working hard with retailers and members of the community.

In Canada plastic bags are included in roadside collection services in many areas, thus allowing plastic bags to be recycled more easily. In Ireland, the 2001 Waste Management (Environmental Levy) (Plastic Bag) Regulations introduced a levy on all plastic bags except those used to hold fresh produce. That levy is directly passed on to consumers and is itemised on their receipts. Plastic bag use in Ireland has fallen by almost 95 per cent. Companies that have introduced a plastic bag levy in Australia, such as Bunnings and Ikea, have

also experienced a massive reduction in plastic bag consumption — both over 90 per cent.

In order to reflect on and improve our current system, it can help to critically evaluate alternative practices, thus achieving the best outcome for our environment.

Education and Training: education officers

Mr WALSH (Swan Hill) — The action I seek is for the Minister for Education and Training to immediately announce a funding round to allow those employing education officers who work in museums, art galleries and other collections across the state to apply to fund those positions for a further three years. The current funding for the education officer program is provided under the strategic partnerships program and runs out in December. Three years ago, when the current appointments were made, applications had to be submitted by 5 July and there were comments that in future the process would be completed earlier in the calendar year to facilitate financial year budget preparation.

Because no applications have been forthcoming, the Swan Hill Rural City Council, a strategic partner with the education department for the pioneer settlement, has had to fund the position for the first half of next year from its budget, without any certainty that the minister will deliver her share of the dollars. Education officers at the Swan Hill Pioneer Settlement, Sovereign Hill, Museum Victoria, the zoo, the National Gallery and other regional galleries are all currently in limbo about the future of their positions.

At the Swan Hill Pioneer Settlement two education officers work closely with visiting school groups to make the museum experience very engaging for students. They interpret the past, putting the exhibits in context and enjoyably recreate the olden days for the students who go there. Slates, inkwells, the learning of tables and chanting of spelling under the steely eye of an authoritarian schoolmaster or schoolmistress can be an eye-opener for students more comfortable with iPods, mobile phones, the Internet and Game Boys.

Our community has always valued its history and our heritage and at last they are enjoying a secure place in the curriculum of Victorian schools. It is widely agreed that hands-on learning of the type provided by education officers is one of the most inspiring and effective ways to encourage an appreciation of the past among today's youth. Unless we develop in the coming generation a passion for history, our country's heritage and traditions will gradually be lost, as the old-timers

pass on. Education officers are ideally placed to do that work.

I ask the Minister for Education and Training to now provide those employing education officers throughout Victoria with the necessary information and material to apply for the funding for those positions for the next three years.

Nurses: workplace violence and bullying

Ms MORAND (Mount Waverley) — I raise a matter for the Minister for Health and ask that she take action to reduce the incidence of violence and bullying against nurses. Unfortunately, nurses and other health-care professionals are frequently exposed to workplace violence and bullying. Often nurses are the first point of contact with the public in our health system and at times have to face violent and aggressive patients and patients who are not in control of their actions. The problem is not unique to Victoria, obviously; it is faced in hospitals across Australia and, indeed, around the world.

Currently I am chairing the Victorian task force on violence and bullying in nursing, which is investigating the occurrence of violence and bullying against nurses. The committee has been asked to consider and develop strategies to address this important issue. The task force is made up of representatives from nursing, including those in direct clinical situations — division 1, 2 and 3 nurses, nurse educators and nurse administrators; private hospitals; hospital administrators; the Department of Human Services; the nurses board; the relevant nursing unions, including the Australian Nursing Federation, the Health and Community Services Union and the Health Services Union; Victoria Police; and WorkCover.

It has been a pleasure to work with all the members of the task force, who have made a really important contribution to the debate and to the development of strategies to address the problem. Each member of the committee has had direct experience in the area and understands the problems, which can be very complex in nature. The committee divided into four subcommittees: on violence and aggression, bullying, education and, importantly, reporting strategies.

The research that we commissioned that supports the work of the committee has found that one of the key problems is a lack of a clear definition of nurse violence incidents and therefore a lack of understanding of the prevalence and nature of the problem. WorkCover data does not really help, as it records only incidents that result in a claim. It is understood that most incidents of

violence, aggression or bullying against nurses do not necessarily result in a claim. We also found that the reporting of an incident or near incident differs across hospitals. The committee undertook a survey of reporting forms across hospitals and they showed a lack of consistency.

Research also shows that nurses underreport incidents of violence. There are indications that nurses working in some areas where they are frequently exposed to violence are less likely to report the incident. For example, nurses working in emergency departments are frequently exposed to patients who may be seriously injured or to their relatives or friends, and they have to address that problem. In conclusion, I ask the minister to consider the work of the committee, which will make recommendations to reduce the incidence of violence and aggression against nurses.

Portland and District Hospital: emergency department

Dr NAPHTINE (South-West Coast) — I wish to raise an issue for the Minister for Health. The action I seek is for the minister to investigate the circumstances of a case which I will outline to the house and to take immediate action to ensure that there is a proper range of specialist and general practitioner services to provide full-time accident and emergency services at Portland and District Hospital.

The case I wish to outline is that of a 36-year-old woman living at Cape Bridgewater, some 20 kilometres west of Portland, with her seven-year-old son and husband, who is a quadriplegic. The woman was pregnant and 14 days overdue when at about 9 o'clock on Saturday night she experienced contractions. She contacted the Portland hospital and after describing her contractions was advised to come in later, when those contractions had developed further.

At about midnight on a cold, wet, stormy Saturday night, after she had arranged for a carer to come and look after her son and quadriplegic husband and her sister to pick her up and drive to the Portland hospital, she left home. At about 1.00 a.m. she arrived at the hospital. At about 1.30 a.m. she was taken up to the ward with suitcases, ready for delivery of her child. She was examined by midwives. Then, at 1.30 in the morning, she was advised that there was no anaesthetist available in Portland and if a caesarean was required or other complications arose that required specialist anaesthetist assistance she would have to go to Warrnambool for that care. In discussion with the midwives and her doctor she was advised that she

would be better to go to Warrnambool than rather than waiting until complications perhaps arose.

She then discussed whether an ambulance would be provided, but she was told that no ambulance would be provided because it was not an emergency, as she was only 3 centimetres dilated and her waters had not broken. The consequence was that at 1.30 in the morning she was advised that her sister would have to drive her 120 kilometres from the Portland hospital, where she had been admitted while in heavy labour, across to Warrnambool hospital, and a midwife would follow behind them in a car. This was Keystone obstetrics at its worst! So under great stress, in labour, she went across — on a stormy, dark, cold night — in pain to Warrnambool. She arrived at Warrnambool after 3 o'clock in the morning. Some three to five contractions later — about 5 to 10 minutes — her baby was born. She had one contraction as she got out of the car, one in the wheelchair and one in the lift. Fortunately, both she and the baby are well.

The issue is that there is no anaesthetist available at Portland to support accident and emergency. There is a history of a lack of specialists and general practitioners in that area. Already we have seen four patients having to be transferred to Warrnambool early in July because of a lack of doctors at accident and emergency in Warrnambool. We need urgent action from the minister and the department to attract more doctors and specialists for Portland. We need the government to change its policy of deliberately undermining services at country hospitals like Portland and trying to centralise them in major regional centres. We want a government that cares about country Victoria and country health services.

Racing: Cranbourne complex

Mr PERERA (Cranbourne) — I would like to raise a matter with the Minister for Racing. I call upon the Minister for Racing to take action to ensure continuing government and industry support for the Cranbourne racing and training complex. As the minister is aware, racing is an important industry in Victoria, providing over 60 000 jobs and over \$2 billion in economic activity.

The Bracks government is committed to supporting the racing industry to ensure that this state remains the national leader. Not only is racing an important industry for our state, it also makes an important economic and social contribution to my electorate. The Cranbourne racing and training complex is home to the Cranbourne thoroughbred, harness and greyhound clubs and is a

great example of how the three codes of racing can operate at one venue.

As the minister is aware, one of the highlights of the racing calendar is the City of Casey tri-code race day at Cranbourne. This is an annual event in its fourth year where the three codes race on the same day. This meeting is attended by approximately 5000 people, and it is a great day out for families. I wish to commend the committees of the three clubs for their hard work in putting together this event, which has put Cranbourne on the map. This Sunday I will be attending the Cranbourne Harness Racing Club Breeders Crown carnival final race meeting. This is a big event attended by competitors across Australasia, and the prize money is about \$1 million.

As the minister will be aware, the Cranbourne racing complex is also home to one of the biggest training and trialling centres in Victoria. Over 120 trainers and 600 horses use the facilities on a daily basis. In recent months we have seen the announcement by the Bracks government of \$21 million to duplicate parts of Sladen Street and install traffic lights at the intersection of Sladen Street and Cemetery Road in Cranbourne. This has duly been welcomed by the Cranbourne Turf Club. It just proves that the Bracks government works well with partnerships to get the job done.

I commend the Minister for Racing for including the Cranbourne racing venue in the Racing and Gaming Acts (Police Powers) Bill in order to exclude criminals and other unsavoury characters and keep Cranbourne racecourse clean. The Bracks government is committed to developing racing in regional areas, which is worth over \$380 million to the Victorian economy. Through the Living Country Racing program, which is the largest racing infrastructure program in the last decade, the Bracks government has contributed approximately \$85 000 to the Cranbourne racing and training complex.

I am also aware that, through the Racing Community Development Fund, which is a joint program between Racing Victoria and the Bracks government, Cranbourne has been allocated funding to develop and implement a plan for drought proofing and the purchase of horse ambulances to improve animal welfare. I seek assurance from the Minister for Racing that the Bracks government and Racing Victoria will continue to support the Cranbourne racing and training complex so that it can continue to play a vital role in Victoria's training and racing industry.

Coburg West Primary School: Modern Greek

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Education and Training, and it has to do with the teaching of languages other than English (LOTE). I ask the minister to investigate and to provide money to Coburg West Primary School to ensure that the teaching of Modern Greek in 2006 goes ahead. Under the previous Liberal government, LOTE was a no. 1 priority. Under this government it is an optional extra, and many schools do not have the money or the resources to ensure that language teaching is continued after 2005.

The Coburg West Parents for LOTE Support Group has written to the minister pleading with her to provide the money to ensure that Modern Greek continues at the school past 2005. A letter to the minister signed by Elias Diacolabrianos states in part:

The state government's 'equity formula' is eroding community languages from primary and secondary schools in the City of Moreland and across the state.

I am disappointed that the member for Brunswick has not raised this matter. It is obvious that when it comes to criticising the government he is missing in action. The letter continues:

The dwindling funding allocated to the languages other than English program indicates a gross lack of commitment on behalf of government, in its apparent pursuit of language and cultural development for students both at primary and secondary levels. The government is paying lip-service in its attempt to provide mainstream community languages. One hour a week of language development does not enable a student to learn a language. This is the result of an equity formula.

In late 2004, parents of Coburg West Primary School were advised the Greek language program would no longer be operational commencing year 2006 because the school would no longer be in receipt of 'extra' funds, which had to be distributed to disadvantaged schools. As you are aware, the community language program at Coburg West Primary School has operated for a number of decades and its success is attributed to the high level of professionalism and encouragement from the school community as a whole. The school principal has indicated that his 'hands are tied', because of the erosion of funding that was to commence in 2004 and has now shifted to 2005. He indicated he would no longer be able to provide one of the two community languages, one of which is Modern Green, the other thing being Italian.

It is important for the minister to investigate this matter and provide the funding needed to ensure the teaching of Modern Greek continues at the school in 2006 and beyond. Being able to speak a second and third language is vital if we are to look to the future.

World Youth Day: delegate reception

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Premier. The action I seek is that he hold a reception to welcome back to Victoria over 300 pilgrims and their leaders who are currently at the World Youth Day celebrations in Cologne, Germany. On Sunday, 31 July, at St Patrick's Cathedral the Minister for Education Services and I had the great pleasure of distributing Australian flags to Victoria's largest ever delegation to a World Youth Day event. In Cologne this week, over 1600 young Australians are celebrating this very special event, which Pope Benedict XVI opened earlier in the week. There were around 1.5 million delegates to World Youth Day and World Youth Week.

The Pope is expected to announce the location of the next World Youth Day at the final mass on Sunday, and Australia has put in a bid. If we are to be the site of the next youth day in 2008, it is important that Victoria welcomes national and international pilgrims to Victoria's outstanding spiritual and tourist sites. If Australia is successful, we will be looking at more delegates coming to this nation than we had at the Sydney Olympic Games or than are projected for the Commonwealth Games, and more than even attended the great Rugby World Cup.

Many pilgrims spend a significant amount of money when they visit different countries, and if Australia is successful in its bid they would enhance the spirituality of this nation. Cardinal George Pell is in Cologne with our 1600 delegates, and he has highlighted the fact that pilgrims of all denominations spend significant time and money visiting sites of significance. Many in the Catholic community will go to places sanctified by the life of Christ and the work of saints, and sites of martyrdom. Archbishop Hart, our Melbourne archbishop, is with the young delegates.

I wish to acknowledge Ms Jo Grainger, whose outstanding spiritual depth and organisational ability has enabled so many Victorians to attend. Minister Allan and I enjoyed the mass immensely.

Dromana Primary School: building program

Mr DIXON (Nepean) — I wish to raise a matter for the Minister for Education Services regarding Dromana Primary School. I ask the minister to fund the overdue stage 2 of its building program.

In August 2000 the school was granted funding for full planning for the two stages of its rebuilding program. In January 2001 the southern metropolitan region

endorsed and funded that master plan. In September that year full planning approval was given and the budget handed to the school. In May 2002 the school received funding of \$1.7 million. Unfortunately, in October that year the southern metropolitan region informed the school that due to a clerical error there had been a dreadful mistake and the second stage of the building program had been omitted from the funding proposal. The region was very upset because it was a clerical error on its part, and it gave a verbal undertaking that stage 2 would be funded in the next round of capital works.

The bad luck further continued, because the developers of the project, Bovis Lend Lease, made a clerical error in the preparation of its tender. As a result it was three months late and the building costs had increased. In May 2003 a letter was sent to the Minister for Education Services asking for the funding for stage 2 which had been omitted in the first budget, although no commitment was given by the minister at that stage. Because of the mistakes that had been made in the drawn-out process, when the first stage of the building finally got under way the library development component had to be taken out. The school had to redirect its furniture allowance as well as some other funds that it had put aside so that the project could go ahead, even without the library.

But two budgets later stage 2 is still unfunded even though a verbal commitment was given to fund it in the following year. Dromana Primary School is an excellent school. In fact, it is the only school in my electorate that has had to be zoned because everybody wants to send their children there. It deserves priority for its second stage because of the way it has been treated. Originally a clerical error in the department caused stage 2 to flounder in the way that it has.

Housing: disruptive tenants

Mr TREZISE (Geelong) — This afternoon I raise a matter for action by the Minister for Housing in the other place. The issue I raise for immediate action by the minister relates to an elderly couple who reside in an Office of Housing unit in the east of my electorate. Because the elderly couple fear for their personal safety and wellbeing I will not use their names in this contribution. However, I have provided their names to the minister's office, and the local office is well aware of the elderly couple.

The family I am referring to live in a unit in a block of four units. Over the last 12 months they have been subjected to both emotional and verbal abuse from a young resident in the same set of units. This has created

great distress and worry for the elderly couple, a situation they do not deserve. The action I seek from the minister is for her to immediately investigate this matter and ensure that her department takes appropriate and urgent action to assist this unfortunate couple.

No doubt most members would have had the experience on a relatively regular basis. I get phone calls from Office of Housing tenants about the behaviour of neighbours and the effect it is having on their personal lives and their quality of life. Most of the issues arise where there is a mix of young and elderly people in the same area. The young tenants enjoy loud music — they may be having a party late at night — and they do not have much regard for their neighbours.

The situation this elderly couple find themselves in is far beyond that involved in having a nuisance neighbour. On numerous occasions they have had their car vandalised and tampered with, they have had unwanted food delivered at all times of night, they have had rocks thrown at their doors and windows, and they have received verbal harassment, abuse and disturbing phone calls regularly late at night. The police have been called on numerous occasions and are well aware who the culprits are. The elderly couple have become prisoners in their own home, and this is not an acceptable situation. They have now been driven to what I would describe as their wits' end and want out of their unit — the unit they love — and they are seeking Office of Housing accommodation. I therefore seek the minister's urgent assistance on this matter.

Responses

Mr HULLS (Attorney-General) — The shadow Attorney-General raised an issue in relation to the Werribee court as a result of a visit he made there recently. I find it interesting that we have a member of the coalition raising the issue of courts, particularly after the comments I made at question time concerning the number of courts that were closed under the former government. It was really quite extraordinary.

I do not know if people remember the Prahran court debacle. I cannot remember whether the honourable member for Kew was in Parliament then or not. If he was still at the bar, I do not recall him lobbying on behalf of the court users to keep that court open. My recollection is that the former Attorney-General, Jan Wade, without even telling the court staff, just made a unilateral decision to close it for some reason. That is what was happening under the former government — but it does not happen under this government. We do not close courts, we actually open them and refurbish them. That is what we are about.

I also remember the Mildura court. When I was in opposition I went as shadow Attorney-General to Mildura and had a look at the Third World conditions that existed there. I made it quite clear that that was totally inappropriate, and I approached the department. It appears that under the previous regime political favours were done in relation to courthouses, and because the former Kennett government did not like the member for Mildura, it decided it would take the Mildura court off the priority list and put another court on the list. We decided that that was not appropriate, that Mildura was absolutely urgent and that when we came to government we would build it. We built it and we opened it, because we are all about opening new courts, refurbishing old courts and building new courts. We are unlike the mob opposite, who are all about closures. They are all about denying people — particularly in regional Victoria — access to modern justice.

Mr Plowman interjected.

Mr HULLS — We have a silly interjection by the member for Benambra, who asked, 'Did you get your pound of flesh?'. By making that type of interjection he is really saying he agrees with absolutely everything I said. It is an admission of guilt, an admission that deciding on access to justice was simply a political exercise. We are passionately committed to building a modern, responsive and accessible court system.

As the shadow Attorney-General should know, my department constantly monitors and reviews the use of courts right across the state to ensure there is genuine access to justice based on factors including case load pressures and population. Careful planning is under way to increase Magistrates Court sitting days at the Werribee court in order to improve access to justice for people in Werribee and the surrounding areas. Obviously there has been substantial lobbying by the honourable member for Tarneit in relation to that particular matter.

As part of this planning the court is consulting with local court users to ensure that the Werribee court meets the needs of the local community. My department is currently assessing the Werribee Magistrates Court's facilities and staffing with the intention of returning to the court appropriate matters from the Werribee area that presently go to Sunshine for determination. Any increase in court sitting days at Werribee will be a gradual process. The court will meet with court users to keep them informed about changes before they occur and to seek feedback on their needs so that they can be accommodated. The Department of Justice is presently determining what works are needed

on the building to cater for an increased case load and to plan for its implementation. Whilst time frames for the increase in sitting days are yet to be determined, they will depend on the assessment and the capacity of the court to hear cases.

Security is a very important element for all courts right throughout the state, and Werribee is no exception. Whilst my department does not comment on operational security matters, I can say that it is in discussions with Victoria Police to ascertain and meet present and future security needs at Werribee. There have been recent refurbishments at that court, including maintenance work on seating in the courtroom. The installation of blinds in the court was carried out during early 2005 to ensure that the facilities remain up to date. About \$10 000 has been spent on the refurbishment of the court so far this year. I understand that a change table has been installed in the female toilets at the courthouse. We have shown right across the state, and we will also show it in Werribee, that we have a clear commitment to improving access to justice for all Victorians.

Having fully and frankly responded to the issue that was raised by the shadow Attorney-General, I now have no doubt that he regrets raising it, particularly in light of the fact that he belongs to a party that in government closed courts and did not give a damn about access to justice, particularly in regional Victoria.

Honourable members interjecting.

Mr HULLS — They have a shameful record when it comes to access to justice, and I have very little doubt that it will be a long time before the member for Kew raises his head again on an issue that relates to access to justice.

The ACTING SPEAKER (Mr Ingram) — Order! The Minister for Community Services, to respond to all the other matters raised.

Ms GARBUTT (Minister for Community Services) — A number of issues have been raised by members for the attention of various ministers. I will ensure that those issues are taken up with the ministers and that they are provided with replies.

The ACTING SPEAKER (Mr Ingram) — Order! The house is now adjourned.

**House adjourned 4.03 p.m. until Tuesday,
6 September.**

QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Tuesday, 16 August 2005

Community services: Haystac Public Affairs Pty Ltd

595(g). Ms ASHER to ask the Minister for Community Services with reference to Haystac Public Affairs Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Gaming: Haystac Public Affairs Pty Ltd

595(r). Ms ASHER to ask the Minister for Gaming with reference to Haystac Public Affairs Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am advised that:

No payment has been made to Haystac Public Affairs Pty Ltd by my Department or my private office.

To provide details of payments made by agencies and statutory bodies under my administration would be an unreasonable diversion of my department's resources. The Honourable Member may wish to submit a more specific question outlining in which particular agency or statutory body they are interested.

Finance: Haystac Public Affairs Pty Ltd

595(ai). Ms ASHER to ask the Treasurer for the Minister for Finance with reference to Haystac Public Affairs Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

There have been no payments in the time period specified.

Housing: Shannon's Way Pty Ltd

596(u). Ms ASHER to ask the Minister for Health for the Minister for Housing with reference to Shannon's Way Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

The Department of Human Services has made five (5) payments to the firm Shannon's Way Pty Ltd since 28 October 2003. Details are as follows:

Date of payment	Details of project	\$ value of payment
15th December 2003	Kew Residential Services Stakeholder Communications Plan	\$14,701.50
3rd February 2004	Advertising – Premier's Drug Prevention Council's Directline 1800 000 236 promotion	\$99,676.50
5th October 2004	Production of material for 2004 Melbourne Fringe Festival	\$11,344.30
11th October 2004	Problem Gambling Community Strategy Phase 4	\$69,154.80
26th November 2004	Problem Gambling Community Strategy Phase 4	\$47,344.44

No payments were made by my private office to the firm Shannon's Way Pty Ltd since 28 October 2003.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Racing: Shannon's Way Pty Ltd

596(ac). Ms ASHER to ask the Minister for Racing with reference to Shannon's Way Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am advised that:

No payment has been made to Shannon's Way Pty Ltd by my Department or my private office.

To provide details of payments made by agencies and statutory bodies under my administration would be an unreasonable diversion of my department's resources. The Honourable Member may wish to submit a more specific question outlining in which particular agency or statutory body they are interested.

Gaming: Social Shift Pty Ltd

597(r). Ms ASHER to ask the Minister for Gaming with reference to Social Shift Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am advised that:

No payment has been made to Social Shift Pty Ltd by my Department or my private office.

To provide details of payments made by agencies and statutory bodies under my administration would be an unreasonable diversion of my department's resources. The Honourable Member may wish to submit a more specific question outlining in which particular agency or statutory body they are interested.

Health: Social Shift Pty Ltd

597(s). Ms ASHER to ask the Minister for Health with reference to Social Shift Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Innovation: Innovation Economy Advisory Board

671. Mr KOTSIRAS to ask the Minister for Innovation — since 1 January 2004 —

- (1) How many times has the IEAB met.
- (2) Which members have been absent from IEAB meetings.
- (3) How many IEAB meetings has the Minister attended.

ANSWER:

- (1) The IEAB has met four times since January 2004
- (2) Six members of the Board have attended all meetings since January 2004. Members who have not attended all IEAB meetings in that time, are:
 - Dr Bronte Adams
 - Dr Robin Batterham AO
 - Professor Adrienne Clarke AC
 - Professor Peter Doherty AC
 - Dr Jackie Fairley
 - Mr Jim Fox
 - Mr Carrillo Gantner AO
 - Mr Graham Kraehe
 - Hon Lynne Kosky MP
 - Mr Rob Hunt AM
 - Ms Fay Marles
 - Mr John McLean
 - Professor Sally Walker
 - Dr Rod Eddington
 - Dr Edward de Bono
 - Mr Kurt Liedtke

The Minister for Innovation has chaired all the IEAB meetings.

Housing: public housing — Richmond

694. Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed redevelopment of the public housing estate at Elizabeth Street —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.

- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
 - (a) public housing;
 - (b) private housing.

ANSWER:

I am informed that:

- (1) This project is in the early stage of strategic assessment and planning. Secondly, time lines cannot yet be confirmed.
- (2) A developer has not been selected for the project.
- (3) A planning permit has not been received at this time.
- (4) A planning application has not been lodged with the City of Yarra.
- (5) A budget for the life of the project has not been determined.
- (6) An allocation of \$2.5 million was made for planning of this redevelopment project in the 2003–04 budget. This was revised to \$500,000 in the midyear review.
- (7) At the end of April 2005, a total of \$0.79 million had been spent on this project.
- (8) No completion date has been set at this stage. The project is expected to span a number of years.
- (9) As the mix of private and public units and the appropriate bedroom sizes are part of concept plan considerations, they have therefore not yet been determined.

Housing: public housing — Bendigo

697. Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed redevelopment of the public housing estate at Long Gully —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
 - (a) public housing;
 - (b) private housing.

ANSWER:

I am informed that:

- (1) Construction of the three-stage redevelopment at Long Gully commenced in April 2002. It is anticipated that the project will be completed by August 2005.
- (2) Developers have been selected for the three stages of this project, namely Big G Trading Pty Ltd (Stages 1 and 3) and Gerard K House Pty Ltd (Stage 2).
- (3) Town planning permits have been received for the redevelopment. The permit for Stage 1 was granted in January 2001, for Stage 2 in April 2002 and for Stage 3 in September 2004.
- (4) All relevant planning permits have been received.
- (5) A budget over the life for this redevelopment project is estimated to be \$12 million.
- (6) A budget of \$5 million was allowed for this development in 2003–04.
- (7) As at the end of April 2005, \$9.7 million has been spent on this project.
- (8) The expected completion date of this project is August 2005.
- (9) A total of 75 new public housing dwellings will be provided by this redevelopment: 43 one-bedroom units, 30 two-bedroom units, 1 three-bedroom unit and 1 four-bedroom unit. The upgrade of 91 existing houses is complete. A further 10 homes will proceed under the Self Build Program. There are no plans for private units as part of this redevelopment.

Housing: public housing — Wodonga

699. Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed redevelopment of the public housing estate at Mark/Rundle Estate —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
 - (a) public housing;
 - (b) private housing.

ANSWER:

I am informed that:

-
- (1) A development agreement was signed in April 2004 but construction has not yet begun. Construction is planned for completion by 2006.
 - 2) The developer selected to undertake the project is Triquest Corporation Pty Ltd.
 - 3) A planning permit has not yet been received.
 - 4) The developer lodged a planning application in February 2005.
 - (5) The budget for the public housing component of this redevelopment project is estimated at \$4.2 million.
 - (6) An amount of \$30,000 had been budgeted for this development in 2003–04.
 - (7) As at the end of April 2005, a total of \$49,000 had been spent on this redevelopment project.
 - (8) The expected completion date of this project is June 2006.
 - (9) The development is expected to yield a total of 79 housing units:
 - (a) 20 two bedroom units for public housing and
 - (b) 59 two and three bedroom units for private ownership.

QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Wednesday, 17 August 2005

Environment: Point Nepean defence land

230. Mr DIXON to ask the Minister for the Environment — from where will the promised \$10–\$15 million maintenance funding for the land be sourced.

ANSWER:

I am informed that:

Prior to the announcement by the Commonwealth on 25 August 2003 that it proposed to lease out the Quarantine precinct at Point Nepean, the Government had stated that it would establish a funding program to provide for future management of this important site.

The Government was, and still is, committed to Point Nepean and is prepared to commit funding through the State Budget Process to provide for management of the site, should it be in a position to need to provide for management.

Transport: Melbourne yard sidings — asbestos

372. Mr MULDER to ask the Minister for Transport —

- (1) How many M>Train services were cancelled on each of the Broadmeadows, Cranbourne, Frankston, Pakenham, Sandringham, Watergardens, Werribee, Williamstown and Upfield lines between 15 and 24 October 2003 inclusive as a result of asbestos being found in the Melbourne Yard stabling sidings.
- (2) What was the scheduled time of departure from its terminus of all trains cancelled on each line, and on what dates was each cancelled.
- (3) What steps are being taken to ensure that any further asbestos residues are immediately discovered and then removed from inner city stabling sidings such as in the North Melbourne area, closer to North Melbourne station than the Melbourne Yard stabling sidings.

ANSWER:

I am advised that:

- (1) 37 M>Train services were cancelled between 15 and 24 October 2003 inclusive as a result of asbestos being found in the Melbourne Yard stabling sidings.
- (2) The date, line and scheduled time of departure from origin of each service cancelled are detailed in attachment 1.
- (3) Soil samples and an airborne test were undertaken at the Melbourne Yard stabling sidings. Staff were addressed by consultants Kilpatrick and Associates and told how to recognise and handle asbestos. VicTrack undertakes general environmental audits of all its sites.

ATTACHMENT 1

Services Cancelled due to Asbestos in Melbourne Yard		
Date	Line	Scheduled Departure Time
16/10/03	Broadmeadows	4:17 PM
		5:03 PM
		5:37 PM
	Cranbourne	3:52 PM
		5:02 PM
	Frankston	2:59 PM
		4:14 PM
	Werribee	4:45 PM
		5:43 PM
	Sandringham	3:35 PM
		4:10 PM
		5:49 PM
6:27 PM		
20/10/03	Broadmeadows	5:48 PM
	Werribee	7:46 AM
	Sandringham	5:27 PM
		6:03 PM
21/10/03	Broadmeadows	3:09 PM
		4:03 PM
		4:29 PM
	Cranbourne	3:28 PM
		4:46 PM
	Frankston	4:38 PM
		5:56 PM
	Pakenham	2:51 PM
	Werribee	1:45 PM
		2:45 PM
		2:46 PM
		3:43 PM
	Williamstown	5:11 PM
		4:20 PM
		5:40 PM
	Sandringham	2:57 PM
		3:33 PM
		4:17 PM
4:52 PM		
5:07 PM		

Note: the 21 October 4:20 PM service on the Pakenham Line travelling towards Flinders Street Station departed from Westall at 4:57 PM rather than its scheduled departure point of Pakenham. This service has not been included in the list above.

Agriculture: Basslink Pty Ltd

380. **Mr INGRAM** to ask the Minister for Agriculture with reference to the construction of the Basslink Pty Ltd marine cable and its impact on commercial and recreational fisheries —

- (1) In relation to the code of conduct for commercial fishers as required by the Minister for Planning —
 - (a) has Basslink Pty Ltd prepared a code of conduct for commercial fishers as required;
 - (b) has the Government approved the code and when will it be publicly available;
 - (c) will the code be agreed to before the Basslink project commences;
 - (d) if a code of conduct cannot be agreed to, will the Minister ensure that issues of concern are addressed;
 - (e) with which fishing groups and individuals did the proponents consult in developing the code; and
 - (f) did the proponents consult with Gippsland fishers such as those from Yarram, Port Albert, McLoughlin's Beach, Lakes Entrance, Port Welshpool and Port Franklin, if not, why not; if so, with whom.
- (2) In the consultation process, what changes were made from the draft code of conduct to reflect the concerns raised by the commercial fishers.
- (3) Did the proponents consult with the recreational fishers of Gippsland who will actually be fishing and anchoring in the Victorian waters where the subsea cables are proposed to be laid.
- (4) As the planned use of the metallic return cable results in a magnetic field which will cause deviation of magnetic boat compasses, how is this safety information being provided to all Gippsland fishers.
- (5) As the commercial fishers at Port Albert have not accepted the use of the Bruce anchor, why is it still being endorsed by Basslink.
- (6) As the movement of the strong Bass Strait currents through the magnetic field of the bundled subsea cables creates an induced electric field which will be detected by sharks and rays, what studies have been conducted by Basslink to confirm the changes in shark and ray behaviour which may occur when the cables are in use.
- (7) Will the operating cables cause more sharks to swim inshore close to the public swimming beaches along the tourist attraction of the Ninety Mile Beach.
- (8) What studies have been undertaken to assess the impact on tourism in the area.
- (9) If, in the event that Basslink is constructed with metallic return marine cables bundled together instead of the more benign coaxial cable, and sharks and rays follow the cable as scientific research suggests, will the Government have the power to force the operators to turn off the cable.
- (10) Will the Government have the power to force the owner of the cable to remove the metallic return configuration and have it replaced with coaxial cable.
- (11) If the cable needs to be modified after construction, who will be required to bear the cost of modification.

ANSWER:

I am informed that:

(1), (2) and (3) Basslink has prepared a code of conduct for commercial fishermen which was approved by the Minister for Environment, Hon John Thwaites MP on behalf of the Government on 9 September 2003. This code of conduct has been available on the web site www.basslink.com.au in a draft format since March 2003 and the final document is currently available from that web site.

Basslink has consulted with a variety of fishing bodies including the Victorian peak bodies for recreational fishers (VRFish) and commercial fishers (Seafood Industries Victoria). All issues raised as a result of consultation were addressed, including the design of a wheel house sticker. As required by the Consent under s37 of the *Coastal Management Act 1995* and the Minister for Planning's Assessment (September 2003), the code was endorsed after careful consideration by the Victorian Fisheries Co-management Council on 11 June 2003.

(4) I am advised that the level of deviation caused by the metallic return cable to magnetic boat compasses will be infinitely small given the rate of attenuation of the electromagnetic field. Even a small vessel in shallow water directly above the cable would not be able to measure this level of deviation.

(5) Choice of anchor is always contentious amongst mariners and preferences will ultimately be decided by the individual. I am not in a position to comment on this debate, but I note that Basslink has not been prescriptive in this manner.

(6) and (7) The Marine and Freshwater Resources Institute Report No. 20, prepared in December 2001, addressed issues related to Potential impacts of Basslink on chondrichthyans and other biota. Although there is evidence that sharks are able to discern very small variations in electric and magnetic fields, the strength of these fields dissipates rapidly with distance from the cable such that they are at levels of 1.1 to 1.3 times the geomagnetic field after one metre. It is therefore difficult to imagine anything other than a very localised impact on shark behaviour, and even then it is likely that this is only a temporary change of course. The sharks are endemic to this area and there is no reason to expect an increase in their abundance caused by the cables or that their interactions with people will increase.

(8) Given that there is no indication that there will be either an increase in aggressive behaviour exhibited by sharks nor that there should be more interactions with people, the effects on tourism are expected to be negligible. Further questions relating to tourism should be directed to the Minister holding that portfolio, Hon John Pandazopoulos MP.

(9), (10) and (11) It is inappropriate for me to comment on the Government's responsibilities and powers when Basslink becomes operational, and so I suggest you refer questions regarding operational safety to the Minister for Energy and Resources, the Hon. Theo Theophanous MP.

The Minister will continue to monitor the developments arising from this important project, particularly on any impacts on fish stocks and fishers in the Gippsland region.

Aged care: Haystac Public Affairs Pty Ltd

595(t). Ms ASHER to ask the Minister for Health for the Minister for Aged Care with reference to Haystac Public Affairs Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Housing: Haystac Public Affairs Pty Ltd

595(u). Ms ASHER to ask the Minister for Health for the Minister for Housing with reference to Haystac Public Affairs Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Gaming: Shannon's Way Pty Ltd

596(r). Ms ASHER to ask the Minister for Gaming with reference to Shannon's Way Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am advised that:

No payment has been made to Shannon's Way Pty Ltd by my Department or my private office.

To provide details of payments made by agencies and statutory bodies under my administration would be an unreasonable diversion of my department's resources. The Honourable Member may wish to submit a more specific question outlining in which particular agency or statutory body they are interested.

Aged care: Shannon's Way Pty Ltd

596(t). Ms ASHER to ask the Minister for Health for the Minister for Aged Care with reference to Shannon's Way Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

The Department of Human Services has made five (5) payments to the firm Shannon's Way Pty Ltd since 28 October 2003. Details are as follows:

Date of payment	Details of project	\$ value of payment
15th December 2003	Kew Residential Services Stakeholder Communications Plan	\$14,701.50
3rd February 2004	Advertising – Premier's Drug Prevention Council's Directline 1800 000 236 promotion	\$99,676.50
5th October 2004	Production of material for 2004 Melbourne Fringe Festival	\$11,344.30
11th October 2004	Problem Gambling Community Strategy Phase 4	\$69,154.80
26th November 2004	Problem Gambling Community Strategy Phase 4	\$47,344.44

No payments were made by my private office to the firm Shannon's Way Pty Ltd since 28 October 2003.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Community services: Social Shift Pty Ltd

597(g). Ms ASHER to ask the Minister for Community Services with reference to Social Shift Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Racing: Social Shift Pty Ltd

597(ac). Ms ASHER to ask the Minister for Racing with reference to Social Shift Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am advised that:

No payment has been made to Social Shift Pty Ltd by my Department or my private office.

To provide details of payments made by agencies and statutory bodies under my administration would be an unreasonable diversion of my department's resources. The Honourable Member may wish to submit a more specific question outlining in which particular agency or statutory body they are interested.

Housing: public housing — Wendouree West

704. Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed neighbourhood renewal project at the public housing estate at Wendouree West —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
 - (a) public housing;
 - (b) private housing.

ANSWER:

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project which commenced in August 2001. The housing and physical improvement works associated with the Neighbourhood Renewal program were anticipated to take approximately five years. A three year extension was announced as part of the social policy action plan *A Fairer Victoria*.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) The total budget for the original five year project is estimated at \$15.5 million. As the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not yet been defined.
- (6) (a) \$3.037 million was allocated for housing and improvement works for 2003–04 financial year.

- (b) \$0.58 million was allocated for all other elements of the Neighbourhood Renewal project in Wendouree West for 2003–04 financial year.
- (c) \$3.54 million was allocated in total for the Wendouree West Neighbourhood Renewal project for 2003–04.
- (7) As at the end of April 2005, a total of \$9.36 million had been spent in this Neighbourhood Renewal area.
- (8) Allowing for the three year extension, the Wendouree West Neighbourhood Renewal project is now scheduled for completion at the end of the 2008–09 financial year.
- (9) Not applicable.

Housing: public housing — Doveton and Eumemmerring

707. Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed neighbourhood renewal project at the public housing estate at Doveton and Eumemmerring —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
 - (a) public housing;
 - (b) private housing.

ANSWER:

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project which commenced in August 2003. The housing and physical improvement works associated with the Neighbourhood Renewal program were anticipated to take approximately five years. A three year extension was announced as part of the social policy action plan *A Fairer Victoria*.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) The total budget for the original five year period is estimated at \$8.3 million. As the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not yet been defined.

-
- (6) (a) \$810,000 was allocated for housing and improvement works for the 2003–04 financial year.
- (b) \$350,000 was allocated for all other elements of the Neighbourhood Renewal project in Doveton and Eumemmerring for 2003–04 financial year.
- (c) \$1.16 million was allocated in total for the Doveton and Eumemmerring Neighbourhood Renewal project for 2003–04.
- (7) As at the end of April 2005, a total of \$1.79 million had been spent on this Neighbourhood Renewal project.
- (8) Allowing for the three year extension, the Doveton and Eumemmerring Neighbourhood Renewal project is now scheduled for completion at the end of the 2010–11 financial year.
- (9) Not applicable.

QUESTIONS ON NOTICE

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 Questions have been incorporated from the notice paper of the Legislative Assembly.
 Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
 The portfolio of the minister answering the question on notice starts each heading.*

Thursday, 18 August 2005

Aged care: bush nursing centres

396. Mr MAUGHAN to ask the Minister for Health for the Minister for Aged Care —

- (1) To provide a list of the Centres which have been funded by the Department of Human Services.
- (2) To provide details of the value of administration grants paid to each Centre.

ANSWER:

I am informed that:

1) The Department of Human Services provides funding to the following 14 Bush Nursing Centres (BNC)

- 1. Balmoral Bush Nursing Centre
- 2. Dartmoor & District Bush Nursing Centre
- 3. Buchan Bush Nursing Centre
- 4. Cann Valley Bush Nursing Centre
- 5. Dargo Bush Nursing Centre
- 6. Gelantipy Bush Nursing Centre
- 7. Swifts Creek Bush Nursing Centre
- 8. Dingee Bush Nursing Centre
- 9. Lockington and District Bush Nursing Centre
- 10. Harrow Bush Nursing Centre
- 11. Lake Bolac Bush Nursing Centre
- 12. Elmhurst Bush Nursing Centre
- 13. Woomelang & District Bush Nursing Centre
- 14. Walwa Bush Nursing Centre

2) Bush Nursing Centres do not receive specific administration grants.

Base budgets are as follows

Bush Nursing Centre	Recurrent base budget year to date March 2004
Balmoral	\$273,485
Walwa	\$228,499
Dartmoor	\$205,783
Lake Bolac	\$245,849
Cann Valley	\$197,053
Harrow	\$201,396

Bush Nursing Centre	Recurrent base budget year to date March 2004
Swifts Creek.	\$177,609
Woomelang	\$188,002
Buchan	\$161,285
Elmhurst	\$159,280
Dingee	\$140,558
Lockington	\$118,590
Dargo	\$104,711
Gelantipy	\$73,301
Total	\$2,475,401

Health: Haystac Public Affairs Pty Ltd

595(s). Ms ASHER to ask the Minister for Health with reference to Haystac Public Affairs Pty Ltd —

- (1) What payments have been made to the company by the Minister’s department or private office or any agency or statutory body under the Minister’s administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department’s resources.

Racing: Haystac Public Affairs Pty Ltd

595(ac). Ms ASHER to ask the Minister for Racing with reference to Haystac Public Affairs Pty Ltd —

- (1) What payments have been made to the company by the Minister’s department or private office or any agency or statutory body under the Minister’s administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am advised that:

No payment has been made to Haystac Public Affairs Pty Ltd by my Department or my private office.

To provide details of payments made by agencies and statutory bodies under my administration would be an unreasonable diversion of my department’s resources. The Honourable Member may wish to submit a more specific question outlining in which particular agency or statutory body they are interested.

Treasurer: Haystac Public Affairs Pty Ltd

595(ah). Ms ASHER to ask the Treasurer — with reference to Haystac Public Affairs Pty Ltd —

- (1) What payments have been made to the company by the Minister’s department or private office or any agency or statutory body under the Minister’s administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

There were no payments in the time period specified.

WorkCover: Haystac Public Affairs Pty Ltd

595(ao). Ms ASHER to ask the Minister for WorkCover with reference to Haystac Public Affairs Pty Ltd —

- (1) What payments have been made to the company by the Minister’s department or private office or any agency or statutory body under the Minister’s administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that the following payments were made to Haystac Public Affairs Pty Ltd:

a) In relation to the Transport Accident Commission

Amount (including GST)	Payment Date	Description of Project
1,702.80	04 Sep 2003	Professional Fees Aug 03
7,332.60	04 Sep 2003	Annual Report 2003
7,082.90	15 Sep 2003	TAC law Employment
7,334.80	30 Sep 2003	Annual Report 2003
591.25	30 Sep 2003	Contact Sep 2003
1,064.25	31 Oct 2003	Contact Oct 2003
1,655.50	13 Jan 2004	Contact Nov & Dec 2003
2,128.50	27 Feb /2004	Contact Feb 2004
1,182.50	31 Mar 2004	Contact Mar 2004
2,010.25	30 Apr 2004	Contact Apr 2004
1,182.50	31 May 2004	Contact May 2004
1,123.38	30 June 2004	Contact Jun 2004
11,000.00	31 Jul 2004	Annual Report
1,182.50	31 Aug 2004	Contact Aug 2004
11,000.00	18 Sep 2004	Annual Report
1,320.00	30 Sep 2004	Contact Sep 2004

b) In relation to the Victorian WorkCover Authority

Amount \$ (Including GST)	Payment Date	Description of project
5,500.00	17 Sep 03	Annual Report 2003
4,730.00	17 Sep 03	Care Model Consultation & Communications
8,470.00	08 Oct 03	Launch VWA Small Business Campaign
1,330.32	22 Oct 03	Care Model Consultation & Communications
2,217.19	22 Oct 03	Care Model Consultation & Communications
11,000.00	29 Oct 03	Annual Report 2003
11,000.00	07 Jul 04	Annual Report 2004
11,000.00	18 Aug 04	Annual Report 2004
11,000.00	10 Nov 04	Annual Report 2004
56,274.55*	10 Nov 04	Work Safe Week 2004
58,749.55*	10 Nov 04	Work Safe Week 2004
1,182.50	17 Nov 04	Professional Fees – Review, editing and redrafting material for announcement of results

*Multiple payments made on the same day for separate invoices received for various stages/elements of the job completed

Community services: Shannon’s Way Pty Ltd

596(g). Ms ASHER to ask the Minister for Community Services with reference to Shannon’s Way Pty Ltd —

- (1) What payments have been made to the company by the Minister’s department or private office or any agency or statutory body under the Minister’s administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

The Department of Human Services has made five (5) payments to the firm Shannon’s Way Pty Ltd since 28 October 2003. Details are as follows:

Date of payment	Details of project	\$ value of payment
15th December 2003	Kew Residential Services Stakeholder Communications Plan	\$14,701.50
3rd February 2004	Advertising – Premier’s Drug Prevention Council’s Directline 1800 000 236 promotion	\$99,676.50
5th October 2004	Production of material for 2004 Melbourne Fringe Festival	\$11,344.30
11th October 2004	Problem Gambling Community Strategy Phase 4	\$69,154.80
26th November 2004	Problem Gambling Community Strategy Phase 4	\$47,344.44

No payments were made by my private office to the firm Shannon’s Way Pty Ltd since 28 October 2003.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Health: Shannon's Way Pty Ltd

596(s). Ms ASHER to ask the Minister for Health with reference to Shannon's Way Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

The Department of Human Services has made five (5) payments to the firm Shannon's Way Pty Ltd since 28 October 2003. Details are as follows:

Date of payment	Details of project	\$ value of payment
15th December 2003	Kew Residential Services Stakeholder Communications Plan	\$14,701.50
3rd February 2004	Advertising – Premier's Drug Prevention Council's Directline 1800 000 236 promotion	\$99,676.50
5th October 2004	Production of material for 2004 Melbourne Fringe Festival	\$11,344.30
11th October 2004	Problem Gambling Community Strategy Phase 4	\$69,154.80
26th November 2004	Problem Gambling Community Strategy Phase 4	\$47,344.44

No payments were made by my private office to the firm Shannon's Way Pty Ltd since 28 October 2003.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Aged care: Social Shift Pty Ltd

597(t). Ms ASHER to ask the Minister for Health for the Minister for Aged Care with reference to Social Shift Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Housing: Social Shift Pty Ltd

597(u). Ms ASHER to ask the Minister for Health for the Minister for Housing with reference to Social Shift Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by any agency or statutory body under my administration would be an unreasonable diversion of my department's resources.

Treasurer: Social Shift Pty Ltd

597(ah). Ms ASHER to ask the Treasurer with reference to Social Shift Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

There were no payments in the time period specified.

Housing: public housing — Collingwood

703. Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed neighbourhood renewal project at the public housing estate at Hoddle, Wellington, Johnston and Vere streets —

- (1) What is the time line.
- (2) Has a developer been selected; if so, who.
- (3) Has the Government received a planning permit; if so, when.
- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.

- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
 - (a) public housing;
 - (b) private housing.

ANSWER:

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project which commenced in 2002. The housing and physical improvement works associated with this Neighbourhood Renewal program were anticipated to take approximately five years. A three year extension of the Neighbourhood Renewal project was announced as part of the social policy action plan *A Fairer Victoria*.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) An overall budget covering both physical improvements and other community building activities is estimated to be \$50 million.
- (6)
 - (a) \$5.2 million was allocated for housing and improvement works for 2003–04 financial year.
 - (b) \$216,000 was allocated for all other elements of the Neighbourhood Renewal project in Collingwood for 2003–04 financial year.
 - (c) \$5.416 million was allocated in total for the Collingwood Neighbourhood Renewal project for 2003–04.
- (7)
 - (a) \$16.084 million has been spent to date for housing and improvement works at Collingwood as part of the Neighbourhood Renewal project.
 - (b) \$781,000 has been spent on all other elements of the Neighbourhood Renewal project to date.
 - (c) In total, \$16.86 million has been spent to date for the Collingwood Neighbourhood Renewal project.
- (8) Allowing for the three year extension, the Collingwood Neighbourhood Renewal project is now scheduled for completion at the end of the 2009–10 financial year.
- (9) Not applicable.

Housing: public housing — Churchill

- 711.** Mrs SHARDEY to ask the Minister for Health for the Minister for Housing with reference to the proposed neighbourhood renewal project at the public housing estate at Glendonald Estate —
- (1) What is the time line.
 - (2) Has a developer been selected; if so, who.
 - (3) Has the Government received a planning permit; if so, when.

- (4) If a planning permit has not been received, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget over the life of the project.
- (6) How much was budgeted in 2003–04.
- (7) How much has been spent so far.
- (8) What is the expected completion date.
- (9) Broken down by the number of bedrooms how many units will be available for —
 - (a) public housing;
 - (b) private housing.

ANSWER:

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project at Churchill, together with projects at Traralgon East, Morwell East and Moe East, which is part of the Latrobe Valley Neighbourhood Renewal, an initiative of the Latrobe Valley Ministerial Taskforce. The Churchill renewal project commenced in 2002 and has been funded to June 2005. As part of the social policy action plan *A Fairer Victoria*, a three year extension was announced in May 2005.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) The total budget for the whole Latrobe Valley project is \$18.6 million. Separate budgets for the four areas within the Latrobe Valley project have not been defined. Further, as the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not been determined.
- (6) (a) \$3.96 million was allocated for housing and improvement works for the 2003–04 financial year for the overall Latrobe Valley project.
 (b) \$0.57 million was allocated for all other elements of the Neighbourhood Renewal project for 2003–04 financial year.
 (c) \$4.5 million was allocated in total for the Neighbourhood Renewal project in the Latrobe Valley for 2003–04.
- (7) As at the end of April 2005, a total of \$17.2 million had been spent on the Latrobe Valley Neighbourhood Renewal project as a whole.
- (8) The Churchill Neighbourhood Renewal project is scheduled for completion at the end of the 2007–08 financial year.
- (9) Not applicable.