PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

6 June 2002

(extract from Book 8)

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

By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

The Ministry

Premier and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier and Minister for Health	The Hon. J. W. Thwaites, MP
Minister for Education Services and Minister for Youth Affairs	The Hon. M. M. Gould, MLC
Minister for Transport and Minister for Major Projects	The Hon. P. Batchelor, MP
Minister for Energy and Resources and Minister for Ports	The Hon. C. C. Broad, MLC
Minister for State and Regional Development, Treasurer and Minister for Innovation	The Hon. J. M. Brumby, MP
Minister for Local Government and Minister for Workcover	The Hon. R. G. Cameron, MP
Minister for Senior Victorians and Minister for Consumer Affairs	The Hon. C. M. Campbell, MP
Minister for Planning, Minister for the Arts and Minister for Women's Affairs	The Hon. M. E. Delahunty, MP
Minister for Environment and Conservation	The Hon. S. M. Garbutt, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. A. Haermeyer, MP
Minister for Agriculture and Minister for Aboriginal Affairs	The Hon. K. G. Hamilton, MP
Attorney-General, Minister for Manufacturing Industry and Minister for Racing	The Hon. R. J. Hulls, MP
Minister for Education and Training	The Hon. L. J. Kosky, MP
Minister for Finance and Minister for Industrial Relations	The Hon. J. J. J. Lenders, MP
Minister for Sport and Recreation and Minister for Commonwealth Games	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Tourism, Minister for Employment and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Housing, Minister for Community Services and Minister assisting the Premier on Community Building	The Hon. B. J. Pike, MP
Minister for Small Business and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
Parliamentary Secretary of the Cabinet	The Hon. Gavin Jennings, MLC

Legislative Council Committees

Economic Development Committee — The Honourables R. A. Best, Andrea Coote G. R. Craige, Kaye Darveniza, N. B. Lucas, J. M. McQuilten and T. C. Theophanous.

Privileges Committee — The Honourables W. R. Baxter, D. McL. Davis, C. A. Furletti, M. M. Gould and Gavin Jennings.

Standing Orders Committee — The Honourables the President, G. B. Ashman, B. W. Bishop, Gavin Jennings, Jenny Mikakos, G. D. Romanes and K. M. Smith.

Joint Committees

Drugs and Crime Prevention Committee — (*Council*): The Honourables B. C. Boardman and S. M. Nguyen. (*Assembly*): Mr Cooper, Mr Jasper, Mr Lupton, Mr Mildenhall and Mr Wynne.

Environment and Natural Resources Committee — (*Council*): The Honourables R. F. Smith and E. G. Stoney. (*Assembly*): Mr Delahunty, Ms Duncan, Mrs Fyffe, Ms Lindell and Mr Seitz.

Family and Community Development Committee — (*Council*): The Honourables E. J. Powell, G. D. Romanes and J. W. G. Ross. (*Assembly*): Mr Hardman, Mr Lim, Mr Nardella and Mrs Peulich.

House Committee — (*Council*): The Honourables the President (*ex officio*), G. B. Ashman, R. A. Best, J. M. McQuilten, Jenny Mikakos and R. F. Smith. (*Assembly*): Mr Speaker (*ex officio*), Ms Beattie, Mr Kilgour, Ms McCall, Mr Rowe, Mr Savage and Mr Stensholt.

Law Reform Committee — (*Council*): The Honourables R. H. Bowden, D. G. Hadden and P. A. Katsambanis. (*Assembly*): Mr Languiller, Ms McCall, Mr Stensholt and Mr Thompson.

Library Committee — (*Council*): The Honourables the President, E. C. Carbines, M. T. Luckins, E. J. Powell and C. A. Strong. (*Assembly*): Mr Speaker, Ms Duncan, Mr Languiller, Mrs Peulich and Mr Seitz.

Printing Committee — (*Council*): The Honourables the President, Andrea Coote, Kaye Darveniza and E. J. Powell. (*Assembly*): Mr Speaker, Ms Gillett, Mr Nardella and Mr Richardson.

Public Accounts and Estimates Committee — (*Council*): The Honourables D. McL. Davis, R. M. Hallam, G. K. Rich-Phillips and T. C. Theophanous. (*Assembly*): Ms Barker, Mr Clark, Ms Davies, Mr Holding, Mr Loney and Mrs Maddigan.

Road Safety Committee — (*Council*): The Honourables Andrew Brideson and E. C. Carbines. (*Assembly*): Mr Kilgour, Mr Langdon, Mr Plowman, Mr Spry and Mr Trezise.

Scrutiny of Acts and Regulations Committee — (*Council*): The Honourables M. A. Birrell, Jenny Mikakos, O. P. Olexander and C. A. Strong. (*Assembly*): Ms Beattie, Mr Carli, Ms Gillett, Mr Maclellan and Mr Robinson.

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Manager: Mr M. L. Bromley

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

President: The Hon. B. A. CHAMBERLAIN

Deputy President and Chairman of Committees: The Hon. B. W. BISHOP

Temporary Chairmen of Committees: The Honourables G. B. Ashman, R. A. Best, Kaye Darveniza, D. G. Hadden, Jenny Mikakos, R. F. Smith, E. G. Stoney and C. A. Strong

Leader of the Government:
The Hon. M. M. GOULD

Deputy Leader of the Government:
The Hon. GAVIN JENNINGS

Leader of the Opposition:
The Hon. BILL FORWOOD from 13 September 2001
The Hon. M. A. BIRRELL to 13 September 2001

Deputy Leader of the Opposition:
The Hon. C. A. FURLETTI from 13 September 2001
The Hon. BILL FORWOOD to 13 September 2001

Leader of the National Party:
The Hon. P. R. HALL from 20 March 2001
The Hon. R. M. HALLAM to 20 March 2001

Deputy Leader of the National Party:
The Hon. E. J. POWELL from 20 March 2001
The Hon. P. R. HALL to 20 March 2001

Member	Province	Party	Member	Province	Party
Ashman, Hon. Gerald Barry	Koonung	LP	Hall, Hon. Peter Ronald	Gippsland	NP
Atkinson, Hon. Bruce Norman	Koonung	LP	Hallam, Hon. Roger Murray	Western	NP
Baxter, Hon. William Robert	North Eastern	NP	Jennings, Hon. Gavin Wayne	Melbourne	ALP
Best, Hon. Ronald Alexander	North Western	NP	Katsambanis, Hon. Peter Argyris	Monash	LP
Birrell, Hon. Mark Alexander	East Yarra	LP	Lucas, Hon. Neil Bedford, PSM	Eumemmerring	LP
Bishop, Hon. Barry Wilfred	North Western	NP	Luckins, Hon. Maree Therese	Waverley	LP
Boardman, Hon. Blair Cameron	Chelsea	LP	McQuilten, Hon. John Martin	Ballarat	ALP
Bowden, Hon. Ronald Henry	South Eastern	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
Brideson, Hon. Andrew Ronald	Waverley	LP	Mikakos, Hon. Jenny	Jika Jika	ALP
Broad, Hon. Candy Celeste	Melbourne North	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Carbines, Hon. Elaine Cafferty	Geelong	ALP	Olexander, Hon. Andrew Phillip	Silvan	LP
Chamberlain, Hon. Bruce Anthony	Western	LP	Powell, Hon. Elizabeth Jeanette	North Eastern	NP
Coote, Hon. Andrea	Monash	LP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Cover, Hon. Ian James	Geelong	LP	Romanes, Hon. Glenyys Dorothy	Melbourne	ALP
Craige, Hon. Geoffrey Ronald	Central Highlands	LP	Ross, Hon. John William Gamaliel	Higinbotham	LP
Darveniza, Hon. Kaye	Melbourne West	ALP	Smith, Hon. Kenneth Maurice	South Eastern	LP
Davis, Hon. David McLean	East Yarra	LP	Smith, Hon. Robert Fredrick	Chelsea	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Smith, Hon. Wendy Irene	Silvan	LP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Furletti, Hon. Carlo Angelo	Templestowe	LP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hadden, Hon. Dianne Gladys	Ballarat	ALP	Thomson, Hon. Marsha Rose	Melbourne North	ALP

CONTENTS

THURSDAY, 6 JUNE 2002

APPROPRIATION (PARLIAMENT 2002/2003) BILL
Introduction and first reading 1631
Second reading 1644

HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL
Assembly's amendments 1631

QUESTIONS WITHOUT NOTICE
Commonwealth Games: MCG redevelopment 1631, 1632, 1636
Environment: greenhouse strategy 1632, 1636
E-commerce Advantage policy 1633
Electricity: wind farms 1634
Freeza program 1635
Commonwealth Games: budget 1635
Sport and recreation: facilities program 1637

Supplementary questions
Commonwealth Games: MCG redevelopment 1631, 1633, 1637
Electricity: wind farms 1634
Commonwealth Games: budget 1636

MOTIONS TO TAKE NOTE OF ANSWERS
Commonwealth Games: MCG redevelopment 1638

QUESTIONS ON NOTICE
Answers 1643

PAPER 1644

CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL
Second reading 1644

GAMING LEGISLATION (AMENDMENT) BILL
Second reading 1648

PATHOLOGY SERVICES ACCREDITATION (AMENDMENT) BILL
Second reading 1652, 1662
Third reading 1664
Remaining stages 1664

MEMBERS STATEMENTS
Queen Elizabeth II: golden jubilee 1659
Mental health: Ballarat forum 1659
Forests: box-ironbark 1659
Sport and recreation: facilities programs 1660
Mental health: promotion 1660
Bridge the Gap project 1660
Buses: Maiden Gully 1660
Brunswick Kindergarten 1661
Insurance: public liability 1661
Radio Port Phillip 1661

HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL
Assembly's amendments 1665
Committee 1665
Remaining stages 1665

TOBACCO (MISCELLANEOUS AMENDMENTS) BILL
Second reading 1665
Third reading 1680
Remaining stages 1680

ENERGY LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL
Second reading 1680
Third reading 1688
Remaining stages 1689

DOMESTIC BUILDING CONTRACTS (CONCILIATION AND DISPUTE RESOLUTION) BILL
Introduction and first reading 1689

APPROPRIATION (2002/2003) BILL
Introduction and first reading 1689

BUSINESS OF THE HOUSE
Adjournment 1689

ADJOURNMENT
Road safety: mobile phones 1689
Shepparton Retirement Villages 1689
Housing: Werribee 1690
Duck hunting: licences 1690
Greyhound racing: industry code of practice 1691
Police: skills program 1691
Budget: presentation 1691
Buses: Narre Warren South and Berwick 1692
Kew Residential Services 1692
Road safety: accident research 1693
Minister for Ports: questions on notice 1693
Member for Frankston East: conduct 1693
Responses 1694

QUESTIONS ON NOTICE

TUESDAY, 4 JUNE 2002

2187. Post compulsory education, training and employment: ministerial staff 1697
2188. Post compulsory education, training and employment: ministerial staff 1697
2733. State and regional development: rural and regional Victoria — investment opportunities 1697
2807. Health: Kingston — health services funding 1698
2892. Ports: port of Melbourne — road infrastructure 1698
2893. Ports: rail — Swanson and Victoria docks 1698
2894. Ports: rail — Swanson and Victoria docks 1699
2895. Treasurer: electronic gaming machine revenue 1699
2896. Treasurer: electronic gaming machine revenue 1699
2897. Treasurer: electronic gaming machine revenue 1699
2898. Treasurer: electronic gaming machines revenue 1700
2911. Ports: port of Melbourne — trade 1700
2915. Ports: multipurpose terminal, Victoria Dock 1700
2916. Ports: rail — Webb Dock 1701

CONTENTS

WEDNESDAY, 5 JUNE 2002

2809. Transport: Victorian Taxi Directorate — taxidriver complaints 1703
2910. Ports: rail — Swanson and Victoria docks 1710
2912. Ports: port of Melbourne — trade 1710
2914. Ports: port of Melbourne — trade 1710
2927. Transport: public transport crime — incidence 1711
2928. Transport: public transport crime — penalties 1711
2929. Transport: public transport crime — penalties 1711
2930. Transport: railway station crime — incidence 1711
2931. Transport: railway station crime — incidence 1712
2934. Transport: public transport graffiti — arrests 1712
2935. Transport: public transport graffiti — penalties 1712
2936. Transport: public transport graffiti — jail terms 1712
2937. Transport: public transport graffiti — rectification 1713
2938. Transport: public transport graffiti — penalties 1713
2944. Transport: car sound systems — arrests 1713
2945. Transport: car sound systems — penalties 1713
2946. Transport: car sound systems — jail terms 1713
2947. Transport: car sound systems — penalties 1714
2952. Transport: car engine noise — arrests 1714
2953. Transport: car engine noise — penalties 1714
2954. Transport: car engine noise — jail terms 1714
2955. Transport: car engine noise — penalties 1714

Thursday, 6 June 2002

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.02 a.m. and read the prayer.

APPROPRIATION (PARLIAMENT 2002/2003) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD (Minister for Energy and Resources).

HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL

Assembly's amendments

Returned from Assembly with message agreeing with Council's suggested amendments.

Ordered to be referred to committee.

QUESTIONS WITHOUT NOTICE

Commonwealth Games: MCG redevelopment

Hon. I. J. COVER (Geelong) — I refer to the redevelopment of the Melbourne Cricket Ground for the Commonwealth Games and ask the Minister for Commonwealth Games whether it is true that the state government is committing an additional $77 million of state taxpayers' money for the redevelopment solely to avoid the operation of commonwealth industrial relations law?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I thank the honourable member for the question and congratulate him on finally getting around to asking it. I have been waiting for this question for a number of weeks.

This morning the Premier has made the announcement about funding the Melbourne Cricket Ground (MCG) redevelopment. I am sure the opposition would acknowledge this background and prefer not to raise it, but at the end of the day this comes back to the Prime Minister being unable to control his workplace relations minister. At the eleventh hour a minister who was not involved with the project has stepped in to put conditions on it which would have made the project undeliverable. The zealot known as Tony Abbott wanted to interfere — —

Honourable members interjecting.

The PRESIDENT — Order! I am sure the house wants to hear the minister's answer.

Hon. J. M. MADDEN — At the eleventh hour Tony Abbott wanted to interfere with a project which was not his project but which involves the people's ground. The MCG is too important to the people of Victoria to allow a zealot like Tony Abbott to turn it into an industrial battleground, and that is what he wanted to do.

Hon. Bill Forwood — On a point of order, Mr President, a very specific question was asked about whether the government has committed $77 million to buy industrial peace, and the minister did not go anywhere near answering the question. I ask you to instruct him to do so.

The PRESIDENT — Order! Did the minister want to speak on the point of order?

Hon. J. M. MADDEN — No.

The PRESIDENT — Order! The question was specific and the minister has not answered it. I thought he was giving us the background and then giving us the answer. However, if the minister does not want to add anything, that is a matter for the minister.

Hon. I. J. Cover — Supplementary question, Mr President.

Hon. Bill Forwood — There is a supplementary question, Mr President. I raised a point of order.

The PRESIDENT — Order! I just ruled on the point of order.

Supplementary question

Hon. I. J. COVER (Geelong) — In light of the fact that the minister did not answer the question of whether the government is committing $77 million of taxpayers' money to avoid the operation of commonwealth industrial relations laws, I ask: is it not true that this is simply the great cost of having to meet the unrealistic and often unlawful actions of the government's union mates?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — Can I just say, as I have said on a number of occasions in answer to other questions from the Honourable Ian Cover, he is wrong. He has been wrong in the past; he is wrong today; and he will be wrong in the future. At the end of the day, Tony Abbott wanted to implement a system far beyond

the letter of the law — an interventionist approach that would have made the project undeliverable. The tenderers have said it would be undeliverable. He interfered at the eleventh hour, and our role is to ensure the project will be delivered on time and on budget.

Environment: greenhouse strategy

Hon. KAYE DARVENIZA (Melbourne West) — Can the Minister for Energy and Resources inform the house what action the Bracks government is taking to address the threat of climate change and to reduce greenhouse gas emissions in Victoria?

Hon. C. C. BROAD (Minister for Energy and Resources) — Yesterday the Bracks government released the Victorian greenhouse strategy, which provides the most comprehensive and effective greenhouse response to date of any state. It contains 59 actions across 10 areas of activity and takes the Bracks government's already substantial commitment to taking action on greenhouse to $100 million over this and the next two years. It represents the delivery of yet another key election commitment by the Bracks government and is truly a whole-of-government response to this pressing issue. It will cut Victoria's greenhouse emissions by around 7 per cent or up to 8 million tonnes by the first commitment period of the Kyoto protocol — the equivalent of removing three-quarters of the cars from Victoria's roads.

If all jurisdictions were to achieve a similar per capita level of reduction, and importantly, if the commonwealth government were to match the efforts of the states and territories, emission growth would be reduced by roughly 60 million tonnes, which would make substantial progress towards achievement of Australia's Kyoto target.

All of the actions contained in Victoria's greenhouse strategy are fully funded and have specified action timetables as well as identified implementation responsibilities. I am pleased to inform the house that the government will introduce a number of significant new initiatives as part of this strategy.

We will amend the Victorian building regulations to require all new dwellings constructed in Victoria to meet a minimum 5-star energy efficiency rating. Currently new homes built in Victoria have an average efficiency rating of just 2.2 stars. This bold Bracks government initiative will significantly improve the energy efficiency of Victorian homes and place Victoria well ahead of other states and territories.

Hon. Bill Forwood interjected.

The PRESIDENT — Order! As I said yesterday, interjections which are totally unrelated to the matter being discussed, which is the energy issue in the hands of the minister, are not permitted. I ask honourable members to keep out of that matter and allow the minister to answer.

Hon. C. C. BROAD — As I was saying, this initiative will place Victorians well ahead of other states and territories in the area of housing energy efficiency. It will reduce energy use in new homes by half and reduce Victoria's greenhouse emissions by 1.3 tonnes per household per year.

The Victorian greenhouse strategy includes a strong commitment to the development of renewable energy: $8.45 million will be provided for a renewable energy support fund to provide financial assistance for the development of small-scale renewable energy generation projects, and additional funding will be provided for partnerships with electricity retailers to promote green power from renewable resources. These are just some of the many initiatives in the Victorian greenhouse strategy. It further underpins the Bracks government's vision for Victoria as a state where sustainability is built into everything we do.

We have taken leadership on this issue in the absence of any national leadership by the commonwealth government. The Bracks government believes the Kyoto protocol should be ratified by Australia — as it was last week by the European Union and this week by Japan — as the responsible international framework for action on climate change. However, while it remains unratified by Australia the Bracks government's initiatives, such as the greenhouse strategy, continue to deliver climate protection for all Victorians.

Commonwealth Games: MCG redevelopment

Hon. I. J. COVER (Geelong) — My question is again to the Minister for Commonwealth Games. I ask whether the minister was at the meeting at 6.30 this morning — hastily convened to allow the Premier to leave for overseas tomorrow and therefore to be able to make an announcement before he leaves — at which the government's contribution to the Melbourne Cricket Ground redevelopment was increased from $45 million to $77 million?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am not aware of any meeting this morning because that decision was made yesterday.

An honourable member interjected.

Hon. J. M. MADDEN — No, the decision to fund the project was ratified yesterday. The decision was made because although we have given the Prime Minister every opportunity to control his workplace relations minister we know he is a zealot and cannot be controlled — and the Prime Minister has not been able to control him. At every stage the Prime Minister has steered away from bringing him into line so that the commonwealth could be involved in this project.

The decision to fund this project has been developed through negotiations over some time because at the eleventh hour — I will say it again and again — Tony Abbott decided to put conditions on this to turn the project into an industrial relations battleground which nobody in Victoria wants. At the end of the day we want an icon project, the Melbourne Cricket Ground (MCG), delivered on time and on budget for the people of Victoria for the Commonwealth Games. Abbott, Howard and opposition members do not care about that. Opposition members do not care! They did not deliver the southern stand, they were never going to deliver the northern stand, and they were even prepared to interfere with the delivery of the northern stand to bring it absolutely undone.

I will give a bit more background. There are three elements: the Olympic Stand, the members stand and the Ponsford Stand. To build the Ponsford Stand required $90 million, and that was negotiated 18 months ago with the federal government. In part of the forward estimates in the federal budget the federal government nominated $90 million to the project. Do you know what happened at the end of the day? The federal government was not able to deliver it! It does not want to deliver it — and do you know why? I will tell you: because it has a huge budget deficit it is trying to claw back. What is the best way to do it? Pick a state that it can have a fight with — an ideological battle with the state government — and claw back — —

Hon. G. R. Craige interjected.

Hon. J. M. MADDEN — No, it is his ideological battleground. The federal government can claw back that budget deficit that it spent making up a defence strategy that we know does not deliver and at the end of the day just buys second-hand helicopters.

Supplementary question

Hon. I. J. COVER (Geelong) — I have a supplementary question, Mr President. The minister did not answer that question. He did not tell us how the government changed the figure overnight. Given that some money is obviously now being committed to the Melbourne Cricket Ground redevelopment and that it is not budgeted for in the 2002–03 budget tabled just a few weeks ago, will this money be a formal Treasurer's advance or is the state government borrowing the money?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am happy to clarify this for the honourable member. This $77 million is — —

Honourable members interjecting.

Hon. Bill Forwood — We have the figure! It does not take long, but we have the figure.

Hon. J. M. MADDEN — I am glad you are excited about it, because we are tremendously excited about it. Unfortunately the Prime Minister is not that excited about it. The Prime Minister and his good mate Tony Abbott will not be able to put their names on that stand — the Tony Abbott–John Howard Stand — as they wanted to do with the Ponsford Stand. They have had to take their bat and ball and go home. I suggest to opposition members that if they were really committed to sport in this state they would have had a word in the ears of John Howard and Tony Abbott.

Hon. E. G. Stoney — On a point of order, Mr President, it is plain the minister is debating the time out to avoid answering the question. I ask you to direct him to the question.

The PRESIDENT — Order! The minister knows he is not allowed to debate the matter. This is a robust debate. I think the honourable member has made his point. The minister is almost finished; he might care to do so.

Hon. J. M. MADDEN — As I said, we will have to look at other aspects of the Commonwealth Games that may be placed in doubt. The funding for other elements of the Commonwealth Games may be placed in doubt.

The PRESIDENT — Time!

E-commerce Advantage policy

Hon. S. M. NGUYEN (Melbourne West) — I refer my question to the Minister for Information and Communication Technology. Can the minister inform the house of industries that are being assisted by the Bracks government's Victoria E-commerce Advantage projects?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the honourable member for his question, which I heard but I am not sure anybody else did.

Yesterday the Bracks government provided a wide range of assistance to businesses across Victoria under the Victoria E-commerce Advantage program. These are being accessed by a range of industry sectors such as agriculture, fisheries, hospitality, manufacturing, retail and the building industry as part of our exhibition projects.

Yesterday the Honourable Wendy Smith implied that nothing was being done for the building industry, but such claims could not be further from the truth. In fact, through the e-commerce exhibition projects the Bracks government has provided $50 000 to Construction ICT Victoria to trial the use of innovative e-commerce applications in the construction of the new biotechnology centre at Monash University. It will be one of the first e-commerce exhibition models of its type nationally. Other major companies involved in this project include Primavera Systems, Woods Bagot, LU Simon Builders and Boral Plasterboard. As with all exhibition projects, the result will be available for everyone in the industry to take advantage of.

Construction ICT Victoria is a not-for-profit organisation with the objectives of promoting information and communications technology (ICT) take-up and construction process change in the construction area, especially in the area of procurement and asset management. The Bracks government has assisted Construction ICT Victoria and helped it locate to the Centre for Innovation and Technology Commercialisation at 257 Collins Street. Construction ICT Victoria will undertake a series of forums with the building and construction industries, which will start late in June, to encourage the take-up of ICT. The Bracks government is also developing a case study of e-commerce applications being used in the redevelopment of the Knox shopping centre.

I have written to industry associations such as the Master Builders Association (MBA) inviting them to host e-commerce roadshows in regional Victoria. Unfortunately the master builders did not take up this offer. I hope it might in the future.

Ms Smith got it wrong again when she suggested that nothing was happening to encourage information technology in the building industry. The Bracks government is working with the MBA on e-commerce projects. It has facilitated a meeting between the MBA and the IT Skills Hub to address members' e-commerce training needs. The MBA also provided input into an e-commerce training audit that aims to provide small to medium-size enterprises with better access to e-commerce training options. The Bracks government is working to ensure that the construction industry is innovative, competitive and connected.

Electricity: wind farms

Hon. P. R. HALL (Gippsland) — Given the strong support of the Minister for Energy and Resources for wind farm developments and given the high level of concern expressed by South Gippsland residents, with at least six applications to the South Gippsland shire for monitoring towers having been submitted in the past few weeks, what efforts is the minister taking to expedite the development of planning guidelines for wind farms?

Hon. C. C. BROAD (Minister for Energy and Resources) — It is a significant part of the Victorian government's greenhouse strategy that it is serious about promoting renewable energy generation, including energy from wind farms. In relation to the planning issues that the honourable member has referred to, the government has committed itself to producing guidelines to assist with the efficient application of wind farm projects, both from the point of view of addressing concerns that might arise from local residents and of proponents wishing to put forward such projects.

Those planning guidelines are being developed by the government with input from the Victorian Sustainable Energy Authority and from the planning minister. I expect they will be with the Minister for Planning in another place shortly. I look forward to those guidelines being made available for the mutual benefit of local communities and proponents. I understand the minister is expecting to receive the guidelines shortly. I strongly support the resolution and release of those guidelines as quickly as possible.

Supplementary question

Hon. P. R. HALL (Gippsland) — In terms of developing those guidelines, is there any opportunity for public input into the development of the guidelines; and further, can the minister be more definitive in terms of a time frame? I am not sure what the word 'shortly' means. It would be helpful if a more definitive statement about time could be made.

Hon. C. C. BROAD (Minister for Energy and Resources) — I am not able to commit the Minister for Planning to a particular date, but I reiterate that it is my understanding she expects to receive the proposed guidelines very soon. In relation to the other part of the question about public consultation, my understanding is that in the development process to date there has been some limited discussion with stakeholders and it is

proposed that there will be some further targeted consultations before the draft guidelines are finalised by the government.

Freeza program

Hon. JENNY MIKAKOS (Jika Jika) — In light of the government's recent decision to increase the Freeza program funding to $8 million over four years, and for the first time ever give Freeza recurrent funding, will the Minister for Youth Affairs inform the house if the government will enhance access to the Freeza program?

Hon. M. M. GOULD (Minister for Youth Affairs) — I thank the honourable member for her question and her ongoing commitment to and interest in the Freeza program. I am happy to advise the house that after increasing the funding for the Freeza program, the Bracks government is implementing a range of initiatives to enhance the Freeza program and to expand access to it. It is quite hilarious that the opposition suggests appropriate funding for Freeza when the previous government never had recurrent funding or security for that funding. All it had was a lousy $1 million once off. Then it had to go cap in hand to see if it could get it again. It is all right for opposition members being all care and no responsibility; we know they really do not care and they are not genuine about their so-called promise and commitment to Freeza.

The Office for Youth recently advertised for Freeza providers, and applications will be received up until tomorrow. Current Freeza providers, and all 78 local government authorities, have also been sent letters inviting them to apply for Freeza funding. Where local councils do not feel able to stage a full year's program of events we are encouraging them to work in partnership with neighbouring councils. For the first time Freeza providers will also have the opportunity to use funding in a staged event other than a musical entertainment event. This will allow some of our successful Freeza committees to expand their range of events to include activities such as visual and performing arts.

The Office for Youth will also be expanding the mentoring arrangements for Freeza providers and will continue to work closely with the Push organisation to ensure the Freeza providers have all the necessary support to organise their successful events.

These innovative programs will continue to improve the services provided by the Bracks government to the young people of Victoria. The government knows the opposition does not care about young people. The government wants to ensure these young people will gain skills from their experience by organising the events.

The Bracks government's ongoing commitment was double the level of funding the opposition gave when it was in government. We will build stronger communities and deliver brighter futures for our young Victorians. We are providing new opportunities for Victoria's young people. The opposition is more concerned about finding new opponents for their leader.

Commonwealth Games: budget

Hon. BILL FORWOOD (Templestowe) — My question this morning is for the Minister for Commonwealth Games. If I heard the minister correctly in the last few seconds of his response to the supplementary question asked by Mr Cover, he indicated to the chamber that the $77 million which is going to be used for the Melbourne Cricket Ground project will come from cuts made elsewhere in the Commonwealth Games funding. Will the minister detail to the house where these cuts will be made?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am happy to clarify the comment, which related to considering other areas of the Commonwealth Games budget where we may have to scale back elements of the delivery of the Commonwealth Games. That is very important. If the federal government takes out $90 million one end, no doubt it has to come from somewhere else.

We have committed money to the Melbourne Cricket Ground (MCG) and we would be expecting the federal government to make a substantial commitment to the Commonwealth Games — as it did with the Olympic Games — because they are not just about Victoria, they are about Australia. The door will always be open to the commonwealth government to make a commitment to the Commonwealth Games and to reverse its turnaround and make good its promise of $90 million. We look forward to John Howard making a future commitment to the Commonwealth Games. The door is always open. We hope this does not symbolise John Howard and the federal government turning their backs on the Commonwealth Games. We know they turned their backs on the MCG, the people's ground, and we hope they do not turn their backs on the friendly games. That is what they are supposed to be.

John Howard holds himself up as a statesman. He runs around the Commonwealth Heads of Government Meeting as a statesman, but when it comes to the Commonwealth Games let's see if he is prepared to make that commitment. He will be swanning around

with the Australian athletes, and when he goes to Manchester he will be sitting in the front row of the swimming events with his Australian blazer on and all those pin badges on his lapel, but one pin badge will not be there. It will be the MCG's.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — The minister just said that he would be scaling back elements of the Commonwealth Games. Will he tell the house which 'elements' of the games he intends to scale back?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the honourable member's supplementary question. I will explain it again, and I will say it very slowly: $90 million dollars at this end and the equivalent of $90 million at that end. We will have to look at ways to overcome that shortfall. We will accordingly consider that across a range of areas that we will look at closely.

Hon. Philip Davis — So you will cut the swimming?

Hon. J. M. MADDEN — I have not guaranteed that that will happen, but we will have to look at it very closely to overcome the shortfall of $90 million the federal government has been unable to commit.

Honourable members interjecting.

Hon. J. M. MADDEN — You will find that the federal government can come good with $90 million, well and truly.

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

Environment: greenhouse strategy

Hon. T. C. THEOPHANOUS (Jika Jika) — My question is to the Minister for Energy and Resources. It follows on from a question on greenhouse gases. Can the minister inform the house of the benefits for regional Victoria of the new Bracks government initiatives on climate change and greenhouse gases?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for his question, and I am pleased he finally got it out. The Bracks government understands that rural and regional communities face a range of different climate change issues from urban communities and that they require different kinds of support tailored to their specific needs. We have ensured that the greenhouse strategy includes a $1 million regional partnerships program for greenhouse abatement that will build regional partnerships for greenhouse action involving, for example, local government, industry, tertiary education institutions, catchment management authorities and regional waste management groups. This approach will ensure that actions can be designed and implemented in a way that meets the specific needs, opportunities and priorities of individual regions of Victoria.

The Victorian greenhouse strategy also includes a number of other initiatives that will benefit regional Victoria. The Bracks government is delivering a specific greenhouse strategy for Victoria's agricultural sector. With funding of $3.5 million, this strategy will include a research program aimed at improving our understanding of the nature and sources of greenhouse gas emissions from agricultural activities and of the actions that can be taken to reduce those emissions.

This government is showing a vision and a plan for the future of agriculture in this strategy. A specific agricultural strategy will also focus on identifying the specific impacts of climate change on Victoria's farming sector and the steps that will be needed to assist it to adapt to the effects of climate change into the future.

The Bracks government will also be working to engage the community in greenhouse action beyond the home. The greenhouse strategy includes a community action fund, through which $2.3 million in grants will be provided on a matching basis for innovative community-based greenhouse projects. The community action fund will ensure that greenhouse gas abatement programs are consistent with the needs of differing local communities across the state. This program is a practical expression of the benefits of thinking globally and acting locally.

The Victorian greenhouse strategy is a further demonstration of the Bracks government's commitment to supporting rural and regional Victoria and growing the whole of the state. Climate change affects all Victorians and the government's actions on climate change recognise that this is a problem that must be addressed right across the state. The Bracks government will continue to deliver and govern for all Victorians, particularly on issues of greenhouse and climate protection.

Commonwealth Games: MCG redevelopment

Hon. BILL FORWOOD (Templestowe) — My question is to the Minister for Commonwealth Games. His refusal to detail to the house which elements of the

Commonwealth Games will be scaled back now leaves every sporting group associated with the games in fear of whether or not it will be affected by the savings that the government has admitted it will have to make in order to fund the $77 million. I give the minister another opportunity to let people know, but more importantly the question I ask is: when will sporting groups know whether or not they will be affected by the savings the government seeks to make?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — It is interesting to see how the opposition thinks, because it reflects the way it goes about things as opposed to the way the government goes about things. The opposition would be prepared to whip up hysteria within those sporting organisations. It will be running off now making telephone calls saying, 'Shock, horror!'. That is the difference between the government and the opposition. The government would not make cuts like that to community groups or the sports; it would not make those cuts. I will tell you now that the government will not be making cuts to sports at that level. Any costs that have to be reviewed will not be considered at that level. They may need to be considered in terms of other infrastructure works, not key infrastructure works. Other infrastructure works that might have been handy to have for the games will have to be considered very carefully. But at the end of the day — I reinforce to the opposition, the house and the community — this is a cut of $90 million from the games budget, caused by, done and delivered by the federal government, by the Prime Minister!

The Prime Minister should be held personally responsible. When he is swanning around with the jacket on and cheering those athletes in Manchester there will be a big question mark over his head. When his face appears on television in the households of Victoria and Australia, they will know that this is the mean and tricky John Howard with the same wedge politics, the divisive politics, that represent the Howard government! It will do it at every level. It will do it at a community level. It will do it to sport. It will do it at every opportunity. Mr Howard presents himself as a statesman, but at the end of the day this government knows and the opposition knows that he is mean, tricky and miserable and there is no denying it.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — Bit by bit we are getting there, because now we are down to an admission from the minister that the cuts will be made to other infrastructure associated with the games. I will give the minister the opportunity to explain to the people of Victoria which bits of the other infrastructure associated with the games he intends to cut.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I tell you what: we will look very closely at these things. I can tell the honourable member one area we will consider very quickly — first and foremost the opposition can write off any free tickets. There will be no free tickets, but if there were they certainly would not be for the opposition. You will have to get your tickets as you did for the Olympic Games!

Hon. Bill Forwood — On a point of order, Mr Deputy President, I want to know whether the minister is indicating that there will be free tickets for the government.

The DEPUTY PRESIDENT — Order! There is no point of order. I invite the minister to continue with his answer.

Hon. J. M. MADDEN — As I said, there will be no free tickets. If there were, the opposition would not be getting any! Opposition members will have to go back to their mates at Telstra so they can sit in those corporate boxes and swoon with them.

Hon. E. G. Stoney — On a point of order, Mr Deputy President, certainly there will no be free tickets — for the government, because the way it is going there will not be any games!

The DEPUTY PRESIDENT — Order! There is no point of order. I ask the minister to continue.

Hon. J. M. MADDEN — I reinforce the point that when money is taken out the government has to reconsider other options in relation to the games, and that is what the government is considering.

Sport and recreation: facilities program

Hon. G. D. ROMANES (Melbourne) — I refer my question to the Minister for Sport and Recreation. Will the minister advise the house of projects recently funded from the minor facilities category for the community facilities program?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — One of the great things about this portfolio of sport and recreation is that not only are you delivering for all Victorians on things like the Commonwealth Games at the people's ground, the Melbourne Cricket Ground (MCG), you are ensuring that sport grows the whole the state. One of the tremendous things is being able to contribute to sport at

a grassroots level, and to community facilities funding, which is very much a key for driving participation and endorsing community groups in sport across Victoria

I have announced the minor facilities funding component of the community facilities grants program. A number of interesting trends have developed throughout that program in the applications submitted, particularly by bowls, tennis, soccer, football and netball clubs. Those requests are largely about increasing participation through ensuring that the clubs have adequate lighting for their facilities. We appreciate that with the changing lifestyles of many people in the community the opportunity to engage in sport and recreation is often available later of an evening and requires lighting.

The government has ensured that substantial funding has been provided for the lighting of facilities: $13 000 for the Greenvale tennis courts; Warner Reserve training lights for soccer in the City of Boroondara, $21 000; Rosedale Recreation Reserve floodlighting in the Shire of Wellington at just over $38 000; and the Mansfield netball court upgrade and lighting in the Shire of Delatite at just over $42 000. A number of other sports such as tennis and lawn bowls will receive upgraded surfaces and funding has been provided as follows: Coburg Bowling Club in the City of Moreland for a synthetic green, $50 000; resurfacing of bowling greens in the Shire of Moira, $13 000; Hepburn Springs Golf Club watering system, $50 000; and in the Alpine Shire the Savoy Park, Myrtleford, oval upgrade, $49 000.

There have also been resurfacing projects for not only bowling greens but also netball courts. There are changing attitudes in the community where the old bitumen or en tout cas surfaces are not doing the job because they have aged, and many of the applications relate to not only upgrading of lighting but also surfaces such as Plexipave to make them more attractive, and more suitable and to reduce the level of injury of participants.

The Wonthaggi netball complex upgrade in the Shire of Bass Coast has received $50 000; the Robinvale netball court upgrade in the Rural City of Swan Hill, $50 000; and the Nullawil netball and tennis court reconstruction, $29 000.

One can see the significant contribution the state makes to strengthening communities, growing the whole of the state and governing for all, which we know is in stark contrast to the opposition. I reinforce it every time I speak: the opposition is divided and stands for nothing. Maybe the Nats stand for something — I think it is hunting, fishing and shooting — but we know the Libs stand for nothing. One thing the opposition certainly stands for, which everyone knows, is that it does not care.

MOTIONS TO TAKE NOTE OF ANSWERS

Commonwealth Games: MCG redevelopment

Hon. I. J. COVER (Geelong) — I move:

That the Council take note of the answers given by the Minister for Commonwealth Games to questions without notice asked by honourable members relating to the 2006 Commonwealth Games.

I commence by saying that we have had an extraordinary insight into the way the Labor government is preparing for the Commonwealth Games today. Clearly the government is making things up as it goes along — on the run! Talking about being on the run, I sense that the minister is about to do a runner from the chamber. No doubt the minister is leaving the chamber to be told by his advisers about what he actually said wrong in his responses to questions today. Perhaps he can be set straight on a few things because we would like to be set straight on what exactly will occur as a consequence of the government committing $77 million to the Melbourne Cricket Ground (MCG) redevelopment. That commitment in itself raises a raft of issues so far as industrial relations is concerned. I am sure my colleague the Leader of the Opposition, who is also the shadow Minister for Industrial Relations, will further those when he takes note of the answers given by the minister.

Among the responses the minister was not expecting to reveal — I do not think he was expecting to reveal it, either — was the fact that the $77 million the government is now committing to the Melbourne Cricket Ground redevelopment will lead to, in the minister's words, a scaling back of the elements associated with the Commonwealth Games or, as he later said in response to a further question from the Honourable Bill Forwood, a review of other infrastructure that might have been handy to have had for the games. He also told us that as a consequence the government would have to reconsider other options. I did not know the government was considering other options to start with, but it is now considering other options. Clearly it is making things up even so far as funding is concerned.

As I pointed out during questions I asked, clearly the government is wanting to make an announcement in relation to the MCG redevelopment and make it before

the Premier leaves for overseas tomorrow. During the course of this week it is my understanding that frantic negotiations and discussions have been going on in the government's ranks to work out exactly whether the government would contribute and how much it would contribute to the MCG redevelopment. It is my understanding that at one stage the government was going to contribute the entire $90 million — that is, rejecting the federal government offer.

The house should make no mistake: the commonwealth government offered and wanted to contribute the $90 million for the MCG redevelopment on the same basis that was used successfully in relation to other projects, such as the commonwealth money that was provided for the Alice Springs to Darwin railway. That was not good enough for the Victorian government, and it rejected the $90 million. Instead, at one stage it was considering putting in the entire $90 million itself. As late as yesterday it reconsidered — because it is one of the things that the government does — other options. It was going to be $45 million from the state government and $45 million from other sources, perhaps the Melbourne Cricket Club.

This morning we hear that it is $77 million from the government and $13 million from other sources, which I believe now to be the Melbourne Cricket Club. So far as the funding is concerned the government is making it up as it goes along without considering the consequences. The consequences did occur to the minister during one of his answers this morning, when during the last 9 seconds after a point of order called by the Honourable Graeme Stoney he threw in the remark that this might impact on other Commonwealth Games funding.

Questioned further by the Honourable Bill Forwood he told the chamber that there would be a scaling back of elements, as I have mentioned, and the government would have to look at other infrastructure that might be handy to have and reconsider other options.

A huge cloud is being thrown over preparations for the Commonwealth Games. As has been pointed out by this side of the house, the Commonwealth Games enjoy bipartisan support and we want to see them go ahead and be successful. By his own words the Minister for Commonwealth Games has caused alarm about what is going on. At the same time he said, 'Make no mistake, we will deliver the redevelopment of the Melbourne Cricket Ground and other projects associated with the games on time and on budget'. However, he does not know what he is doing with the budget because he is having to reconsider the funding not only for the MCG but also other infrastructure it might have been handy to have.

This is the 2006 Commonwealth Games we are talking about, a showcase of sport for Victoria. The government needs to get its act together rather than making things up as it goes along.

Hon. R. F. SMITH (Chelsea) — After yesterday's attack and union bashing the government is today confronted with another exercise. Bovver boy Tony Abbott wants to come to Victoria and dictate industrial relations, particularly in the construction industry. Good luck, I say. Tony Abbott is trying to apply conditions that go beyond the current industrial relations laws in this country.

Why? I would argue that his reasons are to divert attention from the shortcomings of the federal government in the control of its current budget. It wants to embarrass the Victorian government and divert attention from the deficit it has created in an era of unprecedented economic growth in this country. It is behind and in the red.

The federal government cannot afford to deliver on the $90 million it promised to this project and is creating this diversion of industrial action and union-bashing exercises to save itself that money. It should stop gambling on foreign exchange and futures betting. The attempts by Treasury and the Honourable Peter Costello to gamble with our tax dollars has cost the country billions of dollars, and it is disgraceful that more is not being made of that.

The defence department has some $800 million to gamble on futures exchanges, despite having lost about $400 million this year. What is going on? It is insanity. It has already cost the country hundreds of millions of dollars in the balls-up with the purchase of helicopters where maintenance was paid before we even got the bloody things! They were outdated before we received them. Their frames are supposedly 40 years old, yet the Howard government talks about good fiscal management. It is a joke. Hundreds of millions of dollars have gone down the drain and a stop should be put to that issue. Perhaps then other projects as well as the Melbourne Cricket Ground (MCG) will receive their promised funding.

The opposition has made many attempts to criticise the Bracks government for making arrangements to address the shortfall created by the former Kennett government. The Bracks government is allocating something in the order of $77 million and the Melbourne Cricket Club has promised $13 million to make up the $90 million.

No matter what the opposition says or does, it will not stop this project from being delivered.

I support the view of the Minister for Commonwealth Games that the project will be delivered on time and on budget in the same way the Great Southern Stand was delivered on time and on budget.

Hon. Bill Forwood — What about Federation Square?

Hon. R. F. SMITH — I will take up the interjection of the Leader of the Opposition who brings up the issue of Federation Square. I cannot believe my luck! The blow-outs in Federation Square are directly associated with the incompetence of and deals made by the former Kennett government with the Construction, Forestry, Mining and Energy Union. Its members licked their lips when that government came along!

When the union sat down at the table to negotiate its agreements with the former Liberal government it thought, 'Hello, thanks for coming'. Did it send you a taxi? It should have. Unfortunately, it got an extraordinarily good deal, which along with other incompetent decisions has made the blow-outs occur.

Honourable members interjecting.

Hon. R. F. SMITH — The blow-outs are associated directly with management. What about the 35-hour week, which the former government vigorously opposed everywhere else but delivered on Federation Square? You should ask your leader what that is, Mr Forwood — the 35-hour week — you would not have a clue! The costs associated with that are extraordinary, and it was delivered by your party.

Hon. B. C. Boardman — It was blackmail.

Hon. R. F. SMITH — Blackmail! All I can say is that the union put the claim on the table and your side delivered it. It used your federal laws to negotiate and extract from you an extraordinarily good deal, and good luck to it. The opposition should not whinge about the cost blow-outs it caused.

The MCG is a world-class venue — —

The DEPUTY PRESIDENT — Order! The honourable member's time is up.

Hon. BILL FORWOOD (Templestowe) — This is an important issue, and what we heard today from the Minister for Commonwealth Games was extraordinary in the extreme and has caused real concern. At the outset I make the point that the minister demonstrated today that he is not across his portfolio and is not capable of doing the job. What he demonstrated more than anything is that if he does not have access to the coach to tell him what to do and what to say he flounders.

As was pointed out in some detail by my colleague Mr Cover, he lurched from crisis to crisis. With each further answer he gave he dug a bigger hole for himself.

The minister dug a bigger hole for himself and then scuttled out of the chamber, hopefully to find a way of reassuring the people of Victoria about where he will find the $77 million.

Mr Cover asked him straight out: will it come from the Treasurer's advance or will it be borrowed? The minister said no, it will come from savings made from Commonwealth Games funds. I tell honourable members opposite and the people of Victoria that all that needed to be done was for this government to accept the commonwealth government's offer of $90 million. It is as simple as that. The commonwealth government offered $90 million on the basis that commonwealth officials, most appropriately from the Office of the Employment Advocate, have access to the MCG project sites to monitor compliance and investigate suspected breaches of the Workplace Relations Act, the national code of practice for the construction industry and associated guidelines.

As the Honourable Bob Smith rightly said, we debated industrial relations in this place yesterday and I put on the record the behaviour of the government in relation to the union movement, in particular the Construction, Forestry, Mining and Energy Union (CFMEU) and its behaviour towards Able demolition and constructions. I detailed the breaches admitted to by the Bracks government in relation to the National Gallery of Victoria run-through and particularly the Latrobe Valley Hospital.

The Victorian government accepted as a condition of the $90 million the application of the Workplace Relations Act and also the national code of practice for the construction industry and associated guidelines, but it would not accept giving commonwealth government officials access to the project sites.

Hon. R. F. Smith interjected.

Hon. BILL FORWOOD — I'm absolutely right. This is a simple issue. If you want the $90 million — —

Hon. R. F. Smith — We won't be blackmailed by you lot. We will deliver.

Hon. BILL FORWOOD — 'We won't be blackmailed by you lot', says ex-ACTU and AWU heavyweight, Bob Smith. There is no blackmail associated with this. It is an issue of abiding by the law of the land. I am happy for the Bracks Labor government to admit to not abiding by the law. It has already fessed up in front of the Cole royal commission that it breached the law.

I make this point very clear: the Victorian government did accept the application of the Workplace Relations Act; it did accept the application of the national code of practice and associated guidelines; but it was not prepared to allow commonwealth government officials access to the project sites. There is a simple way of solving the issue, there is a simple way of having no cuts — all it requires is for the minister to forget about his ego and put the people of Victoria and the Commonwealth Games in front of his own interests — —

Hon. R. F. Smith interjected.

Hon. BILL FORWOOD — Absolutely — and accept the commonwealth government's money. One wonders whether at the bottom of all of this is the hoary union chestnut — no ticket, no start. The government's problem is that it will not have a building site without a unionist on it.

Hon. KAYE DARVENIZA (Melbourne West) — The debate today about the answering of questions by the Minister for Commonwealth Games demonstrates that the Bracks government is putting all of Victoria and all of Australia ahead of all considerations when it comes to the Commonwealth Games.

What has been demonstrated is that the minister is across every bit of the detail about the Commonwealth Games and understands what is going on regarding the development of the Melbourne Cricket Ground and the infrastructure that needs to be available in Victoria so the Commonwealth Games take place to the pride of all Victorians and the government.

Mr Cover said the government was making things up. That is not the case. We have not been making anything up. The minister and the Honourable Bob Smith clearly spelt out today that the Bracks government is very disappointed that the Howard government — —

Hon. P. A. Katsambanis interjected.

Hon. KAYE DARVENIZA — No, we are not disappointed in the unions. We are disappointed in the Howard government and the federal Minister for Employment and Workplace Relations. Do members know why we are disappointed in them? Because they are reneging and ratting not just on previous commitments and arrangements they entered into with the government, the Premier and the minister responsible for delivering the Commonwealth Games, but on commitments they made on issues which the whole of Australia would have enjoyed, participated in and been involved in. They reneged on the deal to give the Victorian government $90 million as the federal government's contribution to the Commonwealth Games. Why have they done that? They have done it for one reason and one reason only. I do not think they honestly do not want the Commonwealth Games to be a success. I am sure they do. I am sure the minister is absolutely right. Johnny Howard and probably Tony Abbott will be there swanning around in Manchester — —

Hon. Bill Forwood interjected.

Hon. KAYE DARVENIZA — The Prime Minister will be there — —

The DEPUTY PRESIDENT — Order! I advise the honourable member to use the correct title for the Prime Minister.

Hon. KAYE DARVENIZA — I corrected that, Mr Deputy President, when it was pointed out by Mr Forwood. No doubt other members of the federal government will be in Manchester swanning around, beating their chests and making it look as though they are responsible for the Commonwealth Games, when what they have done is withdraw funds they had committed to Victoria. Why did they do it? Because they have a budget deficit. That is why they did it. They have a shortfall in their budget and are not able to meet the budget requirements which they set down for themselves and which are expected by the people of Australia, so they have tried to save themselves $90 million by ratting and reneging on the arrangements they have with Victoria for the Commonwealth Games.

The games will be a terrific asset for Victoria and will showcase Victoria to the athletes, tourists and the rest of the world. You would think that the commonwealth government would want to do what it did with the Olympic Games, and make a contribution to assist the Victorian government in ensuring it is able to deliver the best games. We will do it and deliver the project on budget and on time without.

Hon. N. B. LUCAS (Eumemmerring) — I have a deep concern as a result of what happened during question time today. I can see the headlines in the

papers tomorrow: Commonwealth Games sporting activities in doubt. That doubt has been put there by the Minister for Commonwealth Games, who in answering questions indicated to the house that elements of the games will have to be scaled back so the government can meet its commitments to fund the Melbourne Cricket Ground development because it is giving away $90 million the federal government offered for the MCG project.

That is just extraordinary, and I ask myself why is it that the government has given away this $90 million? I hear it is all over an industrial relations issue. What it is all about is the fact that this government wants to ensure that the laws of this land, in the form of the Workplace Relations Act, the national code of practice for the construction industry and the guidelines associated with that do not apply to this job for some reason. The reason it does not want them to apply to this job is so that it can look after its union mates when they do the wrong thing at the MCG. In fact the government admitted that the other day at the Cole royal commission when it said that it had inappropriately let a construction union influence who would be awarded government contracts.

I can just see when the games occur a long jumper running out his tape for his run-up at the long-jump pit and running out of space. He will say, 'Why isn't the run-up long enough?', and they will say, 'Justin Madden indicated that some elements would have to be scaled back and we could not afford the full length'! And the diver climbing up to the top of the diving board — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Mr Lucas, the correct title for the minister — —

Hon. N. B. LUCAS — Mr Deputy President, I can just see him coming down with a huge bellywhacker because the board is not high enough, to save money. They are the sorts of elements we are looking at here, to save a dollar here and there so that this minister, who has knocked back $90 million, can balance the budget.

This decision will result in sporting associations and commonwealth games officials across the country wondering just what is going to be left out. The minister said today that he would be considering options, and indicated that infrastructure works that it might have been handy to have might have to go. What are those infrastructure works that the minister is going to cut out? The mind boggles. If it is going to be the friendly games in Melbourne, we want to have a set of facilities in Melbourne that we are proud of. But now we have the minister putting in doubt the very facilities that will make these games successful. That is of concern to the general public in Melbourne and to the sporting associations involved with the games, because there is a big question mark being put by this minister over the Commonwealth Games this morning. That is a real concern.

It is for no substantial reason at all that this is happening other than that the government wants to look after its union mates — the government is not prepared to ensure that the Workplace Relations Act and the guidelines and codes for construction are complied with. What has it got to hide in relation to that?

Here we are, having the minister indicate that it is just at the 11th hour that this has all occurred. I advise him that the agreement relating to the application of the code and guidelines to Victorian building sites occurred in 1998–99, not at the 11th hour, not yesterday, but back in 1998–99 — so it is nothing new at all. The minister is now saying that that is the reason that he is not going to accept $90 million. This is a disgrace. The Commonwealth Games now have a big question mark over them and that is not good enough.

Hon. R. A. BEST (North Western) — I am happy to join the debate on this take-note motion on behalf of the National Party, because I am particularly concerned that the questions that were asked today of the Minister for Commonwealth Games have highlighted some major concerns not only for the construction of the stand at the Melbourne Cricket Ground but also for other games facilities, and infrastructure that will be provided for the Commonwealth Games.

I would like to put on the record and reinforce the commitment of the National Party to the staging of the Commonwealth Games in Melbourne. Unquestionably, we support the Commonwealth Games and Melbourne hosting those games. However, I am concerned, particularly with the answers given by the minister, that the government has made a hasty decision to reject the $90 million that has been offered by the federal government and instead plucked out a figure of $77 million which has not been budgeted for in the recent appropriations in the state budget. I am unsure, as are other honourable members, where that money will come from and the impact the decision may have on reduced infrastructure and participation and the other ramifications for the way the Commonwealth Games will be hosted.

The decision also throws into doubt the quality of these so-called 'friendly games'. Those who have been

around politics for long enough are aware that the state government is playing petty politics. The commonwealth government has allocated $90 million in its budget — it is there in the appropriations for the state government to accept — —

Hon. I. J. Cover — It is ready to go!

Hon. R. A. BEST — It is ready to go, Mr Cover. However, because the state government is so beholden to the union movement we have the potential problem that the government is plucking figures out of the air to placate its union mates.

We are all aware that the Great Southern Stand extensions were to commence in April this year. It is already June and nothing has happened. This is consistent with the government's record of dropping the ball on major projects. Not only have we been embarrassed by the fact that Federation Square is well behind its projected completion time but also we have a cost blow-out because soon after the Bracks government was elected at the end of 1999 it interfered in the planning process.

Because of the closeness of the union movement to the government and the government's inability to force the union movement to conform to the law of the land which the federal government has jurisdiction over on building sites it is well understood that building project costs in the Victorian construction industry are 20 per cent above those in other cities around Australia.

Sydney, which hosted the Olympic Games, was able to achieve its program of infrastructure provision on time and on budget. The Victorian union movement believes unions in New South Wales went soft on the government of the day. The union movement here will want to extract a price for the hosting of the Commonwealth Games and will do it by holding this government over a barrel. We only have to look at the current royal commission and the evidence being put before it to know that this government will pay any price to have peace within the construction industry.

I am particularly concerned by the comments of the minister and the way he suggests that aspects and elements of the Commonwealth Games will have to be cut back. It is particularly concerning for me in Bendigo where the Wellsford rifle range will host the shooting events. Major developments have been identified for that site and I am concerned that such developments are now threatened.

Motion agreed to.

QUESTIONS ON NOTICE

Answers

Hon. E. G. STONEY (Central Highlands) — On Tuesday I asked for an explanation to questions on notice 2842 to 2880 inclusive. On Wednesday the Leader of the House told us that the reason for the delay was that ministers were confused between some former answers on the same issue and the answers to my questions on notice. Today there is dead silence on the issue. Obviously the government is confused about the questions asked by the Honourable Peter Katsambanis on the same issue last year and the questions I have asked this year.

Following the answer yesterday I researched the differences in the two sets of questions. To assist the government because the autumn sitting is drawing to a close, the explanation of the differences between the two sets of questions is that questions from an honourable member for Monash Province related to the date, value, nature of and process of awarding contracts to Shannon's Way — not who sat on the selection panel — for the periods 20 October 1999 to 22 March 2001, and from 1 March 2001 to 30 June 2001. That is his set of questions.

My questions on notice 2842 to 2880 inclusive which appeared on notice paper 109 on 18 April 2002 relate to the method used to award contracts to Shannon's Way — for example, the tender, the selection panel and who sat on the selection panel. Details of the nature of the contract and the date of the contract were requested of necessity in order to make sense of the other information; and further, the time frame is longer — 20 October 1999 to April 2002.

Finally, the value of the contracts was requested for only those contracts dated after June 2001, which falls outside the scope of the question asked by an honourable member for Monash Province. The government has had these questions since 18 April this year; they have not been answered. It appears as if it has gone into the same black hole as the adjournment debate where every night we deal with a different minister; on my issue every day I deal with a different minister. I believe the government is flouting the rules of the house, and I ask very strongly: may I have the answer to these questions next Tuesday?

Hon. C. C. BROAD (Minister for Energy and Resources) — In response, the honourable member has written to me about a number of outstanding answers to questions on notice. In respect to those I can indicate that I will be endeavouring to respond to those

questions as soon as possible. Where I am responding on behalf of other ministers I will inquire as to their responses and endeavour to obtain responses as soon as possible also.

On the other matters the honourable member is raising, which are not those referred to in his letter to me, I can indicate that I will endeavour to obtain those responses; but as they are responses from other ministers I am not able to give a guarantee that those responses will be available next Tuesday. However, I will certainly endeavour to obtain those responses as soon as possible.

PAPER

Laid on table by Clerk:

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 29 November 2001 and 5 June 2002.

APPROPRIATION (PARLIAMENT 2002/2003) BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The bill provides appropriation authority for payments from the consolidated fund to the Parliament in respect of the 2002–03 financial year including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2001/2002) Act 2001 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2002–03 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the Presiding Officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is $77.4 million (clause 3 of the bill) for Parliament in respect of the 2002–03 financial year.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That this bill be now read a second time.

This bill embodies the major legislative reforms of the criminal justice enhancement program (CJEP). These reforms will help improve access, quality and efficiency in the criminal justice system. The bill reflects the commitment of the Bracks government to providing Victorians with a modern criminal justice system that capitalises on new technology to provide fairer and more efficient criminal justice processes.

The criminal justice enhancement program was formed within the Department of Justice early in 1999 to give effect to a range of key recommendations identified in the Project Pathfinder stage 2 report of July 1998.

During 1999 and 2000 CJEP project teams developed detailed process redesigns in a number of areas in the criminal justice system. Substantial opportunities for procedural improvements across the criminal justice system in Victoria were identified in the process redesign reports. A significant feature of the process redesigns is the development of major new information technology (IT) systems.

Recognising the benefits to be gained in the development of information technology in this area, this government funded the introduction of new IT systems in the 2001–02 budget.

In addition to the development of new IT systems, CJEP proposed a range of legislative reforms needed to give effect to CJEP's overall program. Most of the proposals sought to utilise the new IT systems in various ways. Others proposed more efficient or effective procedures.

The legislative proposals were presented in a consultation paper released in July 2001 and subject to consultation with major stakeholders across the criminal justice system. These stakeholders included Victoria Police, Corrections (both public and private), Office of Public Prosecutions, Victoria Legal Aid, the courts, the Law Institute of Victoria, the Criminal Bar Association and Victoria Legal Aid.

The result is the reforms that are embodied in the present bill. The reforms contained in this bill will improve the criminal justice system in a wide range of ways. These are:

increasing access to justice through early and progressive disclosure;

improving care of accused persons through improved means of identification and exchange of information;

streamlining processes by allowing electronic commencement of criminal proceedings and widening the authority to issue summonses;

expanding the capacity of the Magistrates Court to deliver justice in flexible ways by providing a legislative framework for diversion programs; and

improving efficiency by reforming the procedure available to the Magistrates Court when a defendant fails to appear at court.

I will now explain to the house these various reforms in more detail.

Disclosure

(i) Electronic progressive disclosure

Currently, there is no positive obligation on the prosecution to provide information to the defendant about the case against them in relation to summary offences and indictable offences being dealt with summarily. The defendant must send a form requesting the police brief, and the police will only send the information once they have the complete brief.

The bill will improve this situation by utilising the new electronic brief preparation process introduced by CJEP. The bill will enable a defendant's legal representative to be provided automatically with electronic copies of the police brief via the Internet. Such electronic disclosure will also be progressive as new matters of evidence become available in the police brief preparation process.

This new form of electronic and progressive disclosure will result in:

more timely and systematic release of evidence being provided to the defence;

improved opportunity for defence preparation, particularly for duty lawyers;

increased opportunity for resolving, narrowing or clarifying issues in dispute at an early stage;

fewer adjournments in the Magistrates Court; and

greater accountability by police for brief content, time lines on disclosure and workloads.

This new disclosure process utilises a new IT infrastructure that will be available for prosecutions initiated by Victoria Police. When other prosecuting agencies utilise this IT infrastructure, the disclosure process can be invoked to apply to them also.

Because of the importance of security of the police database, access to the new disclosure process will be limited to registered legal practitioners who have entered into a contract with the Department of Justice concerning the use of the process.

(ii) Early service of outlines of evidence

This bill provides a further improvement in disclosure processes by allowing police to serve an outline of evidence on the defendant at the time he or she is served with the charge sheet. An outline of evidence is a signed statement by the informant which describes the nature, background and consequences of the offence, and comments made by the defendant when interviewed by police, and includes a list of exhibits and witnesses.

Where a defendant is served at this early stage with an outline of evidence, they will have a much better awareness of the police case against them and will be able to make more informed decisions about how to respond to the charges. An outline of evidence will also help a defendant's legal representatives to provide more informed legal advice earlier in the proceedings. This will help to resolve, narrow or clarify the issues in dispute, thereby reducing delays and costs.

Identification and exchange of information

(i) Improved means of identification

Identification of accused persons is essential in ensuring that at various stages along the criminal justice process the correct person is being dealt with. Each time a

person is charged by police, and each time a person in custody is transferred into another authority's custody (e.g. from Victoria Police to Corrections), they must be identified. Currently, identification relies on the person being asked their name, address and date of birth.

The bill will allow police and corrections staff to take digitally recorded fingerprints, known as ' fingerscans', as an additional means of identification. Fingerscans will facilitate positive and reliable identification, and will reduce time spent securing and checking identification, to the benefit of all parties.

Appropriate safeguards in the bill include: only permitting fingerscans to be taken in circumstances where the law already permits a fingerprint to be taken; prohibiting the admission of fingerscans as evidence in court proceedings; and destroying fingerscans where the charge is not proceeded with or the person is found not guilty.

(ii) Exchange of personal information

The state has a duty of care to any person within its custody or under its supervision. Access to relevant information is essential in fulfilling that duty of care in relation to the management of an accused person. For example, a particular person may be a suicide risk. Immediate access to that sort of information will enable police and corrections authorities to take appropriate preventative action.

Currently, there is limited scope for the sharing of relevant information between Corrections and Victoria Police. The bill will remedy this by allowing the Minister for Corrections and the Chief Commissioner of Police, in their respective areas of responsibility, to authorise in writing the disclosure of certain kinds of personal information about accused persons for certain kinds of purposes. Only people who have official duties within an agency will be able to make such disclosures, and only in performance of those duties.

Electronic commencement of criminal proceedings

In order to streamline the process of commencing criminal proceedings in the Magistrates Court, the bill will permit an informant to file a charge either in hard copy with the court (which is the existing method) or by using an electronic method approved in regulations.

The defendant will still be entitled to receive a signed copy of the charge sheet.

Authority to issue summonses

Currently, a person may be compelled to attend the Magistrates Court to answer a charge either by summons or by being arrested and then either bailed or held on remand. Summonses are to be preferred as being the least intrusive means of ensuring that the defendant attends court. Currently, only court registrars and members of the police force of two years standing may issue summonses, with the police only able to do so for a limited range of offences. Because of these limitations and inefficiencies in the summons processes, it has become common practice for police to arrest and bail a person rather than apply for a summons.

The bill will allow any member of the police to issue a summons at the time of signing a charge sheet. This will save time both for police and the Magistrates Court and will help limit the use of the arrest and bail procedure to more appropriate cases.

Diversion programs

In the 2001–2002 budget, the Bracks government allocated funding of $3.2 million over three years to support the establishment of a diversion program in the Magistrates Court. Diversion has been shown to work, but the program now needs a clearer legislative framework. The bill provides that framework and gives proper recognition to the valuable place diversion proceedings have in dealing with criminal behaviour. It is part of this government's commitment to providing new ways to break the cycle of offending.

Diversion proceedings allow low-risk offenders to be diverted from the criminal justice system where greater harm may be caused by drawing the individual further into the criminal justice system.

The bill provides that where an offender acknowledges the offence and the police support diversion, the court may adjourn the proceeding to allow the offender to comply with certain conditions which form part of a diversion plan. Such conditions can include apologising to the victim, compensating the victim, receiving counselling or performing community work. The content of a diversion program is flexible and can be tailored to the particular needs and situation of the offender. The aims of diversion are to:

prevent reoffending;

assist the offender's rehabilitation;

utilise community resources for appropriate counselling or treatment; and

ensure that appropriate reparation is made to the victim and where appropriate, to have the offender apologise to the victim.

If the offender satisfactorily complies with the conditions, the court will discharge the offender without conviction. If the offender does not satisfactorily comply with the conditions, the charge will be dealt with in the normal manner.

Ex parte hearings

Under the current process, where a defendant charged with a summary offence fails to appear at court on the first listed date, the hearing may be (and often is) adjourned for an ex parte hearing — that is, a hearing in the defendant's absence. The Magistrates Court may only hear a matter ex parte if either the police have served a full brief of evidence on the defendant or the informant and other witnesses attend court and give evidence on oath. It is common for numerous adjournments to be made before the matter is finally dealt with ex parte. This process has proved cumbersome and inefficient.

The bill will reform the ex parte process by allowing the court to hear and determine the charges and sentence the defendant on the basis of an outline of evidence which has been served on the defendant.

Service of an outline of evidence was explained earlier, in the context of early disclosure of the police case. The present reform to ex parte procedure will provide for more efficient and timely disposal of ex parte criminal proceedings. The savings in police time will be considerable.

At the same time, strong safeguards will be in place to ensure that the rights of defendants are properly protected. The safeguards include:

the court must be satisfied that the outline of evidence was served on the defendant;

the outline of evidence must be signed by the informant, who will be guilty of an offence if he or she knows it to be false;

the outline of evidence will be accompanied by a warning as to what could happen if the defendant fails to attend court;

no offence likely to result in a custodial sentence or community-based order will be dealt with ex parte; and

the total fines that can be imposed in ex parte hearings will be capped at 50 penalty units ($5000), with no single fine of more than $2000;

prior convictions, other than those for traffic offences, may not be disclosed to the court;

the defendant is to be informed in writing of their sentence under the ex parte procedure and their right to apply for a rehearing;

a defendant will have an automatic right to a rehearing within 28 days of being notified of the outcome; thereafter, leave will usually be required; and

the existing rehearing and appeals processes will be preserved, including rights of appeal to the County Court.

Other reforms

In addition to these reforms based on CJEP's recommendations, the government has included in this bill further reforms to the criminal justice system. These concern:

improving access to bail justices;

improving the capacity of magistrates to order corporations to attend trial;

making more effective use of court time in relation to appeal costs; and

technical corrections relating to the Drugs, Poisons and Controlled Substances (Amendment) Act 2001.

Bail justices

The law currently provides that Magistrates Court registrars and other court staff who hold 'prescribed offices' are bail justices. However, certain acts greatly restrict the capacity of these bail justices to exercise their powers. This bill will amend the definition of 'bail justice' in those acts so as to give to registrars and other holders of prescribed offices the appropriate capacity to act as bail justices.

Section 85 statement

It is the intention of clause 18 of the bill to limit the jurisdiction of the Supreme Court.

In 1989 the function of deciding bail applications was removed from justices of the peace and given to the new office of bail justice. Bail justices are either people appointed by the Attorney-General or people who hold

certain prescribed offices in the courts, such as Magistrates Court registrars. Since 1989 prescribed office bail justices have provided a valuable bail justice service, particularly in rural and regional areas where magistrates are not always available for bail matters. That service has been provided in good faith and on the understanding that proper bail justice powers came with the office of bail justice. However, it has recently emerged that the powers of prescribed office bail justices were not as broad as was commonly thought to be the case.

Prescribed office bail justices, who performed those functions in service to the Victorian community, deserve protection. Clauses 16 and 18 of the bill ensure that acts or decisions are not invalid simply because the bail justice had not been appointed under section 120 of the Magistrates' Court Act and thereby preclude legal challenges to those acts or decisions on that ground.

Bail for corporations committed for trial

Currently, when a defendant charged with an indictable offence is committed for trial, the magistrate must remand the defendant in custody or grant bail. However, where the defendant is a corporation, such an order does not makes sense since it is an artificial entity with no physical existence. The bill will remedy this gap by allowing the magistrate to order the defendant corporation to appear at its trial and making it an offence to breach such an order.

Appeal costs

The Court of Appeal recently decided that a court could not issue an indemnity certificate under the Appeal Costs Act 1998 unless it was satisfied that appeal costs had actually been paid. Before that decision, the established practice had been that a court issued a certificate if it was satisfied that the party was eligible for a certificate. The Appeals Costs Board then had to determine whether a costs liability had been incurred. The bill will amend the act to restore the earlier practice and ensure a more efficient process and use of court time. The bill will also clarify that deemed adjournments include appeals.

Technical corrections relating to the Drugs, Poisons and Controlled Substances (Amendment) Act 2001

The Drugs, Poisons and Controlled Substances (Amendment) Act 2001 introduced new offences in relation to drug trafficking and cultivation of narcotic plants. The present bill will make technical corrections to that act's consequential amendments so as to ensure that certain drug offences remain within the scope of such regimes as the confiscation of proceeds of crime and the collection of forensic samples.

Conclusion

This important bill introduces a wide range of amendments. These changes will result in improvements to the criminal justice system from all perspectives. The bill will improve access to justice, improve the efficiency and quality of criminal processes, and improve care for the accused. The capacity of the courts to tackle the causes of crime will also be increased by this bill by providing for alternative ways of dealing with offenders.

Delays in court processes can be particularly distressing to victims of crime. This bill will help the Magistrates Court to complete criminal cases more quickly, complementing the new case management techniques already introduced in the County Court. The bill will also help police and defendants to manage cases more productively and effectively.

This bill is a key part of the government's commitment to improving services in the justice system for the Victorian community.

I commend the bill to the house.

Debate adjourned for Hon. P. A. KATSAMBANIS (Monash) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

GAMING LEGISLATION (AMENDMENT) BILL

Second reading

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That this bill be now read a second time.

The purpose of this bill is to further the government's election commitment to secure a more balanced approach to gambling and to better protect the community from the adverse effects of gambling on gaming machines.

The bill contains four groups of amendments. The first — harm minimisation measures — aims to reduce problem gambling without unduly affecting recreational gamblers. The second — probity measures — includes a suite of regulatory changes that will streamline regulatory processes. The third — the introduction of community benefit statements —

requires venues to prove they are operating as genuine clubs or lose access to lower tax rates. The fourth comprises industry specific amendments.

1. Harm minimisation measures

The bill introduces measures to reduce harm to problem gamblers.

The bill has four categories of harm minimisation amendments. The first modifies game and gaming machine design, the second restricts cash accessibility in gaming venues, the third regulates player loyalty programs and the fourth enables more stringent advertising restrictions to be introduced.

(i) Game and gaming machine design

The bill provides a number of measures to reduce the rate of spending by players of gaming machines.

The gaming machine design amendments include:

banning $100-note acceptors on machines;

prohibiting the reduction of machine spin rates below the current fastest level of 2.14 seconds;

banning autoplay facilities; and

clarifying the minister's power to set bet limits on gaming machines in approved venues and the casino — this power will be used to set the maximum bet limit at $10.

Gaming venues will be able to apply for exemptions to these machine design measures for some of their machines, but only if they meet strict new rules on player protection. Such exempted machines will not be accessible to the general public. They must be operated by a card, a PIN number or some other similar technology, and players must set a limit on the amount of time and net loss that they can incur in any 24-hour period as a condition of use of the machines.

The government will closely monitor the implementation of these machine design measures and if venues or operators are shown to be abusing the exemptions available, the government will further tighten the strict rules that apply. For example, the government will not accept operators drastically altering the distribution of their gaming machines in order to take advantage of these exemptions.

The government will continue to investigate other options for enhancing player protection. Any such options, however, will need to be assessed in terms of effectiveness, privacy and difficulties associated with implementation.

(ii) Cash accessibility

It has been widely agreed that unplanned access to funds in gaming venues is a significant contributor to problem gambling. The bill introduces a series of cash accessibility amendments:

limiting access to ATM and EFTPOS facilities at venues to $200 per transaction;

prohibiting cash withdrawals from credit accounts from ATM and EFTPOS facilities at a gaming venue;

requiring winnings or accumulated credits in excess of $2000 to be paid by cheque, with optional payment by cheque of such winnings or credits below $2000; and

prohibiting venues from cashing cheques issued by the venue (that is, the winnings cheques).

These cash accessibility restrictions will apply only to gaming venues themselves and not to the cash facilities provided in any shopping centres or complexes in which a gaming venue may be located.

(iii) Player loyalty schemes

The third category of harm minimisation amendments relating to player loyalty schemes deals with the increasing use of card technology and the emergence of databases that collect and manage consumer information on the spending and playing patterns of customers.

The providers of loyalty schemes will be required to provide participants with activity statements at least once a year.

In order to assist consumers to control their spending:

loyalty club providers will be required to provide participants with information regarding the risks associated with problem gambling;

consumers will be able to set limits on their gaming losses and the maximum time they wish to spend playing gaming machines;

loyalty club providers will be required to enable members to opt out of the scheme and providers will not be permitted to send these former members any further promotional material about the scheme;

self-excluded gamblers will be prevented from using their loyalty scheme cards; and

loyalty club members will have an ongoing right of access to information held by providers about their use of gaming machines. This will enable individuals to review their gaming behaviour, which is the first step in identifying strategies for reducing harm.

In addition to the consumer protection measures I have outlined, non-identifying data collected through the loyalty schemes will be provided to the Gambling Research Panel or other organisation as directed by the Minister for Gaming for research purposes.

(iv) Advertising restrictions

There have been several complaints about the limitations of the current advertising regulations, particularly in relation to print advertising. To strengthen these restrictions, and reduce impulse gaming, the Bracks government will enforce more stringent advertising restrictions and require modest signage.

The government has regulation-making power to regulate advertising relating to gaming. But this power is not wide enough to cover indirect advertising such as the names of gaming rooms or the use of symbols that are associated with gambling, such as neon palm trees, banners, flags or hot air balloons.

To remedy this, the bill will expand the current regulation-making power to enable regulations to be made to restrict or ban advertising and signage at venues which are generally associated with gaming. Such regulations may also specify the size and number of gaming operator logos (such as Tatts Pokies and Tabaret logos) that may be used and ban the use of signs advertising gaming rooms such as Wild Cash room, Fortunes, Easy Winnings, Lucky's et cetera on the outside of gaming venues.

Advertising restrictions will also be strengthened to restrict gaming incentives by banning all gaming-related vouchers or coupons. In particular, it is intended to prohibit venue vouchers being redeemed for cash or gaming-related purposes. The regulations will not restrict sponsorship by gaming venues or operators provided they do not explicitly promote gaming.

2. Probity measures

The bill further amends the gaming legislation to make a series of regulatory changes that will streamline regulatory processes.

(i) Casino exclusions

The bill establishes Victoria's participation in a national system of casino exclusions. In December 2000, a NSW government inquiry into the conduct of the Sydney casino licence called for a national approach to casino exclusions. In particular, the inquiry proposed that the police commissioners of all states and territories be given the power to effect the exclusion of criminals from casinos. NSW has since requested all other states and territories to legislate for the establishment of a system of reciprocity for exclusions by police commissioners.

(ii) Raffle suspensions

The bill will also help protect the community from unscrupulous raffle organisers. The Victorian Casino and Gaming Authority will be given the power to suspend a raffle, in the public interest, until it is satisfied that the raffle should continue or the raffle permit should be revoked.

The authority currently has power to revoke a declaration of a community or charitable organisation which is authorised to conduct raffles if it is not in the public interest for that organisation to continue to be declared for the purposes of the Gaming No. 2 Act 1997. The revocation can only take effect after the organisation is given at least 28 days to show cause why the declaration should not be revoked. The bill amends the act to empower the authority to suspend a declaration in the public interest pending a final decision on revocation. This power is consistent with the power in the Public Lotteries Act 2000 and enables the authority to act swiftly in circumstances where the integrity of the process to conducting a raffle has been questioned.

3. Community benefit statements

When gaming machines were originally introduced in the early 1990s, there was a clear expectation that the introduction would benefit local communities. Currently hotels with gaming machines pay a higher tax rate than clubs on the expectation that clubs return more of their earnings to the community.

The bill will require all clubs and hotels to provide an annual community benefit statement to the Victorian Casino and Gaming Authority outlining their contributions to the community. Each of these statements will be published by the authority, providing a tangible means of showing the public how and in what ways gaming machines provide a community benefit.

Clubs will be required to show that they have contributed the equivalent of the hotel tax rate back into their community. If a club fails to meet this criterion, it will be required to pay the hotel equivalent tax rate for the following calendar year.

In response to concerns raised by clubs two house amendments have been made to clause 48 to clarify the intention that non-financial contributions will be considered as being of community benefit.

The amendments enable a value to be placed on any non-financial contribution (for example, each hour of volunteer work might be valued at $20). This amount would then be counted towards the 8.33 per cent of gaming revenue required to be applied to community purposes.

In regard to the concerns raised with the Minister for Gaming about community benefit statements, I would like to assure clubs that their importance in the community is recognised.

While precise details of what constitutes a community contribution are being developed, the intention of the community benefit statement is clear. The intention is to provide the public with information on community contributions made by venues and to ensure that clubs are contributing to the community at least the equivalent of the hotel contribution to the Community Support Fund.

The community benefit statement will highlight the strong community focus of clubs.

4. Industry specific measures

The bill introduces the following industry specific amendments.

(i) Eases Tabcorp shareholder restrictions

The individual shareholder limit for Tabcorp will increase to 10 per cent and the 40 per cent non-resident (foreign) ownership restriction will be abolished. These measures are proposed as the original intention of the restrictions — to allow smaller investors to own part of the company — has been met, as these investors have now had sufficient time to buy the desired number of shares. Also, this amendment will remove an inconsistency arising under the current regulatory regime where the ownership restrictions are different for Crown Casino (and its owning company, Publishing and Broadcasting Limited) and Tabcorp.

(ii) Allows non-monetary prizes to be offered for public lotteries

The bill provides that the holder of the public lottery licence may award non-monetary prizes as jackpot prizes. To avoid any potential abuse of this provision, a lottery supplier will be required to offer winners a choice of the monetary equivalent.

Conclusion

The Bracks government is committed to gaming reform that encourages responsible gambling and prevents harm.

This bill is based on the need for balance —

the need to balance the benefits of this industry with its potential for harm;

the need to balance the rights of the individual with the responsibility to assist the vulnerable;

the need to balance the industry's drive for profits with its duty of care to its patrons.

The bill furthers the government's commitment to protect the community from the adverse effects of gaming.

These measures, with those previously implemented, present the most comprehensive package of gaming measures introduced in any jurisdiction in Australia. They will ensure that Victoria remains at the forefront of gaming reform.

And to ensure that the measures work, we will be monitoring their effectiveness and researching their impact on problem gambling.

When we came to office there were no problem gaming measures in place — we now have legislation which is among the toughest governing any gaming industry in the world.

I commend the bill to the house.

Debate adjourned on motion of Hon. ANDREW BRIDESON (Waverley).

Debate adjourned until next day.

PATHOLOGY SERVICES ACCREDITATION (AMENDMENT) BILL

Second reading

Debate resumed from 4 June; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. M. T. LUCKINS (Waverley) — The Pathology Services Accreditation (Amendment) Bill has the full support of the opposition. Opposition members have been pleased to facilitate the swift passage of the legislation to enable the Pathology Services Accreditation Board to impose limitations or restrictions on pathology services, The bill also deals with restrictions and limitations on the types of pathology testing that can be performed by pathology services in Victoria.

Clause 6 inserts proposed section 17A in the existing act, which places restrictions and limitations on accreditation. The board can grant accreditation to a pathology service and can deem a pathology service to be accredited. It also deals with the review of the performance of a pathology service. Clause 7 deals with the suspension and cancellation of an accredited pathology service if the board is of the opinion that there could be a serious risk to public health because there has been a serious breach of a limitation or restriction imposed on that accreditation. Clause 10 deals with the prohibition on the performance of certain tests by pathology services. Clause 13 outlines the penalties, which will not exceed 60 penalty units.

The bill comes about as a result of the controversy surrounding the false positives in Pap smear testing from tests conducted by General Diagnostic Laboratories which has since lost its Medicare accreditation for conducting Pap smears. The company is now being investigated by the Victorian Pathology Services Accreditation Board.

A review by the federal government is under way which is expected to result in new laws and tougher safeguards for the community. I congratulate the Victorian government for moving swiftly on this and cooperating with the federal government in this review. The areas being scrutinised in the review include the ability to identify underperforming laboratories, how they are overseen and how the process is managed in terms of limiting the potential risks to the community.

The review will look at the length of time that laboratories can operate before they receive accreditation and inspection protocols, and the strengths and weaknesses of the accreditation system is also under examination. I note that Victoria in 1984 instituted the legislation to have the board oversee services in Victoria. We are the only state that has its own regime for investigating the veracity and the validity of the tests conducted in laboratories. The other scheme is a national one, which is appropriate.

Women are encouraged to have regular Pap smears every two years. It is known that these tests can prevent 90 per cent of cervical cancers in women. Cervical screening programs have been running nationally since 1991, and since that time there has been a 40 per cent drop in deaths as a result of early detection of cell abnormalities and the ability for women to receive appropriate treatment to ensure that abnormal cells do not progress into cancerous cells.

In Victoria some 210 women are diagnosed each year with a form of cervical cancer, and in 1998, 269 women had died in Australia from cervical cancer. The tests is called the Pap test after its founder, Dr George Papanicolaou who developed a test in 1928 after observing that cell changes could be detected because their appearance changed before the onset of cervical cancer was found to show physical symptoms. The abnormalities can be identified well before the cells become cancerous.

It is important to note that women need to have the assurance and the confidence that when they are having these tests as prescribed every two years that the results are correct. Since 8 March when the story and the controversy surrounding these inadequate tests being conducted by one laboratory came into the public arena, many women have been concerned about the risk to them, and have had reason to question the validity of the medical tests they have undergone. They have done the right thing, as they have been encouraged to do, to detect any changes in their cervical cells and are concerned about the veracity of the tests.

Some women in the past have received false negatives and as a result are under the impression, and greatly relieved, that their cervix has not developed abnormal cells. They are then dismayed to find perhaps in a subsequent test that the abnormal cells should have been detected, and in some cases the result of the oversight or a false negative being provided to a woman means that she has had to undergo surgical procedures which could have been avoided had the tests been correct in the first instance.

Other women have received false positives where they have been told that they have a cervical cancer or abnormal cells when in fact they do not, and I shall refer to figures about the actual margin for error in the tests later in my contribution.

In Australia doctors have been testing for cervical cancer since the 1960s, and a Medicare rebate is available under the Health Insurance Act 1973 for tests that are carried out by an accredited pathology service. I shall go through what cervical cancer is and why Pap smear testing is so important to prevent the onset of cervical cancer if it can be detected early. Basically they are still researching the cause for it. Some factors have been identified, one being a virus called the human papilloma, called HPV. According to the Anti-Cancer Council's *Cervical Cancer — A Guide for Women, Their Families and Friends*, almost everyone is infected with this virus at some stage of their lives. In most cases, the virus resolves itself and there are no ill effects. Many women have the virus and do not show signs of abnormal cell changes. For some women having had that virus is seen as a strong link to cervical cancer.

Cervical cancer develops in stages, which is why it is important that early detection is available to women to ensure that if there are abnormal cells they are picked up early and an appropriate treatment can be made available to avoid having to have major surgical procedures for the spread of a secondary cancer later on.

Typically a Pap smear will pick up what they call atypia changes to cells, and once they are detected they can either return to normal or they will progress into a form of cervical cancer. Women who are found to have abnormal cells through Pap smears are encouraged to have another test in six months to see whether the changes have disappeared.

A more serious change in the cells is known as CIN or SIL, which are graded CIN I, II or III, which is mild, moderate or severe cervical cell changes. These conditions could develop into cancer if not treated. The other term used is carcinoma in situ, which is used to describe the same changes in cells as CIN III, which is the most severe change.

Cervical cancer can either be micro-invasive or invasive. 'Micro-invasive' means that the cells have not spread more than 5 millimetres into the tissues of the cervix. Invasive means that the cancer cells have spread deeper into the tissues of the cervix and they can spread to the lymph nodes and other tissue surrounding the cervix within the pelvis or to other nearby organs. If left undetected the results can be devastating for a woman who may find that once the cancer has spread beyond the cervix it is incurable and she may die as a consequence.

Most types of cervical cancer occur in women over the age of 40 and can occasionally develop very quickly. If diagnosed in younger women the cell changes seem to have a very quick onset and they multiply quickly. Young women in particular are encouraged to have Pap smears every two years and certainly after the age of 18. I encourage all women to do so.

After a diagnosis of abnormal cells a woman would be sent to a gynaecologist for further testing. One of the first things to be done is a procedure called a colposcopy, which gives a magnified view of the cervix, and the cells are dyed to enable any changes to be detected. If necessary a punch or target biopsy can then be taken, which is no more painful than a Pap smear. It is invasive and a little painful but not terribly daunting.

If the cells are found to be progressing and the abnormal cell changes are a cause for concern, a woman must undergo a cone biopsy, which removes an amount of tissue from the cervix. This may have consequences for a woman's fertility or her ability to carry a baby because the procedure markedly weakens the cervix and makes the chance of a miscarriage much higher.

I note that laser surgery, or cryosurgery, which is freezing, or cauterisation, which is burning, are also conducted on some women to try to destroy the abnormal cells without harming normal tissue. In extreme cases a hysterectomy may be required, particularly if the cells have spread into other tissue and surrounding organs.

After a diagnosis of cancer as opposed to one of abnormal cells the treatment can involve radiotherapy, which is usually conducted five days a week over a six-week period depending on the severity of the cancer, or a combination of radiotherapy and chemotherapy, which appears to give patients a much better chance of survival. Cervical cancer can be treated effectively if it is found early, and the vast majority of women with early cervical cancer are cured, which is encouraging. For young women in particular a diagnosis of abnormal cells or cancerous cells is of grave concern, particularly if they desire to have children. Clearly, as a result of more invasive treatments such as radiotherapy and chemotherapy, a woman may become infertile. It is important for all women to have any abnormal cells detected early.

The most important thing this bill does is ensure that when women are doing the right thing — and they are encouraged to have the test every two years — upon receiving the results they have confidence that the

results are correct and peace of mind from knowing that the laboratory has reviewed the tests to the best of its ability. A margin for error exists in the testing for cervical cancer. Precancerous cells are not picked up in around 20 per cent of cases and cancerous cells are missed in about 5 per cent of cases. The reasons for this are that cells may be taken from part of the cervix where no abnormal cells exist. The doctor's skills in picking the right place from which to take a sample and ensuring that the slide provided to the lab is in good condition and readable also come into play. In 2001 there were 277 000 Medicare-rebated Pap smears and in 1999 some 48 Victorian women died from cervical cancer.

As I said earlier, the Pathology Services Accreditation Board was established in Victoria in 1984 and the commonwealth established the National Association of Testing Authorities (NATA) around the same time. The bill is before us because the failure of General Diagnostic Laboratories to pick up on some very serious conditions through their own laboratory has resulted in loopholes being uncovered in the legislation. This bill seeks to rectify that situation and give the Pathology Services Accreditation Board greater power in restricting and limiting the services provided by a pathology company in this state.

It is important that the review being conducted at the moment has a national focus. I am sure any recommendations made by the review will be implemented in Victoria. The government can anticipate that the opposition will fully support anything that results in a much greater review of pathology services and their standards in the state.

In December last year the Medicare accreditation for General Diagnostic Laboratories (GDL) was withdrawn. In March this year the public became aware why that accreditation was withdrawn. Between December and March 4500 women were retested after it was found that some of the test results from that company were suspect. GDL serviced around 1000 general practitioners in Victoria. The National Association of Testing Authorities (NATA) examined cervical psychology slides tested by GDL and found that the service had missed several serious medical conditions that were quite obvious on some of the slides.

NATA stipulated that 6000 smears or the equivalent of four months of tests by the company be reviewed for each of the two years where poor performance was identified. In March this year 14 000 letters were sent to women whose Pap smears were tested by GDL, urging them to have new tests. The Victorian Cervical Cytology registry provided the contact details for these women. The registry has been maintained for the last 12 years and routinely sends reminder letters to women encouraging them to have their biennial Pap smears.

I refer to an article in the *Age* of 18 March entitled 'Letter urges 14 000 women to have Pap smear'. It quotes from the letter sent to women by the chairman of the Pathology Services Accreditation Board, Mr Alan Gregory:

> The board would strongly suggest that your have another Pap smear now. We are suggesting this as a precaution only, not because your earlier Pap smear result was necessarily incorrect.
>
> If you don't have a family doctor, any general practitioner would be able to take another Pap smear for you. We suggest that you take this letter with you to the doctor.
>
> Most likely your next Pap Smear will be normal. Nevertheless, you may feel anxious until you get the result. If you want to talk to someone about your concerns or you would like further information, you can phone a special help line.

It then provides a special help telephone number. That letter was very reassuring to Victorian women because it alerted them to concerns and because it went out after the issue was made public. Because the issue had received considerable media attention it was important to not only reassure women but to let them know that although the laboratory which had tested their Pap smear may have a poor record that could be easily rectified if they had another test.

I understand from talking to doctors and gynaecologists I know well that surgeries across Victoria, and probably across Australia, were flooded with inquiries from concerned women calling to find out which pathology service their doctor used. The Pathology Services Accreditation Board also sent 552 letters to doctors who took Pap smear tests and referred those tests to GDL. In that letter Mr Gregory encourages doctors to mark the new tests quickly for those women getting retested so they can be processed urgently.

The board's registrar, Denis Redmond, said investigators were also reviewing GDL's testing standards in 2000 and 2001. A negative result would put a further 16 000 tests in doubt. That is in addition to the 14 000 women who had already received the letters, so we are talking about 30 000 women in Victoria alone.

I read an interesting article in the *Herald Sun* of 11 April which reports that the federal Health Insurance Commission had been prevented from acting in this case once the issue had come to light because GDL

appealed to the Administrative Appeals Tribunal against its decision to suspend the company's Medicare accreditation for Pap smears. The article goes on to say that the Health Insurance Commission has now withdrawn the company's accreditation for 12 months. In its editorial the *Herald Sun* notes that this does not prevent GDL from performing Pap smear tests for full fees. I quote:

> Only Victoria's pathology accreditation service has the power to suspend GDL. But PAS has not put in a report for two years because of lack of staff.
>
> The PAS now continues its own inquiry to establish if GDL should be barred from doing any Pap smear tests at all.
>
> This is a disgraceful and dangerous muddle which threatens public health.
>
> The Victorian and federal governments must fix it — fast.

I am pleased to have the opportunity to speak on a debate in which we are doing just that. I am alarmed at the lack of staff and the criticism in the *Herald Sun*, and I urge the Minister for Health to ensure that the service is staffed adequately so that not only Pap smear testing is overseen and properly regulated but that all testing is properly regulated. Everyone deserves to have confidence in the test results they receive back from a procedure.

The cervical screening program tests around 3 million people every two years in Australia. Of these about 95 per cent will test negative, meaning there are no abnormal cells; about 4 per cent will test positive or inconclusive; and 1 per cent will be considered unsatisfactory samples because the doctor has not taken the sample properly. About 550 000 Pap smear tests are done each year in Victoria and they are shared generally between Mayne Health, which now owns Dorevitch, Gribbles and Melbourne Pathology. GDL was doing about 5 per cent of the testing.

An article in the *Age* of 9 March entitled '30 000 to get Pap test letters' reports an interview with the chief scientist in cytology at the Victorian Cytology Service. It quotes the scientist assaying:

> A slip in concentration and you could miss something. It fills you with a huge sense of responsibility.
>
> This is why the national limit for screeners is 70 slides a day — any more than 10 or so an hour and the screening becomes perfunctory.

The article also notes that in the United States of America there was great concern about cytology sweatshops, where they were doing about 200 slides a day, and the results from those laboratories were questionable.

In 1997–98 Medicare paid about $924 million for pathology services in Australia. By last year that figure had grown to about $1.2 billion. It is encouraging that so many women are having Pap smears as required. There has been a huge crisis in confidence for all women as a result of the revelations about this particular laboratory. The legislation will hopefully ensure that this will not occur in the future and that when tests are conducted the results are as correct as possible, keeping in mind that there is a small margin of error in any test.

The investment in preventative health is one of the greatest investments that we can make as parliamentarians, whether in government or in opposition. People need to have confidence that if they attend for a medical test they can rule out diseases or ascertain what the symptoms are and what they result from. When tests are made available to them they should know that they either have a treatable disease that has been found in time, which will hopefully save their lives, or that they do not have a disease and can continue to live their lives to the fullest.

The bill is basically about confidence, standards, and restricting and limiting the opportunity for error in pathology laboratories in Victoria.

I wish the board well with its very important job overseeing pathology testing in Victoria, and I commend the bill to the house.

Hon. KAYE DARVENIZA (Melbourne West) — I am very pleased to have an opportunity to rise and speak in support of the Pathology Services Accreditation (Amendment) Bill. Consultation regarding the proposed amendments that are set out in this bill have occurred between the government and the Pathology Services Accreditation Board. The board is made up of representatives of all of those stakeholders or professional groups that have an interest in and a role to play in pathology services, such as medical scientists, the Australasian Association of Clinical Biochemists, the Royal Australian College of General Practitioners, as well as specialist positions that are appointed by the Australian Medical Association.

As has already been pointed out by the previous speaker, the Honourable Maree Luckins, a recent series of events that arose from the report of the National Association of Testing Authorities, Australia, identified deficiencies in the standards of Pap smear testing undertaken by a Victorian pathology service. This report exposed significant deficiencies within the original act.

I am sure that honourable members of this chamber will recall the many stories that appeared in the media in relation to this matter. These deficiencies certainly impair the ability of the board to act in a timely way to ensure that public health is protected.

I would like to bring the house's attention to a couple of the stories that appeared in the media. An article titled 'Pap smear tests under question' in the *Herald Sun* on Saturday, 2 May, this year talks about how a major Melbourne pathology service may lose its Medicare accreditation for Pap smears. There were allegations that some negative Pap smear results later turned out to be positive, and that the pathology service has been ordered to submit 5 per cent of its Pap smear results to an independent laboratory for double-checking. It says in the article:

> The decision to withdraw accreditation is believed to have been associated with the report by the federal government-endorsed accreditor of laboratories, the National Association of Testing Authorities, to the Health Insurance Commission.

Another article on Monday, 18 May, says:

> Thousands of Victorian women will today receive letters urging them to have Pap smears as investigations continue into a company suspected of giving inaccurate results.

The letters were sent to more than 14 000 women who had tests processed at Melbourne company General Diagnostic Laboratories in 1998 and 1999 and who have not been tested since. Those letters were written by the chairman of the Pathology Services Accreditation Board. Of course you can imagine the anxiety, apprehension and concern that women who had had Pap smears during that time felt when they saw these media reports that there had been inaccuracies in the testing.

We must have confidence in our pathology services. When we have tests done — and more testing is being done all the time as medical science and technology progress — we have to have and deserve to have confidence that the tests done by various pathology organisations will be accurate and that they will provide a quality service. With advances in medical technology more medical practitioners rely on the results of pathology tests and other tests done on patients. They have become a vital part of the diagnosis and treatment regime prescribed by doctors in consultation with patients, so it is vital that we have confidence in the system.

The National Association of Testing Authorities (NATA) inspection report indicated a series of deficiencies in standards and quality control for Pap smear testing carried out in this Victorian laboratory. The NATA report was also provided to the Health Insurance Commission and subsequently the commission determined to cease the Medicare rebates for Pap smear testing being conducted in that laboratory. The laboratory appealed against the decision of the commission and the subsequent decision not to renew its accreditation in respect of Pap smear testing. That appeal is still before the commonwealth Administrative Appeals Tribunal.

A failure to detect any abnormalities as a result of Pap smear testing is a very serious matter. As has already been pointed out in some detail by the previous speaker, the Honourable Maree Luckins, cervical cancer is a serious matter — it is particularly serious if it goes undetected and untreated. As the press cuttings point out, when NATA found problems and deficiencies in the tests done by this particular laboratory letters were sent out to women who had undergone tests during that period which had been sent to that laboratory to suggest that they have subsequent tests to ensure they received adequate treatment should they need it and that the statement of their medical status was accurate.

By way of background, pathology services in Victoria are regulated by both the state and commonwealth governments. Victoria is the only state that has its own statutory accreditation system for pathology services. An organisation or an individual seeking to establish a new pathology service or which operates an existing service in Victoria must comply with both the commonwealth and Victorian pathology services legislation. Unlike Victorian legislation, which applies to all pathology services, the commonwealth Health Insurance Act 1973 extends only to those services for which a Medicare benefit is sought.

Under the commonwealth legislation approval must be sought to be a proprietor of a pathology service, for premises to operate as a pathology service and for the registered medical practitioner who will be responsible for either conducting the pathology testing or the supervision of that testing on those premises. The Victorian act is intended to ensure that all pathology services are required to be accredited by the Pathology Services Accreditation Board if they wish to perform pathology tests in this state.

Hon. N. B. Lucas — You're reading this.

Hon. KAYE DARVENIZA — Mr Lucas is accusing me of reading. I am referring to notes in the same way that I have seen him on many occasions refer to his notes.

As it stands the act provides for accreditation of pathology services by a board in one of five categories. These categories have been adopted by NATA as well as by the Health Insurance Commission for accreditation purposes and in order that there be consistency with the commonwealth requirements. Both the commonwealth and Victorian governments rely on the inspection services offered by NATA. I will not go into those five categories in detail because they were outlined in the second-reading speech; however, I will mention them briefly.

There is a general category for pathology services which consists of a laboratory or group of laboratories in one location. There is a category which extends to an office or a service that is a branch of a laboratory — a second office or service that operates in a different location. There is a category of medical practitioners who are able to provide pathology services when the medical practitioner is approved to be responsible for taking the samples from the patients.

There is also a specialised category, and that is where a service is limited to a range of tests that are approved by the board. They could be specialised in nature and are performed under the supervision of a person who has the specialist qualifications or skills to undertake that testing.

There is also an unspecified category of service which does not fall within any of the other categories. This relates to the supervision and the control of pathology services in that particular category rather than the type of tests that might be performed. The act and regulations do not currently attempt to specify the types of tests that a particular laboratory might carry out. Neither does the act provide the board with specific powers to place any restrictions on the accreditation of a pathology service — for instance, to prevent a service from performing a particular type of test.

I will take the house to the bill and go through a few of the amendments which address the establishing of limitations and restrictions on particular pathology services. The purpose of the bill is to amend the Pathology Services Accreditation Act 1984 to make further provisions for the accreditation of pathology services. As I said it will enable the Pathology Services Accreditation Board to grant accreditation subject to any limitations or restrictions on the type of test that may be carried out by a pathology service and to impose limitations and restrictions on accreditation of pathology services.

Clause 6 inserts proposed section 17A. This is a key amendment which will empower the board to impose limitations or restrictions on a pathology service in Victoria. The bill empowers the board to impose these limitations at the time of the initial application for accreditation, at the annual renewal of accreditation or at any time. The bill allows limitations to be placed on the type of testing conducted by a service with both deemed and full accreditation under the act. If any limitations or restrictions are breached the service could be suspended or cancelled. It will be an offence to perform a pathology test that is outside the range of a test that has been authorised by the terms of that particular laboratory's accreditation.

Clause 13 provides that if a person in an accredited pathology service performs any test which under the act or regulations they are not permitted to perform, they will be guilty of an offence under the act. The bill sets a maximum penalty for such an offence at 20 penalty points or $2000. It should be noted that the original penalties were established back in 1984 when the act was first passed and they have not been updated or changed since. This amendment brings up to date and makes more realistic the penalties to be incurred when the act is breached.

The amendments to the act seek to empower the board to act quickly and decisively to impose limitations and restrictions on a laboratory's accreditation. Notwithstanding the amendments in this bill it is recognised that a wholesale review of the accreditation regime in Victoria is required, particularly in light of the broader national review of pathology accreditation that is being undertaken by the commonwealth government. A review of the Victorian act has been undertaken by a panel chaired by Mr Don Nardella, the honourable member for Melton in the other place, and the panel's final report and recommendations are currently being considered. Any decisions made by the government and any subsequent reforms will take into consideration directions arising from the national review.

While plans for the board of review are happening it is vitally important that we make these changes now so that if we have a set of circumstances as have occurred in the past where it is clear that testing has been inaccurate, is causing enormous distress and is not providing the degree of information and the standard of quality of care that is needed to treat patients in Victoria these amendments will empower the board to put limitations and restrictions in place so that such activity ceases.

In conclusion, the bill is a good and important bill. It takes note of the fact that we are governed by both Victorian and commonwealth legislation and that a

review is being undertaken at both levels. It shows that the government is acting decisively to rectify an existing problem in the act and that it is taking steps to give the board the necessary powers to deal with these issues. I commend the bill to the house.

Hon. R. A. BEST (North Western) — It gives me pleasure on behalf of the National Party to rise and advise the house that we will support the Pathology Services Accreditation (Amendment) Bill.

The purpose of the bill is to amend the Pathology Services Accreditation Act 1984 and to make further provision for the accreditation of pathology services.

The National Party consulted widely on this bill. We consulted particularly with a number of health providers at country locations, as well as with the Pathology Services Accreditation Board, the pathology foundation, Melbourne Pathology and a number of other providers.

Pathology services in Victoria are regulated by both the state and commonwealth governments. In Victoria it is an offence to undertake pathology testing without accreditation, and that is enshrined in legislation passed in 1984. There are deficiencies within the act which were highlighted by recent events relating to a particular laboratory, which was referred to earlier in the debate, and the standard of Pap smear testing that was undertaken.

Currently the Pathology Services Accreditation Board is unable to impose limitations or restrictions on the type of pathology services and testing that an accredited pathology service may carry out. The proposed changes will help resolve that issue because until now it has been more of an all-in accreditation of a range of pathology services. That has created a problem, as has been identified over recent months — that is, if there is a problem with one particular testing system not being up to the required standard the accreditation for that test only cannot be withdrawn and the accreditation for all the services provided by the particular pathology laboratory have to be withdrawn.

It is important for the confidence of Victorians that we have a strong and well-regulated pathology system. Increasingly within the provision of health services and in diagnostic considerations by medical practitioners and other health agencies we need a strong and rigorous pathology system to ensure that the care and treatment of Victorians is at a level in which they can enjoy confidence.

Over the years more and more testing has become part of the delivery of health services. There has been particular emphasis on women's health issues since the early 1980s, and that is particularly welcome. Breast screening has become more prevalent; and Pap smears have become part of the general way in which women care for their own wellbeing. This is to be encouraged because early intervention ultimately leads not only to better health and awareness of one's physical and mental wellbeing, but it also leads to greater care and treatment and a reduction in the reliance on health services later in life.

Not only have we seen more testing procedures for women, but we are now seeing men encouraged to undertake testing procedures. Whereas in the past we men had a fairly cavalier attitude to our health, we are now far more aware of the services available through pathology testing and the assistance that gives our medical practitioners in ensuring we receive medication, care and treatment to help us live longer and more fruitful lives.

Pathology services are an important component of the Victorian health care system not only for the individual patient's diagnosis, but also for public health programs. As a board member of the Victorian Health Promotion Foundation I am particularly aware of the role the diabetes groups and associations — particularly the international diabetes group and the Victorian diabetes association — have had in providing diabetes testing at a range of events throughout country Victoria. They have assisted many people throughout my electorate to see if they are suffering any form of diabetes, whether it be mild or at a level where they should be referred to their own health practitioner.

I am also very aware that pathology services in Victoria are regulated by both the state and commonwealth governments, which was alluded to earlier. It is an interesting point that Victoria is the only state that requires its own state jurisdiction and does not abide by the commonwealth standards, although it embraces the same accreditation protocols.

It is worth noting that the commonwealth Health Insurance Act 1973 provides that a pathology test cannot be paid for by Medicare unless the pathology service is accredited under that act. It is an offence to undertake pathology testing in Victoria without that accreditation.

As honourable members are aware, this legislation is a result of concerns raised following a commonwealth government investigation into General Diagnostic Laboratories following claims that women were being given the all clear by the laboratory as a result of Pap smear tests conducted by that laboratory in the past

three years because it was found there was an abnormally low number of positive tests. In one way it is comforting that the accrediting agencies have undertaken constant monitoring of the services provided by laboratories to ensure a level of confidence in the pathology services that are being provided across the state. GDL had conducted some 24 500 smear tests between 1998 and 1999. Of the women tested, 10 000 had been retested by GDL, and 13 500 had been sent letters reminding them to have their regular two-yearly tests.

It would be terrible to believe that you were in the clear so far as cervical cancer was concerned but then receive a letter advising you that there may have been some problems with the testing procedures and that you needed to revisit and have another test. I very much feel for the women who were placed in those circumstances by the failure of GDL to meet the requirements and levels of standards set out under protocols in the Pathology Services Accreditation Act.

Debate interrupted pursuant to sessional orders.

Sitting suspended 12.55 p.m. until 2.06 p.m.

MEMBERS STATEMENTS

Queen Elizabeth II: golden jubilee

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — This year we celebrate the golden jubilee of Her Majesty Queen Elizabeth II, Queen of Australia.

On Monday we will observe the Queen's Birthday holiday, so it is appropriate today to reflect on the remarkable service provided to the commonwealth and to Australia by Her Majesty over a 50-year reign. Her Majesty is the longest reigning monarch in the history of the Australian commonwealth, having been served by 10 Prime Ministers, from the Right Honourable Sir Robert Menzies, a former member of this place, to the Honourable John Howard.

Her Majesty has visited Australia on 14 occasions, and Australia is second only to Canada among commonwealth countries in the number of visits it has received. In 1954 Her Majesty visited this very chamber to open the 39th Parliament of Victoria, and although she is usually in absentia Her Majesty is an integral part of this Parliament. The Constitution Act of Victoria prescribes that the Parliament consist of Her Majesty, the Council and the Assembly. Members of both houses swear an oath of allegiance to Her Majesty.

Her Majesty's 50-year reign has encompassed an extraordinary period of Victoria's history spanning the premierships of John McDonald to Steve Bracks. As parliamentarians we can appreciate the changes which have taken place in our community and democratic institutions over that period, and for one person to have served as head of state throughout is truly remarkable. Victorians and Australians can be proud of our Queen.

Mental health: Ballarat forum

Hon. D. G. HADDEN (Ballarat) — I wish to pay tribute to the Rotary Club of Wendouree Breakfast Inc. on the public information forum it hosted to discuss mental illness. The forum was held on 22 May at the Ballarat North Football Club's Norvale Function Centre, and over 200 people attended, including young people. The purpose of the forum was to raise community awareness of and destigmatise mental illness, to clearly separate the myths and misunderstandings from the facts, and to form ongoing partnerships between Rotary clubs and mental health services and support groups.

The tragedy of mental illness and suicide is borne out by the statistics that show 1:4 people will suffer from depression and 1:5 will suffer from mental illness. People with a mental illness have something to offer and should not be excluded from the workplace or any other area of our community. Positive discrimination should be practised. The forum heard from three keynote speakers: a clinician, Jackie Warner, who has worked in psychiatric services in the Grampians region for 25 years; a carer, John McGrath, a former honourable member for Warrnambool and Deputy Speaker in the other place; and a consumer, Neil Cole, a lawyer, playwright and former honourable member for Melbourne and shadow Attorney-General.

The message that came from the forum was that it is today's challenge to educate people about mental illness and that mental illness belongs to us all.

Forests: box-ironbark

Hon. B. W. BISHOP (North Western) — Today I want to put on the public record the real commitment shown by the Bush Users Group. The group, headed up by president Robin Taylor, vice-president Rita Bentley and secretary Tracee Spiby, has continued an unrelenting fight to allow continued public access to our box-ironbark forests.

Yesterday the Bush Users Group put on a wonderful and positive demonstration on the steps of Parliament House. It presented the honourable member for Rodney

in the other place, Noel Maughan, with a petition containing some 7704 signatures which basically rejects the government's decision to accept the recommendations of the Environment Conservation Council to create extensive parks and reserves in the box-ironbark region, despite the council's failure to demonstrate that the area will be improved by declaring additional parks and prohibiting or curtailing existing uses. Much of the commentary at this peaceful demonstration was provided by a young lady named Kirsten Gentle, who really captured the crowd's attention with an eloquent speech of resistance to the government's decision.

The Bush Users Group, which represents a wide range of activities and groups, has the full support of the National Party, which will stand with it all the way in the fight to retain access to our box-ironbark forests.

Sport and recreation: facilities programs

Hon. KAYE DARVENIZA (Melbourne West) — Sport and recreational facilities are a vital resource for our young people. This is especially true in the inner city areas such as Melbourne West, where historically sport and recreational facilities have been of insufficient quality.

Social research has found that young people who are successfully diverted to sport are less likely to become involved in crime or fall victim to drugs and are more likely to complete their education. That is why I am so pleased with the funding that has been received under the community facilities and Better Pools programs. An amount of $2.8 million has been allocated for the upkeep of tennis courts at Brimbank, for the development of a new park at Hobsons Bay and to build a new aquatic centre in the City of Maribyrnong. Again the Bracks government is showing its commitment to the west by providing quality sport and recreational facilities.

Mental health: promotion

Hon. G. B. ASHMAN (Koonung) — I wish to refer to the Vichealth mental health promotion plan. In doing so I recognise the role of the former Minister for Health, the Honourable Rob Knowles, in developing the plan and the government's continuation and further development of it.

Mental health is a significant issue in our community and should test the minds of us all. One in five of us will experience mental health problems at some stage during our lives — some for a very short period, others for longer periods. Our knowledge of this issue is improving. We already know that in many rural areas mental health is a more significant problem than it is in the metropolitan area. It impacts particularly on the young, on older people and on people from non-English-speaking backgrounds. It is almost a classless health issue. Failure to address the issue leads to increased self-harm, suicide and other health problems. I express concern that it may also lead to an increase in our road toll, as I suspect that some of the single-vehicle accidents now occurring are related to health issues. I urge the government to continue the program and to provide additional resources.

Bridge the Gap project

Hon. S. M. NGUYEN (Melbourne West) — I refer to an article in the *Herald Sun* of Saturday, 25 May, written by Claire Story, a student at Carey Baptist Grammar School. In January this year Claire accompanied her father, surgeon Rowan Story, to Vietnam. On behalf of the Vietnamese community I would like to acknowledge and thank Melbourne surgeons Rowan Story and Bill Besly, Melbourne Vietnam veteran John Stonehouse and those involved in supporting the Bridge the Gap project for their work.

The objective of the project is over the next three years to train Vietnamese oral surgeons, anaesthetists, nurses and orthodontists in more difficult and complex cases so that Australian specialists will no longer be needed. Oral birth defects are an ongoing problem, with one infant in every 1000 affected by a cleft palate or other deformity of the mouth and jaw. Each year many hundreds of infants need surgery for cleft palates alone. A cleft palate causes problems with eating properly, dental health, speech and breathing, and some sufferers get chronic sinus infections. These deformities can have major impacts for sufferers on their emotional health and acceptance by other children.

The PRESIDENT — Time!

Buses: Maiden Gully

Hon. R. A. BEST (North Western) — The matter I raise today relates to the provision of services and infrastructure in the area of Maiden Gully, which is a residential suburb of Bendigo. In a letter to the editor in today's *Bendigo Advertiser*, Therese McRae, of Rathbones Lane, Maiden Gully, highlights the lack of public bus services for the small community of Maiden Gully.

While other areas of Bendigo that already enjoy services will now enjoy the extra services recently announced by the local state members of Parliament,

the small community of Maiden Gully continues to miss out. The population of Maiden Gully continues to increase and it is about time a public transport service was provided to this community, which I am sure would use it if it were available.

But it is not only a public bus service that is non-existent. Unfortunately playground facilities are also much needed in the area, as are identifiable bicycle tracks to and from the local public school.

People in Maiden Gully feel they are being overlooked and that they are the poor cousins of other parts of the Bendigo area. They feel they have missed out and I urge the government and local government bodies to look to the provision of services and infrastructure for this community.

Brunswick Kindergarten

Hon. G. D. ROMANES (Melbourne) — I recently participated in the launch of the Kinda Cooling project, a joint initiative of the Moreland Energy Foundation and the Brunswick Kindergarten. The project involves the kindergarten raising the funds to implement an energy-efficient cooling plan through a fundraising drive selling energy-efficient, compact fluorescent lamps. This innovative project will have dual outcomes: it will provide improved facilities and reduced energy costs for the kindergarten as well as build awareness of the benefits of energy and greenhouse gas emission reduction within the local community.

The kinder is aiming to raise $2000 to implement the energy-efficient cooling plan on the kindergarten premises. It has opted to use passive cooling techniques such as blinds, ventilation and night purging rather than purchase an airconditioner with a high capital cost as well as high operational costs, high energy consumption and greenhouse emissions. It is a great opportunity to make the kids more comfortable in summer and encourage energy efficiency within the wider community.

I commend the parents of Brunswick Kindergarten for their exciting initiative. It is the first of its kind for the Moreland community and an initiative that is leading the way and showing how community organisations can contribute to the reduction of greenhouse gas emissions and therefore to a better environment.

Insurance: public liability

Hon. E. G. STONEY (Central Highlands) — I am very disappointed that the government has put down the Adventure Activities Protection Bill. The Liberal Party bent over backwards to achieve an outcome in a bipartisan manner, and we took Geoff Burrowes's advice to that effect at the Mansfield rally. We had the bill at Easter and made no political capital from it anywhere. We waited for the government to pick up the bill or bring in its own. The honourable member for Benalla did her job; she just failed to convince her government to act. I have said many times that it is not the government's fault. The only fault is that the government did not to do anything when it was very important that it should — it failed and dropped the ball.

For all this bipartisanship, our reward was a shellacking by the honourable member for Benalla in the lower house yesterday. She shellacked the Liberals, me, the task force and her Liberal opponent in Benalla, Andrew Dwyer. She said many things that were not true, including that I am stupid!

It is clear the government does not subscribe to the basic philosophy that people should have a choice to take some responsibility for their own decisions. Without this basic premise adventure tourism in Victoria will wither away, and it makes me very sad indeed that that will occur.

Radio Port Phillip

Hon. R. H. BOWDEN (South Eastern) — I would like to put on the record in Parliament my appreciation of the many years of positive community service by Radio Port Phillip, the local community-owned and community-operated FM radio station located on the Mornington Peninsula, known as 3RPP 98.7 FM. This station has for many years been quite successful. It is heard in many parts of Melbourne and contributes on a community level to the enjoyment and knowledge of people throughout the Mornington Peninsula including parts north of Frankston as well as all along the area through Chelsea Province.

The station has for many years been very well served by volunteers. Its president, Mr Fred Thomas; vice-president, Mr Fred Hudson; treasurer, Mr Fred Harrison; and station manager, Maria McColl, have given outstanding service to the community. I also mention Mr Sam Forte, a presenter on 3RPP, who has given sterling service over many years. I am a member of 3RPP and for about two and a half years some years ago I was able to present a late morning program each Monday. I congratulate 3RPP for its fine service across many aspects of the community.

The PRESIDENT — Time!

PATHOLOGY SERVICES ACCREDITATION (AMENDMENT) BILL

Second reading

Debate resumed.

Hon. R. A. BEST (North Western) — Before the luncheon break I was referring to the types of pathology services provided across Victoria and the importance of those in the treatment of patients. As we have heard, the provisions in this bill will assist the Pathology Services Accreditation Board to ensure that the standards of supervision used to control pathology services are maintained. The bill empowers the board to impose restrictions on pathology services in Victoria and allows limitations to be placed on the type of testing that may be conducted by those services with both deemed and full accreditation under the federal act. The bill empowers the board to impose these limitations at the time of an initial application for accreditation, at the annual renewal of accreditation or at another time during the accreditation period.

To conclude, I place on the record the fact that there are 10 pathology laboratories in Victoria that do Pap smears. There are something like 600 000 Victorian Pap smear tests per year. The targeted age group is between 18 and 69, and women are encouraged to have these tests every two years. These tests have assisted in reducing the incidence of death by cervical cancer by 40 per cent, which is a magnificent achievement and proves how important the issues associated with testing are in the early intervention, treatment and cure of patients. I say on behalf of the National Party that we support the bill.

Hon. ANDREA COOTE (Monash) — I have much pleasure in making a contribution on the Pathology Services Accreditation (Amendment) Bill. The contributions made by the Honourable Ron Best and the Honourable Maree Luckins have been comprehensive and detailed. Although I will not go into the detail of the bill I have other aspects I wish to contribute.

The purpose of the bill is to amend the Pathology Services Accreditation Act 1984 to enable the Pathology Services Accreditation Board to impose limitations or restrictions on the type of pathology testing that may be carried out by an accredited pathology service. The board can presently only suspend or cancel accreditation, and it needs to be given the powers, which is what the bill addresses, to target specific tests such as gynaecological cytology, when the inspecting body, the National Association of Testing Authorities, finds that the standards have been breached. Sadly, as mentioned today, the standards were recently breached in a rather fundamental way.

Pathology itself underpins the successful reputation of the Victorian health service and as such it is imperative that we as a community have absolute faith in our pathology tests, something that other honourable members have explained in breadth and depth. One of the issues we must all think about and consider today are Pap smear tests. In Victoria pathology services are regulated by both commonwealth and state governments. In Victoria it is currently an offence to undertake pathology testing without accreditation under the Pathology Services Accreditation Act. In the commonwealth, unless a pathology test is accredited under the Commonwealth Insurance Act 1973, that test cannot be paid for by Medicare, which tends to focus people's attention somewhat.

I shall give a brief outline on how Pap smears were developed. An article in the *Hippocrates* magazine of November 1999 entitled 'Dr Pap's life-saving test' talks about how an immigrant doctor's name became a household word. It is important to put on the record how we have come to regard this test. The article by Tonse Raju states:

> On 19 October 1913 a Greek doctor and his wife landed at Ellis Island, with just enough money for their visas and speaking no English. Thus began the extraordinary career of George Papanicolaou, MD … and his wife Mary. Their gift to medicine, the 'Pap' smear, has saved the lives of millions of women.

I shall use the abbreviated name of Dr Papanicolaou — Dr Pap. By 1916 Dr Pap was carrying out studies on guinea pigs when he recognised early changes in the cellular make-up of guinea pigs. The article says:

> When Dr Papanicolaou presented his results in 1928, cancer experts were not impressed. They held onto the prevailing view that cervical biopsies were far more effective for diagnosing cancers than were the 'blindly obtained smears'.
>
> After 10 more years of relative obscurity, Dr Papanicolaou's smear method was finally tested in clinical trials, which established that the test also revealed pathological cells in pre-cancerous states. His landmark paper was published in 1941, and the Pap smear test gradually became a standard for screening women. The American Cancer Society now recommend that all women 18 and older get Pap smears annually.

The program in Australia is highly successful. Pap screening has been responsible a for more than 40 per cent drop in cervical cancer deaths since its inception. That is a huge result, and we owe Dr Pap an enormous debt. I should like to share a couple of private stories of what it is like for women who are diagnosed with

cervical cancer and the pain they have to go through. I shall read two stories because they focus on how important it is to have security and confidence in our system. The first story by Christine states:

> Many women don't understand exactly what a Pap smear is — that it's actually aiming to detect something that's pre-cancerous and stop it from becoming cancer. I don't think I knew that before I was diagnosed with cervical cancer.
>
> …
>
> As a member of a cervical cancer support group, I'm aware of all the barriers against women screening, but I've also seen the devastating impact this largely preventable disease has on women and families.
>
> Women tend not to go to the doctor unless they're sick and yet the Pap smear is a well woman's test … So it's a big shift in mind-set, going to see the doctor to prevent getting sick one day.

People will not have a Pap smear if they do not have confidence it will be accurate and give them a reliable reading. The next story, by Lynette, is poignant. She states:

> My son was only four when I was diagnosed with cervical cancer …
>
> The feeling that I was going to be parted from him was overwhelming. It was so real to me that I couldn't even bear to touch him, to hug him or anything. I believed so strongly that I was going to be separated from him and I'd better start the whole process now.
>
> What turned my whole life around and gave me hope that I'd still have my life was finding a doctor I could trust with my treatment …

This is the issue we are talking about today, and it is imperative to prevent additional anguish and the heartache for the many women who have to acknowledge they have this life-threatening disease.

Victoria has gone through a scare this year. The *Herald Sun* editorial of 11 April headed 'Pap smear debacle' states:

> The latest developments in the Pap smear affair reveal a chaotic bureaucratic system.
>
> After the *Herald Sun* revealed doubts about tests by General Diagnostic Laboratories, the Victorian government's Pathology Accreditation Services Board urged 14 500 women tested by GDL in 1998–99 to have further, independent tests.
>
> Now, after checks on later GDL tests, the state government has told a further 26 000 women tested by GDL over the past two years to do the same.

I have just read a poignant story by Lynette who was diagnosed with cervical cancer and who detailed her fear. Imagine the uncertainty and the fear that women face not knowing whether their Pap smear has been misread or miscalculated.

In his contribution the Honourable Ron Best went into detail about the number of Pap smears taken. It is important to realise that it is an enormous number and there is room for human error. It is imperative for us as legislators to ensure that those errors are minimised so that people can have confidence in the pathology system and in our health system. It was pleasing to see the federal health minister quickly look into this matter in Victoria and impose sanctions on the company so quickly. It is also pleasing that the government has introduced the bill so quickly in response.

In conclusion, pathology services in Victoria must be vigilant. We must create a sense of confidence in the pathology system for women having Pap smears. It is vital to the ongoing health of women and our community that their health is protected. They must feel confident in the system. We have a successful health system, and the bill is part of it. I welcome the bill and wish it a speedy passage.

Hon. R. H. BOWDEN (South Eastern) — I fully support the Pathology Services Accreditation (Amendment) Bill. It is a significant improvement and will further help enhance public health in the state.

From time to time, and despite good technology and administration, unfortunate incidents do occur. Earlier this year a breakdown occurred in the reliability of some testing which affected many thousands of women. This bill will authorise the appropriate supervisory board to take all steps necessary to ensure that the integrity and reliability of those very important medical tests for Victorian women are maintained. I wholeheartedly support that aspect of the bill.

Previous speakers have spoken at length and have given honourable members a valuable insight into the importance of and some other practical aspects of the Pap smear test arrangements. I do not intend to repeat those important remarks because they have been carefully advised to all honourable members.

However, there is another aspect of public health that I would like to bring to the attention of honourable members — that is, men's health. There is no question that we must strive to improve women's health services and the protection and treatment offered against disease throughout the community. I suggest to honourable members that there is a constant need to bring technology and pathology services to the issue of men's health also. I touch briefly on the need for the community to be even more aware of the importance of

prostate cancer testing for men. A great deal of evidence shows that once men reach the age of 45-plus — and 50 is an important figure — they should take the precaution of being regularly tested. Prostate cancer is a leading cause of death in the Victorian male community. I have obtained some statistics from the Anti-Cancer Council of Victoria, which I will present shortly.

Probably through our Australian culture it is unfortunate that men do not really consider that they should have this precautionary type of testing done. Once men reach 45 or 50 they should understand that it is quite manly to regularly go to the doctor once a year and be tested for prostate cancer. It is too late when you have it. PSA-type tests are available and are accepted by the medical community as giving a reasonably reliable and sensible indication of whether there is a problem. I suggest to honourable members that just as the community accepts the value of and appreciates the contribution to women's health made by Pap smear testing the same noble goals of trying to improve the health of the community and protect the health of the males in our community by PSA testing should be considered in the same positive and constructive light. I am very much in favour of that.

Through personal experience I have had the privilege of being asked to mentor and assist two males in my electorate. These gentlemen have been devastated through prostate difficulties, and I have been able to help them by way of support and so forth. I cannot overemphasise the importance of PSA testing. Australian males should take the warning given by the medical fraternity that Australian males 45 years and above should and must consider the benefits of PSA testing. It is all in the context of being able to rely on and have faith in the pathology services received through the various people we rely on to take and measure these results. The bill will do a lot to help, and it is important that we accept the improvements.

In conclusion, I say to males who are reading this presentation that from 1987 to 1997 there was a 118 per cent increase in the incidence of prostate cancer in Victoria alone. The age-standardised rate went down; the median age was 72, which was a 3 per cent drop, but even as low as 45 years this was starting to show as a major problem. In 1987 male deaths in Victoria alone amounted to 438, a figure which rose to 658 in 1997 — an increase of 50 per cent. The age standardised rate dropped by 7 per cent and the median age dropped by 3 per cent.

The figures provided by the anti-cancer council in its circular of March 2000 are most informative. It is important for honourable members to take note that in 1996 prostate cancer was the leading site of new cancer and cancer deaths for Victorian men. Prostate cancer was ahead of bowel cancer, lung cancer, melanomas and other cancers; it was the single biggest source of death in Victorian men.

It is interesting to observe that according to the anti-cancer council the incidence of prostate cancer in men is quite different in people who have arrived in Victoria from overseas. I quote from page 4 of the *Canstat: Prostate Cancer Report*, which says:

> … men who migrated from countries of southern Europe and Asia have around one-third of the incidence of Australian-born men. This is taken to be evidence of the importance of environmental factors — lifestyle factors such as diet — in causing prostate cancer.

We Australian born-and-raised males have a much greater incidence of prostate cancer compared to those gentlemen who arrived in our community from other countries.

I fully support the bill. It is a significant improvement in providing assurances to all people in the community. We need to be confident when we undergo a pathology test that it will be taken in a professional manner and the results are accurate. The bill deserves strong support.

Motion agreed to.

Read second time.

Third reading

Hon. M. R. THOMSON (Minister for Small Business) — By leave, I move:

> That this bill be now read a third time.

In so doing I thank honourable members for their contributions and support.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL

Assembly's amendments

Message from Assembly relating to following Council's suggested amendments referred to committee:

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

1. Clause 7, page 5, after line 27 insert —

"(7) The exclusion by sub-section (1)(aa) of a developer covered by a HIH policy from an indemnity under section 37 in respect of building work does not apply to —

(a) a person specified in the Schedule in respect of a claim lodged by that person with HGFL on the date specified in the Schedule in respect of that person;

(b) a developer who lodged a claim with HGFL before 1 November 2001 if settlement of the claim was reached with HGFL before the date on which the **House Contracts Guarantee (HIH Further Amendment) Act 2002** received the Royal Assent.".

2. Insert the following New Clause to follow Clause 7:

"**AA.** ***New Schedule inserted***

After Part 6 of the Principal Act **insert** —

SCHEDULE

Saving of Claims

Claimant	**Date of Lodgement of Claim**
ANZ Banking Group Ltd A.C.N. 005 357 522	23 October 2001
Ausland Investment Group Pty Ltd A.C.N. 081 206 340	5 October 2001
Ausvimex Pty Ltd A.C.N. 077 213 917	30 July 2001
Louis Basil Bourazikas	8 August 2001
Forty Fifth Vilmar Pty Ltd A.C.N. 007 164 383	3 August 2001
Leicester Turtle Pty Ltd A.C.N. 086 751 224	1 August 2001
Tambo Ash Pty Ltd ACN 067 404 602	16 August 2001".

Committed.

Committee

Resumed from 5 June; further discussion of postponed clause 7.

Hon. BILL FORWOOD (Templestowe) — I am delighted that the Legislative Assembly has so speedily agreed with the suggestion of the Legislative Council that this matter has now reached its finality and that we can proceed to add this clause to the report, report the bill to the house and pass it.

Hon. M. M. GOULD (Minister for Education Services) — I also note that eventually the Legislative Assembly did act speedily in dealing with the bill. Again I thank all those involved in bringing the bill to a satisfactory conclusion.

Amended clause agreed to.

Reported to house without further amendment.

Remaining stages

Passed remaining stages.

TOBACCO (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 4 June; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. R. H. BOWDEN (South Eastern) — I will make a brief contribution to the debate on the Tobacco (Miscellaneous Amendments) Bill, which is an important measure that will improve public and community health in Victoria. The purpose of the bill is to amend the Tobacco Act 1987 to prohibit smoking in places where bingo is played and to limit smoking in licensed premises, gaming premises and the Crown Casino. The bill contains specific provisions and conditions as to how that will be achieved.

The bill will assist the government and the community in constantly striving to improve the level of community health. Smoking and exposure to it by people who do not smoke — passive smoking — is a real community issue. Unfortunately, on reliable statistics and evidence Australia has among the highest incidence of asthma per population sample. There is no question that there is a direct link between passive smoking and asthma. With an ageing community and our demographics changing, it is more likely that when

the senior members of our community go out to enjoy themselves at their recreation venues such as bingo or gaming rooms, they will be faced with passive smoking.

This measure has not, as some may think, been specifically generated to cause difficulties for the industry or operators of recreation areas such as bingo or gaming venues. I should record that statistics reveal that 5000 Victorians die each year from smoking-related illnesses. About 21 per cent of Victorian adults smoke regularly and about 32 per cent of schoolchildren aged 16 and 17 years smoke. On that survey information Victoria has a significant mortality rate, so if we can reduce exposure to tobacco smoke for people who may be sensitive to the difficulties it causes, it will be a positive thing for community health.

Under the different provisions in the bill, definitions will be applied so that if there is a gaming establishment with one room, the gaming area will be smoke free, but if a venue has multiple gaming rooms, depending on the size and layout of the area, provision will have to be made for those who do not smoke and those who do smoke. The provisions clearly prescribe that the bar areas inside the licensed premises can function properly and allow recreational drinking and sustenance to those people who want it. A careful reading of the bill will show that the intention is to ensure that the public is not overly inconvenienced where the bar trade may be important.

Clause 6 of the bill makes it very clear that under proposed sections 3D, 5F, 5G and 5H bingo areas are well and truly described so that there is no difficulty understanding what is expected. Many senior citizens in our state derive a great deal of pleasure from playing bingo and the changes will provide them with more comfortable and enjoyable locations in which to play. Proposed sections 5F, 5G, 5H and 5I make it very clear what are the obligations of bingo operators and the people who play.

In concluding I say that the intention of this bill is to make certain that the owners and operators of the more than 5000 licensed venues in Victoria are presented with a minimum of difficulty and that patrons can socialise with a minimum exposure to passive smoking. That is a good thing.

A great deal of care has also been taken to not unduly harm or cause undue difficulty to the operators of those venues. Those people put a lot of investment, time and managerial thought into maintaining places where people can have their recreation, and that is well appreciated. With those few words, I conclude my contribution.

Hon. M. T. LUCKINS (Waverley) — The Tobacco (Miscellaneous Amendments) Bill institutes a number of changes to the prohibition of smoking in venues throughout Victoria. Victoria has a proud tradition of tripartisan support for reducing addiction to and therefore the use of tobacco. The financial cost to our community of treating people with smoking-related illnesses, and also the more personal cost of the loss of individuals and loved ones as a direct result of smoking, is inestimable.

I said that we have a proud tradition in Victoria of tripartisan support on these matters, but I must say at the outset that the Liberal Party is disappointed that it was not consulted on this bill prior to its introduction. I thank the minister for allowing his department staff to brief us, but traditionally these matters have been handled through negotiation and consultation with the other parties.

In 1987 the Tobacco Act was passed with the support of every member of the Victorian Parliament. That legislation established Vichealth — the Victorian Health Promotion Foundation. Members of Parliament have the opportunity to serve on the board of Vichealth, and I would like to commend Vichealth, Quit and the Anti-Cancer Council of Victoria, who have been instrumental in encouraging smokers to fight their addiction and in educating the community about the risks of passive smoking.

It has been of particular concern for paediatricians and obstetricians in the past that pregnant women continue to smoke during their pregnancy with little regard for the risks that passes on to their unborn child. It is a documented fact that babies of a very low birth weight can result from a pregnancy in which the mother has continued to smoke.

Passive smoking has also been isolated as one of the main risk factors for SIDS — sudden infant death syndrome — where young infants are in a smoke-filled environment. Vichealth, Quit and the SIDS foundation itself have been instrumental in educating young women about the risks that they are taking not only for themselves but also on behalf of their unborn children.

Young children in particular can also suffer from respiratory illness as a result of the smoking of their parents or others in their household.

I am very pleased with the implementation of the prohibition of smoking in places where food is prepared or served. Owners of some venues and bistro-type

restaurants in my own electorate who were very dubious about the effect of the bans on their trade have been pleasantly surprised that not only has patronage not diminished, it has grown. They are finding that they have more people coming to the venues with young families as a result of the prohibition on smoking.

The legislation before us prohibits smoking in venues where bingo is played and extends smoking bans in gaming venues, pubs and clubs. It also withdraws any distinction between tobacco product lines based on trademark. That was a loophole in the legislation that I will explain later in my contribution.

Clause 6 of the bill inserts proposed section 3C headed 'Bingo area'. It defines a bingo area as one where the predominant activity in that area is the conducting of a session of bingo under a minor gaming permit. In venues where bingo is played smoking will be prohibited under the legislation 24 hours a day.

The bill also deals with pubs, clubs and licensed premises. I find the provisions in the bill very complex and a hotch-potch of different initiatives, and I fear it will be difficult to police and regulate as a result. The legislation seeks to distinguish between the number of rooms in licensed premises and draw an invisible line in venues to distinguish non-smoking areas from smoking areas. However, smoke does not have the ability to morph into only one area and cannot distinguish between non-smoking and smoking areas, so I think we will see this legislation again when it becomes clear in practice that there are deficiencies in its definitions of non-smoking areas and smoking areas.

Clause 9 of the bill provides for substantial changes in no-smoking signs in retail shopping centres and outlines offences for smoking in bingo areas and centres. There are similar provisions for occupiers to be charged with offences carrying a penalty of up to 5 penalty units if they allow smoking to take place in their venues.

The bill sets out inspection powers for the policing of the changes to the legislation, and yet again councils will bear the brunt of the policing, using their environmental health officers. It is questionable whether there are enough environmental health officers to take on this added burden when they already have a significant task in ensuring that food preparation venues are up to standard as well as maintaining public health and safety concerns about many other council services, including garbage collection.

Under the legislation there is a defence for an occupier of a venue who does not provide an ashtray or any smoking paraphernalia in the area where the offence occurred. It is also a defence if they have requested that the offender cease smoking immediately after informing them that they are committing an offence by doing so.

Proposed section 5H, which is inserted by clause 9 of the bill, deals with the display of no-smoking signs where the predominant activity is bingo and sets out the wording to be included on the signs and what size they should be.

Proposed section 5I deals with the casino. I find that some of the provisions in the bill are quite inconsistent and confusing and that they discriminate against Australian citizens. The minister stated in the second-reading speech:

> Smoking will generally not be permitted within Crown Casino's main gaming floors.

We know through our briefing that the minister is considering declaring about half of the bar areas on the main gaming floor of Crown Casino as smoking areas, therefore exempting them from the provisions of the bill.

Hon. R. A. Best — It would be very good if government members were to give an explanation of this during their contributions.

Hon. M. T. LUCKINS — It would be very nice for a government member to have made a contribution on the bill to date.

The Australian Labor Party in opposition was very critical of the so-called favouritism shown by the previous government to Crown Casino and its operators. The previous government was constantly attacked because of so-called funny deals with the casino and favouritism to the individuals operating the casino at that time. I find it quite hypocritical that now it is in government the Labor Party is offering the casino exemptions that will not apply to other businesses throughout Victoria. Proposed section 5I prohibits smoking in the casino except in the declared smoking area.

Subsection (4) of proposed section 5I outlines the procedure for the Minister for Health to declare an area in a casino a smoking area. To do so the minister must publish a notice in the *Government Gazette* declaring an area in a casino that in the minister's opinion is a bar area, a TAB area or a high roller room to be a declared smoking area and therefore exempt from the provisions of the bill.

Proposed subsection (5) states that the minister can revoke or vary a declaration through the *Government Gazette* at any time. Subsection 6 states that the minister must consult the gaming minister before making or revoking or varying a declaration exempting a smoking area.

In the second-reading speech the government states that Crown Casino will be permitted to apply for exemptions for VIP gaming areas with substantial international high-roller clientele. I find it curious that this bill links the activity of high-roller gambling with being international and therefore not Australian or Victorian. A high roller by definition is a high-stakes, high-risk, big-money gambler. In the second-reading speech the minister has basically suggested that to be in a declared smoking area one must be a high roller and an international visitor. If that is the not the government's intention it should make that very clear, because potentially this will cause problems down the track for both the casino and the government. If individuals who are not high-roller, international gamblers — that is, Australian citizens — are in these declared smoking-area rooms because they are high-rolling rooms and if they want to smoke in them, potentially they would be committing an offence. The government needs to clarify that.

The bill deals also with licensed premises. There are around 5000 licensed venues in Victoria, and this is where the bill gets extremely confusing. It tries to make provision for different venues throughout the state. In country and regional areas there are often older style pubs which are very small and in which gaming is conducted basically in one room. There might be a bistro area which doubles as a bar area in another room.

The second-reading speech goes through the provisions that will apply to all types of different venues depending on how many rooms they have. It will require licensed premises with more than one room to set aside one of those rooms as smoke free. The second-reading speech says that this will affect 90 per cent of Victorian hotels, nightclubs and licensed clubs that have two or more rooms. However, those premises in the other 10 per cent that have one or two rooms must convert the remaining rooms from smoking to non-smoking for a time where both rooms are remaining in operation to ensure that they have one non-smoking room at all times. Where a licensed venue has three or more rooms in operation and one of these is a gaming room they will also be required to prohibit smoking in another operating room in addition to having a smoke-free gaming room. I assume from that that the bistro area, which should be a smoke-free zone anyway under previous changes to the legislation, may be deemed as one of those rooms. It is quite confusing, and the feedback from the industry is that it is concerned about its implementation and monitoring after this bill comes in force.

Clause 13 deals with a section 85 provision which relates to proposed section 42 of the bill. I found it quite curious in the briefing that even though this section exists in the current legislation it is having to be re-enacted, if you like, by way of amendment in the bill before us today. However we have been informed that that is standard drafting practice now, and we do accept that.

The final matter I will refer to is the product lines which are also dealt with in this bill. It has become clear that the tobacco companies have sought to manipulate a loophole in the existing legislation whereby soft and hard packs of cigarettes may be deemed to be different product lines and have different trademarks. In that case they can be displayed separately, thereby circumventing the existing provisions of the act which deal with the advertising and display of cigarettes and other tobacco lines. That is sensible and we wholeheartedly support that.

In conclusion, this bill is important in that it will ensure that the people of Victoria have the freedom to attend venues and be in a smoke-free environment. It is also important that the staff who work in those venues be allowed the opportunity to work in a smoke-free environment. It does I believe cater for the needs of smokers as well, and smokers make up around 20 per cent of the population. I have no problem at all with the legislation, and I commend the bill to the house.

Hon. E. C. CARBINES (Geelong) — I am very pleased to speak in support of the Tobacco (Miscellaneous Amendments) Bill this afternoon. Tobacco-related diseases are the no 1 killer of Victorians. Each year around 5000 of our people die as a result of a disease they contracted through smoking or being exposed to tobacco smoke as a passive smoker. Of course this is a totally unacceptable figure, and the Bracks government is determined to reduce the instance of smoking in our state thereby improving the health of all Victorians.

I was very interested to read an article in the *Geelong Advertiser* of Thursday, 23 May, on page 6. The banner headline reads, 'Top killer revealed' and the article states:

> More than one person dies of lung cancer in Geelong every week.

> Latest figures show the disease claims an average 83 lives a year, making it the region's number one killer.
>
> It accounted for 249 deaths, or almost 20 per cent, of cancer-related fatalities in the three years to 1999.
>
> …
>
> Cancer council director, Professor Robert Burton, said mortality rates had dropped, but one person a day was still an alarming figure.
>
> 'Lung cancer is fatal in 90 per cent of males and two-thirds of women …
>
> 'Most of that is the result of past smoking, and the only way to get that down is for people to quit'.

So that is a very clear message to the people of Geelong as revealed by the *Geelong Advertiser*. A smaller article adjacent to that had the very sad story of a lung cancer sufferer, Mrs Shirley Adams, who was warning young people of the dangers of smoking. The article is headed, 'The grim price for years of puffing'. It details Mrs Adams's life when she took up smoking at age 14 and had no idea it could one day claim her life. The article states:

> Everyone around her smoked, including actors on film, and it seemed a natural progression.
>
> But the 71-year-old Newcomb resident is now paying the ultimate price.
>
> Shirley was diagnosed with lung cancer in November and is undergoing chemotherapy and radiotherapy.
>
> She had given up smoking three years before, but was unaware years of nicotine had already taken its toll on her body.

Mrs Adams says very poignantly:

> All I can do is warn young people what it has done to me — I don't want to see young people 20 years old going through what I have.

The article continues:

> She said if she had known of the dangers of smoking earlier, she would never have taken it up.

How many Victorians would say exactly the same thing? The passage of this legislation today builds on major initiatives the Bracks government put in place over the past two years to deal with smoking and the sale of tobacco. We have been, very proudly, pioneers in the establishment of smoke-free dining, smoke-free shopping centres, restricting the advertising of cigarettes, limiting the display of tobacco products and increasing penalties very sharply for retailers who sell tobacco products to minors.

In speaking in support of this bill today I would like to place on record my support and admiration for our Minister for Health who has worked extremely hard over the last two and a half years to ensure that the health of Victorians in this area is being looked after. The minister has led the fight against smoking in Victoria today.

Last Friday was World No Tobacco Day. I was pleased to learn that on that day the Australian Medical Association and the Australian Council on Smoking and Health acknowledged that the Bracks government had done more than any other Australian government to reduce the incidence of smoking. As a member of the government I am proud of that fact. However, the government is not prepared to rest on its laurels. There is still much to be done in the desire to reduce the incidence of smoking in Victoria. The number of Victorians who smoke is still unacceptably high. This has major health consequences for smokers, and also for people who work around them and share their lives.

The government is committed to reducing the number of Victorians who are attracted to taking up smoking, especially young Victorians. I was interested to read an article on page 11 of the *Age* of 3 June headed 'Smoking out the reasons why teenagers take it up'. It reported some alarming statistics. While the adult population is literally butting out, young people are still taking up smoking in increasing numbers. The journalist David Wroe reports:

> While adults are quitting in increasing numbers, teenagers are still taking it up. Recent research by the cancer council's Centre for Behavioural Research in Cancer found that although smoking among teenagers had fallen for the first time in a decade, the graphic TV ads just weren't getting through to young people.
>
> According to the latest figures, one-third of high school students aged 16 to 17 smoke. They are more likely to start if they feel depressed, alienated at school and are not well connected to their families or teachers …

It is a disturbing statistic when we know that in the general population of Victoria about 20 per cent of people smoke. The article shows that about 33 per cent of 16 and 17-year-olds in Victoria smoke.

Last week I had the pleasure of listening to a briefing by Dr Rob Moodie of Vichealth explaining the Gatehouse project. Vichealth is assisting with the trial of this project in 26 Victorian schools. It aims to reduce the uptake of smoking among students, and to target those very students referred to in the article — the one-third of high school students aged 16 to 17 who smoke. The Gatehouse project aims to positively connect young people with their families, friends, and

teachers in a very dynamic way, and through that connection, by feeling worthwhile and raising their self-esteem, hopefully their attraction to smoking will be reduced. The article further states that through the Gatehouse project:

> Within two years, smoking at the trial schools was cut by 40 per cent among year 8 students who at 13 or 14 are at the age most likely to start smoking.

That is a very scary statistic, that 13-year-olds and 14-year-olds are the Victorians who are most likely to start smoking. As the mother of a 13-year-old I am very much aware of the peer group pressure on our students to take up smoking. I congratulate Vichealth on the work it is doing to assist with the Gatehouse project at the Centre for Adolescent Health in trying to identify reasons young people smoke and to assist them in not taking that first puff.

I know from my own personal experience — I am now a reformed smoker of many, many years — that I took up smoking in my first year at university at a time when I felt marginalised and alienated from my peer group. I was very lonely as the only person who went from my area to Monash University, and I took up smoking in my very first year more or less as something to do. Now when I read this expose of why young people take up smoking, I certainly empathise with it. At that time in my life I felt alienated, depressed and not well-connected to my learning environment. It is interesting that it has taken us all this time to identify these triggers to smoking.

The bill is aimed at reducing passive smoking. The research indicates that about 400 Victorians a year die as a result of contracting disease associated with passive smoking. How insidious is that? Those people do not smoke themselves, yet they have contracted a disease as a result of other people's smoking habits. The government is determined to protect as many Victorians as possible from passive smoking.

The second-reading speech indicates that there is a growing body of evidence to show the detrimental effects of passive smoking on our health. It says there are 600 national and international research reports that indicate the detrimental effects of passive smoking. These reports show that passive smoking is linked to lung cancer, heart disease, low birth weight, and respiratory conditions in children.

Obviously passive smoking is a significant occupational health and safety issue in the hospitality industry in Victoria. Over a number of years my husband worked in the hospitality industry at a time when gaming was first introduced in Victoria. He worked in a number of gaming venues and he used to come home absolutely reeking of cigarette smoke. A non-smoker himself, his health began to deteriorate. He became very susceptible to colds, he developed a very bad cough, and even eye irritations from becoming exposed to the constant smoking of people using gaming machines. When he finished his work in the hospitality industry his health improved and now his health is much better. For a significant time while he worked in the hospitality industry he was exposed to passive smoking and I know his health seriously declined.

The bill seeks to reduce the incidence of passive smoking in Victoria by banning smoking in the vast majority of gaming rooms at gaming venues — it is simple; banning smoking on the main gaming floors at Crown Casino; banning smoking in bingo centres; and also by ensuring that in licensed venues of two rooms or more, one of those rooms must be smoke free.

It is not complicated; it is simple. People will get the message. Despite the opposition suggesting last year that there would be major problems with smoke-free dining, the rollout of that legislation and the provisions that it put in place in Victoria have gone very smoothly. I know that the restaurants in my area have shown increased patronage because they are now no-smoking venues. I understand the legislation that was passed last year has been very effective and supported by the majority of Victorians.

The legislation we are debating today will affect about 90 per cent of Victorian hotels, nightclubs, and licensed venues. This afternoon there has been some criticism about the provisions relating to Crown Casino. Crown Casino will be able to apply for exemptions for its VIP gaming area and for its TABs. I wish to explain a little about that. Under the proposed legislation the entire three main gaming floors at Crown Casino will be smoke free for the first time, along with 6 of the 11 public bar areas. This will allow Melbourne's casino to compete with interstate and international casinos in the high-roller market. We have stated that Crown Casino can apply to government for exemptions for designated VIP gaming areas that, firstly, have substantial international high-roller clientele, and secondly, are not accessible by the general public.

The Bracks government has stated that based on information received it is likely that exemptions will be approved for high-roller private salons such as the VIP Mahogany Room and the VIP slots room, which are not accessible to the general public. Crown is proposing to change the Teak Room to a private members only room for substantial international high-roller clientele, in

which case it is also likely to be exempted from the smoking bans. The government does not propose to exempt the Maple Room and the Oak Room from the smoking bans because they do not fit the government's stated requirements. These exemptions amount to less than 10 per cent of the gaming floor space at Crown Casino. The smoking laws applying to Crown are tougher than any smoking laws for casinos in any other Australian state.

The provisions in this legislation will come into effect on 1 September this year. Research has shown the Bracks government that Victorians support the steps the government has taken to reduce the incidence of smoking and the harmful effects it has on the health of Victorians. The Victorian population health survey undertaken in 2001 showed that 83 per cent of Victorian communities support full or partial smoking bans in bars, 44 per cent support a full smoking ban in bars and 39 per cent support a partial smoking ban in bars. The survey further showed that 92 per cent of the Victorian community supports full or partial smoking bans in gaming venues, 50 per cent support a full smoking ban in gaming venues and 42 per cent support a partial ban in venues.

The Victorian community is right behind the Bracks government in its work to minimise the health risks to Victorians through exposure to cigarette smoke. It is clear that the Victorian community endorses the actions the Bracks government has taken to improve the health of our citizens. It is clear that Victoria is proudly leading the way in Australian tobacco reform. I congratulate the Minister for Health on his commitment to this reform, which will increasingly protect Victorians from the harmful effects of smoking. I commend the bill to the house.

Hon. R. A. BEST (North Western) — It gives me pleasure to contribute to the Tobacco (Miscellaneous Amendments) Bill, which introduces further reforms to where people may smoke in gaming venues, casinos, bingo centres and other licensed venues such as bars and nightclubs.

As I have said in this house before, tobacco reforms traditionally enjoy support from the three political parties. This legislation will be supported by the National Party. However, I must put on the record my concern that the Minister for Health is showing little regard or goodwill towards the opposition parties in the ongoing reform process, particularly in the lack of consultation on his and his government's strategic agenda for further tobacco reforms. Unless the minister is more inclusive with his reform agenda he may not enjoy the future support of the Victorian National Party.

As I have said over and again one of the things we have enjoyed in Victoria is that the three political parties have worked together to look at the issues associated with smoking reforms. I find it interesting that Ms Carbines congratulated the Minister for Health on his work over the past two years and said there was still much to be done. She claimed the government had done more than any government to reduce smoking in its two and a half years in office. For the record I remind Ms Carbines of the work achieved since the late 1980s, when David White, a former health minister, and Mark Birrell sat down and worked on creating the model that saw the establishment of the Victorian Health Promotion Foundation.

Not only did the work of David White and Mark Birrell enjoy tripartite support across the three parties within the Victorian political system, but when Caroline Hogg took over as health minister so did her work in the tradition of consultation, inclusiveness and taking the Victorian community forward so there were no surprises and everybody understood what was trying to be achieved and the reasons why, and a range of changes in smoking behaviour were implemented. It is inappropriate for one political party to take credit for the work that has been done in tobacco reform. The credit must go to the Anti-Cancer Council of Victoria and the wonderful and ongoing work of a range of people, including Professor Robert Burton and Todd Harper, on public awareness campaigns on the health risks associated with smoking.

Enormous praise and congratulations must go to a body of which I am a board member, the Victorian Health Promotion Foundation, and to the various board members who have been part of that body over the years for the work they have done. They have included eminent people such as Sir Gustav Nossal as chairman, Rhonda Galbally as chief executive officer, and now John Funder, who has taken over from Sir Gustav Nossal, and Rob Moody. The agenda has not changed to a major degree — it is still to look at ways in which we can assist in improving the health of Victorians. It is imperative that as members of Parliament we understand that we have a role to play, but we cannot take sole responsibility or credit for the achievements against the tobacco industries. People from organisations across the community ranging from business organisations to health agencies have been very much part of the success of the campaign against smoking.

Let's look at what has been achieved over the past 13 or 14 years. Icon facilities such as the Melbourne Cricket Ground are now smoke free. All the buildings on our racetracks are smoke free. All the buildings on Harness

Racing Board tracks are smoke free. Sporting clubs across Victoria that have received sponsorship support or are beneficiaries of association sponsorships are smoke free, as are a whole range of other events that have assisted in promoting the message of the dangers of smoking.

I am most concerned that this minister seems hell-bent on being exclusive rather than inclusive. If we are to continue the reform agenda it is important that industry associations, businesses, health professionals and agencies, local government bodies and representatives of the three political parties look at the way future reforms will be introduced and the time frames for their implementation. Again I put on the record my support for further smoking reforms, but there must be a program of implementation to avoid hostile resistance. We need to take the community with us — we cannot be divisive — and that requires consultative processes that will allow all players across the community to be involved.

This legislation has raised concerns among restaurateurs and owners of other eating premises because of the inconsistencies in the way it will be applied. It will treat certain venues unfairly, particularly as we have asked that eating venues and restaurants, as well as shopping centres, be totally smoke free. Unless this government and this minister are more strategic and consistent in their approach to the reforms I have just alluded to confusion will not be kept to a minimum.

To highlight what I am saying I refer to an article that appeared on page 10 of the *Herald Sun* on Wednesday, 29 May. There is a photo of a couple in a restaurant, smoking. It is headed 'Restaurant fights back over hazy smoke laws'. The article states:

> A city restaurant and bar is fighting back against council officers they have dubbed the 'smoking Gestapo'.

It also says:

> John Chalker, a consultant at the restaurant, said yesterday the Owl and the Pussycat had a bar area where drinking alcohol was the major activity and a lower level restaurant where smoking was forbidden.
>
> 'In the bar it is predominantly booze. It's a bar for heaven's sake', he complained, after being visited by two tobacco project officers from the council's health services department.
>
> 'They are acting like a Gestapo. They think they can be judge, jury and executioner without having any idea of what this business is about or how it runs'.
>
> Customers at the bar said they were happy with the smoking arrangements at the Owl and the Pussycat.

That article went on to provide an opportunity for readers of the newspaper to have their say. There was a vote line poll taken and the *Herald Sun* the day after refers to it. The question it posed for people to vote on was: 'Have the new antismoking laws in bars gone too far?'. There were 506 people who responded 'Yes', which was 63.4 per cent of the vote, and 292 people, or 36.6 per cent of voters, said 'No', they did not believe the smoking laws had gone too far. So almost two-thirds of the people who answered the question believed they had gone too far.

While we need further reform we risk not taking the public with us and being divisive. We risk having people worrying about the way that we as legislators are imposing further restrictions on them. As I said, I totally support further smoking restrictions; it is a matter of how we do it and the time frames we give industry and the community — the voting public — so they understand the reasons behind the measures we are introducing.

As I have said in this Parliament before, I enjoy reading articles written by Jill Singer. Whilst she and I certainly do not share the same political outlook the fact is I believe she provides interesting comment and food for thought. I do not necessarily agree with her on all occasions but she does provoke thought.

Hon. W. I. Smith — High praise!

Hon. R. A. BEST — Well, Ms Smith, I will consider most people's attitude, and I find very interesting some of the questions that are posed by people whose philosophical direction and interest in politics I do not share.

Hon. Kaye Darveniza interjected.

Hon. R. A. BEST — Yes, Ms Darveniza, I even enjoy talking to you.

On Friday, 3 May, in the *Herald Sun* Ms Singer's article says:

> Smoking helps kill thousands of Australians each year, yet we still seem confused about what to do.

It starts off:

> If we gaze into our crystal ball what do we see as tobacco's future? Will it ever be banned?
>
> Should it be?
>
> Considering that smoking is the no. 1 public health issue across the world it is remarkable that nicotine remains the biggest selling legal drug on the market.

Rather than quote verbatim from the article, I point out that she goes on to say that our attempts to control smoking are becoming ever more divisive, confusing and unworkable.

We are arriving at the stage where people are questioning whether the reforms we are putting in place are becoming invasive — and they do not understand why we are looking to introduce them. I say again, and I welcome comment from the government members, that I am not concerned about tobacco reform whether it impacts on the individual smoker or deals with the effects of passive smoking on people because we must have reform, but we must do it in a way that takes the community with us.

With those opening remarks I now turn to the content of the bill. The bill has six major measures, which I will refer to. Firstly, smoking will not be permitted in the vast majority of gaming rooms within approved gaming venues. Whilst I understand the reason behind the introduction of this legislation I am not totally convinced that it has made a connection between gambling and smoking. Unfortunately the government may have rushed this legislation because of the efforts by the Independent member for Gippsland South and her proposed legislation on smoking in gaming venues.

I have spoken with gaming room operators and they would be happy to remove smoking from their venues because there would be quite substantial cost savings for them, including on the major cost of cleaning — the servicing of ashtrays and maintaining the general cleanliness required in hotels. In the case of Crown Casino the bill restricts smoking on the main gaming floors — they will be required to be smoke free. Further, licensed venues with two or more rooms in operation will be required to indicate that smoking is prohibited in one of them.

Interestingly bingo centres will be required to be totally smoke free, and in other places where bingo is played, whether they be school halls, church halls or sporting clubs, the area where bingo is played will be required to be smoke free during bingo sessions. The definition of the term ‘product line’ in relation to tobacco products will also be amended.

The National Party consulted widely with health agencies and industry groups, including local government and individuals. I will not read into *Hansard* all of the people with whom we spoke, but I have a letter from seven health agencies urging us to support the bill. The National Party has traditionally and unequivocally supported tobacco reforms, and will do so again on this occasion.

One issue that is causing concern is the application of smoking restrictions. While I congratulate Wendy Tabor, Jenny Hughes and Nickola Quinn for their briefing on the bill and for being helpful in explaining how these reforms will be interpreted, I became concerned and confused about the way in which many of these issues will be policed particularly on weekends and after hours when council health officers will not necessarily be present to implement the controls required to be observed under the legislation.

Although police have the power to go into a venue, and the gaming operator has the opportunity of telephoning the police to come onto the premises to remove people, I still think we are entering into a grey area where confusion will cause a level of objection among many operators in the industry we are trying to reform — for example, if there are two or more rooms in a venue one must be set aside as smoke free; if there are three or more rooms in a venue one room has to be smoke free as well as the gaming room that must be set aside.

I am concerned that what we will end up with is a bar in a bingo centre where there could be a green line drawn on the carpet where people can stand at the bar and smoke; or in a gaming venue with an open area such as the Welcome Stranger, which is close by in Bourke Street, with basically one big room. How would it apply? Basically it comes down to lines drawn on bits of carpet or floor, or signs that could be moved that will signify smoking areas. I do not want to be the one who has to decide whether someone is in or outside the area where a sign is placed, or to decide some imaginary line that is the arbitrary smoking or non-smoking area in a venue. It is confusing, and I worry that if we are heading in that direction where the government wants to introduce such reforms then we will lose goodwill with the operators and owners of those businesses in enforcing such reforms.

It is legislation that the National Party and I in particular in the past have supported. I place the minister on notice that this is certainly not the way that the Honourable David White acted in his time as health minister — I have been on the board of Vichealth since 1989 — it is not the way that the Honourable Caroline Hogg acted as health minister and it is not the way that the Honourable Rob Knowles acted as health minister. If the government and the Minister for Health wish to continue to enjoy the tripartisan support of members of Parliament belonging to the three political parties then he must be more inclusive in his consultation process on the reforms he wants to achieve. He must outline clearly the strategic direction that the government will be pursuing with further tobacco reforms.

We understand the public health issues, particularly those associated with passive smoking, and the enormous cost to the government health bill, but please involve us because if we are left out of the process then we will be in a position where we will have to decide issues based on representations from industry rather than the way in which we believe, as we have in the past, health budgets, dollars and strategies best serve the Victorian community. The National Party supports the bill and wishes it a speedy passage.

Hon. GAVIN JENNINGS (Melbourne) — This important legislation will build on the tobacco reforms that have been introduced by the Bracks Labor government in the last two and a half years. It contains additional important measures to add to those reforms to improve the quality of the environment in Victorian pubs and clubs and gaming venues and to diminish the adverse health impacts of passive smoking in particular.

It is a measure that the government firmly believes will strike a chord with the Victorian community. Recent health surveys indicate that a significant portion of the Victorian population agree with the spirit and intent of the legislation. Some 83 per cent of the community was identified in a survey in November 2001 as supporting either total or partial smoking bans in bars, and a further 92 per cent supported either full or partial smoking bans in gaming areas in Victorian pubs, clubs and the casino.

It is not surprising, given the incidence of smoking-related illnesses that occur within the Victorian community. We estimate that some 5000 Victorians die each year from smoking-related illnesses. That is an appalling situation. Some 20 per cent of Victorian adults smoke regularly, and the diabolical situation is that 32 per cent of Victorian schoolchildren aged 16 or 17 years smoke. It is an appalling situation which is compounded by the adverse health impacts of passive smoking which we believe contribute to around another 1600 deaths in Australia each and every year due to illnesses that have been caused by passive smoking.

We believe around 146 of those deaths are due to lung cancer, and around 1400 deaths occur each year through heart disease as a result of passive smoking. This national figure equates to about 400 deaths a year in Victoria, which is on average one death every day of the year of a Victorian dying from the effects of passive smoking.

Increasingly over the past 20 years researchers have revealed the harm caused by passive smoking. The bill now takes further steps to try to prevent the occasions by which members of the Victorian community will be subjected to passive smoking. All members of the Victorian community, indeed the international community, would be aware of the high incidence of lung cancer, heart disease, low birth rates and the respiratory problems in children that can be attributed to passive smoking.

The legislative reforms are designed to do a number of things: they provide that smoking will not be permitted in the vast majority of gaming rooms within pubs, clubs and the casino. In the case of Crown Casino, the main gaming floors will be required to be smoke free.

The legislation provides that licensed venues with two or more rooms in operation will be required to indicate that smoking is prohibited in at least one of those rooms. Bingo centres will be required to be smoke free, which will encourage one to say, ‘Bingo’, and shout with glee that people who have been subjected to many lengthy hours of intense passive smoking within bingo centres will no longer have to suffer that major health risk. The areas where bingo is played in other places such as school halls or sporting clubs will require to be smoke free during that particular session. In addition to government reforms introduced over the last couple of years there is a further refinement in the definition of ‘product line’ in relation to tobacco products.

The bill builds upon a healthy set of initiatives through successive legislation over the last two years in which we saw the introduction of smoke-free dining and smoke-free shopping centres. Laws have been introduced prohibiting tobacco advertising in shops that sell tobacco, strict limits have been placed on displays of tobacco in shops that sell tobacco, and tough penalties are in force for retailers who sell cigarettes to children and teenagers of younger than 18 years of age.

The government has legislated to prohibit cigarette hawkers or mobile cigarette sellers and it has closed loopholes allowing for the provision of gifts or benefits with the purchase of tobacco products. In addition, the use of signs advertising the availability of discounted cigarettes outside tobacco retail outlets is now prohibited.

The government believes it is developing a comprehensive set of legislative measures that will restrict the incidence of tobacco smoke within the Victorian community and reduce the incidence of passive smoking. Statistics indicate that that is an ongoing and major concern to our community and is a great cost both in terms of human tragedy and to the health system. Apart from assisting the general health and wellbeing of the Victorian community the reforms

will play some role in reducing the cost to the public purse of health services.

From the estimates available to it the government believes that smoking costs the community in excess of $3.3 billion every year — more than two-thirds of the total cost of all drugs, including alcohol and illicit drugs. The reduction of smoking rates as the single most effective way of enhancing the health status of Victorians and will play a significant role in reducing the health costs to our community.

The bill has not necessarily come at the beck and call of the industry. In the contribution of the National Party to this debate it was indicated that in the marketplace there is some contention about the impact on pubs and clubs and within the industry there is concern about the government pursuing a rigorous agenda. Whilst it is the preferred method of the Minister for Health and the government to work in a cooperative arrangement with the business community and commercial interests, particularly the hotel industry, it does not shy away from taking responsibility for driving this agenda.

It is noted that many workers in the hospitality industry in particular and those who believe they have suffered exposure to an occupational health and safety risk in their daily working lives require urgent action, and the government has responded to that. The Liquor Hospitality and Miscellaneous Workers Union has been engaged in an ongoing campaign to protect the health status of its members and has undertaken a major campaign over the last few years. The government has moved far slower than the union may have wanted on behalf of its members but it has responded in a considered way to the health needs of employees in the hospitality industry. It believes that the package it has brought to bear addresses many of the prevailing health concerns of workers in the hospitality industry.

I congratulate the Minister for Health and the group of solid citizens who worked on his behalf in this endeavour — people who are working assiduously to improve the health status of the Victorian community and who play a very proactive and positive role in public health. Members of Vichealth, members of the Anti-Cancer Council of Victoria and people like Brian Daley and Jane Farrell from the Liquor Hospitality and Miscellaneous Workers Union have not lost sight for one moment of the importance of these reforms. I congratulate all those players who have actively participated in this issue.

I also place on record the fact that the compliance of the Australian Hotels Association with these reforms has perhaps been more enlightened than one may have thought from the evidence presented by some conservative members of this Parliament. It has been reasonably compliant and has been working proactively on this agenda. It knows it is in its long-term commercial best interests to move on this agenda.

The government believes its objective has been achieved. Crown Casino, which is the subject of much debate in this place, has recognised its need to be proactive in this agenda. We encourage it to be even more so in the future and to recognise that it is in the long-term interests of all Victorians and those who come to spend recreational time in Victoria to move on this agenda.

As this legislation adds to our suite of legislative reforms designed to improve the health status of Victorians, I enthusiastically support the bill and its passage through the house.

Hon. G. B. ASHMAN (Koonung) — In indicating my support for the legislation I am appalled at the contribution from both government speakers on the bill. They talked about what they perceived to be the gains of the last two and a half years but there was no acknowledgment or recognition of the history of tobacco control in the state. They ignored the history and contributions of the Honourable Caroline Hogg and the Honourable David White, who were both major players when the Tobacco Act was introduced, together with the Honourable Mark Birrell and others. That group drove tobacco reform, commencing in 1986 and with the legislation being passed in 1987. If my memory is correct the legislation was implemented when the Honourable David White was health minister, followed by the Honourable Caroline Hogg. When the coalition was elected the health minister was the Honourable Marie Tehan and then the Honourable Rob Knowles. On every occasion when legislation was introduced to amend the Tobacco Act there was widespread consultation between the parties.

Since the Labor Party has come to office there has been almost no consultation. We have put the government on notice on at least three occasions now that if it should accept and acknowledge that this issue has tripartite support, that we can work our way through the legislation together, and that by having tripartite consultation on legislation of this type we can end up with better legislation than is currently coming before us.

It is ludicrous that the government claims total credit for the tobacco reforms that are under way. The opposition has some reservations about the effectiveness of this amending bill, because some of the

definitions and procedures it proposes are complex and will not be easily implemented. Nevertheless, the opposition will support the legislation because it believes everything you do with tobacco control is a step forward. Sometimes they are small steps and I suspect this is a very small step.

We now know from research there are around 400 deaths a year from passive smoking. Passive smoking claims more lives now than the road toll. The government seems to have a focus on the road toll, but a much lesser emphasis on the issue of controlling smoking in recreation venues and public places. We know the long-term effects. We know the statistics on heart disease, lung disease and asthma and other diseases that come from direct and indirect smoking.

As I said, these new measures are complex in the way they are to be implemented. There will be no smoking in bingo centres while bingo is being played, but as I read the provisions once the bingo game is concluded smoking can take place in the venue. Licensed venues with more than two rooms operating will require one smoke-free room, but if it is a one-room venue a section will be smoke free. There will not be a prohibition on smoking around the bar, if there is a bar. You can draw lines on the carpet, the lino or put up ropes as barriers, but smoke is airborne and I am not sure that it will obey the lines on the ground or signs that say, 'No smoking past this point'. It is a crazy package; nevertheless, the opposition will support it.

The definitions on product lines are a step forward. The tobacco companies were looking at ways of getting around what was a product line. I understand they were looking at declaring each packet and each size as a product line. Indeed if they had different content that could be a product line. These changes will limit the ability to build major in-store displays. Having made that comment, it is useful to observe that we have seen signage removed from in-store displays, but tobacco product is still visible in the stores and is still presented in a way that enables the consumer to clearly see the product lines. I do not think there is any evidence yet to support the contention that was put forward when we removed advertising from the point of sale that shows there has been a reduction in sales of tobacco products at retail outlets. It may be a little early for us to get that information, but I suspect the removal of the advertising signs from the point of sale will not have the same level of impact we were told it would have.

The government's approach has been to prescribe no-smoking activities. That is a strange way of doing it. I would have thought a more appropriate way would have been to declare venues as smoke free or a portion of the venue as smoke free. The Liberal Party put forward a policy position that suggests that all venues should be 80 per cent smoke free. That is simple and straightforward. What is put forward in this bill is complex in its implementation. How it will impact on bingo centres, we are not sure. I suspect it will not have a great impact, but the way it applies in RSL clubs with gaming machines where there may only be one room is different from the way it will apply in the casino and it will have different applications to pubs and clubs, depending on their size, the number of rooms they have and the nature of the activities within those rooms. You can see already some of the venues altering the mix of activities within the room to accommodate smoking. The opposition believes the policy is inconsistent, while acknowledging that the broad thrust the government is seeking to achieve is admirable.

As a member of the Vichealth board, about three months ago I asked whether there was proposed legislation on tobacco control being brought forward this sitting. We received what I thought at that time was an evasive answer. Basically it was no, the government has no intention of introducing further legislation. The representatives from the Anti-Cancer Council of Victoria were a little cautious in their response and I do not see why they need to be.

If the government is planning amendments to tobacco control it ought to make it clear that it is planning to do so. As I said in my opening remarks, there has always been tripartite support for tobacco control. We now have tripartite support plus the support of the Independents. The total Parliament is in support of these initiatives. This is not an issue that is owned by one of the political parties, not an issue that an individual has ownership of — it is one that the Parliament has taken ownership of.

As I have indicated, it has always enjoyed tripartite support, regardless of the minister at the time; there has always been consultation. I have been on the board of Vichealth since 1996, and in that time the minister would come to the board and indicate that there were some proposed changes to the Tobacco Act, and there would be consultation on how those changes would be implemented. and there would be some finetuning along the way.

The government needs to change its attitude here — it has not only been in the last two and a half years that we have made progress on tobacco control. We have now had at least 14 years of change. Initially, Vichealth was engaged in the tobacco sponsorship buy-out across sport and the arts. It started to fund research and community health. The mix of funding across those

activities has not changed, and I am not persuaded that it needs to change. Certainly the activities that Vichealth engages in has changed: there is now far more emphasis put on research into outcomes and returns from sponsorships and arts funding. We are now increasingly demanding that the recipients of funds demonstrate the outcomes and do so in a way that enables us to disseminate that information across the sports sector, the recreational sector, the arts sector — whatever sector it happens to be.

It is important that we continue to have this tripartite support for all of these activities. I put the government on notice that if it continues in the direction it appears to be heading, that tripartite support will not continue. If the government chooses to make Vichealth just another part of the Department of Human Services, I guess that is its choice, but it needs to recognise that today, as we debate this legislation, Vichealth is a statutory body. It reports to the minister, and it reports to the Parliament. It operates substantially independently of government and its success in the marketplace has been generated because it operates independently.

It is recognised across the community as being at the forefront of health promotion in this state. It is recognised nationally and internationally as the leader in its field. It has achieved that because of its independent statutory position; it is not seen to be just another division of a government department.

If the government chooses to continue the way it appears to be going and increasingly puts the hand of the government over Vichealth, the government is on notice that it is unlikely Vichealth will have tripartite support. With those comments and that warning, the Liberal Party supports the legislation.

Hon. KAYE DARVENIZA (Melbourne West) — Can I say how pleased I am to have an opportunity to make a contribution to this important debate and to speak in support of the Tobacco (Miscellaneous Amendments) Bill. Can I also say how pleasing it always is to contribute to a debate that has the support of all parties in the chamber.

I also feel proud to make a contribution to the debate that will see further reforms to address the very real health problems associated with passive smoking that occurs in bars, nightclubs, gaming areas and bingo centres. The government has already introduced legislation that is aimed at the control of tobacco and improving the health of the Victorian community. We have seen reforms in smoke-free dining rooms and shopping centres, prohibition on tobacco advertising in shops and retail outlets, strict limits on the display of tobacco product in shops and in the selling of tobacco and tough penalties on retail outlets that sell tobacco to children. The government has also introduced a range of other reforms, but I will not go into the detail because the previous speaker on the government side, the Honourable Gavin Jennings, outlined them.

All honourable members know about the detrimental effects that smoking has on one's health. It is not necessary to have had the experiences I have had as a nurse in the health industry for many years to fully appreciate and understand the effects of smoking. I am sure that most honourable members have been directly touched in one way or another by the effects: they have had family members who have been ill, contracted cancer or a major illness such as stroke, heart disease or emphysema. Those sorts of illnesses can lead to death and can be incredibly debilitating. Honourable members will have been personally touched in some way by the devastating and terrible effects of smoking. It is not only serious illness and death but other forms of disease that are less deadly such as respiratory disease or conditions such as asthma or chronic bronchitis.

Reducing smoking is by far the single most effective way in which we can improve the health of Victorians and cut costs in our health care system. While the government is proud of its achievements in tobacco reform, and acknowledges the reforms brought about by previous Labor governments in this state, it still needs to take ongoing action to stem the effects of both smoking and passive smoking on the citizens of Victoria. The harsh reality is that every day in this state at least one person dies as a result of passive smoking.

Tobacco is the leading cause of death in Australia. Each year over 9000 Australians die from a smoke-related illness and over 5000 of those are Victorians. The social and economic cost of tobacco use in Australia is more than $13 billion per year and of that cost $3.3 billion relates to Victoria. Tobacco is associated with over 4 in every 5 drug-related deaths, and almost 3 in every 5 drug-related hospital episodes. So it has a significant impact socially and economically to Australia as a nation and more specifically to Victoria as a state.

In 1997 tobacco was associated with almost 150 000 hospitalisations in Australia. Males are twice as likely to be hospitalised for tobacco-associated illness than females or to die from a tobacco-related cause. Both active and passive smoking can cause a range of diseases in adults, including lung cancer and heart disease; and in children, sudden infant death syndrome, foetal growth impairment, low birth weights, middle-ear disease, respiratory illness and asthma.

These are significant, severe and debilitating illnesses. Passive smoking contributes to the symptoms of asthma in 46 500 children each year. That is a staggering number of children who are affected by passive smoking. It also causes a large number of lower respiratory illnesses in children.

Smokers are seven times more likely to suffer from a stroke than non-smokers. We all know about the debilitating effects and long-term rehabilitation that people have to go through when they suffer from a stroke — that is, if they live through the stroke.

Again, previous speakers on both sides of the house have talked in some detail about the impact of smoking on our young. I will not go into any great detail about that except to say that 80 per cent of smokers begin smoking before the age of 18 and around 75 per cent of all regular smokers commence daily smoking before they turn 20. That is one of the reasons the government has directed a whole range of smoking reforms towards preventing young people from taking up smoking and preventing advertising aimed at encouraging young people to take it up. I know that all honourable members in this chamber are aware of these harsh realities and statistics and are concerned about them, as is the government. It is because the government is so concerned about the effects of smoking on the health and wellbeing of our community that it has introduced the tobacco reforms before us today, which are designed to address this very important health issue.

As with all the bills it introduces, the Bracks government has been concerned to consult on the reforms contained in this legislation. It has consulted with a broad range of stakeholders, including industry groups, health groups, local government peak bodies and employment organisations. It has also been involved in a number of site visits with industry stakeholders to determine how premises will be affected by the proposed smoking bans.

I do not intend to go into any detail regarding consultation other than to mention those broad groups with whom we have consulted. Likewise I do not intend to go into great detail about the community support that is behind this bill and behind the government in its quest to bring about tobacco reforms, because previous speakers from both sides of the house — certainly from the government side — have talked about it.

A number of surveys have taken place, including the Victorian population health survey in 2001 as well as surveys done by the Melbourne Centre for Behavioural Research in Cancer in 2000 and 2001, which showed very significant support for the banning of smoking in gaming areas. The results of those surveys have been compared and have shown overwhelmingly that people support the banning of smoking in some areas. Again I do not intend to go into that in detail except to say that the community is behind us. That is based not just on a gut feeling but on research which has demonstrated overwhelming support for the reforms in the bill before the house.

I will deal quickly with the purpose of the bill, which is to amend the Tobacco Act of 1987 in a way that prohibits smoking in places where bingo will be played and limits smoking in licensed premises, gaming venues and casinos. There is also a range of other minor purposes. Clause 2 of the bill sets out when the proposed changes will take effect, which is 1 September 2002, except for the amendment that goes to the definition of product lines, which will take effect from the day after the legislation receives royal assent. Clause 4 of the bill deals with the definition of the term ‘product lines’. Previous speakers have gone into detail about that so I will not say much about it. The act currently restricts the display of tobacco products in retail outlets. The definition of a product line for tobacco products will be amended to prevent more than one size of the same tobacco product being displayed. This amendment will ensure that only products that have different brand names, flavours or nicotine content can be considered to be different product lines.

Proposed section 5F, which is inserted by clause 9, will require that bingo outlets are smoke free, including Victoria’s 30 bingo centres and other premises such as Returned and Services League clubs, churches and sporting venues where bingo is played. As these are multipurpose premises the smoking ban applies only when bingo is being played in such venues, but smoking will be banned at all times in the 30 Victorian bingo centres.

Proposed section 5I deals with the casino and provides that the main gaming floors will be smoke free, with an exemption for some of the Crown Casino bars located on the main gaming floor and some of the main VIP gaming areas for international high rollers. Even though this has been raised by a number of opposition members I believe it was also addressed by the Honourable Elaine Carbines so I do not intend to repeat the government’s position on it.

Proposed section 5L is a key reform of the bill. It prohibits smoking in the gaming room of a gaming venue with more than one room and in the gaming machine area of a venue with only one room. This means that smoking will not be permitted in more than

90 per cent of gaming rooms within approved gaming venues.

Proposed section 5O requires that licensed venues with two or more rooms in operation will be required to indicate that smoking is prohibited in one of those rooms. The Department of Human Services will monitor closely the implementation of these amendments. If it believes a venue is attempting to avoid the new smoking restrictions by becoming a single-room premises the government will have to give consideration to making further changes.

I will deal briefly with compliance. Again the government is confident that as with other smoking reforms the community and the industry will do the right thing and that there will be a high compliance rate with the proposed reforms. However, as with the laws requiring dining rooms and shopping centres to be smoke free the legislation will be enforced by local councils. That will require visits by council officers to gaming venues, bars and nightclubs in municipalities to ensure compliance.

The government is also planning a statewide communications campaign to ensure both the community and the industry are informed about the new laws, and to inform everybody — the community and gaming venues — of their new obligations in line with the reforms. The government is also producing an education booklet which will provide information and advice regarding the laws and which will be distributed widely to industry stakeholders as well as enforcement officers and local councillors.

There are penalties attached to breaches of the new laws. I do not intend to go into them in any great detail. As I said earlier, the legislation will be enforced by local councils. An infringement penalty of $100 can be imposed by local councils, and a maximum penalty of $500 if the matter ends up going to court and if it is proven in court. Individuals will incur the penalty if they are found to be smoking in non-smoking areas, and owners and managers who allow patrons to smoke in the smoke-free areas or who fail to display no-smoking signs will also be subject to the penalty provisions.

In conclusion, this is a good bill. It builds on the tobacco reforms that were passed by the Victorian Parliament in 2000 and 2001. It contains some important measures to address the harmful effects of smoking. Like previous honourable members, I convey my congratulations to the Minister for Health in the other place, the Honourable John Thwaites, for this legislation and his commitment to bringing about tobacco reform in this state, and to contributing to the health and wellbeing of all Victorians. The bill deserves the support of all honourable members in this house and I wish it a speedy passage. I commend the bill to the house.

Hon. S. M. NGUYEN (Melbourne West) — I wish to make a contribution to the debate on the Tobacco (Miscellaneous Amendments) Bill. The bill is important for people who do not want to smoke. We want to encourage people not to smoke tobacco in the future. It is also important that people who smoke respect other people. I know a lot of people do not smoke but they can be in a public place with smokers.

The government is trying to protect the health of the Victorian community. Every year we have to spend a lot of health sector money on public health to try to improve the health of our community. It is estimated that 5000 Victorians die each year of smoking-related illness. About 21 per cent of adults and 32 per cent of schoolchildren, aged 16 years and 17 years, smoke. The cost of smoking to Victoria is a lot of money — about $3.3 billion a year. It is very expensive and is a waste. We could do a lot with that money and improve a lot of things for Victorians. The Victorian Health Promotion Foundation, or Vichealth, was set up to try to improve health in Victoria. The Quit program encourages people to give up smoking, and especially tries to stop young people buying cigarettes or starting to smoke.

The Bracks government has done a lot of things to try to stop people smoking in public places. It has introduced smoke-free dining and smoke-free shopping centres, so that people's health, especially young people, is not affected by smoking. We have introduced laws to stop tobacco advertising in public places so people do not get sucked in by advertising which encourages them to smoke. We are one of the many countries that has done a lot of work to improve public health. I have been to many other countries around the world, particularly to Third World and Asian countries, and people are still smoking in public places. I do not think it is a good idea. What we are doing today is also helping people in other places around the world.

Smoking will not be permitted in many gaming venues. There are a lot of things we would like to see. Smoking will be stopped in as many places as possible. People can smoke outside the rooms, in the open air, so that people who happen to be there will not be affected. Many illnesses are caused by smoking, such as lung cancer, heart disease, low birth weight babies and respiratory problems in children. Stopping people from smoking in public places is the only way to reduce the number of smokers in Victoria.

In conclusion, from September this year people will enjoy smoke-free zones in certain premises. People who smoke have to be responsible when they smoke. They can only smoke where they are allowed, especially in public places. We need smoke-free zones. I support the bill.

The DEPUTY PRESIDENT — Order! I am of the opinion that the second reading of this bill requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The DEPUTY PRESIDENT — Order! So that I may ascertain whether the required absolute majority has been obtained, I ask honourable members who are in favour of the question to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Third reading

Hon. M. R. THOMSON (Minister for Small Business) — By leave, I move:

That this bill be now read a third time.

In so doing I thank all honourable members for their contributions.

The DEPUTY PRESIDENT — Order! As I am of the opinion that the third reading of this bill requires to be passed by an absolute majority, I ask honourable members who are in favour of the question to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

ENERGY LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 29 May; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. C. A. FURLETTI (Templestowe) — I am pleased to advise that the Liberal opposition does not oppose the Energy Legislation (Further Miscellaneous Amendments) Bill on the basis that it is a relatively simple housekeeping amending bill. It is another example of relatively brief rectifying legislation which should have been introduced with other legislation had the government had its legislative agenda in place in the form of an omnibus bill.

The bill amends the Electricity Safety Act 1998 and the Gas Safety Act 1997 by abolishing the Gas Appeals Board and the Electrical Appeals Board and vesting the jurisdiction and role of those two boards into the Victorian Civil and Administrative Tribunal (VCAT). In doing so it provides that a review of the decisions of the regulatory bodies that control the electricity and gas industries can be made on the same basis — with a very minor exception which is referred to in the second-reading speech — and be sought by the same parties as exist in the current legislation. The changes are very minor in that regard.

The bill amends a provision of the Electricity Safety Act relating to fire hazard ratings, to which I will subsequently refer. It also changes the Electricity Industry Act 2000 and the Gas Industry Act 2001 in a very simple and technical way by making amendments to the manner in which a tariff order can be changed and to refine the cross-ownership exemptions referred to in both acts.

The bill makes some other simple and technical housekeeping amendments, to which I will refer. Firstly I will analyse the reason for the abolition of the Gas Appeals Board and the Electrical Appeals Board. Those boards were established under the Electricity Safety Act and the Gas Safety Act in the years I indicated. It is of note that since the creation of the respective boards there has never been an appeal. I note that the minister referred to that in her second-reading speech and gave some reasons why that may be the case.

The grounds upon which and the purposes for which reviews can be sought are very wide. They are represented in clause 4, which proposes to introduce new part 6, which provides in proposed new section 69 that a person who is aggrieved can apply to VCAT to review a decision which relates to — and this is under

the Electricity Safety Act, but the provisions are mirrored in the Gas Safety Act:

(a) a decision under Part 3:

(i) to refuse to register or renew the registration of an electrical contractor —

or electrical worker —

(ii) to take disciplinary action in respect of a registered electrical contractor —

or electrical worker —

…

(v) to refuse to supply a certificate of electrical safety —

in respect of electrical work performed, and under proposed new paragraph (b):

(i) to refuse to certify the compliance of electrical equipment …

It provides for reviews of prohibitions to supply particular types of electrical equipment and requirements with respect to a recall of electrical equipment on the grounds of safety. It also relates to the refusal to register certain electrical equipment with respect to energy efficiency and to reviews of directions by the Chief Electrical Inspector relative to the supply of electricity to an electrical installation, including the use of and work practices of and generally unsafe electrical situations, and it then refers to other areas.

When one considers the ambit and the area of application of the Electrical Safety Act, one can see that it stems from the most basic element of the generation of electricity, all the way through to appliances. At the briefing it was indicated to me that it could also apply to electrical transport — for example, trams, trains and related areas — so it has a very broad application. This bill will impact on that whole range of participants in the electrical industry. It is not insignificant in that regard.

Having said that, I return to the point I was making before I took that tangent. The point is that, notwithstanding the breadth of application of the Electricity Safety Act and the numerous regulations and controls that exist, since 1997 and 1998 under these provisions there have been no appeals involving the gas and electricity industries respectively.

As I said, the minister in her second-reading speech indicated that that could be because of good practice and good training. I suggest that it is also probably because of the bundles of commonsense that apply in these industries, where people who have received notices or who have cause to deal with the Chief Electrical Inspector or the Gas Safety Office have been able to resolve their difficulties without the need to appeal to the respective appeal bodies established under that legislation. Therefore it makes sense that those two appeal bodies which have not been used be abolished and a separate division of the Victorian Civil and Administrative Tribunal be established to deal with these situations.

Those who feel aggrieved can still have their concerns addressed and determined by VCAT. One would assume that that will take place and those grievances will be adjudged by experts in the field whom VCAT can call upon to assist. One would further expect that Mr John Chamberlain, who is currently the chair of the appeal bodies, would be available to render his assistance to VCAT and to ensure that matters are appropriately dealt with. That is the principal effect of the bill before the house.

Without going through the bill clause by clause as the minister has done in her second-reading speech, I draw the attention of the house to a relatively simple and logical amendment in clause 5 to section 80 of the Electricity Safety Act which would substitute paragraph (a) of section 80. Currently there are two fire hazard ratings, ‘high’ and ‘very high’, and by implication there are perhaps four in total, with the ‘low’ and ‘non-existent’ or ‘none’ ratings. This amendment introduces two ratings of ‘low’ and ‘high’.

It is significant that the maps for the current fire hazard rating regime were drawn some 30 years ago, so I am told, and given the urban sprawl that has taken place over that time it would have been appropriate that this should have taken place earlier. It should be noted that the Country Fire Authority and the Metropolitan Fire Brigade are the regulators to determine fire hazard ratings under the provisions of part 8 of the Electricity Safety Act. Those provisions relate to electric line clearance; the urban area categories are agreed to by the relevant minister and the fire control authorities I have mentioned. So this amendment affords an opportunity for new ratings. The reassessment is in train and will be done later this year. Perhaps the minister will bring the house up to date with how that aspect is progressing.

Most of the remainder of the bill relates to technical amendments. Clause 6 amends the provisions with respect to the entry to premises by enforcement officers. Currently any such entry needs to be reported to the Electrical Appeals Board for the electricity industry and to the Gas Appeals Board for the gas industry. This amendment provides that those matters

be reported to the respective regulators of the electricity and gas industries who will keep registers with expanded details. Proposed new section 128(2) will have full details of the information that needs to be included in the register. The remainder of the provisions of clauses 7, 8 and 9 are simply housekeeping. Transitional provisions are included in proposed new section 163 with an extensive schedule that will be incorporated in the legislation. Clause 10 repeals sections 164 to 170 of the Electricity Safety Act because those amending sections have been incorporated into the statutes to which they relate and therefore it is redundant legislation. As I indicated, this bill contains quite a lot of housekeeping measures.

With respect to part 3 of the bill, similar mirrored amendments are reflected in the Gas Safety Act and again there is provision for proposed new part 4 about rights of review similar to those to which I referred in the electricity industry.

In this instance the bill relates to gas workers who carry out upstream gas work and decisions with respect to cancellation or suspension of approvals and registrations — it relates to appliances and to gas installations across the board and mirrors the electricity situation. The entry provisions for inspectors are also mirrored in the bill, as are the transitional provisions which relate to the electricity industry.

Clause 20 in part 4 of the bill amends section 14(3) of the Electricity Industry Act. That section, which is relatively lengthy, relates to a tariff order and provides that the Governor in Council, on the minister's recommendation, may amend the tariff order to give effect to certain intentions. Clause 20 adds another element for variation of the tariff order. The clause is relatively clear and self-explanatory to the extent that it clarifies the application or non-application of the provisions of chapter 4 to tariffs that Vencorp charges. If that confusion exists it is appropriate that that power be given. In the final analysis one suspects the minister will deal with any such circumstances.

Clauses 21 and 22 of the bill relate respectively to amendments to the Electricity Industry Act and the Gas Industry Act. Both have a similar effect and apply to the provisions for cross-ownership. The provisions in section 68 of the Electricity Industry Act and section 129 of the Gas Industry Act that relate to prohibited interests are set out in considerable detail in those acts. They currently provide that prohibited interests arise in these instances as a result of an acquisition referred to in section 88(9)(a) or (b) of the Trade Practices Act and then detail the circumstances. It will no longer be necessary to apply to both the Australian Competition and Consumer Commission under the Trade Practices Act and to the Essential Services Commission in Victoria to obtain an exemption. If an exemption has been obtained under either a state or federal jurisdiction then the other jurisdiction will accept that exemption as being appropriate and acceptable.

As recently as the middle of last month — on 16 May — we had an instance recorded in the *Age* of an urgent recall of electrical goods. It has been some time since I have seen such a recall. I remember a number of years ago the situation being relatively common. In this case there was an urgent recall of electrical components which were considered to pose a fire or electric risk. The article reports Mr Graham, the Chief Electrical Inspector, as saying that the last time anything like this happened was more than a decade ago. Obviously the industry and the systems are working.

This is a cleaning-up exercise. While there are some technicalities in the bill that may be problematic, we do not oppose it. We have consulted broadly with those affected and generally there is strong support for it. On that basis, the Liberal party does not oppose the bill.

Hon. P. R. HALL (Gippsland) — I am pleased to report that the National Party will not oppose the Energy Legislation (Further Miscellaneous Amendments) Bill. This bill amends four acts: the Electricity Safety Act, the Gas Safety Act, the Electricity Industry Act and the Gas Industry Act. The amendments cover four main areas. Firstly, the bill abolishes the Electrical Appeals Board and the Gas Appeals Board with the transferring of the functions of those boards to the Victorian Civil and Administrative Tribunal. Secondly, it changes fire hazard ratings from 'high' and 'very high' to 'low' and 'high'. Thirdly, it clarifies transmission tariffs that are set by Vencorp. Fourthly, the bill clarifies cross-ownership exemptions applying to electricity and gas suppliers.

I shall turn to those areas separately. Firstly, the appeals board exists because decisions taken by the Chief Electrical Inspector and the Office of Gas Safety regarding such things as industry licensing and registration, equipment and appliance approvals, recall notices and improvement or prohibition notices are able to be appealed by industry participants. Such matters are heard by appeals boards set up under the Electricity Safety Act and the Gas Safety Act. As has been already mentioned in the debate, since the establishment of those appeals boards there has never been any work for them to do because there has never been an appeal on any of those matters I have mentioned. That reflects

well on two counts: firstly, it reflects well on perhaps the knowledge and the compliance of industry participants; and secondly, it reflects well on the regulatory bodies involved — that is, the Chief Electrical Inspector, the Office of Gas Safety and the Regulator-General, now the Essential Services Commissioner. They have all played an important and sometimes difficult role in the changes that have taken place in the electricity and gas industries in recent years.

The bill proposes to abolish those appeals boards and transfer their functions to VCAT. Electricity and gas can involve complex matters at some stages, and I wondered whether VCAT had the necessary experience to deal with appeals in relation to electricity and gas matters. I am advised that VCAT can second expertise if there is a particular appeal with which it needs the assistance of experts in those areas. I am also told that the bill will not impose any additional financial strains on the operation of VCAT. If there are few appeals on electricity and gas matters then there will not be a huge drain on the financial resources of VCAT.

Page 3 of the second-reading speech notes matters on which an appeal can be taken. Each of those grounds is maintained with the transfer of the appeal functions to VCAT, except for those decisions prescribed by regulation — they will not be appealable to VCAT. Again I am told that there are few grounds for appealing a decision made by determination or regulation, and the setting of regulations provides for public input into the process in any case.

The National Party supports this transfer of the appeals function across to VCAT. It seems to make sense. Why have two appeals bodies functioning when one could do the job? The specific appeals boards which have been set up have not been inundated with work in any way. A previous additional function of the appeals boards was to keep a record of the execution of powers of entry undertaken by enforcement officers. This function will now be undertaken by the Chief Electrical Inspector and the Office of Gas Safety, which again seems to be a commonsense provision.

Clause 5 of the bill relates to fire hazard rating. As is explained in the second-reading speech, it seems to be just a change in terminology from classifying areas as being of either high or very high fire rating to either a low or a high fire hazard rating. That seems consistent with other fire hazard ratings set by the Country Fire Authority in other parts of Victoria. Once again it seems to be commonsense to have uniformity in the terminology used.

Fire hazard ratings have important implications for vegetation clearing around power lines, which is an issue in itself and which sometimes causes a bit of controversy in electorates represented by the National Party. However, it is probably not the subject for detailed debate today.

The last two areas of the bill on which I wish to comment briefly deal with clause 20 headed ‘Tariff Order’. These particular tariff orders apply to the transmission tariff set by Vencorp. Although on a reading of it its interpretation is quite complex because one needs to refer back to the principal act, I understand that the effect of this particular clause is to ensure that those parts of tariff orders set by Vencorp apply beyond 31 December 2002.

The last two clauses of the bill — clauses 21 and 22 — clarify cross-ownership rules in the electricity and gas industries and simply mean that if, for example, the Australian Competition and Consumer Commission formalises or gives approval for ownership within the electricity or gas industries there is no requirement for the Essential Services Commissioner to also consider and then give approval.

There is no sense in duplicating such work, and if the body set up under a federal act approves such cross-ownership rules then it seems to be a waste of time and effort to have that same function duplicated by the state body which, in this case, is the Essential Services Commissioner.

The provisions in the bill are relatively straightforward and non-controversial. The National Party has spoken to organisations such as the Country Fire Authority and some of those involved in the electricity and gas industries and no significant concerns have been raised. As a result the National Party is happy to not oppose the bill.

Hon. D. G. HADDEN (Ballarat) — I rise to speak in support of the Energy Legislation (Further Miscellaneous Amendments) Bill, the main purpose of which is to restructure the mechanisms for appeals or reviews against certain decisions of the gas and electrical safety regulators through the transfer of those review mechanisms to the Victorian Civil and Administrative Tribunal (VCAT) as well as to further clarify the framework of regulation for the electrical and gas industries.

The principal amendments relate to the Electrical Safety Act 1998 and the Gas Safety Act 1997. Currently, persons aggrieved by decisions of the Office of the Chief Electrical Inspector or the Office of Gas

Safety can have those decisions reviewed before appeal boards known as the Electrical Appeals Board and the Gas Appeals Board which are set up under each of those safety acts.

It has been noted by the minister in her second-reading speech that the appeal boards have heard no appeals nor have any appeals been lodged with them since their establishment some five years ago. As the minister noted, that may well be because of the well-trained industry participants and their good knowledge of industry standards. All the players in both the gas and electrical industries are to be commended.

Given that VCAT has the necessary infrastructure, processes and access to tribunal members and technical experts to effectively manage any appeals or reviews, it is not considered efficient to retain dedicated appeal boards in these circumstances. The bill abolishes the Electrical Appeals Board and the Gas Appeals Board and transfers those appeal or review jurisdictions to VCAT. The proposed transfer to VCAT has not altered nor will it alter any of the categories of persons currently entitled to appeal or the categories of decisions which persons can appeal against.

Currently the membership of each of the safety appeals boards comprises a legal counsel appointed for the Department of Natural Resources and Environment and two other staff members of DNRE. These appointments are short term at the moment as both boards will be automatically abolished with the commencement of the VCAT jurisdiction when the bill is passed.

The lack of appeals to date does not mean that the current appeals system does not work or work efficiently. It means that the Victorian Government Solicitor has a system of developing procedures for the boards to follow and whilst these procedures have not been tested there is no suggestion of any deficiency within them. The lack of appeals suggests that the decisions made by the Office of Gas Safety and the Office of the Chief Electrical Inspector are generally reasonable and clear and the regulators generally seek to resolve any issues that arise from potential appellants by dealing with them as they arise and seeking to negotiate an adequate and safe resolution so that appeals are not necessary.

The government has encouraged the Office of Gas Safety and the Office of the Chief Electrical Inspector to provide contact information for both the Gas Appeals Board and the Electrical Appeals Board to prospective appellants. Information is also available on government web sites and in the *Victorian Government Directory*. In addition, the rights of appeal are clearly spelt out in the Gas Safety Act and the Electricity Safety Act respectively, so information is available for tradespersons.

The Victorian Civil and Administrative Tribunal is able to seek expert advice on technical matters where necessary. The tribunal may refer questions to a special referee for an expert decision on a particular matter. Safety outcomes will not be compromised by the transfer of the appeal jurisdictions to the Victorian Civil and Administrative Tribunal. In addition to its power to involve relevant technical experts VCAT has the power to abridge any time limits, and administrative procedures are in place to enable urgent hearings to be conducted should that be necessary.

Under section 51 of the Victorian Civil and Administrative Tribunal Act 1998, VCAT is given the same functions as the original decision-maker. When VCAT is exercising those functions it will be required to have regard to the general safety objectives of the office. As a general legal principle VCAT will be required to take into account safety consideration when reviewing the original decision.

Under the existing gas and electricity appeals board regulations, appeals to the respective boards attract a fee of between $200 and $1000. Once the bill is passed and the VCAT jurisdiction commences the bill will have the effect of repealing those regulations and the fees will then be set by the Victorian Civil and Administrative Tribunal (Fees) Regulations. Those fees range from zero to $500; however, a standard fee of $250 will apply to the commencement of a proceeding under acts that do not specifically prescribe a fee, such as the Gas Safety Act and the Electricity Safety Act. It is unlikely that the VCAT fee structure will have any significant impact on a party's decision to appeal.

VCAT is required under section 57 of its act to apply government policy in reviewing a decision where the relevant minister has certified in writing that a statement of policy applied to the original decision. It is unlikely in the electricity and gas safety contexts that the minister would issue a statement of policy as to how certain decisions of the safety regulators ought to be made. The policy framework for the safety regulators, as determined by government, comprises the objectives, functions and powers prescribed to them by the Electricity Safety Act and the Gas Safety Act. In addition, the minister reviews annually and comments on the safety planning and policy direction of the regulators through corporate planning documents. These two mechanisms are seen as the primary and appropriate means for setting policy parameters for the safety regulators.

The bill also ensures that the other function of the appeals boards — the keeping of registers relating to the exercise of the inspectors' powers of entry by the Office of Chief Electrical Inspector or the Office of Gas Safety Inspector — is transferred to the safety regulators. Those provisions are contained in clause 6 of the bill. This is consistent with the reporting requirements under other legislation such as the Fair Trading Act 1999, where the exercise of a power of entry must be reported to the director of consumer and business affairs within seven days of entry.

Clause 5 substitutes proposed new paragraph (a) of section 80 in the Electricity Safety Act to prescribe new categories of fire hazard rating as 'low' and 'high'. These ratings are relevant for powerline clearance purposes — for example, determining the level of vegetation clearance that is required. The current categories of 'high' and 'very high' are not workable — 'very high' has no practical operation. We can ponder how much higher very high is than high. It is unworkable. No reassessment of fire rating areas has occurred since the early 1980s. The Country Fire Authority is currently mapping rural and regional areas using ratings of low and high, so the amendment in clause 5 will not remove the obligation on distribution businesses to prune vegetation for powerlines, nor will it affect the obligations of distribution businesses to maintain the condition of powerlines to certain standards. In effect, the change brings consistency to essential services.

Clauses 21 and 22 relate to the cross-ownership exemption. The cross-ownership exemption contained in section 68(8) of the Electricity Industry Act applies to acquisitions that have been authorised or given informal clearance by the Australian Competition and Consumer Commission. The same exemption is set out in section 129 (3) of the Gas Industry Act.
Section 68(8) of the Electricity Industry Act and section 129(3) of the Gas Industry Act provide that the exemption may apply to a person that has either been granted an authorisation or given informal clearance by the ACCC. The bill clarifies that no formal application for authorisation is required to obtain an exemption.

Clause 20 relates to amendments to the electricity tariff order. Section 14 of the Electricity Industry Act provides that the tariff order cannot be amended except where expressly permitted in section 14 of that act. The bill seeks to amend section 14 to enable an amendment to clause 4.5 of the tariff order to clarify the ongoing application or non-application, as the case may be, of the tariff order to the regulation of Vencorp's transmission use of system fees.

They are probably the main sections of the bill I need to address in my contribution. The amendment brings commonsense to those energy industries in that their specific appeals boards are transferred to the appellate jurisdiction of VCAT, which is already set up and has structures and processes in place. It is also less expensive to access the tribunal. I commend the bill to the house.

Hon. C. A. STRONG (Higinbotham) — The Energy Legislation (Further Miscellaneous Amendments) Bill is an omnibus bill that deals with various amendments to energy acts, and as such it is fairly neutral in its application. As other honourable members have said, the opposition will not oppose the bill.

Other speakers have highlighted some of the changes the bill makes to the Electricity Safety Act and the Gas Safety Act to remove special tribunals that were set up under those acts to deal with problems consumers and others had and to transfer those powers to the Victorian Civil and Administrative Tribunal. Given that there has been no activity in those tribunals that seems eminently appropriate. The bill also amends various acts to allow Vencorp to continue to charge fees for the transmission system. Further amendments apply to the redefining of hazard categories from the rather strange 'high' and 'very high' to the more logical 'low' and 'high'.

The fourth area this omnibus bill deals with is competition. It makes some changes related to the Australian Competition and Consumer Commission and the competitive nature of the industry. The section I wish to dwell on is the competitive nature of the industry and the relationship with the ACCC, where the amendments I mentioned clear up the duplication of effort.

I will make some specific comments and quote from recent remarks of the chairman of the ACCC energy sector at the Electricity Supply Association of Australia electricity 2002 conference. He argued strongly that jurisdictions — and here we have the Victorian jurisdiction — wrongly believe that they can finetune market outcomes better than would result from letting others speak and act for themselves. The article I wish to quote from appears in the May 2002 issue of *Electricity Supply* and is headed 'The real concern, says ACCC, is that governments see short-term risks more clearly than long-term opportunities'. The chairman of the ACCC energy sector says — and these are words of some wisdom:

> My claim is that all a vision for the electricity industry entails is the further development of that concept of a market.

The article continues:

> To decide the future path of electricity reform, governments must have the political courage to take a long-term view. The strong performance of the national economy, in spite of global shocks, is an illustration of the benefits of forward-looking competition policies.

I make that point, because in the state jurisdictions we are starting to see a belief creeping in that legislators can do it better than the market, that by setting tariffs at various levels and trying to manage the market the states can get better outcomes than the market can produce. There is no better example of the dangers of that path than what happened in California.

One of the things that our minister has made much of is her desire and intent to use and her oft-claimed success in using the ministerial council she has set up to deal with these electricity problems. There was a very revealing article in the *Australian Financial Review* of 18 March 2002 following one of the ministerial council meetings which our minister was responsible for setting up. I would like to quote briefly from the article:

> Sharp differences have emerged between the Labor governments in NSW and Victoria over the national electricity market.
>
> The tensions were aired behind closed doors in Melbourne on Friday at the fourth meeting of energy ministers from states and territories which comprise the national market.

It goes on to say:

> But government and industry sources said NSW had been angered by Victorian Energy Minister Candy Broad unveiling plans for a national industry-based regulator at an electricity conference early last week.

It goes on to say:

> The two states —

because the national electricity market is really Queensland, New South Wales and Victoria as we move down the east coast with fairly minor input from South Australia, and here it refers to Queensland and New South Wales —

> are also understood to be pushing for the ministerial forum to have the power to veto key recommendations by the National Electricity Code Administrator.

Could you ever have a more dangerous situation than the one we have set up with National Electricity Code Administrator (NECA) to manage the market? This ministerial forum which our minister has set up is trying to intervene in that and overrule the national market regulator. I think that would be undesirable in the extreme.

The article also goes on to say that now that this ministerial forum has been set up Queensland and New South Wales are in the process of trying to hijack the forum and are responsible for developing the discussion papers and so on that will go forward to the forum with a view to being able to veto NECA decisions. The point needs to be made that this is dangerous for Victoria, because in both Queensland and New South Wales, which are very dominant in the generation sector, electricity is government owned. It has not been privatised as have the Victorian power stations so the interests of those states in the marketplace are quite different from the interests of Victoria. In dealing with these competition issues we all know — and I am sure the minister is as well aware as anybody of this — that there are still very great competition challenges out there.

In speaking to the omnibus bill I simply urge the minister, as the ACCC chairman in this area has said, that the best solution is to let the market be as free as it can and to resist as much as possible the moves of Queensland and New South Wales. Their understanding of the market is quite different from ours because in reality they do not have a market — they have a phoney market.

From what I can understand they are not much interested in having a real market. It is clearly in our interests in Victoria to try to maximise the market. With those few comments I conclude my contribution to the debate on this bill.

Hon. K. M. SMITH (South Eastern) — I welcome the opportunity to speak on the Energy Legislation (Further Miscellaneous Amendments) Bill. I wanted to raise some important issues about this bill and talk a little about the way the industry has to comply with some of the regulations that are set out in this legislation.

In discussions with some electrical contractors from my electorate — a huge electorate with many hundreds of contractors — I have had a great opportunity to talk to them about their concerns with this bill. Those concerns arise from the amount of bureaucracy that is involved in electricity and electricity safety. Having come out of the plumbing and building industries I have a great belief in the safety issues that are involved in both of those industries. I know that plumbing contractors are now working a little better with a fair degree of self-regulation, and from the number of inspections that take place it seems that there is more regulation in the plumbing industry than there is in the electrical industry.

The electricians are in a situation where they have to put in prescribed statements when they complete a job. That certificate costs them $20, which of course gets passed on to their clients. Then there is the cost of the inspection, which will cost probably $80 or $90. I do not think there is a great deal of concern about those inspections apart from the fact, particularly with a new connection, that it is taking some of the electricity companies anything up to 45 to 60 days to do the actual inspections, which seems ludicrous, particularly in the case of new homes or large extensions to homes.

There is a second non-prescribed form which costs $5 a time for the certificate that has to be completed. At the moment that certificate has to go to people who have had any work done. For example, if you have a broken power point and you get an electrician to fix up that power point, he changes the wires over, puts a new point in, gives it a bit of a polish up, tells you how much it will cost and gives you a certificate saying that he has completed the job properly. The electrician then has to notify the office where these notices come from that the job has been completed. Firstly, he has to ring the number, which is fine, and then everything is done electronically inasmuch as he then has to punch in some numbers which relate to the certificate he has given out. This takes a fair amount of time out of the contractor's day, particularly if the contractor does a lot of maintenance work.

Electricians could be doing maintenance work for big building companies. They could be doing maintenance work for the ministry of housing where a lot of lights might need to be changed over, where batten holders with a break or crack might have to be changed over, or where they might have to install new light fittings or change over a power point that has been damaged or has developed a crack in it for some reason. They might do up to 20 of these jobs per day and every one has a separate certificate number issued with it so at the end of the day they may well have to sit on the phone for a long time. We know how long it takes for any us of to make a telephone call. They may have to put in a number that is different from the previous number that they have put in — and they have to be done one at a time.

The inspectorate does not necessarily send an inspector out to check those jobs. It may well be that 1 in 10 or 1 in 15 of those jobs is picked up by a random audit. It can take anything from three to six months for an inspector to pick up that piece of paper and do an inspection to see whether the power point has been put in by a proper electrical contractor — somebody who is qualified, has done an apprenticeship, has done the extensive additional training necessary for them to classify themselves as a registered electrical contractor. Those certificates cost $5 a time. I have no problem with the requirement that they should leave a certificate to let people know that the job has been done properly, but it may well be that nobody will come out to see that the job that has been done.

As I said, every one of those certificates has to be rung in. The number of every certificate has to be put into a telephone manually before the electrician has to hang up, start again and go through the whole procedure for every number. I would have thought that the Office of the Chief Electrical Inspector may well have given some consideration to these qualified electrical contractors sending in their forms at the end of each month so they could be looked at when a random audit was done of those jobs. I do not think it would be difficult; in fact it would be a simple process.

As people would be aware, you can go down to Bunnings and pick up a power point, or your next-door neighbour who might at some stage in his life have changed a power point in his own house can pick up one, probably pay about $9 or $10 for it, and you can screw it on for your neighbour. It is as simple as that. You can change over the wires, and in that case no certificate goes in and the Chief Electrical Inspector does not know that job has been done by someone who is unqualified to do that sort of work. No follow up can be done on that that because nobody knows the job has been done. There is no $5 cost for the certificate, which normally has to be added on to the job.

When a job is done properly and an inspection is done the electrician will probably have to go out as well, which will cost the consumer additional money again. It seems to be over-bureaucratised — I am not sure that is a word, but I am sure Hansard will invent some way to put that down on paper. There seems to be too much bureaucracy in the whole thing. We are talking about qualified tradesmen who have done the necessary training and who need to know that the work they are doing is being done properly. If there is a bodgie electrician out there who may be a qualified contractor but does crook work — I know they are in the industry because I have come out of that industry — the inspectors who get out on the job will know who those people are if they are on the ball. They should be doing something about putting such people out of business. I do not have a hassle with that.

One of the arguments that will be put forward by the contractors is that if an electrician has done something wrong and somebody gets a shock out of it and is killed the Chief Electrical Inspector or the contractor will be

liable. The truth of the matter is that these people are qualified, so those incidents do not happen.

One has to wonder how much money is collected by the Office of the Chief Electrical Inspector from all the certificates that are sold to electricians. It must be a huge amount because there is a lot of work going on and it costs contractors a lot of money to pay for those certificates. One would hope the Office of the Chief Electrical Inspector is spending the money properly. Are there enough inspectors on the road? Are there enough inspectors fully qualified and fully trained to understand the intricacies of the electrical industry? Electricians should have somebody they can go to speak to if they have problems. There probably should be an electrical ombudsman.

I have come out of the building industry and I know that some inspectors probably should not be in the job. They can be obnoxious. We heard about the Gestapo yesterday when the house discussed ticket inspectors. Unfortunately those types also tend to get into the building industry where they set themselves up as little gods and use their Gestapo tactics on people who should not have such tactics used on them. They use those tactics on people they might have a set against. It could be somebody who complains about the actions of some of the inspectors. In such a case who do they go to? Who can they talk to? I suggest it would not be a bad idea for an electrical ombudsman to be put in place. It should not be somebody from the Office of the Chief Electrical Inspector; they should be separate and be able to listen to the complaints of these people. Some of the prescribed forms could be registered to those electrical contractors. In fact they could have forms they send in and not have to pay — —

Hon. P. R. Hall — When will you talk on the bill?

Hon. K. M. SMITH — This is on the bill. It would not do them any harm to have their forms and certificates. At the end of the day inspectors could inspect them and file them away, or they could be cancelled. It would be a lot easier.

Changes to regulations will be notified to registered electrical contractors. One of the biggest problems in the industry is that changes are made by the Office of the Chief Electrical Inspector and the registered contractors are not notified. It may well be that they will pick it up from the local electrical store where they have the opportunity to talk to other tradesmen who may have heard about some changes being made. They may well have heard about the changes, as most hear now, from the staff behind the counter of those electrical stores. That is not good enough. If changes are being made to electrical standards, or to different types of products that these people are installing, they are the ones with their feet on the ground and they should be told about it. They could be advised by mail or email. There are 2900 registered contractors in Victoria and I am sure every one of them would be on computer now. Electricians are pretty smart people. Emails could be sent out overnight notifying them of changes that have been made.

The truth of the matter is that there should be a proper and full review of the act to cover all these issues. As members of Parliament we are in a position to ask the minister to ask the Office of the Chief Electrical Inspector to notify Parliament of a review of the way these regulations are put into place. We should be in a position to judge what will happen. All stakeholders should be interviewed because unfortunately, in a bureaucracy like this, those who make the changes do not always talk to the contractors. They do not talk to important stakeholders who should be consulted on these issues.

The bill is important. Honourable members should give a great deal of support to it. I have raised a number of what I consider to be important issues. For the benefit of anyone reading my contribution to the debate, I would hate some Gestapo inspectors to go out and give my electricians a hard time. My electorate covers about 5000 square kilometres. There are probably 400 or 500 contractors in my electorate. I know those people are genuine and they deserve to be listened to. It is important that members of Parliament raise these issues so that people can understand that we are listening, that we are trying to make changes to improve the standards.

I am not saying that we should drop the standards or put people's lives at risk; that is the last thing I would ever suggest. I am suggesting that we have a full review of this act. We know what this government is like. It will be review 785. The government is very good at the reviews and very good at making things happen when it is pushed into making things happen. That is what I hope. I ask all honourable members to support the bill and I look forward to its passage.

Motion agreed to.

Read second time.

Third reading

Hon. C. C. BROAD (Minister for Energy and Resources) — By leave, I move:

That this bill be now read a third time.

I thank honourable members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

DOMESTIC BUILDING CONTRACTS (CONCILIATION AND DISPUTE RESOLUTION) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Hon. C. C. Broad.

APPROPRIATION (2002/2003) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD (Minister for Energy and Resources).

BUSINESS OF THE HOUSE

Adjournment

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That the Council, at its rising, adjourn until Tuesday, 11 June, at 10.00 a.m.

Motion agreed to.

ADJOURNMENT

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That the house do now adjourn.

Road safety: mobile phones

Hon. ANDREW BRIDESON (Waverley) — On the eve of this long weekend I really urge all honourable members to drive very carefully, particularly as we are tired in at the end of a very long week.

I raise a road safety issue for the Minister for Energy and Resources to relay to the Minister for Transport. It deals with the use of mobile phones by motorists. In December last year a cyclist was killed by a motorist who was using a mobile phone while driving, and a court case is pending on that issue. In Brisbane last year a driver who was reaching to answer a mobile phone ran down and unfortunately killed a man who was simply watering his plants on his nature strip. The driver of that car was found guilty of manslaughter.

A recent survey of 400 Telstra customers showed that one in five people sent text messages and one-third made or received calls on their mobile phone handsets while driving. Fifty per cent of those surveyed said that they lost concentration when they used their mobile handsets and another 8 per cent stated that they had almost had an accident because of using their mobile phone while driving.

In Canada some research has been done on the issue. A study in 1997 found that using a mobile phone was as dangerous as drink-driving because it increased the chances of an accident by four times. That is incredible. According to the Department of Infrastructure web site, in Victoria 88 drivers a day are caught using their mobile phones while driving — some 32 000 per year. I trust that all honourable members in both houses know not to use their mobile phones while driving.

Recently in New South Wales the penalty for using a hand-held mobile phone while driving was raised to a fine of $220 and the loss of three licence demerit points. Further research has indicated that 35 states in the United States of America have banned the use of hand-held mobiles while driving.

I call on the Minister for Transport to implement measures which will decrease the likelihood of accidents in Victoria due to drivers using hand-held mobile phones.

Shepparton Retirement Villages

Hon. E. J. POWELL (North Eastern) — First of all I would like to wish Michael Stubbings, one of our attendants, a happy birthday. Happy birthday, Michael!

Honourable members interjecting.

Hon. E. J. POWELL — Happy birthday to Wendy Smith as well.

I raise a matter for the minister responsible for aged care in the other place, the Minister for Senior Victorians. The issue is about the lost revenue from delays in aged care assessment services (ACAS)

assessing applications from low to high care in residential aged care facilities.

I have received a letter from the chief executive of the Shepparton Retirement Villages, Mr Kevin Bertram, in which he says:

> The ACAS team in Shepparton has had work force issues that have caused delays in assessing low to high care reclassifications under the Aged Care Act. Under that act they are unable to backdate applications of this nature.

He says they understand that the average delay for the assessment in urban areas is about one to two weeks, but that in Shepparton delays have been experienced of up to 170 days. The federal minister, Kevin Andrews, has advised them that the funding of the scheme is a federal matter but the administration of it is a state responsibility, and has therefore asked them to direct their problems to the state government. The commonwealth Ombudsman has also advised the organisation that it should refer the matter to the state for compensation and correction.

Shepparton Retirement Villages has sent two letters to Dr Keating, the regional director of the Department of Human Services, asking for assistance and compensation. Dr Keating has responded to those two letters saying:

> … reassessments for transition from low to high care should occur within 42 days of referral. I understand that demand has exceeded the capacity of Goulburn Valley aged care assessment services (GVACAS) to consistently meet this.

Because of the lack of assessment of these people from low to high care the department has now put in place a number of strategies to address the complaints and avoid unnecessary delays in the future. But that is not going to help Shepparton Retirement Villages, because it has lost $120 000 in revenue. It does not want to be saying, 'The federal government says it is the state government's fault, and the state government says it is the federal government's fault'. So it is asking for the $120 000 worth of revenue it has lost because of the delays of aged care assessment services.

I ask the minister to investigate urgently the inefficiencies of ACAS to assess applications from low to high care in residential aged care facilities, and particularly the effect the delays have had on Shepparton Retirement Villages. I also ask the minister to pay the compensation of $120 000 of lost revenue to Shepparton Retirement Villages, which has been due to delays that are out of its control.

Housing: Werribee

Hon. S. M. NGUYEN (Melbourne West) — I raise a matter for the Minister for Housing in the other place through the Minister for Energy and Resources. On Tuesday last week the *Western Times* reported on an Office of Housing project in Werribee that will deliver 12 much-needed affordable homes to low-income families through the group self-build program.

As honourable members would be aware, the group self-build program is a fantastic owner-builder program that assists people who are able to service a home loan but who cannot save a deposit to gain home ownership. I understand clients of the group self-build program are predominantly young families buying their first homes. The program offers clients a choice of design from a range of three and four-bedroom homes.

Land availability and prices in Melbourne have meant that the group self-build program has traditionally purchased land on the outer fringes of Melbourne. I know of a number of these projects throughout the western suburbs, including a 10-unit project completed last year in Sydenham and other projects completed over the past decade in Sunshine, St Albans and Broadmeadows.

I ask the Minister for Housing to take action to investigate the possibility of commencing another of these excellent, affordable housing initiatives in the cities of Brimbank, Maribyrnong, Hobsons Bay and Wyndham to help address the housing needs of low-income people living in the west.

Duck hunting: licences

Hon. PHILIP DAVIS (Gippsland) — I raise an issue with the Minister for Energy and Resources for the attention of the Minister for Environment and Conservation in another place. I am sure you will agree that today is a very good day to talk about duck hunting. An issue has been raised with me by Mr Seamus Hasson. A letter has been circulated to game licence holders in respect to a renewal notice which advises that the Department of Natural Resources and Environment has introduced a new wildlife and game licensing system which involves a number of changes to the game licences and supporting processes.

One of the changes involves the introduction of a common expiry date for all game licences of 31 December every third year, the next being 31 December 2002. In effect, that will mean part payment for licences in relation to half-yearly or yearly

provisions. Mr Hasson is concerned that, in relation to the sum being demanded of him to extend his game licence by six months to comply with a common expiry date of 31 December, he is being requested to pay the amount of $40 for six months when his view is that he should be paying 50 per cent — that is, $20.

I request the Minister for Environment and Conservation to advise on what basis the department is demanding what appears to be an exorbitant payment of 100 per cent of the due amount when 50 per cent should be applicable for the part period. What is most frustrating for my constituent is the fact that officers from the department refuse to engage in any discussion to justify this extraordinary demand for money.

Greyhound racing: industry code of practice

Hon. P. A. KATSAMBANIS (Monash) — I raise an issue with the Minister for Energy and Resources for the urgent attention of the Minister for Agriculture in the other place. I stress that it is an issue that needs to be addressed urgently because it threatens the future viability of the greyhound racing industry in Victoria.

The minister's department has recently released a draft code of practice for the greyhound industry. From the information I have received this was through the Bureau of Animal Welfare and the draft code of practice has caused significant consternation amongst the participants in the greyhound racing industry — breeders, trainers, owners and everyone else involved.

The draft code of practice contains a lot of provisions that simply do not reflect industry practice or industry best practice. In particular there is a seven-day cooling-off period for the sale of pups which has caused concern to a lot of breeders because within seven days greyhounds could get injured and the cooling-off period may disadvantage breeders significantly. Under the code of practice, pups over seven months of age are not to be reared with any other dog. One participant in the greyhound industry told me that that is insane and indicates a lack of recognition of the way greyhounds are kept, bred and trained in Victoria.

The real concern is the size of kennels. Apparently under the draft code of practice each kennel for a racing greyhound will need to be at least 10 square meters, including an area set aside for a bed. Trainers have made the point to me very strongly that that concerns them in a number of respects. Firstly, a kennel of that size is far too big and increases the potential for a dog to be injured. Secondly, and more importantly from a financial point of view, many people have made a significant investment in kennels that do not comply with the size stipulated in the draft code of practice and its implementation is likely to send those people to the wall financially. This is an important issue. I have been told by a number of participants that they are likely to quit the game if these provisions come in because they would not be able to afford to comply with them. The government makes a lot of money out of the greyhound racing industry, including gambling revenue.

I ask the Minister for Agriculture to take seriously the concerns of these people, to delay the implementation of the draft code of practice and to consult properly with the greyhound industry to ensure that a code of practice is introduced that reflects the practice in the industry and does not send anyone to the wall.

Police: skills program

Hon. ANDREA COOTE (Monash) — The matter I raise is for the Minister for Police and Emergency Services in another place regarding the pilot program at the Prahran police station. The program is aimed at cutting crime across the community and increasing the rate of solving crime. The program intends to broaden the skills of police officers and allow them to facilitate partnerships so public bodies can have an input into crime prevention. I welcome this initiative, as do all the residents of Monash Province who suffer from the area's very high crime rate. The latest crime figures show an alarming increase in serious crimes in Victoria.

The latest Australian Bureau of Statistics figures not only reveal a disturbing upward trend in serious crimes compared with other states but also an equally alarming increase since Labor has come into government. Since 1998 motor vehicle theft is up 33 per cent and armed robbery is up 66 per cent.

I certainly commend the fantastic work done by the police in Monash Province and particularly that done at St Kilda police station by Inspector Chris Duthie and Senior Sergeant John Hauer. I welcome the pilot program at the Prahran police station and ask the minister: as the pilot program was due for completion at the end of May, was the program successful; and if so, when will similar programs be implemented in other areas such as St Kilda where crime is also a problem?

Budget: presentation

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise a matter for the attention of the Treasurer in the other place. On an earlier occasion I have raised the issue of parallel reporting in the budget papers, which was a commitment of the government in response to the Independents charter. I have received a letter from the

Treasurer dated 3 June and I thank him for his prompt response. In this letter the Treasurer has recommitted the government to upholding its obligation under the Independents charter, including the requirement for parallel reporting of budget matters. The Treasurer has indicated that he is not aware of examples of where the government has failed to provide the parallel reporting.

I take this opportunity to highlight to the Treasurer a number of examples which have occurred in the last two years' budget papers. I refer him to the budget papers for 2000–01 and compare those with the 2001–02 year. In the first-mentioned year, the Treasurer provided details of total cost for output groups including employee expenses, purchases of supplies, and surpluses, depreciation and capital assets charge for each of the individual output groups. However, in the most recent budget papers and in the year prior to this, the Treasurer removed that information. So that is one example of where parallel reporting is required under the charter but has not been provided.

A further example is budget paper 2 with respect to output and asset initiatives on a departmental basis. In the current year's budget paper a number of these are aggregated — for example, expenditure on schools. In the current year there is one line item relating to upgrades and construction of schools, whereas in the previous year's budget papers individual line items were provided on a school-by-school basis. Because of that change, comparisons between this year's budget papers and the previous year's budget papers are not possible.

Given the Treasurer has recommitted the government to upholding its commitments under the Independents charter, I ask him to now provide the parallel reporting.

Buses: Narre Warren South and Berwick

Hon. N. B. LUCAS (Eumemmerring) — I raise a matter for the Minister for Transport in the other place to do with buses in the areas of Narre Warren South and in Berwick south of the Princes Freeway. It is an issue that I have raised on a number of occasions and I have reported that I had circulated in the order of 4000 questionnaires to people asking, 'What do you need in relation to public transport?'.

This week I received a response from the Minister for Transport who says:

> … only limited additional transport funding has been provided in this area …

He goes on to say — and this is an incredible admission:

> … public transport provision is best described as 'quite inadequate'.

The Minister for Transport, who has now been responsible for public transport in the areas which I described for nearly three years, has still not improved the situation in any way whatsoever. I call on him to do something about it. The latest announcement is that there is some funding in the budget. That is good news. The bad news is that the people in my community have no idea what that means in terms of additional buses. So I ask the minister, given his admission of failure to provide adequate public transport in the areas of Narre Warren South and in Berwick south of the Berwick bypass, to ensure that there is a quick announcement of details of the new bus services in those areas.

Kew Residential Services

Hon. D. McL. DAVIS (East Yarra) — My adjournment issue tonight is a matter that I have raised a number of times for the attention of the Premier and the Minister for Community Services. It concerns Kew Residential Services redevelopment, which the Liberal Party strongly supports and which I as a local member of Parliament also strongly support.

As I have said in the house a number of times and discussed with the government, there is a necessity to ensure that this important redevelopment, the largest in the City of Boroondara, is done sensitively and properly. I thank the Premier for his response to my adjournment questions on 16 April and 16 May and responses to earlier adjournment questions on the matter as well. I appreciate that we are slowly making some progress towards a satisfactory outline of the redevelopment. In his letter dated 31 May the Premier says:

> The redevelopment will:
>
> be sympathetic to the local environment;
>
> be shaped with input from the local community; and
>
> make adequate provision for open space.

I have been very strong in trying to ensure that we have sufficient public open space in that development and that the redevelopment is done in a sensitive way, taking into account the contiguous parkland in Studley Park and the matter of vegetation, including some of the established trees in that area.

I want to push the Premier one step further to ensure that his words 'make adequate provision for open space' are translated from a pleasing form of words to actuality. I want to ensure that at least half of that site is earmarked for public open space because this

significant redevelopment in the City of Boroondara, as I said before, is the largest such redevelopment. It is important that not only the residents of that site but also the future of the area are adequately catered for and looked after.

It is necessary that the public open space is of sufficient scope. The Premier says that the local community will have an input, which I also appreciate. To this point there has been insufficient community consultation. I ask that the government redouble its efforts on the public announcements about the amount of money allocated — $100 million, I understand — and that the aspects of the redevelopment relating to parking and car movements be dealt with properly.

I seek from the Premier clarification on the three points I read into the record, in particular the scope and size of the public open space

Road safety: accident research

Hon. G. B. ASHMAN (Koonung) — I direct a matter for the attention of the Minister for Transport in the other place.

I note that with the long weekend approaching we will no doubt have another campaign on road safety focused on speed, alcohol and probably fatigue. A recent report released by the police entitled 'Road traffic collision analysis 2001' shows the proportion of single-vehicle accidents, including the very high proportion of such accidents in country Victoria. I also noted that a report in today's *Herald Sun* entitled 'Short-fuse syndrome on the rise' found that hot-headed shoppers are becoming aggressive with a range of service people, but in particular 1 in 10 people admitted to temper tantrums while driving. I am told constantly that speed is a significant factor in our road toll, but I raise with the minister the amount of research that may have been carried out into the mental health of people who are involved in collisions, particularly single-vehicle accidents, and whether they result in injury or are fatal.

We know that mental health leads to a number of behaviours, and that people who have low self-esteem are much more predisposed to self-harm than others in the community. Does any research exist that analyses the road toll to determine what health factors may impact on it; and if it does not exist, is the minister prepared to require the Transport Accident Commission to undertake that research?

Minister for Ports: questions on notice

Hon. C. A. FURLETTI (Templestowe) — I raise a matter with the Minister for Ports, and I am pleased that she is in the chamber to respond to my question. It relates to the general demeanour and conduct of the minister and her colleagues in this place, the contempt in which the government and ministers of the Crown hold the Parliament and the processes and conventions which have been established over decades. The openness, transparency and respect for this Parliament and the commitment to providing answers to questions which the government signed up to in the Independents charter is treated as a joke by this minister in particular and by the government generally.

What causes me to raise this matter is a couple of answers the minister has provided to questions on notice asked by the Honourable Andrea Coote which relate to rail services at Swanson Dock, which of itself is a legitimate question. In one answer the minister said that the:

> MPC is expected to award a contract to reinstall rail to Swanson Dock West during May 2002.

In another answer at about the same time she said that she expected to award a contract to reinstall rail in May 2002. That is fine, but the thing is that the answer was signed on 29 May 2002. I ask the minister: what happened in the following two days?

Member for Frankston East: conduct

Hon. BILL FORWOOD (Templestowe) — Yesterday I walked into my office and there was a folded piece of paper on the floor. It appears to be page 51 of a transcript of an interview between Mr Wren, who did the municipal investigation into the Frankston central activity district development, and a councillor of the City of Frankston, Cathy Wilson. I have gone to some lengths to verify that this is an accurate document and that it is actually a transcript, and I believe this to be so. I wish to read some of it into *Hansard.*

Ms Wilson says to Mr Wren:

> But I didn't have a chance, Matt was —

I presume that is Matt Viney, the honourable member for Frankston East in the other place —

> he was so upset, more upset than he's ever been in his life at me. He said I hadn't — I didn't support Mark —

I presume that she was talking about Mark Conroy —

> I — and I tried to tell him, 'Well he was wrong, Matt …

Hon. Jenny Mikakos — On a point of order, Mr President, just before the Leader of the Opposition continues, I would like clarification as to whether the

document he is reading is actually evidence that was given in camera by the individual concerned to the government inspector. If it was given in camera, there may well be a breach of confidence if an undertaking was given to that particular individual that the evidence would be held in camera.

The PRESIDENT — Order! The house might remember that on 21 May 1997 I issued a code of practice in relation to unsourced documents. At this stage I am not making a conclusion, I am just reading:

> If a member obtains a document from an unknown source that contains an allegation relating to a government administration, the member can of course write to the appropriate minister and bring the matter to his or her attention. Alternatively the member may raise the matter in the house, but should do so in a way that does not name any individual.

In this case the member has in fact sourced his document. He says it is a transcript and all the honourable member is doing is reading from it. I think he said that he took steps to satisfy himself that this was a legitimate transcript. So in that sense it is not an unsourced document.

In relation to the specific point that Ms Mikakos made, I do not know of any general rule that applies, for instance, if the matter had been given as part of an in camera statement to a parliamentary committee. This is not such a document so I am not sure what other general rule the honourable member is drawing on to ask for me to intervene and perhaps stop it.

I know the honourable member is raising it as a question more than a point of order, but I cannot use what she raised to stop the honourable member from continuing to read from the document.

Hon. BILL FORWOOD — Thank you. Let me clarify that this is to the Minister for Local Government. The transcript goes on:

> And I think we spoke for one or two minutes, bantering backwards and forwards along those lines, and then he said, 'Kathy, I gave you' — 'I've given you' — 'I gave you every opportunity to do as you were told. You didn't do it and I've only got one thing left to say to you: good luck with your political career, goodbye'. And then the phone went dead. And I've never spoken to Matt again.

Mr Wren says:

> Are you still in the Labor Party?

Ms Wilson says:

> Yes, but I wasn't going to be.

And she goes on about how she was crying; she was going to resign. In the end after Mr Wren says:

> Is that something this is important to you?

She says:

> Yeah, it is. It's very important. I spent six years as a member of the Labor Party.

Mr Wren says:

> Yep.

Then Ms Wilson say:

> And I wanted — all of a sudden because I'd done something — I didn't do as I was told, I was going to be cut off at the knees.

She then rang David Asker.

The response of the Minister for Local Government to this matter will go to the very heart of the integrity of this government. Does the government condone such threatening, bullying behaviour, such strongarm tactics from the honourable member for Frankston East in the other place, a senior member of the government? Does it condone the honourable member saying to an elected councillor and fellow Labor Party member, 'I gave you every opportunity to do as you were told'.

The government has two choices, just two: it can condone thuggery and support the honourable member for Frankston East or it can cut him loose. This house sits next week; options are available to this chamber. I expect a response from the minister before the house sits at 10 o'clock on Tuesday.

Hon. C. C. Broad — The Minister for Local Government?

Hon. BILL FORWOOD — Yes.

Responses

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Andrew Brideson requested the Minister for Transport to consider appropriate measures to address the issue of the use of mobile phones and their impact on road safety. I will refer the matter to the minister.

The Honourable Jeanette Powell requested the Minister for Senior Victorians to review delays in aged care assessment practices and associated loss of revenue, and I will refer that request to the minister.

The Honourable Sang Nguyen raised a matter for the attention of the Minister for Housing regarding the need

for low-income housing in the western suburbs and the provision of affordable housing. I will refer that request to the minister.

The Honourable Philip Davis requested the Minister for Environment and Conservation to provide advice regarding the administration and fees related to game licensing and duck hunting. I will refer that request to the minister.

The Honourable Peter Katsambanis requested the Minister for Agriculture to consider concerns regarding a draft code of practice for the greyhound racing industry, and I will refer that request to the minister.

The Honourable Andrea Coote requested the Minister for Police and Emergency Services to provide advice regarding the outcomes of a police pilot program and any plans for extension of that program to other areas, and I will refer that request to the minister.

The Honourable Gordon Rich-Phillips requested the Treasurer to provide for parallel reporting in the budget papers, and I will refer that request to the Treasurer.

The Honourable Neil Lucas requested the Minister for Transport to provide details of additional bus services in the areas of Narre Warren South and Berwick South, and I will refer that request to the minister.

The Honourable David Davis requested the Premier and the Minister for Community Services respond to him on a range of matters in relation to the redevelopment of the Kew Cottages, particularly in relation to open space and consultation, and I will refer those requests to the Premier and the minister.

The Honourable Gerald Ashman requested the Minister for Transport to advise him as to whether any research exists on the impact of health status on the road toll. I will refer that request to the minister.

In relation to the matter raised by the Honourable Carlo Furletti, I regularly provide responses to questions on notice in relation to ports from the Honourable Andrea Coote — in contrast to the shadow minister — and I expect that if she has any difficulty with any of the answers I have provided to her many questions on notice she will raise them.

The Honourable Bill Forwood raised a matter concerning a sheet of paper on the floor of his office for the attention of the Minister for Local Government. I will refer that to the minister.

Motion agreed to.

House adjourned 6.26 p.m. until Tuesday, 11 June.

QUESTIONS ON NOTICE

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

Tuesday, 4 June 2002

Post compulsory education, training and employment: ministerial staff

2187. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many full-time and part-time ministerial staff were employed in the ministerial office as at — (i) 30 June 1998; (ii) 30 June 1999; (iii) 1 January 2000; (iv) 30 June 2000; (v) 1 January 2001; and (vi) 30 June 2001.

ANSWER:

I am informed as follows:

All staff working in my office on those dates were employed by the Premier. Therefore, there were no Ministerial staff employed by me working in my office.

Post compulsory education, training and employment: ministerial staff

2188. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): What were the salary levels of the full-time and part-time ministerial staff employed in the ministerial office as at — (i) 30 June 1998; (ii) 30 June 1999; (iii) 1 January 2000; (iv) 30 June 2000; (v) 1 January 2001; and (vi) 30 June 2001.

ANSWER:

I am informed as follows:

All staff working in my office on those dates were employed by the Premier. Therefore, there were no Ministerial staff employed by me working in my office.

The Member may wish to refer to the Budget Papers for details on expenditure.

State and regional development: rural and regional Victoria — investment opportunities

2733. THE HON. BILL FORWOOD – To ask the Honourable the Minister for Small Business (for the Honourable the Minister for State and Regional Development): In relation to the report on page 3 of the *Bendigo Advertiser* of 20 July 2000 that a major study would be undertaken to pinpoint investment opportunities in regional and rural Victoria — (i) has that study been undertaken; (ii) what were the findings of the study; and (iii) is the report publicly available.

ANSWER:

I am informed as follows:

The study to which the newspaper article refers has been undertaken by a consultant for the Regional Cities Group. The then Department of State and Regional Development provided a grant to assist the Regional Cities Group to undertake the study. A report, “Capital Solutions for Regional Victoria”, was prepared, and has been adopted by the Regional Cities Group.

A copy is available from the Regional Manager of the Ballarat Victorian Business Centre, Mr Robert Jones, telephone 5320 5999.

Health: Kingston — health services funding

2807. THE HON. G. B. ASHMAN — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Health):

(a) How much has been spent on health services in the City of Kingston in each year since 1995.

(b) How many patients have been treated at public health care services in the City of Kingston in each year since 1995.

ANSWER:

Health service funding comes from a range of sources – including Commonwealth, State and Local Government as well as non-government organisations, and is not calculated on an LGA basis. Consequently the information requested by the Honourable Member is not readily available.

However, as *Southern Health* is the major State-funded health and aged care agency for this catchment I refer the Honourable Member to *Southern Health* (and its predecessors') Annual Reports for the relevant period.

In researching the level of health services in the City of Kingston since 1995, I would remind the Honourable Member of the closure of the Mordialloc Hospital by the Kennett Government in 1996.

Ports: port of Melbourne — road infrastructure

2892. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: In relation to $1.4 million spent to improve road infrastructure within the port of Melbourne, on what road infrastructure was the money spent.

ANSWER:

An amount of $1.4 million was spent to improve existing road infrastructure within the Port of Melbourne during the 2000/2001 financial year.

These roads included Williamstown Road Upgrade, Appleton Dock Road Rehabilitation, Coode Road Overlay and Mackenzie Road Roundabout.

Ports: rail — Swanson and Victoria docks

2893. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: In relation to the promotion of greater use of rail, what initiatives has the Government implemented to reinstate rail to Swanson Dock and Victoria Dock, respectively.

ANSWER:

The MPC works extensively with shippers and logistic service providers through its Trade Development unit to promote and facilitate the use of rail for the movement of goods to the Port.

Subject to final commercial negotiations, the MPC is expected to award a contract to reinstall rail to Swanson Dock West during May 2002.

The MPC is directly liaising with Patrick Terminals, P & O Ports, Grainco and ANL Tasfast to jointly develop a rail infrastructure strategy for Swanson Docks East & West and Appleton Dock precincts.

The redevelopment of Victoria Dock is planned to include a rail siding. The EoI process for Victoria Dock will inform the final design of the rail.

The MPC is working with the DoI on longer term planning to improve rail access across Footscray Road into the port.

Ports: rail — Swanson and Victoria docks

2894. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: In relation to the promotion of greater use of rail, what is the cost of the Government's initiatives to reinstate rail to Swanson Dock and Victoria Dock, respectively.

ANSWER:

Subject to final commercial negotiations, the MPC is expected to award a contract to reinstall rail to Swanson Dock West during May 2002. It is not possible to advise of the cost until the contract has been awarded.

The Victoria Dock redevelopment is currently undergoing extensive site preparation works. Although rail will eventually be an integral part of this development, no rail sidings have been designed and no rail contracts have been let.

Treasurer: electronic gaming machine revenue

2895. THE HON. ANDREW BRIDESON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What was the total State Government tax take attributed to electronic gaming machines for each of the financial years from 30 June 1992, until 30 June 2001, respectively.

ANSWER:

I am informed that details of State Government tax revenue from electronic gaming machines for each of the financial years from 30 June 1992 to 30 June 2001 are published as part of the Consolidated Fund in the *Annual Financial Report for the State of Victoria* for the respective years. Details are also generally available in the *Australian Gaming Statistics* publication as published by the Tasmanian Gaming Commission.

Treasurer: electronic gaming machine revenue

2896. THE HON. ANDREW BRIDESON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What was the total amount of GST collected from electronic gaming machines in Victoria for the year ended 30 June 2001.

ANSWER:

I am informed that the Victorian Government does not have any information on the actual amount of Goods and Services Tax (GST) collected from electronic gaming machines. The actual amount of GST collected from electronic gaming machines in Victoria for the year ended 30 June 2001 would be a question for the Commonwealth Government as the GST is a Commonwealth tax.

Treasurer: electronic gaming machine revenue

2897. THE HON. ANDREW BRIDESON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the estimate for the total amount of GST to be collected from electronic gaming machines in Victoria for each of the financial years ending 30 June 2002, until 30 June 2006, respectively.

ANSWER:

I am informed that: The Victorian Government does not prepare estimates of Goods and Services Tax (GST) revenue to be collected from electronic gaming machines. The actual amount of GST to be collected from electronic gaming machines in Victoria for each of the financial years ending 30 June 2002, until 30 June 2006, respectively would be a question for the Commonwealth Government as the GST is a Commonwealth tax.

Treasurer: electronic gaming machines revenue

2898. THE HON. ANDREW BRIDESON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the estimate of the tax take attributed to electronic gaming machines in Victoria for each of the financial years ending 30 June 2002, until 30 June 2006, respectively.

ANSWER:

I am informed that: State tax revenue from electronic gaming machines for the financial year ending 30 June 2002 is contained in *Budget Paper No. 3* (p. 391):

For the years ending 2004, 2005 and 2006, State tax revenue from electronic gaming machines is included in the aggregate gambling tax estimate contained in *Budget Paper No. 2* – Note 2 (p.155).

Ports: port of Melbourne — trade

2911. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: What is the proactive role that the Government has taken to create an environment which will lead to an increase in trade through the Port of Melbourne.

ANSWER:

With respect to facilitating an environment aimed at increasing trade through the Port of Melbourne, the Bracks Government has articulated its framework for enhancing Victoria's ports and supporting sea freight transport network through the *Ports Agenda 2000* and *Ports Agenda 2001* policy documents.

These policy frameworks identify a range of strategic initiatives aimed at enhancing the capacity and trade profile of the Port of Melbourne. The Melbourne Port Corporation (MPC), in consultation with the Department of Infrastructure, is involved in projects aimed at improving port infrastructure capacity. This extends to road and rail infrastructure as well as container terminal infrastructure.

Through prudent economic management, enhancing port infrastructure capacity and improving the commercial performance of the MPC, the Government is confident that the volume of trade through the Port of Melbourne will be increased over time on a sustainable basis.

Ports: multipurpose terminal, Victoria Dock

2915. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: In relation to the proposal for a new multipurpose terminal at Victoria Dock:

(a) Have expressions of interest been invited; if so, how many have been received.

(b) Who has expressed interest in the project.

(c) Has a developer been chosen to commence the project.

ANSWER:

(a) No. The MPC is currently finalising a date for the release of expressions of interest.

(b) Preliminary marketing has identified interest from shippers and logistic service providers.

(c) No. Refer (a) above.

Ports: rail — Webb Dock

2916. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: In relation to the completion of studies into the reinstatement of rail to Webb Dock:

(a) What were the results of this study.

(b) What was the total cost of this study.

(c) What is the time line to proceed with the results of the study.

ANSWER:

(a) The study details are not complete but the early results demonstrate that it is technically and operationally feasible to reinstate rail to Webb Dock.

(b) The total cost of the study is expected to be $200,000.

(c) The study will be complete by the end of June 2002 however the implementation will depend on port development at Webb Dock.

QUESTIONS ON NOTICE

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

Wednesday, 5 June 2002

Transport: Victorian Taxi Directorate — taxidriver complaints

2809. THE HON. G. B. ASHMAN — To ask the Honourable Minister for Energy and Resources (for the Honourable the Minister for Transport): In each year since 1994:

(a) How many complaints have been reported to the Victorian Taxi Directorate regarding rude behaviour by taxi drivers.

(b) How many complaints have been reported to the Directorate in relation to unlicensed taxi drivers.

(c) How many complaints have been reported to the Directorate regarding a lack of knowledge of destination and/or routes by taxi drivers.

(d) How many complaints have been reported to the Directorate regarding sexual assault by taxi drivers.

(e) How many complaints have been reported to the Directorate regarding overcharging by taxi drivers.

(f) How many complaints have the Directorate received regarding the taxi industry generally.

(g) How many penalties have been issued by the Directorate regarding unlicensed taxi drivers.

(h) How many penalties have been issued by the Directorate regarding rude behaviour by taxi drivers.

(i) How many penalties have been issued by the Directorate regarding a lack of knowledge of destination and/or routes by taxi drivers.

(j) How many penalties have been issued by the Directorate regarding sexual assault by taxi drivers.

(k) How many penalties have been issued by the Directorate regarding overcharging by taxi drivers.

(l) How many penalties have been issued by the Directorate regarding the taxi industry generally.

(m) What are the total annual penalties issued by the Directorate regarding overcharging by taxi drivers .

(n) What are the total penalties issued by the Directorate regarding the taxi industry generally.

ANSWER:

The number of complaints reported to and penalties issued by the Victorian Taxi Directorate relating to the taxi industry for each year between 1996 and 2001 is provided in the attached spreadsheets.

Please note that data relating to taxi industry complaints and penalties were not collected prior to 1996.

Number of taxi industry complaints reported to the Victorian Taxi Directorate between **1996 and 2001

Code Description	1996	1997	1998	1999	2000	2001
Illegal taxi drivers	3	8	3	1	1	4
Taxi Driver behaviour/conduct: Description: e.g. rude, aggressive, uncooperative behaviour towards passengers and acting in an unprofessional manner	200	293	201	163	363	484
Lack of knowledge of destination and/or routes	102	105	136	157	154	151
Assault by driver (sexual)	27	0	0	0	0	0
Assault by driver (non sexual)	35	30	33	26	56	31
Overcharging	66	43	64	88	144	151
Vehicle condition	10	28	2	23	24	16
Drinking	5	9	9	5	8	6
Drugs	1	1	0	0	6	4
Complaints against Wheelchair Accessible Taxi drivers	3	5	8	31	31	26
Multi Purpose Taxi Program voucher Fraud	29	38	27	45	33	41
Non arrival of booking	32	13	29	20	74	23
Refuse to pick up passenger	74	93	61	78	97	86
Smoking	12	11	11	25	12	14
Theft against passenger	17	11	6	10	17	17
Out of Uniform	3	0	4	5	5	5
General complaints *	10	14	10	8	10	13
TOTAL	**629**	**702**	**604**	**685**	**1035**	**1072**

* General includes complaints regarding a range of matters other than those above; e.g. arson, carrying animals, passenger evades paying fare and taxi rank incidents.

* * Data relating to taxi industry complaints was not collected prior to 1996.

Taxi Industry Penalties issued by the Victorian Taxi Directorate between 1996 and 2001

	Offence Code	Description	Penalty amount $	1996 Penalties	1996 $ Total	1997 Penalties	1997 $ Total	1998 Penalties	1998 $ Total	1999 Penalties	1999 $ Total	2000 Penalties	2000 $ Total	2001 Penalties	2001 $ Total
	0525	Causing undue obstruction	60		0		0		0		0		0		0
	0530	Leave vehicle on footpath	60	1	60		0		0		0		0		0
	0538	Within 9 metres of intersection	100		0		0		0		0		0		0
	0550	Contrary to signs associated with area	60		0		0		0		0		0		0
	0714	Stopped in a no parking area	20		0		0		0		0		0		0
	0726	Stopped in a taxi zone (non-taxi)	60		0		0		0	2	120	43	2,580	106	6,360
	0727	Stopped in a bus zone (non-taxi)	60		0		0		0			3	180	5	300
	0783	Stopped – obstruct access to a passageway	60		0		0		0			1	60		0
	0793	Stopped in a no stopping area	100		0		0		0	2	200	6	600	14	1,400
	1908	Use unsafe large vehicle – does not comply with Standards	325		0		0		0		0		0		0
	2001	Exceeding Speed Limit (15-30km)	165	16	2,640	21	3,465	18	2,970	16	2,640	18	2,970	5	825
	2002	Exceeding Speed Limit (0-15km)	105	11	1,155	29	3,045	16	1,680	29	3,045	15	1,575	15	1,575
	2005	Exceeding Speed Limit (40km)	300		0		0		0		0		0		0
S	2006	Exceeding Speed Limit (45km)	360		0		0		0		0	1	360		0
S	2007	Exceeding Speed Limit (50km)	360		0		0		0		0	1	360		0
	2011	Fail to give way to pedestrian	165		0		0		0		0	2	330		0
	2024	Fail to stop/remain stationary at level crossing	165		0		0		0		0		0		0
	2032	Driving on wrong side of divided highway	165		0	1	165		0		0	6	990	12	1,980
	2037	Fail to keep as far left as practicable	105		0				0		0	5	525	1	105

Taxi Industry Penalties issued by the Victorian Taxi Directorate between 1996 and 2001

	Offence Code	Description	Penalty amount $	1996 Penalties	1996 $ Total	1997 Penalties	1997 $ Total	1998 Penalties	1998 $ Total	1999 Penalties	1999 $ Total	2000 Penalties	2000 $ Total	2001 Penalties	2001 $ Total
	2038	Fail to stay within lane markings	105		0		0		0		0	2	210		0
	2039	Diverge when unsafe	135	1	135		0		0		0		0		0
	2041	Pass to right or left of tram	165				0		0		0	3	495	3	495
	2043	Overtake vehicle on left/at unsafe distance	165				0	1	165	1	165		0		0
	2051	Fail to give signal	105	1	105		0	2	210	5	525	7	735	1	105
	2062	Make incorrect left/right turn	75				0	2	150	1	75	4	300	3	225
	2063	Enter roundabout from wrong marked lane or line of traffic or disobey traffic lane arrows	75				0					1	75		0
	2071	Fail to have headlights	135				0			3	405	1	135		0
	2073	Fail to dip headlights	135				0							1	135
	2078	Use hand held communication equipment while driving	135	10	1,350	17	2,295	17	2,295	28	3,780	33	4,455	31	4,185
	2090	Drive or Travel with Part of Body Protruding	75	1	75	1	75	1	75		0	2	150		0
	2091	Driver – fail to wear seat belt	135	1	135		0		0		0		0		0
	2092	Passenger – fail to wear seat belt	135		0		0		0		0		0		0
	2101	Fail to obey traffic control signal (up to $200 07/01)	165	8	1,320	18	2,970	21	3,465	25	4,125	18	2,970	13	2,145
	2102	Fail to obey traffic sign at an intersection	165	10	1,650		0	1	165		0		0		0
	2103	Fail to obey traffic sign not at an intersection	105	2	210		0	1	105		0		0		0
	2106	Unlicensed driving – fail to renew	250		0		0		0		0		0		0
	2107	Unlicensed driving (use in circumstances other than those referred to in 2105 & 2106)	500		0		0		0	1	500		0	1	500

Taxi Industry Penalties issued by the Victorian Taxi Directorate between 1996 and 2001

	Offence Code	Description	Penalty amount $	1996 Penalties	1996 $ Total	1997 Penalties	1997 $ Total	1998 Penalties	1998 $ Total	1999 Penalties	1999 $ Total	2000 Penalties	2000 $ Total	2001 Penalties	2001 $ Total
	2108	Fail to produce licence, learner permit or DC	50	20	1,000	51	2,550	31	1,550	59	2,950	19	950	54	2,700
	2113	Unlicensed driving	110		0		0		0		0		0		0
	2116	Fail to notify Corporation of change of name or address	50	2	100	4	200	1	50	6	300	3	150		0
	2118	Number plate penalty	110	1	110		0	1	110		0		0	8	880
	2119	Registration label not fixed/obscured	50	1	50	3	150	1	50	7	350	7	350	9	450
	2120	Fail to return number plates	50		0		0		0		0		0		0
	2124	Own or use unregistered motor cycle or trailer	110		0		0		0		0		0		0
	2125	Use unregistered motor vehicle	500	2	1,000	9	4,500	6	3,000	7	3,500	12	6,000	15	7,500
	2133	Driving on footpath	75					2	150		0	1	75		0
	2135	Leave vehicle unattended with keys in ignition etc.	75							2	150		0	1	75
	2141	Driving unlawfully in bus/transit/bicycle/truck lane	75		0		0		0		0		0		0
	2142	Use/permit/cause use of motor vehicle when prohibited by notice	135		0		0		0		0		0		0
	2143	Use vehicle that does not comply	165	20	3,300	68	11,220	59	9,735	44	7,260	34	5,610	55	9,075
	2145	Remove unroadworthy label without authority	165		0		0		0		0		0		0
	2148	Use of permit use of vehicle in breach of minor vehicle defect notice	135		0		0		0		0	1	135		0
	2361	Uncertificated Driving	150	20	3,000	17	2,550	24	3,600	9	1,350	7	1,050	12	1,800
	2362	Breach of Certificate Conditions	100	2	200	7	700	6	600	2	200	72	7,200	93	9,300
	2366	Allow Uncertificated Driving	150	5	750	5	750	9	1,350	1	150	1	150		0

Taxi Industry Penalties issued by the Victorian Taxi Directorate between 1996 and 2001

	Offence Code	Description	Penalty amount $	1996 Penalties	1996 $ Total	1997 Penalties	1997 $ Total	1998 Penalties	1998 $ Total	1999 Penalties	1999 $ Total	2000 Penalties	2000 $ Total	2001 Penalties	2001 $ Total
	2377	Fail to comply with vehicle standards	200			3	600	5	1,000	1	200	1	200		0
	2398	Inoperative air-conditioner	100	57	5,700	80	8,000	24	2,400	22	2,200	1	100	1	100
	2399	Fail to Produce Vehicle for Inspection	200	2	400	5	1,000		0	2	400	5	1,000	2	400
	2400	Use taxi-cab when prohibited	200	4	800	2	400	4	800	2	400	2	400	4	800
	2401	Fail to produce inspection details	200							110	22,000	131	26,200	155	31,000
	2403	Fail To Carry Passengers	100	19	1,900	27	2,700	21	2,100	48	4,800	47	4,700	10	1,000
	2404	Fail to fulfil hiring	100	1	100	4	400	7	700	5	500	6	600	2	200
	2405	Incorrect route	100	2	200	4	400	13	1,300	14	1,400	4	400	4	400
	2406	Fail to take nominated route	100	1	100	2	200	2	200		0	2	200	3	300
	2407	Touting Taxi	100	10	1,000	10	1,000	14	1,400	3	300		0		0
	2408	Absent from taxi-cab	50	10	500	23	1,150	6	300	14	700	11	550	2	100
	2409	Fail to wear uniform	50	62	3,100	203	10,150	232	11,600	312	15,600	259	12,950	200	10,000
	2412	Smoke in taxi-cab	200	99	19,800	122	24,400	51	10,200	76	15,200	69	13,800	44	8,800
	2413	Unauthorised carry of animals	50	1	50		0		0		0		0		0
	2416	Refuse to carry passenger	50	3	150	3	150	6	300	5	250	17	850	10	500
	2417	Fail to assist passenger	50	2	100	1	50	3	150		0	2	100		0
	2421	Incorrect use of taxi stand	50	1	50		0	4	200	1	50	3	150		0
	2423	Improper Use of taxi stand	50	2	100	2	100		0	1	50		0	2	100
	2424	Fail to take next position on taxi stand	50	3	150	1	50		0		0	2	100	1	50
	2425	Fail to accept hiring	50						0	1	50	3	150	4	200
	2427	Overcharging	100			2	200	3	300	4	400	1	100	7	700
	2436	Unsealed Meter	100	16	1,600	14	1,400	22	2,200	11	1,100		0		0
	2441	Fail to start meter when taxi cab hired	100	3	300	2	200	7	700	8	800	6	600	2	200
	2447	Uncertificated driving	150	1	150		0	1	150	2	300	3	450	3	450

Taxi Industry Penalties issued by the Victorian Taxi Directorate between 1996 and 2001

	Offence Code	Description	Penalty amount $	1996 Penalties	1996 $ Total	1997 Penalties	1997 $ Total	1998 Penalties	1998 $ Total	1999 Penalties	1999 $ Total	2000 Penalties	2000 $ Total	2001 Penalties	2001 $ Total
	2448	Breach of Certificate condition	100				0					6	600		0
	2471	Touting Hire Car	2000			1	2,000		0		0	6	12,000	14	28,000
	2480	Operating outside conditions of licence	100	4	400	2	200	6	600	21	2,100	8	800	25	2,500
	2501	Disobey turn prohibition sign	105	9	945	44	4,620	16	1,680	66	6,930	8	840	8	840
	2502	Fail to obey one way or do not enter sign	165		0		0		0		0		0		0
	2507	Fail to obey emergency stopping lane only sign	165		0		0		0	2	330	4	660	4	660
	2765	Deposit Litter	20	1	20	1	20	1	20		0	1	20		0
		TOTAL $ AMOUNT FOR EACH YEAR FROM 1996–2001		448	55,960	809	94,025	668	69,775	981	107,850	937	120,245	965	139,415
S	Suspensions														

Ports: rail — Swanson and Victoria docks

2910. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: In relation to the promotion of the greater use of rail, what is the actual outcome of the Government's initiatives to reinstate rail to Swanson Dock and Victoria Dock, respectively.

ANSWER:

The MPC works extensively with shippers and logistic service providers through its Trade Development unit to promote and facilitate the use of rail for the movement of goods to the Port.

Subject to final commercial negotiations, the MPC is expected to award a contract to reinstall rail to Swanson Dock West during May 2002.

The MPC is directly liaising with Patrick Terminals, P & O Ports, Grainco and ANL Tasfast to jointly develop a rail infrastructure strategy for Swanson Docks East & West and Appleton Dock precincts.

The redevelopment of Victoria Dock is planned to include a rail siding. The EoI process for Victoria Dock will inform the final design of the rail.

The MPC is working with the DoI on longer term planning to improve rail access across Footscray Road into the port.

Ports: port of Melbourne — trade

2912. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: What are the results of the proactive role that the Government maintains it has taken to create an environment for an increase in trade through the Port of Melbourne.

ANSWER:

Despite the slowdown in global economic activity and deteriorating international trading conditions over the 12 month period ending December 2001, the port of Melbourne recorded a 2% increase in total trade volume over this time.

Over the period December 2000 through December 2001, the volume of containerised throughput in the port of Melbourne grew by 0.1%. The strongest growth by commodity type over this period was recorded by dry bulk (mainly grain) which increased by 61%.

Despite subdued international container activity, coastal container activity was quite robust reflecting the relative strength of the Australian and Victorian economies compared to our trading partners. Total coastal container activity increased by almost 10% over the last calendar year. Victorian coastal exports increased by almost 13% while coastal imports increased 6%.

As international trading conditions and the economic outlook for the global economy begin to improve, it is expected that the port of Melbourne will begin to record higher growth rates building on the current strength of the Victorian and Australian economies.

Ports: port of Melbourne — trade

2914. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: What was the cost of the Government's alleged increased proactive role to increase trade through the Port of Melbourne.

ANSWER:

During the term of the Bracks Government, the average annual expenditure by the Melbourne Port Corporation on activities aimed at increasing levels of trade through the Port of Melbourne has been $1.165 million.

This expenditure encompasses major regional, national and international marketing activities, development and maintenance of key relationships with shipping lines and cargo owners, implementation of trade development projects, understanding and servicing customer needs and the provision of trade and logistical advice and support to regional importers and exporters.

In that period, trade through the Port of Melbourne has increased by an average 4.5 percent annually.

Transport: public transport crime — incidence

2927. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How many incidents have been reported to police regarding crime on public transport in each year since 1985.

ANSWER:

The Honourable Member has placed a question on notice that relates to public transport offences. The specific information being requested requires reconciliation of data held by separate agencies to prepare a reply. To answer the question would represent an unreasonable diversion of time and resources.

Transport: public transport crime — penalties

2928. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Of the reported incidents regarding crime on public transport, how many have resulted in fines or other penalties in each year since 1985.

ANSWER:

The Honourable Member has placed a question on notice that relates to public transport offences. The specific information being requested requires reconciliation of data held by separate agencies to prepare a reply. To answer the question would represent an unreasonable diversion of time and resources.

Transport: public transport crime — penalties

2929. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Of the reported incidents regarding crime on public transport which have resulted in fines or other penalties in each year since 1985, what is the total penalty issued (both financial and non-financial) for each year since 1985.

ANSWER:

The Honourable Member has placed a question on notice that relates to public transport offences. The specific information being requested requires reconciliation of data held by separate agencies to prepare a reply. To answer the question would represent an unreasonable diversion of time and resources.

Transport: railway station crime — incidence

2930. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What are the top ten railway stations with the highest crime rates in metropolitan Melbourne for — (i) 2001; (ii) 2000; (iii) 1999; (iv) 1998; (v) 1997; (vi) 1996; (vii) 1995; and (viii) 1994.

ANSWER:

The Honourable Member has placed a question on notice that relates to public transport offences. The specific information being requested requires reconciliation of data held by separate agencies to prepare a reply. To answer the question would represent an unreasonable diversion of time and resources.

Transport: railway station crime — incidence

2931. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): For each of the top ten train stations in Melbourne with the highest crime figures, what were the reported crimes, and how many crimes were committed, at each station in — (i) 2001; (ii) 2000; (iii) 1999; (iv) 1998; (v) 1997; (vi) 1996; (vii) 1995; and (viii) 1994.

ANSWER:

The Honourable Member has placed a question on notice that relates to public transport offences. The specific information being requested requires reconciliation of data held by separate agencies to prepare a reply. To answer the question would represent an unreasonable diversion of time and resources.

Transport: public transport graffiti — arrests

2934. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How many people have been arrested and charged for graffiti on the public transport system in each year since 1985.

ANSWER:

The Honourable Member has placed a question on notice that relates to public transport offences. The specific information being requested requires reconciliation of data held by separate agencies to prepare a reply. To answer the question would represent an unreasonable diversion of time and resources.

Transport: public transport graffiti — penalties

2935. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the total financial penalty enforced for graffiti offences on public transport in each year since 1985.

ANSWER:

The Honourable Member has placed a question on notice that relates to public transport offences. The specific information being requested requires reconciliation of data held by separate agencies to prepare a reply. To answer the question would represent an unreasonable diversion of time and resources.

Transport: public transport graffiti — jail terms

2936. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the total court ordered jail terms for graffiti offences on public transport in each year since 1985.

ANSWER:

The Honourable Member has placed a question on notice that relates to public transport offences. The specific information being requested requires reconciliation of data held by separate agencies to prepare a reply. To answer the question would represent an unreasonable diversion of time and resources.

Transport: public transport graffiti — rectification

2937. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What has been the financial cost of rectifying graffiti offences on public transport in each year since 1985.

ANSWER:

The Honourable Member has placed a question on notice that relates to public transport offences. The specific information being requested requires reconciliation of data held by separate agencies to prepare a reply. To answer the question would represent an unreasonable diversion of time and resources.

Transport: public transport graffiti — penalties

2938. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What other non-financial penalties have been issued for graffiti offences on public transport in each year since 1985.

ANSWER:

The Honourable Member has placed a question on notice that relates to public transport offences. The specific information being requested requires reconciliation of data held by separate agencies to prepare a reply. To answer the question would represent an unreasonable diversion of time and resources.

Transport: car sound systems — arrests

2944. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How many people have been arrested and charged for excessive car sound systems in each year since 1985.

ANSWER:

This question does not fall within my portfolio responsibility and would be more appropriately answered by the Minister for Environment and Conservation.

Transport: car sound systems — penalties

2945. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the total financial penalty enforced for excessive car sound system offences in each year since 1985.

ANSWER:

This question does not fall within my portfolio responsibility and would be more appropriately answered by the Minister for Environment and Conservation.

Transport: car sound systems — jail terms

2946. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the total court ordered jail terms for excessive car sound system offences in each year since 1985.

ANSWER:

This question does not fall within my portfolio responsibility and would be more appropriately answered by the Minister for Environment and Conservation.

Transport: car sound systems — penalties

2947. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What other non-financial penalties have been issued in regard to excessive car sound system offences in each year since 1985.

ANSWER:

This question does not fall within my portfolio responsibility and would be more appropriately answered by the Minister for Environment and Conservation.

Transport: car engine noise — arrests

2952. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How many people have been arrested and charged for excessive car engine noise (eg. revving of engines) in each year since 1985.

ANSWER:

This question does not fall within my portfolio responsibility and would be more appropriately answered by the Minister for Environment and Conservation.

Transport: car engine noise — penalties

2953. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the total financial penalty enforced for excessive car engine noise offences in each year since 1985.

ANSWER:

This question does not fall within my portfolio responsibility and would be more appropriately answered by the Minister for Environment and Conservation.

Transport: car engine noise — jail terms

2954. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the total court ordered jail terms for excessive car engine noise offences in each year since 1985.

ANSWER:

This question does not fall within my portfolio responsibility and would be more appropriately answered by the Minister for Environment and Conservation.

Transport: car engine noise — penalties

2955. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What other non-financial penalties have been issued in regard to excessive car engine noise in each year since 1985.

ANSWER:

This question does not fall within my portfolio responsibility and would be more appropriately answered by the Minister for Environment and Conservation.