PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Wednesday, 19 October 2005

(extract from Book 6)

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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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Minister for Sport and Recreation and Minister for Commonwealth Games	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
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Minister for Energy Industries and Minister for Resources	The Hon. T. C. Theophanous, MLC
Minister for Consumer Affairs and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
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Legislative Assembly committees

Privileges Committee — Mr Cooper, Mr Herbert, Mr Honeywood, Ms Lindell, Mr Lupton, Mr Maughan, Mr Nardella, Mr Perton and Mr Stensholt.

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.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz. (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell.

Family and Community Development Committee — (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell Mrs Shardey and Mr Wilson. (*Council*): The Honourable D. McL. Davis and Mr Smith.

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.

Road Safety Committee — (*Assembly*): Dr Harkness, Mr Langdon, Mr Mulder and Mr Trezise. (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney.

Rural and Regional Services and Development Committee — (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh. (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell.

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

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JUDY MADDIGAN

Deputy Speaker: Mr P. J. LONEY

Acting Speakers: Ms Barker, Ms Campbell, Mr Cooper, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
The Hon. S. P. BRACKS

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Asher, Ms Louise	Brighton	LP	Lim, Mr Hong	Clayton	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Batchelor, Mr Peter	Thomastown	ALP	Lockwood, Mr Peter John	Bayswater	ALP
Beard, Ms Dympna Anne	Kilsyth	ALP	Loney, Mr Peter James	Lara	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Lupton, Mr Anthony Gerard	Prahran	ALP
Bracks, Mr Stephen Phillip	Williamstown	ALP	McIntosh, Mr Andrew John	Kew	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McTaggart, Ms Heather	Evelyn	ALP
Buchanan, Ms Rosalyn	Hastings	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maughan, Mr Noel John	Rodney	Nats
Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
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
D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Delahunty, Mr Hugh Francis	Lowan	Nats	Munt, Ms Janice Ruth	Mordialloc	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Dixon, Mr Martin Francis	Nepean	LP	Nardella, Mr Donato Antonio	Melton	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Doyle, Mr Robert Keith Bennett	Malvern	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Eckstein, Ms Anne Lore	Ferntree Gully	ALP	Perera, Mr Jude	Cranbourne	ALP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Perton, Mr Victor John	Doncaster	LP
Gillett, Ms Mary Jane	Tarneit	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Plowman, Mr Antony Fulton	Benambra	LP
Haermeyer, Mr André	Kororoit	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Harkness, Dr Alistair Ross	Frankston	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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WEDNESDAY, 19 OCTOBER 2005

Wednesday, 19 October 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 217 to 224 and 374 to 383 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Racial and religious tolerance: legislation

To the Legislative Assembly of Victoria:

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

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

By Dr SYKES (Benalla) (148 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

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

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

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

By Mr RYAN (Gippsland South) (14 signatures)

Taxis: rural and regional

To the Legislative Assembly of Victoria:

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

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

By Mr RYAN (Gippsland South) (29 signatures)

Preschools: accessibility

To the Legislative Assembly of Victoria:

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

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

By Ms McTAGGART (Evelyn) (269 signatures)
Mr COOPER (Mornington) (390 signatures)
Mr DIXON (Nepean) (622 signatures)

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

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

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

DOCUMENTS

Tabled by Clerk:

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 2005 and Summary of Variations

Notified between 16 June and 30 September 2005 — Ordered to be printed

Parliamentary Committees Act 2003:

Response of the Minister for Police and Emergency Services on the action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry Into Violence Associated with Motor Vehicle Use

Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee's Inquiry into Crashes Involving Roadside Objects

Statutory Rules under the following Acts:

Mental Health Act 1986 — SR No 127

Public Transport Competition Act 1995 — SR No 128

Road Safety Act 1986 — SR Nos 126, 129

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 129.

Tabled.

Mr Baillieu — On a point of order, Speaker, on our seats today when members arrived was a copy of a report by the Professor of Victorian State Parliamentary Democracy at Swinburne University of Technology, entitled *Reformed Bicameralism*. I understand it is a joint paper by the Parliament and the university. I wonder if you, Speaker, could tell us how the document has the status to be placed on the seats of members of Parliament. I am sure the document is welcomed by members, but from time to time many members wish to place documents on the chairs of members, and that practice has been constrained in the past. I wonder what status this document has that makes it the exception.

The SPEAKER — Order! From time to time the Speaker authorises the placing of articles on the seats, such as the indication about the science briefing. The document is a result of a committee that the Deputy Leader of the Opposition is on; perhaps the member could take the matter up with him, and he will explain it all.

MEMBERS STATEMENTS

Schools: retention rate

Mr SEITZ (Keilor) — I rise to support the educators in the shires of Melton and Brimbank who recently met at Victoria University to assess the needs of education in keeping our young people at school and to go on to tertiary education.

The cities of Brimbank and Melton have one of the lowest retention rates in year 12 and of students who then go on to a college education at university or a TAFE college. For those reasons it is commendable that the educators have taken time out to hold a seminar in conjunction with the university to discuss how to improve retention rates. Victoria University has changed tremendously since the new chancellor was appointed, in connecting with the community and doing a fantastic job in making people aware of the university and the services it can provide to the community.

Last Monday there was a further community meeting to network and discuss the needs of the west and how further services can be provided by the university for education in the region. It also highlighted the shortcomings of education facilities and the ability of people to access education in the region.

Peter Halloran

Mr COOPER (Mornington) — Now that Peter Halloran has finally been exonerated of the trumped-up charges he faced in Sierra Leone there are some people in Australia who need to do some explaining. The first of these should be the woman who now resides in Queensland and who organised the allegations. The next should be those at a senior level in Victoria Police who have been noticeable for their lack of support for a distinguished and long-serving member of the force. Indeed, some senior police officers have apparently been happy to sink the boots into Mr Halloran by spreading false stories about him. What a nice group of colleagues they turned out to be!

Support and assistance to this man were denied by those who should have been to the fore in fighting for his release. The Premier and the Chief Commissioner of Police have nothing to be proud of in basically leaving Peter Halloran to fend for himself. He was lucky that he had some friends and that with their help justice eventually prevailed — at least it did in Sierra Leone — but it seems justice has gone missing in his home state.

What is really disturbing is that even though Peter Halloran has been completely exonerated, his reputation is still being questioned back here in Victoria. The Chief Commissioner of Police needs to put aside her personal agenda and welcome Peter Halloran back to Victoria and back to Victoria Police. He deserves nothing less.

Glen Iris Primary School: 140th anniversary

Mr STENSHOLT (Burwood) — This year is the 140th anniversary of Glen Iris Primary School, and it will be celebrated with great enthusiasm this Friday by the whole school community and indeed, by many people in Glen Iris. State school 1148 had its origins in 1865 with a certificated teacher, William Frencham, at the Wesleyan Chapel. By 1870, it had become rural school 54 and in 1871 the Parliament received an annual report from the education authorities listing the school as a common school.

School buildings were built in 1872 for 60 pupils. A second room was built in 1909 at a cost of over £500. There were further extensions in 1924 and again in 1927 when there were close to 400 students. Further extensions and replacement buildings were promised by the minister in the 1930s but never eventuated until the last few years under the current government when a new building was built to replace the old and out-of-date buildings and portables. Plans are currently being drawn up for a second stage to refurbish the old main building and possibly build a new hall and performance space.

It is all happening at Glen Iris Primary School. The other week I was able to present them with a Commonwealth Games flag, and on Monday I presented 101 Premier's Reading Challenge certificates as well as an Australian flag. Thank you very much to teacher Shelley Morrison for organising that. It is a great school led by principal Sue Collins and Sharni Mollard, the president of the school council. I wish the school a happy 140th anniversary.

Tatura Children's Centre

Mrs POWELL (Shepparton) — On Wednesday, 21 September, I attended the annual general meeting of the Tatura Children's Centre. TCC is a fantastic not-for-profit organisation that is managed by a volunteer committee of management. The centre provides child care for 60 children each day, including preschool sessions for 34 children. The centre manages a vacation care program during school holidays for up to 30 children, and a toy library. The preschool program is currently running at a loss for the first time due in turn to the loss of various government subsidies. If state government funding is not secured, the TCC will have no option but to increase fees, which will put its preschool and child-care programs out of reach of the average family in Tatura.

At the meeting I was told that due to the drought many parents will not be able to afford the fee increase, along with families on low incomes. There is also a difficulty in maintaining a committee of management with the skills and time to manage a business with a $600 000 yearly budget and a staff of about 12. TCC has investigated joining a cluster management group, which would reduce the workload and responsibility of the committee and gain $5000 for the cluster manager, but it found that cluster management organisations are too far away.

TCC needs state government funding to keep its children's services affordable, or at least it needs support with administration to enable them to remain viable. I received a letter from the parents of a two-year-old child attending the centre, commending the staff on their caring attitude and interest in each child's development. A single working mum told me that she could not afford any fee increase and had no alternative placing for her child. I urge the state government to support this much-needed centre for children and families in the Tatura district.

Schools: Geelong electorate

Mr TREZISE (Geelong) — I take this opportunity to commend the Bracks government and the Minister for Education Services for the resurrection of state schools in my electorate of Geelong. This of course is a reflection of the tremendous work being carried out right across Victoria. In stark contrast, the former government closed numerous schools in Geelong, including Swanston Street Primary School and North Geelong Primary School. Under the Bracks government literally dozens of schools in the Geelong region have been the subject of major upgrades. In the electorate of Geelong alone primary schools such as East Geelong, Tate Street, South Geelong, Chilwell, Herne Hill, Hamlyn Banks, and Fyans Parks have all been upgraded.

Only last week, Minister Kosky was in Geelong to open a number of new extensions on the Bellarine Peninsula and in Geelong, including my old school of Geelong high — and I might also say that it is the old school of the Deputy Speaker and the member for Ballarat East. At Geelong high the minister opened a magnificent new gymnasium and new science classrooms. Of course there is still more to be done, and I look forward to working with the minister and a number of schools in my electorate to ensure that the government continues to provide excellent education facilities right across my electorate and the right across Victoria.

Environment: effects statement process

Mr HONEYWOOD (Warrandyte) — When is this inept, arrogant government going to overhaul its flawed environment effects process? The government was damned by its own words on this issue when the then planning minister, now the Minister for Environment, stated in a media release in 2000 that the environment effects statement (EES) process is 'less than adequate'. Yet because he refused to adopt the recommendations for a substantial change to this process made by its own working party, it is now labouring away with a process that does not stand up to independent scrutiny — not just with regard to the flawed channel deepening project but now with regard to its appalling latest attempt to dump toxic waste on the community of the Sunraysia region.

Surely in this day and age we can do better than to dress up as EES community consultation invitation-only meetings where so-called expert reports are delivered — but only verbally. Do not ask for a hard copy that might provide evidence of a cover-up or corrupted data! In all of this the state government's much-vaunted equal partnership arrangement with local government has been totally abused. Providing a six-week EES consultation period which happens exactly to coincide with local councils up and down the Calder Highway being in caretaker mode and which is made just prior to the November council elections is just not on. It smacks of the absolute arrogance of a government that wants to hide the truth about what is going on with this EES process rather than being true to its promise of being open and transparent.

Housing: Wendouree West neighbourhood renewal

Ms OVERINGTON (Ballarat West) — On Monday, 10 October, Lauren Scully, a young woman from the Wendouree West community renewal program, spoke on behalf of all Victorian neighbourhood renewal residents at the announcement of four new neighbourhood renewals by the Premier and Minister for Housing at West Heidelberg. Lauren was asked to speak about her personal journey through the neighbourhood renewal program and what neighbourhood renewal has done for Wendouree West.

Lauren spoke of how she had been raised in Wendouree West and now raises three daughters there. Through her mother, Lauren had always had a deep sense of community, but it was the renewal that provided the resources to give all residents the opportunity to become one with their local community. Lauren has become a passionate advocate for Wendouree West renewal, and she is now a member of the renewal project team. She spoke of how the renewal had changed Wendouree West. She said residents have been empowered to take control of their lives and shape their own destinies.

Through hard work and sheer determination residents have put Wendouree West on the map. The stigma associated with the community is fast reducing. Jobs have been created and many people are working for the first time in their lives. Education has become a priority. Houses have been turned into homes. No longer are they little boxes all in a row; they each have their own individual look and charm. Beautiful parks have been created. Friendships have been forged and the community is alive and buzzing again.

People are proud to live in Wendouree West and for the first time for some residents, whose daily lives were a matter of survival, there is a renewed sense of hope for something bigger.

Preschools: accessibility

Mr DIXON (Nepean) — Today I tabled in Parliament a petition signed by 607 parents from my electorate who have real concerns about the direction of preschool education — and I stress the word 'education' — in Victoria. I have considerable empathy for the concerns that have been raised with me, and I know with other members, about the number of preschool teachers leaving the system; the low take-up rate of preschool teacher training; the administrative workload expected of preschool parent committees; and also the absurd and I would think archaic view, mainly in Victoria, that preschools are health institutes and not places of education.

I think that preschools should have much closer links to a variety of models in our education system. This would provide better professional support for preschool teachers and also better work conditions. Schools would also benefit from the professional knowledge of preschool teachers. The administrative load would be considerably lightened for parents, enabling parents to be more involved in the day-to-day educational activities of their children's preschool. Instead of parents spending hours of volunteer time on administration, staffing, fundraising, enrolments and fee collection, they could once again be partners in their children's early and vital education. The Bracks government's plan of group employment models and merging preschools with child-care centres is a bandaid approach and undermines the educational credibility of our preschools.

Connex: performance

Mr LIM (Clayton) — I wish to thank Connex Melbourne for erecting a splendid new fence along the railway line that runs beside Haughton Road in my electorate. Not only does the fence improve safety by preventing illegal crossings of the railway line at this busy point, but it considerably improves the aesthetics of the adjacent Clayton Road rail crossing.

I understand that Connex has been criticised in the past for the perception that it does not always deal with maintenance issues of this nature in a timely manner, but I have to say that my experience in relation to the new fence has been very positive. The old fence was rather dilapidated and rusty and looked very unsightly. My office raised this issue with Connex late last year, and following discussions among my staff, the Minister for Transport and Connex, the new fence was completed a few weeks ago. Congratulations are due to the Minister for Transport and his staff for funding this project.

I also wish to congratulate Connex on its improved maintenance of the railway land adjoining the Clayton Road crossing. The local press has been running a clean up Clayton campaign recently, which has my full support. I am glad to report that Connex is doing its bit to make Clayton a better place to live, shop and work.

Water: Wimmera irrigators

Mr DELAHUNTY (Lowan) — This city-centric Labor government stands condemned for lowering the confidence that exists in the irrigation community in the northern part of my electorate. I have copies of many letters from the Wimmera Irrigators Association (WIA) to the Premier and others which outline its concerns. A study in 2000 indicated that the irrigation area contributed in excess of $25 million per year to the regional economy.

The WIA is looking to the government for some indication of support as the local authority is going through pricing reviews, the enactment of the bulk entitlement order, which could increase the headwork charge by up to 148 per cent, and the implementation of a new distribution charge. I am informed that the WIA has met with the Department of Sustainability and Environment staff and regularly with the local authority. It welcomes the possibility of an exchange rate which would lower the proposed headwork charge. However, it is concerned that there are no costs proposed for the storage and delivery of environmental water.

The irrigators have shown a determination to survive this drought by offering to pay an annual service fee despite receiving only 30 per cent, 50 per cent, nil, nil and 5 per cent of their allocations for each of the past five years. Some view the aggressive pricing changes by this government as a means of closing the irrigation area down. Members of the association are keen to invest in upgraded irrigation enterprises once favourable climactic conditions return to the catchment, but they urgently want state government support for the area in the next 20 years and beyond.

Victoria is bigger than Melbourne. I ask the government to look beyond the horizon of the Great Dividing Range to the area I represent.

Waverley Industries

Ms MORAND (Mount Waverley) — Last week I had the opportunity to visit Waverley Industries in Notting Hill and was given a tour of the buildings by executive director Frank Cresia and chairman of the Waverley Industries board, Ian Gresswell. Waverley Industries began in 1977 as a supported employment project of the Mulgrave Apex Club. The legal entity was registered in 1981 and a building was constructed and opened in November 1984.

Waverley Industries currently provides employment for 186, plus 120 students with disabilities from special schools in the region and from the community. The first thing that impresses you about Waverley Industries is the atmosphere from the front door to the workshop floor. It is clearly a very happy place to work, with lots of happy banter and exchange. Everybody gives a big hello to Frank as he goes past and Frank knows everybody's name — and with more than 300 people at Waverley Industries, that is really impressive and reflects the personal and friendly nature of Waverley Industries.

Waverley Industries undertakes a diverse range of business tasks, from labelling imported beer products to building air conditioning components. It has a clear focus on the health and wellbeing of its employees and has a strong and highly motivated parents and friends association. Waverley Industries has plans to expand and diversify its business and create more jobs for young adults with disabilities in the community. In partnership with Heatherwood School, a registered training organisation, Waverley Industries has developed a training program known as the Waverley advanced skills program (WASP).

I commend the board of management of Waverley Industries on its success, on the implementation of its training program and on its plans for expansion.

Berry Street Home, Wonthaggi

Mr SMITH (Bass) — My concern today is the way the Department of Human Services treats with absolute contempt the people of the Bass Coast shire. From Inverloch to Cowes and up to Lang Lang we are treated by the minister in this socialist government in such an offhanded way that it is disgraceful. Over three years ago I complained on behalf of my constituents regarding the Berry Street Home for wayward kids in White Street, Wonthaggi, and about the actions of the kids living in the home and the complete ruination of the lives of the families in the area.

We met with and explained to the chief people — Val Callister being one of those — the problem that had been going on for years. We suggested getting a new residence away from any neighbours. We were promised the world and got nothing, but now at long last I am informed that a new residence is to be built in another residential part of Wonthaggi, but it is at least four years — yes, four years! — after those meetings with the boffins, including Val Callister and senior members of Berry Street. I have also contacted the Minister for Health about the waiting list for chronic pain sufferers and about people needing hip replacements having to wait over two years to get them, but she just suggests that they get themselves a new doctor.

The department withdrew the funding for the youth worker and one of the youth clubs, the Kilgour shed, which is now shut and is being sold off so there is nothing there for the kids. Now the department has closed the Office of Housing outreach worker, yet that office has been going for 15 years. They offered only 2 hours a week, but now they have nothing.

Chelsea Primary School: *Court in the Act*

Ms LINDELL (Carrum) — Are the children from Chelsea Primary School the most talented in the area, or are the students from Dogsbreath primary the most talented? The answer to this question took the audience on a magnificent journey performed by the students of Chelsea Primary School through their annual concert called *Court in the Act*, and it was a fabulous experience for all those families and friends of the students who had the honour of being able to see one of their two performances.

The script was written by Phil Wall and the choreography was done once again by Elizabeth Garnsworthy. The whole school — every student from Chelsea Primary School — was involved in the concert. We had some magnificent characters — Felicity Fairminded and Charles Grabthemoneyandrun, Wendy Whatwasthat, Principal Bottom and Abigail Straight-A's. They took us on a fabulous musical journey; we listened to performances of the songs Midas Touch, Voodoo Child, Pushup, Barbie Girl, Smooth Criminal, Car Wash, Have You Met Miss Jones, Rubber Necking and my favourite, Play that Funky Music.

Australasian Union of Jewish Students

Mr THOMPSON (Sandringham) — The Australasian Union of Jewish Students (AUJS) is a grassroots organisation representing more than 12 000 students across 32 universities in Australia and New Zealand. The organisation is committed to the causes of social justice and racial equality, pledging itself also to the issues of Holocaust awareness and religious pluralism.

This year the AUJS focused many of its efforts on the global issues of racism and genocide. The humanitarian disaster unfolding in Darfur had received little exposure on university campuses across Australia and seemed likely to disappear entirely off the national agenda. In September the AUJS launched an anti-racism campaign to raise awareness about the genocide in Darfur and the concomitant issues of racism and human rights. I pay tribute to the work of Alon Cassuto, the national director of political affairs, and his colleagues for their work in arranging a particular address in Melbourne which occurred in September. Keynote speakers on the night included Dr Mark Baker, Senior Fellow in the Department of History at the University of Melbourne, Julian Burnside, QC, a well-known human rights advocate, and Matthew Albert, the Young Victorian of the Year, founder of the Sudanese Australian Integrated Learning Program and a descendant of Holocaust survivors.

Through collaboration, the AUJS political affairs department was able to step outside the usual parameters of Jewish student activism and make overtures to student groups that had never before associated themselves with the Jewish student union. Alongside the static campaign, activists were also employed in a personal engagement methodology, in which advocates engage with students in a one-on-one conversation about racism and genocide. This approach proved invaluable for the purpose of resonating these pertinent issues.

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

State Emergency Service: South Barwon headquarters

Mr CRUTCHFIELD (South Barwon) — On Monday, 17 October, I had the great pleasure of jointly opening with the mayor of the City of Greater Geelong, Shane Dowling, and the acting director of the State Emergency Service, Craig Lapsley, the upgraded South Barwon Victoria SES headquarters in Mount Pleasant Road, Belmont. Shane, as a current police inspector, and myself, as a former Country Fire Authority firefighter, praised the invaluable service of the members of the SES to the community during times of emergency.

Victoria SES members in South Barwon in particular work tirelessly during storms, fires and traffic incidents, and their contribution to the community represents volunteer service at its finest. The recent legislative changes to make the SES a stand-alone emergency authority were well received, as were the recent and long-awaited improvements to their budget, particularly in the personal protective equipment areas. The renovation of their headquarters has been a long and at times rocky process but the unit's professionalism and plain persistence has finally paid off. The conditions of the previous incarnation were substandard and, frankly, appalling. Now the unit has an essentially new building, complete with ablutions and toilet facilities, as well as a state-of-the-art conference/training/meeting area.

South Barwon SES is recognised as one of the busiest road crash rescue units in Victoria. Last year the unit attended 63 road crash rescues as well as 287 storm jobs, 37 flood jobs and 10 other land rescue operations. It has a full complement of some 39 members, which is also a reflection of the success, professionalism and team spirit of the unit.

I thank the City of Greater Geelong for jointly funding the work, and I especially recognise the fundraising the unit's members did to contribute to the project. Thanks to regional manager, Allan Sullivan, and his staff. Finally, a special thanks to the past and current leadership of South Barwon SES, in particular the current SES controller, Charlie Stevenson, and past controller, Gary Buckley.

Youth: Torquay event

Ms MARSHALL (Forest Hill) — It was with great pleasure that last Saturday, 15 October, I represented the honourable member for South Barwon at a firewalking event at the Torquay Improvement Association hall in Torquay. The fundraising event was for project XTG-Town, a supportive, goal-setting motivational program for at-risk youth. Three amazing volunteer mentors, Samala Singer, Danni Morris and Tori Graham, take at-risk young people from Geelong and open up a world of opportunity for them. Through the introduction of a variety of activities, including firewalking, eight youth are encouraged and supported in a number of areas including believing in themselves, learning life skills, independence and teamwork, and creating and recognising opportunity.

Simon Treselyan, a registered firewalking instructor, helped everyone achieve their dreams and goals. Simon spent many years involved with martial arts and the special forces, where much of his time was spent on covert operations. Few teachers can offer such direct experience of transcending personal fear or have such powerful resources to draw upon. The seminar was essentially to give individuals an opportunity to identify, face and overcome their fears, not just the fear of fire. Throughout the day-long seminar we participated in exercises that promoted mental focus and concentration. At the end of the day all participants were invited, without pressure, to walk the fire. Although almost 70 people walked, some people chose not to, which invariably is just as brave. So it could be said that the member for South Barwon is a very brave man indeed!

Congratulations to all the girls, the sponsors, their friends and families, on such a wonderful day with such valuable outcomes.

Croydon: shopping precincts

Ms BEARD (Kilsyth) — I would like to share with the house some of the outstanding initiatives that are occurring in Croydon's Main Street and Hewish Road shopping precincts. Croydon has been the victim of some bad publicity this year but the traders have worked together to ensure that there is not only a great choice of shopping outlets but also an interesting array of eateries, bars and other pleasant places in which to relax. Working bees and great planning and determination have brought about a transformation at the rear and front of shops. We will soon have baskets of colourful annuals hanging in our streets to further increase the attractiveness of our centres. Our local Ritz Theatre, reopened for business under a new and vibrant management team led by general manager Andrew Taylor, is well worth patronising.

Why not try the neighbourhood cafes like Galilee Café, Bekendales, The Star Lounge and Hidden Delights, or

drop in and see Tim at the Wine Larder? The Croydon Lunchbox and John and Loula's Fish and Chips are situated close to my office, and all serve great coffee as well as exciting and delicious meals and cakes. The aroma and ambience is worth a trip for those who enjoy a latte in the sun or a frappé under canvas. If you enjoy a promenade along Brunswick Street or a stroll in St Kilda, then consider Croydon at the foot of the Dandenong Ranges for a change of pace.

I congratulate Laraine and Nigel Roper and Kim Johnson. Croydon shopping centre is well and truly open for business. I invite members to come and see what Croydon has to offer. On 27 November the Croydon traders are holding a carnival in Main Street and Hewish Road. I invite all members to come along and join in the fun of this fantastic family event with entertainment for all ages. We want everyone to know that Croydon shopping centre is a great place.

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

Seymour electorate: community events

Mr HARDMAN (Seymour) — I rise to inform the house that rural Victoria is the place to live, to work, to invest in and to raise a family. This is highlighted by the fantastic events that occur across the many communities that make up the Seymour electorate in October.

This month began with the Seymour Show, which I am told was attended by record numbers of people. The following weekend I was able to attend the St Andrews Primary School art show, which featured works by Clifton Pugh. In addition, the eighth annual Steam and Wood Show was held in Alexandra on the weekend, and it was a great day for all the family.

On 12 and 13 October we saw the Jayco *Herald Sun* Tour winding to and through the many beautiful towns and valleys of Seymour, Yea, Alexandra, Taggarty and Buxton, with events held in Marysville and Healesville for the finish of the races. Kilmore Mechanics Institute celebrated its 150th anniversary with colonial dances and military parades in both Kilmore and Puckapunyal. Over the weekend the Tallarook Arts Society, which is known as TARTS, held a very successful art show, including fairs and events. As well as these events, the Seymour Cup was held on Sunday. It was a huge success in a wonderful setting.

Next weekend, on 22 October, we look forward to the Yarra Valley Food and Wine Race Day at Yarra Glen and Kilmore Harness Racing Club's Kilmore Cup Day on Sunday, 23 October. Also on that weekend in Seymour, Trawool and Broadford is the Victorian Wines Show, and the Taste of Goulburn, which includes heritage steam train rides, will be held at the weekend for your entertainment. They are fantastic events that involve fantastic volunteers. Well done!

Sri Lankan community radio

Mr PERERA (Cranbourne) — I rise to congratulate the Lak Handa — or Voice of Sri Lanka — Sri Lankan community radio program, which celebrated its fourth birthday on 14 October.

Lak Handa goes to air every Sunday from 10.00 a.m. to midday from the 3MDR station on 97.15 FM, which is in Emerald. This fantastic program is much loved by the Victorian Sri Lankan community. Lak Handa covers local and Sri Lankan news and current affairs, music, a children's program, community announcements, talkback radio and a variety of things without fear or favour.

As soon as last year's tsunami devastation took place on Boxing Day, Lak Handa was in the forefront to broadcast first-hand information directly from Sri Lanka, and since then it has been very active in working with the Victorian Sri Lankan community to raise funds for the victims. I have found this radio station to be a very reliable source to communicate with the Sri Lankan community across Victoria.

Lak Handa always maintains an unbiased approach when allocating spots to community organisations. Lak Handa is well and truly representative of the aspirations of members of the local community of Sri Lankan origin. The program producer and host, Mr Gamini Fonseka, is a well-known and experienced journalist as well as a broadcaster in Victoria and back in Sri Lanka. Gamini is very much involved with the local Sri Lankan community — —

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

Housing: Darebin neighbourhood renewal

Mr LEIGHTON (Preston) — Last week the community cabinet came to Darebin. Among a number of major announcements the most important was by the Premier on neighbourhood renewal. The Bracks government's plan for addressing disadvantage, as set out in *A Fairer Victoria*, nominated four new sites as well as an extension of support in the existing 15 locations to eight years each. The state government launched the neighbourhood renewal program to tackle

pockets of disadvantage across Victoria and to restore community pride.

I am pleased to say that one of the four new areas is East Reservoir, which is in my electorate. East Reservoir is one of the most socially disadvantaged areas. Each new area will receive $1.2 million in state government funding over the next four years to get neighbourhood renewal community development initiatives up and running. A further $11.4 million will be available for community infrastructure and local employment and training initiatives for all the neighbourhood renewal areas over coming years. Neighbourhood renewal has been an enormously successful program in the areas in which it has been introduced.

Neighbourhood renewal is a whole-of-government initiative that brings together the resources and ideas of residents, government, local businesses and community groups to tackle disadvantage in areas with concentrations of public housing. It is generating jobs, improving housing, creating safer streets and enabling residents to play a leading role in the transformation of their communities.

Some of the results in other areas include a 50 per cent resident participation in the governance of projects, 1000 community job places created and 60 per cent of trainees entering ongoing employment or further education.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Frankston has 15 seconds.

Industrial relations: federal changes

Dr HARKNESS (Frankston) — Members of the Howard government should hang their heads in shame for placing so many Australian workers at risk of losing their jobs through the industrial relations laws to be introduced into federal Parliament later this month. To repeat a phrase used recently, 'They are putting fairness into their slogan but are taking it out of their system' — —

The ACTING SPEAKER (Mr Ingram) — Order! The time for members statements has concluded.

Dr Napthine — On a point of order, Acting Speaker, an issue was raised earlier about a document that was placed on members' seats. On page 8 of the document there seems to be a serious printing error — —

Mr Leighton — It is a low act to talk about that during the time for members statements.

Dr Napthine — Members statements have finished. I point out to the member for Preston that I waited until the member for Frankston had finished. An apology would be in order from the member for Preston, who does not know what he is talking about as usual.

The ACTING SPEAKER (Mr Ingram) — Order! The member for South-West Coast, on the point of order. Members on points of order are entitled to be heard in silence.

Dr Napthine — On page 8 of the document — I thought it was originally an error in my own document so I checked the documents on other members' seats — there seems to be a serious printing error. I ask you to refer it to the Speaker and seek advice on whether the documents will need to be collected and pulped and new documents circulated.

The SPEAKER — Order! In relation to the matter raised by the member for South-West Coast, there is a minor photocopying error on the bottom of page 8. Further copies are being printed for members. It is certainly not a major error in the report that has been presented.

MATTER OF PUBLIC IMPORTANCE

Hazardous waste: environment effects statement process

The ACTING SPEAKER (Mr Ingram) — Order! The Speaker has accepted a statement from the member for Warrandyte proposing the following matter of public importance for discussion:

> That this house expresses its deep concern with the flawed environment effects statement (EES) process that has resulted in Nowingi being targeted as the site of Victoria's long-term toxic waste containment facility.

Mr HONEYWOOD (Warrandyte) — Members of the opposition take very seriously what has been foisted upon yet another disenfranchised rural community by this city-centric, inept Labor government. We take it so seriously that we would like to quote back to the government parts of its much-vaunted *A Fairer Victoria* statement delivered to this Parliament some months ago. That so-called ministerial statement — it was so important that the minister responsible did not even turn up to deliver it and it was delivered by a backbencher — clearly sets out a supposed desire by this government to do more to be inclusive. Yet as this debate proceeds this morning it will be made quite clear that the stillborn environment effects statement process that attempts to justify dumping all of Victoria's toxic

waste in a place 5½ hours up the Calder Highway from Melbourne is nothing more than a sham and nothing more than a political camouflaging device to ensure that toxic waste goes to a rural community with the least ability to resist a government determined on a path of action no matter what the process.

Earlier this morning I mentioned the flaws in the government's environment effects statement process. Members of the opposition take this matter so seriously that all of our questions in question time last night were devoted to asking the Premier about the flawed environment effects statement on the Nowingi toxic waste dump. Let me reiterate what I said in this morning's member's statement. When the former Minister for Planning, now the Minister for Environment, issued a press release on 1 November 2000 he said in a quote that will rebound on this government forever more that:

> With only minor changes made to the Environmental Effects Act since it was introduced in 1978, in many respects it no longer reflects leading practice.

Yet today the government maintains there is nothing wrong with this same environment effects process. It cannot have it both ways. It cannot say it is less than adequate. It cannot belittle previous governments and say the Environment Effects Act 1978 is hopeless and then turn around and use exactly that same act, with the same words and the same process for any number of projects, be it wind farms, channel deepening in Port Phillip Bay or this toxic waste dump. The government's own minister has damned the process which it now embraces and says is supposedly world best practice.

The parallels with the flawed environment effects statement (EES) on channel deepening in Port Phillip Bay are numerous. The most worrying parallel of all is the total lack of genuine engagement, genuine community consultation and attempts to bring the community with it, rather than the government's use of smoke and mirrors, invitation-only, so-called public meetings and paying high-priced, so-called independent consultants to provide it with the answers it has already decided upon anyway.

Just as with the channel deepening EES, there is a worrying overarching issue with this long-term containment facility EES process in that it is not the sum of its parts. Instead it presents a series of jigsaw pieces that remain separate rather than provide the reader with a whole picture. This in itself could be enough for a truly independent panel, which is yet to be convened, to throw this documentation out. That embarrassing situation is what occurred with the channel deepening EES. It is now subject to a supplementary EES because the independent panel said the government had got it wrong, that there were too many jigsaw pieces and nobody had put them together, and there was no overarching coordination of this major project. That is the record to date on channel deepening and that is where the opposition believes this environment effects statement is headed.

There are 8.5 kilograms of documents. Of course none of the mushroom backbenchers opposite would even have looked at the documents so I had better inform them of some of its parts. Let us first note the lack of due process with the release of this environment effects documentation. First, we know this government has a bad-news announcement when it releases such a significant report late on a Friday morning, before a big cricket match on the weekend, and with absolutely no notice whatsoever.

Second, we know that this government is determined to be secretive when it deliberately publishes so few EES documents that some local councils along the proposed toxic highway, the Calder, still do not have a hard copy of the documentation. I refer to the Buloke Shire Council whose mayor came out only yesterday and said, 'We have yet to receive the courtesy of even being provided with one copy of this documentation'. That community is going to be affected by five semitrailer loads of toxic waste going through its community day in and day out. Many people are still waiting for a hard copy of the documentation. The opposition only received its copy after two trips by me to the major projects unit at Nauru House, only to be informed on each occasion that there was no hard copy available anywhere in the building. Here we have the major projects unit of the government which is responsible for delivering this project, and it did not have a single hard copy in the building. I am quoting the project manager on this.

Third, we know when this government has got something to hide when a letter requesting a formal briefing from the minister goes unanswered after more than three weeks and when the Premier refuses to provide yes or no answers to a series of questions put to him by the opposition during question time in recent months — questions about whether he will release in full and without editing specialist reports associated with the EES documentation that have come out prior to the major documentation being released, such as the McKinna report. Despite freedom of information requests, despite questions asked of the Premier that have been specific and to the point during question time after question time, we have yet to establish whether any of these specialist reports are actually what was delivered to the government or whether they are the

edited versions that have been gone over by the minders — the political control freaks that make up this government. What we find is that subterfuge has become the order of the day when it comes to commitments about being transparent, upfront and open.

Fourthly, we know the government was being deliberately deceptive when in this case the Minister for Major Projects in the other place, Mr Lenders, informed the Sunraysia community that 19 of the 24 specialist environment effects statement (EES) reports had already been released, saying that people therefore should have been able to comment on them by now. But when you examine this statement by the minister you discover that most of these so-called already released reports that now make up the principal documentation were only released verbally, and then only at an invitation-only briefing in late August of this year.

They had already been published and were already out there, but you had to have been invited to a special select meeting in August where a verbal presentation was given of what was allegedly contained in the report. That includes the McKinna report, which involved the taxpayers of Victoria paying for a professor to travel around South-East Asia to all the markets for Sunraysia food bowl products, saying to the people there, 'How do you, as a major export destination for the Sunraysia food bowl, feel about having a toxic waste dump sited next to the products that you are going to be buying from us?'. Can you imagine any other country in the world, let alone an inept socialist state government, paying for somebody to deliver a bombshell to markets overseas, saying, 'Bad luck, we are going to shove a toxic waste dump in our major food bowl. Our clean, green reputation will go out the door, but you can like it or lump it. By the way, what do you think of it?'. I would have thought a few orders would have been cancelled then and there on the spot.

Fifthly, we know this government is resorting to complete trickery when it treats its so-called equal partners in local government with such total contempt. The six-week official EES consultation period for submissions to be put before the independent panel happens to coincide exactly with the caretaker period of the Mildura Rural City Council and most of the councils along the Calder Highway. Not only are elected mayors and councillors not allowed by this government to make any policy decisions or announcements during the caretaker period prior to their elections, but equally they are not even allowed to spend ratepayers funds of more than $100 000 on any project during the caretaker period.

Mildura Rural City Council alone believes it may have to spend between $300 000 and $500 000 of scarce ratepayers funds to brief legal counsel in order to properly put forward its community's case to the independent panel. Only yesterday, at the 11th hour, did the Premier relent and agree to a four-week extension of the consultation period. But as the local community has said, 16 December is right on Christmas, and the grape harvest is in February. To what extent is that going to reduce the ability of the local community to get along and put its submissions before the independent panel if it is convened in February? All of this is an abuse of process, which we have come to expect from this secretive government.

Let me now turn to some of the more worrying analyses that should be put on the record, hidden away as they are in EES documentation, which is unindexed and full of errors. An erratum list a mile long has been published, because the documentation was not done properly. I refer specifically to the social impact and transport reports, which are of particular concern. In volume 4 of the EES documentation, *Specialist Reports*, we have an alarming social impact assessment report. Page 30 of this report refers to 'Welfare dependency'. The section notes that, according to Australian Bureau of Statistics (ABS) data:

> On a weighted average basis, the proportion of people receiving income support in the Mildura region is 24 per cent higher than that for Melbourne.

Under 'Academic qualifications' page 31 notes:

> … 66 per cent of the local population have no formally recognised academic qualifications — significantly higher than the Victoria average …

Page 37 then sums up this section by saying:

> The report notes that the rural areas of Mildura have among the highest rates of social disadvantage in Victoria and the urban areas of … Mildura have among the lowest rates of social cohesion in the state.

Into all of that this incompetent, arrogant government wants to shove a toxic waste dump. Then on page 40 of the same report we have this clincher:

> The above factors suggest that the community in the local area may be vulnerable to external shocks such as that presented by establishment of the proposed LTCF. It will be very important that this is considered carefully in the evaluation of potential impacts of the LTCF.

On page 45 reference is made to skill shortages in the area:

> Analysis of the network of health and educational facilities highlights the difficulties in recruiting doctors, allied health professionals and teachers to the region to meet population demand and gaps in service provision.

It goes on to state:

> Against this background, it is important to assess whether the LTCF exacerbates existing recruitment issues by, for example, stigmatising the area. If the LTCF does stigmatise the area, some professionals may find the area unattractive and not want to pursue job opportunities in the Mildura region.

All of this in a region that already has one of the lowest numbers of doctors available per head of population to service that community — and this state government has done nothing to attract doctors and other health professionals up there.

Page 124 mentions the sense of community outrage, calling for an ongoing community engagement program, which has been non-existent to date:

> To reiterate, consultations carried out as part of the SIA —

social impact assessment —

> indicated that local people feel disenfranchised by the process.

To date the government has not engaged effectively with the community. The government's own document is saying that this government has not gained the community's trust, instead only causing it outrage. The document goes on to state:

> They —

the community —

> have had no say in the siting proposal, feel a strong sense of injustice in being asked to accept Melbourne's waste and see no real benefits accruing locally … The LTCF is a threat to their human and social environment. Moreover, the government has not undertaken much constructive discussion with the wider community or even the immediate neighbours of the current proposal. Its approach can be typified as one of informing or placation rather than real community engagement.

Is this not the story of this government? It is all about placating and all about saying, 'We know what is best for you'. It is all about ensuring that A Fairer Victoria is dressed up as community consultation, when the reality is somewhat different.

I could go on to talk about the specialist transport report, but of course I am only allowed 15 minutes because of the government's gag and my time has almost run out. That report proposes two rail options, including a designated toxic train. The options are all over the shop, because what they are designed to do is hold out to the community the hope that it will get a rail option, which the report notes in the overarching document will be safer than the road option. However, the government is holding out the hope of a rail option when in fact the transport option on the roads is the only one.

Mr HOWARD (Ballarat East) — You would have to say that the last 15 minutes of the contribution of the member for Warrandyte was a lot of huff and puff but not much content. Not until the last 3 minutes of his contribution did the member for Warrandyte talk about the content of the document. He said the document was dreadful and how he could not get it — but he has it. However, he huffed and puffed for nearly 14 minutes before he mentioned anything about the document's content but even then did not talk about supposed faults in the environment effects statement.

The emotive language of the member for Warrandyte is so typical of the opposition. You would expect nothing less from them. They seem to have no policies at all or if they do, they are half-baked or half-policies. They can only be negative, deceptive and inflammatory; in fact they are hypocritical in anything they say. It is no wonder that the mayor of the City of Ballarat last weekend said, regarding opposition tactics about the fast rail upgrade into regional Victoria, that, 'It is time to shut up. We are sick of the negativity of the opposition in criticising government projects that we know are going to be beneficial for country Victoria'.

He also said, 'I do not know what their aims are but we want to get on with the job of appreciating these good projects from the Bracks government'. He was talking particularly of the rail upgrade. He said that it is time for the negativity to stop. The opposition does not seem to have any constructive comment. The member for Warrandyte gave no reasons why the supposed flawed environment effects statement was flawed. His contribution was a waste of breath.

I turn to some of the facts regarding the establishment of a hazardous waste containment facility in Victoria. I recognise firstly the great hypocrisy of the opposition. The history of the project goes back to the former government, when it determined that such a facility should be placed at Werribee. It did not consult properly at that time. Eventually the Werribee project did not go ahead because CSR, as the owner of the site, determined it would not go ahead with it. At the start of the process the Kennett government recognised that Victoria had to plan for a new hazardous waste site. Hazardous waste is being produced by industry and

other sectors of the community, and we need to improve the way we deal with that waste product.

When the government came to office there had been established a hazardous waste consultative committee, chaired by the then member for Bennettswood, Geoff Coleman. The members of the committee included Harry Van Moorst, a community representative, industry representatives and members with a scientific background; I was appointed as the government representative on the committee in the latter stage of the development of that committee.

It looked at what the state would do in planning for the disposal of hazardous waste. We had to look at a new siting criteria for a future hazardous waste site, but the committee also looked at world best practice and what we could do to reduce the hazardous waste stream. That continues to be a major aim of the government — that is, to reduce the amount of material that goes to hazardous waste containment. It is a matter of trying to stop its production at the early stages and recycling hazardous materials wherever possible into reusable materials or less hazardous materials. The aim is to significantly reduce waste streams and the government is continuing to work along that path. We know we still will not be able to stop the waste stream altogether. The two sites in Melbourne in the future will no longer be able to cope with the hazardous waste materials being produced, so we need to find a new site.

The aim of the hazardous waste committee was to look at world best practice to make sure that the designed facility was as good as anything in the world. It looked at very sound scientific principles in terms of its siting and the physical construction of the facility.

The committee set performance requirements for the design, construction and modelling of the long-term facility, and it recommended appropriate buffer distances and so on. That committee finished its work in 2000. Since that time work has been done by Major Projects Victoria to evaluate possible sites in Victoria that would meet the criteria set by the hazardous waste committee.

I also note that as a result of the other issues of trying to reduce waste going to hazardous waste facilities, hazardous waste has been reduced from 120 000 tonnes per year to 79 000 tonnes per year. That is a significant improvement and we expect that trend to continue. There is no getting away from the fact that we need a new site although I did not hear the member for Warrandyte say we did not need a new site.

In looking for a new site Major Projects Victoria evaluated a number of sites and selected three possible ones for further evaluation. They looked at the geology of Victoria, the need for buffer zones and the hydrology of the sites. In November 2003 they nominated Baddaginnie, Tiega and Pittong. Those sites were evaluated, and as someone whose electorate is near Pittong I know clearly about the community trauma associated with the unknowns of a hazardous waste facility and the potential of having a facility in your region; I recognise that.

This is not an easy situation. It requires a government with sound leadership to pursue this matter, keeping the community informed and providing funding to each of those communities to do further studies if they wish to evaluate their areas and put the case for their areas. Funding was provided so they could evaluate flora and fauna or other important issues to support an argument that their site was not appropriate.

The government responded to those issues and found that Pittong was not a suitable site. It found that Baddaginnie was not an ideal site. It found that the Tiega site was suitable from a geological point of view but recognised the community concern that prime farming land should not be taken over as a first choice. Residents of the Mallee proposed the alternative site at Nowingi because it was on Crown land. The government investigated that as a result of consultation it had in the Mallee. We now know that the government has completed the first stage of the environment effects statement process and put that on display from 8 October.

I will clarify issues associated with the Nowingi site. It is a 10 hectare site and is aimed to take up to a maximum of 25 000 tonnes of hazardous waste or category B pre-treated and laboratory tested materials annually — but that is the maximum, and we would expect that that figure would be significantly reduced over a period of time, if not from the starting date. The material would be classified as category B waste, and it needs to be pre-treated and laboratory tested before it leaves any site, whether it is generated in Melbourne or around regional Victoria.

It needs to be packaged appropriately and transported in enclosed shipping containers, and in fitting with best practice we have already set those guidelines. As I indicated earlier the hazardous waste consultative committee has said that this facility needs to be, and will be, the highest standard facility found anywhere in the world.

In terms of the environment effects statement (EES), the member for Warrandyte waved around the original document, which is a very significant document and not one that individuals can easily launch into. It is very detailed and contains lots of scientific information. It contains other information gained from consultation and research. As we know, it was released on 8 October. Initially, it was proposed to have responses to it in by mid-November but, as we heard yesterday, the Premier has responded to concerns raised that it does not allow for a long enough period in which people can respond and he has extended the opportunity to respond to 16 December — and that is quite appropriate.

The government has listened, as it has all along the way during the process. It has tried to engage communities, and in this case the surrounding communities, by trying to keep them informed. There is no doubt that this is not an easy process. The member for Warrandyte wants to misrepresent aspects of this process. There will be opportunists who, for a range of reasons, want to present complete fallacies in regard to this issue and who want to paint a false picture of what this facility should be like. It is very difficult to get facts out there and to talk in a balanced way with members of the community when we know that its emotions have been dramatically raised over this matter.

But the government has worked through this environment effects process. The member for Warrandyte says how dreadful the EES is, but in his 15-minute speech he could not give any examples, apart from picking two statements out of the whole EES. He did not use his time to talk about why the process was flawed. He could not point out why it is flawed, because generally it is not. It follows an EES arrangement which has been improved on and which was inherited from the former government, which he was a part of. It is more detailed than previous environment effects statements have been.

The document goes to a broad range of issues. It has been found that there are no surface or ground water connections to the Murray River or Hattah Lakes area and that it is not flood prone, so the hydrology of the site is very sound. It says that the proposed clearance of vegetation that will be required in the small area will not endanger any species and is in fact offset by 100 hectares of protected bush which will enhance opportunities for species of flora and fauna in the area. Transport does not pose significant human health or environmental risks.

The member for Warrandyte could not identify any faults within this process or state any of the outcomes put forward in the EES. The statement recognises that the only possible risks to exports could be related to perception, but they are still not likely to be significant. It went on to say that there is no real risk to food being produced in this area, and so the issue is about perception — and the government understands that. There is a need to ensure that facts are put out there and that people like members of the opposition are not able to misrepresent the situation and therefore negatively affect the export opportunities from this area.

In working through this process and looking at the details presented in the EES, we see it says that this site is quite sound and is an appropriate site to go ahead with. Yes, we will have to work through those difficult decisions that good governments need to make because no decision like this is going to be a popular one. They are always not-in-my-backyard situations. We need to work as sensitively as we can with the community to try to get the facts out there and try to counter the misinformation presented by the opposition, and that is what this government has done. We know that the minister has been up there on several occasions to talk with the community. This process is not flawed; it is a sound process.

Mr RYAN (Leader of The Nationals) — This whole process has been a disaster for this government from start to finish. It has been an exercise in chicanery and deception. It is in complete contrast to all the rhetorical statements we hear from the government about openness, honesty and accountability. When one harks back to the famous charter of 1999 to compare what was promised by this government to the people of Victoria, as opposed to what has happened in this sorry saga since, we see an illustration of where this government has gone. In fact this is a barometer of people's views of the government from around the state of Victoria.

I roam around the state a fair bit, probably more than most, and wherever I go people consistently talk about issues to do with the government being unable to deal with infrastructure issues and being unable to deal properly with the financial state of Victoria, but invariably this issue of the treatment of the position at Nowingi is raised by people throughout country Victoria. Why is that so? It is because of the sorry chapter of events undertaken by this government over the years with regard to this important issue.

The government has stumbled from one structure to another in its endeavour to try to deal with this. I am sure we all remember that committees were set up, ostensibly with community representation, back when the former government was dealing with this issue.

When this government took over in 1999 there was a consultation process and a lot of additional rhetoric about involving communities and making sure we got the right outcomes. Ultimately, there was utter secrecy by the government. The government abandoned the notion of communities having ownership of the outcome. It threw out the community-based structure. It turned its back on the notion of sharing what it wanted to do with Victorian communities. Instead it set up in-house cabinet subcommittees and specialist organisations within ministerial departments, all of them intent on a cloak-and-dagger approach to the way in which they would deal with this issue. And on the way through we have seen the casualties amongst the ministry.

The Honourable John Pandazopoulos was sacked from his role of responsibility for the development of this facility. We saw the Honourable Peter Batchelor sacked from his role because he could not deliver on it either. Now, of course, the Honourable John Lenders, Minister for Major Projects in another place, is struggling to come to grips with the issues involved, let alone its delivery and outcome. All of this has occurred at a time when there is no need for the government to do what it is doing. Demonstrably there is plenty of capacity left in the facility at Lyndhurst. I have spoken before in this Parliament about the Lyndhurst option and about the fact that the people who run it have said to me personally that there is plenty of scope left there — anything up to another 15 years plus. The reason for that is that about 80 per cent of the product proposed to go to the facility at Nowingi has historically come out of Melbourne. Further, as the Docklands programs have been gradually completed, the amount of waste produced has diminished. There is just no need to do this with such unseemly haste.

As I said, committees have been abandoned and secrecy is now the order of the day. I went to the Victorian Civil and Administrative Tribunal to try to get the government to release the details of the 100 sites which it has had under consideration from time to time. It acknowledges that there have been over 100 sites considered over the years, but would it release that material to the people of Victoria? Not on your Nelly; no chance! I went along to VCAT to try to get it but was unfortunately unable to do so because of the constraints imposed by that particular piece of legislation. Open, honest and transparent? What an absolute joke!

We then saw the appalling saga of the government trying to impose this project on one of three privately owned sites around Victoria at Violet Town, Pittong or Tiega.

What have they left in their wake in those communities? What an unmitigated disgrace the whole sorry saga has been! It has meant heartbreak and grief for those people. The cost has been not only financial but obvious in so many other ways. In talking to those people today I do not know that they will ever recover from it.

The government opted for the Hattah-Nowingi option on the very same day that it finally announced it was going to abandon the folly of putting this proposal on private land. That is more chicanery and deception, because by necessity the government had to be examining that option for at least some period of time before it actually announced it. It left these other people on the three privately owned sites dangling for whatever period of time it was when it knew it was not going to pursue the private option and was going with the other option.

It is about chicanery and deceit, and we are seeing that played out now with the release of this EES — and are there a multiplicity of outstanding issues there! Time precludes me from going through them chapter and verse, but let me just touch on three of them briefly. The first is the question of the movement of this product to this site — in other words, taking it about 500 kilometres across the state of Victoria to get it to Hattah-Nowingi. One of the options, of course, is rail transport. What remains unanswered to this day is how the government proposes to establish a rail system which is going to serve the various ends it has been publicising over the last few years.

The government says it wants to return passenger rail services to Mildura — a laudable aim. It says, though, that it wants a freight system to operate in and out of Mildura — also a laudable aim. It said in the 2001 budget that $96 million had been allocated for rail standardisation — another laudable aim. Has it delivered on any one of them? No, it has not. Is it any closer to delivering on anyone of them? No. One of the problems that remains unanswered to this day is that you simply cannot do what this government has said it would. It is physically impossible to standardise the rail gauge, allowing passenger trains and freight trains to run on it, in the way the government keeps publicising. They have been asked about it in question time. Indeed, the member for South-West Coast, who is beside me, has asked about it, and the government cannot answer it. This is one issue that the government has to resolve for the purposes of this appalling exercise.

The second issue is the prospect of moving this material by road. We said back in April, when the announcement was made that the Calder Highway was

the preferred option, that this was just flirting with tragedy. We said that inevitably there would be problems in relation to crashes occurring on that highway. Regrettably that is a fact of life. We said then that the prospect of five or eight trucks per day going up and down the highway, taking this material 500 kilometre across the state of Victoria, was nonsense and that it was fraught with danger. How many crashes have we had since? I have lost count, and I have stopped issuing press releases about it. There must have been six or seven very nasty accidents involving heavy transport on the Calder since the government announced the additional folly that road transport would be the mechanism for getting the material there. How is it actually going to do that?

The third thing is the McKinna report. What a damning document this is! We all look forward to the EES expanding on the McKinna report and its contents, because in the private briefing that was accorded to some people associated with this there was mention of the distinct prospect of a loss to the region of about $60 million in economic benefits on a recurring basis, plus the loss of about 242 jobs. How can this government even countenance wanting to initiate this proposal in that location when these sorts of outcomes are potentially on offer?

I heard the member for Ballarat East speaking a moment ago about pragmatism and the realities. On page 134 of his report David McKinna says in part:

> The real risk here, in the case of Nowingi, is the threat imposed by the reactions of market stakeholders, be they based on reality or not.

That is the reality of it. Government members cannot get their heads around the fact that it is an issue very much to do with perception, whether they like it or not. On those three bases alone, this should not go on.

I will just say in closing that the people of the north-west region will not allow this to happen. I addressed the Red Cliffs meeting some months ago, at which there were a thousand people. There have been lots of meetings since, and the Save the Food Bowl Alliance and the Rural City of Mildura, led by Peter Byrne, are to be congratulated for the defence they are mounting in the face of this. Those people have said repeatedly that there will be no surrender on this, and there will not be. Certainly insofar as The Nationals are concerned, this project should never be built in the proposed place. It was poorly conceived, and it should never go ahead.

Mr NARDELLA (Melton) — This matter before the house is a difficult one in the sense that the opposition, as is its wont, is playing politics on this matter in the Mildura region, but it should not be doing so. I say that sincerely, because instead of providing genuine solutions and options or a way forward, the opposition is only on about criticising the process and the government to score political points.

The argument put by the Deputy Leader of the Opposition today has essentially been about the following things: that the environment effects statement (EES) process is flawed, that it is not an independent process, that there is no access to documents, and that the McKinna report paints a dark picture of the markets in South-East Asia. I want to pick up on each of those matters.

The EES process is not flawed. It is the same process under the same legislation that existed under the seven long dark years of the Kennett government. It has been in place during the six years of the Bracks Labor government. The process is open and provides people in those communities with opportunities to have their say. It also means that they have access to the documentation. If they cannot get it in a hard form — and the Deputy Leader of the Opposition bemoaned the fact that he was not able to get a copy, yet he was in the house with a copy, so he displayed a double standard — people can access the documentation and then respond directly to the panel on the EES via the web.

Honourable members have talked about a four-week increase in the time frame to do that. Whatever the time may be, whether it is four weeks less or four weeks more, whether it is at harvest time or regardless of the situation, there will always be something in the way. It is either going be January or December, or it is to be October or February. February is pretty hot, so you could use that argument, or you could use the argument that March is the time for exporting stuff. It is going to be difficult at any time. But it is not January now! It is October, and that gives people enough time to put in their submissions.

In regards to its not being an independent process, how much more independent does the opposition want it to be? The panel members are appointed through an independent process. Like judges, the Ombudsman and others in our society who have the responsibility of investigating these types of matters, the independence of the panel members is paramount to them as individuals. To come into the house and play politics, to say it is not an independent process and that the opposition has been kept in the dark, is wrong. The only thing that keeps the opposition in the dark is the opposition itself.

The member was bemoaning the fact that he could not get the documentation, when twice his driver took him down to Information Victoria in a white chauffeur-driven car — and wherever else he went. Instead of bemoaning the fact, he could have just stayed in his office, brought it up on his computer screen and printed it off instead of playing stupid politics in the house.

Dr Napthine interjected.

Mr NARDELLA — The honourable member for South-West Coast says it was a thousand pages. That totals two reams of paper, and at $5 a ream the total cost would be $10. The Deputy Leader of the Opposition could have taken that out of his part B office budget. He did not even have to put his hand in his pocket. But what did he do? He got his driver twice, he got in the car twice, he used fuel twice to go down the road to make a stupid, idiotic political point.

I make it clear that the closest residence to the proposed facility is around 9 kilometres away and that it would be over 45 kilometres from Mildura. I contrast that with where the current dumps are located at the moment. One of the dumps, at Bulla, is in what was my electorate of Melbourne North Province when I was a member of the other place, and it is putting that type of waste in that area. If you go to the wineries at Sunbury, which are only a few kilometres away, the farmers within that particular region will tell you the dump has not affected their produce, exports or livelihoods.

Dr Napthine interjected.

Mr NARDELLA — The honourable member for South-West Coast says, 'Leave it there'. That is an indication of the extent of his policy investigation and foresight on this issue. He has not been able to think at all about this issue. As I said, the dump at Bulla has not affected those people.

We need to find a long-term solution to this. I understand what the honourable member for Mildura is going through with regard to this point, but I want to say this: I had protesters out in the Shire of Melton — there were 350 in the Melton shire hall — all wanting my blood, wanting the member for Footscray's blood and wanting the government's blood because of the soil recycling facility. That facility has gone down to Dutson Downs in Gippsland, and it has not affected Gippsland's tourism, its exports or its agriculture. I have been through this process.

I have two real difficulties. One is that the community has to get involved in this environment effects statement process and express its views as strongly as it can. It has to do the research it needs to do, even if it is additional to what is in the McKinna report — if it is about other effects on tourism and so forth — and it has to make its views known within the EES process, which is a genuine process.

In the final analysis what really needs to be considered is how, if the facility goes there, we as a government and as members of the local community can make sure that the impacts of this facility are absolutely minimal, that the reputation of the Mildura region is kept at the same high level it is at now and that the safeguards are there to make sure the facility is the safest of its type in the world. They are the major issues, not those raised in the political points scoring that this matter of public importance is all about. If we look at this issue logically and rationally, that is probably the point that we are eventually going to get to. I think we all have the responsibility of trying to make sure that the impact on the social, economic and environmental issues is absolutely minimised.

Later on in this debate we will hear members of the opposition continuing along this path, because they believe there are political points to be scored out of this. I do not think they should do that. If they have genuine options for this facility other than keeping it where it is, they should put those on the table today. I oppose the terms of the matter of public importance before the house.

Dr NAPTHINE (South-West Coast) — The toxic dump environment effects statement (EES) is a document of which Sir Humphrey Appleby would be proud. It is an 8.5-kilogram document of over 1000 pages. It is a classic Sir Humphrey document — a report you have when you are trying to sell the unsaleable and when you are trying to hide the detail. It is a document you have when you are trying to baffle people with bulk rather than deal with the facts. Sir Humphrey would also have been proud of how hard this government has made it for the people, councillors and others affected by the report to actually get a copy of it. He would also have been proud of the short time frame given for responses to the report. It took months and months of work to put together, and only a few short weeks were given for responses — and then, being very generous, the government said, 'You can have an extra week or two'. I think that is absolute nonsense.

The only thing any logical person could conclude from this process is that the EES is nothing more than a whitewash, that the whole process has been driven by the political agenda of the government, and that the Bracks Labor government seems politically determined — despite the facts, despite the information

and despite the logic — to cart toxic waste from Melbourne and dump it 500 kilometres away in the Sunraysia food bowl. That is an absolute disgrace. It should be an embarrassment to the government, and clearly — —

Ms Pike interjected.

Dr NAPTHINE — The minister says, 'What should we do?' The first thing you should do is work harder to reduce waste, and then we could have another 15 to 20 years in which Lyndhurst could operate. They are two solutions that ought to be pursued immediately, so let us get that out of the way.

Clearly, as I said, this EES is a whitewash. It is politically motivated to hide, obfuscate, confuse and make sure that the people are not able to respond effectively. The decision will be absolutely political, just the same as the original Bracks government decision to propose placing a toxic waste site in the Violet Town and Pittong and the Ouyen and Tiega areas was. They were selected and overturned purely because of political action; they were overturned because of politics. The only way the decision on the Hattah-Nowingi site will be overturned will be by political action.

I am afraid to say that the acid is on the honourable member for Mildura. He can no longer be an aggressive, savage lion on this issue in Mildura and then a meek, mild mouse here in Melbourne. The member for Mildura claims he has a close relationship with the Bracks Labor government and a close personal relationship with the Premier. Indeed, the honourable member for Mildura personally put this government into office. Therefore, when this is the biggest issue affecting his electorate — his community — the acid is on the member for Mildura to do the right thing by his electorate. To date, members of his electorate have seen the member for Mildura go through the motions and have heard him say the occasional word. It is about time he moved to the next gear and called in his political favours and used his personal friendship with the Premier and his close relationship with the Bracks Labor government, which I remind members he put into office.

It is time now for him to say that the proposal to put a toxic waste dump in the Sunraysia food bowl should not proceed. It is wrong environmentally, socially, economically and logically. It is time the member for Mildura actively said to the Premier, 'Enough's enough!'. The member for Mildura cannot continue to be a loud voice in Mildura and as silent as a lamb in Melbourne. He has to stand up and be counted. He has to tell the Premier that he will not only speak up against this issue but will actively campaign against the Bracks government from now until the Bracks government is got rid of because of what it is doing to his electorate. He has to be prepared to nail his colours to the mast on this issue.

As I said, this will be a political decision. The EES confirms that pure politics will drive the decision. The person who has the most power in the process to influence the government is the member for Mildura. I urge him to move into the next gear and absolutely up the ante, using his relationship with the government to make sure that the toxic waste dump is never, ever built at Hattah-Nowingi, because it should not be built there.

The EES confirms a number of disturbing things about the toxic waste dump. It confirms that it will be a landfill and that waste will be buried 5 to 6 metres in the ground. It confirms that it will be a massive dump, with 25 000 tonnes of waste being dumped there a year and with 20 huge structures around the landscape. It confirms most disturbingly that toxic waste will be only 4 metres above the ground water which runs into Raak Plain. Then the ground water, as it says, will be evaporated at the surface, which poses real risks with regard to the leakage of toxic waste. It confirms that significant destruction of Mallee vegetation will take place.

Mr Nardella — It does not say that at all!

Dr NAPTHINE — It confirms that the site is a home of protected flora and fauna.

Mr Nardella interjected.

Dr NAPTHINE — It says it in the report. It confirms that there needs to be active monitoring to protect the environment and the area.

While it says there will be all that sophisticated monitoring, it does not say there is no broadband access to the area. Under questioning before a recent meeting of the Rural and Regional Services and Development Committee, the Telstra regional manager said not only that there is no broadband access to the area but that neither the government nor major projects had made any approach to Telstra to have broadband access to the area. So there will be no real-time online monitoring, which is talked about in the report.

The report also confirms that there is enormous potential for perception-based impacts to occur. The McKinna report confirms that building the dump will cost $40 million a year in lost agriculture production and lost tourism, that a further $17 million will be lost

in value adding in the area, and that at least 232 and up to 276 jobs will be lost from the area. That will be on top of the recent small area labour market data which shows that unemployment in Mildura has gone from 8.1 per cent in June 2004 to 10 per cent — double the national average — in June 2005. It has increased by 20 per cent in the past 12 months and now the Bracks Labor government wants to further jeopardise employment prospects in that area.

The toxic waste dump should not be put in that area. It is too far from Melbourne. It is too big a risk with the transport, given that five to 10 B-doubles or trains will be going each day through many communities that do not deserve that risk. It is too big a risk to the Sunraysia food bowl, which generates $2 billion of export revenue a year because of its clean, green produce, with 97 per cent of our dried fruit, 23 per cent of our wine crush and 24 per cent of our citrus fruit production.

I conclude with some comments from Richard Pratt, who wrote to the Premier in October last year:

> I am writing to express my concern about the proposed establishment of a toxic waste facility at Hattah-Nowingi.
>
> The proposal poses a significant threat to one of Victoria's largest, most productive and cleanest food-producing areas, the Sunraysia … The region is now a major contributor to Victoria's economic wellbeing and it would be a great shame to put all this at risk by siting a toxic waste dump in the area.

In conclusion, the EES confirms all the fears the community has about this. It is absolutely the wrong site for toxic waste. It is too far from Melbourne; it poses too big a risk with transporting toxic waste through communities right throughout Victoria; it poses too big a risk to the environment, which will be jeopardised by the destruction of Mallee vegetation and threats to local fauna; and it poses far too big a risk to the Sunraysia food bowl and the economy of the Mildura region. This should not proceed. It is the wrong decision. It is absolutely the worst thing that could happen to Mildura and the Sunraysia.

It is very important that every effort is made to convince the members of the Bracks Labor government that they have simply got this wrong. A sign that a government has some maturity is that if its members have got something wrong they admit they have got it wrong and change it. The members of this government should admit they have got it wrong. They should desist from proceeding with establishing a toxic waste dump at Hattah-Nowingi.

Ms LINDELL (Carrum) — I would like to echo some of the points made by the member for Melton in his contribution. Members heard the previous speaker, the member for South-West Coast, talking about the proposal as a particularly political decision. As the member for Melton said, today's debate is an absolute exercise in political point scoring given the hypocrisy we have heard from members of the opposition. You think you will become used to the level of hypocrisy that can be thrown around this place but it always staggers me when we actually hear it.

As the member for Melton said, this is a very difficult decision, not for the Parliament of Victoria but for the community of Victoria — for every person who lives in this state. Where we site the long-term waste containment facility is a very serious issue. Yet in here it has been thrown around. But let us look at some of the arguments. One of the arguments is that this is — —

Mr Honeywood — You've got it wrong four times!

Ms LINDELL — There we are: we've got it wrong four times, and they got it wrong only once. Fantastic, isn't it! Members have heard that the government has taken too long to get to this stage — but also that we are rushing it through.

Mr Honeywood interjected.

Ms LINDELL — Members have heard that the report is far too detailed. What an insult to the people of Mildura! We are told that the document is too detailed, that the environment effects statement is too detailed and that it is too big — yet we are accused of hiding the facts. So while we are providing too much detail, at the same time we are hiding the facts. This has been the most atrocious debate I have ever witnessed in this chamber.

Mr Honeywood interjected.

Ms LINDELL — Now the Deputy Leader of the Liberal Party is sitting there saying to me, 'You won't have it in Carrum, will you?'. Where does he want to site it? Where does the member for South-West Coast believe it should be?

Mr Honeywood interjected.

Ms LINDELL — No, in Lyndhurst, next door to the fastest growing part of Melbourne and 20 kilometres from the market gardens in the Koo Wee Rup corridor that supply Melbourne's vegetables.

I have it all here, if I can indulge the house for a couple of minutes. What has the shadow spokesperson for the environment actually said? He said a Liberal government would reverse the decision to have the dump at Nowingi, and he accused the government of

having the consultation period while the council is in caretaker mode. Honestly! Anyone would think that the councillors themselves are going to write the — —

Mr Honeywood — They are upset.

Ms LINDELL — I am sure they are upset. I am upset, and lots of Victorians are upset. If the dump should be 100 kilometres from Melbourne, is that 100 kilometres from the GPO — are we talking about Point Nepean or the Cranbourne Botanic Gardens? — or are we talking about 100 kilometres from the outskirts of Melbourne?

The Leader of the Opposition has said that the Liberals would reverse the decision and that the facility should be located on Crown land within 100 kilometres of Melbourne. He has said it on more than one occasion. My notes tell me that the shadow Minister for Environment said the same thing on 3 October. He said it should involve an above-ground facility built within 100 kilometres of Melbourne.

Of course the shadow minister for rural and regional development, the member for South-West Coast, from whom we just heard, has said the Liberal Party has abandoned its support for landfill — after the debacle of Werribee! He virtually said, 'No, we have forgotten about landfill. We have abandoned our support for landfill. Projects like Nowingi should become a thing of the past. Lyndhurst and Tullamarine should continue'.

Mr Honeywood — When did he say that?

Ms LINDELL — On 30 September in the *Sunraysia Daily*, which quotes Denis Napthine, the shadow minister for rural and regional development — —

Mr Honeywood interjected.

Ms LINDELL — The Deputy Leader of the Opposition is actually telling us what his policy is — perhaps he should tell his own party what it is.

I suppose the most amazing person to get involved in this is the federal member for Mallee, John Forrest. What is his view? He is reported as having said:

> Burying waste is not the solution — there are other options available including incineration at high temperatures.

I actually agree with him. There is still to be had in this state a debate about high-temperature incineration disposal of waste. But I can tell the house that I do not think even Mr Forrest is going to say, 'Yes, let us do it that way at Nowingi'. He poses a question and a kind of way out of it, but he has no real answer — and that is the really disappointing thing for me in the whole of this debate. The Leader of the Opposition has said there are more sites within 100 kilometres of Melbourne on Crown land that would be suitable for this facility, but not Hattah.

If he knows there are more sites within 100 kilometres of Melbourne, then why does he not have the absolute gumption and courage to walk in here and tell us exactly where those sites are? In which Liberal electorates are those sites, or is the opposition planning to find a site? Heavens! It would not be in a Labor electorate because the Liberal Party would never do that to Labor electorates! Tullamarine, Werribee, Lyndhurst — none of them is a Labor electorate!

This matter of public importance is absolute rubbish. From beginning to end this debate has done nothing but demonstrate the amazing hypocrisy of the Liberal opposition. We only have to look back to the beginning of the Bracks Labor government in 1999, when a committee that was chaired by the member for Footscray, Bruce Mildenhall, and which included Harry van Moorst and a whole range of other members went around the state, visited people and had community consultations; but did members of the Liberal Party contribute to that in any sense at all? No, they certainly did not.

I went to a meeting in Dandenong South, and to my utmost joy the former member for Mordialloc was there, grandstanding as is his wont. And what was he saying? He said, 'You will not put in any extra, and you will not extend Lyndhurst. You will not do it to Lyndhurst and you will not do it to Dutson Downs'. There was not one positive suggestion of where as a community we could do this and how we could have a proper process. It does not matter what process the government goes through, no matter how independent or how consultative it may be, because if the answer is not right, then the process is flawed. According to the Deputy Leader of the Opposition, it is always flawed if the answer is not what he wants. The problem that he, the Liberal Party and The Nationals have in this whole debate is they do not have an answer. They can only emphasise the problem.

The last amazing piece of hypocrisy I will mention is that the member for Lowan is asking for assurances that it will not be a nuclear dump, yet what is his party in government at the federal level doing to the Northern Territory? That government is saying, 'Here it is! Have it!'. We have one rule in one realm and another rule in the other realm.

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

Mr SAVAGE (Mildura) — I rise to support the member for Warrandyte on this matter of public importance, and I thank the Liberal Party for giving me the concession of putting my position. It is a matter of negotiation, not an automatic right. This is a debate that we should not be having. In 1900 Theodore Roosevelt said:

> No man is justified in doing evil on the ground of expediency.

This is an evil decision, and I will detail why. The site was chosen due to desperation, because the process was a monumental comedy of errors. Firstly, there was no assessment that I can determine by which the government actually assessed what the long-term containment facility requirements were, on the basis that there is a diminishing amount of waste stream for B-grade waste. We have seen a significant reduction of this waste in the last two years, during the time this decision was first announced.

Secondly, how can anybody have any confidence in the process when, in secret, Major Projects Victoria was scouting around Victoria looking at private land that could be purchased for a toxic waste dump? To say that B-grade waste is benign, you have to look at volume 1 of *Environment Effects Statement — Specialist Reports*, and in particular the final report entitled 'Long-term containment facility environment effects statement — air quality study' to see a list of chemicals that are quite dangerous to human health. That information is in section 2.

The initial process was a clue as to what was to follow. It would be generous to say that this was a crass and incompetent process that has gone from bad to worse. The environment effects statement (EES) — I think I am one of the few members who has got a copy and had a look at it; I know that some members have the summary — is six volumes; it is quite significant.

We have to also make the observation that when you pay $5 million to URS or GHD, you are going to get an outcome that has a pretty determined end because these companies work for governments all the time. Of course they are working for the government. URS has been described to me as the best consultancy money can buy. I do not mean necessarily the best in what it delivers, but the best money can buy in what it delivers to government as the customer.

GHD is a consultancy that is equally popular with the government. It did a recent rail study in Mildura at a cost of $15 000 and promoted the removal of all rail infrastructure from the river front and from the central business district (CBD) of Mildura. It based this on the fact that it was going to remove all these dangerous railway crossings from the CBD of Mildura. The only data it could come up with were two fatal accidents that happened 20 years ago, and one was not even in the study area. There is a good example of how incompetent GHD can be.

The front page of last Sunday's *Sunraysia Daily* featured the Hattah store. Alex and Judy Dowsley are the owners of the store. It was a prominent picture that was meant to convey that their business will be in jeopardy if this dump goes ahead. If you look at volume 4 of the EES, you will see a reference to the fact that there would be some local social impacts, and one of those would be on local businesses. It also makes reference to the fact that land will be devalued. There is nothing in this multitude of documents that says, 'We are going to rectify this'.

One of the fundamentals of our democracy is caring for people, making sure that everybody gets a fair go, everybody is listened to and everybody counts in this state. I thought that was one of the fundamental planks of Labor policy, but it seems to me that it has forgotten that people are important. They are to me, and I am sure they are to many members in this place.

The McKinna component made some observations about the potential impact on our economic future. Whether it is perceived potential impact and a low likelihood, we cannot afford to take any risks whatsoever. I will give an example of what is happening now — and we tend to fixate on the problems of the future instead of the problems of today. We are coming out of the worst drought in 20 years. Many wine growers have had to leave their grapes on the vines. I was talking to one grower this week who told me he got $120 a tonne; he has 70 acres of wine grapes. He is living on his overdraft and selling oranges on the side of the road to meet his tractor payment. As well as that, 50 000 tonnes of oranges are being dumped as cattle food or left on the trees. Dried fruit growers are getting less money for their crops now than they were 15 years ago. Most of them survive because they have second jobs and it is a hobby. There are no table grapes or citrus being sent into China, yet it is dumping tonnes and tonnes of product into Australia.

What are our federal colleagues doing about this? I can tell you that John Forrest, the federal member for Mallee, and his colleagues are not doing much! We do not need another dimension to the future problems of what we produce in our region. If members do not think this is important, they can see from one of these documents the actual figures on what we produce as a region, and it is millions of dollars. Under no

circumstance should we ever put that production under any form of risk.

On page 27 of volume 3 of the EES there is a map of Hattah and Nowingi. One has the arrow going north past Nowingi — it is wrong; it is going past — and the other is going south of the Robinvale Road. Hattah is at the Robinvale Road. The map says it is south. That is a pretty basic thing. How many other errors are in this document?

The summary that was delivered to everybody and published in the *Sunraysia Daily* last week has a couple of interesting observations. One of the most disturbing is the one that refers to the Raak Plain, which has the greatest ground water discharge in Victoria. The toxic waste dump site is right next to it. It is not 10 kilometres away; it is next door! The summary says that Raak Plain is a terminal system, having no surface water pathways out of it. Where does this water go? It goes back into the ground.

Representatives of Major Projects Victoria told me, 'We do not have to worry; it will take 1000 years to get out of there'. Nobody has done any tests on any containment facility. The summary says it will be there for hundreds of years. How can we know that this process is going to protect our environment for hundreds of years? It is impossible to determine that. It has not worked in China and it has not worked in Japan. America feeds its waste into coalmines so it leaks into the ground water system. These speculative observations in this EES — and that is what they are — will have a very serious impact on my region in the future.

What financial assessment has been done on this facility? I could not find anything in these six volumes that tells me how it is going to be funded after it is built. Who is going to pay for it for hundreds of years; or was the government just going to close it down and abandon it? That is irresponsible.

In 1961 John F. Kennedy said:

> This administration intends to be candid about its errors; for as a wise man once said: 'An error does not become a mistake until you refuse to correct it'. We intend to accept full responsibility for our errors …

It is time this government did that. It has to correct this error.

It is ironic that six years ago yesterday I signed a memorandum of understanding with Steve Bracks, as did my colleague the member for Gippsland East. The last line of that memorandum was that it 'abuses the spirit of democratic parliamentary practice and procedure'.

I am now calling into question those principles. This is an unprincipled thing to do and I no longer trust this government. I have no respect for its ability to deliver fair outcomes based on honesty and probity. It has become bereft of integrity, addicted to spin, expensive self-promotion and is a renaissance of the Kennett way of governing. During the minority government which was elected in 1999 I never asked for anything personally, except for honest governance. I trusted the Premier to consistently deliver that outcome. I have opposed this toxic waste containment facility at every turn. I have not played the political games as some have. I accept the responsibility of this decision in the sense that I trusted this government and this government has not returned my trust. I accept that responsibility and I tell you it weighs very heavily on my shoulders.

After 29 years in the police force and 10 years in here I still believe that honesty, trust and integrity are human imperatives. They are human imperatives in this place, and we cannot go through life thinking that we are half honest or it is half the truth. It is either the truth or it is not. This is the wrong decision, and it should be abandoned.

Ms DUNCAN (Macedon) — It saddens me to hear the comments made by the member for Mildura because I hold him in very high regard. He has been advocating on this issue for a very long time. I know more about this issue than many other issues we have faced. and I put that down to the work of the member for Mildura.

We know that locating such a facility is extraordinarily difficult. It does not matter what the real impacts are; no-one wants one of these containment facilities in their backyard. It is an extraordinarily emotional issue and is not always looked at logically, especially if people think about it as a toxic dump. I note the language used in this debate and that used in newspaper articles — and everywhere it is referred to — the use of the word 'toxic' is constant. It is not toxic waste. There are very different levels of waste, and this is not toxic waste.

It galls me to hear what the Liberals say on various issues raised in this chamber; and this is again another example where they say, 'Do not do what we did, but now do as we say'. Let us look at their record on this; let's look at Werribee. No environment effects statement (EES) was done for Werribee. There was no limit of 55 kilometres from the nearest town or 8 kilometres from the nearest house; rather it was to be

smack bang in the middle of Werribee. No consultations were conducted and there would be houses right next door. The Werribee facility did not go ahead because CSR pulled out. Let us remember what the Premier of the day, Mr Jeff Kennett, said about that withdrawal by CSR. He called CSR a wimp, so we should not pretend there is any credibility whatsoever in what the Liberals say about process or about a flawed EES. The previous Liberal government did not go through any process; it was just going to let this happen. Let us not forget its credibility is zilch.

Of course that was a huge emotional issue, and the government learned from that process. The government has set up a hazardous waste consultative committee, which resulted from recognising the need to deal with hazardous waste and determining the best way to deal with it. The question was: if we were siting one of these facilities, what would be the best criteria to use in order to site it? It is not about whether it is a Labor seat, a Liberal seat or a seat held by The Nationals, and not about whether it is 100 kilometres from Melbourne or not. It is about the criteria that could be applied in siting one of these facilities. This government entered into a huge consultation process to establish the criteria for determining those sites. A number of criteria were set up. They were objective, scientific and responsible, which is the process that this government has followed.

The hazardous waste consultative committee's siting report did not recommend a siting restriction of 100 kilometres from Melbourne, nor has the government ever adopted such a criteria. The government applied 30 stringent criteria to the entire state, regardless of tenure or distance from Melbourne, in order to find potentially suitable sites for such a facility. The sort of waste that is going to be included must reach strict Environment Protection Authority requirements for category B waste. These include limits on waste concentrations and their ability to give off vapours or seep. All waste will be tested by accredited laboratories and individually approved prior to transport. Waste must be solid and dry and must not be explosive, flammable, corrosive, infectious, radioactive or capable of giving off toxic gases or liquids. Waste will be transported in approved packaging inside closed shipping containers.

On receipt at the long-term containment facility, waste will be unloaded and handled in buildings with air treatment equipment. The facility design includes a triple barrier system above, around and below the waste to prevent emissions. The barrier system has a design life of well over 1000 years. The facility will be monitored, including monitoring between the barrier layers to ensure there are no emissions. It will remain the responsibility of the state of Victoria to ensure the long-term monitoring and maintenance of this facility. This facility is considered to be significantly more advanced than any single waste facility managing similar waste anywhere in the world. This is world best practice. It is a far cry from the way we have dealt with these wastes in the past.

Let us look at another criticism from the Liberal Party in terms of what its members say is the stress we have caused communities by initially identifying three sites and now identifying this fourth site. That is absolutely true. There is no way of getting around that. When any site is located or suggested, it creates enormous discord for those local communities. What is the Liberal Party's proposal to overcome that? It has pulled its proposal out of the proverbial. It will draw a circle 100 kilometres around Melbourne. Crown land within 100 kilometres of Melbourne will be a potential site. I am not sure how much Crown land would be in the 100-kilometre zone around Melbourne but I would imagine it would be a lot more than four sites. Potentially the Liberal Party would have a lot more than four communities which may be fractured by any proposal.

This is the Liberal Party's proposal: let us not confine it to four communities; let us open it right up; let us look at any Crown land within 100 kilometres. We know the issue of land tenure, the Crown land argument which was raised about the previous three sites. The government listened to the community and said, 'Okay. We do not want private farmland, good farmland used for such a facility, so let us now look at some Crown land'. It finds Crown land, but that does not satisfy anyone either. The goalposts are shifted by the Liberal Party, which will continue to use this for political means, as the member for Mildura has said. Not everybody comes to this debate with the same level of argument that the member for Mildura has.

What did the McKinna study find? It found that if the facility is proven to be the cause of food safety impact, major damage could be caused to the region's economy through loss of export and domestic sales. However, the technical studies conducted for other aspects of the EES assess this risk as negligible — in other words, almost impossible. Perception-based risk to export markets is one of the few risks remaining in the project. When members of the Liberal Party repeatedly refer to this as toxic waste, what do they think that report is referring to?

The McKinna report argues that the greatest risk to Australian horticulture is increasing competition from other exporting nations with lower cost structures. In fact the member for Mildura, by going through the

issues that are happening up there, confirms that is a risk that is already being faced up there. The report argues that price competition is of greater consequence than a clean and green image. By comparison, the long-term containment facility represents a very minor risk to the region.

In regard to that, let us look at other facilities around the world. There are many facilities around the world that deal with industrial materials and wastes and which have not had any impact on sensitive exports. For example, one of the French low-level radioactive waste store sites sits on the border at Champagne, 10 kilometres from the closest vineyard. Many traditional open air landfills exist in food-exporting regions throughout France. Hazardous and nuclear waste facilities exist in California and south-west USA in food-producing regions, and let us not forget that this would not be a nuclear waste facility; it is about a toxic waste facility. In Japan food is grown up to the edge of nuclear power plants and hazardous waste facilities. In Victoria, Lyndhurst landfill exists within the south-east green wedge within 10 kilometres of intensive market garden areas.

This is a very difficult issue. I have yet to hear any examples of where the EES is flawed. Let us not forget this is not the end of the process. This is the very early beginning of a much longer process. If this EES is flawed, every EES in this state is flawed. Let us not forget, as is required in all EES processes, that EES studies have to quantify worst-case scenarios. What we get here is some people who will pick up on a worst-case scenario and talk of one part but not the other. For example, in terms of determining worst case, it is a two-part exercise: firstly, the size of the potential impacts need to be quantified; secondly, the likelihood that this impact could occur is also quantified.

Mr PLOWMAN (Benambra) — This matter of public importance deals with the environment effects statement process but particularly deals with Nowingi because this is one of the most appalling examples where the EES process has been manipulated to suit the government's requirements.

This manipulation by the government is supported by the member for Macedon because she said those three sites — and then extended the three to four sites — that have been considered by the government are acceptable choices. I live very close to one of those sites at Baddaginnie, and I know the people who live there. I know the person whose farm was going to be acquired for the site. He used to class wool for me. I know about the 12-month period of extraordinary depression that the family went through in the knowledge that their farm was going to go. It was all for nothing, all because it was a wrong decision and because it was a bad process that was taken on by the government. This government has brought those three communities an incredible amount of disruption and personal anguish. This process is appalling.

I will get back to Nowingi. We talk about this EES process with a degree of hope that it is going to do the right thing. This EES process was postponed in order to allow the emu wrens to nest in that area which is their habitat. That is an indication that the EES process acknowledged there was a reason why Nowingi should not be utilised as a facility, but that has gone by the bye.

The real concerns, though, are the risks to the Raak discharge area. The member for Mallee said it is the biggest discharge area in Victoria. It is one of the most significant wetlands in Australia and is quite unique. Phil Macumber, one of the best ground water experts in Australia, says it is unique. It is an incredible area where ground water is injected above the soil. When I had a look at it, I agreed with Phil. It is quite extraordinary. It is within 5 kilometres of the site and is at risk because the ground water extends towards the Raak wetlands.

The extraordinary thing is that the contamination of ground water is real. The ground water is about 11 metres below the ground. The facility itself is a landfill and will be buried 6 metres below the surface. That means there will be 4 to 5 metres between the bottom of the facility and the ground water, which is at risk, and the risk is real. The risk to the irrigation area only 13.5 kilometres away is real. The *Herald Sun* reported on 27 November last year:

> The Bracks government has named a waste dump in Alberta, Canada, as one of four with world's best practice for hazardous material.

It goes on to say:

> … the Canadian dump experienced some serious breaches in the 1990s that led to fishing and hunting exclusion zones of up to 30 kilometres, due to health fears sparked by environmental poisoning.

The problems included:

> A ban in 1996 on eating all wild game from within a 30-km radius of the plant, after animals tested positive for toxic chemicals.
>
> A ban in 1997 on children and pregnant women eating fish from within 20 kms of the plant due to high chemical levels in nearby waterways.
>
> An explosion at the plant that led to fugitive toxic gases being released into the atmosphere.

This is a site that the Bracks government has named as one of the four best practice sites for hazardous material in the world.

The member for Macedon said this site will be the world's best. This is what it is based on, and this is what has actually happened to one of these sites. To suggest that there is not a major risk to ground water is to look at this with blind eyes or to put your head in the Nowingi sand. It is a risk to the Raak Plain, it is a risk to the irrigation community and it certainly is a risk to that food bowl. The food bowl alliance, led by Peter Crisp, is adamant that this should not be the site. The mayor of Mildura is leading the fight in saying that this should not occur in this patch. A major food production area in Victoria is at risk. I suggest that the toxic waste dump would make the future of this site totally unacceptable.

In an article dated Saturday, 20 November 2004, the *Age* reported that Mayor Peter Byrne stunned 1000 protesters rallying outside Parliament House in Melbourne by claiming that his council had been offered millions of dollars by the state government, through a Bracks government intermediary, to abandon its campaign against a proposed toxic waste dump. Peter Byrne is a long-time member of the Labor Party. He would not make these statements lightly. For this to happen shows that the government is at the depths of its ability to overcome what is a major problem for his area. It is incredible that the Bracks government would come up with the suggestion of putting millions of dollars towards the city of Mildura in order to have local criticism rejected.

Ms Kosky interjected.

Mr PLOWMAN — The Minister for Education and Training does not even suggest that this has not happened. In fact she is supporting the Bracks government in saying that this was proposed to the Mildura council. I suggest the problems are even greater that that. There is even no water or sewerage available in this area. I quote from an article in the *Age* of 14 August last year which states:

> Doubts have emerged over the state government's preferred location for a $200 million toxic waste storage facility …
>
> Peter Crisp, deputy chairman of the Save the Food Bowl Alliance … told the *Age* that the consultants said water used to clean vehicles that brought waste to the site would have to be 'captured and taken to Melbourne' for treatment …

The report also states:

> … the meeting was told that about 10 trucks would visit the facility each day and would require washing down before leaving to pick up other goods.
>
> … Major projects minister Peter Bachelor said claims that contaminated water would be trucked back to Melbourne were 'a furphy'.
>
> 'We won't be hosing out the trucks with tank water and then tankering it back to Melbourne …

The report provided by the government says that wastewater vehicles arriving at the facility will pass over the weighbridge and then into a waste receiving facility. It further states:

> In addition all vehicles exiting the building will pass through a roofed vehicle-wash-down area.
>
> …
>
> Vehicle wash water will be collected and stored in a tank that also accepts water collected from operational areas … The wash water … will be tested prior to reuse on site or transported off-site for treatment in accordance with EPA requirements.

That means the water will be taken off-site. Where is the Environment Protection Authority facility outside Melbourne that has the capacity to treat the wastewater? The wastewater with the toxic chemical residues in it will go all the way back to Melbourne.

I make the point that the answer to this lies in alternative means of treating toxic waste. High-temperature incineration is one method used worldwide. Pyrolysis and gasification are world best practice that in most cases are used close to where the waste is generated. Reverse polymerization is another method, and the latest is the plasma arc technology. All these methods are possibilities that should be considered by this government to reduce the waste going into the system rather than placing the hazardous waste at Nowingi.

Mr HELPER (Ripon) — It pains me that the opposition, and the member for Warrandyte in particular, feels inclined to play politics with this issue in such a callous and heartless way. We heard a presentation from the member for Mildura, who outlined the impact that the process for evaluating the feasibility of siting a long-term containment facility is having on his community. I experienced a similar impact on the community in my electorate when the siting of a facility at Pittong was being evaluated. I understand the anguish the member for Mildura is going through, and I understand the community angst that is created by this process. That is one of the issues in this process that needs to be managed and managed carefully.

For the member for Warrandyte, his Liberal cronies and The Nationals lackeys to use this chamber to do nothing other than attempt to score political points genuinely

saddens me. I knew robust political divisions existed in this house, but I never thought the opposition would stoop so low as to exploit this debate in the chamber for grubby political expediency.

I go to the matter of public importance which has been so grubbily put before us. I will go through the process, because at the end of the day the matter of public importance addresses the process and not the project. Criterion 1 is whether there is a need for a long-term containment facility. The government has gone through a process that has determined the need for a long-term facility. It has also gone through a process to evaluate how such a long-term containment facility needs to perform and for how long it needs to isolate waste from the environment. The government has even gone through a process of defining what waste we are talking about.

Unlike the previous government, which I understand the member for Warrandyte was a senior member of, it came along, jackboots and all, and treated the siting of a long-term waste containment facility as a planning process. The previous government put it before a planning panel, and based on the recommendations of the panel it was quite happy for a waste containment facility to be placed in the middle of market gardens in close proximity to Werribee. We need to identify one marked difference here. In the case of Werribee we were talking about an open dump as against what this government has pursued and worked towards — that is, a containment facility, the criterion for which is the long-term isolation of waste from the environment. That is not something that could be claimed for a landfill dump.

Let us go through the process that members opposite are so keen to be critical of. I appreciate that nobody is going to say, 'Yes please, we want one of these long-term containment facilities in our community'. In these circumstances, which are a given and which the government understands, I believe the most important thing in executing a difficult decision is the process. I am quite proud of the process that this government has pursued, because it is far superior to anything we have seen previously in this state. The government identified and defined what the waste would be, it identified the parameters for containing the waste, and it identified three sites for investigation, one of which was in my electorate. That the process works is demonstrated by the fact that when material faults were identified in those three sites the government abandoned them. To me that says that the process is bringing about the result that it ought bring about, and that is the selection of the best possible site we can identify. Recognising that nobody wants it and that therefore there is no perfect site, nevertheless we need to go through what I acknowledge is the painful process of identifying the best possible site.

In his presentation the member for Benambra suggested that it was a manipulated process and a grubby little political exercise. I keep trying to think this through, because it is an accusation that the opposition has been making for quite some time. I do not know how much of a bunch of idiots the opposition deludes itself into thinking government members are. Why would we identify a potential site if it were part of a grubby, politically motivated process? Why would we identify a site that is potentially in a Labor electorate? What sort of a bunch of idiots do opposition members take us for? They may have difficulties in the party room, but they should not expect the rest of the world to be quite as stupid as they are.

The fact that the three sites were identified as being unsuitable and that the site at Nowingi is undergoing an investigation into its suitability suggests to me that an appropriate process is in place. I know from experience that it is a difficult process for the communities involved, and I certainly recognise that it is an extremely difficult exercise for a local member — in this case the member for Mildura, whom I respect immensely, and that was also reinforced by the member for Macedon. It pains me enormously that he is going through an exercise that I know from first-hand experience is indeed difficult to go through.

I come back to comparisons of the process we are going through here. If the EES process and the subsequent panel consideration of the EES report determine that the Nowingi site is not suitable, then what will happen will be exactly the same as what happened with the three sites which were previously identified. We will have to go back to the drawing board and look for another site. That is the purity of the process. It is about objectively assessing whether a site is suitable.

I come back to my earlier point about comparing that to what happened in Werribee. There was an absolutely disgraceful process involving something that was far more offensive to the immediate environment by virtue of its being an open landfill dump. The only process that existed there was effectively a planning process.

A planning panel was established which reported to the then Minister for Planning, who said, 'Yes, that is hunky-dory. Let's go ahead and stick it in the middle of Werribee. All will be right'. The fact that the site and the project were ultimately abandoned was not a virtue of the flawed and manipulated process pursued by the previous government. It was the result of a commercial

decision made by the proponent to duck for cover — and that was a perfectly legitimate decision for it to have reached. In this case the proponent is the government, and the process is being gone through far more rigorously.

The ACTING SPEAKER (Mr Smith) — Order! The member's time has expired. The member for Nepean has about 9 minutes.

Mr DIXON (Nepean) — I wish to talk about two aspects of the matter of public importance. One is the actual environment effects statement process, and the other is the effect on Nowingi in relation to the tourism portfolio, for which I have responsibility on this side of the house. The wording of today's matter of importance brought by the member for Warrandyte says:

> That this house expresses its deep concern with the flawed environment effects statement (EES) process …

The EES process that has been used by this government as the proponent of the project was described by the then Labor opposition as flawed when it was used by the previous government. The then opposition said it was not fair, did not work, and did not produce the outcomes it should have. We were derided by the then opposition about it, which said it would change it. This government has gone about changing the process and has come up with a document which is still sitting on a dark desk in a minister's office somewhere. I think it was last seen on the desk of a former planning minister, the current Minister for the Arts. This brand new process is nowhere to be seen! So the government has been using a process for this project which it has said is flawed.

This matter of public importance is about the fact that the credibility of this government on this project is totally lacking, because it has said that the process is not good enough. Pardon me for being cynical, but if the government has such a tremendous new process, why is it sitting on the planning minister's desk? Why is the government not using it?

I have seen a very good example of the results of this flawed process down in my neck of the woods with the channel deepening environment effects statement. Talk about a flawed EES! It cost millions of dollars and was so bad that after reviewing the process the independent panel had to throw it out and say, 'It is just not good enough. You have not tackled the main points. There are issues you have not even addressed'. So it is a case of going back to the drawing board. It will again drag on for months and months, and it is going to cost at least another $12 million for a brand new EES process. Here we are with this totally flawed process being used by this government on two major projects. It is a process that it has abused time and again. The whole process to do with the channel deepening and with the Nowingi toxic waste dump has no credibility so far as this government is concerned. That is what it said!

I turn now to the tourism aspects of this project. When you look through the massive EES — and you certainly cannot complain about its weight — you can see it is badly set out. I tried to come to grips with the tourism aspects of it, but there is no index. It is hard for anybody with an interest in a specific portfolio or area or town or aspect of the project to find any part of it in the EES.

In fact the member for Mildura had with him in the chamber the total environment effects statement in book form, and it stacked up to the height of the microphone, which is probably 40 centimetres. It is most difficult to find what you want in it without an index. The house could excuse my cynicism, but I think that is a deliberate attempt to bury the process and the findings under a pile of junk.

I looked through the EES, and as I said, I found it had very little to do with tourism. Tourism is a very important aspect of the economy of this area of Victoria which would be profoundly affected by this proposal, yet the EES is very light on about what is a major industry. That is my first point: I am very disappointed about that. It may be hidden there; it may be that I could not find it, but I doubt it. I think tourism has just been left out of this whole process.

In country Victoria, especially in areas like Mildura, tourism is the biggest business in town. It is a business in many of the small towns such as Ouyen, and even in large towns like Mildura and Swan Hill. Tourism in a lot of those cases employs probably the biggest number of people. It affects the local economy: the flow-on effects through the local economy are massive in country Victoria. The EES should therefore have given a lot more weight to the tourism industry.

A major tourism activity in Ouyen — right in the middle of the area that is going to be affected by this project — is the great vanilla slice bake-off. I have attended that on a couple of occasions. I was thinking, 'Here is a major food tourism icon that is going to be totally affected by this project'. When I think of vanilla slices, it brings a whole new meaning to the word 'yellowcake'. One wonders whether the vanilla slices will be glowing yellow — or doing so even more, once the toxic waste dump is up and running.

Ms Kosky interjected.

Mr DIXON — I could not resist that one!

In relation to access to tourism sites and the tourism area in the Mallee, how do tourists get there? Most tourists go by car and by train. Paragraph 5.0, 'route logistics' in the EES rail transport specialist report talks about some of the containers that will be hitched onto the back of the train taking people up to that tourist area. What will be at the back of the train? A couple of containers of toxic waste. That is a great advertisement! I do not know if they are going to cover up and paint the containers to make them look like carriages, so no-one knows what is at the back of the train, but that is hardly an inducement for tourists to visit the area.

On the Calder Highway, too, which is the main road route to the area, trucks loaded with this waste material will be interspersed with tourist coaches and people travelling in their own cars and hire cars to this area. That is the welcome to the area for tourists.

The two major conservation reserves up there are the Hattah-Kulkyne National Park, which is 11 kilometres to the south-west and 16 kilometres to the west of the site; and also a Ramsar convention wetland of international significance and importance. The Hattah-Kulkyne park is also of not only local but national and international importance, and it is one of the major attractions and one of the main reasons why people want to tour that area — to experience an environment that is unique not only in Australia but in the world. Tourist activities that go on in this area include camping, bushwalking, canoeing, swimming, fishing, boating, birdwatching and cycling. All those sorts of things are inextricably linked to the environment.

Yet that environment is going to be under threat. Whether that is true or not, it is the perception that counts. We have this beautiful natural environment, and there, right in the middle of it, will be the proposed dump. That is going to do untold damage to the tourism industry in that area. The economic factors in the EES section 'Perceived likely effects of proposed long-term containment facility' include:

> … reduction in attractiveness of region for tourism,
>
> declining visitor numbers to Hattah-Kulkyne and Murray-Sunset national parks,
>
> loss of revenue associated with declining national parks visitor numbers.

This is what the EES has brought up and said are areas of concern. The report says that 21 per cent of people think the dump would be bad for tourism and that people will not want to come to the area because of it. If 20 per cent of the locals are saying that, it is going to have a huge effect on tourism in the Sunraysia area.

The ACTING SPEAKER (Mr Smith) — Order! The member's time has expired, and the time allocated for a matter of public importance has also expired.

STATEMENTS ON REPORTS

Drugs and Crime Prevention Committee: violence associated with motor vehicle use

Mr WELLS (Scoresby) — I would like to make comment on the Drugs and Crime Prevention Committee inquiry into the violence associated with motor vehicle use. It was an interesting inquiry. I was on the committee with the members for Mornington, Benalla and Narracan. The first problem we had was defining exactly what road violence is. Although we read about road rage in the newspapers or see it on television, when you sit down to discuss the actual definition of road rage or road violence, it becomes quite a varying discussion.

The term 'road rage' is widely used in the media. Everyone thinks they understand it. What the committee did was to break it into three separate sections. The first term we used was 'road violence' — that involves spontaneous driving-related acts of violence that are specifically targeted at strangers or where strangers reasonably feel they were being targeted. Examples of road violence include physically assaulting another road user or intentionally ramming his or her vehicle. It includes psychological violence such as threats as well as physical violence. Road violence was the main focus of the committee.

The next definition concerned the term 'road hostility', which involves spontaneous, driving-related, non-violent but hostile acts that are specifically targeted at strangers or where strangers reasonably feel they are being targeted. Examples include obscene gestures at road users or verbally abusing them. The difference between road violence and road hostility is simply the degree of severity. Both are actions that intentionally target another road user, but in one case it is violent, and in the other case it is simply hostile.

The third definition we used was 'selfish driving', which involves time-urgent or self-oriented driving behaviour which is committed at the expense of other drivers in general but which is not specifically targeted at a particular individual. Examples include weaving in

and out of traffic or overtaking in the left lane. This kind of behaviour is not specifically targeted at another road user, and the aim is not necessarily to harm another person or to express displeasure with another road user but to get ahead or maintain progress in traffic.

The next problem we had, apart from using the different definitions, was to try to collect information from police and find out what information and evidence was available to support the notion that there was an increase in road violence. On the basis of information on 'road user violence' collected by Victoria Police since July 2002, it appears that there is no evidence of an overall increase in recorded incidents in Victoria and that the incidents are very low compared to other crimes of violence. That point is very important because, when we travelled overseas on this and other subjects, the issue of road violence or road rage in European countries did not rate very highly in comparison to other crimes in the community. The experts we spoke to felt that there should be greater emphasis on other violent acts or assaults in the community, rather than just focusing on road rage.

Many studies have been conducted in Australia, Europe, the United States and Canada. They found that the issue of road violence was relatively infrequent. Most studies show that between 1 and 5 per cent of those surveyed had been victimised by a severe form of road violence. The committee concluded that Victoria Police, in conjunction with the Transport Accident Commission, should conduct a pilot enforcement and education campaign and consider establishing a hotline as a component of the campaign to enable road users to report acts of road violence, road hostilities and/or selfish driving to the police and other agencies.

The committee felt it was probably not appropriate to bring in more legislation. It believed the existing legislation could be used effectively.

I note with interest some of the main reasons for road rage, including cutting in and pulling out, tailgating, stealing parking spaces, failing to indicate, blocking traffic, insulting other road users, preventing other road users from merging and overtaking. This was a very good and effective report.

Scrutiny of Acts and Regulations Committee: discrimination in the law

Ms D'AMBROSIO (Mill Park) — I rise to contribute comments in support of the *Discrimination in the Law* report prepared by the Scrutiny of Acts and Regulations Committee. The issue was referred to the committee under section 207 of the Equal Opportunity Act 1995. The house will be aware that the Equal Opportunity Act prohibits discrimination based on various attributes on certain grounds. However, when other acts and regulations contain discriminatory provisions they override the Equal Opportunity Act. As a way of dealing with the discriminatory provisions in those other acts and regulations the Equal Opportunity Act requires government to cause reviews of those other acts and regulations from time to time to identify discriminatory provisions and to consider their repeal, retention or amendment within a set time.

The inquiry was a mammoth task. Before any committee can undergo a thorough review of every Victorian act and regulation to identify provisions that might be discriminatory and then make recommendations, it needs to consider whether it has the capacity and the resources to do that. The Scrutiny of Acts and Regulations Committee decided quite rightly that the best way to go forward in its inquiry was to leave it open to the community to identify those acts and regulations and the provisions therein that were of most concern. Certainly the committee conducted the inquiry in a very open fashion, soliciting and encouraging as much participation as possible from the Victorian community.

The results were quite interesting, in that many of the submissions concerned acts which the government is currently reviewing through other mechanisms — the Victorian Law Reform Commission being one. The committee saw fit to accept the government's request that discriminatory provisions that touched on acts that were part of a major review by other organisations should be left to their thorough investigation.

However, there were certain areas where the committee was able to reach conclusions and make recommendations to government. I will touch on some of those, which include the Property Law Act. We received an expert submission from Professor Marcia Neave, who is one of the very few experts in Victoria on the Property Law Act. One area of concern identified a common-law inheritance provision which derived from ancient property law in England to do with the male line. One of the submissions suggested that that was certainly an antiquated provision. On Marcia Neave's advice the committee saw fit to recommend to the government that part 5 of that act be repealed, given that in effect it had no real relevance and was defunct, whereas other laws and statutes in Victoria deal with inheritance, wills and the like.

Another area of great significance for the committee was its consideration of how to deal with inquiries on

discriminatory laws in the future. I was pleased that the committee felt it important to make a recommendation proposing a review of the way future laws are developed so that there is a front-end review or evaluation of discrimination whilst laws are being formulated rather than at the tail end once the laws hit the ground and affect the community. We believe that recommendation 27 is a salutary way to proceed in terms of promoting equal opportunity laws and changes in Victoria.

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

Ms OVERINGTON (Ballarat West) — I take this opportunity to raise a couple of issues identified in the Family and Community Development Committee report on issues related to the development of body image amongst our young people, which is a very important issue. It is clear when you read this report that the issue of distorted body images and eating disorders are among the main issues confronting young people in our community.

Some of the evidence and information in the report is quite disturbing. The trends indicate that more and more people are becoming concerned about their bodies, particularly their weight, at increasingly younger ages and that more and more of them are taking extreme measures to manage their weight. Currently anorexia nervosa is the third most chronic illness affecting adolescent girls in Australia. The reports suggest that there are others who may not technically be diagnosed with anorexia but who are in fact sufferers. We all know the different aspects of that. For example, the figures suggest that 68 per cent of 15-year-old girls are on a diet, with 8 per cent severely dieting or using other extreme forms of behaviour such as vomiting. What is disturbing is the evidence that girls are understanding the concept of dieting at increasingly younger ages and are already making judgments that thin is better and that if you are overweight you will have no friends. This became evident from a study done of five to seven-year-old girls. That is a bit scary. If that continues, it could be expected that an ever-increasing number of young girls will participate in dieting and extreme dieting practices.

From the evidence it is clear that dieting is one of the major risk factors for developing an eating disorder. It is not an issue just for girls. What is surprising is that of children diagnosed as suffering from anorexia one in four are boys. The report indicates also that 62 per cent of adolescent males are dissatisfied with their bodies. However, the report points out that the level of research and understanding about body image distortion among boys is not as well developed as it is among girls.

The report makes some significant recommendations. A key focus is on the development of preventive programs — that is, programs that encourage a healthy view of body, that build self-confidence among young people and that build a culture of health and wellbeing without encouraging a view that there is some body ideal that is normally unattainable. The report also makes an important recommendation to establish a dedicated research-coordinating body to encourage better research and build a better understanding of the various factors that contribute to poor body image and eating disorders. In particular, the report identifies current gaps in research and knowledge, including the issues of male body image problems, bullying and teasing, peer influence, family breakdown, and sexual abuse.

This important reports sets a challenge for the whole community. As I indicated, the report is about one of the clearly major issues impacting on our young people. We must all work together to turn around this trend. I congratulate all those who have worked on this very, very important report.

Road Safety Committee: country road toll

Dr HARKNESS (Frankston) — I rise to make a contribution on the report of the Road Safety Committee on its inquiry into the country road toll. The inquiry was undertaken in an attempt to provide further assistance to reducing the Victorian road toll from 2002 to 2007 by 20 per cent, as part of the Arrive Alive strategy. Statistics from both 2003 and 2004 show that while the road tolls in those two years were the lowest on record in this state, most lives were saved on metropolitan roads, where the tolls fell by 17 per cent, as compared with the tolls on country road, which were reduced by only 13 per cent.

The cause of crashes can be separated into the two categories of infrastructure and behaviour, and the report details issues surrounding both of those. Improvements to the quality of vehicles and road infrastructure have certainly in recent years led to a reduction in fatal crashes but there remains a hidden toll of people being injured or seriously injured on Victorian roads.

In recent years there has been significant behavioural change. Victoria was the first jurisdiction to implement laws governing compulsory seatbelt wearing, after a recommendation of a former Victorian parliamentary

Road Safety Committee. However, new behavioural issues must be addressed if we are to continue to reduce the number of people dying or being seriously injured on Victorian roads, particularly on country roads throughout the state. For instance, the increasing use of mobile phones and SMS technology and the huge array of performance, luxury and communication aids now available in vehicles have a significant impact on road safety. Those additional devices add to the distraction of drivers. Cruise control, in-car navigation systems, laptop computers, palm-top devices, DVDs and advanced audio systems contribute to driver distraction. Assistant Commissioner Bob Hastings from Victoria Police informed the committee that:

> The modern car is becoming like a stereophonic theatre. They have more gadgets and dials … [some vehicles] have screens that drop down from the roof, that people are now gawking at what is being shown in the next car rather than worrying about where they are driving.

It became quite apparent to members of the committee that the extent of technological distraction is largely unknown. However, much more research and investigation is being undertaken to assess those impacts, both throughout Australia and overseas, and efforts are being made to better educate drivers about road trauma.

I understand that today the minister for the Transport Accident Commission launched a new campaign revealing the high level of road trauma that occurs in Victoria every day. The campaign attempts to encourage road users to rethink their behaviour on the roads. Most people would not be aware that for every death, 46 people are injured on our roads. Those people represent a hidden toll. Disturbingly, over a lifetime the average Victorian has a one in four chance of being injured in a road crash. The 46 people injured on our roads every single day are either hospitalised for at least 24 hours or their medical treatment costs exceed the TAC medical excess of $564. Each year approximately 16 700 people are injured in road crashes. That is close to 43 times the average annual road toll, which over the past five years has been 380 deaths. In addition to the enormous social costs and the personal and emotional pain of those affected, road trauma costs the Victorian community about $4.5 million every day.

The campaign urges all road users to think about how they could help reduce the hidden toll — that is, by travelling at the posted speed limits, not driving after drinking or taking drugs, wearing a seatbelt, and not driving when tired. Fatigue was certainly one of the key behavioural factors identified in the report as contributing to the road toll. The hidden toll campaign builds on the TAC's road safety public education programs and supports the overall objective of the government's Arrive Alive strategy. Directed at Victorian motorists, the hidden toll campaign provides the most easily recognised iconic TAC creative footage from previous campaigns that have run over the past 16 years. Those powerful images are set to the song *These Days* by the leading Australian band, Powderfinger.

It is a terrific campaign and the committee's report is also very good. I encourage members who have not yet picked up a copy and read it to absorb some of the information contained in it. I encourage the government to respond to it and look forward to the government's response to the recommendations contained in it.

Environment and Natural Resources Committee: sustainable communities

Mr WALSH (Swan Hill) — The report I would like to speak on today is that on the Environment and Natural Resources Committee's inquiry into sustainable communities. I want to spend some time on a couple of particular parts of that. The committee was asked to:

> Examine what practical low-cost initiatives state or local government can encourage that will:
>
> promote efficiency of water use …
>
> Identify the barriers to increasing the rate of participation by individuals and households in recycling and conserving water …

On reading the report what I found interesting was how many times the word 'strategy' appeared in the recommendations. In my view given the resources that are put into parliamentary committees their reports should contain some clear asks or outcomes that they would like to achieve. In this case a lot of the recommendations are in the form of saying, 'We should form a strategy to do that'. The work of parliamentary committees costs quite a bit of public money. More clearly defined recommendations that deliver an outcome should be made rather than just recommending that a strategy be formed. I suppose that fits in with the government's philosophy when there is a problem — 'We will look into it; we will form a committee to look into it. We will talk about it for a while'.

Another thing I found interesting in reading through the recommendations is the plethora of organisations involved in any recommendations to do things. We have the Department of Human Services, the Environment Protection Authority, the Essential Services Commission, the Environment Protection and Heritage Council, the Department of Sustainability and

Environment, Sustainability Victoria, the Office of the Commissioner for Environmental Sustainability, the sustainability advisory council, and the Department of Education and Training. They also draw heavily on the Municipal Association of Victoria and the Victorian Local Governance Association. By the time the people in that plethora of groups talk to each other about what they might do, a lot of resources are used for very little outcome. I go back to the issue that we actually need outcomes rather than strategies.

The government proposes establishing what are to be called a sustainability accord and a Victorian sustainability framework. Again, there is more talk, with more words and more bits of paper, but not very much actually ever happening. The report is very much about rhetoric and putting the responsibility on someone else to have a meeting and produce a strategy. It is not about doing anything at all into the future. As I said, we need defined recommendations that will actually deliver outcomes for people.

With parliamentary committees a lot of people go to a lot of effort to put in submissions and make public presentations. When those people read the reports that come out of the inquiries, many of them are very disillusioned with the process. They put in a lot of effort and work, and the committees effectively just put up some rhetoric and some not very clear recommendations.

As members know, water is precious and its use is a sensitive issue; 35 per cent of Melbourne's household water is used on gardens. I am not being critical as the report has one very good example. Recommendation 8.24 is:

> State and local government introduce a policy —

not have a strategy, but actually have a policy and do something, which I think is good —

> of planting low and no-water gardens at all public buildings.

That recommendation can be commended because we have to be very focused. There is an opportunity for the government to show leadership in how we can have public buildings and public gardens that are more water efficient, so that people can see that good things can be done.

There is another interesting recommendation I would like to have seen in the report as an example. The report talks about how households can be more water efficient. I think it would be an excellent opportunity to make this Parliament a good example of a water-efficient building. There are no tanks on this building, and the Parliament could probably be a lot more water efficient with its gardens. I suggest that instead of spending $250 000 to put two lions on the front steps of this building, perhaps we could spend that amount on making it a great example of a water-efficient building. It would set a good example for the community of Victoria.

The ACTING SPEAKER (Mr Smith) — Order! The member's time has expired, and the time for making statements on reports has also expired.

VETERANS BILL

Second reading

Debate resumed from 5 October; motion of Mr BRACKS (Premier).

Mr THOMPSON (Sandringham) — At the dawn service at Gallipoli in 1999 Sir William Deane, then Governor-General, made the following remarks about Anzac. He noted:

> … Anzac is not merely about loss. It is about courage and endurance, and duty, and love of country, and mateship, and good humour and the survival of a sense of self-worth and decency in the face of dreadful odds.

It is also notable that today's Melbourne press has two stories relating to Anzac issues. One relates to the death, as reported on the front page of the *Age*, of Evan Allan, who in having died at the age of 106 years was our last living link to the group of Australian soldiers who served in the Great War.

I would like to refer to a few opening words in the article by Gary Tippet and Andra Jackson, who wrote:

> Evan Allan liked to tell people that he had been 'as lucky as a ship's cat with nine lives'. It was a phrase that spoke to both the seawater that had coursed through his veins since he was a 14-year-old ship's boy and to the reality.
>
> He had survived two world wars, the Spanish flu of 1919, being washed overboard in the North Atlantic, German mines and U-boats, and Japanese kamikaze bombers.
>
> But after 106 eventful years, time has finally caught up with Mr Allan. When he passed away in a Flemington nursing home on Monday night, Australia lost its last living link with its fighting men of World War I. The old sailor was the last survivor of the 330 000 Australians who saw active service.

In the last couple of days there has also been public debate about the proposal by a federal member of Parliament, Danna Vale, to use Point Nepean National park in symbolic terms. I happened to speak with Danna in Gallipoli earlier this year. I commend her on her initiative, although I do not believe her idea of using

Point Nepean as a base for commemorative activities for Anzac is one that will be set in place.

The areas of the Gallipoli campaign — the Sphinx, Lone Pine, Anzac Cove, North Beach and Shrapnel Gully — which cost Australian and Turkish soldiers their lives can never be recreated at Point Nepean, which has its own distinctive background and history. Point Nepean has its own very important indigenous culture and history. The object of introducing both those stories today highlights the very strong and continuing interest in and importance of our Anzac tradition.

The bill before the house is in part the product of a Scrutiny of Acts and Regulations Committee report. The SARC is a bipartisan committee that made a number of recommendations regarding the use of patriotic funds. Not all the recommendations of that committee were set in place. There was concern in the veterans community that its members did not wish to see patriotic funds that have been raised by the Australian community over decades being diverted to purposes other than the primary purposes for which those funds were raised. They were welfare funds under trusts and building funds. The act makes provision in the latter stages for a certain quantum of money to go from the Community Support Fund towards commemorative and educative activities.

The opposition supports the bill, the purpose of which is to establish a Victorian Veterans Council to promote issues of concern to veterans, to create a Victorian Veterans Fund to support educational and commemorative activities, and to set up a regulatory regime to administer patriotic funds.

The Victorian Veterans Council will promote the wellbeing of members of the ex-service community, to promote commemoration and the values of the Anzac spirit, to promote collaboration across ex-service organisations and to work with the Shrine of Remembrance trustees.

The Victorian Veterans Fund will fund commemorative and educative activities, assist with the education of veterans dependants and any other purposes agreed to in writing by the minister. It will provide for the regulation of patriotic funds, and 1/365th of the annual gaming revenue will be allocated to the Community Support Fund to be paid to the Victorian Veterans Fund, which will represent a new revenue stream for the veteran community.

I would like to consider a number of detailed provisions of the bill, and I note clause 5 sets out the objectives of the legislation in detail, which I have briefly summarised. A range of functions is being given to the Victorian Veterans Council. It is noteworthy that the council has some 11 members, the majority of whom will represent ex-service organisations. One point of concern which the opposition wishes to place on the record is the fact that the government has reserved the right to appoint the chair and deputy chair of the Victorian Veterans Council. We believe it is very important that those appointments be not political appointments but ones which represent the genuine interests of the veteran community.

There are other provisions in the bill detailing the term of members, which can be for three years but with reappointment for a possible second and third term, making a total of nine years for which members will be able to be appointed.

The provisions outlined in clause 20 detail arrangements in relation to the newly established Victorian Veterans Fund. It indicates that the moneys to be paid out of the veterans fund are:

> (a) to educate Victorians about Victoria's involvement in Australia's war and service history (including conflicts, peacemaking and peacekeeping);
>
> (b) to honour or commemorate the service or sacrifice of veterans;
>
> (c) to assist the education of veterans' dependants;
>
> (d) any other purpose agreed in writing by the Minister.
>
> (4) The Victorian Veterans Council may invest any part of the Victorian Veterans Fund not immediately required for the purposes of the Victorian Veterans Fund in any manner approved by the Treasurer.

The bill has the broad support of a wide cross-section of veterans organisations and associations, including the people with whom we consulted. These include the state RSL, Legacy and the Patriotic Funds Council representatives. However some reservations were expressed and it is important that the views of these people be placed on the parliamentary record. Originally it was envisaged that patriotic funds might be used in part for commemorative and educative activities. This was strongly opposed by the veteran community, and rightly so.

The Royal Australian Air Force (RAAF) Association in Geelong provided a very considered submission, and I commend the association on its work in trying to have input into the consultative phase of this bill. It felt very strongly that the focus of the funds raised should be on welfare. It felt that the publicity given to Anzac Day is already considerable, so that any further expenditure of

funds should be used for welfare. It also expressed concern that the cost of living is rising a lot faster than increases in the consumer price index and felt that the moneys raised should be used to assist veterans, their spouses and widows, particularly those on pensions. This would reduce their financial worries and permit them to have a better quality of life.

Opposition members did not hear back from all the organisations we contacted following the bill's introduction, but we had discussions with representatives of the RSL, the Australian Special Air Service Association, Legacy and the Vietnam Veterans Association of Australia. Correspondence was also received from officers of the HMAS *Sydney* and Vietnam Logistic Support Veterans Association — the concerns it raised are not necessarily realised in the final bill — the RAAF Association and the Patriotic Funds Council.

In Australia today there are many different understandings of Australia's war record and its war history. Bruce Ruxton, who has now retired to Queensland, did a marvellous job on behalf of veteran communities during his time as the state president of the RSL. Mr Ruxton often quoted the words of the English poet John Masefield on the Great War. To give life to the issues confronted by veterans and to give weight to the importance of commemorative activity, it is important to imbue in this debate the understanding held by some of the writers of that time. John Masefield wrote:

> During the war the English suddenly became aware of a new kind of man, unlike any usually seen here. These strangers were not Europeans; they were not Americans. They seemed to be of the one race, for all of them had something of the same bearing and something of the same look of humorous, swift decision. On the whole they were taller, broader, better looking and more graceful in their movements than other races.
>
> Yet in spite of so much power and beauty they were very friendly people, easy to get on with, most helpful, kind and hospitable. Though they were all in uniform, like the rest of Europe, they were remarkable in that their uniform was based upon sense, not upon nonsense.
>
> When people asked, who are these fellows, nobody at first knew.
>
> The strangers became conspicuous in England after about a year of war. They were preceded by the legend that they had been 'difficult' in Egypt, and that they had to be camped in the desert to keep them from throwing Cairo down the Nile. Then came stories of their extraordinary prowess in war. Not even the vigilance of the censors could keep down the accounts of their glory in battle. For themselves.
>
> Since that time, the Australian army has become famous all over the world as the finest army engaged in the Great War. They did not always salute; they did not see the use of it; they did, from time to time, fling parts of Cairo down the Nile, and some of them kept the military police alert in most of the back areas. But in battle they were superb. When the Australians were put in, a desperate feat was expected and then done. Every great battle in the west was an honour and more upon their banners.
>
> No such body of free men has given so heroically since our history began.

Then there are the great words of exploit in the history of Australia's Victoria Cross winners. One of the winners, who also received a Military Cross with bar, was Albert Jacka, whose recorded feats include three individual exploits of bravery and courage. One happened in an operation where the Germans had overtaken the trenches, and despite being badly wounded about the neck and head and his compatriots having surrendered, he so inspired those around him that they rejoined the fray and drove the enemy out. At the funeral of Albert Jacka, who later became mayor of St Kilda, eight Victoria Cross winners were his pallbearers. Such was the mark of respect for his contribution to Australia's military traditions and the causes in which the Australian soldiers were engaged.

There are also other stories, anecdotes and war diary accounts. Interestingly one soldier compared the beaches of Gallipoli where he was fighting to the beaches of Sandringham, in my own electorate, except to say that there was more mountainous terrain beyond that area — and that is also germane. Lieutenant Edward Spargo, in a letter to a friend that was printed in the *Argus* of 9 June 1915, is quoted by the paper as follows:

> 'Think of the cliffs at Sandringham — much steeper', he wrote. 'Instead of the flat country on top, as at Sandringham, this country is very hilly and covered at this portion with thick low scrub'.

My own grandfather served in the 6th battalion and landed at Gallipoli on 25 April 1915.

In the Australian war records there is an account of his military service. He enlisted on 17 August 1914 and was allotted to the 6th infantry battalion, machine gun section. Embarking on 21 October 1914 for Egypt he served right through the Gallipoli campaign, from the landing to the evacuation, and he took part in the battles at Lone Pine and Cape Helles. On returning to Egypt he formed part of the Suez Canal garrison and gained promotion in 1916. Afterwards he went back to France and served there in Belgium, taking part in the battles of Pozieres, Bullecourt and Lagnicourt, the three battles of Passchendaele and the battle of Nieppe Forest, until he was gassed in May 1918. He was sent to a hospital in England and returned to Australia in January 1919. The

history of his battalion records the fact that he was buried in a trench cave-in at Gallipoli but was dug out by his colleagues.

I had seven relatives who served at Gallipoli. Two were killed, one being buried at Shrapnel Gully and the other at Lone Pine. There are very detailed histories in the Australian War Memorial of the service of those men, together with their colleagues, and I would like to share some of the commemorative elements relating to them. One person served as a private in the 13th infantry battalion. He was on the *Ulysses* and departed Melbourne in 1914. Another relative served, and his memorial is recorded on the 6th Lone Pine memorial, Gallipoli. He was in the 8th Light Horse regiment and was killed in action on 7 August 1915 at the age of 29.

The Lone Pine memorial records the information in relation to that campaign:

> The eight month campaign in Gallipoli was fought by commonwealth and French forces in an attempt to force Turkey out of the war, to relieve the deadlock at the Western Front in France and Belgium and to open a supply route to Russia through the Dardanelles and the Black Sea. The Allies landed on the peninsula on 25–26 April 1915; the 29th division at Cape Helles in the south and the Australian and New Zealand Corps north of Gaba Tepe on the West Coast, an area known as Anzac. On 6 August, further landings were made at Suvla, just north of Anzac, and the climax of the campaign came in early August when simultaneous assaults were launched on all three fronts. Lone Pine was a strategically important plateau in the southern part of Anzac which was briefly in the hands of Australian forces following the landings on 25 April. It became a Turkish strong point from May to July, when it was known then as Kanli Sirt (Bloody Ridge). The Australians pushed mines towards the plateau from the end of May to the beginning of August, and on the afternoon of 6 August, after mine explosions and bombardment from land and sea, the position was stormed by the 1st Australian brigade. By 10 August, the Turkish counterattacks had failed and the position was consolidated.

At this point I would just like to interpose a story narrated by Lord Casey in relation to the goodwill that exists between Australia and Turkey today. In the opening days of the Gallipoli campaign the bodies were piled so high above the trenches that during a break they were moved away to enable the fighting to resume. On one occasion following the resumption of fighting a Turkish soldier raised a piece of white material on a stick above his trench and waved it while the bullets were strafing the trenches. Then he stood up out of his trench and went across and lifted a British soldier who was injured in the leg and in quite considerable pain. He carried the British soldier back to the English trenches. The Turkish people take great pride in that story about showing goodwill to another soldier in a time of conflict. There are stories too of Australians who displayed acts of great audacity, great daring and great goodwill to their fellow soldiers.

The Gallipoli campaign was not without a great loss of life. It is important to document for the record the broad statistics that relate to the loss of life in the two great wars. In World War I there were 53 993 battle-related deaths, 7727 non-battle deaths, 137 013 soldiers wounded in action, 16 496 soldiers who were gassed, 3647 prisoners of war and 109 prisoner-of-war deaths. The total number of Australian deaths in the World War I was 61 829.

In World War II there were 19 235 battle-related deaths, 20 194 non-battle deaths, 23 477 soldiers wounded in action, no gassings, 28 756 prisoners of war and 8031 prisoner-of-war deaths. A total of 47 460 Australian soldiers lost their lives in World War II. The source for these statistics is the Australian War Memorial.

I was speaking last week to a former Australian prisoner of war who was taken by the Japanese in Ambon. He is now in considerable pain at the age of 87. I asked him what his problem was. He said he was still suffering from being bashed over the spine with an iron bar by the Japanese. The cost to Australians during those war years can be seen not only in the arenas of conflict but in the continuing cost. In the case of another soldier who served for five years there was the cost of not only the loss of the time out of his life but also the recovery from illness, disease and wounds. That soldier suffered from malaria for a couple of years after the war and still has the overhang of war-related injuries in his middle 80s.

There are many different stories to be told. A constituent came into my office to tell me the story of his own father, who had suffered from inhaling mustard gas. Another person had had his feet amputated owing to the rot that occurred in the trenches, where he sustained trench feet. There are stories of people who won the trust and confidence of their colleagues, relying on them being able to carry their last words. These are the words of Banjo Paterson in *Hawker, the Standard Bearer*, where he describes the exploits of Australian soldiers:

> 'Whenever there's ever a rule to break,
> Wherever they oughtn't to be,
> With a death to dare and a risk to take,
> A track to find and a way to make,
> You will find them there', said he.
>
> 'They come from a land that is parched with thirst,
> An inland land', said he,
> 'On risk and danger their breed is nursed,

And thus it happens their flag is first
To fly in the Northern Sea'.

There are the great poems of the war poets, including John McCrae's *In Flanders Fields* and Edna Jacques's reply to John McCrae, *In Flanders Now*, where she says:

We have kept faith, ye Flanders' dead,
Sleep well beneath those poppies red
That mark your place.
The torch your dying hands did throw,
We've held it high before the foe,
And answered bitter blow for blow,
In Flanders' fields.
And where your heroes' blood was spilled,
The guns are now forever stilled,
And silent grown.
There is no moaning of the slain,
There is no cry of tortured pain,
And blood will never flow again
In Flanders' fields.

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

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Electricity: supply

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. Given that the government is about to launch an energy conservation campaign because of potential power shortages over summer, I ask: why is the government currently negotiating to sell Victorian electricity to South Australia?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question and I will make a couple of points about it. Firstly, in relation to a campaign about electricity use, that is a campaign we run every summer. We do it every year. It is a demand management campaign. I think most members of this house would have seen the campaign about turning off lights when they are not necessary, being aware of that and looking at energy conservation as an important part of demand management techniques. This is a regular and ongoing matter every summer, and we will do it again this summer.

This is a very strange question in relation to the electricity market, because we support a national electricity market — that is, a market in which there can be buying and selling between states and jurisdictions. This is a system which was engineered and set up by the previous government and which has been supported by our government. The shadow Treasurer and former Parliamentary Secretary to the Treasurer in the Kennett government is looking very embarrassed about this. There is a national electricity market. We would argue that some states are not as well prepared as others, and we have some arguments about New South Wales and Queensland.

But on the general issue of supply, an interesting figure which is instructive for this house is that in the seven years that the previous government was in power the increase in electricity generation was zero. In the six years since this government has been in power we have had 2000 megawatts of extra electricity committed, of which 1100 megawatts is already in place. We have taken action to ensure that we have security of supply. We have taken action to ensure that we do that in a measured and responsible way.

We will be entering into a campaign as we do every year during the summer, and it is no different this year. The good thing is that we have secured our electricity supply, compared to the previous government which did nothing about generation over seven years.

Road safety: 'It's 46 too many' campaign

Mr LANGDON (Ivanhoe) — My question is to the Premier. Can the Premier advise the house of any new road safety campaigns aimed at raising awareness of road trauma in the Victorian community?

Mr BRACKS (Premier) — I thank the member for Ivanhoe for his question and also for his commitment to working with the government generally and with the community more broadly to bring down the road toll in this state. I can report that Victoria has the lowest road toll of any state in Australia on a comparative basis. Whilst that is obviously better than it has been, it is not acceptable and not something about which we should rest on our laurels at all.

Most people are aware that, on average, tragically one person dies on our roads each day. That is still not acceptable, and we want to take action to reduce it even further. There is less public awareness of the number of injuries on our roads. In anticipation of the release of a new Transport Accident Commission campaign, which was released today by the Minister for WorkCover and the TAC in the other place, some people may have seen the figure of 46 people, which is not good enough. That really reflects the fact that every day on our roads one person loses their life, regrettably, but as well on average 46 people are injured, some very seriously, on our roads every day in Victoria. Again, that is not good enough.

The new campaign launched by the Minister for WorkCover and the TAC highlights the trauma that is caused by injuries on our road and is about taking action not just on road deaths but on injuries and road trauma. As well as the enormous personal and social costs of road trauma, which are extensive, it has a significant cost to the Victorian community. It costs about $4.5 million every day, which translates to about $1.6 billion annually for the support required to assist those people who are affected by road trauma. Today, as I mentioned, the Minister for WorkCover and the TAC launched a new campaign, 16 years after the groundbreaking campaign was released by the Transport Accident Commission. Those campaigns are about education and making people aware of the consequences of speed and alcohol on our roads.

The new TAC campaign aims to uncover the hidden toll and highlight the extent of serious injury caused by trauma on Victorian roads, and also aims to help Victorians understand the emotional and personal impact of the hidden road toll. It will make people think about what they can do to prevent this unnecessary pain and suffering. We have an ambition to reduce serious injury and death by 20 per cent by 2007. This year we have the third lowest road toll in Victoria's history. We had a record road toll some years ago. There are a lot of injuries on our roads and this campaign highlights that fact and says that as a community we need to work together to address that issue.

I am pleased that the Transport Accident Commission's new advertisements will be going on air to do that very task — reducing not just the road toll but the trauma and injuries on our roads as well.

Land tax: trusts

Mr RYAN (Leader of The Nationals) — My question is to the Treasurer. Will the Treasurer rule out the imposition of an additional land tax on property held in discretionary family trusts?

Mr BRUMBY (Treasurer) — As we know, this has been the subject of some debate since the budget. In the budget we foreshadowed that measures would be put in place to tackle the avoidance of land tax, particularly through trusts. A model for consultation has been out in the community. That consultation has been undertaken by the State Revenue Office. As the Premier and I have made clear on numerous occasions, the government will announce a decision on this matter in the very near future.

Port Phillip Bay: channel deepening

Ms BUCHANAN (Hastings) — My question is to the Minister for Transport. I ask the minister to update the house on the channel deepening project.

Mr Honeywood interjected.

Mr BATCHELOR (Minister for Transport) — This is exactly what we want to talk about. You say one thing, he says another!

The SPEAKER — Order! Through the Chair.

Mr BATCHELOR — Come in spinner! We are working hard to create a better future for all Victorians. We have nearly doubled investment in Victoria's infrastructure, and we are building critical economic infrastructure that will drive economic growth now and into the future.

Protecting Melbourne's position as Australia's premier port is crucial to growing jobs and securing that economic future for us all. Accommodating larger ships in the port of Melbourne is expected to generate around $15 billion dollars worth of economic benefits. This is critical for our farmers and our exporters and to support the way of life we enjoy in Victoria. That is why the Bracks government has consistently supported the need to deepen the shipping channels in Port Phillip Bay. We have always said that is an absolutely essential requirement for our economy, provided it can be done in an environmentally responsible way.

While the state government's position regarding this important project has never changed from day one, the same cannot be said about the opposition. One minute it is supporting channel deepening and the next it is opposing it.

Mr Perton — On a point of order, Speaker, the minister is debating the question. He is restricted to answering the question in respect of government administration. As you have ruled on many occasions before, he is restricted to that content.

Mr BATCHELOR — On the point of order, Speaker, I was simply responding to the interjection from the member for Warrandyte. They have flip-flopped backwards and forwards. He says one thing and the Leader of the Opposition says another.

The SPEAKER — Order! Members on both sides of the chamber have been here long enough to know that interjections are disorderly and responding to interjections is disorderly. I ask the minister to return to answering the question.

Mr BATCHELOR — I accept your ruling, Speaker.

Mr Doyle interjected.

Mr BATCHELOR — To ignore it and say you were flip-flopping — and I would not do that.

The Bracks government is making decisions to protect Victoria's future. Last week the Minister for Planning released guidelines on the second stage of the environmental investigations to be completed by the port of Melbourne. This follows the successful completion of trial dredging, which was carried out under the strictest controls ever applied to dredging in Port Phillip Bay. An independent environment effects statement panel recommended that trial dredging was the best way to test technology and to evaluate the environmental impacts. While we were out doing what the independent panel wanted, this was actively opposed by the opposition.

The Leader of the Opposition said the Liberals wanted to have their cake and eat it too. We understand the importance of this project to Melbourne, and that is why we took up the proposal for trial dredging and why it has been a real success. The opposition has been spruiking one thing to the bayside communities and another thing to the business community — flip-flop, flip-flop. The port of Melbourne will report to the government early next year with a timetable for completing the required environmental investigations and the undertakings to deepen the works that are required.

Channel deepening is a key infrastructure priority. It is important that it proceeds as quickly as possible. However, it is important that the port of Melbourne takes its time to get it right so the project can be delivered in an environmentally responsible way for the benefit of all Victorians, and it will do that despite the flip-flopping of the opposition on this issue.

Racing and Gambling Acts (Amendment) Bill: royal assent

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer to the unprecedented delay in royal assent for the Racing and Gambling Acts (Amendment) Bill. I ask: why did the government tell the Governor to delay the assent, given that this decision will mean that betting exchanges like Betfair will now be able to operate on our races during the Spring Racing Carnival despite Racing Victoria raising serious integrity issues regarding betting exchanges?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question.

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question, and I ask him to be quiet to allow the Premier to answer it.

Mr BRACKS — I thank the Leader of the Opposition for his question. Royal assent or Governor-in-Council approval is always a matter that we will do after compliance issues are dealt with. There are compliance issues, as there are with all legislation — that is, the arrangements that will need to be put in place for the industry more broadly.

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high. Members cannot hear the Premier.

Mr BRACKS — It is the usual consultation and compliance issues that occur.

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr BRACKS — I indicate that the question asked by the Leader of the Opposition is erroneous in its content. This legislation will be put in place appropriately after we have consulted with the industry.

Honourable members interjecting.

The SPEAKER — Order! That is enough.

Mr Perton interjected.

The SPEAKER — Order! I remind the member for Doncaster, as I have on previous occasions, that he should cease interjecting when the Speaker is on her feet.

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the Opposition and the member for Doncaster to cooperate with the Speaker to enable question time to continue.

Water: Geelong and Ballarat supply

Mr TREZISE (Geelong) — My question is to the Minister for Water. Can the minister provide the house with details of options for securing the water supply for

the Ballarat and Geelong regions over the next 50 years?

Mr THWAITES (Minister for Water) — I thank the member for Geelong for his very important question. The Commonwealth Scientific and Industrial Research Organisation has indicated that climate change will reduce the amount of water we have available. Population increase in our great regional centres like Ballarat and Geelong will increase the demand for water, so we know that unless we conserve more water and augment our water supplies, we will have a supply shortfall in Ballarat and Geelong.

Together with members from the Geelong region and from Ballarat, this week I released options to secure water supplies for Ballarat and Geelong. I was very pleased to be there with representatives from Barwon Water and Central Highlands Water, who have agreed to enter into a cooperative memorandum of understanding to guarantee the supply of water for their regions into the future. This is particularly important because the two regions share common water resources, particularly the Lal Lal Reservoir. It may be tempting for some, like the Deputy Leader of the Opposition, to attempt to divide communities and be uncooperative, but water is such a huge — —

An honourable member interjected.

Mr THWAITES — It is very interesting, because the Deputy Leader of the Opposition is opposing this option yet the Leader of the Opposition was in Ballarat supporting it. That is the truth!

Mr Perton — On a point of order, Speaker, the Deputy Premier is debating the question. I know he is embarrassed about his position, but it does not excuse debate.

The SPEAKER — Order! The Deputy Premier, to continue.

Mr THWAITES — It is very easy to say one thing in Ballarat and something different in Geelong! On this side of the house the government members for Geelong and Ballarat stand shoulder to shoulder in planning for the future of water.

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is far too high, and it stops members of the public in the gallery and other members of Parliament from being able to hear the answer. I ask members to be quiet to allow the Deputy Premier to continue.

Mr THWAITES — I should indicate that there are options for Ballarat totalling more than 20 billion litres, and they include increased use of recycled water, connection of the Cosgrave Reservoir, investigation of carting and ground water management area, and the potential transfer of 7 billion litres from Lal Lal Reservoir that is currently used by Geelong. But the potential transfer of Lal Lal water can and would only occur if alternative supplies for Geelong were guaranteed.

We have outlined options in our paper for more than 60 billion litres of extra water a year for Geelong. Some of the options for Geelong include replacing drinking water now used at the Shell refinery with recycled water, the storage of recycled water in the Torquay aquifers, and construction of a pipeline to convey extra water from the West Gellibrand Reservoir. That is on top of the excellent water conservation efforts that Barwon Water is making, including the introduction of permanent water-saving rules — something that has occurred under this government but which never occurred under the previous government.

There will be a period of public consultation around these options. We are interested in considering other options, and in that regard I was interested in a front page story from the *Geelong Advertiser* last week, which reported on an alternative:

> … plan to find water for Geelong from a different source than is currently available.

The person who put forward the plan said that it would be innovative and exciting and terrific for Geelong, although he was unsure if it would be feasible. As it states in the article — —

An honourable member interjected.

Mr THWAITES — We are interested in ideas! The article says that the Leader of the Opposition:

> … has a plan to deliver more water to Geelong, but it's a drought when it comes to details.

Mr Plowman — On a point of order, Speaker, the minister is required to be concise in his answer. This is sounding more like a ministerial statement, and I ask you to have him conclude his answer.

The SPEAKER — Order! There have been a couple of interruptions, but the minister has been speaking for some time now and I ask him to draw to a conclusion.

Mr THWAITES — The options that we have put out are clear and credible and can be considered by the

public. That builds on the leadership that we have shown in water. If the Leader of the Opposition has some secret water plan, we urge him to release it now so the public can see where he stands.

Hazardous waste: Nowingi

Mr SAVAGE (Mildura) — My question is directed to the Premier. I refer to the recently published environment effects statement on the Hattah-Nowingi toxic waste containment facility and ask: can the Premier guarantee that the terms of reference for the assessment panel will be broad and meet community expectations, not only those of the government?

Mr BRACKS (Premier) — I thank the member for Mildura for his question. I can indicate to the member that we will certainly make the terms of reference as broad as possible. We will take into account community needs and aspirations as part of that as well.

Australian Formula One Grand Prix: economic benefits

Mr SEITZ (Keilor) — My question is to the Minister for Tourism. Will the minister outline to the house the recent success of the 10th anniversary of the Australian Formula One Grand Prix and its economic dividend to Victoria?

Mr PANDAZOPOULOS (Minister for Tourism) — I thank the member for Keilor for his keen interest in Victoria's major events. While opposition members are not interested, certainly Melbourne and Victoria has come a long way since the first formula one grand prix in 1996. I have had the great pleasure of being the minister responsible for 5 of the last 10 grands prix. This morning, along with the chairman of the Australian Grand Prix Corporation, Ron Walker, I announced the latest economic impact figures for the 10th anniversary formula one grand prix held this year.

It is important to remember that Melbourne is known for its major events. We are in the middle of the Spring Racing Carnival at the moment. The Phillip Island Australian Motorcycle Grand Prix was run at the weekend, and I am pleased to say it had the largest attendance since 1999. It is very fitting that at the end of the motorcycle grand prix week I can announce the economic impact results for the Australian Formula One Grand Prix before we start thinking of other forms of racing over the next few weeks — not those on wheels but those on four legs.

The reality is that events like the formula one grand prix help put Melbourne on the map. They bring visitors in numbers and make it easier for us to win other major events because it is known that we run the best events in the world; we run them well and they are well attended by people from overseas.

It is very pleasing that in 2005, Melbourne's formula one grand prix had the highest attendance of all the 19 grands prix around the world. We are on the map. The reality is that in this financial year, a world record is being set here in Victoria. Victoria is hosting a world record number of major events — more than any other place in the world has ever had. Next year we will hold the Commonwealth Games. Then there will be the lifesaving championships and the artistic gymnastic championships in November, and we will also host the World Swimming Championships in 2007.

Honourable members interjecting.

The SPEAKER — Order! I am sure it is a very exciting topic, but I ask members on my left to lower the level of interjections.

Mr PANDAZOPOULOS — Here they are, opposing more good news for Victoria. We need to acknowledge that they have their own world records. They have world records for closing schools, world records for closing hospitals and world records for closing police stations. We would rather have this record.

Mr Plowman — On a point of order, Speaker, I ask you to bring the minister back to answering the question and relating it to government business.

The SPEAKER — Order! I think the minister had already come back to it, but if he has not, I would ask him to do so.

Mr PANDAZOPOULOS — I am just responding to interjections, Speaker. You know what happens when you are the minister at the table and that happens.

I am very pleased to announce to the house that the 2005 economic impact report reveals that the Australian Formula One Grand Prix is now providing a $174.8 million benefit to the Victorian economy. That has grown from the $96 million benefit in 1996, and it has grown 34 per cent since it was last measured in 2000. That means that every day of the event contributes $43 million to the Victorian economy. It has provided 3650 full-time equivalent jobs, so there has been a growth in job numbers as well.

Attendances from interstate and overseas are also growing. That is why we stage these events: Victorians have a great time, but people come from all over the

world. I am pleased to be able to say that 19 500 interstate visitors and 8262 international visitors came to Melbourne to attend the 10th anniversary of the Australian Formula One Grand Prix. There is more good news as part of that. What the report also tells us is that every interstate visitor attending this four-day event actually spends 4.8 days in Victoria, because they do other things. Every international visitor spends 12.9 days in Victoria. They are not just attending the event; they are spending $459 each on accommodation, $237 on food and drink, and $242 on shopping and touring our state.

Mr Plowman — On a point of order, Speaker, the minister has now been speaking for over 5 minutes — —

Honourable members interjecting.

The SPEAKER — Order! That will do! I ask members to be quiet to allow the point of order of the member for Benambra to be heard.

Mr Plowman — The minister has now been speaking for over 5 minutes. He is required to be succinct, and I ask you to ask him to conclude his answer.

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

Mr PANDAZOPOULOS — I certainly will. It is great to know that over the last 10 years the Australian Formula One Grand Prix has provided $1.2 billion in economic benefit to the Victorian economy. We in this government are very proud to have been able to grow all the key indicators — economic benefit, job numbers and visitor numbers. God forbid if the other side ever got in with its irresponsible policies! We are proud of our major events, and I thank Ron Walker and his team for again delivering the world's most successful formula one event right here in Melbourne.

Dr Napthine — Speaker, I wonder if the minister could provide us with a copy of his greens so I can send it to Jeff Kennett.

The SPEAKER — Order! If the member does not have a point of order, he should not stand up in that manner.

Racing and Gambling Acts (Amendment) Bill: royal assent

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. Given that the unprecedented delay in royal assent for the Racing and Gambling Acts (Amendment) Bill will mean that gamblers will now be able to bet that the Melbourne Cup favourite will lose, I ask: how will the Premier guarantee the integrity of our great Spring Racing Carnival, given this incentive for corruption and race fixing?

The SPEAKER — Order! Part of that question is hypothetical, but I think part of it can be answered by the Premier.

Honourable members interjecting.

The SPEAKER — Order! I do not require the assistance of the member for Doncaster.

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. The Spring Racing Carnival will operate in the same way it has operated over many years — effectively and well.

Commonwealth Games: investment

Mr ROBINSON (Mitcham) — My question is to the Minister for State and Regional Development. Can the minister update the house on recent activities that will drive investment in the lead-up to and during the Commonwealth Games?

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Mitcham for his question. Obviously the Victorian government is very proud to be hosting the Commonwealth Games. It is 158 days to the closing ceremony of the Commonwealth Games, so the countdown is well and truly on. We have done economic modelling on the impact of the Commonwealth Games. They will inject more than $3 billion into the Victorian economy and create more than 13 000 full-time jobs. The impact will be second only to the Olympic Games which were held in Sydney in 2000.

Earlier today I attended a promotional event for the Commonwealth Games business attraction program. With me were the Minister for Commonwealth Games in the other place, the Honourable Justin Madden; Margaret Jackson, the chair of the 2006 business club steering committee; Senator Sandy Macdonald, the Parliamentary Secretary to the Minister for Trade representing the minister, Mark Vaile; and of course Ron Walker, the chair of Melbourne 2006. I am delighted to inform the house that, as of today, more than 3000 businesses and more than 1600 international firms have signed up to the business program which we are putting in place in the lead-up to the games.

During the period of the games a fantastic series of events will be in place for the many visitors from interstate and overseas and for whom we want to

leverage investment and trade opportunities. There will be 25 business events. There will be a major event with India on 21 March, and if members think of the commonwealth countries involved in the games and with whom we trade, the two-way trade between Australia and those commonwealth countries is worth in excess of $60 billion. The benefits will be extraordinary. We expect more than 40 000 international visitors and 50 000 interstate visitors to come to Victoria for the 2006 games.

Margaret Jackson, the chairman of Qantas, which is the major sponsor of the games, was there this morning. She was able to tell me that Qantas bookings coming into Melbourne next year have gone way beyond expectations, so the Commonwealth Games will be sensational for Melbourne. There will be a lot of activity over the next 158 days, and that activity will not be limited only to businesses.

Earlier this week I was reading a speech which showed that the close of the Commonwealth Games is significant for another reason. It said, 'In my own mind I kind of have a dividing line. It is the Commonwealth Games next year. The policy work will be complete, written, costed through the shadow cabinet and through the party committees'. Who was I speaking about? The Leader of the Opposition. By the close of the Commonwealth Games — —

Mr Honeywood — On a point of order, Speaker, on the matter of relevance, we fail to see what the question regarding the Commonwealth Games has to do with opposition business.

The SPEAKER — Order! I understood that the Minister for State and Regional Development was making a passing reference. But if he was not, I ask him to come back to answering the question.

Mr BRUMBY — This is a very important day for Victoria — it is 158 days until the end of the Commonwealth Games and 158 days until we are going to see the full raft of Liberal Party policies, all written, all costed, all ready for release — —

Mr Honeywood interjected.

The SPEAKER — Order! I ask the Deputy Leader of the Opposition not to bang on the furniture because it upsets the Hansard reporters. I ask the minister to return to answering the question and not relate his comments to opposition business.

Mr BRUMBY — There will be a lot happening over the next 158 days. On this side of the house we are building up for the games. They will be bigger than the 1956 Olympics. There will be people from all around the world. There will be a huge business attraction program — a great partnership in conjunction with the business community and the federal government — looking at leveraging investment and trade opportunities for our state. It is important, too, because 158 days is almost half of 336 — and we have waited a long time for those policies. So this will be a countdown, and I know every Victorian looks forward to that day and the release of Liberal Party policy.

VETERANS BILL

Second reading

Debate resumed.

Mr THOMPSON (Sandringham) — Before the lunch break I had outlined to the house the Liberal Party's support for the Veterans Bill, which has the objective of achieving a number of goals — firstly, to promote the wellbeing of veterans, a role which, I might add, is strongly looked after by the federal government through the responsible department; secondly, to promote commemorative and educative activities; thirdly, to promote the Anzac spirit; fourthly, to assist with activities associated with the shrine to make sure it is adequately supported for its range of tasks and expanded responsibilities; and finally, to work strongly in assisting collaboration between ex-service organisations.

Just before the break I had alluded to the words of Mustafa Kemal Atatürk on a memorial at Gallipoli which speak equally about the care of the fallen Australian soldiers and the fallen Turkish soldiers. At a poppy appeal launched in Victoria recently there was a recitation from a poem by Rupert McCall entitled *For Freedom's Flame*:

> The image not forgotten, brave Australian son
> Close your eyes and see him on the beach of World War I.
> They promised him adventure, but delivered him to hell.
> Everywhere he looked that day, all his mates they fell.

The words of Atatürk are a timely reminder of the issues that transcend conflicts between nations and how in postwar times there can be the development of strong friendships and elements of goodwill. The range of tributes that take place with increasing attendance by Australians on Anzac Day at Gallipoli marks a close association between Australia and Turkey. It should also be remembered that more Turks died in World War I at Gallipoli than those combined British, Australian, New Zealand and Indian troops that served there.

I would like to make a couple of technical comments in relation to the bill. One is to reiterate the remarks made by the Geelong Royal Australian Air Force association. It expressed concern that there is already a fair amount of attention paid to Anzac Day and that it is very important that patriotic funds be directed to the areas where they are most needed — that is, to the welfare of the ex-service community and their dependants. The comment was made that the consumer price index is increasing greatly and the needs of dependents who are surviving today are significant.

In terms of the commemorative activities there is also concern that there may be a duplication of effort with the educational funds allocated from the commemorative funds and the general state education budget. It is important that each dollar raised be used wisely. The funds raised for building purposes or for welfare purposes under the administration of the Patriotic Funds Council have their specific trust deeds which define and delineate the objectives for which those moneys are spent. Concern was expressed in the wider veteran community regarding the use of those funds.

The HMAS *Sydney* and Vietnam Logistic Support Veterans Association made the point, and I quote:

> … this association questions the state government's motives in perpetuating the myth that they have consulted widely with the veteran community within the state of Victoria, regarding the proposed Veterans Bill, when this clearly is not the case. While it is conceded that they may have consulted with a few executive office bearers of several ex-service organisations, they did not consult with the rank and file membership at branch level. In taking this course of action, the state government has assumed that all wisdom and the right to make decisions rests with a few.

It goes on to question the need to transfer the regulation of patriotic funds from the Patriotic Funds Council to the director of consumer affairs without first accurately indicating the total amount of funds available in the existing account — or should I say 'accounts', because there are over 600 patriotic funds that are administered in Victoria.

The Patriotic Funds Council was established to ensure that particular moneys raised for our forces would not be used for any other purposes but those for which they were specifically raised. The main priorities of the original act were the provision of funds for the relief of distress occasioned by service; the provision of special equipment such as ambulances, hospital ships and hospitals; and the supply of comforts for the troops by way of parcels and the like. The act allowed for the provision of leisure items such as table tennis tables and similar things; the relief and support of those ex-service people and their dependants in need as a result of their service; and the provision of clubrooms, furnishings and other necessities for the ex-service organisations and people. Fortunately the need to provide equipment and comforts and leisure items for troops no longer exists to the same degree. However, there is an ongoing role for the use of patriotic funds for the use of clubrooms and relief and support for veterans and their dependants.

I understand there was concern about the capacity of some ex-veteran organisations to properly manage some of their funds and their premises when they had generally ageing trustees and the capital value of some of their assets had appreciated significantly.

The Australian soldiers served in multiple arenas of conflict ranging from Gallipoli, Palestine, Belgium, France, Bardia, Derna, Tobruk, Greece, Crete, Lebanon, Syria, Malaya, Burma, Korea and Vietnam, and then in more recent times in overseas peacekeeping roles in Timor and elsewhere. One question has arisen in terms of the application of the act in asymmetrical warfare — that is, in the case of the war on terror when there might not be a proclaimed war.

I draw attention also to the outstanding service by current serving members of the Australian forces. A young man in the Sandringham electorate who was dux in year 10 at Sandringham Secondary College received a defence services scholarship. He was dux of a number of his classes on the way through and now is a flying officer with the Royal Australian Air Force.

Tim Smith graduated from the No. 2 Flying Training School at the RAAF base in Pearce in Western Australia, having earlier completed a course at the Australian Defence Force Academy as an officer cadet. He attained the rank of flying officer and received a posting to the 36th squadron at Richmond. In more recent times, he joined the airborne operations training, which qualified him as C130 co-pilot on operations around the world.

People like Tim will be carrying the fortunes of Australian defence further forward, built upon an outstanding tradition forged at Gallipoli. That tradition will serve the nation well in the years ahead.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate on the Veterans Bill. I have had the opportunity of having a briefing from those who assisted the Premier and the department in the preparation of this legislation. I record my thanks for that assistance.

I do not believe that there is a more honoured group of people within our community than our veterans. For all the reasons recited in the second-reading speech and more, it is vitally important that we ensure that the interests of those remarkable people are fully protected on an ongoing basis. That responsibility falls finally in so many instances to this Parliament. Of the many priorities that we have in the work we do here jointly regardless of political persuasion, the protection of matters pertinent to the future of our veterans must surely rank amongst the highest.

The bill has come to the house in circumstances where, with the passage of time, there has been rather a shifting of view amongst our veterans communities as to, first, the merits of the legislation, and second, the structure of the bill that is being debated here. I must say that it has come from one point at which considerable doubts were expressed to an end point where, on the material available to me, there appears to be a broad consensus amongst veterans groups that the legislation should be supported.

People have been nervous about the legislation for a variety of reasons. Veterans are, of course, understandably extraordinarily protective of the funds represented by the various trusts that have been established under the existing legislation which will be repealed as part of the bill. That legislation is the Patriotic Funds Act 1958. Understandably, not only has the money been an issue of significance to those people, but also the heritage that attaches to so many of the funds being established in the first place is very important to those people. So any notion of interference with the structures around the management of those funds and their regulation and administration will, of course, generate concern. That concern echoed through the veterans community. Over the course of the past months, as this legislation has made its way to this place, in many instances I have been in conversations with people who are veterans of one theatre of war or another. Often they have said to me that they were worried about the prospect of what would occur under the terms of the bill. I suppose their ultimate fear was that capacity was vested in the government to take the money. That was said to me on numerous occasions.

That is the fact of it: those people are worried about the sorts of initiatives by the government that impact upon the way they live their lives. Members cannot blame them for that. They have seen the situation arise where they now have to pay half the motor vehicle registration fees in the state of Victoria, which for many people from the veterans era is an extraordinary impost upon them and a terrible drain on the fixed incomes that they enjoy. They are having to wear the CPI increases in fees and fines that now occur annually. Those matters affect those people in one way or another. The issues to do with general taxation and the incremental effect of that on everyone in Victoria, including those in our veterans communities, are matters that understandably prey on the minds of those folk. So it is that when this government in particular sets about preparing a legislative initiative which will affect the future of the trusts which are so very precious to veterans understandably that concern has been brought to a head.

The patriotic funds that are the subject of the legislation are defined in clause 23, which recites:

> For the purposes of this Act, a patriotic fund means any fund (including all money and securities for money and all property, real or personal, in or forming part of, that fund) raised wholly or in part —
>
> (a) by private or public subscriptions, collections or contributions; or
>
> (b) by carnivals, fetes, entertainments or any other means (whether of the like nature or not) for raising money —
>
> for any purpose in connection with any service on duty as an officer or a member of the naval, military or air forces of Her Majesty or of the Commonwealth of Australia or of any of the naval, military or air forces of Her Majesty's allies.

It is therefore a pretty broad-based definition of a patriotic fund. It is a core definition because, of course, it governs the forms of trusts accommodated by the terms of the legislation.

Clause 33 sets out the approval process that must be satisfied to establish patriotic funds and to receive or collect for patriotic fund purposes. Without going through it all chapter and verse, you have to have appropriate approvals to enable a patriotic fund to be established. As from the passage of the bill, that responsibility will fall to the Director of Consumer Affairs. Therefore the bill provides a definition of a patriotic fund and how it will be established. In Victoria there are literally hundreds of patriotic funds. I have a list which has been furnished to me through the Premier's office. I have not tried to count them with precision but the list adds up to several hundreds, perhaps 500 or of that order. Some say there are 600. I will not quibble at the edges, but there are of a lot of them.

Looking at them, I see that insofar as my own area is concerned — I live in Sale — there are organisations under Legacy patriotic funds such as the Central Gippsland Group of Melbourne Legacy and the East Gippsland Group of Melbourne Legacy. Other funds are under veterans centres, such as the Gippsland Veterans Welfare Centre. There is also reference within

the sub-branches of the RSL to the Sale sub-branch, which I know to be doing excellent work on behalf of its members in the Sale region and Gippsland generally. I recite those just as a passing mention of the hundreds upon hundreds of organisations which exist around Victoria and the enormous amounts of money that are contained within those trust funds. As I said, there is understandably an anxiety on the part of veterans to ensure that the funds are used for the appropriate purposes for which they were originally designed.

I am pleased to say that letters have been provided to The Nationals by different organisations across the state which bespeak the fact that having given all of this due consideration they are in general agreement that the legislation is a positive and should be supported. I refer particularly to a note that has come to me from David Cull, the chief executive of Melbourne Legacy. He refers to my note to him, seeking his commentary on the legislation. He wrote:

> In response I confirm that Legacy was fully satisfied with the consultation process. All matters that Legacy raised have been addressed. In brief, we are comfortable with the details of the bill.

In material which came to me the RSL similarly said that that august organisation is comfortable with the bill and that its members have been involved in the negotiations leading up to its creation. I might say that in the course of its response to me the organisation also set out some of the initiatives that it is involved in throughout the region that I represent in the Parliament.

Specific reference is made to the centre which has been established by the Vietnam Veterans Association in my home town of Sale. This centre provides support for veterans and is a drop-in service to provide advice on pensions. The centre also runs a drop-in support service for veterans who may be hospitalised, and it provides a day club or a social club for anyone who would like to come along to it. Again I am able to say that the work being undertaken by that organisation is very much appreciated and of extreme importance in the community that I represent in the Parliament.

I also have correspondence from Malcolm Bugg, the president of the RSL sub-branch at Morwell. In his note to my colleague the Honourable Peter Hall, a member for Gippsland Province in another place, he thanks Peter for his request for consultation. His letter says:

> From an RSL perspective, Peter, I have been involved with this at state level because as you know it only affects Victoria. We are quite happy with it and our state honorary solicitor Bruce Curl can find no problem or concerns with it.

Malcolm then goes on to make some comments which are of a personal nature, and I will not read them into the transcript. Suffice it to say, and to put it delicately, that Malcolm's personal perspective about this government being engaged in the passage of legislation which has the outcomes that the bill achieves is one about which he as an individual continues to have some reservations. Nevertheless, as he recites in the letter, he agrees ultimately that the RSL from a peak-body representative perspective favours the legislation.

While I am on that point I might also reflect on some comments made to me by Jim King, a Gippslander who is involved in veterans issues. He also has put to me sentiments similar to those of Malcolm Bugg, but in the context of legislation which is passing through this place, I believe on a tripartisan basis, I will simply reserve the full detail of what he has conveyed to me. Suffice it to say that it is of a similar sentiment to that which has been expressed to me by Malcolm.

But moving on, importantly I also have a letter addressed to be me by the Premier, dated 12 October. I sent to the Premier the representations that had been made to me by Dr Carroll on the behalf of the HMAS *Sydney* and Vietnam Logistic Support Veterans Association. In the course of his letter the Premier has essentially given an undertaking that the terms of the legislation will serve the interests of veterans as time goes on, and that the assertions made by Dr Carroll in his correspondence to me have been met by the government. Indeed the Premier says:

> Contrary to Dr Carroll's assertion, the government has had a very detailed consultation process with the ex-service community on the bill over a period of 12 months. These consultations included direct discussions with representatives of the HMAS *Sydney* and Vietnam Logistic Support Veterans Association.

The Premier goes on to say that the organisation has nominated a naval candidate for the Victorian Veterans Council, which is to be established under the terms of the bill.

The net result of all that is that whereas there was on the part of the organisations a measure of nervousness about this legislation when it was first mooted, those respective organisations have now come on side, as it were, and agreed between their number that the bill is a constructive move forward. However, that comment is qualified by the fact that that view by the peak bodies is not necessarily reflected in totality by all the members of the different veterans affairs organisations.

The bill will create the Victorian Veterans Council, which will have responsibility for promoting issues of concern to veterans and for advising the government of

Victoria in relation to such issues. That council is established under clause 20 of the bill. There will also be provision for the fact that the ex-service community is to make up the majority of the membership of the Victorian Veterans Council. Given the sensitivities of so many of the people who are involved in this whole process, I think that is a very wise move.

The bill also creates a Victorian Veterans Fund, which will be used to promote or to provide a source of funds for the support, educational and commemorative activities relating to Australia's war and service history. I think that is a very laudable thing to do, and is again another positive aspect of this legislation.

Very importantly the bill shifts the regulatory responsibility for the patriotic funds from the Patriotic Funds Council of Victoria, which is the organisation established under the existing act, across to the Director of Consumer Affairs. It is said by the government that that is in keeping with consumer legislation of the contemporary age, and so it is that that regulatory responsibility will go across to the Director of Consumer Affairs. The trustees to be established under the terms of this legislation will still keep control of the funds. For the sake of veterans I think that is a very important distinction to make.

Under clause 89 of the bill the Community Support Fund is going to be a donor of one day's take which it otherwise receives through the operation of its legislation from electronic gaming machines. That money is going to be donated to the fund that is being established under the name of the Victorian Veterans Fund. That is a very laudable thing to do.

With time being as it is, I might now say that the basic structure of this legislation is sound, that its aims are indeed laudable and that it seems to me the processes are in place to ensure the protection of these vital assets. I might also say that this legislation is broadly modelled around recommendations arising from the report by the Scrutiny of Acts and Regulations Committee in 2002. That again should be a source of some comfort for those who have ongoing doubts about all of this.

I conclude by returning to where I started, in a sense. This legislation is very important to a group within our community — namely, our veterans, who are quite properly honoured by all of us. My brother Adrian is a Vietnam veteran. He was in the 9th battalion of the Royal Australian Regiment and fought in Vietnam, and he now lives in Newcastle in New South Wales. I will always be proud of the contribution he made during his time in the armed forces and while he was representing Australia in Vietnam, albeit in a war about which there was a lot of consternation at the time from Australian shores.

Be that as it may, I think it is a great thing that ultimately the people of Australia came to recognise the fact that these great men who went to war in the name of our nation did so on the basis that that was the thing for them to do at that time. They went across and distinguished themselves in the various fields of battle. While it is unfortunate that it took many years for them to get the due recognition to which they were always entitled, I think it is a great thrill that people such as my brother can properly celebrate the fact of what they contributed on behalf of their nation while they were part of the armed services.

I also want to pay tribute to a gentleman named Barry Heard, who has written a book called *Well Done, Those Men*. Barry, a Vietnam veteran, lives in Bairnsdale. I received a phone call from him and subsequently purchased his book. It is an extraordinary story. For those who want to read something that encapsulates the experiences of the young men who were conscripted into the army and went to Vietnam to fight, I can recommend nothing more highly than Barry's book.

The book tells the amazing story of this man who was plucked from Swifts Creek in far East Gippsland. He eventually fought in the jungles of Vietnam, wearing the Australian colours. It tells of his nightmares about 6 August 1967, when he and his group were caught in a terrible ambush and many died. It also tells of the struggles of Barry Heard and many of his mates. I bought the book to send to my brother, but I can tell the house I am now not going to do that!

When matters such as those in this bill come before the house we should have due regard to those who have contributed so much to the history of the Australian nation and to the veterans community in total that has done an enormous amount to secure the freedom we all enjoy — and, perhaps regrettably, which we sometimes take too much for granted. I wish the bill a speedy passage.

Mr MILDENHALL (Footscray) — It is a rare pleasure to join a debate of this nature where there is so much widespread agreement about the intent of the legislation and a recognition of the soundness of the process that lead to it. There is also widespread agreement about the importance of appropriate recognition and the preservation of the stories of people who have helped define this nation and given it its character.

The origins of the legislation, referred to by speakers from the Liberal Party and The Nationals, goes back to a Scrutiny of Acts and Regulations Committee (SARC) report of 2002 where the broad thrust of this approach was outlined in a unanimous and bipartisan way. The momentum from that report was picked up by the Premier in the middle of last year, when he announced not only that he wanted to pursue this legislation but also that the significance of the issues we were dealing with were such that he wanted to take up the portfolio responsibilities himself and become the minister responsible for veterans affairs. He also wanted to institute some programs alongside the development of this legislation.

The legislation has gone through a classic process with a discussion paper coming out at the end of last year, a question-and-answer paper on the proposed bill that came out in the middle of this year, an exposure draft containing the proposed bill that came out in August, and now the appearance of the legislation. I certainly agree with the Leader of The Nationals that such are the sensitivities of the community we are dealing with and the importance of preserving and recognising the intent of the funds in the various patriotic funds, that the utmost care had to be taken in not only the development of the legislation but also in consulting with the trustees of patriotic funds and the respected ex-service organisations around the state in a careful and sensitive way.

So it is that the legislation has appeared in the house with virtually unanimous support from organisations that were consulted. With the very odd exception of letters such as that from the HMAS *Sydney* group, there has been widespread support for creating a Victorian Veterans Council and creating a Victorian Veterans Fund to provide a proactive mechanism for the education, information and commemoration of our military heritage and the protection of patriotic funds through a more potent and conventional mechanism — that is, the Director of Consumer Affairs. That sits on top of the structure of the trustees of each of the funds, who still have the immediate control over patriotic funds.

Potential critics of this legislation, who certainly subjected both the process and the legislation to every conceivable scrutiny in looking for, in some cases, evidence that the government was trying to get to their money, have been unable to sustain that case. I note with some satisfaction that speakers on the bill from the Liberal Party and The Nationals acknowledge that the legislation is both appropriately comprehensive and tight enough to prevent anybody other than the trustees getting their hands on patriotic funds other than in circumstances where the funds are being wound up or there has been maladministration in a way that has been authenticated or confirmed by the court.

This is strong legislation; it is widely supported and, as the Leader of The Nationals was saying, it is about extremely important issues. The government is partly responding in this legislation not only to the momentum of the Scrutiny of Acts and Regulations Committee report and not only to the need to modernise these regulatory structures but also, as I think SARC noted, to the significantly increased interest in these matters by the broader community.

The government has partly responded with this legislation and also with the $700 000 war memorial restoration grants across the state, the Spirit of Anzac student competition and the annual study tour, plus working with the Shrine of Remembrance in upgrading the shrine's capacity to provide an information and visitation centre, which has now seen half a million people come through the door. That is an extraordinary increase in both the number of people visiting the shrine and the capacity of the shrine to present those stories to the community.

It was my great pleasure to accompany the Premier, earlier this year, in the tour of the battlefields of northern France with nine outstanding young students from around the state who represented this state with a degree of leadership, sensitivity and intellectual engagement with both the stories of Australia's military past and the impacts on communities and families in a very impressive way. Tamana Aliyar, John Tindall, James Waters, Sophie Eltringham, Caitlin Caruana, Claire Chisholm, Megan Stringer, Karienne Black and Adam Humphries were a pleasure to travel with because they were able to interpret and add a young person's perspective to these great events. They were ably assisted by teachers Cathy Remar, Lachlan Lee and John Coulson. The whole exercise was added to immeasurably by the presence of David McLachlan, the president of the Victorian RSL, Tony Charlton, who is virtually the voice of veterans functions around the state, and the Premier.

We visited the community of Villers-Bretonneux, which was spoken about at some length during the house's condolence motion for Alan Wood yesterday. It is ironic, because just as the students from Victoria met the students from that area, on Thursday next week students from Villers-Bretonneux will be visiting this house and participating in events at Robinvale, the twin town of Villers-Bretonneux. These are great linkages between our communities and a great part of our past

that will be assisted by the use of the veterans funds and other initiatives that come out of this legislation.

This legislation has also been ably assisted by the veterans unit in the Department for Victorian Communities, led by David Roberts, and also by John Phillips from the Premier's office.

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

Mr COOPER (Mornington) — The Veterans Bill is supported by the opposition. It is always a pleasant occasion when legislation comes into this place and all members stand to support it. This is one of those instances. As the members for Sandringham and Footscray and the Leader of The Nationals have said, the bill is concerned with the veterans community, which is very sensitive to its needs and to the way in which it interacts with government. This bill has been prepared with all that in mind.

Even with all that preparation and consultation, and all sides of the house accept that that has occurred properly, some veterans organisations have still expressed concerns. The RAAF Association at Geelong raised some concerns with the opposition, along with, as has been documented by other members, the HMAS *Sydney* and Vietnam Logistic Support Veterans Association. The letter from Dr Carroll from that latter organisation, dated 31 August, went to the Premier and all members of Parliament, so I am assuming I do not have to go through any detail in speaking about their concerns.

I was interested to hear that the Leader of The Nationals had received a response from the Premier to the concerns expressed in the letter from that association and that the Leader of The Nationals believes all the concerns it had have in fact been addressed, even to the extent that the association, which had queried the composition of the proposed Victorian Veterans Council, has nominated somebody to sit on that council. As that organisation will now make up part of that council, it is hardly likely to be objecting to its composition any longer.

The bill highlights the importance for everyone in their dealings with this very important section of the community. Every member of this place would have a veterans community, most would have very active RSL clubs or RSL welfare organisations in their electorates, and they would understand. I think every member here would understand the importance of the veterans community. I am particularly blessed in Mornington where we have the Mornington RSL, an organisation of which I am a member. I am also happy to wear the RSL badge — I am not wearing it at the moment, but I wear it most times. As an ex-serviceman I was one of those very fortunate people because in my army service I fell between any conflicts, so I did not have to leave the country.

That was an accident of my birth date. But when you are 18 or 19 and go into the army as I did, you suffer the problem of all 18 and 19-year-olds — you think you are made of stainless steel. You are busting for something to happen so that you can get out there and show your mettle. It did not happen in my time. Korea was over, Vietnam had not started, and therefore I was denied that chance. It was a denial that was greeted with great joy, let me tell you, by my mother. She did not want to see her sons going away to fight, no matter how good the cause.

I have had a lot to do with the RSL community over the years, particularly now with the Mornington RSL, and I am aware of the tremendous work it does in the community in terms of welfare. Two outstanding people in Mornington are the immediate past president of the Mornington RSL, Frank Matons, who is still extremely active in welfare activities for veterans and their families, and Bill Coventry, whom I have mentioned in this house before, who is a veteran of World War II and an ex-prisoner of war (POW). He was a prisoner of war of the Japanese: he was on the Burma railway and suffered enormous indignities and violence during his time. He is now in his late 80s, and he works and has worked tirelessly for decades for the welfare of returned service personnel and their families, and in particular for ex-POWs.

Bill Coventry created the memorial park in Mornington, where an obelisk for our returned service personnel has been established. Around it are a number of memorials that have turned the park into something unique in Australia. There are memorials to every conflict that Australia has been involved in since the Boxer Rebellion, and it is something that is acknowledged not only in Australia but elsewhere as unique and very special.

Those two people, along with the current president of the Mornington RSL, Bernard Stabb, and the secretary, John Wilson, do a spectacular job in maintaining levels of service for, involvement with and community awareness of our veterans, and they are to be congratulated. The things they do in Mornington are mirrored right around this state by people in similar positions, who all do a great job. Six or eight weeks ago I attended the state conference of the RSL because Bill Coventry, whom I just mentioned, was made Anzac of

the Year. I was pleasantly surprised, although I should not have been, at the huge attendance at the state conference and the enthusiasm of all the delegates from around the state for the activities of the RSL.

It shows that whilst the members of the veteran community may well be ageing, their enthusiasm ensures that the welfare of the people they represent is enhanced and that all Australians, particularly young Australians, are aware of the sacrifices that were made by so many men and women to keep this country the great and free country it is. All the members of this Parliament see the tremendous involvement in Anzac Day of our young people, from primary school children right through to youngsters in their twenties. They are all enthusiastic about Anzac Day, remembering the terrific service that has been given to this country by those people.

This bill, with its aims of establishing a veterans council and a Victorian Veterans Fund and providing for the regulation of patriotic funds, is a worthy piece of legislation. It is a bill that is also worthy of the strong support of all members of this Parliament, and I am delighted to be one of those who gives it that support.

Ms McTAGGART (Evelyn) — I rise to contribute to the debate on the Veterans Bill 2005 and to commend the government for recognising what an important contribution ex-servicemen and women have made to the state of Victoria. This bill is based on recommendations made by the Scrutiny of Acts and Regulations Committee, which is chaired by the member for Yuroke, in its 2002 report on Anzac Day laws.

This bill will address major population and cultural changes relating to the welfare, service levels and commemoration of veterans in this state. It will strengthen and modernise the regulation of patriotic funds, protect the assets currently in those funds and continue to support and advise trustees in their use. The bill repeals the Patriotic Funds Act 1958 and inserts regulatory provisions relating to patriotic funds into the new veterans act. Responsibility for the regulation of patriotic funds will shift from the Patriotic Funds Council to the director of Consumer Affairs Victoria, who will have powers to strengthen regulations consistent with consumer affairs acts.

The bill provides options to protect funds in cases of serious breaches of the act and improper administration. This will ensure that assets in patriotic funds are protected and will in turn protect the members of our ex-service community who are beneficiaries of the funds. As other members have said, people are very concerned that these funds are used in the appropriate manner. It gives an assurance to community members who donate to the fund that their donations will be used as intended.

A new Victorian Veterans Council will be established to provide direct advice to government on issues affecting our ex-service community. I am sure many members of the house engage their local ex-service organisations, and I am very proud to say that I have an extremely solid relationship with my local RSL branches in Lilydale and Mount Evelyn, as well as the Legacy ladies from Lilydale.

The members of the Lilydale RSL provide a welfare service to ex-servicemen and women, and the proceeds from the Anzac Day Proceeds Fund will be distributed to assist with this much-needed service. Members of the Lilydale RSL put in a lot of time servicing our local community and assisting veterans, whether it be with veterans cards or throughout the community. I would like to commend them for the work they do.

The Victorian Veterans Fund will be created to provide a funding source to support educational and commemorative activities related to Australia's war and service history. The guaranteed funds will be distributed by the new Victorian Veterans Council. In talking about the Lilydale RSL I would like to commend in particular Iain Townsley and Bob Richardson for their work in liaising with local primary and secondary schools and engaging them in the commemorative services on Anzac Day and Remembrance Day.

In the past the Lilydale Heights College band has played beautifully at these ceremonies, and many students contribute to speeches and activities at these events. It is heart warming to hear stories from some of the young people about the service of their grandfathers or fathers. They tell these testimonies at these services, and it is always quite moving. Some members of the RSL sub-branch visit local schools and engage students in discussion about the important role ex-servicemen and women played in our Australian history. It gives students a first-hand account of active service and how the bravery of our fellow Australians shaped this nation.

The Lilydale RSL sub-branch celebrates many commemorative events, which I am glad to participate in, and I am down at the RSL sub-branch quite a lot. The members celebrate events such as the end of the Korean War and the end of the Vietnam War. I have also had the bagpipes played to me on some of these occasions, so I am very pleased with that. Recently the

federal member and I presented medals and certificates to veterans and war widows on the 60th anniversary of the victory in the Pacific. It was a very moving ceremony, and some of them were struggling quite a bit, but they appreciated the time we took to honour them. We should never forget how they contributed to our fine country.

This bill has the support of the Victorian state branch of the RSL, Melbourne Legacy, the Vietnam Veterans Association, Carry On and Vasey RSL Care, all of whom are key Victorian veteran organisations. I wish the bill a speedy passage.

Mr DIXON (Nepean) — It is a great pleasure to speak on the Veterans Bill and in doing so to indicate my support of the bill. The foremost purpose of the bill is to create the Victorian Veterans Fund, which will provide a source of funds to support educational and commemorative activities. I think that is a very worthy cause. As the years go by and our veterans die and those who have had first-hand experience of war are no longer with us, it is increasingly important that we are able to commemorate those who went before us and who made the ultimate sacrifice; and it is also important to educate those who remain as to what has happened before them. We had a poignant reminder of that this week with the death of Australia's last World War I veteran.

Before we know it the same will be happening with our World War II veterans. As that first-hand experience of the great wars, as we call them, disappears, it is so important that our younger generations are educated as to the sacrifices that were made by our veterans in all world wars. It is also important to have a fund like this that is more formalised. That education has been provided by many organisations such as the RSL and our schools over the years, but to have this formal fund is very important because it gives some status and surety to the ongoing commemoration of our war veterans.

As well as the last World War I veteran dying this week we had the floating of a commemoration idea which was almost universally disagreed with. It involved an annual re-enactment and a memorial — it is not totally clear what was proposed — at Point Nepean. That drew a number of cries of alarm. Point Nepean is in my electorate, and I think that would be a totally inappropriate way of commemorating Anzac Cove and the battle at Gallipoli. I know Gallipoli is a long way away and that many people cannot get there, but that is part of its mystique that needs to be retained. There are lots of ways, with the memorials and monuments throughout the state and the country, in which people can commemorate Gallipoli if they wish. I do not think we need that sort of commemoration at Point Nepean.

I wish to pay tribute to the RSL, the schools and various other groups around the state that have kept this ongoing education and commemorative culture alive over the years. First and foremost the RSL sub-branches in every electorate have been most fervent and diligent in keeping that going. As a former school principal it is great to see young people becoming more involved — and it is the growing trend. As a community we have moved on from from the experiences of the war in Vietnam. All age groups are recognising the importance of the sacrifices made in all wars for all reasons by generations of Australians. This is really an important role for our schools, and they have been doing it in conjunction with the local RSL sub-branches. It is a fantastic partnership, and that is what this bill is about. I encourage the schools and the RSL sub-branches to maintain this very close association, because that is the way these celebrations and commemorations will continue among generations to come.

In my electorate I have the Sorrento, Portsea, Rye, Rosebud and Flinders RSL sub-branches, and obviously I have a close association with all of those. They work with the community and support their veterans in many ways. They are very proactive in local schools and have ceremonies to mark Anzac Day and Remembrance Day. The Vietnam Veterans Association is also on the Mornington Peninsula, and it too has its celebrations and commemorations. They all have increasing crowds year after year and commemorate the various battles and events in a beautiful and meaningful way.

I know the Rosebud RSL has a veterans centre next to it that is partly funded by the federal government. They do wonderful work in counselling and giving advice to all sorts of veterans on pensions and other economic, social, and health matters. I have the oldest population profile of any electorate in the state, and therefore I probably have the greatest number of veterans. The service provided to them by the Rosebud RSL is absolutely first class. It has made a real difference to the lives of many veterans and widows. It is wonderful to work with the RSL and to help it in whatever way I can. All the RSL sub-branches have welfare officers who work with veterans. I pay great tribute to the work they do.

Most of our RSL sub-branches have poker machines, and the funds they raise from those machines are used for the benefit of the community. Not only do they employ numbers of people, but our RSL sub-branches

are very busy, with huge crowds coming in over summer, holiday weekends and school holidays. So much of that money goes back to the community. They sponsor schoolchildren, clubs and all sorts of activities that enhance the community. Again all that is a wonderful legacy given by the RSL to our veterans.

Even though a lessening percentage of Returned and Services League members have fought in wars, they can rest easy in the legacy they have left. The RSL is working not only for the veterans who are left and their families but in the whole community. There will not be many World War II veterans left in 10 years, and that part of the culture and first-hand experience will be lost to us. It is very important that the RSL looks at its changing role. The reality is that the veterans centres will have fewer customers. A lot of the welfare that is provided, the money that is spent and the time and effort that is put into that sort of work means that there will be a changing community role for our RSL. This is an opportune time to work on the commemoration, education and community involvement of the RSL in future years.

A number of Greek returned servicemen live in my electorate. They have a beautiful memorial on the Rye foreshore where they hold commemoration ceremonies a couple of times a year, and it is always a pleasure to be a part of that. The Greek women's seniors groups sponsor those occasions. It is wonderful to have our Greek veterans as a part of the community and to commemorate their special days and the great battles in their history as well.

No matter which country they come from, all our veterans were great patriots who fought and died for freedom and democracy. It gives me great pleasure to support this bill and to pay humble tribute to all the veterans and the RSL clubs and organisations within my electorate.

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak on this bill. As other members have said, the bill had its genesis in the Scrutiny of Acts and Regulations Committee (SARC) document tabled in October 2002. I co-chaired that committee, along with the members for Tarneit and Mitcham and a former member of the other place, the Honourable Mark Birrell. It was a great privilege to co-chair that committee and work with the various veterans who have helped the bill come to fruition today. The committee worked in a completely bipartisan manner, and I think that is reflected in our community feeling. We want to do the absolute best thing by our veterans, and there is an underlying passion in the people who speak on this bill to do the right thing.

It is a technical bill, and includes moving the patriotic funds over to this Veterans Bill 2005, which is a great achievement. The SARC report contained 28 recommendations and nearly all of them have been taken up in some way or another. One of those recommendations was to honour our veterans as they should be honoured, and to put a lot of the administration of the act into the Department of Premier and Cabinet, and that has been taken up. But there was also a great focus on the part of the veterans to fund education, and this bill sees that come to fruition as well.

At this stage, rather than talking about the technicalities of the bill, I want to talk about some of the things that are going on out in the community, and to talk about some of the beautiful memorials around the place which now can be the recipient of some funds from the government.

I recently travelled to Lebanon and Syria and visited war graves there. More recently I visited Changi prison and saw the conditions that people lived under during the Second World War years. I went up to the beautiful Kranji war cemetery where there are thousands of white headstones. Walking up and down among the headstones I saw that the oldest person buried there was a 38-year-old, which makes you wonder about the loss of almost two generations of people through war. Living in a great democracy we should never forget that.

In my own electorate of Yuroke the little town of Mickleham really just has a school, but the schoolchildren there have planted an avenue of honour. A generation of schoolchildren who really have not known a war have planted trees to honour the dead from many years ago. It is that sort of spirit that will keep the Anzac spirit alive as the original Anzacs die out and the World War II veterans move to being our oldest veterans, with the Vietnam veterans coming behind them. Of course, our modern-day heroes are the peacekeepers in Iraq and East Timor. They are our modern Anzacs and we must never forget to pay tribute to the role they play.

Many people want to speak on this bill so I am not going to take much more time. I just want to say two more things. It is an absolute disgrace to see an attack on industrial relations legislation that allows Anzac Day to be traded away. One of the recommendations of SARC was that Anzac Day be enshrined to protect that sacred day of commemoration.

Mr Wells interjected.

Ms BEATTIE — There are always necessary industries that operate on Anzac Day, and indeed that has always been the case, but we must not allow Anzac Day to be traded away. The other thing I must say during my brief contribution is that it is an absolutely wacky idea to think we can create some sort of theme park at Point Nepean. Point Nepean is beautiful, but it is not Gallipoli. Thousands of people did not lose their lives at Point Nepean. There is only one Gallipoli. It is a sacred place and it should not be replicated by some sort of theme park. That is something that I feel very strongly about. I have spent many days at commemoration ceremonies. One that stands out in my mind is the small ceremony that the Sunbury RSL holds where the Salesian boys come out with their Lee Enfield rifles, fire a volley of shots and scare half the town away, but it is always a great day on Anzac Day up in Sunbury.

I have not talked much on the bill — others have talked about that — but I have talked about the underlying features which will allow this bill to go forward with the bipartisan support of all sides of this house. I commend the bill to the house.

Mr WELLS (Scoresby) — I will just make a few brief comments about the Veterans Bill. The purpose of the bill is to establish the Victorian Veterans Council to promote issues of concern to veterans, create a Victorian veterans fund to support educational and commemorative activities and set up a regulatory regime to administer the patriotic funds.

Along with the member for Benambra I walked the Kokoda Track in 1995. We saw the enormous amount of work that has been done by Ross Bastian in creating a number of plaques all along the way at Templeton's Crossing and some of the other places. It was quite a moving experience to be able to read those plaques and get a real grasp on what happened on the Kokoda Track back in the 1940s. We were so moved by the trip in 1995 that we decided to go back with a group of friends, and the member for Benambra and a former member for Bellarine were part of that group. We built a memorial on top of Brigade Hill. It was the one place along the Kokoda Track where there was not a memorial because the local people would not give up that land.

When we first started negotiating with them they wanted 1 million kina for a square metre of land. We spent 11 months negotiating, which involved our faxing a position paper to people in Western Australia, who would then fax it to Port Moresby. Then one of the local people would go from Port Moresby and then walk the Kokoda Track — a three or four-day walk — to finally negotiate with the locals, then turn around and walk back to Port Moresby. In the end the local people decided that this was going to be a joint operation and that they would give up the land if we were to pay for the memorial. We went back and built that memorial; we found it to be a very moving experience.

Then we built another memorial at the Thousand Steps at Upper Ferntree Gully. Hugh Morgan, of what was then the Western Mining corporation, was good enough to pay for the total cost of that memorial, which was very generous of him. The local army engineering corps — from memory, the Morwell corps — assisted us in that task. Now people can walk along the Thousand Steps and read the plaques as they progress. It is a great environmental and historical experience, and it is also a great physical education experience for some of the schoolchildren.

The fund that will be established by the bill will allow the sorts of things we did back in the 1990s to progress, and I think it is a great move forward.

Ms LOBATO (Gembrook) — As a proud, passionate and paid-up member of the Berwick RSL and a proud and passionate supporter of all RSL sub-branches throughout the Gembrook electorate, I speak with much pleasure in support of the Veterans Bill. Time is now against me, unfortunately. I had thought to speak at length, being a very proud supporter of anything to do with support for veterans, but I will just briefly comment about the educational aspect that this bill will provide. One of the major concerns that RSL sub-branches throughout my electorate have is that the major focus should be on educating our youth about the sacrifices made by our veterans. The Victorian Veterans Council and the Victorian Veterans Fund will play an educative role.

I also wanted to say how grateful I am that my grandfather, Morris Coath, wrote his memoirs so that I can understand the sacrifice that he and other veterans made and the experiences they had. I feel very proud to be able to retell his story to my children and proud that my son, Archie, now goes to school on very significant days and explains to his classmates what his great-grandfather did for him and for Australia. This bill deserves to be supported. I thank all the RSL sub-branches in my electorate and all the Victorian RSL sub-branches for the dedication they provide to the cause of the welfare of veterans and their families. I commend the bill.

Mr CRUTCHFIELD (South Barwon) — I briefly speak in support of the bill. Along with the member for Pascoe Vale I acknowledge every member who has

spoken about this bill. The support is unanimous. I do not wish to go into depth on the bill but to highlight very briefly the work of veterans organisations in my electorate. I was brought up in an era when perhaps not as many young people were focused on respect for our veterans. My grandfather was a World War I veteran. As a family we had not acknowledged the contributions and sacrifices he made.

That has now changed. Certainly the Torquay RSL, under the leadership of Peter Thomas and Kevin Egan, has changed considerably. Change has also come about under Hayden Shell, president of the Geelong RSL, and Ken Fulton, president of the Barwon Heads RSL. They have all made a very focused and determined effort to bring the youth of their communities in to celebrate and recognise the sacrifices of our veterans, past and present. Yes, our veterans are ageing. However, as all members would recognise, the people who are attending our veterans celebrations are becoming younger and younger. I congratulate those organisations in my electorate.

Finally, I would like to finish with an anecdote from the Torquay RSL. It acknowledges the fact that the Premier is now the lead minister for veterans organisations. Its members are very receptive to that and congratulate us as a government for putting it forward as a Premier's project, if you like.

Mr BRACKS (Premier) — In summing up on this important legislation, I would like to thank in particular all the members who have contributed to this debate, including the member for Sandringham, the Leader of The Nationals, the member for Footscray, the member for Mornington, the member for Evelyn, the member for Nepean, the member for Yuroke, the member for Scoresby, the member for Gembrook and the member for South Barwon. I thank all members of Parliament for their contributions to this debate and for the unusual and widespread support and praise for the legislation, which was a hallmark of the debate on the Veterans Bill.

Today we remember our oldest veteran, Evan Allan, who served in World War I and was the last surviving veteran to serve overseas from the World War I campaign. Evan died recently at the age of 106 and a state funeral will be held for him next Tuesday. It is appropriate that we are debating a bill which is really about ensuring that the legacy left by the veterans and their associations — the patriotic funds — can be held in perpetuity, given that we are seeing a significant ageing of the population and therefore some significant challenges as part of that ongoing legacy. It is appropriate and necessary that we support this legislation, and I am grateful for the support that has been received.

I acknowledge that the patriotic funds are protected, and regulation oversees and modernises part of this act. This is a welcome move. It is a move that has been undertaken in consultation with the Patriotic Funds Council and with other veterans communities and groups. We have done that very carefully; first of all by releasing an exposure draft and then the final legislation which came to this house for consideration. Importantly, this legislation will support the need to commemorate Australia's history and its great stories about our international engagements in world wars, in the civil war in Vietnam and in other peacekeeping forces. It will honour and commemorate those events as well. I note that the bill has been prepared in consultation with the veterans community — the RSL, Legacy and other groups — and is supported by them as well.

I thank in particular some people who have given enormous support to the preparation of the bill. I thank the Parliamentary Secretary for Premier and Cabinet who also assists me in my work in veterans affairs — that is, the member for Footscray. I thank him very much for his work, his contribution, the support he has given the veterans community and for supporting me in my role as veterans affairs minister.

I also acknowledge the president of the RSL in Victoria, Major-General David McLachlan, who has been an important urger of this legislation and has given his support for its preparation in this house. He has always steadfastly stood up for the veteran community, and this is one more piece of legislation that does just that. I know that he and his members would be proud of what has been discussed and debated here in Parliament as well.

I also thank the adviser to me in these matters, John Phillips. It is unusual to mention an adviser, but John himself is a Vietnam veteran and has provided a lot of support to me in this role. I acknowledge that and thank him.

I thank the department which has responsibility for the implementation of veterans affairs matters in the state, the Department for Victorian Communities. It is a new department but it has worked effectively in its support to me as minister and to the veterans community more broadly.

I also acknowledge the Scrutiny of Acts and Regulations Committee, which undertook important and groundbreaking work and produced a report which

recommended some significant changes which the government has taken up almost in their entirety. I thank SARC for its first-class work

On its passage this bill will ensure that the funds held to commemorate and celebrate some of the great stories which have marked our nation over the last 100 years will be held in perpetuity, will be secure and will have a better accountability mechanism than has applied in the past. It will also ensure the full participation of the veterans community and the new Victorian Veterans Council to be established by it. We will now consult widely on the composition of that council and make sure that it represents more broadly the veterans community and that it gives advice to the government, and therefore gains the support of this house as well.

I again thank all the members who have contributed to the debate on what is an important piece of legislation. It is timely and necessary, and it will mean we have a modern act to serve the veterans community for some time. I am pleased this government has undertaken this task in response to the many issues raised with it over the last five and a half years. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL

Second reading

Debate resumed from 5 October; motion of Mr HOLDING (Minister for Corrections).

Mr WELLS (Scoresby) — I rise to join the debate on the Prisoners (Interstate Transfer) (Amendment) Bill. Many in the community would have little or no sympathy for the welfare of prisoners with regard to their relocation, and many would argue that if a crime has been committed in a particular state, the convicted person should serve their time in prison in that state. Also it could be said that if a prisoner has committed a crime in a particular state and has requested a transfer to another state so that they can be close to their families, it may or may not offend the victim of their crime especially if they were directly involved in the commission of the original crime. But putting that notion aside, I suspect some victims of crime would be pleased to see the offender — that is, the criminal — transfer to another state.

The other issue I grapple with is that of the prisoners' families. If, for example, a person has committed a crime in Western Australia and their elderly parents live in Victoria, should the prisoner be transferred back to Victoria so the elderly parents can visit their son or daughter? I strongly believe that whilst the elderly parents would not agree with the crime that their son or daughter may have committed, they would want them to be here to support them in that instance. As parents we support our sons or daughters regardless.

From the outset I wish to inform the house that the Liberal Party supports the bill and believes that the amendments in it will generally improve the handling of prisoners and parolees, and will enhance the effectiveness of parolee supervision and the monitoring of child-sex offenders on extended supervision orders. I thank very much the people from the Department of Justice and the ministerial office who gave the opposition briefings on the bill.

The purpose of the bill, as set out in the explanatory memorandum, is primarily twofold. Clause 1 will:

> … amend the Prisoners (Interstate Transfer) Act 1983 to clarify and expand the grounds to be considered by the minister in assessing requests by prisoners to be transferred to or from Victoria.

The clause will also make a number of amendments to the Corrections Act 1986 to:

> … make provision in relation to people on extended supervision orders under the Serious Sex Offenders Monitoring Act 2005 who have been directed to attend at community corrections centres, or receive visits from officers, for the purposes of that act.

The bill will also enhance the operations of the Adult Parole Board in the administration of parolees and will revise immunity provisions for the Adult Parole Board. It will also clarify the power of the regional manager to use force, if necessary.

I refer firstly to amendments to the Prisoner (Interstate Transfer) Act, which resulted from a decision made by the Standing Committee of Attorneys-General (SCAG) in November 2004 that Australia-wide legislative changes were necessary to codify and clarify, through the use of a model bill, the outcome of the ACT case of the *Attorney-General of the ACT v. Heiss.*

The Liberal Party is concerned as to why it has taken the government nearly 12 months since the SCAG meeting to introduce the legislation. The New South Wales and Tasmanian governments have already

adopted the amendments. Why has it taken Victoria so long to introduce these provisions? We were not able to receive an answer on that. But in the Heiss case the court considered an application under the prisoner interstate transfer scheme and determined that the state or territory needed to consider not only the welfare of the prisoner as it currently applies under the prisoners interstate transfer scheme (PITS) but also other matters such as the security and good order of the state and the protection of the community.

These amendments allow relevant corrections ministers a greater range of reasons when they need to consider an application by a prisoner to transfer interstate. Quite rightly the decision to allow or not allow a transfer will remain with the respective ministers, their having taken into account all the relevant details. Agreement must be reached by both relevant ministers, upholding the principles of ministerial discretion. The opposition considers that a very important point.

Irrespective of the merits of individual cases, each state retains the right to reject any prisoner transfer application. In other words, if the Western Australian government wants to transfer a particular prisoner from Perth to Victoria, fortunately the Victorian minister would have the discretion to say whether the government accepts that particular prisoner. No-one would want Victoria to become a dumping ground for difficult prisoners from other states; that just would not make any sense.

It must be highlighted that the amendment relates only to sentenced prisoners in custody. They should not be confused with parolees such as paedophiles being released into other states. When we started to talk about this aspect of the legislation, some people were confusing prisoner transfer with parolee transfer. A recent case involved Charles Alan Smith, a notorious child-sex offender, being transferred from Western Australia to Victoria. He was being transferred under the interstate transfer program despite Victoria's Corrections Commissioner admitting that paedophiles could reoffend. I quote from the *Age* of Monday, 22 August:

> The state government confirmed at the weekend that Charles Alan Smith had been transferred on parole from WA following his release in February after years in jail for systematically abusing young boys over two decades.
>
> Smith served less than eight years of a 15-year term. He has been living with his daughter in Victoria since May.
>
> Corrections Commissioner Kelvin Anderson said yesterday the public could not be told of Smith's whereabouts for privacy reasons and fear of vigilantes.
>
> Mr Anderson said Smith had been meeting strict parole conditions since he arrived from WA, where the *Age* believes he was living with his sister before she was diagnosed with cancer.
>
> Asked if he was confident Smith, 72, would not reoffend, Mr Anderson replied: 'I can't be confident that any one of the offenders I'm responsible for supervising won't (re) offend. However, what I can say is that the best form of supervision we can have in place is in place, because the alternative is simply not to supervise somebody after they are released from prison'.
>
> Smith's release follows the public outcry surrounding Brian Keith Jones, known as Mr Baldy, who was freed from jail and placed in an Ascot Vale home close to kindergartens, a primary school and playgrounds. Mr Anderson did not say whether Smith was living near a school or other place where children go.

The problem relates to supervision orders. When a particular parolee is transferred from Western Australia to Victoria the Western Australian supervision orders might not be acceptable in Victoria. However, that is on the issue of parolees and the bill is about prisoner transfers. Further measures need to be taken to ensure proper extended monitoring of serious sex offenders and paedophiles who move from one state to another. The recent case of a paedophile transferring from Western Australia, as I have mentioned, must not recur unless proper guidelines are in place.

I address the amendments to the Corrections Act. In brief, not only will the amendments fix a significant loophole in the management of monitoring child-sex offenders but additional amendments relating to the Adult Parole Board will provide greater flexibility and effectiveness in the decision making by its members. With respect to the monitoring and management of child-sex offenders, community corrections staff will be able to direct, ensure good order, use force, enforce directions, compel, and take photographs of those being monitored under the Serious Sex Offenders Monitoring act. The opposition considers that a very good and positive step forward in monitoring those sorts of people. Previously those powers were not legislated; hence the need now to enhance the proper monitoring of serious sex offenders. The Victorian community is demanding that more is done to ensure that child-sex offenders and other serious sex offenders are monitored appropriately and that measures are taken to reduce their temptation to reoffend.

Some time ago I visited a prison full of paedophiles outside London. In one section of the prison there were 290 paedophiles, which was very disturbing for people who visited. What was sickening about the visit was that the paedophiles did not believe that they had actually committed an offence. They could not

understand why they were there. There were university professors and board directors — very senior and intelligent people in the English community. As I was leaving I was told a story of something that had happened about a week before about a person who had chosen to serve the maximum time of his sentence. Some paedophiles who have been sentenced for a period of eight years with a non-parole period of six years choose to serve the whole eight years so that they do not have to undergo any treatment, which is very concerning.

The particular fellow had served his eight years and he was leaving. His friends had organised to have a caravan outside the front of the prison. There was a homeless boy in that caravan, as a present from his sick friends to the person who had just been released from prison. Fortunately, the corrections people were alert. Police were involved and that dreadful situation did not progress. Those are the sorts of sick minds we are dealing with among paedophiles. They are just the most disgusting people on earth, that they would arrange for a homeless boy to be a present for a paedophile who was being released. It is just dreadful. I do not know what sentence that person received but let us hope that it was severe.

In a previous role as shadow Minister for Corrections I had the opportunity of visiting Ararat and Langi Kal Kal. Both those prisons have been designed to treat paedophiles and other serious sex offenders. Once again the very point that arose in the English system was present in our system. That is, people who were sentenced to a maximum of eight or 10 years with a non-parole period of six or eight years were choosing to serve the full time so that they did not have to go into treatment programs. Some of those people did not want to be treated because they did not believe that they had committed an offence or that their lifestyle was wrong. That really creates an enormous number of problems in our community.

We can no longer allow paedophiles to serve their term and be released into the general committee without any sort of supervision. Serious sex offenders must be closely monitored for an extended period, even if in many cases that is for life. The opposition supports the government very strongly on that point.

The opposition understands that the amendments are the result of a review of the Serious Sex Offenders Monitoring Act which found significant shortcomings in the capacity of community corrections officers to adequately monitor paedophiles who are under an extended supervision order (ESO). Although there is no information about the number of child-sex offenders under the act, it could be assumed that an issue or incident may have occurred in a community corrections centre where a person under an ESO did not directly take orders or directions as requested. The opposition is not suggesting that we know who it is but we suspect that it may have been Mr Baldy. If it was Mr Baldy, why did the government take so long to introduce the legislation? The opposition wants the matter sorted out very quickly so that if people like Mr Baldy are given a direction or a set of guidelines or are ordered to do a particular task the government will have the power necessary to ensure that that is fulfilled.

Three weeks ago the Honourable Richard Dalla-Riva, a member for East Yarra Province in another place and the opposition spokesperson on corrections, introduced a private member's bill, the Serious Offenders Monitoring Bill, through which he sought to expand the definition of 'extended supervision orders' to include all serious offenders — rapists, kidnappers and murderers as well as child-sex offenders who were already subject to ESOs. The government could easily have provided for an extension of the types of offenders covered in these amendments; instead it was another lost opportunity to further increase community safety.

The move to improve the flexibility of the Adult Parole Board in dealing with non-complying parolees would in the first instance look like a softening of the law, something we would vigorously oppose. However, we have been assured that in reality the changes will enable the Adult Parole Board to properly administer parolees and will lead to improved outcomes, including the increased enforcement of breaches, which we will be monitoring very carefully.

It is also my understanding that if a prisoner who is on parole for two years breaches the order after 18 months, currently they have to be returned to jail to restart the two-year period. This has often deterred the board from enforcing an order — in other words, not sending the person back to prison. When offenders are close to completing their parole the board has been reserved about restarting a jail sentence, given that offenders have been out for, say, 18 months of a 2-year order. This amendment gives flexibility to the board, which will now be able to impose a discretionary period — or it can impose a period of jail as some incentive not to breach again. So, for example, the parole board may return a prisoner to jail or release them on parole for another 12-month period.

The provisions protecting the immunity of individual Adult Parole Board members are fair and reasonable, and transferring any liability to the board as a corporate entity will provide legal recourse for a prisoner or

parolee who has been wronged. However, quite properly the immunity does not apply to board members if they act or admit to acts that relate to criminal activity. The amendment allows a regional manager of community corrections officers to have the same powers to force offenders to comply with directions as his or her staff presently have. Again, we believe that is fair and reasonable.

In conclusion, opposition members support the bill, but we believe it does not go far enough. In that way it is like previous government efforts on law and order. The range of serious offenders who are subject to extended supervision orders needs to be extended to ensure improved community safety.

Dr SYKES (Benalla) — It gives me pleasure to rise to speak on behalf of The Nationals on the Prisoner (Interstate Transfer) (Amendment) Bill. I would like to commence by commending the member for Scoresby for his succinct expression of the opposition's views on this issue.

The bill has a number of components, the first of which is to make amendments to the Prisoners (State Transfer) Act to clarify and expand the grounds to being considered by the minister in assessing requests by prisoners to be transferred to or from Victoria. The bill also amends the Corrections Act 1986, makes provisions in relation to people on extended supervision orders under the Serious Sex Offenders Monitoring Act 2005 and makes improvements to the administration of the Corrections Act 1986 with respect to the operation of the Adult Parole Board and the powers of regional managers to use force in specific circumstances.

At this point I thank the Department of Justice staff for their briefing, which was done willingly and very capably. The Nationals will be supporting this bill, because we recognise its desirable intent and wish to see it implemented.

I now turn to part 2 of the bill, which amends the Prisoners (Interstate Transfer) Act 1983. As I said, this clarifies and expands the grounds to be considered by the minister in assessing requests by a prisoner for transfer to or from Victoria, and it is part of an agreed national cooperative legislative scheme for the interstate transfer of prisoners. I am advised by Department of Justice staff that to a large extent this bill clarifies what is already happening.

Clause 3 of the bill inserts new section 10A in the Prisoners (Interstate Transfer) Act 1983. The legislation will now read:

> 10A. Matters to which Minister may have regard
>
> In forming an opinion or exercising a discretion under this Part, the Minister may have regard to any one or more of the following —
>
> (a) the welfare of the prisoner concerned;
>
> (b) the administration of justice in this or any other State;
>
> (c) the security and good order of any prison in this or any other State;
>
> (d) the safe custody of the prisoner;
>
> (e) the protection of the community in this or any other State;
>
> (f) any other matter the Minister considers relevant.

They are broad-sweeping considerations, and it makes sense to give ministers the power to do what they have apparently been doing and to fully take advantage of this practical legislation.

Clause 5 of the bill outlines similar considerations for the transfer of people standing trial for alleged crimes. I should note that during the public consultation on this bill we had some feedback from the Crime Victims Support Association. Its letter to me says:

> … we of course have no problems with the welfare transfer of non-violent criminals. We believe however that violent criminals receive far too much leniency now, and that thoughts about their welfare should be weighted up on the basis of how they worried about the victim's welfare.

Members of the association expressed their concerns about making sure the balance of justice does not swing too far towards the interests of the prisoners. As we know, victims of crime have often suffered terribly at the hands of criminals, and we must always make sure their rights and concerns are addressed.

Following the briefing from Department of Justice staff the Honourable Peter Hall, a member for Gippsland Province in the other place, and I asked ministerial staff to give us an indication of the frequency of the interstate transfers of these sorts of prisoners and also cost-sharing arrangements involved. We have been advised that it is not considered appropriate to provide that information to us, which leaves me wondering a little bit. However, if we look at some of the recent public comments on issues to do with prisoners, and particular convicted paedophiles, as was done by the member for Scoresby, then maybe we can start to understand a political wariness about making too much information available publicly.

In August 2005 the *Herald Sun* made a comment in relation to the Western Australian convicted paedophile Charles Alan Smith. The comment was:

> It is understood Smith is one of five interstate paedophiles living in Victoria under a state government parole scheme —

which, as the member for Scoresby indicated, is a different arrangement through which former criminals are sent interstate. Similarly the *Age* of 22 August stated:

> One or two transfer applications are made each month for prisoners to transfer interstate.

It is not clear whether that is talking about existing parole arrangements or the arrangements that are proposed in this legislation. However, it raises questions such as why the government is coy about releasing the actual figures and whether the numbers are considerably higher than those that have been made available publicly. Do government members fear a political backlash from people such as Australian Childhood Foundation chief executive, Dr Joe Tucci, who has called for Smith to be returned to Western Australia?

As I have said, I am advised that these sorts of interstate transfer arrangements for paedophiles such as Smith are made under different legislation, and further I understand that whilst people on parole who are transferred in this manner are subject to parole-like conditions, they are not able to be subjected to the very strict conditions that apply under the Serious Sex Offenders Monitoring Act. Again we can look at some commentary in relation to Mr Smith. An article in the *Australian* quotes the Victorian corrections commissioner, Kelvin Anderson:

> I can't be confident that any one of the offenders I am responsible for supervising won't offend. However, what I can say is the best form of supervision that we can have in place, is in place …
>
> But unlike notorious child predator Brian Keith Jones — known as Mr Baldy — Smith is not subject to stringent surveillance such as electronic monitoring or a curfew, nor is he prohibited from contact with children.

If this is so, I call upon the government not to place Victoria's children at risk from relocated, convicted interstate sex offenders by immediately taking all the steps necessary to have interstate parole transferees subject to the same stringent conditions as Victorian sex offenders under the Serious Sex Offenders Monitoring Act. I also ask that no further transfers of people be made under those arrangements until those safeguards are in place.

We now move on to the amendments to the Corrections Act. As indicated by the member for Scoresby, some amendments relate to people on extended supervision orders under the Serious Sex Offenders Monitoring Act. I recall, when it was debated in this house, the undue haste with which the government sought to have the legislation passed. At that time I raised on behalf of The Nationals my concern about the errors and omissions in the bill and my concern about the level of resourcing available for its implementation. The bill before the house addresses some of the issues that have become evident since the enactment of the Serious Sex Offenders Monitoring Act. For example, it clarifies the powers of regional managers to use force in certain circumstances. The Nationals strongly endorse the fact that these amendments are being put in place.

I have already raised the apparent anomaly relating to equivalent serious sex offenders being transferred from interstate on parole, and that needs to be addressed with other states. I also remind the government of the continued questionable competency of those responsible for locating housing for convicted sex offenders such as Mr Baldy. The *Sunday Telegraph* of 21 August 2005 says in a comment on Mr Charles Smith:

> Smith's placement follows public outrage after child rapist Brian Keith Jones, known as Mr Baldy, was freed from jail and placed in a home close to kindergartens, primary schools, playgrounds and the Melbourne showgrounds.

How in the heck can that happen? With all the effort that was put in and all the publicity about this person, how could the responsible departments put that paedophile in such an inappropriate location. I call upon the government and the relevant departments to get their acts together, apply the legislation as it is written and intended, and make sure that everything possible is done to provide a safe environment in which our children can grow up in Victoria.

The bill provides exemptions from the compulsory reporting requirements for medical matters. I seek an assurance from the government that those exemptions will not apply to serious transmittable diseases such as HIV or AIDS, because the implications of a sex offender with those diseases reoffending and passing them on to children would be absolutely horrific. Not only would the children be subjected to the pain and trauma of the sex offence, but the concern they would have that they may have been infected with AIDS by that act is too horrific to contemplate.

I move on to the proposal in the bill to clarify the immunity from legal liability given to Adult Parole Board members whilst performing all board-related duties, which is provided for in clause 6. Again, The Nationals support that, because it makes sense. We equally support the transfer of legal liability to the Adult Parole Board as an entity in its own right. That is

well outlined in the explanatory memorandum to the bill, where it says

> This transfer of liability means that while Adult Parole Board members will not be personally liable for acts and omissions covered by new section 69(3), the Adult Parole Board as such will bear any liability for those acts and omissions.

That protects individuals who go about their work in good faith and do a wonderful job on behalf of the community. At the same time it leaves open the option for someone who may feel aggrieved or wronged to take action against the board per se.

Clause 7 of the bill makes provision for increased flexibility in relation to crediting the time a prisoner serves on parole in the event that the parole is cancelled for whatever reason. That makes sense on the grounds of equity and fairness. However, I would request that everything be done to ensure the retention of appropriate disincentives for prisoners to breach parole conditions.

I want to cover a couple of other issues related to the bill. A member for North Western Province in the upper house, the Honourable Barry Bishop, has drawn my attention to a situation where he is attempting to assist the parent of a prisoner serving 15 years in a Queensland jail in having the prisoner relocated to Victoria for the reasons outlined in and intended by this legislation.

I would have to say they have had a very frustrating experience. They first raised the issue with the Victorian minister in January, and there have been repeated phone calls and emails. It turns out that just yesterday finally the good news has come through that the prisoner has been relocated. If we are to have legislation in place, we should be sure we have the resourcing and the will to implement its intent efficiently.

Another issue relates to the rehabilitation of prisoners, which is what we are trying to do through parole and other arrangements. An issue that has been raised with me by a constituent, Mr Jo Iaria, concerns his son who is serving a sentence of 20 years. His son is willing and keen, and he has had the opportunity, to undertake a plumbing apprenticeship and perhaps an electrician apprenticeship while in prison so that when he gets out he has a couple of career choices. That is a very good idea; it matches what we are trying to do and there is support in principle from Corrections Victoria.

When it comes to the implementation — that is, to making it happen — unfortunately the people involved seem to be able to find plenty of reasons why it cannot happen and are not forthcoming with a can-do approach. I intend raising this issue again with the minister to see whether he can adopt a can-do approach and help someone who wants to help himself and who wants to be a productive member of society when he completes his time. I want to see if we can help him undertake an apprenticeship, or whatever is possible, to facilitate his transition back into society.

The Nationals support the bill because of the good intentions contained in it. We recognise the importance of clarifying the reasons for interstate transfer of prisoners and for people going on trial. We recognise and support the importance of clarifying the immunity of Adult Parole Board members and the shifting of that liability to the board per se.

We support the improvements in the administration of the legislation, but I call upon the government to make sure that in addressing this whole issue, particularly of serious sex offenders, what appears to be an apparent inconsistency in that people can transfer from interstate under the parole board arrangements, that they could be under less stringent supervision and less tough conditions than Victorian prisoners who are subjected to the very stringent conditions as applied under the Serious Sex Offenders Monitoring Act. With those remarks, The Nationals support the bill and wish it a speedy passage.

Mr MILDENHALL (Footscray) — It has been quite a remarkable afternoon — unanimity on the Veterans Bill and a degree of spirit about the nature of the bill itself, which was quite unusual; now the support of all parties for this bill. Probably because the subject matter is likely to be more immediately contentious, this bill does not have the same sort of reverence that was evident in the debate on the previous bill.

The transfer of prisoners interstate, the powers of the Adult Parole Board relating to the cancellation of paroles, the statutory immunity of the parole board and the enhancement of the powers of community corrections staff to supervise offenders on extended supervision orders under the Serious Sex Offenders Monitoring Act are often, as other members have said, matters of continual debate that are often triggered by particular instances, episodes or complaints made and which arise in the public sphere or are picked up by the newspapers. Thus the nature of this legislation — the continual refinement, its enhancement to enable it to achieve the original intention of the law-makers — is an ongoing process. It is gratifying to learn that the Liberal Party and The Nationals agree that the government is broadly on the right track with the proposed legislative amendments in this bill.

The amendments to the Prisoners (Interstate Transfer) Act are part of an interstate agreement from a meeting of the Standing Committee of Attorneys-General whereby a wider range of matters can be taken into account both by the minister proposing to transfer a prisoner or the minister on the receiving end of the transfer of a prisoner. The minister can take into account a wider range of matters including the administration of justice, the protection of the community and the type of issue just raised by the member for Benalla — that is, one of the objectives of sentencing is the rehabilitation of a suitable prisoner who is, as the member for Benalla said, someone who is looking to genuinely take an opportunity to improve himself, to try to regain his position in society in a genuine way.

In my view, that is obviously a matter that should be taken into account. If you combined a particular vocational outlet with the family context as mentioned by the member for Scoresby, it is a reasonably compelling argument if you can subject the process to an exhaustive enough examination to be convinced of the bona fides of the issue.

It is not just a return to meet some former accomplices and get back into a communication network. I know all the research shows that the chances of a prisoner or former prisoner going straight are enhanced by the strength of a positive context that the person can land in, and therefore a strong or positive family network and a positive outlet for a vocational destination rather than perhaps that old syndrome of coming out of jail, not knowing anyone but the old accomplices in a community where they are reasonably lost and just becoming part of the flotsam and jetsam looking for another opportunity for either a quick fix or an offence. Expanding that range of matters is appropriate, triggered by the Heiss court case, and sensibly the Standing Committee of Attorneys-General has come to the view that this is the way forward.

Other amendments to the Corrections Act enhance the effectiveness of the powers of the Adult Parole Board relating to the cancellation of parole. This goes to the matter of whether the board currently has a specific power in section 77(5) of the Corrections Act to cancel a prisoner's parole after the parole period has expired, where the offender has reoffended on parole. If the prisoner's parole is cancelled, the prisoner may have to serve in prison the time spent on the cancelled parole order. That only currently applies where an offender receives a prison sentence of more than three months for a single offence on parole and cannot be used where an offender receives an aggregate sentence for several offences in the Magistrates Court. The bill will amend that power to rectify the limitation. It will ensure that a person who reoffends while on parole cannot escape parole cancellation merely because he or she receives an aggregate sentence. Again this is an attempt to increase flexibility and ensure that the original intent is achieved.

The statutory immunity of the Adult Parole Board, as other speakers have said, is a critical function. The parole board is one of Victoria's real strengths. One of the reasons we have got a lower crime rate and lower recidivism rate is the strength of our structures such as the community service order system, the parole board system and the mechanisms by which offenders are reintroduced back into the community with escalating levels of control and supervision. The Adult Parole Board needs all the resources and protection we as a community can give it to enable it to do that job even more effectively.

The amendments to the Corrections Act update current immunity for individuals on the board to reflect current government policy — only to board members in their personal capacities and not to the board as such — and transfers the liability of board members to the board. This ensures that persons who may suffer loss due to the actions of board members will still have legal recourse against the board. We are still maintaining accountability, but the accountability is with the overall corporate entity, if you like, rather than the individuals, who I am sure members will agree are invariably trying to do their job in a sincere way.

Finally, there are the powers to supervise offenders on extended supervision orders (ESOs). Some members in this place have said that really provides powers that reflect the current practice. Nevertheless, to bring the statute up to date with current practice, if that is the case, this bill is needed to effect that outcome. This is positive but not groundbreaking legislation containing minor amendments to enable this part of the corrections system to perform its role more effectively. It has the support of all parts of the house, and I wish it a speedy passage.

Mr McINTOSH (Kew) — As the member for Footscray indicated, the opposition certainly supports this bill, which has a number of parts. It does not deal just with an amendment to the Prisoners (Interstate Transfer) Act; it deals with a number of matters in an almost omnibus way. The opposition supports the general thrust of the legislation. Perhaps the principal part of the bill, which deals with the amendment to the Prisoners (Interstate Transfer) Act, puts beyond any doubt the powers of both the host state or territory

vis-a-vis the new state or territory where a prisoner may want to be transferred.

The act is currently based on a national model and takes into account the welfare of the prisoner. That particular notion came under scrutiny from the Federal Court in the *Attorney-General of the ACT v. Heiss*, where a prisoner was originally sentenced to a mandatory life term for murder in the Northern Territory. That was reduced through legislation by the current Northern Territory government to a 25-year maximum with a 20-year minimum. Mr Heiss originally wanted to move to the ACT on the basis, I understand, that his parents had moved there. I understand Mr Heiss had escaped on two occasions during the currency of his term and there was a lot of concern about the ability of the ACT to properly secure the prisoner and other matters that may go to the administration of justice in the ACT.

The court case really revolved around what matters a receiving minister could take into account in exercising discretion when they were confined only to the welfare of the prisoner. As the minister has identified in his second-reading speech, clearly a location close to the family would be a clear parameter under which he would operate in looking at the welfare of a prisoner. The relocation of the parents to the ACT may fall fairly and squarely within the parameters of looking after the welfare of the prisoner.

The court found that the minister was at liberty to take into account other factors that go beyond the welfare of the prisoner, but out of an abundance of caution it was agreed at the national level to amend the legislation right around the country. The Standing Committee of Attorneys-General (SCAG) agreed to put beyond doubt the fact that there are factors such as the administration of justice, the security of prisoners and the protection of the community that should be legislated for as matters that a receiving or host minister can take into account in exercising their discretion to transfer a prisoner. Importantly the legislation goes a bit further and basically says that anything the minister wants to take into account is considered relevant, so it is a very broad discretion. In these circumstances there may be a number of factors that the minister will want to take into account that go beyond the general propositions set out in the legislation. Accordingly, the opposition supports the bill because there are clearly matters of community safety and protection that have to be taken into account and may not be easily defined in legislative form. The general discretion is an important addition to the powers of both the host and the receiving minister.

As I said, there are a number of matters that I want to raise, but I will confine myself to two. There is an amendment to the Corrections Act that provides immunity in relation to the Adult Parole Board and the exercise of its discretion. It goes beyond the mere exercise of its discretion under its normal functions under the Sentencing Act, particularly in relation to home detention and to monitoring extended supervision orders under the Serious Sex Offenders Monitoring Act. One of the beauties of the Adult Parole Board in Victoria in comparison with other jurisdictions like New Zealand is the flexibility provided by the Victorian board's not being subject to the laws of natural justice.

At the time of the Serious Sex Offenders Monitoring Bill being debated in this house I asked the minister during the consideration-in-detail stage whether the laws of natural justice should apply. The minister indicated that they did not. Now we have this curious provision — and I accept that they are not mutually exclusive — that while board members will have immunity the board itself will still be liable in whatever form for a breach of its obligations. That seems to me to be a tad bizarre. Given the fact that the legislature has for a number of years — and all parties have accepted this — ensured that the board is headed by a Supreme Court judge and that a County Court judge is a member, one would hate to think of a situation where a Supreme Court or County Court judge has to give evidence in a liability claim brought by a prisoner. I would have thought that the most appropriate course would be to provide immunity to both the board as well as the individual members of the board to prevent this circumstance arising.

They carry out an important task in difficult circumstances. At the end of the day they are dealing with people who in many cases have been charged with serious offences and who are being supervised while still undergoing a custodial sentence in the course of their parole. It is even more serious in the case of the Serious Sex Offenders Monitoring Act, because after they finish their sentence they have an order of the Supreme or County Court that says that they remain a continuing danger to the community, which is the basis of providing the extended supervision order. At the end of the day we want to provide the maximum flexibility, the maximum unity and the maximum protection to these people on the board in the exercise of their discretion.

The bill also provides for people in community correction centres to issue directions to ensure the security of not only a serious sex offender who is undergoing an extended supervision order but also the

centre and other people attending that centre. According to this legislation they can issue a direction. I note that there is a requirement on a serious sex offender or a child-sex offender who is subject to an extended supervision order that they comply with a direction provided by a person at the community correction centre. A breach of that lawful direction incurs a fine of some 5 penalty units, or about $550.

When someone who has been convicted and sentenced by a court for a serious sex offence is back at court at the end of his sentence and is held by a Supreme Court judge or a County Court judge to be a continuing danger to the community, which is the basis on which the extended supervision order is made — and we agree that there needs to be some legislative framework under which directions can be made — it seems to me to be bizarre and a bit cockeyed that the penalty for breaching such a direction is a mere $550. I would have thought the appropriate action for a breach of the suspended supervision order should be to require the person to re-present himself at court.

I again come to the point that in my opinion the Serious Sex Offenders Monitoring Act should go well beyond child-sex offences and take into a count all the serious offences defined in the Sentencing Act, such as murder and rape. Unfortunately that has been rejected by the government on two occasions. Certainly with regard to serious child-sex offences, those offenders who fail to carry out a lawful direction should be immediately taken into custody for a breach of their parole, and there should be a show-cause bail offence for which they are held in custody until they are prosecuted for failing to carry out that lawful direction. The fine should be far more than a mere $550. That is like being hit with a wet blanket. I think the community expects a far more serious penalty to be imposed on people such as Mr Baldy who may breach extended supervision orders.

Ms CAMPBELL (Pascoe Vale) — It is with pleasure that I speak on the Prisoners (Interstate Transfer) (Amendment) Bill. This is yet another example of the government's commitment to community safety, which is one of the core policy planks of the government. We spend a lot of time and importantly a lot of money on investing in community safety. We have led the way in protecting our community, particularly in relation to the Serious Sex Offenders Monitoring Act 2005 and the sex offenders register.

A number of opposition members have referred to serious sex offenders, and I want to highlight to the house the importance of our establishment of the sex offenders register. It is a strong registration system which operates to deter, minimise and remove opportunities for these persons to reoffend. That register further protects and safeguards the wellbeing of the Victorian community. That is important to each and every member of this house. All child-sex offenders are now required to be registered on the sex offenders register, as well as certain adult sex offenders. We have also ensured that people on the register are required to report to the police any changes in their address, their name or their employment. Again they are strong measures for community safety.

The sex offenders register was created as a law enforcement tool to be used by police as part of a range of investigative techniques. I am sure that all members feel reassured to know that the register is operating and, importantly, that sex offenders know the implications of any breaches of the Serious Sex Offenders Monitoring Act.

This bill forms part of the national cooperative scheme of legislation to facilitate the interstate transfer of prisoners. I presume a number of members of this house have, on occasions, advocated for members of their community to ensure that wherever possible, families are connected in order to be assisted by rehabilitation through being geographically located in Victoria where they are supported by family and positive friendship networks.

The act currently enables prisoners to be transferred interstate for welfare purposes or for trial, and that scheme has operated effectively for 20 years. The shadow Attorney-General referred to part 2 of the bill where proposed section 10A will be inserted after section 10 of the Prisoners (Interstate Transfer) Act; it refers to matters to which the minister may have regard. Subsections (a) to (f) will be of great assurance to members of this house and certainly to the minister, because he can take into account matters that he considers relevant. The first five are quite clear, but subsection (f) ensures that if we have a constituent who, in the minister's eyes and obviously from a community and family perspective, can have enhanced opportunities by being moved to this state, then subsection (f) comes into operation.

The proposed changes clarify and expand those existing ministerial discretions to transfer prisoners on welfare grounds but makes it clear that we, as a community, and the minister in particular, must ensure community safety. Previous speakers in the debate have referred to the fact that this implements Standing Committee of Attorneys-General recommendations, and I think it is

terrific that at last Australia has a national basis upon which to consider interstate prisoner transfers.

Reference has already been made to the Adult Parole Board and while we all support the importance of interstate prisoner transfers for rehabilitation purposes, the welfare of the family and the benefit of community safety, it is essential that the Adult Parole Board has effective powers to cancel a prisoner's parole. This bill ensures that that occurs. It rectifies an existing gap in the statutory immunity of the Adult Parole Board and updates that immunity to make it consistent with government policies on indemnities and immunities. It will ensure that board members can act without fear of vexatious litigation, and that is extremely important for the people who are fulfilling a very onerous role on that board.

On behalf of a family in my community I pay tribute to the terrific work of the corrections personnel here in Victoria. I had occasion to advocate on behalf of one of my constituent families that recognised their family member had committed a serious crime, but the fact was that in the state in which the prisoner was geographically located, their rehabilitation — and, I would say, their personal safety — was in jeopardy. That person was brought back to Victoria and is progressing extremely well in terms of rehabilitation. The family has been able to settle down and concentrate on family matters and not on how they could possibly afford the interstate air fares to visit their loved one. Quite frankly as a result of the current legislation, which will be further enhanced by this bill, I believe community safety and peace of mind will be enhanced.

I want to briefly mention the proposed improvements to the Adult Parole Board's powers. They will ensure that the board can administer a prisoner's parole far more effectively. All members of this house recognise that parole plays a key role in facilitating the reintegration of prisoners back into society. At various times we might have issues in our communities about rehabilitation, but we know intellectually that parole and rehabilitation through the parole system and reintegration into society is really important. I commend the Adult Parole Board. I am sure this legislation will provide the benefits to the community that come from an enhanced prisoner transfer system resulting in a better parole system. As a result it will enhance community safety and will reduce the risk of prisoners reoffending after their release. I commend the bill to the house.

Mr INGRAM (Gippsland East) — I rise to speak on the Prisoners (Interstate Transfer) (Amendment) Bill which amends the original act. When I looked at the bill and the second-reading speech it became quite apparent that it has some relevance to my area. The second-reading speech comments on a recent Federal Court case about the national cooperative scheme. The minister's second-reading speech refers to the *Attorney-General of the ACT v. Heiss*. Mr Daniel Heiss is a prisoner in the Northern Territory who, as was indicated earlier by the member for Kew, was attempting to move to the Australian Capital Territory. The court made a number of findings in relation to that, and some of the changes we see in the current legislation come from that court case. As is indicated in the second-reading speech, this legislation will remove any doubt as to the matters that can been taken into account following that decision.

The parents of Daniel Heiss recently moved into my electorate, and I have received representations on their behalf about the possibility of his transfer to Victoria. I looked into the issue at the time, and I understand the principle behind the welfare of a prisoner and about ensuring they can be close to their family. I understand that Daniel's sister is also living in Victoria, so I can understand why he would wish to move here.

I have looked at the court's judgment in that case. I would like to quote from the *Stateline* transcripts of 20 June 2003, and in particular about some of the concerns that were raised when he was attempting to move to the Australian Capital Territory. He was convicted of murder. He is also a fairly notorious prisoner; he has escaped twice, leading once to a fairly major manhunt across the Northern Territory. He was attempting to move to the Australian Capital Territory, but the ACT does not have a prison; he would need to have been housed in a New South Wales prison, which is one of the reasons why there were some objections from the ACT government at the time. His crime was not very pretty and he was given life in prison in the Northern Territory — where 'life' means life although that has recently been changed, so it is now 25 years with a 20-year minimum.

Some concerns were raised that the attempt to move from the NT to one of the southern states was an attempt for him to appeal the duration of that sentence. I have done some research on that, and I thank the departmental advisors for their briefing and also for following up and answering the questions that I asked.

The question I raised related to my clear view that it is not okay for legislation like this — where we transfer prisoners interstate — to potentially undermine the ability of the state to set terms and conditions and sentences. I am sure members of this place would not like another state undermining the laws we pass.

Potentially, if a prisoner were transferred, there appears to be room within the current legislation — the principal act — for an appeal to be made to vary the non-parole period. That was a concern raised with me. Clearly whilst we would say it is better to have a prisoner close to their family, relatives and support, we would not like to see the laws of a particular state and the penalties imposed by a court on a convicted felon to be watered down by this.

I would like to thank the advisers for the advice I have received that there is a specific provision under the Prisoners (Interstate Transfer) Act for a Victorian court to vary the non-parole period of a prisoner transferred to Victoria on welfare grounds. That provision is section 28(8), which allows either the prisoner or the Crown to apply to a court to extend or reduce the prisoner's non-parole period. It would then be a matter for the court to determine in the exercise of its discretion whether a particular circumstance of the prisoner's parole period should be varied. That does raise some concerns.

If we are to bring about transfers of prisoners like Daniel Heiss into Victoria, we should make sure the provisions of the courts in the home state are upheld and applied in Victoria. With those comments I support the legislation.

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise today in support of the Prisoners (Interstate Transfer) (Amendment) Bill. The purpose of the bill is to amend the Prisoners (Interstate Transfer) Act 1983 to clarify and expand the grounds to be considered by the minister in assessing requests by prisoners to be transferred to or from Victoria. These amendments will implement in Victoria changes agreed at the national level to the national cooperative legislative scheme for the interstate transfer of prisoners.

Important provisions in the bill relate to people on extended supervision orders under the Serious Sex Offenders Monitoring Act 2005 who have been directed to attend at community corrections centres, or receive visits from officers, for the purposes of that act. The Serious Sex Offenders Monitoring Act 2005 provides for offenders who have served custodial sentences for certain sexual offences to be subject to ongoing supervision in the community. As part of the conditions of an extended supervision order, the Secretary of the Department of Justice can direct a person subject to such an order to report to and receive visits from the secretary or a nominee.

In the limited amounted of time available I wish to refer particularly to one section of the act which will be amended — section 10 of the Prisoners (Interstate Transfer) Act 1983. This is an important matter that needs to be placed on record and considered. In forming an opinion or exercising a discretion under this part the minister may have to take into account the following matters in determining whether a prisoner can be transferred from one jurisdiction to the other: the welfare of the prisoner concerned, the administration of justice in this or any other state, the security and good order of any prisoner in this or any other state, the safe custody of the prisoner, the protection of the community in this or any other state and any other matter that the minister may consider relevant.

In closing, I wish to say that I believe it is important for prisoners to have every opportunity to rehabilitate in order for them to reintegrate into the community, once their time has been served, as constructively as possible. I believe that these provisions are very useful, provided the matters that I mentioned before are taken into account — for example, for the prisoner to be close to home or to friends, or for provisions to be made for a person to be geographically closer to them. It is important for the rehabilitation of the prisoner. Sometimes this is in the interests of rehabilitation; other times it may well not be so. Each case will have to be taken on its merits.

It appears to me — and I have known of a case; a name that I shall not mention — that for the benefit of a person's rehabilitation, it could well be useful for that person to be transferred to another state or jurisdiction. In fact a number of families have decided on occasions to make that transfer because the person may be better rehabilitated if they are transferred to another jurisdiction away from individuals and associates with whom a crime or offences may have been committed. On some occasions certain cultural issues may well be important. I know of a prisoner who is currently seeking a transfer from his current location in New South Wales in order to be away from former associates and activities in criminal circles. As I understand it, he wishes for his own benefit to be transferred to another jurisdiction. I hope that in giving consideration to the welfare of the prisoner and the community this issue is also taken into account when and if it is applicable.

I commend the minister and the department for their good work. This is good legislation that is on track and heading in the right direction in relation to improving safety in our community. I also wish to congratulate and place on record my commendation of the Adult Parole Board because it does a good job. They go

hand-in-hand and are important in the rehabilitation of prisoners. I think the good job the board does ought to be commended. I commend the bill to the house.

Mr LIM (Clayton) — I rise to support this worthwhile bill. It is very pleasing to note that the opposition has given its support to the bill as well. The principal purpose of the bill is to improve the welfare of some the most despised and derided members of our society — and I am not talking about politicians here; I am referring to our prison population. In my speech last month on the Primary Industries Acts (Amendment) Bill, I quoted Mahatma Gandhi, the father of Indian independence, who said that:

> The greatness of a nation and its moral progress can be judged by the way its animals are treated.

I also said that it is a tribute to this government and to our society as a whole that we attach such great importance to animal welfare issues in Victoria. If we in this state are prepared to treat dogs, cats and other animals with dignity and compassion, then we should of course also be prepared to treat our fellow humans beings with as much love, respect and dignity.

I was born in Cambodia, a country that is not so well renowned for the compassion it displays to prisoners who have somehow dropped through the meshwork of society's structure. Perhaps members in this house have some knowledge of the manner in which prisoners are treated in many Third World countries. In some countries it is not seen as an obligation of the prison authorities to even feed prisoners properly. If a prisoner does not have a family to bring in decent food, that is his problem.

Even in some apparently civilised countries the conditions in which prisoners are kept can be very harsh. Members who have seen the film *Catch Me if You Can* or who have read the book of the same title will be familiar with what I mean from the experiences of Frank Abagnale in a French prison.

I believe that no matter how debased a man or woman may appear there still lies within them the spark of God-given goodness that renders them capable of rehabilitation. I am thankful to say that this attitude is shared by my fellow Victorians and by the members of this house. After 35 years in Australia I still have reason to rejoice and wonder at the compassion and love shown by people, even for those who have done them harm. In the Monash University tragedy a few years ago I recall that the victim's family was not seeking revenge on the perpetrator but rather was filled with compassion for him and his family.

The main purpose of this bill is to facilitate the transfer of prisoners to their state of origin on welfare grounds. This is a very worthwhile and compassionate thing to do, and I am very pleased to support this measure. I had the occasion to visit some prisons with some Vietnamese community leaders a couple of years back, and I came across prisoners who were longing to be repatriated to New South Wales from here, or vice versa, so that they could be closer to their families and have easier access to them.

I am sure there will be those who will want to punish prisoners by denying them contact with their families — which is what we are doing if they are imprisoned in another state — but they will be few. I fully support the transfer of prisoners to their home states just as I support the transfer of prisoners to their home countries provided it does not mean that they will serve any less of a sentence. I commend the bill to the house.

Mr HOLDING (Minister for Corrections) — I will begin the summing-up of the Prisoners (Interstate Transfer) (Amendment) Bill by thanking all the members who have contributed this debate: the members for Scoresby, Benalla, Footscray, Kew, Pascoe Vale, Gippsland East, Derrimut and Clayton. The debate has demonstrated a great deal of support for these measures. Members have also taken the opportunity to raise other issues, some of which have been litigated before. Nevertheless, I appreciate the spirit in which the discussion has taken place.

I will address just a few of the concerns raised by members in their contributions. Firstly, I will go to a matter the member for Kew raised with respect to penalties for extended supervision orders (ESO) management arrangements in the community corrections facilities. The member for Kew made the claim that he felt the penalty unit fine-based method for dealing with breaches of ESOs was insufficient. As I am sure the member for Kew would recollect from the debate on the serious sex offenders monitoring legislation when we originally debated the principal act earlier this year, the penalty for breaching an ESO is up to five years in jail. These penalty units are particularly designed for the breach of directions given by staff at community corrections facilities where they are handling offenders who are on extended supervision orders.

For example, if an offender on an ESO were to be verbally abusive to staff or were to fail to comply with a direction from a staff member or whatever, they have a mechanism in place where they could impose a sanction; and the sanction is supported by the ability to

have those penalty unit-based fines in place. For a substantive breach of an ESO our expectation would be that the principal legislation would be used, which carries the penalty of up to five years in jail.

The member for Benalla raised some concerns about the apparent unwillingness of the government to indicate the number of interstate transfers in relation to the legislation. The government is quite happy to provide this information. It is not a state secret; it just was not able to be conveyed in the context of a departmental briefing.

I am advised that we have had four interstate prisoner transfers out of Victoria in the last two years and we have had two come in; the numbers are not great. As with most parole transfer and interstate prisoner transfer arrangements, it continues to be the case that Victoria is a net exporter of this type of person. For parolees we have about 118 out and 172 in. Over the last three years I am advised we have received five sex offenders and sent out eight.

Whilst nobody would give an undertaking that we will always be sending more people interstate than we are receiving — it will always depend on the circumstances of the various offenders — the reality is that given the nature of how people come to our communities and other states, New South Wales and Victoria are more likely to be sending people interstate under these arrangements, although the numbers will never be great and the difference between the numbers being received and being dispatched is going to fluctuate from time to time.

The member for Kew also raised the issue of immunities for the Adult Parole Board. The only point I make is the policy rationale for this immunity as contained in this legislation is to ensure consistency with the government's general immunities policy — that is, we are happy to provide immunities to individuals but we believe there are circumstances where it is not appropriate to provide a general immunity to a board itself. That is the way it is encapsulated in this legislation.

Without going into all the other questions that were raised, I make the point again that the government continues to believe that the serious sex offenders monitoring legislation as it is currently construed captures the right balance of offences. Of course at the time we contemplated issues of other serious offences including murder et cetera. We take the view that it is child-sex offences particularly that we want to capture. As serious an offence as murder is, it is not connected with the high rates of recidivism that are connected with child-sex offenders, so we feel there is a fundamental policy difference between the two. That is why we have legislated in the way we have. We respect the opinions put by a range of people in the community who have a broader view of what those sorts of orders may encompass. We just have a different view about the appropriate balance of offences.

It is also the case — and this came up in the contributions of a couple of members — that where a parolee comes to Victoria and is supervised under Victoria's parole arrangements — that is, by our Adult Parole Board — it is the responsibility of the Victorian board to impose the suitable range of conditions on the parole. So when a parolee comes here it is possible for the Victorian Adult Parole Board to impose conditions additional to those imposed by an interstate jurisdiction. One sex offender case was canvassed earlier. I am aware that in that instance the Adult Parole Board did impose an additional set of conditions on that offender when they arrived in Victoria. Again, the government believes it has an effective mix of powers for monitoring sex offenders and other offenders when they come to Victoria, be they as interstate prisoner transfers or as parolees.

I thank members for their contributions to the debate on this legislation. The government looks forward to its speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

FIREARMS (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 5 October; motion of Mr HOLDING (Minister for Police and Emergency Services).

The Nationals amendments circulated by Dr SYKES (Benalla) pursuant to standing orders.

Independent amendment circulated by Mr SAVAGE (Mildura) pursuant to standing orders.

Mr WELLS (Scoresby) — The Firearms (Further Amendment) Bill 2005 needed to be introduced so that

members could consider what happened in the 1990s and early 2001 in regard to legislation that was introduced as a result of the Port Arthur and Monash University tragedies. Now it is time to review the operation of the original legislation.

There is no doubt that people who abide by the law when using firearms need to have proper legislation in place to protect them. Over the past few years there has been significant consultation with and lobbying from members of a number of groups including handgun collectors, paintball participants and industry representatives, gun clubs, private security firms and, of course, the police. The Liberal Party will support the bill.

I direct the attention of members of the house to what happened in 1996 with the Port Arthur massacre. On 28 April 1996, Martin Bryant entered the Broad Arrow Cafe at the Port Arthur historic site. Using an Armalite rifle, he shot at the patrons before barricading himself in a guesthouse. By the end of the day, 35 people had been killed, including an elderly couple, a young girl and a baby in its mother's arms. It was the worst peacetime massacre by a single gunman on record.

Bryant was captured by police after he set the guesthouse on fire. After being treated for severe burns, he was transferred to Risdon Prison, near Hobart, where he was held pending trial. During that time, he made several suicide attempts. Eventually Bryant pleaded guilty and a trial was avoided. Bryant was sentenced to life imprisonment without parole and was returned to Risdon Prison. Although Bryant had some intellectual difficulties, he was deemed accountable for his actions and was described by the judge as 'a pathetic social misfit'.

The event provoked an outpouring of sympathy from around the world and calls for gun control in Australia. Semiautomatic and automatic weapons were immediately banned in Tasmania and politicians began working towards introducing federal laws. Incidentally, it has been said that before the massacre Tasmania had the loosest gun laws in Australia. While that may be true, Americans may wish to note that Tasmanians who wanted to own any firearm, including air rifles, were required to pass a gun-handling course and carry a photo-bearing gun licence. That licence had to be produced prior to the purchase of ammunition.

As a result of what happened at Port Arthur, we looked at handguns and long-arm firearms differently. On 10 May 1996, following the Australasian Police Ministers Council (APMC) meeting, the police ministers issued a communiqué detailing the agreement that had been reached between the commonwealth, states and territories. At that meeting it was agreed that the importation, ownership, sale, resale, transfer, possession, manufacture and use of military-style centre-fire rifles, other self-loading centre-fire rifles, self-loading and pump-action shotguns, and self-loading and rim-fire rifles would be banned. Exceptions for a limited range of occupational and official purposes were agreed to.

The meeting also agreed on the introduction of a national integrated licence and firearms registration system to be linked through the national exchange of police information, licensing criteria for the ownership of firearms, a requirement for completion of an accredited course in safety training for firearms for all first-time applicants, uniform standards for the security and storage of firearms, a requirement that all firearms sales be conducted by licensed firearms dealers, controls on the mail order sales of firearms, a 12-month firearms amnesty, and a public education campaign on the firearms amnesty and compensation program.

Lastly, it was agreed that a common basis for fair and proper compensation, based on the value of each firearm as at March 1996, be agreed between jurisdictions to prevent gun owners from offering their firearms to the state or territory that offered the best price. In other words, it was proposed that gun owners be compensated for weapons handed in during the amnesty period. However, the APMC meeting did not agree on how the buyback scheme would be funded.

On 14 May 1996 the Prime Minister stated that he was writing to all premiers and chief ministers to inform them that the commonwealth was prepared to fund the direct costs of the buyback scheme. In his second-reading speech for the bill the Prime Minister stated that:

> Through a one-off increase of 0.2 per cent in the Medicare levy, these bills will raise the necessary funds to reimburse states and territories for the direct costs of payments that they will have to make to relevant gun owners.

He continued:

> The figure of $500 million [which will be raised by the adjustment to the levy] represents the best advice about the cost states and territories could face in meeting the direct cost of 'buyback' arrangements. Any surplus will be returned to taxpayers through the Medicare levy system.

The introduction of the National Firearms Program Implementation Bill meant that after the Port Arthur massacre the government also offered a generous gun buyback scheme that cost the federal government $320 million and saw 643 000 guns turned in over six

months. It also required all firearms to be registered and stored safely in locked steel boxes.

The main impetus for the national buyback scheme was, of course, the tragedy at Port Arthur. As I mentioned, the gunman, Martin Bryant, used an automatic rifle. The response of the commonwealth government was to implement a national buyback scheme of military-style self-loading rifles, pump-action shotguns and similar weapons. The gun buyback scheme expired on 30 September 1997.

After the Port Arthur massacre it was hard to believe that we Victorians then saw what happened at Monash University. I am referring to an AAP article of Monday, 21 October 2002, which states:

> Less than a day after the nation stood united in sorrow over the horrors of Bali, a madman has reintroduced us to another form of terror.
>
> At Melbourne's Monash University this morning, a man armed with an arsenal of handguns went on a rampage, killing two and injuring five others.
>
> Students at the scene of the shootings at the Clayton campus, which ironically occurred in the humanities department, tackled the man, believed to be another student.
>
> He is in police custody.

As I said, after what we had seen happen at Port Arthur it was hard to believe we were seeing another shooting at a university in our own state.

Some questions were asked days after this event. How could a person who was a Chinese national legally own seven lethal pistols? Among the weapons he was licensed to possess were a powerful Magnum .357 calibre revolver and four semiautomatic pistols. He killed people he knew, one of whom lived in a flat next door and had also migrated from China to Australia. As a result of the shooting at Monash the Prime Minister then took action to start limiting the ownership of handguns, and after that another gun buyback scheme was announced.

Shortly after the Monash tragedy the Prime Minister decreed that a national ban on almost all handguns would be in place close to Christmas 2002. The campaign was about reducing the number of handguns in the community and increasing the regulation of those few that remained following the shooting rampage at Monash University.

I turn to the purposes of the bill. The Firearms (Further Amendment) Bill largely results from consultation with stakeholders, particularly the members of the Firearms Consultative Committee, on a range of issues, including those outlined in the firearm discussion paper issued by the Department of Justice in July 2005. The bill covers five main points: firstly, it clarifies the minimum participation requirements for handgun target shooters; secondly, it makes new provisions relating to the collection of antique handguns; thirdly, it makes new provisions for the regulation of paintball games; fourthly, it places restrictions on firearms used by the private security industry; and fifthly, it makes new regulations restricting the ownership of rifles with high-capacity detachable magazines. I will talk about the first issue — that is, the minimum participation requirements for handgun target shooters. The Liberal Party was contacted on a number of occasions by different sporting shooters and gun clubs in relation to this issue.

This new provision clarifies what constitutes a handgun competition shoot for the purposes of meeting the minimum participation requirements for handgun target shooters as implemented by the 2003 national handgun control agreement (NHCA) and the subsequent handgun control amendments to the Firearms Act. The minimum requirement under the NHCA is six competitive shoots per annum or a minimum of four club-organised shoots for each type of handgun owned each year. So if you own four different sorts of handguns, then you have to do a minimum of four club-organised shoots per different handgun. Streamlined minimum participation requirements only apply to handgun owners.

Non-owners of handguns will be exempt and will no longer have to comply with the minimum participation requirements. This will benefit the many non-shooting licensees and club officials, such as wives, who are not active competitive target shooters. The point put to members of the opposition was that if you are a judge at a shooting competition you might be participating but you are not actually shooting. Under the old legislation you would have been in a difficult situation, so this new provision clarifies that and takes into consideration people judging at handgun shoots.

The new provisions allow for the recognition of partially completed shoots and proportionate participation compliance. Club officials who are officiating will be allowed to have their involvement in a competitive target shoot count towards meeting their minimum participation requirements, which goes to the point I have just covered. There is a recognition of individual days of a multi-day event counting towards the minimum required, instead of an event counting as just one shoot. There are new provisions that make allowances for illness, temporary physical incapacity and prolonged absences from the state. Obviously that

includes people who go overseas for employment and other reasons.

There was a need for flexibility given the continual change of formats for competitive shoots. Recognised events will now be government gazetted, which can occur within a week, instead of being prescribed in regulations, which could take more than a month or so. The government previously had underestimated the changes required to match formats and disciplines. The new provisions lift the limit on the number of different handgun categories a target shooter can try in a lifetime from 3 to 10, and that seems more realistic, given the information that opposition members have obtained through consultation with shooters.

The new provisions allow a person to be licensed to possess, carry or use general-category handguns for reasons of carriage and use by the holder of a junior licence. It allows for parents to be licensed to possess and carry handguns on behalf of their children, and the new provisional licence will go from 6 months to 12 months. If a target shooter fails to comply with the minimum requirement in one type of discipline and does not comply with the minimum requirements in other categories that they may participate in, then they will not lose the right to participate in complying disciplines, as they do currently.

The next provision relates to the collection of antique handguns, and I did not realise that this was such an enormous problem in our community. Collectors of antique handguns are a very well-organised and effective lobby group. This provision results from extensive consultation right across the state. It introduces less stringent provisions relating to the collection and storage of antique percussion handguns manufactured prior to the 1900s. It will create a new category of licence for antique collectors and will only apply to those who collect pre-1900s percussion handguns. Effectively it removes single-shot antique handguns from the more stringent provisions applicable to other categories of handguns. Antique handgun collectors will not require fingerprinting, and they will only have to install effective alarms, such as back-to-base monitor alarms, if they store more than 15 antique handguns in any single storage location.

I turn to the provisions concerning paintball gaming. The member for Doncaster will remember the Liberal Party room when it came to debating paintball games in the mid-1990s. I think Bernie Finn, a former member for Tullamarine, was one of the people leading the charge in ensuring that Victoria had an effective paintball industry. You, Acting Chair, as the member for Sandringham also took part in the debate, which was an interesting and long-drawn-out affair. I would like to pay tribute to the hard work put in by Bernie Finn in sticking closely to the paintball industry. He will be very pleased with the results here today.

The new provision will allow people to participate in paintball games without having to possess a firearm licence, thereby allowing greater player participation rates. As was pointed out to us, because under the old legislation people were required to get a firearm licence, they often then thought, 'Now that I have the firearm licence I might as well get a gun anyway', so it probably had the reverse effect to what was intended.

Casual, unlicensed players will have to undertake operation and safety training prior to participation in paintball games. Paintball markers require registration and those wishing to own them must be licensed. The bill creates a separate category of licence for paintball participants who wish to acquire paintball markers. A category A or B long-arm licence was previously required but this was seen to have a negative effect, as I mentioned earlier. Stringent provisions will be maintained in relation to the purchase of paintball markers, the licensing of paintball operators and the training and safety of paintball players.

The bill creates a new offence for possessing, carrying or using a paintball marker without a paintball marker licence. Paintball operators will be subject to new licence conditions but will effectively hold a gun dealer licence. As such they will be stringently monitored by Victoria Police. The opposition was advised by the Department of Justice that there are currently five paintball operators in Victoria, with another 10 potential new entrants.

The next provision covered by the bill relates to the restriction on firearms used by the security industry, and I did not realise that this was a problem until we had our briefing. The new provision has resulted from recommendations approved by the Australasian Police Ministers Council in June 2004, but the major recommendation is that all firearms used in the security industry in all states be owned by or registered to employers. Police forces have been concerned that security industry firearms were often greater in power than those available to the police, and this obviously did not make any sense. Therefore, restrictions on their type and calibre were recommended so that firearms would generally be limited to those used by Australian police forces.

New provisions in the bill state that a handgun security guard licence will not be issued for more than one general-category handgun; handguns must be owned

and registered by employers, not individual security guards; the calibre of single security industry handguns will be limited to no more than .40 inch for semiautomatic, as used in other states, or a revolver or single shot handgun of no more than .38 inch, as used in Victoria. The new provision restricts ammunition used in the security industry to factory manufactured or loaded ammunition. A permit, issued by the Chief Commissioner of Police, will be necessary for other restricted ammunition.

The last provision relates to high-capacity detachable magazines. Due to concern about the importation of a particular Remington rifle, model 7615, which has a detachable magazine with a capacity of 20, new provisions will effectively limit the capacity of such long-arm, detachable magazines to 10 or 15 shots, depending on whether it is a pump, lever action or bolt action centre design. Rim-fire rifles are also captured by the new provisions in anticipation of the possible development of rim-fire rifles with high-capacity detachable magazines.

The Liberal Party has consulted widely and its members support this recommendation. The state government has consulted with firearm stakeholders, particularly the Firearms Consultative Committee, antique firearm collectors and Victorian paintball industry stakeholders, and there seems to be a general consensus right across the board. The changes are in line with complaints from stakeholders who have contacted the Liberal Party over the last couple of years. We have been in dialogue with paintball industry operators since 2000, so many of their concerns have now been addressed. The bill will allow casual paintball players to play without a licence, which will result in a potential net positive economic benefit for Victoria, rather than paintball operators going over the border to other states.

Members of the Liberal Party would like to thank ministerial staff and Department of Justice staff for their briefing, and we wish the bill a speedy passage.

Dr SYKES (Benalla) — I rise on behalf of The Nationals to speak on the Firearms (Further Amendment) Bill, and I want to commence by thanking the departmental staff for a very extensive briefing. In particular I thank Marissa De Cicco who showed an amazing grasp of the subject and many of the issues we raised.

The purpose of the bill, as mentioned by the member for Scoresby, who has again covered a large amount of the detail in the proposed legislation, is to iron out issues that have been identified in relation to the Firearms Act 1996 and the 2003 amendments. The focus in the bill is on handgun target shooting; issues relating to the storage of antique handguns, the sport of paintballing, firearms in the security industry, and the regulation of rifles designed to accept high-capacity detachable magazines.

I would like to summarise the issues that have been drawn to my attention by a wide number of groups and individuals who have consulted with me, starting with the fact that there is general acceptance by firearms groups that this bill is a significant improvement on previous legislation, due to the implementation of firearms groups suggestions, particularly by the Firearms Consultative Committee. Having said that, there are still concerns among the members of some groups that the legislation is still complex and prescriptive and applies to law-abiding individuals and groups. Some continue to question the effectiveness of this legislation in preventing the misuse of firearms by the criminal element in our society.

In relation to handgun target shooting, as the member for Scoresby indicated, the bill clarifies the minimum participation requirements for those who own a handgun, and the consequences of non-compliance. Again, what is proposed in the bill matches up with the desires of the major handgun groups, and that is good. There is also simplification of the concept of approved handgun shooting matches.

Antique arms collectors are very pleased with the less onerous requirements for collectors of pre-1900 percussion handguns, and the fact that the requirements in relation to the need for a monitored alarm system are less demanding in that if you have less than 15 pre-1900 handguns, you do not require a monitored alarm system. Again, this is a step in the right direction but, as I will point out later, there is still the fundamental question of what self-respecting crim would use a pre-1900 handgun to commit a burglary or a murder?

The issue of paintball games was again addressed by the member for Scoresby in that the new licensing will require licensing for possession and carriage of paintball markers for those who acquire or purchase. Those simply participating in games will not be required to have a licence. That brings the legislation, as I understand it, into line with other states.

On the issue of the private security industry, the bill will implement the majority of the 2004 resolutions of the Australasian Police Ministers' Council on regulation of firearms in the private security industry, which will see restrictions on the types of firearms and

ammunition that is required and allowing the security industry to have more lethal firearms than the police, which did not make sense. Equally there is still an issue in my mind about the use of a choice of ammunition for the security industry.

I would like the minister, in his summing up, to say whether the security industry can use ammunition referred to as hollow points. I make the comment that in a previous career, when I was working in New Guinea and when we were involved in importing anti-personnel weapons for the helicopter shooting of buffalo, we needed to have with us armed guards who had SLRs and Springfield rifles. In casual discussion between one of my firearms experts and our armed guard, he asked why solid ammunition was used. The answer was that if hollow points were used, it becomes a very messy job to clean up after you have exerted crowd control. There is a very practical reason for not using hollow points in the security industry. It is unacceptable to have that form of ammunition. I seek guidance from the minister on what actually applies now.

The issue of banning high-capacity detachable magazines has generally been accepted by the firearm groups, recognising that there can be exceptions and those exceptions particularly apply to the use of high-capacity detachable magazines in firearms used in competition. Some of the international competition classifications require that. Again, there is no problem because the proposed legislation provides for that.

The bill does not address some issues. For example I will come to the issues raised by the Australian Deer Association, the Mountain Cattlemen's Association of Victoria and the Public Land Council of Victoria in relation to approvals required by licensees of Crown land to shooters. Also, the bill does not address or incorporate a suggestion by a number of the sporting shooters associations that membership of an approved hunting club be regarded as a genuine reason for having a category A or category B licence to own a firearm.

A number of general comments in relation to the feedback given to me were that there is a change in concern based on substantial progress with this legislation, but there is still a concern about a lack of appreciation by the government and decision-makers of the practical aspects of firearms. I can understand from my reading of feedback to me that the industry is very complex. There are many different forms of firearms, handguns, antiques, highly dangerous firearms; you need great knowledge about the range of guns.

That is where the implementation and utilisation of the Firearms Consultative Committee becomes so important. There is also a lingering concern about the lack of evidence and risk assessment to justify some of the decisions that are taken. Also there is concern that Victoria continues to be tougher than the other states in the implementation of firearms control measures, and there is discontent with the cost of the firearms licences and the perceived inefficiency of the licence-servicing department in comparison with other states.

That is a general run-down of the issues and the concerns. I will now spend some time on specific feedback. I start with the Australian Deer Association, which raised two major issues. One relates to the current interpretation or opinion given by the Minister for Police and Emergency Services to the Leader of The Nationals in 2000 — that is, that the Firearms Act 1996 clearly establishes the principle that persons using firearms on private land need to obtain the permission of the relevant land-holder and that this principle extends to Crown land held under licence. That causes great concern to, for example, the mountain cattlemen who have been leasing state forest for the grazing of cattle for part of the year and until an unpopular decision by the current government to remove cattle from alpine grazing, it applied to some hundreds of thousands of hectares of alpine grazing country.

The issue there is that the hunter does not know where the Crown leases or licences are. As to the concern of the licensee about the legal implications, if he is required to give approval and there is a subsequent accident, what is the liability of the licensee? There is a coordinated suggestion by the Australian Deer Association, the Mountain Cattlemen's Association of Victoria and the Public Land Council of Victoria to again look at Crown land that is held under either lease or licence and categorise them into two: firstly, that for which it is appropriate to require lessee or licence-holder approval for a hunter to hunt or shoot or carry a firearm across that land — and that would apply, for example, to disused road reserves and other small pieces of land that are run basically as a component of a private land holding; and secondly, for other holdings such as country held under licence which is only grazed for a small part of the year, those conditions should not apply. I ask the minister to take those issues on board.

The other issue raised by the Australian Deer Association was its desire to include its genuine reason for obtaining a category A or B long-arm licence for hunting could be met by means of membership of an approved hunting club, and that is one of the reasons for our moving the proposed amendment. The Australian Deer Association wishes that to be a basic requirement for gaining a firearms licence on the

premise of hunting, but that view is not shared by other groups, who want membership of an approved hunting club or shooting club to be one of but not the only reason.

Colin Clarke from the Victorian Deer Association sought clarification in relation to high-capacity detachable magazines, but I believe the legislation addresses those concerns. The Victorian Deer Association supported the principle that being a member of an 'approved field club', to use its words, is a genuine reason for having a category A or B licence.

Eddie Evans of the Victorian Amateur Pistol Association communicated with me, stating that in general he had no problems with the bill, although he thought some items could be simplified somewhat and still achieve the same outcome. This is the issue of achieving the outcome by the simplest means and an underlying concern that the whole legislation still remains overly complex and prescriptive. The Victorian Amateur Pistol Association also expressed its concerns about Victoria apparently being the only state where fingerprinting is a requirement for licensing.

I understand from consultation with other groups through the Department of Justice that that concern is not generally shared in the current climate of increased concern regarding terrorism security issues, so it is a concern that has been flagged and needs to be considered but may not be a general concern amongst the majority of firearms groups.

Rod Drew on behalf of Field and Game Australia was strongly of the view that the organisation supported membership of an approved hunting club as an additional genuine reason for obtaining a category A or category B firearms licence for the purposes of hunting. The organisation has some concerns in relation to reporting issues. It feels that the reporting arrangements are unduly onerous and believes there can be modifications made. I am pleased to learn from the Department of Justice that there is recognition that the reporting arrangements perhaps could be streamlined and that there will be trialling of reporting the exception. That would substantially reduce the paperwork that achieves the same outcome, so I strongly encourage that trialling of simplified reporting arrangements to be proceeded with forthwith.

Don Piccoli wrote on behalf of the Sporting Shooters Association of Australia to raise a number of concerns particularly in relation to intervention orders, as did some members of the police force. As advised by the Department of Justice in our briefing yesterday, there are some very complex issues in relation to intervention orders, and they are being addressed, but it is too early to handle it in this legislation.

In relation to club records, the Sporting Shooters Association has a suggestion regarding simplification — that is, a mix of using club records plus a personal attendance card. If there is a general preparedness to explore more simplified and streamlined reporting systems and if good ideas from people out there actively engaged in the sport are listened to, then good, practical outcomes can be achieved.

The Sporting Shooters Association also had some concerns about what may be happening in relation to high-powered, detachable magazines, and it is my understanding that the legislation as proposed meets those concerns satisfactorily. I am not sure whether I said it earlier, but the Sporting Shooters Association also supports the principle of membership of an approved field club being a genuine reason for obtaining a licence.

Daryl Corp expressed a series of concerns on behalf of the Sporting Shooters Association Single Action Shooters, particularly in relation to endorsement procedures for handguns of a calibre between .38 and .45, made suggestions regarding allowing graduated access to firearms and supported the introduction of a personal attendance card and minimum participation arrangements. Mr Pearce raised concerns regarding what the Sporting Shooters Association Arms and Militaria Collectors Guild Mildura perceives as anomalies with people who may be members of that club but come from interstate. I have had discussions with the department on that, and we are looking for those concerns to be addressed, if not in this bill then later, so that there are no problems with interstate competitors participating with Victorian clubs to avoid yet another border anomaly.

Nicholas Smith of the Ballarat Arms and Militaria Collectors Society wrote to me and was quite critical of many aspects of the process, again mounting the argument that collectibles are not used for shooting but are antiques that should be viewed. There is that ongoing concern about restrictions being placed unnecessarily upon them and also concerns from that group in relation to high compliance costs in Victoria compared to New South Wales. They point out that New South Wales apparently has a $200 cap on licensing costs and they suggest introduction of a cap in Victoria.

Malcolm McKay from the Antique and Historical Arms Collectors Guild of Victoria welcomes the consultation

but comments that life would have been a lot simpler if this level of consultation had been undertaken two years ago. He again raises some very well-reasoned arguments about what antique firearms are, their uses and that they are collected to be viewed, not shot.

A few other people who have made comments to me include Tracey and Damian Dale. Tracey expressed concerns about the ability to maintain the minimum participation requirements from a female point of view, having a number of babies over a number of years. I am seeking guidance on that to see that women are able to maintain their compliance or get deferrals so there is not discrimination against them.

Neil Jenkins from Target Rifle Victoria was pleased with the level of consultation that is now being undertaken but was critical of the efficiency of the licensing and services department. This is a significant step in the right direction. My amendment will take on board the wishes of a number of major shooting and hunting groups. I look forward to debating that later. It is a big step forward and The Nationals want to ensure that the voices of the firearms groups are being listened to, and I encourage them to continue to be listened to so that commonsense applies in the implementation of this legislation.

Mr LUPTON (Prahran) — I am delighted to speak in support of the Firearms (Further Amendment) Bill, which is designed to refine and streamline the regulation, use, ownership and storage of firearms in Victoria. It follows some very significant legislation that was passed in the wake of the most serious events that happened in Port Arthur in 1996 and the shootings that took place at Monash University in 2002.

It is in the context of that history that the national handgun control agreement was entered into between all jurisdictions in Australia. In 2003 that agreement came into effect and this Parliament passed groundbreaking legislation to impose stringent, tight and appropriate regulation over the purchase, use and storage of firearms in the state of Victoria. The legislation was novel and because of the nature of the types of events that had happened, not just in Victoria but in other jurisdictions, it was felt necessary — I believe rightly so — that the regulations be stringent and tight.

It was recognised that as a result of the legislation there may well be the need to look at amendments on the way in which the regulatory regime operates in practice so that we can take into account the proper and legitimate activities carried on by target and sporting shooters and others in this state.

It is also important that we take into account the views of the regulatory authorities, particularly Victoria Police, to make sure that the regime we have in place for the regulation of firearms is one that does not provide too onerous an obligation on the law enforcement agencies and gives them the opportunity to enforce a law that is relatively simple and easy to enforce, and is one that provides for community safety but which does not overtax the capacity and resources of law enforcement agencies such as Victoria Police.

Over that period since the 2003 legislation there has been a consultative approach. The Victorian Firearms Consultative Committee was established. Consultation has taken place on a wide-ranging basis with interested parties who have a relevant viewpoint on the use and application of this legislation. A discussion paper was produced and was widely circulated; it commented upon and provided feedback to the government on the operation of the legislation. As a result of that very lengthy and detailed process we now have important amendments that will add significantly to the effective operation of the firearms legislation in Victoria and add to community safety, that being the overriding concern when talking about the regulation of firearms in Victoria.

The government sets a high priority on community safety. It is one of the hallmark pillars that the government stands by. As the member for Prahran, I regard community safety not only in my electorate but across Victoria as one of the most important policy areas in which I work and spend my time making sure that we are addressing community safety needs, that Victoria continues to be the safest state and that it gets better at that and makes Victoria an even safer place to live, now and in the future. This legislation is important in contributing to that overall policy objective.

The particular issues that the legislation deals with concern such matters as the regulation of the paintball gaming industry, the regulation of antique handguns, firearms used by the security industry, the participation requirements for handgun target shooters, the processes whereby people can try out target shooting, and controls on high-capacity detachable magazines for centre-fired rifles. It may interest members if I reminisce about my involvement in rifle shooting when I was a member of the cadets in the last few years of my secondary school education.

We used to go to the Williamstown rifle range, as it then was, which is now a wonderful housing estate in Melbourne. We used to compete in the Queen's Cup. I competed on behalf of Christian Brothers College, East St Kilda, in those activities. We were very well-trained

in the safe use of firearms, which was a very important part of that activity. Being part of the rifle team at school gave me an important insight into the use of firearms and the need to make sure that anyone using firearms did so in a safe manner, that they were very well trained and that firearms were stored in a stringent and tightly controlled manner. People using firearms should know what they are doing; they should appreciate the dangers and ensure they are used safely. Those lessons were never lost on me. It is most important that we, as legislators, understand that in dealing with firearms it is really all about making sure firearms are used safely and that people using them know what they are doing.

I am pleased that the government is taking particular steps in relation to paintball gaming regulation. Since the legislation was put in place in the mid-1990s, which required people who wished to engage in paintball gaming to obtain a firearm's licence, more people obtained firearm's licences than needed or wanted them. If a person wants to engage in paintball gaming, they should be able to engage in that activity without obtaining a firearms licence which would entitle them, without any further training or experience, to buy a firearm.

This legislation is framed so that it will limit the proliferation of firearm licences and firearm use in the community, and I think that is a good thing. We are also making some sensible changes to the way in which things like antique handguns can be collected. There is no good reason in public policy why a person who collects pre-1900 percussion single-shot handguns should necessarily be caught up in the same regime as people who have modern, multi-shot target and other guns. Some sensible and very well-thought-through amendments to the way the legislation will work are contained in this bill. It is good and appropriate legislation. It will mean that community safety is enhanced in the state and that is something that we should all support, and I am a very strong supporter of it.

I understand that the amendment to be moved by the member for Mildura, who will be speaking next, has found favour with the government. The government does not support the amendments foreshadowed by The Nationals. I commend the bill to the house.

Mr SAVAGE (Mildura) — As other members have reflected, the transition of the Firearms Act has at times been a traumatic path, and relates back to events at Port Arthur. I note there are still a few members in the house who were here after that particular event. Since then we have seen the shootings at Monash University and on a number of other occasions where the misuse of firearms has caused some very significant trauma in our society. I remember the Firearms Act being amended back in 1996. Some interesting comments were made about the proposed changes. I did not agree with the total package and called for a division, and I remember being the only one on this side of the house at that time. But things have changed since then. There is a more reasonable approach to firearm ownership and use, and this particular legislation is indicative of that where some of the undue and unreasonable restrictions on people who are following either their occupation or their sporting interests are able to deliver some reasonable outcomes for their personal needs, and I support that.

I have proposed an amendment to cover the void where people need a licence for category A and B firearms under section 10 of the Firearms Act. My amendment is very close to what The Nationals have proposed, but it is not as extensive. I believe the amendment is appropriate. I have had discussions with people in the field and game and they believe that this amendment would suit their needs in the sense that it would cover the areas where you do not have to go down the path of seeking the requirements for ownership of a category A and B gun merely by being in a club or in a shooting organisation which is approved by the Chief Commissioner of Police. It is a very simple insertion into the Firearms Act at clause 8, after line 20. I will be seeking support for that amendment, and I understand the government will be accepting it.

I seek clarification of a couple of areas which I understand will be provided at some point, or the issues will be looked at. In a border town people will belong to clubs on both sides, so there needs to be some recognition of members who are sporting shooters who want to travel to and fro, and I understand that issue is being assessed. Currently there is no mutual recognition across state borders for collectors licences, and they cannot get a display permit in Victoria and vice versa in New South Wales.

Similarly, there is a problem with recognition across state borders for firearms licence-holders who want to instruct, teach or coach for the purposes of sport target shooting. These are only small issues, but when you are in a border area they are a problem for people who follow their sport seriously. Another area of concern is that interstate residents of approved Victorian clubs can only take part in shooting competitions. They cannot practise at their club range, they can only take part in competition, so there is no mutual recognition for licence-holders under those circumstances.

I know other speakers want to talk on this bill. I support the changes in the bill and recommend support for the amendment to section 10 of the Firearms Act. I commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — I rise to support the Firearms (Further Amendment) Bill. The reason we are discussing firearms is that, as the members for Mildura and Prahran have previously outlined, the trauma caused by the inappropriate use of firearms is absolutely catastrophic. Parliaments around the nation are trying to bring in uniform legislation that will ensure that throughout this nation people use firearms appropriately.

Briefly, I want to mention the Victorian Firearms Consultative Committee, which was instrumental in ensuring bipartisan support for the legislation before the house. The committee was the body charged with the responsibility of assessing a number of submissions which came in after the public release of the firearms discussion paper which was originally prepared by the Department of Justice. Referral to the consultative committee of all those submissions received in response to the firearms discussion paper took a considerable time and much deliberation. There was also extensive consultation with Victoria Police, and the Victorian Firearms Consultative Committee on every single aspect of this bill. As a result, we have a bipartisan approach to the resolution of this issue today.

The other point that I want to mention in the time available relates to paintball gaming. I too remember the discussions on the initial legislation some years ago, and it was an interesting debate. The Kennett government changed the law so that you had to have a gun licence to play paintball. It was the subject of much discussion here. It now transpires it has been bad for the local industry and more people have gun licences as a result of that earlier legislation. In this house we want to minimise the number of firearms in the community and to ensure that those who own and use them exercise due caution, are well briefed and well schooled in the use of those firearms. As a result of this legislation hopefully being passed later today, paintball operators will have to follow an industry code of practice, and I understand that the paintball operators support the legislation.

It is excellent that in Victoria we are now going to have a new category of firearms licence for antique handgun collectors. Under the national handgun control agreement most antique guns are required to be registered. The current requirements are very onerous. The new licence to be introduced as a result of this legislation will be less onerous and in line with the low risk posed to the community from antique firearms. Collectors will not need to be fingerprinted, and I am sure that will be a reassurance for many of them. Collecting for investment purposes will be recognised under the licence conditions, and we are advised that collectors are supportive of these measures which comply with the national handgun control agreement. With those few words, I commend in particular the firearms consultative committee. It has achieved an excellent result in that it has managed to get pretty much universal support for this legislation. Paintball operators and people engaged in the paintball industry will be quite pleased with this legislation. From advice we have received we know that that is the case. Collectors are also supportive of the legislation. With those few comments, I commend the bill to the house.

Sitting suspended 6.29 p.m. until. 8.02 p.m.

Mr HELPER (Ripon) — I very much welcome the opportunity to join the debate on the Firearms (Further Amendment) Bill. I am of course very much in support of it. I am particularly keen to speak about the creation of a new firearm licence for antique handgun collectors. A hallmark of this legislation is the extensive consultation that has occurred with various industry groups, the firearms council and, in particular, the guild of antique handgun collectors.

The legislation is an evolution of what we know to be the reality of the world at any given time. I am sure that when the legislation was first introduced the restrictions on antique handguns were placed there with good intent. However, the consequences of that changed reality have become more obvious — certainly through the process of consultation — and I congratulate the minister, who has driven a large part of that consultation, on addressing the reality of collecting handguns. What we are talking about are pre-1901 weapons, which for the most part are collected by people who are immensely proud of their collections. They do not collect them because they want operational firearms; they collect them because of the intrinsic value of the items.

I notice that members of the opposition and The Nationals are absent from the chamber. I note their absolute lack of interest in this group of collectors, who are very much law-abiding citizens and who feel that the onus of proof and the responsibility that has been applied to them are excessively onerous. Their passion is about collecting handguns for their intrinsic value, not for their firepower. Certainly the legislation seeks to amend the number of weapons you can collect prior to — —

Mr Seitz interjected.

Mr Savage — On a point of order, Acting Speaker, I hate to interrupt the member for Ripon, but the member for Keilor is disorderly and out of his seat.

The ACTING SPEAKER (Ms Lindell) — Order! There is no point of order.

Mr HELPER — On the point of order, Acting Speaker, I think the member for Keilor certainly makes a — —

The ACTING SPEAKER (Ms Lindell) — Order! I have ruled on the point of order. The member for Ripon will continue on the bill.

Mr HELPER — Certainly the increase in the number of antique handguns which require a monitored alarm system from 5 to 15 is a practical step forward. However, I suspect there would not be too many collectors of antique handguns — many of which are immensely valuable — who would not have monitored alarm systems for their private security reasons as opposed to the legislative requirement that is placed upon them. This change is unlikely to reduce the number of alarms, because handgun collectors are so immensely proud of the collections they assemble and are keen to make sure their collections are protected against all sorts of intrusions.

Certainly the legislation removes the onus from the antique handgun collectors in terms of fingerprinting and a range of other requirements which are appropriate for handgun owners who own a handgun for shooting as opposed to collecting handguns.

I welcome and pass on my thanks for the enormous amount of information and explanation offered to me not only by the department, not only by the minister's office and not only by my parliamentary colleagues but also by the Antique Handgun Collectors Guild of Australia. Its input certainly clarified how important this legislation is and how relevant it is to their passion of collecting antique handguns. With those few words I support the Firearms (Further Amendments) Bill 2005 and wish it a speedy passage.

Ms BARKER (Oakleigh) — I would like to make a few comments on the Firearms (Further Amendment) Bill 2005. The bill will address a range of initiatives that have arisen in relation to the 2003 amendments to the act to implement the national handgun control agreement, particularly in relation to handgun target shooting and antique handgun collectors. The bill will make further provisions for the regulation of paintball gaming and bring Victoria's laws on that activity more into line with those in the majority of other jurisdictions.

The bill will address an issue that has arisen on the availability of centre-fire rifles designed to function with high-capacity detachable magazines and will implement resolutions brought forward by the Australasian Police Ministers Council on the regulation of firearms in the private security industry. It is sensible that following the amendments made to the Firearms Act in 2003, discussion has continued on what was passed, what could be done better and what needs to be done to as much as possible control guns and their use in Victoria.

There has been ongoing and productive collaboration between the government and a range of stakeholder groups represented through the newly created Victorian Firearms Consultative Committee. That has a very broad membership. It includes representation from Field and Game Australia, the Firearms Traders Association of Victoria, the Shooting Sports Council of Victoria, the Sporting Shooters Association of Australia, the Victorian Amateur Pistol Association, the Victorian clay target association, the Victorian Farmers Federation, the Law Institute of Victoria, the Police Association, the Royal Australasian College of Surgeons, the Australian Security Industry Association Ltd, the University of Melbourne criminology department and Target Rifle Australia. This new committee, which first met on 29 June this year, is capably chaired by Mr Peter Steedman. I am sure they will have some interesting meetings.

A public discussion paper has been circulated about these matters. The firearms consultative committee has been consulted extensively on the contents of this bill and while addressing concerns in a practical manner, the bill continues to uphold our commitment to community safety while being sensible about firearms regulations and importantly upholding our obligations under the national handgun control agreement.

I recall the previous debate on firearms, particularly in relation to antique handguns. This bill is a sensible move. The changes are being made to create a new category of licence for antique handgun collectors. I will not go through the details of those changes; as I earlier said, the member of Ripon has eloquently outlined them.

The bill will also introduce a new class of licence for the possession, carriage and use of paintball markers. This licence will be required only if an individual wishes to acquire or purchase a paintball marker, but not if an individual simply wishes to participate in

paintball games. New licence conditions to be put in place for paintball operators are currently being developed in consultation with the industry to include the conduct of, for example, the training of participants and the promotion of the activity in particular.

Initially the bill will also implement a recent national agreement on new measures to address rifles designed to function with high-capacity detachable magazines. The Oakleigh electorate has quite a number of sporting and recreational shooters, and I have had discussions with many of them from time to time, particularly around the duck season. The Hellenic sporting shooters association is one of them.

I would like to point out to those shooters who have any concerns about this proposal to impose greater restrictions on the use and availability of pump/bolt/lever-action rim-fire and centre-fire rifles that are able to take high-capacity detachable magazines that the proposal is not that the restrictions will ban either high-capacity detachable magazines or rifles designed to accept those magazines. Rather, the focus is on an inappropriate combination of the two. It is important to note also that the proposed changes have been discussed with the Victorian Firearms Consultative Committee and that they have the support of Victoria Police.

I understand that allowance will be made for those shooters who can demonstrate a genuine need for the possession of a rifle designed to function with high-capacity detachable magazines in combination with possession of such a high-capacity detachable magazine on the grounds of involvement in an approved shooting event. Therefore the proposed changes outlined in the bill are consistent with the national agreement, continue to address the issue of community safety and are sufficiently flexible to cater for the legitimate needs of sporting shooters.

The bill contains a number of other amendments, such as the implementation of the June 2004 resolutions of the Australasian Police Ministers Council on the regulation of firearms in the private security industry and clarification of the minimum participation requirements for handgun target shooters who own handguns, as well as clarification of the consequences of non-compliance with the participation requirements. As I said, ongoing discussions have been held about the bill. It is a sensible move to make amendments to the bill to address issues that have been discussed cooperatively and collaboratively.

I am not a gun owner and I do not understand some of the needs of others who participate in shooting activities. However, those activities and the ownership of guns are a reality. I am pleased that sensible discussion is being had and sensible proposals are being put forward to have clear and workable regulations and particularly to have a continuing effort to maintain a safe community. As I said, there have been sensible discussions, these are sensible amendments and we have a sensible minister. I commend the bill to the house.

Mr INGRAM (Gippsland East) — I would like to make a very big brief contribution to the debate on the bill and focus particularly on clause 63. From the outset I indicate that this clause is partly the result of one of my constituents, Steve Pearman, raising issues for the attention of the Minister for Police and Emergency Services. He was working on behalf of a number of sporting shooters and collectors of firearms in East Gippsland. Steve Pearman lives in Swifts Creek, which is in a fairly isolated region. He argued that the back-to-base alarms which collectors are required to have are not practical in more remote areas, particularly because those alarms are monitored. Swifts Creek is one and a half hours from a police station. It would be nearly impossible for a monitoring company to get to a place if an alarm went off. He proposed alternative arrangements for the security of firearms. He was working with a number of other collectors who said that quite clearly there was some impracticality in the current rules.

I thank the Minister for Police and Emergency Services for meeting with representatives from my electorate and listening to them. It highlights the processes of the new committee and how it has worked in advising government which has made changes. Those changes have been to the benefit of not only collectors and sporting shooters but also the general community. We have come up with legislation that has better arrangements which are more practical and will deliver better outcomes for everyone. That is a good outcome all around.

I also indicate my support for the amendment proposed by the member for Mildura. It relates to including a broad range of sporting clubs. I congratulate the member for Mildura for proposing the amendment. Hopefully all members will support it. I wish the bill a speedy passage.

Mr HARDMAN (Seymour) — I rise to speak on the Firearms (Further Amendment) Bill. It recognises a need for clarification and modification of the current legislation. It will make the laws surrounding regulation of firearms in Victoria more practical. The views of various stakeholders involved in the shooting

community have been taken into account by the Firearms Consultative Committee.

Many people in the Seymour electorate enjoy the sport of shooting and paintballing. Many people across the electorate like to take part in field and game activities, as well as target shooting with handguns and shotguns. In general they enjoy that sport. The bill will make it a little bit easier for people to discover whether they like the sport. People will not have to have a gun licence for paintballing or handgun activities if they are in a controlled environment. In making it less onerous the bill recognises that shooting is a legitimate sport. It is included in the Commonwealth Games and the Olympic Games and Australia does very well in it, of course. Other people enjoy collecting antique firearms, which is a legitimate activity and a dear interest of some people. Again, in recognising that in the past the law was perhaps a bit too strict, the bill will make it far more practical for those people to take part in that activity.

Earlier I was talking to the member for Mildura about paintballing and shooting in general. While it is not necessarily a sport for me, recently some friends of mine who do not usually partake in paintballing or shooting activities had to go to New South Wales to paintball with a group of family and friends. They could have been spending that money in the Yarra Valley or at Wandong if paintballing activities were allowed to operate in our particular area. At the moment the Wandong establishment for paintballing uses laser guns. Given the dislike that some people have for paintballing, the laser guns are probably no different. Again, the bill is a practical piece of legislation that will make people's lives a little bit easier. I commend the bill to the house.

Mr HOLDING (Minister for Police and Emergency Services) — I thank honourable members for their contributions to the debate on the Firearms (Further Amendment) Bill. The discussion has been very constructive and I thank all the members who have contributed to it: the members for Scoresby, Benalla, Prahran, Mildura, Pascoe Vale, Ripon, Oakleigh, Gippsland East and Seymour. In relation to some of the specific issues raised, I did not listen to all the contributions from honourable members, so I apologise if honourable members raised specific issues that I am not able to address.

I listened particularly to the contribution by the member for Benalla who raised a series of issues about a range of different aspects of this legislation as well as the current firearms laws as they pertain to Victoria. I will address just a couple of the specific issues he raised. Firstly, he raised the circumstances of a minimum participation requirement for sporting shooters in the context of a woman who has time away from her shooting activities because, for example, she is having children. There is a discretion in the current legislation for the Chief Commissioner of Police to grant an exemption to the minimum participation requirement. It is done on the basis of an application from a particular shooter. I would encourage that particular person or any person in the same situation to make an application to the Chief Commissioner of Police and point out their circumstances.

The member for Benalla also raised some issues about the ammunition requirements for the security industry, specifically hollow-tip ammunition. The current laws provide that the ammunition that will be legal for the security industry will be that which is obviously appropriate for the firearms concerned — that is, you cannot have a firearm of a greater impact or capacity than that which is operated by police in that jurisdiction. Secondly, the ammunition used must be machine or factory-manufactured ammunition. The critical question is whether hollow-tip ammunition is factory manufactured. I understand that in some circumstances it can be.

Government members are not aware of any security operators in Victoria using hollow-tip ammunition at present, but we are always willing to reflect on issues insofar as there is a direct threat to public safety, so we will take on board the comments made by the member for Benalla. But we do not believe that the hypothetical situation he described pertains to the security industry in Victoria at the moment.

A range of other issues were raised by different members. The government simply reiterates its view that these changes will improve significantly the operation of the changes made to Victorian firearms legislation in the light of the National Handgun Control Agreement 2003. We think they are reasonable, proportionate and broadly consistent with the arrangements put in place in other states. For example, we think the changes in relation to antique collectors are appropriate and reasonable. They pose no threat to public safety, and I think all members acknowledged that in their contributions.

We think the amendments try to reflect as much as possible the actual operational things as they occur on the ground, so we have tried to take into account the reality of having, for example, back-to-base monitor alarms and how practicable they are, particularly in some remote parts of Victoria. In that sense we think these are very balanced and reasonable amendments.

I particularly want to emphasise the changes in relation to paintball gaming regulation, because we take the view that the current arrangements, whether or not one thinks paintball is an appropriate activity, are not serving anyone's interests. They are overregulating the industry and compelling people to take out long-arm firearm licences when they have no intention of using those licences other than from a paintball perspective. Therefore that is not serving a public safety interest in Victoria. For those who are very supportive of paintball, the industry is being overregulated and Victorians are being forced to travel to Moama and other parts of New South Wales to participate in this quite legitimate activity.

Finally, in relation to the amendment proposed by the member for Mildura, I understand that the member for Benalla will make some specific comments in relation to those arrangements, so I do not propose to say anything more about them other than the government supports the amendment to be moved by the member for Mildura. We think it is appropriate that arrangements be made so that shooters who belong to legitimate hunting clubs and hunting organisations are able to have the membership of those organisations recognised for the purpose of satisfying the requirements under the existing firearms legislation, and we think that amendment achieves that.

I commend the bill to the house, and I thank all members for their contributions.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 7 agreed to.

Clause 8

Dr SYKES (Benalla) — I move:

1. Clause 8, after line 20 insert —

"( ) After section 10(2)(b)(i) of the **Firearms Act 1996 insert** —

"(ia) the applicant must be a member of a shooting club, shooting organisation or hunting organisation which is approved by the Chief Commissioner; or".".

I wish to give some background to my amendment. The amendment is due to the desire of several firearms groups to include membership of an approved hunting or field club as a genuine reason for hunting and for obtaining a category A or category B long-arm licence. Specifically the Australian Deer Association, Field and Game Australia, the Victorian Deer Association and the Sporting Shooters Association of Australia all requested that membership of an approved hunting organisation, club or field club be a legitimate and genuine reason, hence I included the words 'hunting organisation' in the amendment that I have moved to clause 8.

As a result of the other amendment to be moved by the member for Mildura and from discussions with the member for Prahran, the member for Prahran advised that it is unnecessary to include the term 'hunting organisation' because 'hunting organisation' is included within the definition of 'shooting club or shooting organisation'. As the minister has just indicated, the amendment foreshadowed by the member for Mildura encompasses hunting clubs and organisations, therefore my concerns are addressed.

Further, as was pointed out by the member for Prahran, if a hunting organisation was included in the definitions in the bill, that would lead to inconsistencies elsewhere in the act. So, practising what I preach, which is seeking to achieve the best practical outcome by the simplest possible means, I withdraw my amendment and on behalf of The Nationals, I am happy to support the amendment of the member for Mildura because it achieves the outcome that I was looking for on behalf of the organisations that I represent.

Amendment withdrawn by leave.

Mr SAVAGE (Mildura) — I acknowledge the comments made by the member for Benalla — —

Mr Honeywood — And the support of The Nationals!

Mr SAVAGE — Yes. I move:

Clause 8, after line 20 insert —

"( ) After section 10(2)(b)(i) of the **Firearms Act 1996 insert** —

"(ia) the applicant must be a member of a shooting club or shooting organisation which is approved by the Chief Commissioner; or".".

I acknowledge the support of The Nationals. We have a reciprocal arrangement on this occasion. I acknowledge the comments made by the member for Benalla, and I acknowledge the government for accepting this amendment. It is a commonsense amendment, which simplifies matters for people who want to hunt, so they do not have to seek the provisions that are mentioned in section 10 of the Firearms Act.

Amendment agreed to; amended clause agreed to; clauses 9 to 68 agreed to.

Bill agreed to with amendment.

Remaining stages

Passed remaining stages.

MOTOR CAR TRADERS AND FAIR TRADING ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 5 October; motion of Mr HULLS (Attorney-General).

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Motor Car Traders and Fair Trading Acts (Amendment) Bill. The opposition supports the bill. I thank the Honourable Wendy Lovell, a member for North Eastern Province in another place, who is the opposition's spokesperson on consumer affairs, for the consultation she undertook with the key stakeholders. She went around seeking their views and advice. Even though I was not present because I was at a meeting with the member for Eltham, I thank the public servants who provided Ms Lovell with the briefing. It was much appreciated.

The purpose of the bill is to amend the Motor Car Traders Act 1986 to facilitate the use of an electronic dealings book, to simplify record-keeping requirements and procedures, and to amend the Fair Trading Act 1999 to clarify the orders a court can make under that act. The main provisions of the bill are to enable car traders to keep electronic records of sales, to allow them to satisfy signatory requirements without having to keep duplicate records, to allow car traders to operate out of multiple premises while having a central database, and to allow courts to make orders they see as appropriate.

In March 2004 the minister asked Mr Pullen, a member for Higinbotham Province in the other place, to undertake a review of the Motor Car Traders Act. As a result of that review Mr Pullen wrote a report in December 2004 in which he made 38 recommendations. It is now October 2005, 10 months after the report was given to the minister, and the government is only implementing one of the 38 recommendations. The question has to be asked: why has it taken 10 months for the government to come up with a bill which looks at only one recommendation? Either the minister is incompetent, the minister's office is incompetent, or the department is incompetent. I cannot understand why the government would ignore the other 37 recommendations and just look at one. The Victorian Automobile Chamber of Commerce (VACC) made 15 recommendations on this legislation and it was also ignored. It has taken the government 10 months to resolve one recommendation. I would like to know why it has taken it so long to address just one of the recommendations. What has happened to the other 37?

The Motor Car Traders Act was introduced in Victoria in 1973. It was designed to licence and regulate motor car trading in Victoria. The act was amended in 1986 and 1996, and in recent years both new and used car sales have increased. This has been especially since people have become more familiar with the Internet and are able to purchase and sell cars using that method. It is appropriate that we review the operations of the act to protect consumers and to ensure that licensing remains the primary method of regulating motor vehicle sales in Victoria.

In recent times there has been a blitz on car traders. A press release put out by Consumer Affairs Victoria (CAV) on 20 August 2004 with the heading 'Illegal practices uncovered in motor car traders blitz' states:

> More than 50 infringement notices have been issued to used car traders after a blitz on eastern … licensed dealers —

in the member for Warrandyte's electorate, I presume.

> Random inspections of 34 licensed dealers uncovered illegal practices by at least nine traders …
>
> 'Infringement notices have been sent to those licensed dealers who had not kept their dealings books up to date as required by the law'.
>
> Many had also failed to fill out required information on the forms attached to vehicles …
>
> Inspectors also found evidence of odometer tampering … and dodgy bookkeeping.
>
> Some of these matters were still being investigated and may result in a number of prosecutions.

There are problems and it is important that we look at the legislation and change it to make it more appropriate and relevant to today.

The VACC also found that in 2003 there were approximately 1335 new and used car retailers in Victoria, employing something like 11 600 people. It is an enormous part of the state economy and is a sector that we should look after and ensure that it survives. The VACC also found that new vehicles had become more affordable, small car sales had increased, there had been enormous advances in vehicles, regulations

governing emissions had been tightened, and as I said earlier, Internet use had changed the way people buy and sell cars. Private-to-private used car vehicle sales increased by 26.5 per cent between the years 2000 and 2003, and dealer-to-private car sales fell 7.6 per cent over the same period.

The VACC said in its submission to the government:

> The vehicle retailing industry is embarking on a period of major change. New vehicle sales have boomed over the past five years, whilst used car sales have declined. Profitability in the industry is low and generally declining. Major changes such as the widespread use of Internet by consumers and penetration of the industry by vehicle brokers and auction houses have changed the market landscape for dealers and consumers alike.
>
> Regulation of the industry is a key current issue particularly in respect of e-business and the erosion of dealers' … business base manufacturers. Some experts are predicting because of this revolution half of the dealers will cease to exist within five years.
>
> The research convinces the VACC that the act is not keeping up with the structural and trading changes now impacting the industry and that there is some attraction for consumers to take a risk and buy privately, or from an unlicensed motor car trader.

As I said, it is therefore important that we revisit the record-keeping requirements, especially to cut costs. We should also encourage people to use the Internet more and to implement better practices.

At present, motor car traders are required to keep records of all vehicle transactions. This information must be kept in what is called a dealings book, and the dealings book must be signed by the person selling the car. The dealings book must be filled in. If you acquire the vehicle, you must have the registration number; the make and model; the type of vehicle; the year it was first registered; the built date, if it appears on the vehicle; the compliance date; the vehicle identification number; the engine number; the date of acquisition; the odometer reading; the name and address of the person from whom the vehicle is acquired; the security interest, if any, held by the person; the security interest, if any, paid out in discharge; and the date security interest was paid — and it must be signed by the person.

If you dispose of the vehicle, the person to whom it is sold, the date of delivery, the odometer reading, the roadworthiness certificate, the date of the notice of acquisition, the date of the notice of disposal, the date on which the registration was cancelled and the plates returned all have to be kept by the dealer in paper form as well as on computer, if they wish to do so. Some car traders keep their dealings books in electronic format, but to satisfy the signature requirement they must also keep paper copies. This appears to be a time-wasting, unnecessary duplication and a cost burden.

The bill will remove the requirement to keep a paper copy of the electronic dealing book and give the traders the option of keeping the information in electronic form together with the paper document that contains the signatures and is linked back to the electronic record. Indeed this was the recommendation made by the Honourable Noel Pullen in the other place. On page 30 at section 4.1.3 his report states:

> Some traders questioned whether there was still a need for a dealings book to be prescribed in the act and regulations, given the amount of information now recorded and kept by VicRoads. Some suggested that there was no longer a need for traders to keep information …

The traders:

> … argued that there was too much paperwork and too much duplication within this paperwork and that the act and regulations should be revisited to identify areas where the paperwork could be streamlined.
>
> One trader explained the process that traders often have to go through when selling a car to another trader, describing this process as … 'old fashioned'.

A bit like the member for Warrandyte!

> He said that when a wholesaler sells a car to another trader, this is usually arranged by phone. The trader then sends a slip containing the … details from the dealings book to the wholesaler for their signature. The wholesaler signs (or stamps) the slip and passes it back to the trader, who then glues it to the appropriate place in their dealings book. In this situation, the trader's compliance with the act depends on the wholesaler signing this slip and sending it back — traders are not able to compel them to do so.

The recommendation that Mr Pullen put to the government on this was recommendation 16, which states:

> The inability of traders to keep only an electronic version was often raised as a concern throughout the consultations.

Given this:

> … the dealings book requirements should be revisited, both in terms of their rationale and whether the paperwork requirements can be improved. For example, a workshop involving traders, regulators and software companies could be organised.
>
> There is no clear indication of the benefit of requiring a physical signature in the dealings book. Unless strong reasons can be provided as to why it should be maintained, this requirement should be removed.

Indeed this was supported by the Victorian Automobile Chamber of Commerce in its submission to the government, in which it said:

> VACC recognises the need to keep appropriate records and transactions by —

licensed motor car traders.

> However, we believe that in this age of computerisation, electronic records should be recognised and accepted as a valid means of storing information, which can later be accessed to provide a printed copy (if requested) of the document on request.
>
> …
>
> VACC is of the opinion that the time has now come to … move away from paper-based systems of collection and storage of information … and is proposing that, where possible, that [Motor Car Traders Act] records should be kept electronically and accessed when needed.

Under this bill the traders will still be required to provide printouts of the dealings books upon request by an inspector. The bill also makes two more changes to the act. It permits statements by the director of Consumer Affairs Victoria in civil proceedings. For example, if someone purchases a car from a trader and it turns out to be a lemon — which the member for Mornington has bought in the past! — then that person could seek civil proceedings in court and could rely on a statement by the director as evidence that the trader had done something wrong. The second change is where a breach has been established and the court — —

Mr Hulls — What are you saying?

Mr KOTSIRAS — The Attorney-General has woken up, which is good to see. I see his one brain cell is now fighting for dominance, and that is very good to see.

Where a breach has been established a court now can make any order that it considers to be fair and not, as is presently the case, only an order as specified in the act. As an example I refer to section 158(2)(e) of the Fair Trading Act 1999, which refers to:

> … an order that the defendant pay the amount of any loss or damage suffered by the injured person as a result of the breach to the injured person …

This does not take into account any aggravated damages which the court might deem to be appropriate. Therefore the court might now do that, and if it feels it is fair, it can ask for those damages to be paid.

Finally, the minister also said that photographic identification should be made when a vehicle is being purchased. It is beyond me why he would say this when it does not form part of the bill but then advise us that this will come later.

The Royal Automobile Club of Victoria supports this legislation, as does the VACC. It has taken a long time for this bill to be introduced — in actual fact it has taken 10 months for only 1 of the 38 recommendations to come before the Parliament. Among the 38 recommendations this government has forgotten recommendation 5 on page 16, which is:

> That the information on relevant legislation and other areas of interest be provided to licensees on a regular basis through a newsletter …

What has happened to that recommendation? It has disappeared! Recommendation 13 states:

> The benefits and costs of requiring the disclosure of previous owners' details in the form 7 should be explored in further detail. In particular, options allowing previous owners to 'opt out' or to minimise the disclosure of personal information should be explored.

What has happened to that recommendation also? It seems to have disappeared. Recommendation 17 reads:

> Traders should be required to provide a statutory warranty for commercial vehicles that are less than 10 years old and have travelled less than 160 000 km, where such vehicles are purchased by private individuals.

The government has ignored all the recommendations bar one. Consumer Affairs Victoria advised the opposition that this was a simple, straightforward amendment, but it has taken 10 months for the government to bring in just 1 of 38 recommendations. As I said, either the minister is incompetent, the minister's officers are incompetent or the CAV is incompetent. I know the bureaucrats work very hard, so I think it is either the minister or the ministerial advisers who are not up to the job. Out of 38 recommendations, only 1 has been chosen for action by the government. I would like the lead government speaker to advise the opposition why it has taken 10 months to come up with only one recommendation.

As I said from the start, the opposition is supporting this legislation, but I have to say I am a bit disappointed that all the government can come up with is just 1 recommendation out of a total of 38, and the VACC brought in 15. I would expect the minister to do a bit more work in her portfolio.

Mr DELAHUNTY (Lowan) — I am pleased to speak on behalf of The Nationals on the Motor Car Traders and Fair Trading Acts (Amendment) Bill. The purchase of a car is the biggest purchase most people will make in the early part of their lives, as most buy a

car before they purchase the next big capital item, a house. Having laws and regulations that protect the consumer is very important, and getting the balance right between overregulation and smothering someone with red tape and protecting the community is not an area where this government has a good record. It lacks commonsense and generally bludgeons the industry and consumers with more and more red tape. The Nationals are pleased to see that this legislation is a small step forward in reducing some red tape and encouraging the use of e-business practices.

I thank the ministerial staff and department for the advice that was given to my colleague, our spokesperson on consumer affairs legislation in the other place, Damian Drum. The bill amends the Motor Car Traders Act 1986 to facilitate the use of an electronic dealings book and to simplify recordkeeping requirements and evidentiary procedures; it also amends the Fair Trading Act 1999 to clarify the orders a court can make under that act.

The aim of this legislation is to create some flexibility, and The Nationals support that intention. We have consulted widely on this with the Victorian Automobile Chamber of Commerce (VACC); Poyser Motors, Bendigo; Brian Dunn, Bendigo; Bendigo Toyota; and Barnard Street Car Sales, Bendigo. The Nationals have some additional expertise in the members for Murray Valley and Shepparton who have been involved with some of the issues leading to the introduction of this legislation. I hope the honourable member for Shepparton is given the time to make her contribution, because she has dealt with the VACC and some of the traders who were involved in action in Shepparton.

The Nationals will not be opposing this legislation. As we know, motor car traders are currently required to fill out acquisition and disposal details in their dealings books, complete with the signature of the person from whom the vehicle is received; we understand it does not have to be the signature of the owner but of the person from whom it is received. For the sake of time I will not get into those interactions. Quite often a signature is difficult to acquire, and motor car traders will now be able to refer to the vendor's signature that may exist on another document such as a receipt or transfer of motor vehicle form.

I am aware this bill came about following a report on the Motor Car Traders Act prepared by the Honourable Noel Pullen in another place. I have a copy of that, and I have made very sensitive notes as I read through it. The foreword of the then Minister for Consumer Affairs, Mr Lenders, states:

> It has been some time since the act was last reviewed and Mr Pullen's consultations have provided a very useful insight into the issues facing the industry.

It is unfortunate it took a long while before the government even started this consultation process, because the motor vehicle retail industry touches a large number of consumers, and a lot of concerns were raised. That was written in this report of December 2004. I looked at Mr Pullen's comments where he said the consultation process commenced following a motor car traders forum held in March 2004 that was jointly sponsored by Consumer Affairs Victoria and the Victorian Automobile Chamber of Commerce. The forum was known as Driving a Better Industry, and we would all have to agree with that.

Representatives at the forum included the VACC, the Australian Automobile Dealers Association, the Motor Car Traders Guarantee Fund Claims Committee, the Royal Automobile Club of Victoria, VicRoads, Victoria Police and other interested parties.

I looked through the report and noted that it consulted outside Melbourne, which is pleasing to see. But they only got as far as Geelong, Bendigo, Wodonga, Traralgon and Warrnambool. The member for Shepparton will say later that it is a pity they did not get to Shepparton. In the last 12 months some inspectors went to Shepparton for the first time in nearly 20 years. It is unfortunate that this took place while the so-called consultation process occurred. There are many concerns that I will not have time to talk of today, but which the member for Shepparton will talk about.

The current legislation governing motor car traders is said to establish an efficient and equitable licensing scheme that protects the rights of consumers, as can be seen by newspaper articles that I was fortunate enough to get from the library. I was assisted greatly by Jenelle Cleary. An article reported in the *Herald Sun* of 7 February 2004 under the heading '180 in bad car trades' states that almost $665 000 was paid to consumers out of the Motor Car Trader Guarantee Fund.

Mr Jasper interjected.

Mr DELAHUNTY — The member for Murray Valley says it costs a lot of money to operate. In the *Herald Sun* of 13 September 2004 an article with the heading 'Anger at car rip-offs' states:

> A spate of complaints about dodgy car dealers and botched repairs has sparked calls for the motor industry to appoint its own ombudsman.
>
> …

> Victorian Automobile Chamber of Commerce executive director David Purchase said a motor industry ombudsman was not justified.
>
> 'Given the size and nature of the transactions in the industry every day, the level of complaint is quite low'.
>
> …
>
> RACV spokesman Michael Case said the group supported protection of consumer rights in vehicle purchasing and vehicle servicing.

In the *Age* of 16 April this year an article with the heading 'Alarm on kerbside car yards' refers to a warning from consumer and industry groups that illegal backyard traders selling second-hand cars on nature strips were putting unsuspecting buyers at risk. There are concerns in the community.

The act and regulations contain a number of requirements affecting business conduct and contractual relations with sellers, which is mainly about the licensees and the buyers of motor vehicles. I am informed some of these requirements sparked a lot of debate during the consultation process. Many issues were raised during the consultation period. I will quote some of them. They can be summarised under a heading of 'Restriction on competition' and include clarification of existing legislation, communication and information provision, enforcement of the legislation and difficulties in the practical implementation of the legislation. Even through the consultation process a lot of concerns were identified.

Education is important. The communication information provisions of the report highlight the fact that a lot of people do not understand the current legislation. It is important for Consumer Affairs Victoria to promote and make sure people understand the legislation under which they operate. The enforcement legislation is causing concerns because traders do not know enough about the legislation and are very concerned about enforcement of the legislation implemented by Consumer Affairs Victoria and licensing inspectors.

The report made 38 recommendations after considerable consultation. Of those 38, the bill picks up only one. Many people, including people involved in the consultation, are very disappointed that the government, after all the work that has been put in, has picked up only one recommendation from the 38.

One of the key organisations involved in the consultation was the Victorian Automobile Chamber of Commerce. When the report was released it issued a media release stating that:

> VACC supports 35 of the 38 recommendations of a recent report on the Motor Car Traders Act; however, it believes the introduction of so-called 'lemon laws' into Victoria (recommendation 38) is unnecessary.
>
> …
>
> We do, however, welcome the recommendations focusing on ridding the industry of rogue traders and kerbside selling. These activities expose consumers to a real risk of being financially disadvantaged and drag the whole industry into disrepute.

Even one of the key players has been disappointed to discover that after all the work that was done only one recommendation was included in the bill.

Mr Kotsiras — Thirty-eight recommendations!

Mr DELAHUNTY — Yes, 38 recommendations, and the government has picked up only recommendation 16, which states:

> The inability of traders to keep only an electronic version was often raised as a concern throughout the consultation. Given the prevalence of these concerns, the dealings book requirements should be revisited, both in terms of their rationale and whether the paperwork requirements can be improved. For example, a workshop involving traders, regulators and software companies could be organised.
>
> There is no clear indication of the benefit of requiring the physical signature in the dealings book. Unless strong reasons can be provided as to why it should be maintained, this requirement should be removed.

That requirement has not been totally removed. The Nationals support anything that will reduce red tape and improve the flexibility of record keeping. Motor car traders have two options: one is the hard copy or the dealings book, as it is commonly known, which details various requirements for the sellers, the acquisition details and other details that need to be filled in. I understand that these details have to be kept for seven years, which is the same with the electronic version. From the briefing we had, I understand the dealers will still have to keep on file an invoice, a trading contract or a letter with a signature, which covers the concerns raised in the consultation and set out in the bill.

I have given a good background to the bill. Clause 3 is the crux of the bill. For all the work done it is a small bill. Clause 3 repeals section 35(4) of the Motor Car Traders Act 1986 so that motor car traders who purchase used motor cars at an auction, or at any place other than the place at which they carry on business, are covered under the general provisions in sections 35(2) and 35(8) and no longer have to insert into the dealings book a receipt containing the prescribed particulars, which is also signed by the auctioneer or the person from whom the motor car was bought or received.

Clause 4 inserts new section 82A(3) into the Motor Car Traders Act 1986 to permit motor car traders who operate from more than one premises to maintain a dealings book in an electronically readable form on a single electronic database. The member for Murray Valley might get the chance to highlight the border anomaly issue. I am sure, given the chance, he will talk for a long time on that issue.

Clause 5 inserts new sections 82AA(1A) and 82AA(1B) into the Motor Car Traders Act to enable an inspector to require production of a dealings book kept in an electronically readable form, either in a print-out or electronic format, to provide a prescribed statement verifying that the document provided is a true record of the electronic dealings book at the date of the statement.

With all the work done it is still a small bill, but overall The Nationals believe the bill is a small step forward to address concerns of consumers relating to the trading of motor cars and stepping into the e-business age. This government has a long way to go to address the many concerns raised.

I finish off by saying that this city-centric Labor government has a great history and a growing history of using the motor industry as a milking cow. Whether it is parking levies for people who come into the city, whether it is speed camera fines, whether it is registration on vehicles for pensioners, health care cardholders and some veterans — they love taxing the motor car owner and taxing the pants off them. This is a small step forward. The Nationals are not opposed to the bill but wish it would move faster than the car they are driving on the other side of the chamber.

Mr TREZISE (Geelong) — I am very happy to support this legislation. Despite all its rhetoric and repetition, it is good to see that the Liberal Party recognises good legislation when it reads it. I am also pleased to see that The Nationals are supporting the bill tonight.

This bill is further evidence of the Bracks government's commitment not only to Victorian consumers but also to small business in Victoria, and in this instance we are referring to motor car traders. I think it would be accurate to state — and perhaps the member for Murray Valley can help me here — that the vast majority of motor car traders in Victoria would be classed as small businesses. This is important, because this bill will take a step in the right direction in freeing motor car traders from some of the bureaucracy involved in running their businesses. In turn, of course, it provides more time for getting on with the job of progressing their businesses, making a living and making a profit. While freeing up traders from the reporting requirements, the government has not lost sight of the importance of ensuring that consumers are still well protected and are not adversely affected by any of the proposed changes in the legislation before us tonight.

As has been mentioned by a number of speakers, the genesis of this bill is the very extensive work done and the report produced by the Honourable Noel Pullen in another place. Knowing the honourable member as I do, it comes as no surprise that he undertook that important job, carried out his work very extensively and produced a report recommending a number of commonsense initiatives. It has the support of the major stakeholders, including the motor car traders, the Royal Automobile Club of Victoria, the Victorian Automobile Chamber of Commerce, Victoria Police and VicRoads, and the list goes on. So I congratulate the member for Higinbotham Province for his extensive work throughout 2004.

In March 2004 the member for Higinbotham Province was asked by the Minister for Consumer Affairs to carry out further work after his report was tabled. He spoke to organisations such as VicRoads, Victoria Police and the State Revenue Office to go through some of their concerns. As part of his work in ensuring that all interested parties were given an opportunity for input, he consulted widely across metropolitan, regional and country Victoria. He organised focus groups and conducted meetings in Preston, Frankston, Ringwood, Geelong, Bendigo, Traralgon and Warrnambool, and the list goes on. He also met with numerous organisations and importantly spoke to individual traders and consumers, and he has their full support. The purpose of the review was to examine the legislation and identify any weaknesses in the way it currently works. This bill picks up on a number of important issues raised by the member for Higinbotham Province. It is also important to note the work of the Minister for Consumer Affairs.

The essence of the bill before us tonight is about making it easier for motor car traders to comply with their record-keeping requirements under the motor car licensing scheme. In achieving this goal we have in no way lost sight of the interests of consumers, which have not been compromised at all by this legislation. This is important in both fact and perception, because with all due respect to motor car traders — and with all due respect to the member for Murray Valley — they do not enjoy the best of reputations in the community. I suppose I can safely say that, whether it is correct or not, as politicians we are probably in the same boat!

The bill makes the requirements motor car traders must meet less onerous through a number of initiatives. These include providing that a motor car trader does not need to have the signature of the person from whom the vehicle was acquired in their dealings book if they have the name, address and signature of the person on some other type of readily accessible documentation which can be linked in the prescribed manner to the transaction recorded in the dealings book. The bill allows a dealer to keep their dealings book in an electronic form, therefore taking the motor car traders industry well and truly into the 21st century — although I daresay the vast majority of motor car traders in Victoria already have an electronic form of recording. It also frees them up from the requirement to keep records at each of the particular premises from which they trade. Traders using electronic records can operate from one database.

These initiatives provide the opportunity for traders to more directly run their businesses through e-commerce. In doing that the paperwork and administration requirements will be made easier and far more flexible. This is a real advantage for those traders who conduct their businesses away from their own dealerships. Where traders are conducting their businesses away from their premises — at, say, one of the auction houses — they will no longer have to have signatures entered into their dealings books. That is a major initiative that will free them up in running their businesses. Motor car traders no longer have to duplicate the signature requirements where they work from electronic books. Currently a trader who is working with e-commerce still has to have a signature in the dealings book, and they have to have a hard copy of that book together with their electronic copy. Under this legislation the duplication requirement will also be deleted.

In introducing initiatives such as these it is important to ensure that consumers and the wider community are well and truly protected, and this legislation protects consumers. It is also important to note that it deals with concerns about particular dealers and investigations into stolen cars. That can be done through Victoria Police or Consumer Affairs Victoria, which will also have access to records of the dealings of motor car traders, and under the legislation motor car traders must provide those records as requested. This is good legislation. It has the support of the house, and I wish it a speedy passage.

Mr COOPER (Mornington) — Opposition members support this legislation, and in doing so we recognise the importance of the motor car industry, and particularly motor car traders, to the economy of Victoria. There are a great many of them spread around the state, and despite what the member for Geelong said, the vast majority carry out their businesses in a very legitimate and honest way. It is a shame that there are some fringe dwellers in the motor car industry who give it a bad reputation. Some of them are not just fringe dwellers but people who carry out blatantly illegal activities and, of course, the industry cops the flak for that. We can understand how that reputation arises, but I think motor car traders in this state have an unfair reputation. I know from a personal point of view that the motor car traders in my electorate, particularly those who trade in new vehicles, are all decent, honest people who carry out their businesses in a fine way and depend very much on repeat business.

In an area like the Mornington Peninsula they very much depend on personal recommendations, and if they do something shonky, or if anybody else in the industry does anything shonky, the ripples in the pond from the stone that is thrown in such circumstances rebound very badly against them. But as a result of their personal ethics they carry out their businesses in a fine way. As I said, I have dealt with most of them over many years, and I have a very high regard for them and for the way in which they carry out their business.

It is not an easy business to be in, because there are a lot of people doing extraordinary things with motor vehicles. As a result, honest traders are caught — and caught quite regularly, even with some of the increased controls that have been introduced in recent years. I know that is happening right now, because last Friday night I attended the launch of the new Mitsubishi 380 vehicle at Mornington Mitsubishi, whose proprietor told me how he had been caught by a trade-in of a four-wheel-drive that clearly had been rebirthed. He had gone through all of the control systems but unfortunately ended up with the car. He is stuck with it; he cannot sell it. It should not have been sold but he has been stuck with the vehicle. The honest traders, when they get caught in that way, do not try to pass the bad deal on to some other poor, unsuspecting person. They bear it and end up having to trash the vehicle.

That brought home to me the importance of the investigation that was carried out by the Drugs and Crime Prevention Committee of this Parliament in 2002 with its inquiry into motor vehicle theft. I was part of that committee, which made a series of recommendations to the government and to this Parliament on the issue of motor vehicle theft, in particular with regard to the rebirthing of vehicles — a plague that is affecting not just this state but the entire country and which is costing not only the community

and insurers a lot of money but motor vehicle traders as well.

I have here a few pages from that final report, and I think it is worthwhile to make comments for the record. It has been put on the record before, but what needs to be put back on the record is what goes on in the motor vehicle industry not just in Victoria but in Australia in regard to the theft of vehicles and the costs that are incurred by Victoria, by the nation and in particular by motor vehicle traders. The house should remember that the report was done in 2002, so some of the statistics I will quote would by now be out of date, but I suggest to the house that the numbers I will quote would be now significantly worse, because I do not think we have got on top of this.

In the background to the inquiry section of the report, the committee said:

> In 2000–01 there were 37 308 motor vehicles stolen across Victoria. This figure revealed a dramatic increase of 32.8 per cent in recorded motor vehicle thefts in Victoria between 1998–99 and 2000–01.

The report goes on to say that:

> In January 2002 the national motor vehicle theft reduction council estimated that thieves were laundering up to $7 million worth of stolen cars through the registration system in Australia every month.

That is, $7 million worth of stolen cars were being laundered through the system every month. That is a staggering figure, and whilst I acknowledge and want everybody to understand that this situation applies across Australia, Victoria certainly has its share of that theft and laundering system.

The report then goes on to say that:

> Motor vehicle theft is a national problem that demands cooperation between the different state and territory authorities. For example, without a national exchange of registration information there is little chance of identifying a vehicle that has been stolen in one state and re-registered in another. This chance is further diminished if police information resources are not shared between different jurisdictions.

The report, under its heading 'Costs to motor vehicle traders', produced some interesting information. A couple of examples are:

> Motor vehicle theft costs licensed traders significant amounts of money. There have been increasing reports of professional motor vehicle thieves targeting motor vehicle traders and going to considerable lengths to secure the desired motor vehicle.
>
> …
>
> Traders of second-hand vehicles are also at risk of unknowingly purchasing and reselling a car that may be stolen. In the event that such a case is discovered, motor vehicle traders may be forced to compensate the consumer to whom the vehicle was sold.

This details the dangers to motor vehicle traders and the necessity for their systems to be up to date and for the support forces from government, and particularly from police and licensing authorities, to be at the very highest possible level. The net result of us not focusing on and not dealing with these issues, and of not being aware that we need to constantly upgrade our support for the industry and against motor vehicle theft, is that the viability of those traders that are caught and have to compensate consumers — and/or be left with a dodgy vehicle that cannot and should not be on-sold — is then put in grave jeopardy, and they can go out of business. When they go out of business it is not just the trader that goes out of business, the people who are employed by that trader go out of business as well.

When that happens in small country towns, really there is nowhere else for those people to go. If a motor dealer is caught in some way and goes out of business in a small country town, those employees have to leave that town to try to find other employment. That of course diminishes the viability of the town and immediately places those communities in jeopardy, so it is an important issue. It is not an issue that simply hovers around metropolitan Melbourne or its outer metropolitan ring, or the bigger regional cities in the state. It is an issue that affects virtually every town throughout this state — therefore it is one that this Parliament, this government, VicRoads and Victoria Police need to concentrate on quite heavily.

I reiterate that the opposition supports this legislation. We encourage the government in the strongest possible way to once again have a look at the report into motor vehicle theft by the Drugs and Crime Prevention Committee. The government needs to look at the recommendations made and revisit them again. It needs to have a serious look at the issues that were investigated and reported on by that committee. The recommendations were excellent. It is a bit of a shame that in the years since 2002 they have not been implemented by the government. However, I encourage it to revisit them again and do something to support this industry in the strongest possible way.

Ms OVERINGTON (Ballarat West) — I too am pleased to speak on the Motor Car Traders and Fair Trading Acts (Amendment) Bill 2005. The amendments to the Motor Car Traders Act came from extensive consultations undertaken by Mr Pullen, a member for Higinbotham Province in another place.

The consultation process began after a motor car traders forum in 2004 which was attended by representatives from the Victorian Automobile Chamber of Commerce, the Australian Automobile Dealers Association, the Motor Car Traders Guarantee Fund, the claims committee, the Royal Automobile Club of Victoria, VicRoads, Victoria Police and others interested in the motor industry. This was followed by eight focus group meetings across the state, and the member for Higinbotham meeting with numerous stakeholders and individuals.

This consultation shows that the Bracks government is committed to ensuring that the motor industry grows whilst still protecting the rights of consumers. The bill implements the recommendation from Mr Pullen's report. This recommendation came from concerns raised by the industry on the dealings book, which the current act requires motor car traders to keep. This book contains certain particulars for each acquisition and disposal, which are specified in the regulations. The industry felt that the dealings book was terribly outdated, given that most traders now use electronic record keeping and most of the information required to be kept is also recorded by VicRoads — for example, registration, engine number and so on.

Whilst the act allows traders to keep a dealings book in electronic form, they still have to print a copy onto paper, which must then be signed and proscribed. Thus this bill will make it easier for motor car traders to comply with their record-keeping requirements, by providing that motor car traders do not need to have the signature of the person from whom the vehicle was acquired in their dealings book if they have the name, address and signature on another document.

This bill will enable traders to keep their dealings book in a purely electronic form and allow traders who operate from more than one premises to maintain an electronic dealings book on one database. I congratulate the Bracks government for responding to the industry, and I congratulate the Honourable Noel Pullen on his report, recommendations and hard work. I commend the bill to the house.

Mrs POWELL (Shepparton) — The Nationals will not be opposing this bill. In fact, we believe it has a commonsense purpose, which is to amend the Motor Car Traders Act to facilitate the use of an electronic dealings book, to simplify record-keeping requirements and evidentiary procedures. The bill also amends the Fair Trading Act 1999 to clarify the orders a court can make under that act.

I also congratulate a member for Higinbotham, the Honourable Noel Pullen, because he has done a good job with his report. He has met with a lot of people around Victoria and has certainly looked into the operation of the Motor Car Traders Act 1986. But like other members, I wonder why it has taken almost 12 months when this report was presented to the then Minister for Consumer Affairs, Mr John Lenders, in December 2004.

The Pullen report talks about the complex nature of the motor industry and the delicate balance between overregulation and adequate consumer protection. Mr Pullen advises that because of that fine balance between protecting the consumer and making sure that the motor industry is not overregulated and therefore put out of business, there needs to be more consultation and more research done. I certainly agree with that. I know that the traders in Shepparton are keen to work with the Victorian Automobile Chamber of Commerce and with Consumer Affairs Victoria to make sure that the rest of the recommendations that have not been picked up in this bill can be — —

Ms Overington — More work has to be done.

Mrs POWELL — Yes. They can be looked at because the motor traders are wanting to do the right thing and are looking forward to having some consultation with the minister, with the VACC and CAV to make sure the rest of the recommendations are dealt with fairly.

I met with the Shepparton car dealers group. They said they were concerned about some of the raids that happened at Shepparton in September 2004. I spoke to the Honourable Noel Pullen and asked him also to meet with the Shepparton traders group because it wanted to put its concerns to him. Mr Pullen actually did meet with the group's members in Melbourne. I know that the traders were quite pleased about that and said they received a good hearing. They were able to explain to Mr Pullen the issues surrounding the Motor Car Traders Act and their compliance with that act.

They particularly wanted to mention their concerns about the dealings book or the police book, as it used to be called many years ago, and which is now outdated; it serves no genuine purpose. Everything is done electronically now. The world has moved on. Most people are putting their data on computers, and the information that is needed in the dealers book is now found electronically. Most of the dealers were complying with that.

Also nobody really knew who the signature that was required to be in the dealers book in relation to a trade-in belonged to. It could have been somebody who was dropping off the car for the trade-in, or it could have been the wife, the secretary or one of the children, so there was no verification of the person who signed the book. It is good that the bill removes that requirement and as long as there is a signature saying it is either on the acquisition, the disposal paper or the invoice, that will now be accepted. That is a good outcome.

One of the concerns of the group was the perception in the media about the raid that happened in Shepparton. I will read from the *Shepparton News* of 15 September. An article headed 'Rogue traders on hit-list during blitz' says:

> Consumer affairs inspectors have begun a week-long crackdown on rogue traders in Shepparton.
>
> …
>
> More than 30 inspectors are conducting the raids, searching for legitimate businesses trading outside the law.
>
> …
>
> Most of the offences relate to dealer books which record the details of every transaction.
>
> …
>
> There are a lot of breaches where there is missing information, and in some cases no records at all.

When I met with the traders they were concerned that the perception is now out there in the community about rogue dealers. Unlike the member for Geelong, I am not critical of motor traders. In fact my husband and I have been dealing with the motor industry for a very long time. We have an auto electrical business and deal with many of the traders we are talking about. These car dealers are well-established businesses. They have been around for a long time and are respected in the community. I think it is a sad day when some information left out of a book that is obviously obsolete could lead to a court case.

Some of the issues the traders raised were with some of the inspectors that came into Shepparton. One particular business had four inspectors come in. One of the inspectors showed identification and said who she was. The lady that showed the identification then said, 'The other three characters are with me'. This was against the Motor Car Traders Act. The inspectors are meant to show identification and that was not done. Many of the inspectors were good and fair but some of them went a bit over the top. They did not show identification. The concern of some of the dealers was that they came in, went through the businesses while there were customers there and really went over the top. That needs to be looked at because Consumer Affairs Victoria needs to be working with these dealers to make sure that they comply with the act and not go in there, boots and all.

Some of the traders have been in business for 20 years and said they have never had an inspection of their dealings book. The police have not been in to inspect and neither have the inspectors. So I think that we need to be fair about what these books are used for. The dealers themselves say that they serve no purpose at the moment. Everything is electronic. If the inspectors had asked them for the information that was not in the dealings books, they could have got that information from their computers within minutes. It is not as though they were trying to be fraudulent or illegal. In fact the information was readily available at the premises. But there was not that information in the book at the time the inspectors asked for it.

I spoke to Dr David Cousins, the director of Consumer Affairs Victoria, who told me that he really believed that it was not a raid in Shepparton. I said that when 30 inspectors come in without notice I consider that a raid, and so does everybody else. No warning was given, whereas other industries were given a warning. I understand the real estate industry in Bendigo was given a warning that the inspectors were coming in. The director said that people in the motor car industry might have hidden some of the information. That is certainly not the case. There needs to be a bit more respect for the industry.

One business operator spoke to me about documents that were seized almost 12 months ago. Those documents have been given back in only the last few weeks. I believe that to be in contravention of the act. That person is now being asked to go before the court, having just got their contracts back — those documents were seized by CAV and have only just been received by the organisation.

Some traders were fined and two were prosecuted. Slingshot Suzuki in Shepparton was fined $3000 and Parker Brothers Holden, another fine business, was fined $10 000 because some information was not in the dealings book. Now we have before us a bill that says the dealings book is no longer relevant. We are going to make it obsolete, as that book is not relevant. Another business in my town of Shepparton is going before the court soon. The bill before the house provides that the dealings book is not relevant and yet CAV is going to take the organisation to the court, prosecute it and fine it. It is unfair that they are going to be summonsed.

That business has not had any correspondence from CAV. The summons was given to a staff member.

We need to look seriously at how CAV deals with the motor car industry. I acknowledge that people in the motor car industry say that some of the inspectors were very polite. They want to work with CAV and the Victorian Automobile Chamber of Commerce. I put on record my thanks to the VACC for its assistance to the dealers and myself. I thank particularly Stan Cornish, who is the local regional manager, and David Russell, the senior manager of government and public affairs.

We tried to initiate some training and information sessions between the motor car traders and CAV to assist the traders to comply with the act and develop better communication. I understand the need to protect the consumer, but all in all the information that was not there was not about a lack of protection for the consumer. The information that was not in the book was obviously obsolete. It is important that CAV work with the traders and try to get this right. A number of other recommendations will come into the house. I hope that the relationship between Consumer Affairs Victoria and the traders does get better and that the regulations that will be made will not be too onerous for motor traders.

Ms BARKER (Oakleigh) — I am very pleased to make a short contribution to the debate on the Motor Car Traders and Fair Trading Acts (Amendment) Bill. As has been said, the primary objective of the bill is to simplify record-keeping requirements for motor car traders licensed under the Motor Car Traders Act 1986. In particular, the amendments will facilitate electronic record keeping by traders.

As has been mentioned, in March 2004 the Minister for Consumer Affairs asked a member for Higinbotham in another place, Mr Noel Pullen, to conduct a series of consultations on the industry, particularly in relation to the 1986 act and the 1998 regulations. That consultation process was very extensive. I congratulate Mr Pullen on the extensive amount of work that he has put into this matter. The forum that was held in March 2004 was jointly sponsored by Consumer Affairs Victoria and a number of representatives involved in the motor car trade industry. Mr Pullen also travelled extensively throughout Victoria. Focus group meetings were held in Preston, Frankston, Ringwood, Geelong, Bendigo, Wodonga, Traralgon and Warrnambool. He also met with a range of stakeholders on an individual basis and with a number of individual consumers and traders, as well as receiving written submissions.

I listened to the member for Lowan during his contribution, when he indicated that Mr Pullen did not travel to Shepparton. I caution the member for Lowan not to criticise Mr Pullen. Not only did he do an excellent job on this, but he is also an Essendon supporter! But back to the bill.

The very extensive report prepared by Mr Pullen contains a large number of recommendations. Some of those are still being considered. Recommendation 4.1.3 relates to the inability of traders to keep only an electronic version, as was raised with him in the process of the consultation. In that recommendation he also states that there is no clear indication of the benefit of requiring a physical signature in the dealings book and that unless strong reasons can be provided as to why it should be maintained that requirement should be removed. Therefore the bill removes the requirement to keep a paper copy of an electronic dealings book and gives traders the option of maintaining the dealings book in purely electronic form.

Other clauses will ensure that the dealings book will continue to serve its purpose in facilitating investigations, should they be required, into breaches of the law. Amendments in the bill require traders to provide a printout or electronic copy of their dealings book upon request by an inspector. All paper documents must be kept at the premises to which the transaction relates.

The bill also amends section 158 of the Fair Trading Act 1999 to clarify that, where a breach of its provisions has been established, the court can make any order it considers fair and that such orders are not limited to those listed in section 158(2). That option, that the court can make any order it considers fair, is not currently available and therefore that is included in the bill. I commend the bill to the house.

Mr JASPER (Murray Valley) — In making a contribution to the debate on the legislation before the house, I indicate from the outset that my family is involved with General Motors Holden dealerships operating at Rutherglen and Corowa. However, I note that the main objective of the bill is to facilitate electronic record keeping by motor car traders. That has been dealt with by the lead speaker for the opposition and has been mentioned by a number of other speakers.

I note also the comments made by the member for Mornington in relation to the report of the Drugs and Crime Prevention Committee relating to the rebirthing of motor cars and the large number of motor vehicles stolen in the state of Victoria. I commend the

committee on that report and its important contribution to the motor industry.

I also listened carefully to the contribution of the member for Shepparton. One of the key industries operating in Shepparton is the motor industry. The member for Shepparton has done work herself and with the committee in investigating issues relating to the operation of motor vehicle dealers in that great city.

It needs to be indicated at the outset that one of the key industries in Victoria is the motor vehicle industry. It is one of our critical manufacturing industries and a huge wealth producer for the government and the state of Victoria. However, I see massive problems facing the motor industry in the state of Victoria. I do not want to go into all the issues relating to the problems facing the industry. People need to be involved in the industry to understand the great difficulties being faced. The government needs to recognise the massive income to the state government that is created by the motor industry operating in this state. On other occasions I have said that as far as the government is concerned the motor industry is really like a milking cow in the contribution it has made over a number of years.

Many references have been made to the report on the Motor Car Traders Act and consultations undertaken and led by Mr Noel Pullen in another place. I note also that the report contains 38 recommendations and that the legislation picks up but one of those recommendations. That is an indictment on the government, that all that effort has been made in producing a very good report on a number of issues, some of which I will mention in my contribution, and yet we see the government picking up but one of those recommendations. The legislation addresses that important recommendation in relation to the dealings book.

The dealings book has been an issue for motor car traders. The use of electronic systems will reduce the paperwork and the signing of the dealings book by the purchaser or a person selling a motor vehicle to a dealer or buying a motor vehicle from a licensed motor car trader. The sales docket and contract will still need to be retained by the motor vehicle dealer. The bill provides an option to use electronic systems but they must remember that they must keep for up to seven years the sales contract signed by the customer.

A number of issues were dealt with in the report, and we should be looking at and commenting on some of them. One of the issues that struck me as I read the report concerned the funding provided by the motor vehicle dealers to the Motor Car Traders Guarantee Fund (MCTGF). Many years ago, when the Motor Car Traders Act was not yet separate legislation, an annual report was produced for the motor car traders by the government. It was a very efficient organisation which worked well and was able to build up a head of funding within the guarantee fund.

However, in the report you find that the cost of operating the MCTGF through the last 12 months was over $1.4 million. If you add to that the charge by Consumer Affairs Victoria of over $554 000, the total cost of running the MCTGF was about $2 million. That is an outrageous amount of money, and I will be making representations to the government to seek information on why so much money is being spent on the operation of the MCTGF in Victoria.

I must say, Acting Speaker, that when the MCTGF was operating as a separate committee it operated much more efficiently and at less cost. Because it is now buried within Consumer Affairs Victoria I think that body must be passing a lot of costs across to the revenue generated from those who are licensed motor car traders. The claims on the fund over that 12-month period were $659 000, yet it cost $2 million to operate the MCTGF. I believe that issue needs to be addressed.

I return to some of the recommendations in the report. The Privacy Act is an issue that really needs to be addressed, because in Victoria every used car in a used-car lot for resale has to have documentation on its side window to show the details of the person who has sold that vehicle to the motor car trader. If we were to abide by the Privacy Act I believe there would be no real need for that name nor the price or details of the vehicle to be shown on the information sheet. It is worthwhile noting that for a motor vehicle dealership that operates in Rutherglen in Victoria and in Corowa in New South Wales there is no requirement under New South Wales law for the trader to list details of the previous owner on the documentation attached to the vehicle. That issue needs to be addressed by the government if it is to take into account the Privacy Act.

I turn to other issues raised. A previous speaker in the debate referred to the need for a roadworthy certificate when a car is sold at public auction. I believe that issue needs to be addressed immediately so that licensed motor vehicle dealers have a roadworthy certificate for every vehicle they sell. But at present motor vehicles sold at auction are not required to have roadworthy certificates, and they can be sold to a private individual, not into the motor trade.

Many of the vehicles are sold into the motor trade, but a private individual can purchase one of those vehicles

from an auction without the vehicle needing to have a roadworthy certificate. I believe that provision needs to be amended to make sure that if a car is sold at auction to a private purchaser, a roadworthy certificate should be provided for that motor vehicle; then the vehicle can be easily transferred into the new owner's name. That issue is picked up in the recommendations.

Another issue mentioned by the member for Mornington was the sale of written-off motor vehicles to the trade only. Action will need to be taken to make sure that those vehicles are not brought back into resale after they have been written off. Penalties for unlicensed motor car trading need to be enforced, and we need to look at people who are operating or selling more than four motor vehicles per year. They should be licensed as motor car traders.

One of the other major issues I want to mention in the short time I have is the implementation of stamp duty on the sale of motor vehicles. The rate of stamp duty in Victoria has not changed since 1979; that rate needs to be reviewed because the prices of motor vehicles has risen significantly in that period. New South Wales has stamp duty at a uniform rate of 3 per cent. When the vehicle's value is over $45 000, the duty rate goes to 5 per cent, but it is not retrospective. It is 3 per cent to $45 000 and 5 per cent on the value of the car over $45 000.

However, in Victoria new cars have stamp duty at 2.5 per cent up to $35 000, then 4 per cent up to $45 000 and 5 per cent for vehicles valued at over $45 000. When the rate reaches 5 per cent — that is, for a vehicle priced at more than $45 000, the duty is calculated at 5 per cent back to the start. I believe the government should review that issue immediately. It is a rip-off for the motor industry.

One issue that I think is important for those of us in the motor car trading industry is that pricing was established in 1979, which is a long time ago. There needs to be a review of that pricing structure. We find that the price of a reasonable-sized family car is $35 000 or more, and we see that that vehicle is attracting a higher rate as far as stamp duty is concerned. That situation certainly needs to be reviewed.

In closing I want to mention briefly cross-border dealings and the difficulties for motor vehicle dealers who operate on the border of Victoria and New South Wales. There are different regulations and different operations between the two states. If you shift vehicles from one state to another between dealerships, you need to shift the ownership of that vehicle from one dealings book to another, and that is causing enormous difficulties. That is not the only issue; there are many issues relating to the motor industry along the border. One issue brought up recently, which the minister has corrected, concerns the holding of motor vehicles by licensed motor car dealers in New South Wales. However, the bill before the house needs to be supported. It is a step in the right direction.

Mr HULLS (Attorney-General) — I thank everybody for their contributions to the debate and for supporting this legislation, including the members for Bulleen, Lowan, Geelong, Mornington, Ballarat West, Shepparton, Oakleigh and Murray Valley. It is great to hear the honourable member for Murray Valley talk about this issue, particularly because of his expertise in this area! The whisper around the place is that he is probably one of the wealthiest motor vehicle traders, not just in Victoria but in — —

Ms Campbell — In the world!

Mr HULLS — I have heard in the world too, actually! It is great to see that he is also supporting this bill. Everyone supports it, which is fantastic, and we all wish it a very speedy passage.

Motion agreed to.

Read second time.

Third reading

Mr HULLS (Attorney-General) — By leave, I move:

That this bill be now read a third time.

Again I thank all members who contributed to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The bill includes amendments which will each support this government's commitment to:

building friendly, confident and safe communities; and

protecting the legal rights of people through a just, responsive and accessible legal system.

The bill covers three key areas:

access to a range of covert investigative powers for the director, police integrity;

streamlined appointment of special constables; and

improved arrangements for persons to enter into instalment payment plans to pay off infringement fines through a centralised payment facility to be established in the Department of Justice.

Investigative powers

In order for Victorian communities to be safe and for people to feel confident about their safety, it is imperative that we can have confidence in the integrity and professionalism of our police. The Victorian government is committed to providing a safer Victoria and to ensuring that Victoria Police maintains the highest standards. On balance, the government is equally aware of the need to support police in carrying out a very difficult job with necessary powers, improved resources and better police numbers.

In 2004, this government enacted through the Parliament a package of major crime bills to combat organised crime and police corruption. The package was aimed at ensuring that Victorian law enforcement agencies have unprecedented powers to detect, investigate, resolve and prevent organised crime and corruption.

The first of those pieces of legislation was the Major Crime (Office of Police Integrity) Act 2004. That act established the Office of Police Integrity and provided for the director and members of staff of that office, amongst other things, to exercise a range of covert investigative powers.

As indicated when that legislation was introduced, the rationale for creating the Office of Police Integrity and providing it with powers comparable to a (standing) royal commission was to enhance the confidence of the Victorian community in the integrity of its police force. Additional anticorruption measures armed the Office of Police Integrity with more powerful investigative tools to combat corruption and tackle misconduct.

The director was granted a range of new covert powers relating to the use of:

surveillance devices;

assumed identities; and

controlled operations.

In addition, the Major Crime (Office of Police Integrity) Act 2004 established a monitoring and reporting regime for the director and his office's use of telephone interception powers. However, the director's access to that regime was dependent on the commonwealth amending its telephone interception legislation.

As this house would be aware, the commonwealth government declined to make such amendments on the basis that it considered the director's use of such powers would conflict with his role as Ombudsman in monitoring Victoria Police's use of the same powers.

I am pleased to announce that the Victorian and commonwealth governments have reached an agreement on a way through this impasse, so that the director and his office will be able to use these powers to facilitate his role in combating corruption. This bill delivers on Victoria's commitments arising from that agreement.

Interception of telecommunications

The bill transfers responsibility for monitoring police use of telephone interception powers from the Ombudsman to the special investigations monitor, who already was assigned the responsibility of monitoring the director and his office's use of such powers. This transfer addresses the commonwealth's perceived conflict of interest between the use of such powers by the director, police integrity, and the monitoring of the use of such powers by the Ombudsman.

For its part, the commonwealth government last month introduced legislation into the federal Parliament — the Telecommunications (Interception) Amendment (Stored Communications) and Other Measures Bill 2005 — including the Office of Police Integrity as an eligible authority for the purposes of the Commonwealth Telecommunications (Interception) Act 1979. The Office of Police Integrity will now be authorised for certain defined 'permitted purposes' to collect and use information by use of a telecommunications device.

Surveillance devices and controlled operations

Consistent with the transfer of monitoring Victoria Police's use of telephone intercepts to the special investigations monitor, the bill also re-assigns responsibility for overseeing police use of surveillance devices and controlled operations from the Ombudsman to the special investigations monitor. This change will vest responsibility for overseeing the use of these powers by any Victorian agency in the one office.

Assumed identities

The bill provides commonwealth security agencies with access to 'assumed identities' provided by state documentation, such as birth certificates and drivers licences. This complements the model legislation agreed to be adopted by all Australian jurisdictions in relation to law enforcement agencies, allowing security agencies to acquire and use assumed identities in order to gather intelligence for national security purposes.

Special constables

The bill streamlines the appointment of special constables in the lead-up to the Commonwealth Games.

In essence, special constables are police members from other jurisdictions who will be appointed to assist in ceremonial duties such as accompanying the Queen's baton relay around Australia. The bill will also enable special constables to be appointed to assist Victoria Police, if necessary, to protect against potential terrorist threats to the Commonwealth Games. This matter was raised at the last Australasian Police Ministers Council meeting. Members of the council agreed to make appropriate changes to the legislation in their own jurisdictions, as identified by Victoria, to facilitate such appointments.

These amendments will support the government's major crime and terrorism package, as developed last year in a range of complementary legislation. That package implemented model laws developed as part of a national initiative to tackle cross-border criminal activity. The capacity to quickly appoint special constables and thus obtain cross-border assistance in the event of an urgent situation will add to Victoria's security capacity and safety of the community.

Instalment payment plans

The last element of the bill relates to infringement payment plans.

A longstanding criticism of the current system has been that people cannot pay a fine by instalment when they first receive it. Often people will wait until the matter has defaulted to the PERIN (penalty enforcement by registration of infringement notice) court, where instalment plans are available. By this stage, additional fees have attached to the fine.

The bill provides that an agency must offer instalment payment plans to people where there is financial hardship. It also establishes the powers and mechanisms for the Department of Justice to offer agencies a centralised facility for managing instalment plans, which agencies can choose to use, or establish their own facility. In the past agencies have not been able to justify the cost of setting up separate information technology systems to manage instalment payment plans.

The eligibility criteria for instalment plans will include people on a commonwealth benefit or who have a health care card, and these criteria will be prescribed by regulation. The bill also proposes a general provision for people whose circumstances warrant consideration. For example, people in financial difficulty who are not on a benefit could make a case to the issuing agency to pay outstanding fines by instalment.

I propose to introduce a further bill to this house, to be passed in autumn 2006, to provide for a new infringements system for Victoria from 1 July 2006. The changes will make the system fairer by improving the protection of the community's rights and provide capacity for the vulnerable (e.g., those with an intellectual or mental disability) to have their infringement notices withdrawn. That bill will also provide for an enhanced enforcement regime to deal with the small proportion of those who repeatedly incur fines and ignore them, thereby accruing large debts to the state.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Wednesday, 2 November.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr BATCHELOR (Minister for Transport).

CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This government is working hard to reduce family violence. Around this time last year, I introduced the Magistrates' Court (Family Violence) Bill to Parliament. That bill brought some significant improvements to the way our justice system deals with family violence, including the introduction of the specialist family violence division of the Magistrates' Court at Heidelberg and Ballarat, and court-ordered counselling for men who use violence towards family members.

This year, the government announced a commitment of $35.1 million over four years to reform family violence services in Victoria and deliver a new approach to the problem. The Victorian Law Reform Commission's final report on the Crimes (Family Violence) Act 1987 and the philosophy that underpins our approach to family violence is also due in December 2005.

The Victorian Law Reform Commission's final report will be a crucial guide to our approach to family violence in the future. In the meantime, there is an immediate effective change that can be made to improve the protection of Victorians from family violence. This bill provides for that change by introducing a new holding power for police in family violence situations.

The Victorian Law Reform Commission's interim report on this matter was tabled in Parliament on 15 September 2005. Its recommendations form the basis of this bill. The police holding power in the bill is designed to bridge a current gap in protection that exists in the legal and police response to family violence. The gap lies between the time when police attend a family violence incident and the time when the police are able to provide the next step in protection either by service of an intervention order or execution of a warrant, and by putting other practical measures for protection in place.

The bill allows police, after they attend a family violence incident, to direct the person who has allegedly used violence to remain, or go to and remain, at a place stated by the police member. The holding power will be available when police intend to seek an intervention order on behalf of the aggrieved family member and they also believe, on reasonable grounds, that it is necessary to ensure the protection of the aggrieved family member or their property.

The holding power will keep the aggrieved family member safe while the police seek an intervention order for them and serve it upon the defendant, or obtain and execute a warrant upon them. The holding power will also allow other measures for protection to be put in place such as changes to locks, a mobile phone or the relocation of family members to a safer place, if that is what they choose. This will also, in some circumstances, reduce the need for non-violent family members to leave the family home.

If a person fails to comply with the initial direction, police will have the power to apprehend and detain the person. Escape from this detention may result in a charge for escape from lawful detention, as is provided for under section 49E of the Summary Offences Act 1966.

The holding power is important for the safety of people who have been exposed to family violence, but it is also a civil form of detention without criminal charge. Therefore, the bill has some protections for the rights of people who are held under the power such as:

police must notify people held under the power of the consequences that may flow if they fail to comply;

police will not be able to interview and question people held under the power;

the holding power will not prevent the court from hearing from the defendant on the intervention order complaint;

the person held will have the usual rights of communication with a friend, relative or legal practitioner while detained; and

the holding power can only be exercised for a maximum of 6 hours, or 10 hours in exceptional circumstances after application to a court.

Currently, certain classes of people held in detention or interviewed by police are afforded access to particular third persons. People who identify themselves as Aboriginal or Torres Strait Islander are allowed access to a community justice panel representative. People who have a cognitive impairment are granted access to an independent third person, which may be a friend, relative or trained independent third person. This is currently provided by administrative arrangement and will be provided in the same manner where these

people are detained under the new family violence holding power.

Last year Victoria Police introduced the code of practice for the investigation of family violence, showing its commitment to providing the most effective response to family violence. I would like to take this opportunity to commend Victoria Police for its efforts. The police holding power in this bill is another step this government is taking in its determination to protect people from family violence and hold those responsible to account.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Wednesday, 2 November.

TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

This bill provides for a series of mainly technical amendments to transport legislation to facilitate the smooth operation of road transport and public transport in Victoria.

Engine-reading devices

Under the Road Safety Act 1986, police and VicRoads officers are able to use equipment to download data recorded on a heavy vehicle's engine management system to determine whether the act or the regulations made under the act are being complied with. This information can assist in determining whether speed-limiting devices which are required to be carried on heavy vehicles are working effectively or have been tampered with and is therefore very important to improving road safety.

The bill allows for regulations to be made prescribing this equipment and the process by which it is operated, and provides that when a prescribed engine-reading device is operated in the prescribed manner it must be presumed, in the absence of evidence to the contrary, that the data produced by the device is a true representation of the data contained in the heavy vehicle's engine management system.

The bill also provides that if a member of the police force or a VicRoads officer reasonably suspects, on the basis of information derived from a prescribed engine-reading device which is operated in the prescribed manner, that the vehicle does not comply with the Road Safety Act 1986 or regulations made under that act, he or she may issue a warning or vehicle defect notice, impose conditions on the use of the vehicle or prohibit the use of the vehicle. The present requirement that non-compliance be 'discovered' before these actions can be taken sets too high a standard where the officer is relying on data produced by an engine-reading device. While the officer will be able to infer that a speed-limiting device is not operating effectively or has been tampered with from readings produced by an engine-reading device, he or she will not be able to pinpoint the precise cause of the problem or precisely how the speed-limiting device has been tampered with.

Public transport ticketing

One of the key objectives of the bill is to amend the Transport Act 1983 to improve legislative support for public transport ticketing systems and the enforcement of ticketing obligations. It is essential that we implement measures to help minimise fare evasion which continues to be a significant problem in Victoria. Fare evasion rates on trams and trains are particularly troubling and overall it is estimated that there is at least $50 million each year in lost revenue due to this activity. This money could be far better spent on service improvements rather than on subsidising those who use public transport for free and at the expense of paying customers and taxpayers generally.

Clear, fair and robust legislation is an important factor in minimising fare evasion. The current provisions have not been reviewed holistically since at least the early 1980s. Some changes have been made over the years, including when automated fare collection (the current Metcard system) was introduced in the mid-1990s. However, the changes were not extensive and Victorian law compares poorly with laws that apply in other major jurisdictions in Australia and overseas.

Court challenges have also been a feature in recent years. Two Supreme Court cases, *Mounsey v. Lafayette* (2002) and *Arachichi v. Orlowski* (2003), in particular, underlined the difficulty of applying old legislation to an automated multimodal ticket system. Clearly, more contemporary and secure legislative support is needed. This is important not just for current ticketing systems such as Metcard but especially for the smartcard ticketing system being developed by the Transport

Ticketing Authority. The new system is due for introduction across Victoria in 2007.

The government considers that the required changes are largely technical. Substantive and widespread change is not required to meet current obligations for people to have a valid ticket when using public transport. However, it is necessary to align the provisions so that they better match current and emerging ticketing technology and practice. It is also necessary to emphasise the primary obligation of passengers to hold a valid ticket when on board public transport vehicles and when on premises where tickets are required. Overall, Victoria's new law will bring us into line with other relevant jurisdictions and improve on their approach.

It is proposed that most provisions be included in regulations as part of providing a more coherent structure for ticketing requirements. A primary purpose of the bill is to establish clear heads of power to enable these regulations to be made. I expect the regulations to be available shortly after passage of the bill.

Enforcement

The current law requires that authorised officers must be employed or engaged by the Department of Infrastructure or by a passenger transport company or a bus company which is accredited for the purpose. The Department of Infrastructure, the Bus Association Victoria and MetLink wish to develop appropriate compliance strategies for buses to reduce fare evasion and improve safety. To facilitate this, the bill amends the Transport Act to enable the Bus Association Victoria to be accredited for enforcement purposes and to be able to employ authorised officers.

The bill will also amend the Transport Act to put beyond doubt that officers employed by one passenger transport company or bus company can enforce the law in connection with the operations of another. To facilitate more tailored enforcement activities, the bill will also provide for limited authorisations for authorised officers where these are necessary such as on V/Line passenger services.

Concerns also exist about current Transport Act requirements for verification of name and address in relation to transport offences. The requirements can lead to the provision of inadequate name and address information and are difficult for authorised officers to apply in practice. It is necessary to strengthen existing requirements to give greater certainty to the quality of name and address information provided by offenders. This will help to minimise the numbers of failed infringement notices which occur due to the provision of false names and addresses.

The Transport Act currently includes a number of offences that relate to authorised officers such as providing false and misleading information to an officer, impersonating an officer, offering a bribe to an officer and assaulting an officer. The offences are in need of revision. There are currently, for example, four false information provisions in the Transport Act when only one provision is necessary. The opportunity has been taken in the bill to update the offences in line with recent developments in similar offences in other comparable legislative regimes.

Other public transport amendments

The bill also makes miscellaneous amendments to the Transport Act, the Public Transport Competition Act 1995 and the Rail Corporations Act 1996 to ensure the smooth, safe and efficient operation of public transport, including to:

improve and clarify the powers of the director of public transport including in relation to removing trees, indemnities and guarantees and trademarks;

introduce additional criteria for the approval of non-metropolitan hire car licences;

improve the inquiry power of the director of public transport safety in relation to accredited bus operators;

extend the requirement to hold a service contract for regular passenger services to include demand responsive bus services;

ensure that the 'no smoking' signage requirements on public transport property are imposed on the persons who have the necessary control of the property;

improve regulation-making powers generally, including to enable the development of better parking controls in railway station car parks to allow these facilities to be more widely used by genuine commuters; and

allow for the change of name of the Spencer Street Station Authority to the Southern Cross Station Authority.

I commend the bill to the house.

Debate adjourned on motion of Mr PLOWMAN (Benambra).

Debate adjourned until Wednesday, 2 November.

GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

That this bill be now read a second time.

The main purpose of the bill is to amend the Gambling Regulation Act 2003, the Gambling Regulation (Further Amendment) Act 2004 and the Casino Control Act 1991 to enhance the regulatory role of the Victorian Commission for Gambling Regulation.

It is now almost two years since the Gambling Regulation Act 2003 commenced. That act introduced a comprehensive package of reforms in relation to the regulation of gambling in Victoria, including the establishment of the Victorian Commission for Gambling Regulation. The reforms introduced by that act reflected the government's desire to promote responsible gambling and to retain a stringent regulatory structure for the gambling industry.

The bill that is currently before the house will further improve the regulatory role of the Victorian Commission for Gambling Regulation and demonstrates the government's ongoing commitment to achieving the objectives of the Gambling Regulation Act 2003.

The bill includes a number of provisions that will enhance the regulatory role of the commission and improve its administrative procedures. For example, the bill will:

enable the commission to attach conditions to an approval to amend a gaming venue operator's licence so that conditions can be attached to an approval to vary the number of gaming machines in the venue, to add or remove a venue from a venue operator's licence, or to vary the gaming machine area of an approved venue — at present only an application to vary the days or dates when 24-hour gaming is permitted can be made subject to conditions;

enable the commission to refuse an application for a trade promotion lottery if it is of the opinion that the conduct of the lottery is offensive or contrary to the public interest;

enable a bingo centre operator's licence that is subject to a valid application for renewal to remain in force until such time as the application has been determined by the commission;

clarify the requirements for the effective service of documents; and

consolidate the notification requirements applying to gaming industry employees.

The bill also ensures that the commission can adequately monitor declared community and charitable organisations to ensure that they remain entitled to that status. The Gambling Regulation Act 2003 enables a declared community and charitable organisation to undertake community and charitable gaming. It is important that the commission has the power to seek information from declared organisations and to undertake investigations in relation to them to ensure that only organisations that are entitled to that status remain declared. This is important to ensuring the integrity of charitable and community gaming.

The Gambling Regulation Act 2003 requires a venue operator to pay gaming machine winnings by cheque where the winnings are in excess of $2000. The bill will improve the effectiveness of this problem gambling measure by prohibiting cheques for the payment of gaming machines winnings to be made payable to cash.

The bill also amends the Gambling Regulation (Further Amendment) Act 2004 to enable a commercial raffle organiser's licence that is subject to a valid application for renewal to remain in force until such time as the application has been determined by the commission. This amendment will provide consistency with the new renewal process for a bingo centre operator's licence once licensing of commercial raffle organisers commences.

In addition, the bill amends the Casino Control Act 1991:

to streamline the process for the approval of games for play in a casino;

to ensure that information about those games is readily accessible on the casino's web site; and

to remove job descriptions from the list of information that a casino operator is required to provide as part of its system of internal controls and accounting procedures that must be approved by the commission.

The proposals in the bill will benefit the community generally by improving the regulation of gambling by the commission and by improving the effectiveness of the government's responsible gambling measures.

I commend the bill to the house.

Debate adjourned on motion of Mr SMITH (Bass).

Debate adjourned until Wednesday, 2 November.

Remaining business postponed on motion of Mr PANDAZOPOULOS (Minister for Gaming).

ADJOURNMENT

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

That the house do now adjourn.

Police: numbers

Mr WELLS (Scoresby) — I raise a matter with the Minister for Police and Emergency Services regarding police shortages. The action I seek is an explanation of where all these additional police are being located, because it is certainly not on the front line.

The Bracks government promised 600 extra police at the last election, and it is my understanding that the net increase is sitting on around 461 at the moment. We have to remember a few things. The Bracks government promised 24-hour police stations at Rowville, Endeavour Hills, Belgrave, Bellarine, Kilmore and Gisborne, but they are barely running for 16 hours because they are desperately short of police.

We only have to look at the press clippings of the last few weeks. Under photos of closed police stations the *Shepparton News* has the headline 'So, why are these cop shops shut?'. Recently an article in the *Hastings Leader* on the critical shortage of police had the headline 'Our cop shop blues', and in the same paper there was an article entitled 'Cops under the pump'. We have a clear situation where the government has promised a number of things, but we need to know where the police are actually located. When I speak to senior police there is a certain amount of frustration expressed that police officers are being used in administration and so-called special task forces but are not focused on the front line, as promised by the Bracks government.

I am also concerned at the lack of police in the Western District, particularly in Camperdown, Cobden, Terang, Skipton, Lismore, Timboon and Port Campbell. Police say they have had to reduce the number of officers on the night shift, so that instead of having three or four on nights they have had to cut the number back to two. In Hastings the normal staffing is 32 officers spread across two shifts on a seven-day roster. The current staffing at Hastings is down to three police at times. Hastings has more than 100 counter and telephone inquiries on a daily basis. The area that is covered includes Baxter, Somerville and Bittern. Six officers are on long-term leave, while others are on annual and sick leave, back-to-work programs, secondments and courses.

This situation is getting worse. I call on the Bracks government, and especially the Minister for Police and Emergency Services, to explain or set out a plan that can be produced to the Parliament that shows where the 461 police are that he has committed to the front line. It is okay to say we have had a net increase in police, but they are not on the front line, and we expect an explanation.

Gordon Institute of TAFE: diploma course

Mr TREZISE (Geelong) — I raise an issue for action with the Minister for Education and Training, a good minister who has delivered much for my electorate of Geelong and for electorates across Victoria. The issue I raise concerns the cancellation of a course at the Gordon Institute of TAFE in Geelong. It was recently announced that from 2007 the diploma of professional writing and editing will cease to be conducted at the institute. This is a two-year course, and at the present time a number of students are near the completion of their first year.

I can readily see the concerns current students raise about their future and about completing the second year through 2006. In allaying their fears the institute has publicly reassured the students who are halfway through that the course will be offered in 2006. However, students are concerned that sufficient teachers will not be allocated to enable the successful completion of the course. The action I seek is for the minister to seek assurances that the diploma of professional writing and editing is fully and effectively delivered in 2006 at the Gordon TAFE.

In raising this issue I know that there are always two sides to every story. From the TAFE perspective market research has shown that industry is seeking skills other than those that come out of the professional writing diploma course. It is important to note that the course will be replaced with an advanced diploma of business/public relations in 2007. I appreciate the importance of giving skills to people to enable them to maximise their chances of getting a job while at the

same time satisfying the requirements of industry and employment.

It is important that, through tertiary education, we are providing students both young and mature with the best possible opportunities for employment by running courses that maximise their outcomes. In this particular instance I understand the concerns of the Gordon TAFE students who are so reliant on completing their course in 2006. They are saying that they do not just want lip service paid to the diploma throughout 2006. They want assurances that the course will be fully serviced with appropriate hours and face-to-face teacher delivery. This is an important issue, and I seek the minister's attention to this matter.

Motor vehicles: registration notices

Mr RYAN (Leader of The Nationals) — I wish to raise an issue for the attention of the Minister for Transport on behalf of a constituent, Barry Phillips of Leongatha. I seek the minister's assistance in addressing an issue which Mr Phillips has brought to my attention concerning VicRoads, and particularly the first and final reminder notices sent out by VicRoads for the registration of motor vehicles. Mr Phillips initially wrote to me in May this year and said, amongst other things:

> I am writing to you in the hope that you may be able to help me change a VicRoads policy, which the current state government endorses.
>
> The problem being that VicRoads issue 'Renewal reminder notices' some 12 days after the expiry date of the original renewal notice …

His letter continues:

> In my case, this had caused me to be illegally driving my car for some 12 days, without being registered, insured or covered for third party. The police could have also charged me. This is simply not acceptable for the people of Victoria.

Mr Phillips goes on to say that if this situation continues under the current policy, then there is the prospect that people might be completely innocent of the fact they are driving a motor car when it is unregistered and uninsured. In his initial letter to me he enclosed the final reminder notice that he received from VicRoads, which bears a date of 25 March 2004. It did not reach Mr Phillips until 2 April 2004, and in fact confirms the fact that his renewal registration was due on 22 March 2004.

As Mr Phillips quite rightly indicates, he was in the unenviable position of never having received the original renewal notice, and then the reminder notice came well after the event at a point in time when he had been driving his car unregistered and uninsured for 12 days. Quite rightly, Mr Phillips wants this addressed, and so it is that I raise this issue for the attention of the Minister for Transport.

This issue has been dealt with in other jurisdictions. For example, in Western Australia drivers receive notification that their registration is going to expire about six weeks before the date of expiry. They do not receive a reminder notice. However, the Western Australian drivers also have available to them a grace period of about 15 days after the expiry of the registration — —

The ACTING SPEAKER (Mr Nardella) — Order! I ask the member what action he requests of the minister.

Mr RYAN — Similarly in South Australia, they address the problems raised by Mr Phillips. I think Mr Phillips wants a solution to this on the basis that the minister should address it — that is, that we have a different renewal period appropriate in Victoria and/or that we have a grace period introduced under legislation — —

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

Footscray Community Arts Centre: funding

Mr MILDENHALL (Footscray) — I raise a matter for the attention of the Minister for Victorian Communities. I seek funding for a $30 000 grant to enable the development of an arts and cultural development plan for Footscray Community Arts Centre. The centre has a reputation as a national leader in community engagement in the arts and has spawned such initiatives as the Women's Circus and SCRAYP — the school community regional arts youth program.

I have previously alerted this house to the centre's being kicked in the guts last year by the Howard government. Two-thirds of its recurrent funding was cut despite the centre's implementing all the recommendations of a Howard-government-forced review of its operations. We have such a caring federal government!

While the Prime Minister was parading around the unfamiliar surroundings of Whitten Oval wearing a Bulldogs scarf, he was simultaneously cutting the guts out of the Footscray Community Arts Centre after having just closed the migrant resource centre and then finally attempting to double the size of the notorious Maribyrnong detention centre. When it became clear

the centre faced closure, the Howard government reinstated another one-third of the funding for a year but has indicated the original draconian cut will stand in future years.

Faced with this uncertain future the Footscray centre has joined with the Maribyrnong City Council and Victoria University to form the Maribyrnong Cultural Roundtable. The round table is seeking funding to assist in the preparation of a strategy for a sustainable future for the arts in the local community, taking into account the reduced funding from the Howard government, a potentially greater role for the municipal council and Victoria University, the long-awaited Bracks government funded theatre development at the Footscray Community Arts Centre site, and the possibility of a rationalisation and better integration of current efforts.

The centre occupies a key site within the Footscray Transit City precinct and funding would help develop a vision for the role of the arts in the project. It is certainly my hope that out of the outrageous attack on the arts in the community by the Howard government we might see a new future for the arts as a vital component in the future of this community.

Planning: enforcement provisions

Mr BAILLIEU (Hawthorn) — I raise a matter for the Minister for Planning to do with the enforcement provisions of the Planning and Environment Act, and I specifically ask the minister to take steps to ensure that offences under sections 126 and 127 of that act are considered summary offences and not indictable offences under the Crimes Act.

I note that in 2000 the Planning and Environment Act was amended to increase the maximum penalty under section 126 to 1200 units, which is the equivalent of $120 000. It may well have been inadvertent but the increase in those penalties made them comparable under the Sentencing Act to a level 5 penalty, and as such they became indictable offences. With that came obligations in regard to investigations under the Crimes Act, and those obligations therefore applied. These ran to issues of the gathering of evidence, rights of the accused, interviews and the like.

This interpretation arose in August of this year in the Magistrates Court when a defendant was successful in arguing that the council investigation was not consistent with the provisions of the Crimes Act, and the case was dismissed. That has thrown into question the enforcement procedures and penalties for the Planning and Environment Act and the offences that might be committed under that act. Council planning officers are not trained as investigators or evidence gatherers and certainly are not consistent with the Crimes Act, and councils are not in a position to fund such activity.

The matter has been raised with the minister by councils and the Municipal Association of Victoria and also with a number of government members of Parliament, but there has been no response from the government or ministers, and that is putting at risk future prosecutions. It is discouraging enforcement, it is opening the door for breaches of the act and it is undermining the authority of council planners

Legal advice I have seen suggests that an alternative interpretation is legally possible, but even that advice recommends caution. The minister cannot sit on his hands on this matter. It has been raised in good faith by councils and the MAV, and the minister must act. He must move to ensure that summary offence provisions, not criminal act provisions, are applied, and he must make the appropriate public announcement now so that we have a starting date on any necessary subsequent amendments.

Multicultural affairs: migration expo

Mr LIM (Clayton) — I raise a matter for the attention of the Minister for Employment and Youth Affairs. I ask her to write to the federal Minister for Immigration and Multicultural and Indigenous Affairs urging the federal government to support another migration expo in 2006. The first ever migration expo in Victoria has been a huge success with more than 5000 people attending. I understand that people travelled from across the state to attend the expo, with others coming from Sydney, Brisbane, Canberra and Tasmania, thus demonstrating the need for this type of event on an annual basis.

This expo is a great initiative that will encourage skilled migrants to consider Victoria as their home. Such events will help us to ensure that we can showcase what Victoria has to offer and what a great place it is to live, work and raise a family. Not only that, this expo links Victorian employers with potential skilled migrants and by doing this Victorian business has access to highly skilled workers which can assist in addressing the shortage of skilled labour currently faced by some sectors. It is well known in this state that we are short of engineers, dentists, refrigeration mechanics, general practitioners, fitters, boilermakers, welders and ambulance paramedics — just to mention a few.

It would appear that the demand for such an expo was clear from the beginning, queues having formed well

before it opened at 9.30 a.m. Attendees included international students about to complete their studies, travellers and newly arrived migrants from countries such as Pakistan and India, who came to learn how they could apply to live and work in Victoria as skilled migrants.

The expo has confirmed that the Bracks government's $3 million Regional Migration Incentive Fund, which attracts skilled and business migrants to regional areas in the state, is proving popular. It is pleasing to note that organisations that have partnered the RMIF exhibited at the expo on behalf of their local employers and reported extremely encouraging feedback. For example, the coordinator of Wangaratta's RMIF strategy, Wendy Mitchell, said she had been overwhelmed by the level of interest in rural Victoria. She even added that 'the calibre of delegates at the expo was so good that we were able to match several people with existing job opportunities' — that was straightaway — 'in Wangaratta'.

The state government has a significant stake in this migration expo. I therefore urge the minister to approach the federal immigration minister accordingly.

The ACTING SPEAKER (Mr Nardella) — Order! I have listened to the contribution of the honourable member for Clayton to the adjournment debate. Under a ruling made by the Speaker:

> Matters raised during the adjournment debate must relate to Victorian government administration. It is in order, therefore, to ask a minister to raise an issue at the federal level which relates specifically to Victorian government administration. However, it is not in order to request a state minister to lobby or to refer matters to federal ministers which are not within the state minister's direct responsibility.

I therefore rule that matter out of order.

Minister for Major Projects: performance

Ms ASHER (Brighton) — The issue I have is with the Minister for Major Projects in the other place, and the action I am requiring of him is to stop wasting taxpayers money on spin and actually complete a major project on time and on budget. The challenge for this minister is whether he can be the first of all three major projects ministers to complete a project on time and on budget. I particularly refer the house's attention to a media release from the Minister for Major Projects on 20 September 2005 under the heading 'New infrastructure magazine launched'. The release says:

> The Minister for Major Projects, John Lenders, has launched a new magazine to inform the construction industry about infrastructure projects across Victoria.

It strikes me that what the Minister for Major Projects should actually be doing is launching a project, not launching a magazine about the projects that are yet to be completed. The release goes on to say:

> The government is taking the focus away from trophy projects …

I understand why the government is taking the focus away from so-called trophy projects: it is because every single project is late or over budget or both.

I obtained a copy of the magazine which the minister launched instead of launching a project. It is called *Building One Victoria*, and on the front cover there is a reference to the 'splendour' of Spencer Street station. It is truly splendid! The project was meant to have opened on 27 April this year. It is late and has been the subject of a number of complaints from the private sector over the government's management of public-private partnerships.

Another project mentioned in this pamphlet is the new convention centre. That is two years late, according to cabinet documents. There is mention of the Flinders Street overpass, but that project is a year late. I notice there is also a reference to the new-look showgrounds and to that $108 million project being on track. It may be on track, but it is over budget, having been first announced as costing $101 million. Again I urge the Minister for Major Projects to act. What he needs to do is launch projects. He does not need to launch magazines, let alone magazines that draw attention to the government's singular incapacity — through three ministers — to complete any single project either on time or on budget. The minister is fooling no-one by this, and needs to get on with the job of just delivering one major project on time and on budget.

Cranbourne: economic growth

Mr PERERA (Cranbourne) — I raise a matter for the attention of the Minister for Finance in the other place, who also has responsibility for the portfolios of major projects and WorkCover. I call upon him to take action to invite VicUrban or an equivalent organisation to look at how they can further enhance the growth of the community in Cranbourne. I understand that VicUrban, the government's sustainable urban development agency, is currently working on a range of exciting projects throughout Victoria, generating economic, social and environmental activities. For example, VicUrban could work with the City of Casey and Cranbourne Chamber of Commerce to do wonderful things such as working towards a StreetLife program for Cranbourne.

I would like to draw to the minister's attention the following facts: the Victorian government has recently announced $250 000 for the purpose-built bicycle track in Casey Fields, Cranbourne; the Bracks government committed $500 000 for other sporting ovals in Casey Fields in Cranbourne; the state government recently announced $21 million on Sladen Street road improvements; $9.5 million has been spent on the widening of Thompsons Road and other road improvements are under construction; a $6.7 million state-of-the-art police station is under construction in Cranbourne; and the local bus services have been improved. The Cranbourne Trainlink bus, which was introduced two years ago, will provide a bus service to Cranbourne East from Cranbourne station, meeting every train that arrives at the station.

However, the Village Cinema moved out of Cranbourne last year. Not very many businesses are moving into Cranbourne and a few businesses in the shopping strip have closed down recently. Cranbourne deserves better. Cranbourne has a lot to offer. Cranbourne has the largest racehorse training complex. It has a unique racetrack that offers all the three codes — thoroughbred, harness and greyhound races meet on the same day on the same facility. Above all, Cranbourne is on the way to Phillip Island, which is one of the best tourist attractions in Victoria, with the penguin parade and motorcycle grand prix. Victoria's unique Australian Garden will be officially opened to the public from early next year. This will be located in the middle of the Cranbourne Botanic Gardens. However, so far all the indicators are that there will not be a substantial business boom to Cranbourne in the near future.

I do not have a solution to recommend, but I, like many of my constituents, have a vision and determination to make Cranbourne a more attractive place for business, be it small or large. There may not be an easy solution, which is why I ask the minister to bring my request to the attention of VicUrban or an equivalent organisation to work with local community groups, the City of Casey and other local stakeholders to look at Cranbourne's potential to ascertain economic growth and to recommend a strategy to boost the economic activity in a big way in Cranbourne.

Taxis: Wangaratta advertising

Mr JASPER (Murray Valley) — I raise a matter for the urgent attention of the Minister for Transport, and in his absence, the Minister for Gaming. I refer to a directive from the Victorian Taxi Directorate that Wangaratta taxis remove the advertising on those taxis immediately. The owners received a letter about it earlier this week.

The background to this is that in 1994 the then government directed taxis to progressively remove all the advertising on taxis. Over a period of time this bore some fruit, but in more recent times, with a new government, there was a directive that this be followed through. Earlier this year there were further directives from the government that any advertising on taxis should be removed. A directive was given to the Wangaratta taxis in late July that the advertising on taxis operating within the Rural City of Wangaratta be removed immediately.

I made representations on behalf of the taxi owners, and we had a one-month moratorium on the removal of the advertising so that the issue could be further investigated as some advertising contracts were believed to be still current. It was followed by a deputation, which I introduced to the parliamentary secretary, the member for Brunswick. We met at Parliament House during August and presented a lot of information from the taxi owners and the two advertisers — Radio 3NE at Wangaratta, and Harrison and Solimo Panels. In fact what we had was a contract with Radio 3NE that had been signed in 1992 and a verbal contract for work on those taxis to be undertaken by Harrison and Solimo Panels, which was also agreed to prior to 1994.

This information was given to the taxi directorate. It undertook an investigation into this issue and wrote to the taxi owners in a letter received earlier this week that indicated that the advertising must be removed immediately. I then made further investigations, and I seek urgent action by the Minister for Transport in reviewing the information which I have here. It includes a letter dated 27 June 1994 that indicates that where there are existing contracts they should be able to remain in force. It says:

> It is intended that operators will be permitted to honour existing … contracts for the carriage of advertising boards.

I have a further a letter from the Department of Infrastructure, signed by the then director of the Victorian Taxi Directorate, Steve Stanko, saying:

> The 1994 decision allowed for formal agreements in place at that time between individual taxi operators and the advertising company to continue until the expiry of that agreement.

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

Children: safety

Mr WILSON (Narre Warren South) — I rise to seek action from the Minister for Children to ensure that the children in my electorate of Narre Warren South and more widely in the city of Casey benefit from the same child safety services as are currently available in the city of Greater Dandenong. Some 1500 young children are injured in the city of Casey each year. This is a tragic situation for many hundreds of families. As a community we need to do more to reduce the trauma that our families are suffering because of these injuries. After their first birthday many more young people are injured than suffer from significant infections, I am told.

As well as the dangers to young people in motor vehicles and in the home, other dangers lurk in the most unexpected places, including playgrounds, the beach and wherever children are unsupervised for any length of time near water. We need to acknowledge these dangers and learn how to minimise the risks involved. When a child is injured almost always the injury could have been prevented.

In 2003 some 38 children under the age of eight died as a result of injury. Almost half these deaths were the result of transport accidents, while choking and suffocation accounted for 16 per cent. About 60 per cent of the deaths were boys, and more than half were under two years old. Even more children sustained injuries serious enough to require hospital treatment. In 2003–04 more than 40 000 children aged between zero and eight were treated in Victorian hospitals for injuries, and about 1500 of them were residents of the city of Casey. Clearly child injury prevention is an important priority for us all.

One of the original SafeStart sites, the city of Greater Dandenong, produced a *Safe Smart Homes* booklet designed for and by local people. This booklet, which provides a series of easy and cheap ways to make your home safe for children, has been so successful that it is now available around Victoria and has helped save many young lives. It has been translated into four languages other than English to ensure that it is accessible to even more families in our multicultural community. The state government is proud to fund the Dandenong initiative, and once again it has distributed it to parents around the state through local libraries, local councils, maternity hospitals and community health services. Importantly these initiatives were undertaken in close consultation with the community and service providers to identify needs and innovative ways of addressing them.

I call on the Minister for Children to take action for the benefit of my constituents, especially children under the age of eight and all residents of the city of Casey.

The ACTING SPEAKER (Mr Nardella) — Order! Before I call the Minister for Gaming to respond I want to make the following point. It is important for honourable members to be as clear as possible about the action they seek a minister to undertake with regard to their state and ministerial responsibilities. As an example the honourable member for Scoresby initially asked for an explanation outlining where the extra police numbers are allocated, which was flying pretty close to the wind. Then he clarified himself at the end, saying it was about providing a plan showing where the extra police are being allocated, which is what I will allow the minister to respond to.

The Speaker has made numerous rulings, and numerous rulings have been made by previous Speakers, in regard to the adjournment debate. I refer honourable members to those rulings so that in future Acting Speakers and the Speaker are not placed in the difficult situation of having to rule matters out of order.

I call on the Minister for Gaming to respond to the honourable members for Scoresby, Geelong, Gippsland South, Footscray, Hawthorn, Brighton, Cranbourne, Murray Valley and Narre Warren South.

Responses

Mr PANDAZOPOULOS (Minister for Gaming) — A number of members raised important matters for a range of ministers. I thank them for their contributions, and I will pass those on to the relevant ministers for their appropriate reply.

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

House adjourned 10.51 p.m.