

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**8 May 2002**

**(extract from Book 5)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

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**Wednesday, 8 May 2002**

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

## RAIL CORPORATIONS (AMENDMENT) BILL

*Introduction and first reading*

Received from Assembly.

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

### QUESTIONS WITHOUT NOTICE

#### Electricity: charges

**Hon. C. A. FURLETTI** (Templestowe) — I direct my question to the Minister for Energy and Resources and refer her to the government's document *Building Tomorrow's Businesses Today*. I refer to the section for which the minister is responsible, where, under a heading entitled 'The next step', which looks to the future, she says that the government will continue to monitor electricity prices. She says that the government will continue to call for the creation of a single economic regulator. She says that the government will issue a full statement later this year on the government's energy policy for the state. I ask the minister: is this a step sideways or backwards?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I guess this is very much in the vein that we have come to expect from members of the opposition. They are certainly living up to their negative, carping approach to this state.

I absolutely welcome the opportunity to confirm those statements. This government has made it very clear that it intends to continue to act in the interests of electricity consumers in this state. It is very early days in the introduction of competition for small consumers, and the government is very proud of the consumer protection framework it has put in place through legislation to protect those Victorians. This is unlike the open-slayer approach to pricing which we inherited from the previous Kennett government.

In relation to the energy policy — I have forecast that it is my intention to release it later this year — I confidently predict that that policy will build on the very significant steps that I have taken to date on behalf of the Bracks government in acting to improve the

security, the reliability and the affordability of Victoria's electricity supplies.

*Supplementary question*

**Hon. C. A. FURLETTI** (Templestowe) — I appreciate the minister's pre-emptive energy policy, but I asked about what is under the heading 'The next step', which is the government's vision for the future. I repeat that the minister refers to monitoring electricity prices, which I would have accepted as an ongoing issue and not something that is a next step. The minister has called for the creation of a single economic regulator. She did so at a conference organised by the Electricity Supply Association of Australia a month or so ago, but of course it was decried by her Labor colleagues in New South Wales and Queensland, and that means that it means absolutely nothing. We would have expected policy from the minister some time before the next election. So I ask the question again: are we going sideways or backwards?

**Hon. T. C. Theophanous** — On a point of order, Mr President, my understanding of the nature of a supplementary question under the guidelines you have issued is that it has to be a question seeking additional information to what has been given or in some way different to the original question. The honourable member has, using his own words, asked again the same question that he asked originally, so I ask you to rule it out of order.

**Hon. Bill Forwood** — On the point of order, Mr President, the guidelines are clear on this: the questioner may ask a supplementary question of the same minister in order to elucidate the reply. The guidelines also say that supplementary questions must actually and accurately relate to the original question and must relate to or arise from the minister's response. I put it to the house that Mr Furletti has complied completely with the guidelines we operate under.

**The PRESIDENT** — Order! I do not believe that supplementary questions were intended to enable a question to be re-asked. The basic thing is to obtain an elucidation of the answer. The actual nub of the question that Mr Furletti put the first time and the second time was exactly the same. If, in fact, there was an aspect of the minister's answer that the honourable member wanted clarified, that is very appropriate, but in relation to whether it gives him the liberty just to simply restate the question, I do not believe it does. I uphold the point of order.

**Budget: sport and recreation**

**Hon. G. D. ROMANES** (Melbourne) — I refer my question to the Minister for Sport and Recreation, who is also the Minister for Commonwealth Games. Will the minister advise the house of the extent of the Bracks government's commitment to sport and, in so doing, identify the key sporting priorities that were revealed in yesterday's state budget?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I thank the honourable member for her question and am pleased to advise the house that the budget details in the order of over \$81 million of additional funding for sport and recreation. This money is critical to ensuring that both sports infrastructure and the sports people themselves will be in an excellent position when Melbourne holds the 2006 Commonwealth Games.

The government has allocated \$7 million in the budget to continue the design, development and expansion of the Melbourne Sports and Aquatic Centre. This will include community leisure facilities in addition to the competition pool. The total project cost is in the order of \$50 million.

Further funding for local community-level sport and recreation facilities will also continue with \$5 million for minor facilities and \$8 million for the Better Pools program to be provided from the Community Support Fund. This shows and reinforces that this government is serious about continuing community-based sport and recreation opportunities throughout the sports area and growing all of the state.

The budget also assures the continuation of the highly successful Play it Safe by the Water campaign with the provision of \$2.2 million from the Community Support Fund. Sports injury prevention and women's participation in sport will receive \$300 000 from the government's proceeds from the Tipstar footy tipping competition.

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — I knew you would enjoy that one!

The government has already announced a \$1.5 million boost to the Victorian Institute of Sport in the lead-up to Athens 2004 and Melbourne 2006, part of which will also be directed to regional sports academies — again reinforcing our commitment to growing the whole of the state. In addition, the government recreation camps at Howmans Gap, Mount Eliza and Mount Evelyn will all benefit from upgrades to the value of \$750 000 to

ensure compliance guidelines are met. As well as all that — —

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — I know opposition members like to whinge and whine and carp about these things, but they cannot avoid it: it is good news, no matter what they say, how divided they are or how they stand for nothing. It is good news.

We will ensure as a government that we continue to facilitate the construction of the MCG to ensure the highest possible level of public access to the people's ground. We are delivering things opposition members could never deliver when in government because they did not care then, they do not care now, and we know they will never care!

**Electricity: charges**

**Hon. C. A. STRONG** (Higinbotham) — I refer the Minister for Energy and Resources to the recent article on Macquarie Generation in which was made public recently the details of why it was fined by the National Electricity Code Administrator. It was fined for inflating the wholesale price of electricity, and the national code administrator also noted that other New South Wales generators are themselves involved in similar practices. These are New South Wales government-owned generators who are able to wash out their inflated prices through the tariff equalisation — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Ask your question.

**Hon. C. A. STRONG** — I have asked the minister to take up the tariff equalisation scheme with the Australian Competition and Consumer Commission. Will she now, in the light of this public acknowledgment of New South Wales — —

**The PRESIDENT** — Order! The honourable member's time has expired.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I am aware of the reports that the honourable member opposite referred to. It is also important to note that the National Electricity Code Administrator put forward some proposals in relation to rebidding practices, which are currently under consideration in the national electricity market, and these are matters that are being watched carefully through the national electricity market ministerial forum established following the actions of the Victorian and New South Wales governments.

I expect that the actions of New South Wales generators are matters that will be closely watched on an ongoing basis under the existing regulatory arrangements.

In relation to a matter raised in an earlier question, Victoria is continuing to advocate a position in relation to a single regulator for the national electricity market. We believe that proposal would be of great assistance in terms of these matters being addressed. Contrary to earlier comments, I am pleased to note that this proposal has received a good deal of support.

*Supplementary question*

**Hon. C. A. STRONG** (Higinbotham) — My supplementary question — —

**Hon. J. M. Madden** — On a point of order, Mr President, I ask for a clarification of the status of supplementary questions. Because the honourable member did not complete his first question, I am not sure, and I would like some reinforcement — —

**The PRESIDENT** — Order! The rules are available to all members. There is no point of order.

**Hon. Bill Forwood** (to Hon. J. M. Madden) — If 100 000 people lived in the village you would still be the village idiot!

**Hon. J. M. Madden** — He has all that time and he still cannot get it out. You ask it for him, Bill!

**The PRESIDENT** — Order! The honourable member has a limited time in which to ask his supplementary question. I ask the house to let him do so.

**Hon. C. A. STRONG** — In light of the minister's answer, has she considered and would she consider taking this issue up with the Australian Competition and Consumer Commission. Clearly this is anticompetitive behaviour and, as such, the ACCC is probably the most powerful and effective organisation to ensure that such anticompetitive behaviour ceases. I urge the minister to seriously consider, either separately or through her ministerial council, taking this matter up with the ACCC.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I am sure all members of this chamber, indeed all Australians, have been watching with great interest the actions of the Australian Competition and Consumer Commission and its leader, Professor Alan Fels. Those actions have sent a strong message about the ACCC's willingness to investigate, pursue and prosecute these matters vigorously. I have every

confidence that the ACCC will continue to do that in relation to these matters where it is warranted.

**Budget: ICT strategy**

**Hon. KAYE DARVENIZA** (Melbourne West) — I refer the Minister for Information and Communication Technology to the Bracks government's third budget delivered yesterday which contained \$70.6 million for a new whole-of-government telecommunications purchasing and management strategy. Will the minister explain the benefits of this strategy?

**Hon. M. R. THOMSON** (Minister for Information and Communication Technology) — I thank the honourable member for her question. I start by saying that through Connecting Victoria the Bracks government has strived to place Victoria at the forefront of the information and communications technology (ICT) industry. The telecommunications purchasing and management strategy will continue that commitment and position the Victorian government as a world leader of governments in the use of telecommunications. This four year \$70.6 million commitment will promote greater competition within Victoria's telecommunications market and allow the government to take advantage of new technologies as they become available. This strategy — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I ask the minister and whoever it is who is interrupting on this side — —

**Hon. M. M. Gould** — The Leader of the Opposition!

**The PRESIDENT** — Order! He is the Leader of the Opposition. I ask them to keep out of this and allow the minister to answer her question.

**Hon. M. R. THOMSON** — This strategy will also result in enormous benefits to the Victorian community and will deliver improved bandwidth to schools and hospitals. A fundamental part of the strategy is the commitment to progressively move over time all of the government's voice and video services to a data network. The Bracks government is the first government in Australia to make this commitment and fund it. What makes the commitment possible is the use of a connectivity hub that enables the government's data systems to connect over a common secure network.

In the past the government has relied on its data services being provided by one provider. The connectivity hub will enable a panel of providers to be

available to supply services to the government by allowing them to connect to this connectivity hub. This will drive telecommunication prices down making them more competitive, and it will bring cost savings to the government, enabling departments to invest in higher bandwidths.

The government's spend of \$175 million in telecommunications will stimulate investment in telecommunications infrastructure and improve services in country Victoria. While these new contracts are being negotiated we will continue to use the VicOne network for data services, and we have finalised a short-term agreement with AAPT to ensure this will occur.

A competitive interim arrangement for telephony services has been put in place which will deliver cost savings of up to \$9 million to government. This strategy is fundamental to a number of key Bracks government's policies, including Growing Victoria Together and its e-government vision for Putting People at the Centre. It also supports our efforts to boost telecommunications infrastructure in regional Victoria through our Regional Connections policy.

The telecommunications purchasing and management strategy is proof of the Bracks government's commitment to ICT vision and its ability to build policies to secure Victoria's future as an innovative, competitive and connected economy.

### Fishing: abalone

**Hon. P. R. HALL** (Gippsland) — I refer the Minister for Energy and Resources to the recently released abalone fishery management plan which will, in the minister's own words, ensure that the fishery continues to be managed on a sustainable basis. Would the minister agree that the sustainability of all fisheries is best achieved by fisheries management planning, rather than by prohibition as proposed in the government's marine parks proposal?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I welcome this opportunity to speak about the recently released abalone management plan. This plan is a first in relation to ensuring sustainable management of our abalone fishery. It is a significant and valuable export-oriented fishery, which this government is determined to ensure is managed into the future on a sustainable basis. All the participants should be congratulated on the plan that has been put in place by this government after an enormous amount of work by stakeholders in the industry, the department and elsewhere. It will provide the basis in the future for a

cooperative approach to ensure the best possible results from this fishery.

In relation to marine reserves, there are ongoing and significant discussions between the opposition and the government, and I am certain that those matters have been addressed during those discussions along with parallel discussions with all stakeholders, including representatives of the industry and conservation groups.

I am confident that the package that the government will put before Parliament when those discussions are properly concluded will bear the fruits of those discussions. The government's package, of course, includes a very important component in relation to primarily the abalone fishery. That is a substantial boost to enforcement, which is very much called for by the industry.

### *Supplementary question*

**Hon. P. R. HALL** (Gippsland) — I will not ask the same question again because the minister did not answer my question about the balance between fisheries management plans as opposed to marine parks in assessing sustainability. However, I seek clarification on the minister's answer.

Is it not true that the marine park legislation will result in the abalone fishery being concentrated into a smaller area, thus putting the sustainability of Victoria's most valuable fishery into jeopardy?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — When the legislation is brought before Parliament I expect that this matter and many others which are covered by the bill will be well debated.

**Hon. Bill Forwood** — Even in committee?

**Hon. C. C. BROAD** — Yes, possibly even in committee in this place, and there will be ample opportunity for these matters to be further debated at that time.

### Melbourne Sports and Aquatic Centre

**Hon. R. F. SMITH** (Chelsea) — Will the Minister for Commonwealth Games advise the house what steps he has taken to ensure that Melbourne will have an appropriate swimming venue for the hosting of the 2006 Commonwealth Games?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I thank the honourable member for his question. The house would be aware that in yesterday's state budget we outlined an

additional \$48 million in funds for the redevelopment of the Melbourne Sports and Aquatic Centre (MSAC). That includes \$7 million in the 2002–03 financial year, \$22 million in the 2003–04 financial year and \$21 million in the 2004–05 financial year.

The redevelopment will include an event pool to host major events, including the 2006 Commonwealth Games that I have mentioned previously, but also it will assist in increasing the amount of car parking in and around the precinct to take pressure off the local neighbourhood. It will also improve the public amenity and add to the viability of the facility through increased leisure water activity participation.

In late January this year the firm of architects Peddle Thorp was announced as the architect for MSAC stage 2. I understand the firm has 30 years practice in architecture and planning. Its designs include the Rod Laver arena and the Vodafone arena at Melbourne Park. The firm is well placed to create a world-class facility that will feature as part of the 2006 Commonwealth Games.

One of the key aspects of the redevelopment of MSAC is that we are ensuring that the final design reflects the desires and aspirations of the local community. That is important not only for the local community but also for the aspirations of the games athletes and Victorians generally who no doubt appreciate the significance of the venue.

The government is committed to community consultation in relation to the stage 2 redevelopment. The consultation process has commenced with the distribution to the local community, through homes in the vicinity, of a community information brochure, followed by a series of public consultation meetings.

I am pleased to advise that already, following the initial stages of that public consultation, a number of modifications have been made to the design brief. This is a key approach that the government is proud of. We do care, we do consult, we do listen and, when the messages are made clear, we take action. I underline that: we take action! We take action to ensure that the aspirations of the local communities and the greater Victorian community are addressed.

Following initial community consultation, under the legislation the project will be formally referred to an advisory committee to enable that committee to give advice to the minister in relation to many of the issues that may well need addressing. I expect to give my determination on the project in or around July–August

2002 following consideration of the advisory committee's report.

We expect the project to commence around September–October 2002. That again reinforces that we will ensure that not only will the Commonwealth Games be the most significant sporting event staged in Victoria but also they will help grow the rest of Victoria.

### **Fisheries Co-Management Council: appointments**

**Hon. PHILIP DAVIS** (Gippsland) — My question is addressed to the Minister for Energy and Resources. The government is about to finalise its response to the Environment Conservation Council report on marine parks.

**Hon. J. M. McQuilten** interjected.

**Hon. PHILIP DAVIS** — How do I know? Because a minute ago the Minister for Energy and Resources said it — you weren't listening! This will be the single most profound government decision affecting commercial and recreational fishing taken in Victoria's history. The Fisheries Co-Management Council is the peak advisory body to government on the management of fisheries resources in this state. The council's term expired in March this year. Will the minister advise why she has failed to appoint a new council for two months coincidental with the finalisation of the government's marine parks response?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I take this opportunity in relation to that report, which I actually did not refer to during my answer to a previous question, to welcome the very strong contributions that have been made to that report, which is now with the government. I am looking forward to bringing forward the government's response to that report in due course.

That investigation as part of its terms of reference focused particularly on the matter of co-management. I note that the report which has been presented is a strong endorsement of that approach and one that I welcome on behalf of the government.

In relation to the matter of appointments, there were some delays in dealing with appointments. The government was very mindful, given that one of the very strong points of the report was about co-management itself, not to be seen to be pre-empting that report. I am proceeding with new appointments in light of the report's strong endorsement of

co-management as an approach prior to the government's response.

I am confident that the government's response, when it is brought forward in due course, will be a further reaffirmation of the report's support for co-management as a desirable approach to fisheries into the future.

*Supplementary question*

**Hon. PHILIP DAVIS** (Gippsland) — With courtesy to the minister, I think she genuinely did not understand my question. The question was about the government's response to the Environment Conservation Council report and recommendations in relation to marine parks. It seems the minister was answering a different question — a question about a review into co-management when, I presume, she was alluding to the Environment and Natural Resources Committee review that is under way.

I am sorry the minister misunderstood the question. Would she like to answer the question that I asked — that is, the fact that she has not appointed a new council? Will the minister elucidate on why it is that coincidental to the consideration of the government recommendation's response — that is, legislation in this place — the minister does not have a co-management council in place? The co-management council needs to be appointed forthwith.

**The PRESIDENT** — Order! Time!

**Hon. C. C. BROAD** (Minister for Energy and Resources) — As I have indicated, I am proceeding with appointments. The chair has been appointed, a matter to which the honourable member opposite drew attention at the time the chair was appointed. I am confident that those appointments will be in place shortly.

**Port of Geelong: rail access**

**Hon. E. C. CARBINES** (Geelong) — I refer my question to the Minister for Ports, and I ask the minister to inform the house of details of recent initiatives delivered by the Bracks government to strengthen the links from our ports to industry and agricultural centres across Victoria.

**Hon. C. C. BROAD** (Minister for Ports) — I thank the honourable member for her question and her representations on behalf of her local community in relation to the port of Geelong.

The Bracks government is committed to strengthening the links from our ports to industry and agricultural centres right across Victoria and in particular under our 10-year plan for the state's future, Growing Victoria Together. We are delivering on that commitment in the 2002 budget with a plan which we believe will drive growth and secure new opportunities for the freight industry.

I am very pleased to draw the house's attention to the 2002 budget initiative of \$5.1 million to construct dual-gauge rail access to Lascelles wharf at the port of Geelong. That project will construct a single spur line from the independent goods line to Lascelles wharf, where three dual-gauge marshalling sidings are to be constructed on concrete sleepers.

This is a key infrastructure investment which will reduce freight costs, lead to an increase in the mode share of rail freight to and from the port of Geelong and to the development of warehousing and other similar infrastructure on some 25 hectares of vacant land in the port of Geelong.

The line links into the Corio independent goods line, which will be provided through another key Bracks government investment, the \$96 million regional freight links rail gauge standardisation program. This was an initiative from last year's budget and one which we are now building on with this new investment. The range of users to which better rail links will provide competitive business costs is varied, from log exporters to fertiliser producers and specialist grain growers. It is estimated that some 665 000 tonnes of product every year will be delivered to and distributed from Lascelles wharf by rail and that some 234 000 tonnes of that will come from entirely new business for rail operators.

This transfer of freight from road to rail will have a huge impact on vehicle emissions, on noise and costs of road maintenance, showing yet again that the Bracks government is determined to build sustainability into everything we do.

The Lascelles wharf project comes on top of the \$5.2 million announced in the Bracks government's *Building Tomorrow's Businesses Today* statement for detailed investigation into deepening the approach channels to the port of Melbourne. Deepening the channels will allow vessels to operate at their capacity, resulting in improved efficiency, leading to lower shipping costs to Victorian exporters, and that will have benefits into the future for Geelong as well. Both these projects will deliver a competitive advantage to the freight industry and strong benefits for regional Victoria.

### World Athletics Championships

**Hon. I. J. COVER** (Geelong) — My question without notice is to the Minister for Sport and Recreation. The 2005 World Athletics Championships originally planned for London will now be held in Helsinki. What did the minister do to attract the event to Melbourne?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I thank the honourable member for his question. Members of the house may not be aware that originally the 2005 games were to be held in London — —

**Hon. G. R. Craige** — We have already said that!

**The PRESIDENT** — Order!

**Hon. J. M. MADDEN** — But they may not appreciate why London was unable to deliver the event because, as I have mentioned in this house before, at the end of the day it did not have an athletics track. That was basically the reason. The organisers were not sure whether to put it at Picketts Lock or Wembley, and in the end they were not able to build it at Wembley so they did not have a location for the track.

**An Honourable Member** — That is the House of Commons. You are supposed to talk about us!

**Hon. J. M. MADDEN** — I am giving members a bit of background because they might want to appreciate that we understand the technical elements of what is required to deliver an event like this.

Honourable members would also appreciate about an event like this that the greatest market for an event of that nature is the European market. World athletics, I suppose, dominates television in Europe. As part of that the bids from Europe were seen as the key to driving the event, and no doubt the Victorian Major Events Company concluded and informed the government that the event could only take place in Europe on the basis of the attraction that was required and the timing of the delivery of the television telecast into Europe, and so of course this government chose not to pursue the event because it was indicated to us that world athletics would not wish to take up the opportunity of staging that event in Australia.

#### *Supplementary question*

**Hon. I. J. COVER** (Geelong) — It was nice of the minister to remind us that the games were not going to London, as I pointed out to him last October. He did say, when talking about whether he was going to be

doing anything about it, that it may well be one of the events to be investigated by the government.

Earlier this year I sought under freedom of information access to all documents held by the former Department of State and Regional Development and the office of the Minister for Sport and Recreation regarding the 2005 World Athletics Championships. I received a response saying that research of departmental records had been conducted and no documents falling within the terms of the request had been located.

Will the minister now admit that he did not care about pursuing this sporting opportunity and did nothing?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I reinforce, as I have reinforced on a number of occasions, that the honourable member was wrong previously, he is wrong today and he will be wrong in the future. If he remembers rightly, when I answered this question previously, I had discussed this issue with the relevant authorities when I visited England last year, and discussed it in some detail. I think the honourable member would also appreciate that we have discussed it in some length.

**An Honourable Member** — No emails!

**An Honourable Member** — No notes!

**Hon. J. M. MADDEN** — Just because there is no paperwork does not mean that it has not been pursued.

### Schools and TAFE: funding

**Hon. S. M. NGUYEN** (Melbourne West) — I ask the Minister for Education Services to advise how the Bracks government's commitment to invest over \$216 million in modernising Victoria's schools and TAFE institutes will impact on her portfolio.

**Hon. M. M. GOULD** (Minister for Education Services) — I thank the honourable member for his question. The government's commitment of a massive amount of over \$216 million to improve our schools and TAFE institutes is yet another example of the Bracks government's commitment to invest in our future. We are getting on with the job of undoing the appalling damage that our schools suffered under the previous government.

I am delighted to have the ministerial responsibility for the implementation of agreed capital programs. While the decision about planning and the total budget for capital works rests with my colleague the Minister for Education and Training in another place, I have the

responsibility for ensuring the delivery of these projects.

The announcement of this capital works funding will have a dramatic impact on Victoria's education system, providing students with a world-class infrastructure. This government is undoing the damage the former government did when it was in office with the sacking of 9000 teachers and the closing of 300 schools. It left the education system to rot; it just did not care about our children or about their future and it tried as hard as it could to destroy the public education system in Victoria. But the Bracks government has invested very heavily in fixing up the mess the previous government left behind.

I will turn to some of the examples of how the Bracks government will be spending this money to rebuild our education system: \$89 million will be spent to modernise over 90 government schools right across the state; over \$44 million will be spent to construct new schools and undertake major redevelopments; \$7.5 million will be spent on four major rebuilding projects; over \$16 million will go to TAFE projects; and \$4 million will be provided for the Maryborough precinct.

What this budget initiative means is that more than 110 schools and TAFE institutes across the state will be completely rebuilt or refurbished. The government will be getting on with the job of providing modern and world-class teaching facilities and spaces for our school communities, unlike what the opposition did when it was in government. This capital spending will also have the important benefit of providing new opportunities for Victorians by creating job opportunities and building stronger communities right across the state.

The Bracks government is delivering a brighter future for the state's education and training system. Through the construction of these significant projects the Bracks government is positioning Victoria as Australia's leading educational system. I am very proud to be the minister responsible for ensuring that these capital projects are delivered to the Victorian community to assist our young people and to improve the education system which the opposition when it was in government tore down and left to rot!

## MOTIONS TO TAKE NOTE OF ANSWERS

### World Athletics Championships

**Hon. I. J. COVER** (Geelong) — I move:

That the Council take note of the answer given by the Minister for Sport and Recreation to a question without notice asked by the Honourable I. J. Cover relating to the 2005 World Athletics Championships.

It might be interesting if the minister stays back today to give us some explanation of his response, because he clearly did nothing.

**Hon. N. B. Lucas** — He's going!

**Hon. I. J. COVER** — If he is going to his office to look up documents relating to what he did in trying to attract the 2005 World Athletics Championships to Victoria he is wasting his time, because he has already indicated to me in response to a freedom of information request that there are no documents such as emails, letters, memoranda, briefing notes, post-it notes and the like relating to anything that may have been done.

The minister said in his answer to my question without notice that he spoke to someone in London about the issue. This means — as the minister leaves the chamber, not wanting to give us a full explanation of the way he conducts his activities as the Minister for Sport and Recreation — either that he conducts these activities in a very sloppy and slack manner, in this instance by just having a chat with someone in London who said, 'Don't bother about having that down in Melbourne because it won't be in the right time zone for international television', or that there are documents or things written down and that therefore the freedom of information process put in place by this government is a sham because it is not releasing those documents.

In fact, I have to ask the question: is the government being secretive about the way it does things in the office of the Minister for Sport and Recreation? Given that the minister has now left the chamber, perhaps he is going to his office to do another search to find out whether he actually did have some documentation or some briefing about the matter and that he did take some advice. Surely if the minister met with someone in London and discussed the possibility of the 2005 World Athletics Championships coming to Melbourne, given that he had received so much information about how inadequate London's facilities were, his diary would contain an entry saying, 'London meeting re world athletics championships'?

**Hon. C. A. Furretti** — There might some contra argument for Melbourne.

**Hon. I. J. COVER** — Exactly. I am giving the minister the opportunity to do another search and reveal that he did attempt to do something about getting the 2005 World Athletics Championships to Melbourne.

The minister goes on about the attraction of events to Melbourne and Victoria, and in one of his answers today he went on about this being a government that takes action. 'We take action', he said. Clearly the government did not take any action to get the 2005 World Athletics Championships to Melbourne.

It also strikes me as rather odd that when the minister was informed about the international television problems with conducting the championships down in Melbourne, it did not stop the government last year from putting money into and waxing lyrical about the International Association of Athletics Federations (IAAF) grand prix meeting that was held at Olympic Park and televised around the world. In fact, in an answer the minister gave here in the house in September last year he told us:

The event was broadcast live in many places around the world, significantly throughout Europe, North America and South America as well as Asia.

That puts paid to this line that the minister claims is being peddled to him about there being no point in Melbourne going for it because it has got to be held in Europe. The IAAF, which runs the World Athletics Championships as well as the grand prix, had no problems about coming down here last September, sponsored by the Victorian government, running the grand prix event in Melbourne and having it televised around the world.

Now this minister just dismisses the matter and says, 'Here's a convenient excuse for me not to do anything about attracting the world championships in 2005. I'll just accept this line that we can't do it because the TV is not going to work internationally'. It worked last September when the IAAF held its grand prix series here at Olympic Park.

Clearly the minister has missed an opportunity. It is typical of this do-nothing government and this do-nothing minister that, when it came to taking up an opportunity that could be pursued for Melbourne and for Victoria, they did nothing. Given that I received this response from the minister's department saying that there were no documents relating to the 2005 World Athletics Championships — —

**Hon. N. B. Lucas** — He might be making it up!

**Hon. I. J. COVER** — Correct, Mr Lucas, he might be making up that he met with someone in London about it. There are no documents.

**Hon. N. B. Lucas** — There is no record.

**Hon. I. J. COVER** — Either there is no record and he did nothing, or there actually is a record and the government is being secretive. That now raises grave concerns about the manner in which the minister may conduct himself as the Minister for Commonwealth Games, as we are still waiting for a budget for that event to be released as well.

**Hon. E. C. CARBINES** (Geelong) — I am very pleased to speak on behalf of the government in relation to this matter this morning, because what an absolute beat-up this is by the honourable member opposite! There was never any genuine chance of Melbourne hosting the 2005 World Athletics Championships — no chance at all — and it is an absolute beat-up by the Honourable Ian Cover to even suggest there was a genuine chance. It is political posturing on his part and he knows that. London lost the rights last year to host the 2005 World Athletics Championships. England was desperately trying to secure a venue to host the event but it could not host it in London. It was trying to transfer it to Sheffield but unfortunately for England the International Association of Athletics Federations was not happy with that location and so ruled England out of the picture.

The Victorian Major Events Company and Athletics Australia took the opportunity to have a look at whether or not it was worth our while even discussing the possibility of staging the 2005 World Athletic Championships in Melbourne. It is interesting to note that the International Association of Athletics Federations has already negotiated with the European Broadcasting Union to stage the next four world outdoor championships in Europe or a city in a European time zone.

Therefore, the Victorian Major Events Company and Athletics Australia decided it was not worth pursuing the 2005 World Athletics Championships for Melbourne. Not only that, but any attempt would take the focus away from the real work required in staging the 2006 Commonwealth Games in Melbourne. Any effort put into the bid would be detrimental to the staging of the Commonwealth Games.

The government is concentrating proudly on hosting the 2006 Commonwealth Games in Melbourne. Enormous effort has been put in already to make sure Melbourne and Victoria are ready to host those games and I am sure all honourable members look forward to the opportunity of Victoria being showcased around the world when it hosts the 2006 Commonwealth Games. Victoria and Melbourne will be looked at by not just commonwealth nations, but all nations around the world.

In the lead-up to the commonwealth games the government and its departments will be busy ensuring our venues are ready. The Minister for Sport and Recreation referred this morning to what is being done to upgrade the Melbourne Sports and Aquatic Centre so it can host the swimming events of the 2006 Commonwealth Games. Similar works will be done at other stadiums and there is the vexed question of the commonwealth games village to finalise.

The motion moved by the Honourable Ian Cover is a beat-up. He is desperate to increase the number of times he speaks in this place! An article in the *Geelong Advertiser* referred to the honourable member as being tight-lipped and known for not contributing in this house for the past six years. At the end of the day there was never any real prospect of Melbourne hosting the 2005 World Athletics Championships. This motion is an attempt — not a good one — at political posturing by the honourable member. He has not proved anything this morning. It is a desperate attempt to raise his profile and get some entries into *Hansard*. Better luck next time!

**Motion agreed to.**

**Electricity: charges  
Fisheries Co-Management Council:  
appointments**

**Hon. C. A. FURLETTI** (Templestowe) — I move:

That the Council take note of the answers given by the Minister for Energy and Resources to questions without notice asked by the Honourables C. A. Furletti and C. A. Strong relating to the electricity industry and the Honourable P. R. Davis relating to the Environment Conservation Council.

In this budget week when the Minister for Energy and Resources was given the opportunity to expand on the government's vision for the future in the energy portfolio in referring to the document entitled *Building Tomorrow's Businesses Today*, which was tabled with great ceremony and with the government vaunting its achievements and its future, the minister chose not to refer to the government's vision in the document I referred to. More specifically, she did not take the opportunity to give the house an outline of her responsibilities and to vaunt the government's initiatives outlined in the budget yesterday. That confirms the thrust of the questions put by members of the opposition — namely, that the government has no vision for Victoria's energy future and no plan in place and that the budget is devoid of incentives to ensure that Victoria's energy base is secured.

The minister in her answers today confirmed that the government in general and she in particular is devoid of any initiative and forward planning for possibly one of the most significant areas upon which Victoria's economy and industry is based.

The government has no vision now and has done nothing in the past two years. The minister referred to the introduction of full retail contestability earlier this year, but I recall that was delayed by a year and as such it put the brakes on the market functions that were intended to continue the implementation and the maximum effect of the reform of the electricity industry in the state and the introduction of strong market forces to ensure reliability, sustainability and reasonable prices for Victorian energy. Those elements saw Victoria catapulted from the rust-bucket state the Cain and Kirner governments left it in to the foremost state in Australia.

The minister is isolated in the ministerial council which she promoted because New South Wales and Queensland, with their numbers and strength in voting, are able to disregard or pay little heed to the initiatives which she proposes. In particular, it is clear the proposed one regulator issue is not on. It is clear that the minister's submissions in seeking to have Queensland and New South Wales participate not only in the concept but the spirit of a national electricity market are falling on deaf ears.

Victoria's future is based on a reliable and sustainable electricity base load that will be put under real pressure over the next five or six years, yet the government is doing nothing to address that urgent issue. The industry now has more than half its infrastructure and assets on the market. It is possible Victoria could see a government-owned corporation from another state as a major player, yet the government has indicated it will take no action which would prevent the market forces initiated in the mid-1990s having effect without undue influence.

This government has done nothing, is doing nothing and — from the answers given by the minister today — will do nothing in the future!

**Hon. G. D. ROMANES** (Melbourne) — The opposition is out of touch in its implied criticism of the Minister for Energy and Resources advocating a single regulator for the national electricity market. The minister has shown vision and leadership in putting forward that proposal. It has raised the interest of the members of the national electricity market ministerial forum and has a number of third-party endorsements, including the Electricity Supply Association of

Australia. In the 6 May newsletter of the association the Business Council of Australia is mentioned as being a supporter of a single national regulator and contends in the article that the overlapping and conflicting roles of electricity and gas regulation are inefficient and impose enormous compliance burdens on the industry.

In the newsletter there is support from Loy Yang Power, which has told the Council of Australian Governments panel that the single most important issue to be addressed in the review is the fact that the national electricity market currently lacks leadership because no single body is responsible for policy formulation and development. Those are third-party endorsements from leading players in the electricity supply industry.

I direct the attention of honourable members to an article in the *Australian* of 25 April this year by Nigel Wilson in which he refers to the issuing of a national report card on the energy industry by Barry Jones, executive director of the Australian Petroleum Production and Exploration Association, following its annual meeting in Adelaide.

His report card on the various energy provider states across Australia rates Victoria as an A-grade performer, with his only criticism that industry regulation was not heavy-handed enough. That does not demonstrate any lack of support for the proposal being put forward by the Minister for Energy and Resources.

We continue to hear whingeing and carping from members of the opposition, who are protesting continually about the action taken by the Bracks Labor government in the interest of Victorian consumers by a range of measures put in place to protect consumers and reject, for example, the large prices that were sought by electricity retailers.

As the Minister for Energy and Resources mentioned in her response to questions earlier today, this government will do whatever it needs to do to improve the security and reliability of the supply and affordability of electricity and other sources of energy in this state. Compare that with what the Kennett government did when it privatised the electricity assets of this state and abandoned country and regional electricity consumers to an open-slaughter market. The Kennett government sold off the state's electricity industry without any plan to encourage new investment in power stations to keep prices down, and created a divide between city and country prices by breaking up Victoria's network into two country and three city networks.

It needed this government to this year reject an average electricity price rise and put in place the special power

payment to ensure that the average increase Victorians would pay was no higher than 4.7 per cent across the board, which has meant an average saving of \$89 over the year for average country customers and additional assistance for small business and farm customers on high-consumption tariffs. So that is protecting the people of Victoria.

**Hon. PHILIP DAVIS** (Gippsland) — I am somewhat reluctant to participate in this take-note motion because I do so with the concern that I should share with the house about the performance of the Minister for Energy and Resources. In two and a half years I do not think that I have seen the minister perform so inadequately in the house.

On a question this morning about abalone management plans from my honourable colleague Mr Peter Hall, the minister elucidated her answer to the question by referring to the government's response on marine parks, which will be presented to the Parliament shortly.

My question this morning was specifically in the context of marine parks. It was about the expiration of the term of appointment in March of this year of the Fisheries Co-Management Council and the fact that there has not yet been a reappointment or an appointment of a new council.

Consequently for the last two months while the gestation of the government's response to the marine park recommendations of the Environment Conservation Council has been proceeding apace with the release of the government's draft bill for public exposure and with much dialogue in the community and between government and opposition, the government is taking no advice because it is unable to take advice from a peak body created in this state to give government advice on fisheries management issues.

**Hon. P. R. Hall** interjected.

**Hon. PHILIP DAVIS** — Mr Hall says that it is an appalling situation. I would say that it is a disgrace — just as this minister's response was to my question this morning when she denied in her remarks that she had referred to the marine parks report. She actually made a statement which was untrue.

I gave the minister the courtesy with a supplementary question of an opportunity to respond more coherently as a matter of course, but again she flustered around without giving an adequate response to the fact that she is the minister responsible for fisheries management with a body created in statute to give the government and the minister advice at a peak level on behalf of all

stakeholders in fisheries management in this state and that the Fisheries Co-Management Council has not been in place for two months. It seems, according to the response that the minister finally gave after some opportunity to do so, that she has confirmed that no such appointments have been made and that they may be made in due course but in fact she has some problems making the appointments.

The problem is that the minister has not addressed the issue which was properly referred to in the 2000–01 annual report of the Fisheries Co-Management Council, which has been tabled in this place. I note that at page 8, under the heading ‘Advice given to the minister’, one of the matters was:

Membership of and succession planning for the Fisheries Co-Management Council.

That is in the report of the last financial year, so where has the minister been? Has she been out to lunch? Where has she been for the last little while? She certainly has not been out fishing; she has not been taking advice from fishermen. Indeed, she has pointedly refused to meet with fishermen in regard to these matters.

I have incessant complaints from fishing industry stakeholders who cannot get a meeting with the minister responsible for fisheries in this state. Worse still, she has been negligent in her ministerial duties in relation to the appointment of the peak body to provide advice to the government on fisheries matters in this state at the most critical time in the history of fisheries management and at a time when the government is about to implement a marine parks proposal which will exclude commercial and recreational fishing from many areas of the state.

**Motion agreed to.**

### **Fishing: abalone**

**Hon. P. R. HALL** (Gippsland) — I move:

That the Council take note of the answer given by the Minister for Energy and Resources to a question without notice asked by the Honourable P. R. Hall relating to fisheries management.

Right from the outset I want to say that the National Party very strongly supports the concept of fisheries management plans. It is our belief that fisheries sustainability depends on well-considered management policies. We do not support the propaganda that is being floated by this government that marine parks will protect fishing stocks and ensure sustainability. That is an absolute load of rubbish. We have seen the

propaganda from the government — the pretty pictures in the media of fish swimming around — which says the government is protecting fisheries sustainability by the declaration of marine national parks. That is a lot of rot! I think the minister went part of the way towards conceding that in her answer this morning by saying that fisheries management is a key issue and a priority for this government. The National Party agrees that it needs to be. We say very strongly that the key to sustainability within the fishing industry is the development of well-managed fisheries plans, and marine parks in themselves will not ensure that sustainability.

My question this morning referred to the abalone fishery. As the minister said in an answer to this place when the house was last sitting, the Victorian abalone fishery management plan was:

... the first fishery management plan to be released for a commercial fishery under the Fisheries Act 1995.

They were the words used by the minister in this house. It so happens that abalone is also Victoria’s most valuable fishery. The minister has also put on the record that the landed catch value of this particular fishery alone is worth around \$70 million. It is an important fishery for the state of Victoria. We could equally ask: where are all the management plans for the other fisheries in Victoria? This is the first commercial one.

We in the National Party say that there needs to be well-developed management plans for all fisheries. We could ask where they are. Although today’s question referred to abalone, it could well apply to all fisheries, and the National Party emphasises and stresses the need for the development of management plans for all fisheries.

There is absolutely no doubt that marine parks will impact on the abalone fishery, as they will on all other fisheries in Victoria, and it is stupid of the government to suggest that they will not in some way. They will, and they will impact significantly on both commercial fisheries and recreational fisheries in our coastal areas.

By interjection, the Honourable John McQuilten supported that view. He said that there would be a 7 per cent reduction in the quota available in the eastern division of the abalone fishery. I am not going to concede that that is correct; I think there is going to be a greater impact. But even if you take Mr McQuilten’s view that there is going to be a 7 per cent impact on the cost of abalone licences themselves which have a market value of something like \$6 million at the moment, 7 per cent of \$6 million is \$420 000! That is the impact it is going to have on particular

licence-holders in the abalone fishery. Where is the compensation for the guys who are going to be affected? There is absolutely none in the government's proposals for marine national parks. Absolutely none!

According to the Honourable John McQuilten, these people are going to suffer a loss of at least \$420 000 in the capital value of their licences. I think it is going to be much more, and not 1 cent of compensation is being made available to this particular fishery. I say that is an absolute disgrace. The minister might say, 'If they lose some of their fishing grounds through marine parks they can go elsewhere'. Go elsewhere! The government has just developed a management plan that will ensure sustainability. If there were somewhere else for them to go to take abalone they would be there now! There is nowhere else to go, and the abalone licence-holders in this state are going to lose quota and are not going to be compensated. That is the simple fact of the matter, and the National Party says that is an absolute disgrace.

I want to make a last point about the management plan. It makes scant reference to marine parks. There are 50 words on page 35 that talk about enforcement in marine national parks. For a plan to be put on the table for the Parliament to look at and consider with no reference to marine national parks is an absolute disgrace!

**Motion agreed to.**

### BUDGET PAPERS, 2002–03

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

That there be laid before this house a copy of the following 2002–03 budget papers.

- (a) Treasurer's speech (budget paper no. 1);
- (b) Budget statement (budget paper no. 2);
- (c) Budget estimates (budget paper no. 3); and
- (d) Victorian budget overview.

**Motion agreed to.**

**Laid on table.**

**Ordered to be considered next day on motion of Hon. C. C. BROAD** (Minister for Energy and Resources).

### PAPERS

**Laid on table by Clerk:**

Statutory Rule under the following Act of Parliament:

Subordinate Legislation Act 1994 — No. 30/2002.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 30/2002.

### SUMMARY OFFENCES (SPRAY CANS) BILL

*Second reading*

**Debate resumed from 24 April; motion of Hon. N. B. LUCAS** (Eumemmerring).

**Hon. GAVIN JENNINGS** (Melbourne) — I rise on behalf of the government to discuss this private members bill, moved by the Honourable Neil Lucas to deal with summary offences, in particular those relating to the use of spray cans in our community.

On behalf of the government I spoke with the parties in the chamber earlier today to request that they join the government in referring this matter to the appropriate parliamentary committee rather than proceeding to vote on the second reading of this bill today. I look forward with anticipation to members of the Liberal Party and National Party seeing reason, perhaps, at the end of this debate and joining the government in agreeing to refer this matter to the appropriate parliamentary committee.

As part of my contribution I move a reasoned amendment along those lines to the enable that referral to take place. Therefore, I move:

That all the words after 'That' be omitted with the view of inserting in place thereof 'this house declines to read this bill a second time until its provisions are referred to the Drugs and Crime Prevention Committee of this Parliament for inquiry and a report made to the house'.

For the benefit of those members of the Victorian community who want to understand what my referral motion is about, since 18 April 2001, following a reference, there has been an inquiry on this important matter being undertaken for the Parliament and the people of Victoria. The Drugs and Crime Prevention Committee is inquiring into the issue of substance abuse and the incidence of the use of spray cans in our community, and the abuse of inhalants by younger members of the Victorian community. The government, which gave the committee that reference, has been eagerly anticipating the outcome of that inquiry.

In my contribution I will indicate that on any number of occasions from that time on the view of the government has been consistently that we would like the whole of Parliament to go forward on this important initiative and that the major parties in the Parliament that represent all the constituents right across the state should come together to identify an appropriate, comprehensive approach to this most unfortunate practice that bedevils the lives of young people and their family members who deal with the consequences of this behaviour.

I reiterate that call today. I hope the opposition parties will join the government in saying, 'Yes, we want to get on top of this issue; yes, we want to provide the appropriate legislative framework to deal with the issue; yes, we want to look at the preventive health measures and preventive actions that our community may take; yes, we want to look at the regime that applies in residential care settings in Victoria; and yes, we want to look at the protocols that apply to police treatment of these issues. We want to deal with all those matters together to make a real difference in preventing this most unfortunate form of addictive behaviour in our community'.

The government has already acted in a number of those areas. Following the referral to the appropriate committee of this Parliament, a number of actions were taken to try to address those issues. I will outline briefly for honourable members the range of activities that have been undertaken. The government has introduced a number of service initiatives, which include 11 youth home-based withdrawal services; we have tripled the residential withdrawal beds for children and young people during the last two years; we have added 70 youth alcohol and drug outreach workers across the state; and we have seen five new specialist alcohol treatment workers support young people and staff in residential care facilities.

We are working with teachers, parents, the police, workers in residential care and young people to address this problem.

We have contacted residential care agencies to provide them with appropriate protocols and procedures to deal with these matters and provide support to those community organisations that deal with this issue on a daily basis.

The government is working constructively with Victorian shop traders to ensure they know how to deal with these issues and the method by which they may appropriately withhold sales to young people if they believe spray cans will be misused. We have asked the

Prime Minister to join with the Victorian Parliament in a national approach to address this question.

The government has entered into a range of activities, which I would counterpoise with the proposition in the second-reading speech which asserts that the government has taken no action. In fact the second-reading speech asserts that because no action is taking place the Liberal Party moved this pre-emptive private member's bill to tackle the issue in isolation of a comprehensive approach. Because that accusation is clearly made in a provocative way in the second-reading speech, I will take the opportunity to respond in some detail on the various measures the government has taken since this issue gained some prominence over the last summer.

The government is responding in an urgent and comprehensive fashion and believes it will identify appropriate programs and the legislative basis to deal with the issue. We are fully committed to achieving those ends. As the first part of my evidence of the approach taken by the government as recently as February this year, I refer to two 'Dear John' letters written by the Premier: one to the Honourable John Thwaites, the Minister for Health in another place, and the other to the Prime Minister, the Honourable John Howard. In the first letter to the Minister for Health the Premier wrote on 11 February:

I am writing to ask that you arrange for urgent scientific advice on the feasibility of using additives to make commonly abused inhalants less attractive to use.

...

Could you please commission some urgent scientific advice that can be fed into the parliamentary committee's deliberations on this matter. It would be appropriate for the public health division within rural and regional health and aged care services to coordinate its presentation to the government and the parliamentary committee.

I will also write to the Prime Minister to ask that he make the resources of the Commonwealth Scientific and Industrial Research Organisation and the National Occupational Health and Safety Commission available to assist in this task.

On the same day, 11 February, the Premier wrote to the Prime Minister:

The recent public debate about inhalation of volatile substances raises the fundamental question of how governments and industry can reduce the opportunities for abuse of substances found in ordinary consumer products — especially abuse by young children.

...

I am writing to request your cooperation in investigating the feasibility of using additives to make commonly abused inhalants less attractive to use. My government is currently in the process of commissioning some coordinated, high-level scientific advice on this issue.

Specifically I request the assistance of the Commonwealth Scientific and Industrial Research Organisation and the National Occupational Health and Safety Commission as we undertake this important task.

That was urgent and direct action taken by the Premier, and was supported by a number of initiatives that have been implemented by the Victorian government.

**Hon. B. C. Boardman** — Will you quote the Prime Minister's response?

**Hon. GAVIN JENNINGS** — In the spirit of bipartisanship I will respond to the interjection from the Honourable Cameron Boardman, because the only inhibiting factor I have in putting that response on the public record is that I have not got it with me. I am happy to acknowledge the Prime Minister's positive response to the Premier's letter. In fact, the tone of my contribution this morning will as much as possible identify a bipartisan approach. I will give some credit where credit is due to the contributions of Mr Boardman on this issue, which may make him uncomfortable during a certain part of my contribution, but to those members of the Liberal Party who have taken an enlightened and considered approach to this question I say all strength to them.

In relation to the government's programs that I was going to identify, it is important that the Victorian community recognises that the government has placed an emphasis on providing services to young people who have been bedevilled by this insidious practice. The first of the government's chroming treatment and youth outreach programs has seen an increase to 84 in the number of alcohol and drug treatment services across the state; the introduction of 58 new youth outreach positions located across Victoria; 11 new youth home-based withdrawal services; 70 youth alcohol and drug outreach workers are available across the state; the opening in the northern region of the metropolitan area of an 8-bed rehabilitation facility with 7 more beds opening later this year; the introduction of 2 new alcohol and drug accommodation services in the northern and western regions; and an increase from 24 to 32 in the number of residential withdrawal beds for children and young people over the past two budgets.

The government has introduced a program to deal with what it describes as the emerging hot spots of community concern, including issues particularly related to community public health matters of which inhalant abuse is one factor which has been identified. This is a \$1.7 million program over the next 18 months which is designed to enhance the capacity of local communities to respond to chroming and other drug

issues. The program has specifically led to a grant being provided to fund a full-time position to deal with drug and alcohol problems in the Frankston municipality.

Material has been prepared to support chroming education in schools. The Department of Education and Training has developed a program called FACE — which stands for fresh air clean environment and which in part responds to volatile solvent abuse — to assist schools to address the issue more effectively. This resource will be distributed to Victorian schools shortly. It supplements the work of the school-focused youth service, a joint initiative of the Department of Human Services and the Department of Education and Training, and is designed to introduce early intervention programs for young people around a range of issues dealing with drug and alcohol abuse.

A program in parent drug education has been developed. It includes a component called 'Creating conversations', which is consistent with the advertising campaign undertaken by the federal government about alcohol and drug abuse. It is designed to support better dialogue between parents and their children to make sure that it is a two-way street in terms of understanding the pressures that young people feel within their daily lives or their need to experiment with inhalants and other drugs and alcohol.

We see that as one of a range of services appropriate to be provided to parents. We have also funded a family drug help line to assist parents in times of crisis or when they need to receive some timely advice on how to deal with these emerging issues.

At present we are working with the Department of Human Services and the police to develop appropriate protocols to deal with enforcement issues around the use and abuse of inhalants and other volatile substances. As recently as this week the Chief Magistrate of the Children's Court has referred to the existing powers of police to intervene under the heads of power of the Children and Young Persons Act in cases where they believe the abuse of those substances may take place. The government is working to ensure the Department of Human Services and the police understand their legal obligations and rights to enforce that legislation.

Since this issue came to prominence over last summer the Department of Human Services has issued guidelines to the community service organisations that provide residential care to young people in Victoria. It has provided them with appropriate guidelines to ensure they comply with the program requirements the government has put in place and that the appropriate

protocols and procedures are followed within those residential care settings.

The government will be introducing — it is actually now under way — within the Department of Human Services a solvent modification feasibility study that is designed to look at various approaches that may be undertaken to add substances such as bittering agents to volatile substances and to decide whether that may play a role in mitigating against this practice. The government is looking at ways it can target particular products that have been identified as a problem, and is looking at various options such as trying to provide for smaller nozzles in spray cans or single-dose nozzles that will act as limiting mechanisms to the volume of substances that may be inhaled.

The government has developed a traders pack for retailers. It will provide particularly those retailers who sell spray paints and gas lighter refills — they who are the prime focus of the campaign — with support on how to deal with the issues. We intend to establish a consultative committee with representatives of the retail sector to work through an appropriate code of practice. The pack that has been developed will include an accompanying letter informing retailers of their responsibilities in selling inhalants and outlining the content of the traders pack, a fact sheet about inhalant abuse, a stricter response for retailers dealing with requests for inhalants, advice on point-of-sale practices and contact numbers for retailers to call for further advice. As I said earlier, these will be particularly provided for those retailers who deal with paint products and gas lighter refills. The emphasis of the program will be honed onto the retail sector and municipal areas identified as hot spots across the Victorian community.

That is consistent with the government's intention to develop a code of practice and to work with retailers to cover information about where to best store solvents within their shops; where to display information about solvents; how to handle requesting identification from young people and how to manage customers. The government is making a great deal of effort and is paying great care and attention to this important issue through a range of activities across residential care settings and the retail sector and through appropriate protocols within the Department of Human Services and the police to try to deal with the issue comprehensively.

In the last year the government has funded a number of additional specific initiatives to deal with the issue. I briefly outline those to the house. We have established five specialist alcohol and drug treatment worker

positions to support young people who live in residential care. That specific team will support residential care workers in their dealings with young people in their care. We have asked the Turning Point Drug and Alcohol Centre to develop additional chroming treatment and management guidelines. That body is well known within the community for being not only a leading treatment agency within Victoria of alcohol and drug abuse but also an important referral agency that provides advice to the rest of the sector. In a sense, the government turned to Turning Point to provide that important body of advice for the remainder of the sector. Turning Point is providing a service on behalf of the Department of Human Services to workers within the residential care setting across the state.

The Department of Human Services has funded the Australian Drug Foundation to produce a pamphlet on inhalants. It will provide general information such as what inhalants are, what are their effects and what to do in an emergency. The pamphlet will be distributed widely throughout the Victorian community to parents and health professionals. They are statewide projects.

Then there are a number of specific regional projects that have been funded through the Victorian Law Enforcement Drug Fund. They include a Victoria Police project in Swan Hill known as the Kids and Chroming project. It is designed to combat the growing problems of inhalant abuse in the area. Another project under the Darebin council is called Can It. It has similar aims to those of the Swan Hill project. Another project which has been auspiced by the Salvation Army in partnership with the Knox, Boroondara, Monash, Maroondah, Manningham, Whitehorse and Yarra Ranges municipalities is known as Breathing Easy.

As I have indicated to the house, urgent and acute responses from the government this year have resulted in action by the Premier and the Minister for Health in requesting commonwealth assistance. Urgent action has been taken by providing a better network of support services and in dealing with the appropriate protocols of the Department of Human Services and the police. The government has undertaken the urgent and acute preparation of material to support the retail sector in dealing with the issue. The government is undertaking a vast range of preventative measures to try to get on top of this issue.

That all occurs within the rubric of the referral to the parliamentary committee. It has been the government's view not to sit on its hands but to carve out urgent action over the last year since the referral was made. The government has eagerly awaited the outcome of

the committee's deliberations. The government is very concerned about the pre-emptive nature of this private member's bill and was concerned about it when it was foreshadowed by the Leader of the Opposition in the other place in February this year.

The knee-jerk reaction reflected in the statement put out into the public domain by the Leader of the Opposition in the other place started ringing alarm bells in the government's consideration of these important matters. On 26 February 2002 the Attorney-General wrote of this concern to Mr Boardman, chairman of the Drugs and Crime Prevention Committee. That letter states:

I refer to the press release of the Leader of the Opposition which states an intention to introduce into Parliament a private member's bill to prohibit the sale of spray paint to minors in an attempt to address the problem of chroming by young people.

He reminds Mr Boardman of the original terms of reference provided to the committee when it commenced its work on 18 April 2001. The committee was requested to:

1. examine factors contributing to the inhalation of volatile substances;
2. review the adequacy of existing strategies for dealing with the inhalation of volatile substances;
3. consider best practice strategies to address the issue of inhalation of volatile substances, including education and voluntary initiatives;
4. consider options to reduce the incidence of inhalation of volatile substances and identify factors in order to prevent first-time inhalation of volatile substances.

The letter continues:

In conducting the inquiry, the committee is to have regard to:

- (a) approaches taken to this issue in other Australian and overseas jurisdictions;
- (b) such other legislation, reports and materials as are relevant to the inquiry.

As the proposed private member's bill falls squarely within the existing comprehensive terms of reference, I request that the committee give detailed consideration to the proposed prohibition of the sale of spray paint to minors in the preparation of its report. I understand that the committee will be tabling its final report in the autumn session of Parliament this year.

He concludes:

I look forward to the committee's favourable response in bipartisan support of the reduction of inhalation of volatile substances by young Victorians.

That is a basic proposition that I echoed today. I am happy to say that I consider the letter from the Attorney-General to the committee to be totally appropriate and totally consistent with the view that the government has had for over a year. It is a position that I repeat today.

The unfortunate thing is that the Attorney-General presumably was not aware when he wrote that correspondence on 26 February — because the in-built assumption in the correspondence was that the committee was going to report by this year's autumn session of Parliament — that on 25 February Mr Boardman had written to the Attorney-General — the letters probably crossed in the postal system — requesting an extension of the work of the committee to June 2002, to which the Attorney-General and the government subsequently agreed.

In his response on 28 February the Attorney-General placed some degree of urgency on the committee to deal with these important issues. He states that he is pleased to say that cabinet would need to consider the extension of the time, which was subsequently agreed to, and adds:

Please note, however, that in the interests of young people who are inhaling volatile substances and the development of appropriate responses, it is imperative that your report be finalised as soon as possible.

That is the spirit the government has consistently maintained in dealing with this issue, and it is the position that I repeat today. I implore members of the Liberal and National parties to go the final distance in satisfying the brief that was given to Parliament's committee to deal with that matter and not to proceed and force this bill prematurely through the upper house today.

If I have not been able to convince the Parliament of that today, may I make a couple of additional points on how the bill may operate.

I would be very concerned if the assumptions that underlie this bill are that it is possible to isolate and make an effective change without addressing the comprehensive set of measures that I have reported to the house and on which as I understand it the committee has been working. The committee should give timely consideration to this piece of legislation in light of appropriate responses in not only an Australian but a global context. This is one of those rare occasions when I would be happy to support the committee scanning the horizon for best practice because it is appropriate for me to do so in dealing with this issue. All too often parliamentary committees bring

themselves into disrepute or attract scepticism among the community on the basis of what are seen to be overseas junkets or exploration activities that do not weigh up in the considerations at the end of their inquiry. That is not my expectation here. My expectation is that the committee has worked very well and that it has scanned the horizons of Australian and international jurisdictions in dealing with this matter. I have some degree of confidence that this committee will add to the understanding of Parliament and will provide recommendations to deal with this matter in an appropriate fashion.

However, the in-built assumption in this piece of legislation that there will be a blanket ban on the sale of spray cans to minors falls well short of having any sense, in the first instance, of how the various spray cans or inhalants may be defined within the regulation. Certainly no mechanism is identified in this private member's bill which indicates how that may take place. The bill is supremely silent on the question. That it is silent on any understanding of how this piece of legislation, if it were to pass through Parliament, would be enacted is quite extraordinary. If the opposition applied the standard that it often applies to government legislation this bill would be in its committee stage for an extremely long time. The bill provides no capacity to determine what other substances will be roped in with this legislation; there is no process to determine what is listed under the regulations; there is no process for dealing with the enforcement regime.

Are we to assume that if a person under the age of 18 goes into a supermarket to buy some spray starch or fly spray or cooking oil, as the Leader of the Government has interjected, or any number of a whole range of relatively benign products, that the person at the checkout would reject that purchase? No consideration of the implementation of this piece of legislation has been made evident by the proponents of the bill. The bill is profoundly silent on those questions, as it is on the enforcement of the regime that would apply not only in but outside shops. As a young person is walking back home with his or her shopping bag he or she may be pulled up by the police without any due regard to the appropriate protocols and procedures that underpin the enforcement of this legislation.

The bill is negligent in its current form and that is why the government, apart from maintaining its constant position of waiting for the recommendation of the committee, considers that the current form of the legislation is severely deficient in the way in which it would be enforced.

Members of the opposition may know something about this — and I rope Mr Boardman into this category. He may have some deal of difficulty entering into the debate in Parliament this morning, primarily because his knowledge base surely takes him out of kilter with what underpins this piece of legislation. He would be walking a tightrope in terms of how on earth he could support the opposition's legislation and maintain his credibility in relation to this issue on the basis of the ethics of his position. His difficulties may be compounded by the fact that he may be pre-empting the consideration of his — —

**Hon. B. C. Boardman** — On a point of order, Mr Acting President, clearly this debate does not involve my personal position on this legislation. I dispute what the honourable member is implying and I hope he intends producing some evidence to outline what my position may or may not be. In the absence of that evidence, I request that you bring him back in line with what the debate is about, which does not concern my personal position at all.

**The ACTING PRESIDENT**  
(**Hon. G. B. Ashman**) — Order! The matter raised by Mr Boardman is a matter for debate, and as the debate progresses I am sure there will be opportunities to respond.

**Hon. GAVIN JENNINGS** — Thank you for your assistance, Mr Acting President.

The issue I was about to raise is that the pre-empting of the consideration of the committee's report is an extremely serious matter, and that is the other aspect of the tightrope that Mr Boardman may be forced to walk today. In terms of his personal position, I look forward to his trapeze act later this morning in relation to those matters.

**Hon. N. B. Lucas** — It will be this afternoon, I think; it is nearly midday.

**Hon. GAVIN JENNINGS** — I advise Mr Lucas that I look forward to somebody who knows something about this matter speaking on it on behalf of the Liberal Party. It will be very good to hear somebody from the Liberal Party who knows what they are talking about speaking about this bill.

**The ACTING PRESIDENT**  
(**Hon. G. B. Ashman**) — Order! Mr Lucas is not in his place.

**Hon. GAVIN JENNINGS** — And he may be out of his depth. I draw the attention of the house to some laudable comments that have been put on the public

record by Mr Boardman in relation to these matters. In response to a volatile substance abuse (VSA) initiative of his local council he issued a press release on 24 January this year entitled 'Council initiative on chroming welcomed but issue is more complex', in which Mr Boardman stated:

It must be noted however, that the committee has received direct evidence from various agencies both within Australia and internationally suggesting that limiting the sale or production of products associated with VSA does not lead to any noticeable reduction in VSA activities.

That was not just a one-off comment from Mr Boardman, as he said something else which I commend him for saying. The *Frankston Independent* of 29 January this year reports as follows:

'Limiting the sale of products used by young people for chroming was shown to be of little value', Mr Boardman said. 'The committee has received direct evidence from agencies within Australia and overseas showing that limiting sale or production does not lead to any noticeable reductions in activity', he said.

Mr Boardman has spent a bit of time on this issue. Mr Boardman and his committee have done some quality work on behalf of the Parliament and the people of Victoria — in fact, this is one of those occasions on which I give credit where credit is due — but that is not always the case. In his contribution to the adjournment debate last night Mr Boardman referred to visitors from outer space, which one might have thought was contributed to by substance abuse. However, on the issue before us he knows what he is talking about and he is making a contribution to the quality of Victorian life.

The position of his leader in the other place has varied over time. When in government the Leader of the Opposition, the honourable member for Portland, did not have the luxury of operating in glorious denial of the facts, the truth or the appropriate responses of government. He was burdened by his knowledge and responsibilities in August of 1997 when he wrote as Minister for Community Services to the drug awareness relief movement saying:

As you are no doubt aware, there are many household products which contain intoxicants. A control strategy which deals with all such products is extremely difficult to conceive and acting on a limited number of products may simply change young people's practices.

When he was the appropriate minister within the Kennett government dealing with this issue the honourable member for Portland appeared to have an understanding of the complexity of the issue and to be supportive of the position the government is currently adopting — that is, that you have to conduct a full

appraisal of the range of support programs and the legislative framework that applies in Victoria. When in government you cannot operate in blissful ignorance of either the existence of those programs or the appropriateness of legislative reform. It is when you are enjoying the wonderful luxury of being in opposition that you can do a substantial backflip on your principal position. You can act as if you are completely ignorant of the substantive body of evidence that is out there in the public domain, which people like Mr Boardman and his committee are dealing with and have been dealing with on behalf of the Parliament for the past year.

For the sake of the completeness of the appropriate Parliamentary response, I continue to urge the Liberal Party and the National Party in this place to say, 'Okay, we understand the urgency of this issue. We understand that urgent action needs to be undertaken. We understand that the government has embarked upon a range of support services and protocols for the duty of care that applies to young people within the retail sector. We understand the basis of the research that underpins this field and we understand that an important consideration of this matter is being undertaken by a parliamentary committee'. We may then have a dawning recognition as a result of the light of the debate this morning of the total impracticality of the implementation of this legislation, which is severely deficient in how it defines inhalants and supremely deficient in the enforcement regime that would have blanket application in blissful ignorance of any effects it might have while imposing draconian sanctions on a whole range of young people within this state.

I implore opposition parties to support my reasoned amendment by saying, 'Yes, we recognise that there may be an inappropriate legislative framework. Let the committee complete its work'. The committee is due to complete its work in June of this year — just one month away.

I will end up on an upbeat note, because I hope that people who contribute to this debate will join me in a spirit of optimism rather than pessimism about how we can effectively intervene in the lives of young people to support them and to reduce the incidence of volatile substance abuse in this state. The only evidence I will drop into this discussion at the last moment is some evidence that has been compiled over a longitudinal study from 1992 to 1999 undertaken within the Victorian education system, which indicates that while there has been an increase in the prevalence of experimentation with substance abuse for those in year 7 within the Victorian school system, the good news is that there has been a reduction over that same period of time in the prevalence of experimentation

among those in year 11. The evidence suggests that the experimentation that young people are entering into, which is risking their own health and their — —

**Hon. K. M. Smith** — Risking their lives.

**Hon. GAVIN JENNINGS** — Risking their health and their lives; I totally agree with Mr Smith. This is a dangerous and acute issue which the Victorian community should do something about and which this government is prepared to do and is doing a lot about. The evidence from that study — which we hope will be corroborated over time — suggests that young people themselves are rejecting experimentation with substance abuse as they go through their adolescence and that while it is a major problem for those in the early years of secondary school, by the time they get to the later years of secondary school they themselves are rejecting it as inappropriate behaviour.

That is the positive note I end on and what I think we should take encouragement from. As a Parliament we should work together on this matter. I implore all honourable members to support the reasoned amendment and to send this underdeveloped piece of legislation to the appropriate parliamentary committee so that it can give appropriate consideration to its effectiveness.

I urge honourable members to support the reasoned amendment.

**Hon. P. A. KATSAMBANIS** (Monash) — I support the bill and oppose the reasoned amendment moved by the Honourable Gavin Jennings. The Summary Offences (Spray Cans) Bill is a simple but very important bill in the context of protecting young Victorians and sending a strong message to our community that Victorians will not tolerate volatile substance abuse.

The bill aims to prohibit the sale of spray cans containing paint to people under the age of 18 years. The bill has been brought in because of the government's repeated failure to act on this critical issue. It is a bill that in many ways shames the government, because it highlights that there are representatives in the Parliament of Victoria who will take quick and immediate action to address an urgent issue; that there are people in the Parliament of Victoria who will not buck-pass, duckshove or refer matters to committees to take appropriate action when that action is necessary now.

When one considers the immense harm that can be caused, often to vulnerable young people who are at an age when they are not fully informed, from volatile

substances abuse, the ordinary person would agree that it is not time to sit on one's hands or have long prognostications, but a time to act quickly and decisively and remove the danger wherever possible. The bill will send a very strong message to the community that members of the Parliament of Victoria are concerned at protecting our young people who may cause themselves serious harm or in many cases death or irreversible damage to their bodies.

I commend the Leader of the Opposition and the Honourable Neil Lucas for having the guts and integrity to bring forward this bill rather than pussyfooting around as the government has done.

It is disingenuous for Mr Jennings to argue in this place, as he has done in his reasoned amendment, that the bill should not be read a second time until its provisions are referred to the Drugs and Crime Prevention Committee. In his contribution the honourable member suggested the provisions had already been referred to the committee. He referred to a letter from the Attorney-General on 26 February addressed to the chairman of the Drugs and Crime Prevention Committee, the Honourable Cameron Boardman, requesting the committee inquire into these issues. It is not a matter of waiting until the provisions have been referred to the committee, because they have already been referred to it. I know the committee is doing a good job in looking at all the evidence in this difficult area where there is not a lot of scientific proof and evidence available, but it is examining the evidence available to make the right choice for Victoria. Does Parliament have to wait for the committee's report? Mr Jennings says yes, it should. I take it that he is putting to the people of Victoria that the Parliament should wait and do nothing about the inhalation of volatile substances until the Drugs and Crime Prevention Committee has reported to this Parliament. Is that what the honourable member is suggesting?

**Hon. Gavin Jennings** — You were not present in the chamber for my whole contribution.

**Hon. P. A. KATSAMBANIS** — I was present during the whole of the honourable member's contribution and I listened intently and heard the honourable member say that there has been an urgent and acute response by the government — a direct quote — in the area of inhalation of volatile substances. So, according to Mr Jennings, the government is not waiting for the report of the Drugs and Crime Prevention Committee, but is acting urgently and acutely. That is a good thing. It is an issue that requires urgent action and response. Unfortunately the government has not gone far enough. It is not prepared

to take the big step of banning the sale of spray cans to persons under 18 years. It has introduced programs and talked about it at a national level. The government is great at talkfest and referring matters to committees, but it is not so good at acting. When Mr Jennings talks about urgent and acute responses I would have thought one of the most urgent and acute responses would be to embrace the proposals of the opposition.

I do not want to ascribe motives to people unless I have firm evidence. Unlike Mr Jennings, I will not cast aspersions on the views of various people. By its actions the government should be questioned about its legitimacy in this area. Why is it taking this step and deferring the banning of the sale of spray cans to persons under 18 years when we know there is a difficult situation about the inhalation of volatile substances by young people?

Mr Jennings says we need urgent action, and this is urgent and appropriate action. I will tell the house why the government is not acting: because it was too slow to act and it does not want to be seen piggybacking on a suggestion by the opposition.

It is too proud to admit it was slow off the mark or that it did not have the right answers and as a result it is now using a series of political manoeuvres that will continue to harm young Victorians. Rather than protecting young people, the government is trying to put a political spin on its own inaction. It is trying to come up with an excuse as to why it has not acted for so long. Need I recount the mess the government was in in January this year, when it was revealed the then minister sat on her hands and did nothing about reports of this very dangerous practice? Need I reveal — I do not want to steal the thunder of others in this debate — that the government was caught with its pants down in a serious issue relating to the health of young Victorians? It had the evidence at its disposal that this practice was going on, yet it did nothing. Now, to protect the failed and incompetent minister and to cover up its own inaction and inability to deal with a serious social problem, the government is continuing to duckshove the problem. It is continuing to land it at the feet of a bipartisan parliamentary committee. The Drugs and Crime Prevention Committee is doing a good job and is being asked to look at all the evidence. It is a long process, but why should Parliament wait when honourable members know what needs to be done?

I admit that that is not the sole solution. Simply banning the sale of spray can paint to under-18s will not in itself fully solve the problem; there are addicted kids out there today — there are kids who, despite the illegality, might get their hands on products. But a ban will send

the right message and will protect thousands of Victorian kids who will not be able to get their hands on spray paint because it will be illegal for them to do so.

If this government is really serious about addressing the issue of inhalation of volatile substances it would back this bill. It would come in here as we have, in all honesty, and say to the Victorian public, 'We know that this on its own will not be the sole solution, and, yes, we will wait for the Drugs and Crime Prevention Committee to gather together all the evidence from around the world and from interstate. By stopping access to spray can paint we will go a long way to saving thousands of kids from getting their hands on a potentially lethal substance; we will save those kids from frying their brains and potentially killing themselves. It might not save all of them, but we will save a damned sight more than we would if we just sat on our hands'. But that is what this government is doing. Unfortunately it wants to cover up the failings of an incompetent minister and its own inaction at the expense of young Victorians.

It is reprehensible for a government that has before it in this house a bill that is about doing the right thing and what the public of Victoria expects the government to do in this important area to ignore it for political purposes.

**Hon. K. M. Smith** interjected.

**Hon. P. A. KATSAMBANIS** — Unfortunately this government is to be condemned by its actions and by its intention to not support this bill today. This is a good bill because it provides an immediate response to an urgent problem in our society. We will not put this bill in place and forget about the issue of inhalation of volatile substances. We will not simply pretend this bill solves the whole problem, but it is an important circuit-breaker. It will stop young people having ready access to a potentially lethal substance.

As legislators and as parents, which most of us in this place are, we can hold our heads high and say, 'We've taken some urgent action'. It is urgent action that Mr Jennings was talking about but is not prepared to take on because this government is all talk, all spin, no substance, no action.

It is almost impossible for someone of my generation to comprehend why young people today are choosing to inhale spray paint. Back when I was a teenager I recall instances being reported of people inhaling glue. It was an epidemic back in the late 1970s and early 1980s. Another epidemic related to the sniffing of liquid paper,

the old correction fluid, and the regulatory response was to change the additives in those products. By the time that happened, how many kids brains were fried? How many people today are still suffering as a consequence?

I could name some people I know and whom I saw in that period who now suffer as a result mainly of the inhalation of model glue that was then sold in plastic bags. It took ages before that imported glue could not be sold in plastic bags. Even after that stopped in the reputable stores, other disreputable stores continued to sell it in that packaging. Unfortunately I still see out in the street today people suffering severe mental health problems as a result of the inhalation of that glue.

I do not want today's generation to suffer those problems. The inhalation of spray paint is a new thing, but it follows the pattern of some kids wanting to experiment with volatile substances to get a quick high. They are, unfortunately, of an age where they do not consider the long-term consequences of those actions. Even if the consequences were known through extensive research by professionals the kids are more focused on the immediate than the long term — much to their own detriment.

If we can send a strong message to young kids — and some of them are pre-teenage — that this stuff is banned or illegal then at least the society is telling them, 'It's bad for you'. But the message right now is, 'Oh, well, it's a legal substance; it's out there. You can get it at a \$2 shop — you can walk in and buy a can for \$2. It must be okay — nothing wrong with it. Go ahead and do it'. That is the message that a lot of young kids are getting from their peers and sometimes from older kids. They are being lured into doing something to their massive long-term detriment and, as Mr Smith interjected earlier, to their potential death.

It is not something to which we should acquiesce; it is not something that we should sit back about and meekly accept. It is something that we should act upon.

I commend legitimate retailers like Mitre 10, a company that has introduced in its stores a policy not to sell spray can paint to people under 18 years of age. As someone involved in the legal process, firstly as a lawyer and now as a legislator, I am also concerned about legislative protection for those honest and reputable retailers if they were to be sued for discrimination on the basis of age. They have no legislative protection for what they are doing, even though they are doing the right thing. They are trying to protect the community they live in and they are doing something about it, but we are leaving them to the

whims of the discrimination laws. We are leaving them open to punishment rather than acting to legislate to protect our kids and to protect the honest and honourable retailers who are trying to do the right thing. I commend those people, but I also want to give them full legislative protection for taking their courageous actions. They have put the health and safety of young people in our community ahead of profit, and it is time this government put the health and safety of young people in our community ahead of petty politics and the protection of an incompetent minister.

This bill will have a primary benefit of stopping the sale of spray can paint from legitimate retailers to persons under 18 and sending a strong message to those under 18 that this stuff is illegal for a reason: it is damned dangerous! The legislation says in black and white: 'It is dangerous stuff and that is why you cannot have it'.

In my opinion there is also an ancillary benefit — that is, it will lead to a large reduction of graffiti in our community. We already know through significant studies that most graffiti is done by people under 18, and the ready availability of spray can paint is one of the leading factors in the prevalence of graffiti. If other honourable members were to come to my electorate — to Prahran, to St Kilda, to Elwood or to Malvern — they could look at almost any vertical structure and understand that the people in my community are living in a graffiti hell. There are no other words that can possibly describe it. Private property, public property, playgrounds, schools, football ovals, homes, businesses, fences, and cars — even cars! — are being graffitied on a regular basis in my electorate, and I know it happens in other areas.

Yesterday we heard people from the City of Casey talking about banning the sale of spray can paint in their municipality. They know it is a problem because of its use for the purposes of graffiti as well as for the purposes of inhalation. Those councillors are trying to do the right thing by their community — that is, protect their young people and protect assets that are being vandalised. But in their endeavours to do the right thing they are highlighting the problems caused by the inaction of the government. To ban the sale of a product within one municipality in an urban area does not really solve the problem; it moves it a little bit. I am sure the kids in the City of Casey will still be able to catch the train to the City of Dandenong, pop into a \$2 shop, load up with spray can paint of all varieties and all colours and go back to the City of Casey to inhale it or to graffiti or, in some cases, to do both things.

Although people in the City of Casey are doing the right thing, this is not a local government issue. Cleaning up graffiti is certainly a local government issue. I think it is also a state government issue, but we can deal with that on another day. The banning of spray can paints will be most effective if it is done Victoria-wide so kids cannot get on a train and pick up the cans in the next municipality. It also creates distrust of the law in young people that sees them become law-breakers. If something is legal in one area but is not legal down the street a couple of kilometres, kids start questioning who has got it right. Is the City of Casey right or is the City of Dandenong right? If we have a law across Victoria banning the sale of spray can paint to persons under 18, we will be sending an unequivocal message: 'We do not tolerate the sale of spray can paint to people under 18'.

As I said, passing this legislation will achieve the primary benefit of stopping kids from inhaling spray can paint. The ancillary benefit will be stopping the scourge of graffiti that is completely overtaking our suburbs and, I dare say, our country towns. Stopping that scourge from spreading is also a good thing, but it will not be the only thing that stops graffiti, and I can accept that. There are other measures that need to be put in place, a major one being an immediate clean-up of the mess. But that is an issue for another day. It is an ancillary benefit and I point it out because it is going to be of benefit to people in my community and will certainly be of benefit to people in the City of Casey and in other cities and municipalities who are suffering the same problem of living in graffiti hell. They live with petty vandals who spray almost any vertical structure with paint, at great expense to both the public purse and to private individuals. Stopping that will also be a positive thing.

In relation to this bill, I notice that the Scrutiny of Acts and Regulations Committee has made a report in its *Alert Digest* No. 4 of 2002, which was tabled in this place yesterday. The report raises concerns about new section 16A and the definition of 'spray can'. This report states that this is colloquially known as a Henry VIII clause and, as such, may inappropriately delegate legislative power within the meaning of section 4D(a)(iv) of the Parliamentary Committees Act 1968.

I read with interest the committee's report and I also looked at the legislation carefully. As many honourable members will know, I served on the Scrutiny of Acts and Regulations Committee during the life of the previous government. The work of that committee is extraordinarily important to the functioning of our Parliament. I take great interest in its reports. I have to

say that in this case, however, I strongly disagree with the report of the committee.

Since this report was tabled the opposition has sought independent expert advice. We are now satisfied that clause 4, which inserts new section 16A into the Summary Offences Act and defines a spray can, is appropriate. We were concerned that clause 4 might be a Henry VIII clause in that it was inappropriately delegating legislative power. As I said, the opposition has sought independent advice and has come to the firm conclusion that it is not the case that the clause is appropriate. I will spend only a few minutes explaining why.

The proposed definitions include:

"spray can" means a spray can containing paint or a substance described by regulations made under section 16F.

That cannot be changed by regulation. The spray cans that are proposed to be banned are those that contain paint — that is clear — or any other substance that might be prescribed by regulations. That is appropriate. There are hundreds of examples of legislation in this state that does that: defines something in reference to one particular thing and then says other things can be added to it by regulation later.

As I said, opposition members have sought independent expert advice in this area and are now satisfied that the concerns of the Scrutiny of Acts and Regulations Committee can be satisfactorily answered and that this clause is not an inappropriate delegation of legislative power but rather an appropriate form of words that creates regulatory power — that is true — but any regulations made under this head of power will come back to this chamber through the Scrutiny of Acts and Regulations Committee. If the exercise of the regulatory power is in any way inappropriate, either house of this Parliament will have the opportunity when the regulation is made to consider it; and if either house considers it inappropriate it can disallow it. That is appropriate and I hope that answers the queries of the Scrutiny of Acts and Regulations Committee.

I am also aware that the Honourable Neil Lucas, who introduced this bill and delivered the second-reading speech, has written to the chairman of the Scrutiny of Acts and Regulations Committee informing her of our view that upon having received further expert independent advice we are satisfied that the bill meets all the requirements and does not inappropriately delegate legislative power.

There is no doubt at all in my mind or in the minds of other opposition members that we cannot sit on our

hands and do nothing about the inhalation of volatile substances. Chroming is an epidemic among young people in our society, and as legislators it is incumbent upon us to take appropriate action and send very strong messages.

I accept that even with the banning of spray can paint sales to under-18s some children will still get their hands on it. That is the same for other substances we have banned for sale to under-18s. Sales of cigarettes and alcohol to under-18s are banned, and unfortunately children still get their hands on those substances, but the vast majority of them do not and they will not be able to get them through legal means for sale in legal stores because by and large small business people in Victoria are honest and honourable.

I have inquired with retailers of paint in my electorate and they have made it very clear to me that in what would be termed the legitimate paint stores and hardware stores very few sales of spray can paint are made to under-18s. The simple reason for that is that spray paint is usually very high-quality gloss paint, used mainly by home renovators and only occasionally by tradespeople. As a student I used to work with a painter and I know it is extraordinarily rare for tradespeople to use spray paint at all. It is mainly used by home renovators. The paint sold in paint and hardware stores is expensive. The majority of spray cans of paint are purchased at the local \$2 store. It is imported in vast bulk quantities and sold for \$2 or \$3 a can. It is in those stores that children get access to it. Passing this bill will stop those sales to children under the age of 18.

If it does not — and I notice the Minister for Small Business giggling away there — that is a condemnation of the inspectorate of the consumer affairs office. If there is a need to fix that up, let us do that too.

As far as I am concerned the bill has the support of the vast majority of Victorians. It sends a strong message that we will not tolerate inhalation of volatile substances. Yes, we need to do more than simply pass the bill. We all await with great interest the report of the Drugs and Crime Prevention Committee, which will hopefully give us an all-encompassing policy on introducing measures to fight the inhalation and other abuses of volatile substances within our community. That strategy will incorporate education, harm minimisation and health and therapeutic measures for those who are suffering as a result of inhalation of substance abuse.

The first step is to ban the sale of spray can paint to under-18s. The Liberal opposition announced that

policy, and because the government was not prepared to act it has introduced this bill to this place. I know the National Party sees the sense of this legislation, and I hope the government will also see that this is good legislation and will pass it in order to protect young Victorians in this extremely difficult area. If this bill saves one life it will have achieved its purpose.

**The PRESIDENT** — Order! The Deputy Leader of the National Party.

**Hon. T. C. Theophanous** — Mr President, I was on my feet, and as you did not call me I wish to raise a point of order.

**The PRESIDENT** — Order! I saw the Deputy Leader of the National Party as being slightly ahead of you, but if you have a point of order — —

**Hon. T. C. Theophanous** — I can assure you, Mr President, I was on my feet. I would like to pursue a point of order.

Mr President, I am sure you were made aware that this issue was going to be raised, and that is why you are sitting in the chair.

**Hon. W. I. Smith** — What is the point of order?

**Hon. T. C. Theophanous** — The point of order is that the speaking order in this chamber has been the subject of debate between the opposition and the government in private discussions, and we cannot reach agreement on it. Mr President, I know that in the past you have referred to the fact that your preferred course of action in dealing with this issue is for the parties to come to an agreement and to present you with a speaking order. We were initially told by the Opposition Whip that such an agreement had been reached. However, on investigation no agreement has been reached in relation to the speaking order on this bill.

The government's strong view is that the speaking order ought be subject to the rules which appear in *May* on page 373. I will quote from that section where it says:

When two or more members rise to speak the Speaker has complete discretion over whom to call, though he will generally call alternately backbench members from either side of the house.

It states further that the order should be on the basis of:

... those whom he adjudges to be supporters or opponents of the question.

The Chair can make a judgment about that. If the honourable member wants to say she is speaking in opposition to the question at hand, then I am happy to allow her to speak, but I do not think that is the case.

Mr President, this is a longstanding tradition, and I urge you to consider this matter very carefully. Although *May* says you have complete discretion, the words ‘he will generally call’ suggest to me that the general position that should be adopted by the Chair as a matter of course ought to be that the house hears from a speaker in support and then a speaker in opposition to the motion before the Chair.

Mr President, this is a very important issue concerning your rulings. I urge you to consider that if the order were based simply on the numbers in the house — and in the majority of cases the government has the numbers in the house, particularly in the lower house — the government might consequently claim it has a greater right to speak because it has additional numbers.

I do not believe that rule is the appropriate rule to apply. I believe that generally the Chair should accept the rule of hearing from alternate members from each side of the house. The opposition should be prepared to accept that ruling where the order of speakers is one in favour and then one against the question before the house. I believe that that is what is encapsulated in *May*; that is the spirit of what *May* is suggesting.

If the Chair moves away from a long-held precedent, not just in this house but in all houses of Parliament, then I suggest it is taking this house in a direction that is totally inappropriate and we will need to resist that.

I want to make one final point, Mr President. In the event that you seek to make your ruling on the basis of whom you saw first, I put it to you clearly that this was discussed before and that the whips and the clerks were asked to bring you into the chamber in order to make this ruling. I do not believe that it would be appropriate for you to make the ruling on the basis of whom you saw first, given that you were forewarned in relation to this point of order. I suggest the ruling should be made on the basis of what appears in *May* and on your view about the speaking order in this house.

**Hon. E. J. Powell** — On the point of order, Mr President, the National Party is a separate party, and as such I am the lead speaker for the National Party on this issue. We have before the house a bill and also a reasoned amendment moved by the government. At this stage no decision has been announced about which way the National Party will speak, and this house needs to

know what its view is on this bill and the reasoned amendment before it goes on to the rest of the debate.

**Hon. T. C. Theophanous** — Further on the point of order, Mr President, it is appropriate in these circumstances for you to simply ask the honourable members, where more than one member has risen to his or her feet, on which side of the question they will be speaking. It is done in other houses. For the National Party to get up and pretend they do not have a position on this and to try to be ambiguous is simply misleading.

**Hon. E. J. Powell** — Further on the point of order, Mr President, I did not say that we did not have a position; what I said was that the house has not heard our position. Therefore, for debate to continue after this the house needs to know which way we are going. I ask the honourable member to withdraw.

**The PRESIDENT** — Order! Mr Theophanous should not put words into the honourable member’s mouth that she did not state, and she certainly did not state that the National Party did not have a position, which is what the honourable member said she said.

**Hon. T. C. Theophanous** — I do not have a problem, Mr President. If the honourable member has got a position on this I am happy for her to state it, and I am happy for her to say, prior to her speaking, what her position is. However, if I have said something that she takes exception to — I do not know what — then I am happy to withdraw it.

**The PRESIDENT** — Order! On the issue raised by Mr Theophanous’s point of order, this is not the first time that he has raised the issue; he raised it also on 20 March this year.

However, even as at 20 March last, after I had been in the Chair for nine and a half years, this issue had not been raised in my time in the Chair because the speaking order has never been a matter for Presiding Officers; it is for the whips to arrange and present a list of speakers to the Chair. That is the way it should work and I encourage the whips to talk to each other and give the Chair a list.

On the relevance of the quotation from *Erskine May*, the house must realise the limited nature of the occasions on which we go to *Erskine May*. We go to *Erskine May* when there is no standing order specifically dealing with an issue; alternately, if there is no prior ruling on the issue and/or if it helps us to explain what seems to be some ambiguity in a practice. We should not go to *Erskine May*, as the honourable member suggests, as the first port of call; it is the last

port of call. In this case I do not believe the house has to resort to *Erskine May*.

I want to see a solution to this issue. I do not want the situation arising constantly. We have not had a difficulty, and I am not quite sure why Mr Theophanous has not raised the issue on previous occasions. As I said at some length on page 99 of *Hansard* of 20 March last, this issue has traditionally been one of agreement between the parties. That is why there has not been a problem — because the parties have agreed. Again I urge the whips in each case to give the Chair a list. The flexibility in the system is what has made it work because, for instance, quite often the house will have a debate such as the present one.

Let us assume it is a government measure: the Liberal Party gives a view and usually I then ask the Deputy Leader of the Government whether the government wants to wait until the house hears from the National Party first or whether the government wants to go next. That is how it is kept flexible. Sometimes the party on one side or the other says to me, ‘Joe or Mary will speak in this debate, but they are not ready yet; they want to hear the debate. Can you put them down the list?’ or, ‘Can we hear more opposition or government members?’. The flexibility of the system is highly desirable. If you try to lock something in concrete the house becomes hidebound by that inflexibility.

I am suggesting that in a case such as this the house should hear the views of the three party spokespersons. Then, regardless of whether it is clear before or after, having heard the spokespersons for the three parties, if it is clear that there is opposition to the measure and if it is what the parties want, the house will then go from the ayes to the noes. All that means is that we will have on the public record the views of the three separate parties in this chamber. If we take the position of Mr Theophanous and if it is clear after its contribution that the National Party intends to support the opposition’s private member’s bill, from there on I would say, ‘We have heard the pros, now we will hear the cons’. That is a fair way of assessing the views of the three parties in the house, at the same time giving the alternative treatment that the Honourable Mr Theophanous is calling for.

I return to what I said before: I thank Mr Theophanous for raising the matter. In some ways I am repeating but also adding to what I said last time. I prefer the parties to reach agreement on it and give the Chair a list of the speaking order. Alternatively, the house hears the three parties, then it goes to speakers for and against.

**Hon. T. C. Theophanous** — On a further point of order — —

**The PRESIDENT** — Order! Is it another point of order?

**Hon. T. C. Theophanous** — Yes, it is. I would like you, Mr President — —

**Hon. Bill Forwood** — We get only 3 hours a week!

**Hon. T. C. Theophanous** — You didn’t give it to us when we were in opposition.

**The PRESIDENT** — Order! I have disposed of the point of order. If Mr Theophanous has a new matter to raise by way of a point of order he should do so, but he cannot reopen that point of order.

**Hon. T. C. Theophanous** — All I am asking, Mr President, is for clarification of whether that is a ruling from the Chair that the house can expect to quote as a ruling in all future matters in relation to debate in this place. I urge you, Mr President, to return to the house with a considered view in relation to this matter and on which occasions your 1-1-1 principle is to be applied, at what points and in which debates.

**The PRESIDENT** — Order! I will consider the printed version of my ruling and see whether I need to add anything to it.

I call the Deputy Leader of the National Party.

**Hon. E. J. POWELL** (North Eastern) — It is disappointing that the Mr Theophanous has diminished the debate on this important issue by discussing the speaking order and the fact that he is not on next. That is most disappointing because this is an important issue.

I am pleased to place on record for Mr Theophanous and the house that the National Party will not oppose the bill now before the house introduced by the Liberal Party, and it will not support the reasoned amendment moved by the Honourable Gavin Jennings. One reason for our opposition to his amendment is that the Honourable Gavin Jennings said the bill should be referred, in the words of the reasoned amendment:

... to the Drugs and Crime Prevention Committee of this Parliament for inquiry and a report made to the house.

He further stated that the report would be due around June. One of the issues that made the National Party come to its decision is that the government does not have a good history of making quick decisions about parliamentary committee reports. I cite an example: yesterday the house debated the Building and

Construction Industry Security of Payment Bill, which introduced recommendations from a task force that presented its report to Parliament in February 2001. The debate occurred only yesterday — that is, nearly 15 months from when the report was presented to the house until its implementation through a bill.

On this issue the concerns of the Liberal and National parties are that the community is saying, ‘We want action now — not in 12 or 15 months — so that no young person will be killed or suffer brain damage because of chroming’. If that happened, the community would condemn the government and Parliament for not acting quickly.

**Hon. P. R. Hall** — Urgent action.

**Hon. E. J. POWELL** — As the Honourable Peter Hall says, we need urgent action, and we need it now. That is what the community expects, which is why the National Party supports the bill but not the reasoned amendment moved by the government, which is really a stalling issue. The government thinks that whenever an issue is in doubt it should be sent to a committee. The issue should be dealt with now, and the National Party will support the bill.

The bill was introduced by the Liberal Party because of the increasing incidence of substance abuse through the use of spray cans, which is called chroming. As the Honourable Peter Katsambanis said, chroming is on the increase. Unfortunately, due to media interest in this issue I suspect the incidence of chroming will increase even more as people experiment with what the effects will be from sniffing bags that contain spray paint.

**Sitting suspended 12.58 p.m. until 2.03 p.m.**

**Hon. E. J. POWELL** — I am happy to continue to speak on this important bill on behalf of the National Party and to again put on record how disappointing it was earlier today that the Honourable Theo Theophanous wasted a lot of time talking about the speaking order rather than the impact this bill will have.

As I said earlier, the National Party will not oppose the bill and will not support the reasoned amendment of the government put forward by the Honourable Gavin Jennings.

In January this year the community was made very much aware through the media that chroming or paint sniffing was carried out at Berry Street Victoria, which is a state-funded welfare agency. It was also disappointing to see Berry Street dragged through the papers because it is a reputable organisation and it helps many people. The young people who turn up at Berry

Street’s doorstep are often the most damaged young people we see in this state. They are usually wards of the state and have come from horrific backgrounds and no other organisation wants them, so as I said, it was disappointing to see a respected organisation like Berry Street lose some of its reputation as it went through the media.

Berry Street Victoria acknowledged that it supervised young people while they chromed. I refer to an article in the *Herald Sun* of Friday, 25 January this year, by Nicky Protyniak which states:

The head of Berry Street Victoria yesterday confirmed staff had official instructions to watch as children sniffed paint.

Chief executive Sandie de Wolfe also backed former employee Chris Scandolera’s claims, revealed in the *Herald Sun*, that an unofficial policy of supervised chroming existed in 1999.

Ms de Wolfe said the welfare agency’s policy of monitoring chroming, introduced 18 months ago, involved workers watching as children sniffed paint and other substances from plastic bags.

‘Our policy has always been ... if it is really not possible to take the cans away, that staff members would monitor the situation. That means being there to assist if and when necessary’, she said.

‘We have staff there all the time’.

The article continues:

When asked whether this meant staff were present and watching while children actually inhaled paint fumes, she replied: ‘Yes’.

Ms de Wolfe said the Department of Human Services was aware of the practice from the beginning and it was detailed in a best practice document approved by community services minister Christine Campbell.

‘Everything was included — chroming and monitoring’, she said.

Over the next few weeks the scandal was played out right across the media. As I said, the reputation of Berry Street was in some way marred by the scandal.

Some of the issues were: did the former Minister for Community Services know? If she did not know, when did she find out? Did she support what the organisation was doing? If she did not, what was she going to do about it?

Some of the other issues were: did the Premier know? If he did not know, when was he advised? The other issues that were played out in the newspapers over a number of weeks were whether the Premier supported the situation and, if he did not support it, what would he do about it. Finally the Premier announced that either

the supervision of chroming at Berry Street residences would stop or government support for Berry Street would stop.

Berry Street put out a discussion paper, which I believe all honourable members would have received. The paper defended Berry Street's policy but it also tried to set the record straight. Detailing Berry Street's work with troubled young people the paper states:

... we care for a large proportion of the most difficult 'wards of the state' of Victoria. These include some of the most damaged, abused and disadvantaged young people to enter the child protection system. We have up to 500 children and young people in our care at any time, about 100 of whom may reside in our supervised residential accommodation units spread across Victoria.

The paper gives a bit of the history of the organisation. It states that Berry Street has operated in the field of child and family welfare for more than 120 years and has some of the most experienced and respected professionals in the Australian family services sector. The discussion paper continues:

On a daily basis, these workers assist difficult and traumatised young people who have been severely damaged and abused.

A high proportion of these young people come to us as a 'last resort', having either been through, or been rejected by other agencies. Beyond Berry Street Victoria, there are very few places for these people to go.

On the issue of chroming the paper states that Berry Street Victoria does not operate and has never operated sniffing rooms. I think it was put in one of the press releases that the organisation was operating sniffing rooms, and Berry Street put out a circular to make sure that the real truth is out there in the public arena.

The paper also states that:

Berry Street Victoria does not condone or support the taking of drugs of any kind and its stated aim is to ensure that young people in its care either become or remain drug free.

In stating why it had to look at the policy of supervising young people who were chroming and how harmful that is, it states:

... from time to time, a young person may simply refuse to stop chroming and this behaviour can often involve physical violence, usually directed toward their carers, our staff.

In these extreme and rare cases, our workers are faced with two choices:

- (1) To forbid the young person from inhaling on its premises ...

And that person will leave and the carers are not sure what then happens to the person — they could get into

more serious trouble and could actually come to much more physical harm.

The second option is:

To permit the chrome to be inhaled at the residential unit, and only in the presence of a professional carer, so that the young person can be monitored while being provided with proper physical care and constantly ... reminded and advised that his or her actions are dangerous, undesirable and should cease.

The paper states further:

Following discussions with the state Minister for Community Services on 22 January 2002 our practice as outlined in point 2 above —

which was the program of permitting them to stay on the premises and be monitored —

will cease ...

in line with government or community opinion and that it:

... will not operate without the full support of the Victorian government.

Berry Street is now going to work towards finding alternative solutions for those young people in situations of crisis, and its circular states that it will work with the community to make sure that there is some support for the successful programs it provides.

The community has sent a very strong message to the government on the issue of supervised chroming. In a telephone vote-line survey conducted in the *Herald Sun* of 23 January this year the question asked was, 'Should government workers be overseeing children sniffing glue or paint?'. A total of 999 calls were made to the vote-line: 54 — or 5.4 per cent of the people voting — said yes, and a staggering 945 — or 94.6 per cent — said no. That sends a very clear message to the government and to other organisations that may think that the practice of supervision of substance abuse will be accepted in the community. It sends the very strong message that this practice is certainly not accepted, and the National Party is asking the organisations and the government to look at other ways of ensuring that our young people are protected.

As I said earlier, it is a shame that the reputation of Berry Street Victoria has been damaged. I met with the manager of the Berry Street Shepparton branch, Mrs Anita Pell, on 4 February this year. I have had a very good relationship with Berry Street in Shepparton for many years, and Mrs Pell came to see me to talk about the issue of chroming. When I asked her, 'Is chroming going on in Berry Street in Shepparton?', her answer was 'No'. The Shepparton branch has no people

chroming on its premises, and it has had only about two or three doing so in the last three years but it has been able to get the substance from them.

The supervision of young people chroming came about because it is said that if young persons are chroming on your premises and you do not monitor them they will go away and chrome under a bridge or in public toilets, where they would be very much at risk. I told Mrs Pell that I agree with the policy of Berry Street in Shepparton that young people chroming on their premises had to cease. I certainly do not agree with supervised chroming as I believe it sends the wrong message to our young people — that is, if somebody is looking after you when you chrome, you can do so safely.

It is the same with most harm minimisation processes: if you tell somebody that what they are doing is not safe and you then show them another way of doing it that is safe, the message you are sending is that there are certain safe ways of doing that thing. The government has to make sure that that message does not get out into the community.

Mrs Pell told me that unfortunately, with all the media hype on this issue, Berry Street will see an increased incidence of chroming in young people and therefore of family breakdown, mental illness and all those sorts of things that come about when young people are desperate about the way their lives are going and seeking some solace. If they are not happy with their lives some will sniff glue, drink alcohol or take drugs, and it is important that we find out the reason they are doing those things and address those issues rather than doing what we are doing at the moment, which is using bandaids solutions. However, I agree that this bill is one way of moving forward.

Chroming is a symptom of wide-ranging problems for adolescents. This bill is the first step towards making it illegal for people under 18 years of age to buy spray cans. A government member has said that minors could get adults to buy spray cans for them for chroming. That is true, but then an adult who buys a spray can for a young person is condoning the sniffing of the fumes from that can by the young person. The National Party maintains that such people would not be responsible adults and would be leading those young people on a path to destruction, and responsibility for those young people continuing their bad habits would be in the hands of those adults.

One of the issues that needs to be looked at is why our young people need to sniff glue, paint, or petrol, take drugs or drink alcohol. Hopefully one of the

recommendations of the report by the Drugs and Crime Prevention Committee will be early intervention. We have to make sure that we can identify this behaviour much earlier in the lives of young people. We need to work with them to make sure that they have assistance available to them when they need it and not when it is too late after they have been thrown out of school or thrown out by their families and are on the streets where there is no help available for them and where they become the prey of people who want to see them moving into harmful and destructive practices.

Mrs Pell from the Berry Street branch at Shepparton talked to me about a number of the programs the workers there are looking forward to instigating. One of them will be a great early intervention program which the government will hopefully support — I believe it will. They want to implement a short course in some schools to teach young people how to look after young children. The idea is to provide a program which teaches younger people how to look after themselves, their younger siblings and other younger members of their family. At the end of the program they will be given a certificate that shows they are able to babysit — in effect, it will be a babysitting course. Those conducting the course will try to teach young people the right way to raise children and to identify problems with younger children. The program will teach them the skills of looking after younger children and they will learn effective parenting skills. Some of those young people have come from homes where the parents do not have good parenting skills and as a result the children have low self-esteem and feelings of worthlessness.

The program initiated by Berry Street is one we should be looking at implementing because we need to get to our young people at a much earlier age so they understand that what is happening in their lives may not be normal and so they can bring it to the attention of those people in the community who can help them and remove them from an environment that could be harmful to them. As I said, Berry Street will be looking to the government for funding for that program. I will certainly be supporting it and I hope the government will support it as well.

I was also made aware of the importance of early intervention in terms of the cost factor. Research shows that for every \$1 spent on early intervention, \$7 is saved in the future. That \$7 saving could go into crime reduction or our court systems. If we do not pick up these young people at an early age, they will move on and become a much greater burden on society and become very costly for the community.

The purpose of this bill is to limit the sale to minors of spray cans containing paint or certain other substances, in order to reduce the incidence of substance abuse, or more particularly chroming, which has been in the news media lately.

The effects of chroming can be devastating. An article in the *Age* of Friday, 25 January this year, describes chroming. For those who do not know what it is and what its effects are, I will read from the article:

'Chroming' is the inhaling of spray can fumes that contain one of a group of fast-acting drugs known as inhalants, which have similar effects to alcohol. Users feel uninhibited and excited, then drowsy. The effects usually wear off within an hour.

Like alcohol, inhalants are depressants. They slow down brain activity and the central nervous system and inhibit the messages between the brain and the body.

Inhalants are popular with teenagers because products containing inhalants are cheap, accessible and legal.

The Honourable Peter Katsambanis spoke in his contribution to the debate about how easy it is to go down to a \$2 store and buy spray cans; hopefully this bill will be able to prohibit under-age people from doing that.

The article goes on:

In 1998, a national drug strategy survey of high school students found 32 per cent of 12-year-olds and 15 per cent of 17-year-olds had used inhalants.

Accidents are a major risk because users often behave recklessly and dangerously.

Side effects include flu-like symptoms, sickness, diarrhoea, nosebleeds, bloodshot eyes and sores around the mouth. Longer-term users may lose weight, have tremors and may be unable to think clearly.

Prolonged use can also cause anaemia, depression, irritability and damage to the brain, kidneys and liver.

A small number of people have died from using inhalants.

Inhalants are also found in glue, aerosol cans, petrol, and in cleaning and correction fluids.

While doing some research for the bill I came across an article in the *Herald Sun* of 22 January. I put it on the record because it is a letter from a mother whose daughter is slowly dying. It is a poignant reminder that it is not just those children who are on the streets who are abusing their bodies, but it is also children from decent families. Once they start inhaling these substances they get hooked, and have a high. However, as soon as the high wears off they have another fix. Using spray cans is a cheap way to have a high rather than using drugs or alcohol. They are easily accessible,

and hopefully the bill will make them less accessible. I refer to a letter from Anne to the state Drugs and Crime Prevention Committee. The letter states:

My daughter is slowly dying.

Her memory is fading, her sight, hearing, lungs, kidneys, bone marrow and liver are being damaged.

Her blood oxygen is being depleted and this can directly induce heart failure. This can also cause death from suffocation by displacing oxygen in the lungs and then the central nervous system, causing breathing to cease.

Her personality has changed. Her system is slowly being poisoned.

She buys a can of paint legally from a store, sprays it into a plastic bag and breathes the fumes deeply into her lungs.

She doesn't notice the paint stains on her mouth and hands. I do.

My beautiful daughter is a chromer.

The girl I gave birth to 16 years ago is killing herself.

And I cannot stop her. Help is too far away, hands are tied, this practice is not illegal.

I can no longer sit back and allow this practice of our youth to continue.

I would like to have it made hard for these children to destroy their lives or kill themselves. As the law stands at the moment it is not illegal for cans of paint to be sold to minors.

According to authorities, it is not a drug.

But she has all the hallmarks of a drug addict; no longer at school, roams the streets day and night, is in trouble with the law, is destroying our family.

Everything is locked up so it doesn't 'vanish'. She has no respect for herself, others or their property.

I have been on an endless merry-go-round for 18 months trying to find assistance for my daughter.

Anybody who wants to vote against the bill should think of this mother's anguish. Honourable members should vote for a bill that makes it a lot harder to access spray cans that people can get so readily, yet are so harmful to them.

Clause 4 inserts proposed sections 16A to 16F entitled 'Sale of Spray Cans to Minors' into the Summary Offences Act. Proposed section 16A is a definitions clause. Proposed section 16B refers to the notices that need to be displayed at premises where spray cans are sold. Proposed section 16B(1) states:

A notice containing the following words must be displayed in a prominent position in premises from which spray cans are sold:

The words on the sign are:

It is unlawful to sell certain spray cans to persons under 18. Persons may be required to produce evidence of age when purchasing certain spray cans.

It is important for people who own premises where spray cans are sold to have the sign displayed in a prominent position so that anyone coming into their premises can see the sign and know it is an offence for a person under the age of 18 years to purchase certain spray cans. If the notice is not displayed in a prominent position a person who is under 18 years cannot be charged, because if the sign is not in place it is a defence for the minor who buys the spray can to say that he or she was not aware it was an offence. It is also a defence for the shop owner if the minor produces false evidence of age. For example, if the person entering the store is 16 years of age but produces a forged drivers licence which appears to be a legitimate drivers licence, the store owner can claim that as a defence in selling the spray can.

Proposed section 16C makes it an offence to sell a spray can to a person under 18 years and provides for a penalty of 15 units.

Proposed section 16D makes it an offence for a person under 18 years to purchase a spray can and provides for a penalty of five units. Proposed section 16E outlines the powers of authorised persons, and an authorised person may be a member of the police force, to enforce this law. It inserts strict conditions of what a person can and cannot do in enforcing the law. For example, a person cannot use bad language to enter the premises. Photographs may be taken for evidence, but the authorised persons cannot intimidate the shop owner. The proposed section outlines the enforcement provisions that an authorised officer must adhere to. Proposed section 16F is a regulations clause.

The bill is a first step in what the National Party believes will be a long process. We need to make sure young people are restrained from this habit that they have got into and are kept out of harm's way. The community will not look kindly on the government or the Parliament if over the period that we are waiting for a report from the Drugs and Crime Prevention Committee a number of young people suffer brain damage or even die. It is not right to sit on our hands and do nothing because we are aware this incidence is increasing.

The Honourable Peter Katsambanis referred to the issue of graffiti. Councils across Victoria are trying to grapple with graffiti in their municipalities. It is costly to them and they do not have the muscle to ban it, so

this bill contains provisions that will help councils to restrict people buying spray cans for the purposes of graffiti. I congratulate the Liberal Party and I put on the record the National Party support for the bill.

**Hon. T. C. THEOPHANOUS** (Jika Jika) — I think it is a shame this house has had to have a debate about the order of the speakers. Had the opposition been reasonable and allowed a one-for-one exchange — —

**Hon. M. T. Luckins** — On a point of order, Mr President, I ask you to bring the honourable member back to the bill.

**Hon. T. C. THEOPHANOUS** — On the point of order, Mr President, my preamble is in response to a comment made by the Honourable Jeanette Powell in relation to this very issue. I intend to make my point and then move on to the bill.

**The PRESIDENT** — Order! There is no point of order.

**Hon. T. C. THEOPHANOUS** — The government would have been happy to reach agreement in accordance with the wishes of the President, and as was expected when the National Party spokesman spoke on the bill, she indicated the National Party was in favour of the legislation. One of the last comments made by the Honourable Jeanette Powell referred to the government sitting on its hands. It is the height of hypocrisy for the Honourable Jeanette Powell to say that when she was a member of the previous government which, for seven years, sat on its hands. If the honourable member wants to talk about or bring some emotion into this debate by saying, 'What about the young kids who would be affected by the government' — according to the opposition — 'sitting on its hands?', I put to the National Party and the Liberal Party: how many children's lives were destroyed as a result of them sitting on their hands for seven years?

**Hon. E. J. Powell** — On a point of order, Mr President, the honourable member says that the former government sat on its hands. Most of the programs such as the Freeza program and committees to assist young people were introduced by the former government, which indicates that it was thinking about the issue of drugs and substance abuse for young people.

**The PRESIDENT** — Order! There is no point of order. It is a point of debate.

**Hon. B. C. Boardman** — At least she got it on the record.

**Hon. T. C. THEOPHANOUS** — I am happy that the Honourable Jeanette Powell has put that on the record because the former government did sit on its hand for seven years.

In a recent examination, the Victorian schools survey data, which interviews Victorian school student records, showed that there was a 10 per cent increase between 1992 and 1999 in inhalant experimentation. At least opposition members should be brought to account and take responsibility for the fact that there was an increase of 10 per cent in the number of children who were affected by this unfortunate practice.

The previous government sat on its hands and did not introduce this form of legislation — it did not talk about it; it did not think about it; it did not intend to do it; it did not establish a committee to examine it; it did absolutely nothing. It shows that this is nothing but a political stunt by the Leader of the Opposition in the other place, who was attempting to capitalise on the unfortunate situation that many of our children are currently experiencing.

In response to the Honourable Jeanette Powell, I ask: does she seriously think that the 16-year-old girl she talked about in the house would not be able to access the spray cans in the event that the legislation was passed? Does she seriously think that girl would not be able to find somebody to give those cans to her? Has any thought been given to the prospect that if legislation is passed without all the associated structures and systems that are required to be put into place, it would simply create a new business for those who are 18-plus going around buying the spray cans and then on-selling them to kids who are younger than 18? Why would that not occur? The truth is that it would occur. Unless there were other systems put in place to ensure that that kind of thing did not take place then an initiative such as this may have little effect.

The Honourable Cameron Boardman finds himself in a difficult situation. He has in some sense acted honourably by seeking to find solutions on the committee that he chairs, and I know he believes that ultimately there must be a bipartisan approach to this issue and that the recommendations of his committee will be important in establishing that bipartisan approach because committees such as those are designed to find solutions to this kind of difficult problem.

I know Mr Boardman must have found himself in a very difficult position. Personally, I think he was not given due consideration by the Leader of the Opposition, Dr Napthine. I know Mr Boardman will

say that he agrees with the proposal. However, as can be seen by comments that have already been referred to in this place, he has questioned whether the issue is much more complex than simply banning the sale of the products.

I quote again from the media release of 24 January in which Mr Boardman says:

It must be noted however, that the committee has received direct evidence from various agencies both within Australia and internationally suggesting that limiting the sale or production of products associated with VSA does not lead to any noticeable reduction in VSA activities.

That is an honest statement based on information provided to the committee. I presume the committee would consider that information, along with other information that it is gathering, in preparing a considered way forward for this difficult issue. He reiterates the point again in the *Frankston Independent* on 29 January:

The committee has received direct evidence from agencies within Australia and overseas showing that limiting sale or production does not lead to any noticeable reductions in activity.

Mr Boardman is asking his committee to look at the evidence. Contrast that to his leader, the Leader of the Opposition in the other place, who had this to say back when he was the Minister for Community Services to the Drug Awareness Relief Movement on 13 August 1997:

As you are no doubt aware, there are many household products which contain intoxicants. A control strategy which deals with all such products is extremely difficult to conceive and acting on a limited number of products may simply change young people's practices.

Having made a statement in 1997, he sponsors a bill which does precisely what he was suggesting should not be done. The Leader of the Opposition in the other place is, for short-term political reasons, prepared to play with our children's safety and future. I believe he was genuine when he made that statement. This is simply a sign of his desperation. A desperate leader does not make appropriate or well-considered decisions, and this is an example of it.

The Honourable Cameron Boardman should continue with his work on the committee and find bipartisan solutions that will help to overcome this intractable problem by dealing with it in a complex number of ways and with a variety of strategies. Unlike the approach on the committee which has been taken by Mr Boardman, Mr Katsambanis in this place made wild, emotional and inaccurate statements, as he always does. He never makes an argument in this place which

is considered. He made a statement that this was about saving thousands of kids, or words to that effect. There is absolutely no evidence for that. If anyone in this house thought that this measure on its own would save thousands of kids from getting involved in this practice, then they are living in the same cloud-cuckoo-land as Mr Katsambanis.

This is a difficult, complex and intractable problem. Anybody can come into this place and respond emotionally and talk about the child and parent who are faced with this kind of thing. We have all seen parents and their desperation when their children are involved with drugs of any type. It is silly to try to suggest that there are members in this house who do not want to see that problem addressed, who do not want to minimise the drug taking by our young people in the community.

Of course we all want to bring that outcome about, and we want to do it on a bipartisan basis. That is why we established a committee headed by a member of the opposition.

It is easy to come in here and bring up examples of people who are suffering, but unfortunately these examples were present for the seven years in which the previous government was in power and it did nothing about them.

The purpose of this bill is to limit the sale of spray cans containing paint and other substances to minors to reduce the incidence of substance abuse, but unfortunately the bill is vague and uncertain. At no point within the bill has there been an appropriate outline of what the other substances are meant to represent. We all know that there are, tragically, chroming deaths on record that have resulted from using a spray can of vegetable oil, so the problem is obviously not just limited to paints.

It is an example where, and I am sure Mr Boardman would know through the evidence that has been presented to his committee, the simple targeting of paint as the only source is incorrect because there are other sources which are just as dangerous and through which people have lost their lives. This legislation, just on that point alone, is poorly thought out.

But consider this: there may be other more effective ways of resolving this issue rather than this simple knee-jerk approach. For example, other types of propellants are now available for paint sprays that are safe, or at least that do not cause the sort of damage that the current propellants in spray cans do.

By way of analogy I point out that when the community became aware of the problems with

chlorofluorocarbons and how they affect the environment and the ozone layer we did not go about passing a piece of legislation disallowing people from having a refrigerator. We passed legislation that would ensure that that particular product could not be used in producing refrigerators. That has been a very effective worldwide solution.

We would be much more likely to get a comprehensive and effective outcome if we were able to look at those sorts of issues and if the committee which has been established were able to make recommendations to the Parliament about ways of improving the current regime to allow less access to these kinds of products.

Let me make one thing clear, because it is important to make this point: while the government is not supporting this particular piece of legislation it is interested in taking action following the report that will be brought down by the parliamentary committee. Moreover, in the interim, in case it is not clearly understood by the opposition, the government does not and will not under any circumstances support the practice in organisations which are funded in some way or other by the government.

**Hon. M. T. Luckins** — You don't now.

**Hon. T. C. THEOPHANOUS** — We will not support that, that is correct. We are not supporting it at all.

**Hon. M. T. Luckins** — You did in the past.

**Hon. T. C. THEOPHANOUS** — We do not support that, and I want to put it on the record that we are not in any way supporting the practice in any organisation, including Berry Street. We are opposed to that and we continue to be opposed to it.

We have taken action. We have stopped it in all of the places that are government funded and provide assistance in this area.

We also have made a number of other responses. It is not as though we simply sat on our hands waiting for the committee to bring down its report; we have also taken a variety of actions. We have written to all of the agencies advising them that programs of supervised chroming are not permissible. We have referred the issue, including the proposal for a ban on the sale of spray paint cans, to the Drugs and Crime Prevention Committee for examination.

The government has provided service initiatives which include 11 youth home-based withdrawal services; the tripling of residential withdrawal beds for children and

young people; the provision of 70 youth alcohol and drug outreach workers across the state; and five new specialist alcohol and treatment workers to support young people and staff in residential care. We are working with teachers, parents, the police, workers in residential care and young people to address the problem. These are the tough things that are happening out there. They are complex things; things that matter! We are working with traders to ensure that they know they can withhold sale of spray cans if they believe they will be misused. We have already taken initiatives, including those in relation to the points of sale of these spray cans.

We have asked the Prime Minister to utilise national research capacity at the Commonwealth Scientific and Industrial Research Organisation (CSIRO) to investigate options such as using additives to make commonly abused inhalants less attractive to use. We are looking for solutions, and we are doing that by establishing the committee and by introducing a range of programs that are funded at a level which the previous government was not prepared to do. We are looking for solutions by working with teachers, with police, with people working in the area of residential care, with young people and with traders themselves.

These are the practical things this government is doing in order to bring about an outcome. And what is the outcome we are seeking? A reduction in the level of abuse of these substances from the record levels that were achieved as a result of inaction by the previous government, under which, as I have already indicated to the house, the level of usage went up by 10 per cent over its seven years in office. As I said, we have also asked the Prime Minister to look at bringing in all of the resources of the CSIRO to try and find a technical solution to the problem. Quite frankly, a technical solution sounds probably the most effective to me in terms of these particular products.

Contrast the difference between what the opposition has done and what this government is doing. The government has been involved in a series of strategies to try and find solutions that matter and to find ways that will prevent or reduce the harm that is caused as a result of these practices by young people. In addition to that, we have said that we want the committee to come up with a recommendation for further action, including legislative action if it is required.

That is what the government has done, but the Leader of the Opposition, Dr Napthine, has thrown out the window all of his previous statements about the complexity of the issue and how a simple approach like this bill is not going to work. He has done so to gain a

short-term political advantage by trying to stir up people's emotions when the last thing we need in this community on this issue is a political football with strong emotions and accusations going from one side of the house to the other. We need solutions supported by both sides of the house.

The government is introducing more initiatives. One of the initiatives is funding five specialist alcohol and drug treatment worker positions to support young people with drug problems, including chroming, and those positions are within the residential care area. Those workers operate in secure welfare and department regions. Chroming treatment and management guidelines and principles are being developed with the children and young people, and it is expected that these guidelines and principles will be completed by July 2002.

The government has programs in relation to Koori chroming. There are also a number of projects in regional Victoria designed to address this issue with more than \$105 000 being provided through the Victorian Law Enforcement Drug Fund. These are just some of the actions which the current government is taking to address this important issue.

Sensible members of the opposition might think the request being put forward in the form of a reasoned amendment for this to be considered by the committee so it can examine the issue and appropriate courses of action and recommend something on a bipartisan basis is not unreasonable. But I fear that the job of the chairperson of that committee has been made more difficult by this action because what that person faces is a politicised committee, courtesy of the Leader of the Opposition, and one which may not be able to come back with a united position. I hope that does not occur and that the people on that committee have the courage to ignore the short-term political stunt that is occurring today and to — —

**Hon. N. B. Lucas** interjected.

**Hon. T. C. THEOPHANOUS** — Don't you interrupt, Mr Lucas. The way you run committees, you would be better off in a Star Chamber than in your committee, I can tell you that!

**Hon. N. B. Lucas** interjected.

**Hon. T. C. THEOPHANOUS** — I do not think your committee has ever brought down a unanimous report, has it, Mr Lucas?

*Honourable members interjecting.*

**The DEPUTY PRESIDENT** — Order! Back to the relevant bill.

**Hon. T. C. THEOPHANOUS** — Let me conclude my remarks. What I say is this — —

**An honourable member** interjected.

**Hon. T. C. THEOPHANOUS** — I am tempted to keep going but I really wanted to try to hear whether there was any further speaker on the opposition side wanting to put a point of view. The chairman of the committee might want to put a point of view, although I am sure he will be aware that he will not be able to discuss any of the issues the committee has deliberated on. He would have to be very circumspect, and I am sure he would be.

**Hon. Bill Forwood** — On a point of order, Mr Theophanous just suggested that he was interested in whether there were any other speakers who are interested in this debate. Really! We have wasted a quarter of an hour of this chamber's time while Mr Theophanous had a debate about the order of speakers, and I make the point in particular that he knew who was on the speakers list and the order of it. It is an outrage to suggest at the end of his contribution that he would be interested to know if there are other speakers on the issue from our side, when he knows full well there are — yet he has taken up a quarter of an hour of this chamber's time debating the order of speakers!

**The DEPUTY PRESIDENT** — Order! There is no point of order and I request that Mr Theophanous conclude his contribution, which he indicated he was doing.

**Hon. T. C. THEOPHANOUS** — What an outburst! It is a sign of absolute desperation on the opposition benches. Opposition members have totally lost the plot. They are not behaving as an opposition. My suggestion earlier about speakers was simply to make the point that there is not a lot of time left and I know there are other speakers on the opposition side who might want to make a contribution.

To conclude my remarks, I do not consider that a case about the facts has been presented by the opposition. Opposition members have not established a case that the legislation would make any difference at all. Their leader is on the record as saying when in opposition that it would not make any difference. The chairperson of the committee is on record as saying it would not make any difference. They have no case, not even one based on any evidence whatsoever. They have no

international studies — no evidence at all. Indeed, the evidence that is there suggests the reverse.

Instead, in a cheap political stunt they have attempted to use families and children suffering out there. For the seven years while they were in government they did absolutely nothing to address the issue. Not only did they do nothing but they were prepared to sit by and allow a 10 per cent increase in the number of young people involved in the practice without ever referring the matter to a committee, coming forward with legislation or putting policies in place that might address the issue. They stand condemned by their record and should bow their heads in shame and allow us to get on with the job and address this very important social issue.

**Hon. B. C. BOARDMAN** (Chelsea) — When the parliamentary Drugs and Crime Prevention Committee received this reference, as with all of the committee's past inquiries it was hoped that the issue — because of its complexities and the difficult manner in which the overall circumstances affect all members of the community — would be treated with dignity and sensitivity and, most importantly, with a degree of understanding of how sensitive members on all sides of politics will have to be in considering their views. The Drugs and Crime Prevention Committee has a proud tradition of preparing unanimous reports and making bipartisan recommendations that have been adopted by governments with those particular factors in mind.

I am still confident that aim can be met in this inquiry, although there has been an attempt today by some honourable members to use the issues for purposes other than those intended and to be quite misleading and misguided in their contributions. I do not wish to comment on that too much because, quite frankly, it is not worth it. If members want to use a debate like this to generate political points, they should examine why they are doing that. With an issue as complex and sensitive as this and which requires a carefully considered view, politics should not come into play. The matter should be totally and utterly exempt from any interference from the political process.

Nonetheless, that is what happened today. It is history; members are on the record, and I am sure their contributions will be reviewed according to their varying capacities. However, I am extremely disappointed that Mr Theophanous, for reasons that I believe are invalid, denied the opposition considerable time to contribute to the debate. Nonetheless, it has happened and we move on.

The reasoned amendment moved by the Honourable Gavin Jennings attempts to refer this legislation to the parliamentary Drugs and Crime Prevention Committee. Mr Jennings and Mr Theophanous acknowledged that the Attorney-General wrote to me in my capacity as chairman of the committee on 26 February highlighting this private member's bill and acknowledging that it fell squarely within the committee's terms of reference. I have acknowledged that letter, and obviously the committee was going to consider it, irrespective of the Attorney-General's indication to do so.

The committee is and will continue to be an independent mechanism of government; there is no denying that. The way members of the committee act and participate in the activities of the committee certainly reflects that sentiment. However, to suggest that the committee would not examine potential regulatory environments as possible alternatives for dealing with this situation would be totally misguided.

The lack of information, previous study and clear absence of comprehensive research on this issue provided the committee with a unique challenge. It had to effectively collate what little information there was and conduct independent research to determine the options. Part of that was a comprehensive examination of regulatory environments as they exist in Australia and internationally. That is probably an appropriate place to start because it is relevant to what this legislation is attempting.

The United Kingdom has been dealing with the issue of volatile substances for some years now and is a shining light on the international stage of appropriate reform and response to this issue. In 1995 it introduced the Intoxicating Substances (Supply) Act, which made it illegal to supply to minors any product or substance with the potential to intoxicate. It did not specify in any detail what those products may or may not be. It simply suggested that if a product had the qualities or possessed chemicals that could intoxicate a potential user by way of misuse then the practice of selling such a product to someone under the age of 18 was illegal.

That is very similar to section 57 of the Victorian Drugs, Poisons and Controlled Substances Act, where the definition of 'deleterious substances' includes such products as methylated spirits, solvents, glues and any other products that may be able to provide by way of misuse an intoxicating quality. Section 58 provides it to be an offence for a person to supply any other person with that product knowing that they will misuse it.

The UK legislation is similar to what we have in Victoria today. When the legislation was introduced in

1985 in the United Kingdom it was generally well received; it was seen as a step in the right direction. It was seen as a decent symbol of trying to deal with what was a complex problem. Although demographic and user profiles are somewhat different in the United Kingdom, it still was indicative of how an appropriate regulatory response might be one way of dealing with a complex issue.

The only problem was that at the time there was a shift from glues and glue-related products as the product of choice to aerosols and the butane contained in cigarette lighter refills. That required careful consideration from the United Kingdom government. In 1999 it introduced regulations to make it illegal to sell cigarette lighter refills to people under the age of 18 years. Their research was comprehensive. They had the structures in place to analyse the success of their legislative response and to ensure that if that response was not appropriate they had a mechanism to change it and make it more appropriate, which is what they did. They did that through regulation, which is an option available today under the proposed legislation.

Unfortunately there was a displacement factor, and the committee received evidence from Dr John Ramsey to this effect. Because of the regulatory response prohibiting the sale of those products, those young and vulnerable people who would potentially misuse cigarette lighter refills and the butane gas contained within them suddenly found they had to use other products, such as aerosols and other products that could cause them harm.

Nonetheless, on a positive note, the United Kingdom government through its comprehensive research identified that there was a decrease in mortality rates as a result of solvent misuse, so there was a positive effect albeit not acceptable in general terms to the public. Any regulatory response that can save a life or change a life needs to be noted and carefully considered.

Mr Warren Hawksley, the chair of Re-Solv, which is the umbrella organisation in the United Kingdom that deals with this issue and was established many years ago by the conservative government in response to solvent inhalation, stated that fewer deaths was certainly an outcome they were looking for, although there is more work to be done, and Mr Hawksley acknowledged that.

If it was possible to analyse a more appropriate response then certainly the United Kingdom government had the capacity to do that. That is one difficulty we have in Victoria: because of the lack of information and the non-recognition by past

governments from all sides of politics of the severity of the problem, we are in this difficult situation today. Nonetheless, any response has to be treated and considered carefully. Even if that response may not necessarily provide the best outcome, in isolation it might simply be a symbol that the community could interpret positively.

I move on to the New Zealand experience. The committee recently travelled to New Zealand and witnessed first hand some of the initiatives there. We were impressed by the extraordinary amount of cooperation that existed between government and non-government agencies on this issue. Today the solvent misuse problem in New Zealand has been virtually extinguished. Over the past 10 years there has been such a comprehensive response from all levels of government and communities that the situation has changed dramatically and solvent inhalants are a problem of the past. Tragically, and this is similar to some dependencies and consumption patterns in Australia, alcohol and other illicit substances still reign and are of dramatic concern.

An issue that exists in New Zealand that we do not have in Victoria — and it is an issue that will be carefully considered by my committee — is that of civil apprehension. This does not impose criminal sanctions; it does not ensure that any person vulnerable to substance abuse will be placed under the supervision and care of the criminal justice system. It is an alternative for police and law-makers to use as an appropriate response where necessary.

The Drugs and Crime Prevention Committee's report into public drunkenness in Victoria recommended that Victoria enact such legislation. It simply means that if a person is found to be intoxicated in any public place, irrespective of the substance resulting in that intoxication, the police have the power to take that person to a facility where they might be able to get help. In New Zealand it could be a place where they could go through some detoxification or sobering-up process or they could go to a facility that will provide them with counselling or a referral to other treatment appropriate in the circumstances. As I said, it is not substance specific. Unlike the criminalisation issues in the Summary Offences Act in Victoria which relate to drunkenness by way of alcohol, the New Zealand model is clear; it relates to all substances, and the treatment and the responses are very appropriate.

A similar situation exists in Western Australia. Committee members recently returned from Perth and an examination of the legislative regulatory process. The Protective Custody Act, which is the Western

Australian equivalent of the civil apprehension model in New Zealand, once again has proved to be a valuable tool for law enforcement officials and those involved in the response to substance misuse as a possible alternative to this difficult situation.

I contrast that with what happens in the United States of America, although I need to put on record how difficult a place it is to try to research what the regulatory structures are. There are 52 different states and one specific district with totally different and sometimes confusing regulatory responses. The best example I could quote is that of Texas, where sale and possession is illegal and the definition used for those types of products is 'volatile chemicals which can affect the nervous system'. The Texas model seems to have had some success and has been promoted in the United States through an organised solvent response organisation as one which has a degree of community support. It is not in any way uniform but nonetheless it has been seen through that regulatory response as one way of curbing this issue.

South Australia has recently introduced legislation to deal with the sale of paint cans to minors because of the graffiti problem. The legislation incorporated a reference to solvent misuse because of the quite clear link with spray cans. The legislation was not intended to do that but so far it seems to have had some effect. The difficulty once again is through displacement, not so much through the actual misuse of the products but because children or young people who would usually use spray cans to paint their tags in various public locations have turned to other acts of violence and vandalism such as glass etching and so forth.

I say there are pros and cons with every regulatory response, but because of the lack of information and evaluation and because of the difficulty of establishing whether the responses are appropriate in the Victorian context it is difficult to surmise whether this legislation will work.

I have also heard from some of the members contributing to the debate today that the government has increased treatment options for young people who may be misusing solvents. I find that quite extraordinary and, notwithstanding that the government's intention might be valid, it must be noted that the only identified treatment option for people who have volatile substance dependencies is in fact the model adopted by Berry Street Victoria and subsequently endorsed as best practice by the Department of Human Services and which received so much publicity earlier this year. The government responded to the publicity by ordering Berry Street to

cease that type of practice. The committee has evidence that treatment of young people with solvent dependencies, particularly those who are in residential care, has diminished because of that government order.

The committee can in no way draw inference or conclusion from such a direction, but I can clearly place on record that it is nonsense to suggest there are appropriate treatment options and detox facilities because the scientific evidence of what is accepted as best practice in that field simply does not exist. Furthermore, there have been submissions today about education, and what a doubled-edged sword education is in such a contentious issue as solvent abuse! For vulnerable people education could in fact be a disservice. The committee has heard evidence from a number of leading researchers, both in Australia and in other parts of the world, that education if not carefully monitored and carefully devised to be appropriate in the circumstances for which it was intended could have a deleterious effect. For example, because of the stigma attached to the definition of chroming and because chroming is interpreted by young people as being a positive activity, the publicity given to and the marketing of that particular product by the media may in fact make it more attractive to vulnerable young people. Such simple issues as what words or what definitions are used, what way this particular issue is reported, might have an adverse effect.

I note that some of the contributions from government members made reference to comments I have made in the press. I stand by those comments wholeheartedly. It is my job as chairman of this committee to ensure that I represent the evidence presented to the committee in an apolitical and non-partisan manner and that I do not misrepresent the sentiments attached to whatever evidence the committee is receiving. Yes, as I have stated, we have received evidence that the regulatory response that this bill is encompassing may not be the best way of doing it; but in the absence of any alternatives it is very difficult to have another option.

In referring to some of the responses I will start with perhaps one of the most comprehensive submissions that the Drugs and Crime Prevention Committee has received. I state that these are public submissions and I am quite happy to make them available to anyone who would like to look at them. The Australian Retailers Association has very strong views on chroming, such as the view that the restriction of the sale of certain products deters legitimate sales and customers. The association's evidence states that young people have a legal right to purchase spray cans — for example, if a young person who has a bicycle wants to change the colour of that bicycle the most cost effective and best

way of doing that would be to purchase a spray can and do it himself. That is a legal way of using the product and it is how it was intended to be used. The Australian Retailers Association also says that restrictions would ultimately harm retailers and manufacturers and others who have legitimate consumer rights in these issues, similar to the example that I have just given. The association states further that the restriction or sale of certain products would potentially have minimal effect in reducing the incidence of chroming and certainly does not address the underlying desire or willingness of those in the community who abuse substances to do so.

It is interesting that the Australian Retailers Association makes that point. I must stress that these are responses the association has received from its members and it makes the point because certainly there is a public inference that there are better ways of doing this. We have heard today of various preventive measures and early intervention programs that may be an alternative, but nothing works in isolation, and I am quite sure that the motivation of this legislation is to complement existing practices and strategies and not to be seen or interpreted as a means to an end.

The retailers association makes the interesting point that there is a wide range of potentially harmful products for sale in retail outlets. My committee has identified more than 250 such products. They include products from the adhesives group such as modelling glue, Kwikgrip or rubber cement. They contain chemicals such as toluene, ethyl acetate, benzene, n-hexane and xylene, all of which the evidence provided to the committee has shown to be disastrous if they are misused.

Other products are the aerosols — spray paint, hair spray and deodorant — containing such chemicals as butane, toluene and propane. Aerosols are by far the product of choice for those who are vulnerable and would choose to misuse such a product because of its ease of access, availability and cost effectiveness and the sustained effects that constant use can have on a person who chooses such an activity. Other such products are cleaning agents, solvents, acids, food products and of course nitrates — all easily available, readily stocked on supermarket shelves and at other retail outlets. If a person wants to use these products they certainly will be made available to them.

Overwhelmingly the evidence this committee has received is that spray paints — particularly those with a metallic base, whether it be chrome, silver, gold or another metallic type of compound paint — are undoubtedly the ones that are popular both because they are an attractive colour and because they reputedly have the best effects for intoxication.

It is important to note that some of the hazards associated with the chemicals I have mentioned include suppressed immunologic function, injury to red blood cells, bone marrow injury, impairment of body functions, reproductive system toxicity, sudden sniffing death syndrome, cardiac arrest, internal burns, asphyxiation, and the list goes on. It is dramatic stuff and I am sure all members would acknowledge just how serious this situation is. But the difficulty is that because the research is not comprehensive, because little is known about the seriousness of the issue, because the demographic profiles are not well devised and the sample sets have in most cases been too small to provide realistic evidence, there is little alternative other than to consider this piece of legislation.

My contribution today in no way pre-empts the final recommendations of the Drugs and Crime Prevention Committee. The committee is analysing similar regulatory responses from other governments in Australia and internationally, and we will determine whether this one is an appropriate response. That puts me in a difficult situation, and I fully acknowledge the consequences of that, but I support the opposition's bill for one very good reason: if it can save one life or provide a deterrent to a vulnerable young person who may by reason of his situation choose volatile substance abuse to get a high or to rid himself of concerns about his circumstances or environment, then we have to at least consider it. It may not be the perfect option or the best option, but it certainly has enough validity to warrant consideration to determine whether the response is appropriate.

It is also a model that is being used throughout Australia. I refer to a submission to the committee from the Australian Retailers Association, which is in the process of devising a voluntary industry strategy similar to what exists in New South Wales in response to graffiti. That submission identifies art supply and stationery stores, paint and hardware stores, department stores, discount department stores, shoe shops, service stations and newsagents as retailers that may sell products which could cause harm. The motivation for such a strategy is to alert those retailers to the fact that those products can be misused, to provide them with some training and to educate them in the importance of deterrence so that they will not sell their products to people who may be vulnerable and may misuse them. That strategy was initially established to try to curb the prevalence of graffiti and it is now being extended and developed to deal with solvent abuse.

This idea is not new to Victoria. Early this year in response to some of the propaganda that was being distributed as a result of the mainstream media's

attention to this particular issue, Mitre 10 voluntarily instructed staff in its 703 stores across Australia to stop selling potentially harmful products to minors, and Tait Timber and Hardware did the same and it seems to have worked. Our committee has witnessed in action some of the methods that some stores, particularly Bunnings, will go to to lock up those products and make them accessible only to authorised staff members, and those methods have undoubtedly had a beneficial effect.

I will conclude on the following note: when Mitre 10 decided to go down this path, one person who was approached for his opinion was the Premier, who is reported in the *Herald Sun* of Friday, 1 February as saying that there was a chance the government would legislate to ban paint sales to minors.

It is disappointing that this debate has been politicised, but it is encouraging that at least the discussion paper has generated such discussion, awareness and understanding of the facts — not in a misguided capacity — to allow our committee to understand just how difficult this task is.

**Hon. D. G. HADDEN** (Ballarat) — Quite simply, this bill should not be supported.

**The DEPUTY PRESIDENT** — Order! The time for debate has expired.

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

*Ayes, 27*

Ashman, Mr	Furletti, Mr
Atkinson, Mr	Hall, Mr
Best, Mr	Hallam, Mr
Birrell, Mr	Katsambanis, Mr
Bishop, Mr	Lucas, Mr
Boardman, Mr ( <i>Teller</i> )	Luckins, Ms
Bowden, Mr	Olexander, Mr
Brideson, Mr	Powell, Mrs ( <i>Teller</i> )
Coote, Mrs	Rich-Phillips, Mr
Cover, Mr	Smith, Mr K. M.
Craige, Mr	Smith, Ms
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Forwood, Mr	

*Noes, 12*

Broad, Ms	Madden, Mr
Carbines, Mrs ( <i>Teller</i> )	Nguyen, Mr
Darveniza, Ms	Romanes, Ms
Hadden, Ms	Smith, Mr R. F.
Jennings, Mr	Theophanous, Mr ( <i>Teller</i> )
McQuilten, Mr	Thomson, Ms

*Pairs*

Baxter, Mr  
Ross, Dr

Mikakos, Ms  
Gould, Ms

**Amendment negatived.**

**Motion agreed to.**

**Read second time.**

**Hon. N. B. LUCAS** (Eumemmerring) — By leave, I move:

That this bill be now read a third time.

**Leave refused.**

**Ordered to be committed on Wednesday, 15 May.**

**Hon. K. M. Smith** — On a point of order, Mr President, I take it that on any third reading that is done, leave has to be given by the other party, so if at any time we refuse leave the government would have to wait also?

**The PRESIDENT** — Order! That is so.

## MEMBERS STATEMENTS

### Health volunteer awards

**Hon. ANDREW BRIDESON** (Waverley) — I would like to congratulate Mrs Keera and Mr Bill Le Lievre of Mount Waverley. In September last year they were awarded the silver national health volunteer award for fundraising and the gold state health volunteer award. These awards were granted by the National Health and Medical Research Council. The Le Lievres started volunteering for Very Special Kids seven years ago by furnishing, decorating and obtaining furniture by donation or at cost price for the now established Very Special Kids hospice in Glenferrie Road, Malvern.

With much enthusiasm, the Le Lievres organised the first fair at the centre, raising more than \$35 000 in the first year. In the past six years they have organised subsequent fairs raising more than \$400 000.

The Le Lievres also established the Friends of Very Special Kids, which is a fundraising group with over 200 supporters across Victoria.

Initially, Very Special Kids supported 125 families but now supports 600. More than 1000 people have used the facility in the past 12 months. The hospice offers palliative and respite care for children suffering from progressive life-threatening illnesses such as muscular

dystrophy, cystic fibrosis, genetic conditions and AIDS-related illnesses as well as cancer.

The couple, now in their 70s, have provided a wonderful role model for all, but in particular for retirees in our community.

### Police: Footscray

**Hon. S. M. NGUYEN** (Melbourne West) — I would like to bring good news to Parliament today. The good news is about how Bracks government policy has worked to recruit more police for Victoria. I also thank the Footscray police for their work in reducing crime by 28 per cent, according to figures released last month.

Armed robberies were down 52.9 per cent, residential burglaries dropped 36.1 per cent, car theft was down 20 per cent, drug trafficking was down 29.1 per cent and possession and use of drugs was down 34 per cent. The figures are for eight months and are compared with the same period one year ago.

According to Inspector De Bruyn from Footscray police station, Footscray police numbers were 70 per cent higher than two years ago. The station now has a plain-clothes division, daily foot patrols in Highpoint and Footscray shopping centres and plans for a bicycle patrol. The new local priority policing partnerships strategy made a big difference.

The extra police and community support have helped a lot of police to do their jobs. For example, the Footscray police have organised mobile police stations — —

**The PRESIDENT** — Order! The honourable member's time has expired.

### Local government: public land

**Hon. B. N. ATKINSON** (Koonung) — I have had correspondence from the Knox City Council and the Monash City Council in my electorate drawing my attention, and no doubt the attention of other honourable members, to the problem of adverse possession of council land. It is an issue that Parliament needs to address and perhaps affects state land as much as municipal land. In the context of the two municipalities — I am pursuing this separately with the minister — it is an issue of concern to local government where land is alienated by private citizens who have to go to considerable legal expense to obtain their legal rights to what is public land.

It is an issue of great concern and I suggest that all honourable members ought to take an interest in

adverse possession and how it affects their local municipalities. Representative local government organisations are no doubt contacting members of Parliament. From my experience in local government I know this has been an issue for many years. It is something that we ought to be tackling. I note it is not part of the legislative reform package of the government as set out in a bill likely to be introduced in the other place, according to the information we have available, but it is something honourable members ought to consider and the Parliament should look at.

### **Life on the Edge forum**

**Hon. E. J. POWELL** (North Eastern) — I congratulate Soroptimist International of Shepparton for organising and hosting a very successful forum. The Life on the Edge mental health forum and expo was held last Wednesday at the Eastbank Centre in Shepparton to raise awareness of mental illness and its effect on people, their families and the community.

I particularly congratulate soroptimist member Jeanette Berry and her health committee for organising the forum. During the day people could attend workshops and learn about managing stress and how to live independently. Alcoholics Anonymous also held workshops and gave advice and information. The approximately 300 schoolchildren who attended learnt how to deal with depression in young people, which is now more prevalent in country areas. A number of stalls provided information about mental illness, but more importantly about where people with that illness could get help and support.

I was honoured to officially open the evening session of the forum, where expert speakers discussed the importance of managing their mental illness. One in five Australians will experience a mental illness, some only once in their life, but some throughout their lives and the illness is treatable. I thank Soroptimist International of Shepparton for raising awareness about this very important issue in the community.

### **Steve Moneghetti**

**Hon. D. G. HADDEN** (Ballarat) — I pay tribute to one of Ballarat's local legends — I am not speaking about our esteemed Premier, Steve Bracks — in the area of sport, marathon sportsperson Steve Moneghetti, fondly and respectfully known as Mona. Steve is a fantastic ambassador for sport, particularly in running for the Ballarat district in rural and regional Victoria.

Steve Moneghetti was honoured for his Commonwealth Games achievements by carrying the

Queen's baton on Anzac Day, 25 April 2002, at Melbourne, along with Robert de Castella, respectfully known as Deek, another great marathon champion. They both completed a lap at half-time at the Anzac Day Australian Football League game between Collingwood and Essendon at the Melbourne Cricket Ground. The baton contains the Queen's message to be read out at the opening ceremony of the Manchester Commonwealth Games in July 2002.

Ballarat's Steve Moneghetti ran his first marathon in 1986. He has won a complete set of commonwealth medals in the marathon, with a bronze in Edinburgh in 1986, silver in Auckland in 1990 and gold in Victoria, Canada in 1994.

Defying all odds, Steve ran against much younger competitors in the 10 000-metre track event at the Kuala Lumpur Commonwealth Games and won a bronze medal. Mona continues his valuable contribution to sport in his new role as Commonwealth Games teams liaison officer, which will involve him assisting approximately 650 Australian athletes to enjoy their Commonwealth Games experience.

As well as Mona's important Commonwealth Games role, he has also recently been appointed as the marketing public relations person for the —

**The PRESIDENT** — Order! Time.

### **Pakenham bypass**

**Hon. PHILIP DAVIS** (Gippsland) — I wish to make an observation about the neglect by the Treasurer to allocate funds to the Pakenham bypass. It is an absolute disgrace that the honourable member for Narracan in the other place has been running around his electorate saying that the state government was committed to the Pakenham bypass. Is it committed? It is so committed that there are no funds for the Pakenham bypass. Indeed, the only funds for a major road infrastructure project are for the Scoresby freeway, which is an important project.

It is an absolute disgrace that the government with such a rollicking surplus has ignored Gippsland, the electorate of Narracan and its local member. Every municipality in Gippsland regards this as the highest priority infrastructure project for the region, and so do the people of Gippsland.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I am interested to hear the honourable member's dissertation, and I suggest other members of the house do not help him.

**Hon. PHILIP DAVIS** — It is a disgrace that the government has ignored Gippsland once again, and I am sure a price will be paid in the electorate of Narracan, and the honourable member for Narracan will suffer as a result because of that genuine neglect. It is about time the government did as it is claimed by the honourable member for Narracan to have done and showed us the money. Where is the money for the Pakenham bypass?

**The PRESIDENT** — Order! Time.

### **Aboriginals: placenames dictionary**

**Hon. E. C. CARBINES** (Geelong) — Last week I had the honour of representing the Premier at the launch of the *Dictionary of Aboriginal Placenames of Victoria* in Geelong. Commissioned by the Victorian Aboriginal Corporation for Languages (VACL) and funded by the Aboriginal and Torres Strait Islander Commission, the dictionary is the result of three years of research by Dr Ian Clark and Mr Toby Heydon.

Comprising over 3300 placenames from 35 Victorian Aboriginal languages, it is a fascinating and extremely useful piece of research and was warmly received by everyone present, including elders and representatives from many of Victoria's Aboriginal communities.

I commend Sandy Atkinson, chair of VACL, for his vision, and Dr Clark and Mr Heydon for their excellent work of importance to this state.

### **Beveridge: war memorial**

**Hon. G. R. CRAIGE** (Central Highlands) — On Thursday, 25 April, at 4.00 p.m. I attended the unveiling of a memorial at Beveridge. This striking black marble memorial has been erected adjacent to 60 pine trees which were planted in 1944 by young schoolchildren in memory of those who went to the Second World War.

The memorial consists of stand-alone marble blocks identifying each conflict that Australia was involved in, and lists local Beveridge personnel who served. There was only one name on the Vietnam memorial, that of Ned Pannuzo. Ned served in Vietnam from 1967 to 1968 as a private with 1ALSG.

Ned is currently the president of the Whittlesea Returned and Services League (RSL). He is a great person and a great contributor to his community. Ned spoke to another colleague, Sam de Gabrielle, about the Beveridge memorial. Sam also served in Vietnam in 1967 as a warrant officer with 85 transport platoon and 2RAR Anzac platoon. As a member of the Kilmore

RSL and former president, his energy and work in the community are well respected.

The ceremony at Beveridge was moving. As a returned serviceman, having served in Vietnam and spent 20 years in the Royal Australian Navy as a medic, I wish to place on record and recognise the role of medical personnel in the navy, army and air force who have served throughout all wars. The memories of those conflicts were slightly different for those people, treating physical and psychological injuries. I say to Sam and Ned, thank you, and to all my medical colleagues, thank you.

**The PRESIDENT** — Order! Time.

### **Mineral sands: conference expo**

**Hon. B. W. BISHOP** (North Western) — I congratulate the Sunraysia Mallee Economic Development Board, which put together a first-class 2002 Australian mineral sands conference expo. Over 200 mining industry people attended, with Senator Ian McDonald opening the proceedings. The Minister for Energy and Resources was also a speaker on that day.

The attendance was not only Australian: a number of overseas people gave added thrust to the whole proceedings. A wide range of speakers using all the latest technology in their presentations covered topics from mining, finance and transport — in fact all aspects of the industry.

A segment on the Friday was held separately for local business to come along and be fully informed on what opportunities may be available for their businesses as other projects increase in size and number. This segment was very well attended. Although it was organised for 80, 120 came along. I should add that the leader of the National Party, Peter Ryan, chaired the Friday morning session and was absolutely delighted with the interest generated.

The open area of the Sunraysia Institute of TAFE where the conference was held was filled with first-class displays, mostly local, but also by other participants such as the Chamber of Mines. The networking during the day, and particularly in the evening, was well used by all participants. I again congratulate the Sunraysia Mallee Economic Development Board and its directors, capably led by Graham Martin and ably supported by the chief executive officer, Dr Peter Crawley.

### Merchant marine service: federal government policy

**Hon. R. F. SMITH** (Chelsea) — I rise to condemn the federal government for its inaction in supporting Maritime Union of Australia (MUA) members on the merchant ship CSL *Yarra*, which transports goods around this country. This is union bashing gone mad. The federal government stands back and allows foreign owners to replace Australian seamen with cheap foreign labour. This time it is Ukrainian sailors.

I call upon the conservatives opposite to press their colleagues in Canberra to forget their ideology and hatred of the MUA and recognise that this country needs a strong and flexible merchant marine service. We cannot allow history to repeat itself. The British left us high and dry during previous world wars when they returned their fleets to service their needs in the United Kingdom. I fear that if the federal government does not intervene sooner rather than later we will have no maritime service to service our defence requirements and other matters with regard to this country, given that we are an island trading continent. It is imperative that we maintain a merchant fleet. I fear that if the federal government ignores this issue it will be used as a Trojan Horse to attack other workers. That would be unconscionable. Members opposite must pressure their colleagues in Canberra.

### RAIL CORPORATIONS (AMENDMENT) BILL

#### *Second reading*

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

That this bill be now read a second time.

The main purpose of the bill is to make provision for the improvement of the rail access regime in accordance with national competition policy guidelines. This bill makes a number of amendments to the access regime contained in the Rail Corporations Act 1996.

Honourable members may recall that, prior to the privatisation of V/Line Freight and the various passenger rail businesses in 1999, part 2A of the Rail Corporations Act was introduced. Part 2A contains a regime allowing third parties to obtain access to certain tram and train infrastructure that is owned by the state and leased to private operators. The Essential Services Commission administers the rail access regime.

The Victorian government has applied to the National Competition Council to have the Victorian rail access regime certified as an effective access regime for the purposes of the commonwealth Trade Practices Act 1974. The effect of certification will be that the Victorian rail access regime will apply to the exclusion of the general access regime contained in part IIIA of the commonwealth Trade Practices Act 1974. A state access regime can be certified as effective only if it complies with certain principles set out in the competition principles agreement.

The Rail Corporations (Amendment) Bill makes three major amendments to the Victorian rail access regime to address concerns the National Competition Council has expressed about whether the Victorian rail access regime currently complies with the competition principles agreement.

The first amendment strengthens the protection given to the confidentiality of commercial information which an access seeker must disclose to the infrastructure provider.

In December 2001 the National Competition Council published a position paper commenting on the Victorian rail access regime. In that paper the council made the point that, when an access provider also operates a business that competes with access seekers, it faces incentives to favour its own businesses. The council indicated that it generally considers that an effective access regime needs to include provisions that protect confidential access seeker information from misuse for the benefit of the access provider's affiliated businesses. The Victorian rail access regime does not currently include any provisions protecting confidential access seeker information from misuse by an access provider. Clause 5 of the bill will introduce a new division 3 to part 2A of the act to be entitled 'Information provided by access seekers' for the purpose of addressing this issue.

The Essential Services Commission may make a declaration that a particular access provider must comply with division 3. The commission may make such a declaration only if it is satisfied that the access provider is substantially involved in a business in competition with access seekers and that requiring compliance with division 3 would either not cause detriment to the access provider or that the benefit of requiring compliance with division 3 would outweigh any detriment caused.

If such a declaration is made, the access provider concerned must keep certain information provided to it by an access seeker confidential, must not use that

information to obtain a pecuniary or other advantage and must ensure that the information is not disclosed to its employees who are involved in the promotion or marketing of tram and train services which compete with those of the access seeker.

The second amendment will require infrastructure providers to keep certain information available to assist access seekers in formulating their request for access.

Section 38O of the Rail Corporations Act currently requires access providers to prepare and keep certain information. However, the Essential Services Commission can generally only verify that such information is being kept at the time an access dispute arises. In its position paper, the National Competition Council raised concerns about this lack of a process of regulatory verification in the Victorian regime. To address the council's concern, clause 7 of the bill will introduce a new section 38RA to permit the Essential Services Commission to use its current powers under the Essential Services Commission Act 2001 to obtain information for the purposes of the Victorian rail access regime, including to allow the commission to verify that an access provider is complying with its information-keeping obligations under section 38O.

In addition, clause 4 of the bill makes amendments to section 38H of the Rail Corporations Act to clarify that the Essential Services Commission can obtain information from any person who the commission has reason to believe has information that may assist the commission in making an access determination. The amendment also removes the limitation that the commission can only seek information within 20 days of a dispute arising. The amendment also clarifies the powers of the commission to make more than one request for information from any person.

The third amendment deals with the situation where an access seeker also needs access to some other part of the Victorian rail network or to interstate infrastructure in order to provide the freight or passenger service contemplated by its application for access.

On occasion a particular access seeker may need to access both a rail network that is regulated by the Victorian access regime and another rail network that is not regulated by the Victorian access regime. For example, an access seeker wishing to operate a train from certain parts of western Victoria to the port of Portland may need access to rail track leased by Freight Australia, that is subject to the Victorian access regime, and to rail track that is leased by ARTC, that is not subject to the Victorian access regime.

In its December 2001 discussion paper, the National Competition Council considered that an effective access regime should include provisions that allowed issues related to interface between networks to be handled efficiently. The Victorian access regime does not expressly include a provision dealing with this issue. Clause 4 of the bill also introduces a new provision in section 38J to provide that, where an access seeker also requires access to another network, the Essential Services Commission must, where possible, before making an access determination, consult the owner or operator of the other network and any person appointed to act as arbitrator under any access regime applying to the other network.

In addition to the three major amendments, the bill clarifies that a determination by the Essential Services Commission is not an arbitration for the purposes of the Commercial Arbitration Act 1984.

These provisions are important to ensure that the Victorian rail infrastructure regime complies with the competition principles agreement and to facilitate the certification of the Victorian regime under the Trade Practices Act 1974.

I commend the bill to the house.

**Debate adjourned for Hon. G. B. ASHMAN (Koonung) on motion of Hon. Bill Forwood.**

**Debate adjourned until next day.**

## CRIMES (DNA DATABASE) BILL

### *Council's amendments and Assembly's amendments*

**Message from Assembly insisting on disagreeing with some Council amendments and insisting on making further amendments considered.**

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

That the message be now taken into consideration.

**Hon. BILL FORWOOD (Templestowe) — I move as an amendment:**

That the words 'now taken into consideration' be omitted with the view of inserting in place thereof 'taken into consideration on Tuesday next'.

This is an important bill for the people of Victoria and its passage is important. The bill will arm our police with the best forensic tools, so it is important that we get it right. DNA is the fingerprinting of the 21st century. The opposition seeks to have the bill debated

not today but on Tuesday next week at this time. We have an agreement that the house will not sit tomorrow or on Friday.

In effect, the opposition seeks to delay the bill by only one day, and it does so because I understand the shadow Attorney-General has written to the Attorney-General and proposed a way through the impasse that currently exists between us in relation to the passage of the bill. The amendment is not designed to do anything other than allow the exchange of letters between the shadow Attorney-General and the Attorney-General, with the intention that the issues between us are resolved in a way that benefits the people of Victoria and, as I said, enables police to operate in the 21st century with this particular facility.

In some senses I am surprised that the message has come on for debate and that consideration of it was not just adjourned, but I am happy to have the opportunity to explain the reason that we seek to not debate it now but when we return next week.

**Amendment agreed to.**

**Amended motion agreed to.**

## BUSINESS OF THE HOUSE

### Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 14 May.

**Motion agreed to.**

## ADJOURNMENT

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

That the house do now adjourn.

### Insurance: home warranty

**Hon. P. R. HALL** (Gippsland) — I wish to raise a matter with the Minister for Consumer Affairs in another place. It concerns home warranty insurance. The matter was brought to my attention by my constituents Paul and Gay Nijenhuis of Traralgon, who are registered builders. The decision by Dexta Corporation to pull out of the home warranty market has caused some great problems to my constituents. Their renewal for re-registration was required by the Building Practitioners Board and was due on 17 April.

On 3 March they sent their application for a letter of eligibility along with their personal and financial details to the Master Builders Association of Victoria (MBAV), which acted as the insurance broker, and it was then sent on to Dexta.

Early in April they received from Dexta a letter requesting more information, to which they duly responded. A few days later Dexta announced it was no longer in the home warranty business, but after a discussion with staff at the MBAV my constituents decided to wait for the government's response. As it turned out, Dexta decided to continue providing cover and my constituents understood that that would be indefinitely.

On 2 May they received a phone call from Dexta asking for more explanation to previously answered questions, which they gave. On 3 May they received an email from the MBAV telling them that Dexta's underwriters are still pulling out of home warranty insurance as of 30 June 2002. On 4 May a letter arrived from the Building Practitioners Board with a notice to suspend their registration 60 days from the date of the letter, 29 April 2002, because it had not received a letter of eligibility regarding my constituents' insurance cover.

The problem for Mr and Mrs Nijenhuis is that they have not been able to take on any contract work since 17 April, and after speaking with the Building Practitioners Board they were simply informed that they should obtain insurance or appeal the decision within the 60-day period.

In the email they received from the Master Builders Association of Victoria Mr and Mrs Nijenhuis were informed that alternative insurers are also bogged down with a backlog and that the processing — or indeed the rejecting — of their application could take up to six weeks. So Paul and Gaye Nijenhuis are in real trouble. They have not been able to undertake building contract work with any clients or potential clients since 17 April.

My request to the Minister for Consumer Affairs is that she look into this matter, confer with the MBAV and the Building Practitioners Board about their application for insurance and try and assist Mr and Mrs Nijenhuis in sorting out this serious problem of theirs.

### Budget: presentation

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — Through the Minister for Energy and Resources I draw to the attention of the Treasurer in another place an aspect of his recent presentation of the budget papers. The budget he presented yesterday contained

statements about differences in presentation between the budget papers of this year and those of previous years. A number of things have changed in the presentation of the budget papers, including the aggregation of a number of items in this year's budget that in previous years had been spelt out as individual line items relating to individual projects. This year the Treasurer has elected to aggregate those items to reduce the amount of information provided in the budget papers.

When the government came to office in October 1999 it did so on the basis of a charter signed with the Independents. Part of that charter required that in the presentation of any budget the government provide a comparable set of documents when there are changes between budget years. That charter was entered into by the then Leader of the Opposition, Steve Bracks, who is now the Premier and a former Treasurer, and the Independents. That charter includes an undertaking that has not been upheld by the government and has not been enforced by the Independents: I refer to the requirement that parallel reporting be made when there are changes to the budget papers.

I seek from the Treasurer an undertaking that he will provide parallel reporting of budget data, as was the undertaking given by the Premier when he negotiated with the Independents. That is something that is not unreasonable for honourable members of this chamber to expect.

### **Prince of Wales Showgrounds, Bendigo**

**Hon. R. A. BEST** (North Western) — Through the Minister for Energy and Resources I direct to the attention of the Minister for State and Regional Development in the other place the proposed upgrade for the Prince of Wales Showgrounds to support the holding of the Australian Sheep and Wool Show in July of each year — a significant project for Bendigo.

The Prince of Wales Showgrounds have for some time needed a substantial upgrade, and plans have been presented to the government to facilitate the building of a large pavilion that would enable the Australian Sheep Breeders Association to stage this signal event at the Prince of Wales Showgrounds in Bendigo.

The event is held in July each year which, as most honourable members would be aware, is a month when inclement weather can be part of the Bendigo climate. The event is currently held in tents and marquees, which provide the type of facilities that encourage neither expansion of the event nor, indeed, people to walk from tent to tent or marquee to marquee. We need

a substantial pavilion as a fixture to complement this very important show, which brings a lot of tourism and substantial tourist dollars to Bendigo. It is, as I said, a very important event.

Of particular concern to me is the announcement by the government of funding of \$100 million for the upgrade of the royal Melbourne showgrounds. I support that funding because it is important that the showgrounds are upgraded. However, a positive way the government could demonstrate its support for the Australian Sheep and Wool Show in Bendigo would be to provide funding for an upgrade of the Prince of Wales Showgrounds.

I urge the minister to consider this request urgently. We are approaching a time when we will need a decision; and a good decision would provide a level of certainty for the show society and the Australian Sheep Breeders Association.

### **Somerville secondary college**

**Hon. R. H. BOWDEN** (South Eastern) — Through the Minister for Energy and Resources I seek the assistance of the Minister for Education and Training with a matter of growing concern in the communities of Somerville and surrounding areas. Somerville needs a new secondary college. The matter is now attracting a high level of interest throughout the area, including a large degree of community interest. More than 900 students are bussed every day from Somerville and surrounds to different secondary colleges. Several public meetings have been held and the belief that a secondary college for Somerville is necessary — and necessary in the very near future — is widespread.

One of the early disappointments I have had with the budget is the limited amount of time we have had to analyse it, and another is the aggregation of information. I have not been able to confirm whether or not there has been any actual provision or commitment for a secondary college for Somerville.

The community, however, is united on this issue. There is no question in the minds of the significant numbers now living in the Mornington Peninsula and Somerville area that we have not only the students but the community support and interest on this matter.

I ask the Minister for Education and Training to see if it is possible to focus the department's attention and her own attention to this item, which is about equality of suitable resources for a large number of people at a critical stage of their development and for the many families who are affected by the need to bus all those hundreds of children every day out of the area. If the

minister would give focused attention at an early time to the need for provision of a Somerville secondary college that would be a good thing.

Will the Minister for Education and Training take this matter up as a priority item and meet the expectations and aspirations of a significant community on the Mornington Peninsula?

### **Transport: north-west freight study**

**Hon. B. W. BISHOP** (North Western) — I refer the Minister for Transport in the other place to the north-west transport freight study. On 29 August 2000 I asked a question in the Parliament about when the north-west freight study, which was initiated by the previous government and continued by this government, would be completed. A report released at the time of my question revealed the importance of the mineral sands industry to Victoria. The report stated that the industry would create 450 direct jobs over 30 years with 1100 indirect jobs, providing \$13 billion to the industry and 60 million tonnes of mineral sands. The industry says that has now gone up to \$20 billion and 100 million tonnes of mineral sands.

The report also recommended road and bridge works as well as infrastructure such as converting the Mildura–Hopetoun rail line to standard gauge, constructing a new standard line gauge from Lascelles to Hopetoun and updating the Mildura–Donald broad gauge rail line to standard gauge. Those recommendations were confusing to many of us because there is no Mildura–Hopetoun rail line, and the document did not talk about dual gauging or other options that were available at the time.

I wrote to the Minister for Transport in April 2000 seeking confirmation of when the north-west freight study would be completed. I was assured the study was also looking at the scope to relocate all or part of the freight facilities from their existing location at Seventh Street in Mildura to a new location, and I welcomed the expansion of the terms of reference. I was further assured that the study was examining the feasibility of standardising the Victorian rail freight network.

In December 2000 I received information from the then acting minister that the north-west freight transport strategy steering committee had recommended that consultation on the freight strategy with the communities affected by such a study should occur when the government had reached its position after discussions with the commonwealth on rail standardisation.

These issues are long gone. Standardisation and upgrading of the Mildura line is under way, even though it will be a late finish which will present some real difficulties for those who have set up their businesses expecting the promises of an earlier finish. Will the minister advise when the north-west freight study will be completed so the important issues it was charged with reporting on can be addressed and moved on before it is too late?

### **Electricity: government policy**

**Hon. C. A. FURLETTI** (Templestowe) — I refer the Minister for Energy and Resources to the current state of the electricity industry in Victoria, with numerous articles almost on a daily basis indicating the state of uncertainty and of flux that currently exists. One of the most capturing headlines recently was in the *Australian Financial Review* of 12 April titled ‘US energy giant joins \$10 billion exodus’, referring to NRG Energy which has indicated it is to quit Australia and its substantial interests in Loy Yang A in Victoria. That is on top of American Electric Power quitting Citipower and United Energy quitting Pulse Energy. So there is a huge degree of uncertainty in the state with all sorts of speculation about what the condition of the retail distribution and generation of electrical energy will be in the immediate future.

Although the minister rapidly seeks to distance herself, the government’s actions in price capping through its decision in January of this year has thrown into the mix the ingredients that created the Californian energy crisis. Of concern to Victorians is the importance of maintaining a broad-based energy market with direct competition to benefit Victorians in terms of prices and reliability of resource.

What is the government doing to ensure that the free market conditions remain, that Victorians will have the best interest, and most importantly, that some state-owned corporation from either New South Wales or Queensland does not enter the Victorian market and take a large slice of Victoria’s electricity generating and retailing infrastructure?

### **Insurance: premiums**

**Hon. R. M. HALLAM** (Western) — I ask the Minister for Energy and Resources to refer the Treasurer to the current arrangements relating to the fire services levy and the stamp duty on insurance premiums. More particularly, I seek a detailed breakdown of the budgeted revenue for 2002–03 for both the fire services levy imposed on insurers and the stamp duty yield that will apply to that levy in isolation;

what recovery by insurers is anticipated from policy holders over that financial year; what computations and assumptions underpin the differential struck between metropolitan and country and commercial and domestic properties respectively; and how these compare with both the equivalent figures and levels of the current year and national averages.

### **Public transport: eastern suburbs**

**Hon. B. N. ATKINSON** (Koonung) — My adjournment matter is for the Minister for Transport in another place. I notice in the budget that the government has listened to the vigorous representations from eastern suburbs members in respect of a number of public transport initiatives that we have been campaigning for as a team of Liberal members in that area for some five or six years, particularly the Scoresby freeway. I notice also that as part of that package of transport initiatives the government has decided to commence the extension of the Burwood Highway tramline — a \$30.5 million project that will extend that tramline from Burwood East to Vermont South, a distance of some 2.3 kilometres.

This project is not entirely supported by opposition members representing that area. We are not necessarily opposed to the project; it could well be a project that brings benefit to the community there, but we stand to be convinced. We really need to know what efforts the government has gone to to establish the demand for this particular service, that the patronage will be there and that the service will connect with other services in the area. In its budget the government has projected that there will be a \$12 million operating cost over four years during the tramline extension, which means it will lose \$3 million a year, therefore requiring a subsidy of about \$57 692 a week just to keep it running.

The budget papers and press releases associated with the budget represent this as being the first stage of the project out to Knox City. I seek from the minister some indication of when the project is to proceed to Knox City and the basis on which the government has arrived at these statistics and established patronage levels for the service so that we can establish whether this is a good response to the community's public transport needs in this area.

### **Ministers: answers to questions on notice**

**Hon. D. McL. DAVIS** (East Yarra) — I refer the attention of the Leader of the Government and other ministers in this house, including the Minister for Energy and Resources, to questions on notice. Honourable members will be aware of the

government's slowness in answering many questions on notice. I have done an extensive review of questions on notice. Since 2 May 2001 I have put on notice 208 questions, of which only 13 have been answered on time; 195 have been out of time under standing order 71AA that requires questions to be answered within 30 days.

**Hon. N. B. Lucas** — It's a shame.

**Hon. D. McL. DAVIS** — You are right, Mr Lucas, it is a shame; and the Minister for Ports is in no different a position from other ministers, because 41 of the 47 questions I have asked her were late, and only 6 were answered on time.

I also draw attention to almost 90 questions that today still remain unanswered, some going back to an early period last year — some to December and October, and even earlier in some cases. It is unsuitable, and the Leader of the Government should take action in this matter. Each and every minister in this house, including the Minister for Ports, who is present now, ought to take some personal responsibility for the slowness with which questions are being answered.

**Hon. Bill Forwood** interjected.

**Hon. D. McL. DAVIS** — Exactly! The government claimed it would be transparent, open and accountable, yet when questions are asked of ministers about credit cards for ministerial advisers there is a refusal to answer. The ministers have also refused to answer questions about the names of staff in certain positions. When it comes to a whole series of other questions, whether they be about significant health issues such as legionnaire's disease contracted in public buildings — I have a series of questions relating to that significant public health issue — or other issues, the government has refused to answer them.

That is unsuitable and goes against what the government claimed when it was in opposition. It goes against what the Premier and the Leader of the Government have said on many occasions about the government's apparent commitment to openness, accountability and transparency.

**Hon. B. N. Atkinson** — It is contempt for the house.

**Hon. D. McL. DAVIS** — It is contempt for the house and is unsuitable in a whole manner of ways. It is something for which the Leader of the Government is not solely responsible as each minister in this place, including the Minister for Ports, needs to take a measure of responsibility.

I am happy to provide the minister with a reconciliation of questions that have not been answered. I look forward to her response on the matter and to a change in procedures. I flag with the ministers in this house, including the Leader of the Government and the Minister for Ports, that I will certainly take a different tack in future until there is a change in approach.

**The PRESIDENT** — Order! Time!

### **Chiltern Box-Ironbark National Park**

**Hon. ANDREA COOTE** (Monash) — The specific matter I raise is for the attention of the Minister for Energy and Resources as the representative in this place of the Minister for Environment and Conservation in the other house. Recently I had great pleasure in visiting the forests of the Chiltern Box-Ironbark National Park with my colleague the honourable member for Benambra in the other place.

We met with a number of local people who use the forests and are passionate about them. I was impressed with how they care for and deal with the forests. I refer to the excellent Parks Victoria publication *Canopy*, which was first published under the authority of the former conservation minister, the Honourable Marie Tehan, and is issued regularly. In the April 2002 issue Mark Stone, the chief executive of Parks Victoria, states:

The challenge for Parks Victoria in managing conservation reserves is in communicating their significance and value to the community.

He further states:

Developing partnerships is the key to this work as the future of many reserves is dependent on effective resource utilisation, local management and a common understanding of biodiversity.

I saw some rather disgraceful examples of track management when I was there. I was concerned to see how they impacted on the local users of the forests, and most people would have been concerned about what they would have seen, too. I ask the minister: what relationship has Parks Victoria formed with the Indigo adult riding club?

### **Ministers: adjournment responses**

**Hon. ANDREW BRIDESON** (Waverley) — I direct an issue to the Minister for Energy and Resources for the attention of the Minister for Transport in the other place. The issue is almost a further development of the theme extolled earlier today during the adjournment debate by the Honourable David Davis.

When I went through the records of matters I have raised during the adjournment for the attention of the Minister for Transport, I discovered four outstanding matters. They are all matters I raised last year. In June I requested an update of information about the Smart Bus program, which was an initiative of the Kennett government that was to be implemented by the current government. I now seek a further update, but I would like a current, not backdated, update.

In August I raised an issue about the priority that would be given to the Deer Park bypass project. On 16 October I further requested the government take action under the black spot program to construct as soon as possible a grade-separated intersection where the Princes Highway, Police Road, Springvale Road and Centre Road meet — a very dangerous intersection that is locally known as spaghetti junction.

On 27 November I raised an issue about trams travelling from the Huntingdale railway station to Monash University. I believe the Australian Labor Party made a commitment during the federal election campaign that it would fund that transport link. I again request that information as the question was not answered.

These four outstanding issues prompted me to wonder what processes the government adopts. I seek the indulgence of the Minister for Energy and Resources to explain to the house, in responding to this issue tonight, what procedures she or other government ministers in this chamber adopt in dealing with adjournment items raised and whether there are mechanisms to ensure prompt responses.

### **Seal Rocks Sea Life Centre**

**Hon. K. M. SMITH** (South Eastern) — The matter I direct to the Minister for Energy and Resources is for the attention of the Premier. I advise the Premier that his open, transparent and accountable government is a farce and a lie, and has never been anything different. His ministers have conspired with the honourable member for Gippsland West in the other place, Susan Davies, with regard to what has occurred at Seal Rocks on Phillip Island. The damage they have caused to the owners of Seal Rocks and its shareholders has been an absolute disgrace. Susan Davies has been in it up to her neck.

People would be aware that there has been an ongoing hearing at a tribunal that has cost the developer — and probably the government — anything up to \$20 million to try to allow him to continue doing his work — which is looking after tourists, who have been going to Phillip

Island for a long time. Today I am highlighting the dirty rotten tricks played by the government about the fence that is being built around Ventnor Road that will allow that road to Seal Rocks to stay open.

We know the government will have to pay out a huge amount of money to the developer for his future loss of earnings. Over the next 50 or 60 years that will need to be paid for what he will lose in business from his development at Seal Rocks. Before any of the tribunal hearings commenced the developer offered to erect a penguin-proof fence along Ventnor Road to allow access to his establishment. The government knocked him back. Why? Because it wants to drive him out of the Seal Rocks development and out of business — and the Minister for Energy and Resources who is in the house knows all about it, too — so that the nature park reserve board can come in, get the development free of charge and then run it. They are setting it up.

The tribunal chairman may look at the costs that have been paid to the developer so that people can get access to the development at night, when they can have people in their fine dining room and be able to enjoy probably one of best sites on Phillip Island, but they have denied access to this man over a long time. The court is about to make a decision about this issue, and it will probably reduce the amount of money that will be paid to this particular person on the basis that now he is being allowed access to the Seals Rocks development. It is a disgrace, and the minister can tell the Premier that we are well aware of the rotten, dirty tricks that are being played by the government on Seal Rocks — —

**The PRESIDENT** — Order! Time!

### **Pakenham bypass**

**Hon. N. B. LUCAS** (Eumemmerring) — The matter I ask the Minister for Energy and Resources to direct to the attention of the Minister for Transport in the other place concerns the Pakenham bypass.

I am not only concerned but outraged that there is no mention of the Pakenham bypass in the 2002–03 budget. Before the last state election the Minister for Transport went to Pakenham, where he made a lot of statements about the Pakenham bypass and implied that he was saying, ‘Yes, if you elect the Labor Party federally you’ll get the Pakenham bypass’.

I assume because Mr Howard won the election that the state government is now going to say, ‘You are not going to have the Pakenham bypass’, because when you look at the budget you see there is no money there — not a cent — for the Pakenham bypass. But we all know that in 1998 the federal government promised

\$30 million for this development. The money has been sitting on the table. It has been confirmed and reconfirmed by the federal Treasurer that the money is available, yet this wonky government has not taken up that \$30 million from the federal government — \$30 million which, if matched by this state government, would allow \$60 million worth of works to be undertaken in 2002–03.

The situation is that all of this traffic is going along the main highway through Officer. A fellow was killed there the other day. There are accidents all the time at the corner where the pedestrian lights are. We have a bandaid solution — a detection loop for traffic — which is not working. The danger continues daily.

Similarly all the traffic goes along the highway through the township of Pakenham, and Pakenham people do not want all that traffic on the highway. They want a freeway; they deserve a freeway. They were basically promised a freeway by this minister, and yet not a cent has been provided in this budget for the freeway. The people of Pakenham have been left out of all of the state government’s considerations.

Basically the Minister for Transport is saying, ‘Let them wait’. The state government is saying, ‘We have no interest at all in the submissions of Cardinia shire’. There are people in the community there who have petitioned for this. The Shire of Cardinia has put up a great program justifying the need for the freeway, yet the state government has let all of those calls for a logical, reasonable project fall on deaf ears. This is a disgrace. The honourable member for Gippsland West has been part of it, and I blame her for it as well.

I ask the minister to have a rethink, to review the budget and consider the surplus available and to allocate \$30 million from the state government which, with the federal government’s commitment of \$30 million, will allow \$60 million worth of work to be undertaken in this coming financial year.

### **Tertiary education and training: private providers**

**Hon. C. A. STRONG** (Higinbotham) — I raise with the Minister for Energy and Resources an issue to be referred to the Minister for Education and Training in the other place. It deals with the accreditation of private education providers, particularly in the engineering area.

I draw attention to the Association of Professional Engineers, Scientists and Managers of Australia, commonly abbreviated to APESMA, which has for

many years been offering an MBA in technology management. In fact APESMA is one of the biggest suppliers of MBAs in Australia. In July 2001 APESMA applied to expand its offerings to a Master of Business Administration and a graduate certificate of e-business. In late 2001 the higher education division conducted a panel, as it is required to do, and I understand APESMA has been advised that a recommendation from that panel has been given to the minister. APESMA now awaits quite anxiously the formal advice of the accreditation application so it can proceed to offer that subject.

Further, the Australian Road Engineering Education Association, commonly known as AREEA, has in association with the road industry developed two programs, a Master of Engineering (Pavements) and a Master of Technology (Pavements). In October 2001 it applied for accreditation of those two programs and as yet it is still waiting for advice on that.

It is worth saying that both APESMA and AREEA provide their courses through distance education and work out of Victoria. Providing education programs at postgraduate and MBA levels is a major industry for Victoria. My plea to the minister is that she expedite these matters for the status of both the engineering industry and the Victorian education industry and try to get back to these people with what she intends to do with the accreditations. Particularly in the case of APESMA, which has gone through the panel process, it is really only a matter of formality that she write back and advise it of the result.

### **Electricity: Basslink**

**Hon. PHILIP DAVIS** (Gippsland) — I raise a matter for the attention of the Minister for Energy and Resources. It will perhaps surprise her to know that I am interested in Basslink!

I thank the minister for her prompt response of 21 April to my written request of 4 April and my adjournment question of 16 April inviting the minister to join in an inspection of the proposed Basslink routes alignment. The minister has declined, as she has declined all invitations, to engage in any discussion on the Basslink issue with Gippsland citizens. This shows a remarkable reticence, perhaps even a failure of ministerial responsibility, given the critical role that the Minister for Energy and Resources will play in the government's decisions about Basslink.

Given the minister's reluctance to inspect the route, I have invited — and he has accepted — the shadow minister for natural resources and energy to inspect the

Basslink route. Will the minister reconsider her refusal to accommodate Gippsland citizens and attend the inspection of the proposed route for Basslink with the shadow minister and me?

### **Industrial relations: Latrobe Valley**

**Hon. BILL FORWOOD** (Templestowe) — I raise with the Minister for Energy and Resources a matter to do with industrial relations in the Latrobe Valley. The minister would be aware, as are most Victorians, that currently there are problems with both Hazelwood and Yallourn. What is of real importance is that these issues are resolved so that we can have some confidence in the security of supply.

I am pretty sure that at the moment the reputation for industrial relations down there is as low as it has been in a long time, and it would be good if something could be done to help improve that situation. We in Victoria are in danger of losing electricity if these things continue. We have generators that are losing revenue; contractors who are suffering penalties because they cannot work and employees suffering through lack of pay.

The minister would be well aware that the unions in the valley have always been federally affiliated, so this is not an issue of state powers; this is an issue of will. We on this side of the house believe that in circumstances such as this where there are significant problems of an industrial relations nature in the valley the government should act. There is more than one way that the government could act. The minister herself as Minister for Energy and Resources could facilitate some actions down there seeking to help resolve these issues. She could refer the issue to the new Minister for Industrial Relations, the Honourable John Lenders in the other place, whom I have not heard wandering around saying that he is an honest broker — perhaps he cares about outcomes and may care to intervene as well.

The issue at the end of the day, though, is that if the government has the will it can influence outcomes. It should have the will in relation to the electricity dispute problems in the Latrobe Valley, and it should make sure that all participants understand the importance of resolving this matter. I ask the minister if she could see her way clear to act on behalf of the people of Victoria.

### **Responses**

**Hon. C. C. BROAD** (Minister for Energy and Resources) — The Honourable Peter Hall raised for the attention of the Minister for Consumer Affairs certain matters concerning his constituents. He requested that

the minister confer with the Master Builders Association and others regarding his constituents' plight, and I will refer that request to the minister.

The Honourable Gordon Rich-Phillips requested that the Treasurer in the other place provide an undertaking in relation to certain presentation and reporting matters relating to information in the budget papers, and I will refer that request to the Treasurer.

The Honourable Ron Best requested that the Minister for State and Regional Development in the other place consider funding of an upgrade at the showgrounds at Bendigo, and I will refer that request to the minister.

The Honourable Ron Bowden requested that the Minister for Education and Training in the other place consider funding a secondary college at Somerville as a priority, and I will refer that request to the minister.

The Honourable Barry Bishop requested that the Minister for Transport in the other place advise him of the timing of completion of the north-west freight study, and I will refer that request to the minister.

The Honourable Carlo Furletti raised certain matters for my attention, and I can indicate to him that the government has ensured through the investigation by the Essential Services Commission into the setting of pricing that the impact of increases in wholesale electricity prices has been fully accounted for. In relation to the matter of changes of ownership which he has raised, I find it somewhat astounding, quite frankly, coming from the party responsible for the privatisation of the state's electricity industry, that he is now seeking to prevent certain changes of ownership in relation to that privatised industry.

The Honourable Roger Hallam requested that the Treasurer provide certain information to him regarding the fire services levy, stamp duties and certain other information, and I will refer that request to the Treasurer.

The Honourable Bruce Atkinson requested that the Minister for Transport in the other place provide him with information concerning timing, patronage studies and other information in relation to the tram line extension to Knox city, and I will refer that request to the minister.

The Honourable David Davis made a request to the Leader of the Government and me in relation to answers to questions on notice, and I will refer his request to the Leader of the Government. In relation to those outstanding answers to questions on notice relating to my portfolios, I will certainly undertake to

provide answers to those questions on notice in as timely a fashion as is possible, as always.

The matter of the relationship between Parks Victoria and a certain riding club raised by the Honourable Andrea Coote is a matter for the attention of the Minister for Environment and Conservation in the other place, and I will refer that request to the minister.

The Honourable Andrew Brideson requested the Minister for Transport in the other place to respond to him in relation to a number of matters he has indicated he has outstanding with the minister. I will refer these matters to the attention of the Minister for Transport and urge him to respond as soon as practicable to the Honourable Andrew Brideson.

The Honourable Ken Smith made a number of statements for the attention of the Premier, and I expect that they will receive due consideration by the Premier.

The Honourable Neil Lucas requested the Minister for Transport in the other place to commit funding of \$30 million in the coming financial year —

**Hon. N. B. Lucas** — That is a minimum.

**Hon. C. C. BROAD** — The reference was to a minimum of \$30 million for the Pakenham bypass, and I will refer that request to the minister.

The Honourable Chris Strong requested the Minister for Education and Training in the other place to respond to him in relation to expediting matters relating to accreditation of private providers, and I will refer that request to the minister.

In response to the Honourable Philip Davis and his reiteration of his invitation to examine the proposed route of the Basslink project, it is my understanding that the panel is now considering its recommendations in relation to these matters. As such, my responsibilities to which he refers are not yet in point; at the point at which my responsibilities in relation to routes do come to the fore, I will certainly be taking any consultations and any responsibilities that I may need to exercise very seriously indeed. However, at this point these are matters for the panel that has been appointed for the purpose, as he well knows.

In response to the Honourable Bill Forwood regarding certain industrial relation issues which he referred to, as he is well aware, I am not the Minister for Industrial Relations. There is no security-of-supply issue which might have been inferred from his raising of that issue. It is my understanding that, fortunately, there were not any adverse consequences arising from the Hazelwood

incident, that Workcover has been involved and that those matters are being addressed. In relation to Yallourn, those are matters that are before the Australian Industrial Relations Commission.

**Motion agreed to.**

**House adjourned 4.53 p.m.**



**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, 7 May 2002**

**Transport: incentive structures**

**2686. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport):

- (a) What is the Government doing to introduce ‘incentive structures’ to Victorian and Melbourne transport users as described in the Infrastructure Planning Council Interim Report.
- (b) What ‘price signals’ is the Government implementing to address the incentive systems in transport in Victoria.

**ANSWER:**

I refer the Honourable Member to the Premier’s media release of Thursday 18<sup>th</sup> October 2001, “Building on the Bracks Government’s Vision for Infrastructure”, which can be found on the [www.vic.gov.au](http://www.vic.gov.au) web site.

**Transport: wage increases**

**2696. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What are the details of the \$2.409 million increase in wages as described in the 2001–02 Financial Report for the State of Victoria, showing the department’s invoices and the staffing classifications impacted.

**ANSWER:**

The increase expenditure of \$2.409 million for salary and salary related expenses during the 2000/2001 financial year primarily related to the impact of two salary increases awarded to public servants.

**Transport: Department of Infrastructure — road services**

**2713. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What are the details of road services for which the Department of Infrastructure was responsible in 2001 which were not the responsibility of Vicroads, giving a breakdown of the \$808 million spent on road services.

**ANSWER:**

The road services for which the Department of Infrastructure was responsible in 2001 which were not the responsibility of Vicroads are:

- Docklink Road Extension
- Docklands North South Road

Output Group	Output	\$M
Support for Local Government	Grants Funding for Public & other Local Government Services	6.6
Balanced Planning & Environment System	Environment Strategies & Initiatives	1.8
Regional & Rural Transport Infrastructure	Major Regional Road Projects	83.6
	Regional Arterial Road Links	67.5
	Regional Road Network Maintenance	134.5
		285.6
Metropolitan Transport Infrastructure	Major Metropolitan Road Projects	89.1
	Metropolitan Arterial Road Links	110.8
	Metropolitan Road Network Maintenance	136.5
		336.4
Transport Safety and Accessibility	Accessible Transport Initiatives	2.8
	Accident Black spots	32.6
	Traffic & Road Use Management Improvements	25.2
	Vehicle and Driver Regulation	77.7
	Road Safety Initiatives and Regulation	40.3
		178.6
	<b>TOTAL</b>	<b>809.0</b>

**Industrial relations: Building Industry Consultative Council**

**2717. THE HON. BILL FORWOOD** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Industrial Relations): Further to the answer to Question No. 2372, given in this House on 20 November 2001:

- (a) What was the total funding allocated from the Industrial Relations Victoria budget for the Building Industry Consultative Council (BICC) in 2000-2001 and what is the anticipated allocation for 2001-02.
- (b) What is the total payment received by the Chairman of the BICC for work undertaken in relation to the role of Chair of the Consultative Council in 2000-2001 and what is the anticipated allocation for 2001-02.
- (c) Do the other members of the BICC receive a fee for service; if so, what is that fee.

**ANSWER:**

I am informed as follows:

- (a) There has not been a budget allocation made for the BICC in either 2000-2001 or in 2001-2002.
- (b) In 2000-2001, the Chairman received \$1320, including GST. In 2001/2002, the Chairman has received \$330, including GST. It is anticipated that he will earn a further \$495 including GST during 2001-2002.
- (c) No other members of the BICC receive any fee for service payments.

**Industrial relations: Building Industry Consultative Committee**

**2718. THE HON. BILL FORWOOD** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Industrial Relations): Will Mr John Van Camp remain a member of the

Building Industry Consultative Committee despite his recent change in occupation; if not, by who will he be replaced and when.

**ANSWER:**

I am informed as follows:

Mr Tom Watson, Secretary of the CFMEU/FEDFA has replaced Mr John Van Camp.

**State and regional development: Bonlac closure**

**2725. THE HON. BILL FORWOOD** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for State and Regional Development): Further to the answer to Question No. 1921, given in this House on 16 August 2001:

- (a) Has the investigation into the economic opportunities within Corner Inlet been completed; if so, what were the recommendations of the investigation; if not, when will the investigation be completed.
- (b) From which funding program did the \$19,575 grant come.

**ANSWER:**

I am informed as follows:

The investigation has been completed. The recommendations related to approaches that the Council could take to attract potential new investment opportunities that have been identified in the report. As details of the recommendations are of a commercial nature, I am unable to provide further information.

The grant was provided through the Regional Economic Development Program.

**State and regional development: one-stop shop pilot**

**2726. THE HON. BILL FORWOOD** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for State and Regional Development): Further to the answer to Question No. 2337, given in this House on 20 November 2001:

- (a) What are the locations being considered for the One Stop Shop pilot program.
- (b) When will an announcement be made on the pilot locations.

**ANSWER:**

I am informed as follows:

A short list of appropriate locations for the One Stop Shop pilot program is currently being developed in consultation with all key stakeholders.

It is anticipated that a formal announcement on the locations will be made in the last quarter of the 2001/2002 financial year.

**State and regional development: rural community development networks**

**2727. THE HON. BILL FORWOOD** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for State and Regional Development): Further to the answer to Question No. 1929, given in this House on 16 August 2001:

- (a) Have any Rural Community Development Networks been established so far in 2001-2002; if so, where are they located.
- (b) What is the role and purpose of the Development Networks.

**ANSWER:**

I am informed as follows:

Rural Community Development Networks have been established by Rural Community Development Officers who are situated at ten regional locations around the State.

The role and purpose of the networks is to exchange, share and disseminate information related to rural communities.

**State and regional development: Living Regions, Living Suburbs program**

**2729. 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 Living Regions, Living Suburbs program funding in 2000–01:

- (a) What project(s) was the City of Ballarat’s \$100,000 grant, referred to on p 102 of the Department of State and Regional Development Annual Report for 2000–01, allocated to.
- (b) What project(s) was The Victorian Country Press Association Ltd’s \$35,000 grant, referred to on p 103 of the Department of State and Regional Development Annual Report for 2000–01, allocated to.
- (c) What project(s) was the Department of Education, Employment and Training’s \$1,400,000 grant, referred to on p 102 of the Department of State and Regional Development Annual Report for 2000–01, allocated to.
- (d) What project(s) was Tourism Victoria’s \$496,500 grant, referred to on p 103 of the Department of State and Regional Development Annual Report for 2000–01, allocated to.

**ANSWER:**

I am informed as follows:

The City of Ballarat project referred to on page 102 of the 2000-2001 Annual Report is the Ballarat Televillage.

The \$35,000 payment to The Victorian Country Press Association Ltd is to be used towards the cost of funding a study to assess the feasibility of a business model for putting country newspapers online through a single portal.

The \$1,400,000 payment to the Department of Education, Employment and Training related to a project to provide schools with IT hardware and software to assist in bridging the digital divide. It contributes to the Connecting Victoria policy commitment to build a learning society and to assist schools to properly resource the IT needs of all their students and local communities.

The \$496,500 payment to Tourism Victoria related to the attached projects.

**Attachment**

- 2000 Mansfield High Country Festival
- 2000 Puffing Billy Centenary
- 2000 90 Mile Beach Country & Folk Festival
- 2001 Echuca Riverboat, Jazz, Wine & Food Festival

- 
- 2001 Ararat Jailhouse Rock & Roll Festival
  - 2001 Beechworth Harvest Picnic Festival
  - 2001 Mallacoota Festival of the Southern Ocean
  - 2001 Mildura Wentworth Arts Festival
  - 2001 Rye Beach National Sandsculpting Champs
  - 2001 Macedon Opera by the Lake
  - 2001 Ballarat Organs of the Goldfields
  - 2001 Queenscliff's Carnival of Words
  - 2001 Whittlesea Country Music Festival
  - 2001 Yackandandah Folk Festival
  - 2001 Australian Grand Prix Rally
  - 2000 World Jet Spring Championships
  - 2001 Southern 80 Waterski Race
  - 2001 Albury-Wodonga Festival of Sport
  - 2001 Mountain Bay Country Music Festival
  - 2001 Wangaratta Festival of Jazz
  - 2000 Queenscliff Music Festival
  - 2001 Kangaroo Hoppet
  - 2001 Ballarat Begonia Festival
  - 2001 Regional Victoria Longest Lunches
  - 2001 World 125cc, 250cc & 500cc Motorcross Championships
  - Bairnsdale All Australian Line Dancing Championships
  - Bendigo Easter Fair
  - Bright Autumn Festival
  - Broadford Motorcross Festival
  - Casterton Working Dog Festival
  - Celebration of Song and Bendigo Gospel Music Festival
  - Central Goldfields South Pacific Veteran Cycling Classic
  - Lavandula Regional Autumn Harvest Festival
  - Maldon Jazz, Food & Wine Festival
  - Mildura International Balloon Fiesta
  - Morwell Celebration of Roses
  - Mount Beauty Music Muster
  - Red Cliff's Folk Festival
  - St Arnaud Festival
  - Sunraysia Jazz, Food & Wine Festival
  - The E.C. Griffith Cup
  - 2001 Stawell Gift
  - 2001 Grampians Gourmet Weekend
  - 2001 Seymour Alternative Farm Expo

- 2001 Yarra Valley Horse Racing Carnival
- 2001 National Celtic Festival
- 2001 Shepparton Arts Festival
- 2001 Skilled International Cycling Series
- 2001 Warrnambool Summer Racing Carnival.

**State and regional development: Living Regions, Living Suburbs program**

**2730. THE HON. BILL FORWOOD** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for State and Regional Development): What is the reason for the discrepancy between the grant of \$100,000 to the Pyrenees Shire Council under the Living Regions, Living Suburbs program in 2000–01, referred to on p 103 of the report of the Department of State and Regional Development for 2000–01 and the media release of the Minister for State and Regional Development on 15 December 2000 of an allocation of \$200,000.

**ANSWER:**

I am informed as follows:

The grant amount approved was \$200,000 as reflected in the media release. The Annual Report refers to payments made and in this case a first instalment of \$100,000 was made in 2000–2001.

**State and regional development: Living Regions, Living Suburbs program**

**2731. THE HON. BILL FORWOOD** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for State and Regional Development): Further to the answer to Question No. 2328, given in this House on 20 November 2001, regarding the Living Regions, Living Suburbs program:

- (a) Who are the 8 organisations that have had funding approved, but are not listed in the report of the Department of State and Regional Development for 2000–01, because payment has not been made.
- (b) When will payment be made to these organisations.
- (c) What project(s) is each of these 8 organisations receiving funding for.
- (d) Will the funds be re-allocated under this Program if an approved applicant does not meet the conditions of their legal agreements for funding.
- (e) What is the legal agreement entered into to receive payment under this program.

**ANSWER:**

I am informed as follows:

My response to Question No 2328 referred to individual projects. There are in fact 9 organisations that had funding approved but were not listed in the 2000-2001 Annual Report (note that the Tourism Victoria payment listed in the 2000-01 Annual Report was not for an individual project, and hence was not included as one of the organisations in my earlier response - see my response to Question No 2729).

The 9 organisations and their projects are:

- Vision Australia Foundation – Mirridong Community Facility
- Department of Natural Resources and Environment – Toorong Falls
- Murrindindi Shire Council – Kinglake District Services Centre
- Phillip Island Nature Park Inc – Phillip Island Nature Park Upgrade

- Walhalla Tourist Railway Committee of Management Inc – Walhalla Goldfields Railway Bridges 2 & 3 Reconstruction
- Campaspe Shire Council – Echuca Central Business District Redevelopment
- Cardinia Shire Council – Cockatoo Village Square
- Mornington Shire Council – Hastings Civic Hub and Anzac Plaza
- Woollum Bellum Koori Open Door Education School – Kurnai College Information Technology Access Centre

Payment will be made to these organisations when the contract conditions have been met by each organisation. If an applicant does not meet the legal agreement conditions, the grant monies committed against that project will be utilised on other projects.

All applicants that receive a grant approval of \$50,000 or more are required to enter into a legal agreement that stipulates the terms and conditions relating to that individual project. All applicants that receive a grant approval for an amount less than \$50,000 are required to sign a Terms and Conditions document that details the requirements of that particular project.

**Environment and conservation: Department of Natural Resources and Environment — budget allocation**

**2737. THE HON. G. K. RICH-PHILLIPS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In relation to the Department of Natural Resources and Environment:

- (a) What was the total department budget allocation in 1999-2000 and what was the total amount that had not been expended at the end of the financial period 1999-2000.
- (b) What was the total department budget allocation in 2000-01 and what was the total amount that had not been expended at the end of the financial period 2000-01.

**ANSWER:**

I am informed that:

	\$'000
(a) The Department of Natural Resources and Environment's 1999-2000 Total Parliamentary Authority Budget Allocation.	827,865
Total amount not expended	61,313

The major reasons contributing to the Department not expending its full budget allocation were:

- Machinery of Government adjustments for budget transferred to another Department.
- Lower than anticipated wildfire suppress activity.
- Delays to the implementation of a number of initiatives due to the length of the State election process and the Government changeover.
- Delays in some capital investment projects due to processes to finalise planning permits and complete environmental impact statements.
- Funding from the commonwealth and other external providers was delayed due to timing issues associated with approval processes.

(b) The Department of Natural Resources and Environment's 2000-2001 Total Parliamentary Authority Budget Allocation	885,955
Total amount not expended	83,245

The major reasons contributing to the Department not expending its full budget allocation were:

- Lower than anticipated wildfire suppress activity.
- Delays in some capital investment projects relating to improved community consultation processes and difficulty in locating a suitable CBD site.
- Funding from the commonwealth and other external providers was delayed due to timing issues associated with approval processes.

The Honourable Minister is also advised that a summary of the Department's compliance with Annual Parliamentary Appropriations was included in the Department's 2001 Annual Report. The appropriate table was provided on page 100.

**Small business: committee membership**

**2747. THE HON. W. I. SMITH** — To ask the Honourable the Minister for Small Business:

- (a) Who are the members of the following committees: (i) Small Business Advisory Committee; (ii) Infrastructure Planning Council; (iii) Manufacturing Industry Consultative Council; and (iv) Ethnic Enterprise Advisory Council.
- (b) How many times have these committees met.

**ANSWER:**

I am informed as follows:

**Small Business Advisory Council Members**

Mr Alan Wein (Chair)	Mr John Maroulis
Ms Lynda Bertoli	Ms Tracey Matthies
Dr John Breen	Ms Barbara Murdoch
Mr Owen Brown	Mr Peter Nicholls
Ms Jeannie Chapman	Ms Jenny Stonier
Mr Alan Giles	Ms Joan Sturton-Gill
Mr John Gilmour	Mr Walter Verriest
Ms Irene Goonan	Ms Jodie Willmer
Ms Virginia Jackson	Mr Doug Wright

The Small Business Advisory Council has met 9 times.

**Ethnic Enterprise Advisory Council Members**

Hon Kaye Darveniza MP (Chair)	Mr Anthony Le
Mr Abdul Ayan	Mr Albert Lee
Mr Michael Bula	Mr John Manos
Ms Anthea Dacy	Dr Henry Pinski
Mr Alexis Esposto	Mr Ibrahim Sahin
Mr Joe Fonseca	Mr Damian Tang
Ms Eva Hussain	Ms Maria Tarrant
Mr Kai Ping Jin	Ms Helene Teichmann
Mr Henry La Motta	Ms Norlia Yusof

The Ethnic Enterprise Advisory Council has met twice.

Regarding the Infrastructure Planning Council, the Honourable Member's question falls outside my portfolio responsibilities. The Honourable Member should direct her question to the Premier.

Regarding the Manufacturing Industry Consultative Council, the Honourable Member's question also falls outside my portfolio responsibilities. The Honourable Member should direct her question to the Minister for Manufacturing Industry.

**Small business: Young Achievement Australia**

**2748. THE HON. W. I. SMITH** — To ask the Honourable the Minister for Small Business: In relation to the business skills program "Young Achievement Australia":

- (a) How many grants have been funded.
- (b) How many recipients of the grant have started their own business.
- (c) What are the targets for the program.
- (d) What are the criteria for assessing the program.

**ANSWER:**

I am informed as follows:

- (a) In 2001, the Victorian Government approved a grant to Young Achievement Australia (YAA), making it the principal Victorian sponsor of the program. This funding was used to sponsor eight new regional programs and two Koori programs.

In 2002, a further grant to YAA has been approved providing support for eight regional and three Koori programs, making it again the principal Victorian sponsor.

- (b) YAA does not keep records of the number of participants who might have later started their own business.
- (c) The targets are to extend business skills opportunities to as many participants as possible from regional Victoria, in particular disadvantaged youths and indigenous groups.
- (d) The assessment criteria adopted by the Government are based on the:
  1. number of youths participating in the program;
  2. number of regional programs provided through government assistance; and
  3. success of Victorian entrants at the national presentation.

**Small business: women's resource policy unit**

**2749. THE HON. W. I. SMITH** — To ask the Honourable the Minister for Small Business: In relation to the Women's Resource Policy Unit:

- (a) What is the total budget for the unit.
- (b) What resources are allocated to the unit.
- (c) What are the objectives of the unit.
- (d) What criteria will be used to evaluate the programs.

**ANSWER:**

I am informed as follows:

- (a) The Department has not allocated a specific budget for the Unit.
- (b) The Department estimates that the work of the unit utilises approximately one full-time equivalent staff per year.
- (c) The Women's Resource Policy Unit is a point of coordination located within the Department of Innovation, Industry and Regional Development. The Unit ensures that where issues relating to women arise, integrated analysis and advice is provided to various divisions of the Department and Ministers.
- (d) The Unit's success will be judged on its role in facilitating access by women to the Department's range of programs. In this regard, it has undertaken a scoping study to measure the current data on women's participation in DIIRD programs. The findings from this study will inform the development of mechanisms to encourage more women to use the Department's services. The Unit's role was articulated in "Showcasing Women in Small Business", the Government's Strategy for assisting women in small business, launched in March 2002.

**Information and communication technology: Victorian E-commerce Early Movers assistance**

**2750. THE HON. W. I. SMITH** — To ask the Honourable the Minister for Information and Communication Technology: In relation to Victorian E-commerce Early Movers Assistance (VEEM):

- (a) How many councils are involved in the program.
- (b) What is the total expenditure of the program.
- (c) How many programs are in regional Victoria.
- (d) What measurable benefits have resulted from the programs.
- (e) What are the criteria for assessing the program.

**ANSWER:**

I am informed as follows:

- (a) In June 2000, the Government announced that 39 Victorian councils would share funding under the Victorian E-commerce Early Mover Assistance scheme.
- (b) The councils share \$1.5 million under the scheme.
- (c) The 39 councils are represented in 23 distinct projects. These comprise 18 projects undertaken by individual councils and five group projects. 15 projects were undertaken in regional Victoria. On a metropolitan/regional area split, 13 metropolitan city councils and 26 regional shire councils received funding.
- (d) VEEM is currently being evaluated to determine measurable benefits from individual projects.
- (e) VEEM will be evaluated against the achievement of the Program's goals and objectives, which relate to enhancing the economic development role of local government councils through their development of projects aimed at facilitating the up-take of e-commerce by Victorian businesses.

**Information and communication technology: ICT task force**

**2751. THE HON. W. I. SMITH** — To ask the Honourable the Minister for Information and Communication Technology:

- (a) Who are the members of the Information, Communities and Technology task force.
- (b) What are the objectives of the task force.

**ANSWER:**

I am informed as follows:

- (a) The Information and Communications Technologies Advisory Group (ICTAG) members were Dr Terry Cutler (Chair) – Cutler and Co, Hugh Bradlow – Telstra, Mara Bun – Allen Consulting Group, Ric Clark – Ericsson Asia Pacific Labs, Professor Kerry Cox – University of Ballarat, Virginia Eke – IT Management Consultant, Ian Goddard – Hubbub, John Gwyther – TUSC Computer Systems, Phil Kerrigan – Fujitsu, The Hon Norman Lacy – Information Technology Contract and Recruitment Association, Associate Professor Terry Laidler – CIRCIT (RMIT), Adam Lancman – Infogrames (Asia Pacific), Lex McArthur – Australian Distributed Incubator, Lynley Marshall – ABC New Media and Professor Phillip Steele – IT Faculty Monash University.
- (b) (ICTAG) was established to advise the Government on the development of an ICT Industry Plan for Victoria. The plan, *Growing Tomorrow's Industries Today*, was launched by the Minister for State and Regional Development in November 2001.

**Information and communication technology: e-commerce information centre**

**2753. THE HON. W. I. SMITH** — To ask the Honourable the Minister for Information and Communication Technology: In relation to the E-Commerce Information Centre:

- (a) What is the total budget for the centre.
- (b) What resources have been allocated for the centre.
- (c) What are the objectives of the centre.
- (d) What criteria will be used to evaluate the programs.

**ANSWER:**

I am informed as follows:

- (a) The E-commerce Information centre is part of the Victorian Government's e-commerce strategy – *Victoria's E-commerce Advantage*. The Government announced in April 2001 that up to \$10 million had been allocated to this strategy.
- (b) Resources allocated to the E-commerce Information Centre are drawn from those allocated to the Innovation and Policy Output Group in the 2001-02 Budget Estimates.
- (c) The E-commerce Information Centre will be a one-stop online gateway to practical and realistic information about doing e-commerce in Victoria, and will be implemented by the Department of Innovation, Industry and Regional Development.
- (d) Criteria to be used to evaluate the centre are yet to be finalised but are likely to be consistent with that of similar programs, for example, useability, traffic, user sessions and page views.

**Information and communication technology: ICT achievers program**

**2755. THE HON. W. I. SMITH** — To ask the Honourable the Minister for Information and Communication Technology: In relation to the Information and Communication Technology Achievers Program:

- (a) What is the total budget for the program.
- (b) What resources have been allocated for the program.
- (c) What are the objectives of the program.
- (d) How many staff have been allocated to the program.
- (e) What are the criteria for application to this program.
- (f) How many schools are involved in the program.
- (g) Which schools are involved in the program.
- (h) What criteria will be used to evaluate the programs.

**ANSWER:**

I am informed as follows:

- (a) In December 2001, the Government launched the \$500,000 ICT Achievers Program, which is being implemented in conjunction with the Department of Education and Training.
- (b) Resources allocated to the program are drawn from those allocated to the Innovation and Policy Output Group in the 2001-02 Budget Estimates.
- (c) The ICT Achievers Program is a pilot program that will enhance ICT curriculum in schools with the aim of developing students' ICT skills and enabling them to apply these skills within an industry setting.
- (d) Staffing resources allocated to the program are drawn from those allocated to the Innovation and Policy Output Group in the 2001-02 Budget Estimates.
- (e) Applications for the ICT Achievers Program were invited from all Victorian Government secondary schools. The closing date was 17 December 2001. To be eligible for funding, schools were required to demonstrate their commitment to completing all aspects of the program, including teacher development, student based enterprise activities, student ICT skill development and project work.
- (f) In February 2002, the Government announced the 50 successful Victorian Government schools to pilot the ICT Achievers Program.
- (g) The successful schools are listed in Attachment A.
- (h) Evaluation of the ICT Achievers Program will take place through surveys of:
  - participating students and teachers to ascertain whether the Program has strengthened their commitment to developing and applying ICT skills; and
  - mentors to ascertain whether they would wish to continue to support the Program in the future.

ATTACHMENT A

**Schools to receive funding through the ICT Achievers Program**

Ararat Community College  
Bellarine Secondary College

Langwarrin Secondary School  
Lorne P-12 College

Box Hill High School	Macleod College
Brauer College	Maffra Secondary School
Brighton Secondary School	Melbourne High School
Brunswick Secondary School	Mentone Girls Secondary School
Camperdown College	Mitchell Secondary School
Cobram Secondary School	Mornington Secondary College
Copperfield College	Mount Waverley Secondary School
Corryong Secondary School	Niddrie Secondary School
Croydon Community College	Norlane High School
Dandenong High School	Norwood Secondary School
Doncaster Secondary School	Peter Lalor College
Dromana Secondary School	Sebastopol Secondary School
Echuca High School	Springvale Secondary School
Fawkner Secondary School	Swifts Creek Secondary School
Flora Hill College	Sydney Road Community School
Footscray City College	The Grange P-12 College
Forest Hill College	Thornbury Darebin College
Glen Eira College	Upfield Secondary School
Golden Square Secondary School	Upper Yarra Secondary School
Hawkesdale P-12 College	Upwey High Secondary School
Hawthorn Secondary School	Warrandyte High School
Hillcrest Secondary School	Western Heights College
Kyabram Secondary School	Western Port Secondary School

**Small business: Council of Small Business**

**2758. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Small Business: How many times have the Council of Small Business representatives met with each Government Minister in 1999, 2000 and 2001, respectively.

**ANSWER:**

I am informed as follows:

The Small Business Advisory Council met for the first time in 2000; it met three times in that year and five times in 2001. Meetings of the Council are normally attended by me as Minister for Small Business.

**Small business: predatory trading practices**

**2759. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Small Business: What strategies has the Government developed as a safety net to protect small businesses against predatory trading practices.

**ANSWER:**

I am informed as follows:

Primary legislative responsibility for trade practices rests with the Federal Government and is administered under the *Trade Practices Act*.

However, as the Member is aware, the Victorian Parliament passed the *Fair Trading (Unconscionable Conduct) Act* in 2001. This legislation, which essentially incorporates section 51AC of the Commonwealth's *Trade Practices*

*Act 1974*, introduces a wider concept of unconscionable conduct, and allows dispute resolution within the Victorian Civil and Administrative Tribunal (VCAT). Additionally, the provisions of the Act apply fully to unincorporated traders, making it open to a wider range of businesses than those covered by the Federal legislation.

**Small business: unfair trading practices**

**2760. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Small Business: What strategies has the Government developed to ensure that small businesses do not suffer from unfair trading practices.

**ANSWER:**

I am informed as follows:

Primary legislative responsibility for trade practices rests with the Federal Government and is administered under the *Trade Practices Act*.

However, as the Member is aware, the Victorian Parliament passed the *Fair Trading (Unconscionable Conduct) Act* in 2001. This legislation, which essentially incorporates section 51AC of the Commonwealth's *Trade Practices Act 1974*, introduces a wider concept of unconscionable conduct, and allows dispute resolution within the Victorian Civil and Administrative Tribunal (VCAT). Additionally, the provisions of the Act apply fully to unincorporated traders, making it open to a wider range of businesses than those covered by the Federal legislation.

**Small business: unfair trading practices**

**2765. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Small Business: What strategies has the Government developed to ensure that medium size businesses do not suffer from unfair trading practices.

**ANSWER:**

I am informed as follows:

Primary legislative responsibility for trade practices rests with the Federal Government and is administered under the *Trade Practices Act*.

However, as the Member is aware, the Victorian Parliament passed the *Fair Trading (Unconscionable Conduct) Act* in 2001. This legislation, which essentially incorporates section 51AC of the Commonwealth's *Trade Practices Act 1974*, introduces a wider concept of unconscionable conduct, and allows dispute resolution within the Victorian Civil and Administrative Tribunal (VCAT). Additionally, the provisions of the Act apply fully to unincorporated traders, making it open to a wider range of businesses than those covered by the Federal legislation.

**Small business: supply needs of government departments**

**2766. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Small Business: How has the Government provided more information and better services to small business about the purchasing and supply needs of Government departments and agencies.

**ANSWER:**

I am informed as follows:

This question falls outside my portfolio responsibilities. The member should direct her question to the Minister for Finance.

**Small business: supply needs of government departments**

**2767. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Small Business:

- (a) What percentage of supply needs of the Department of Small Business are met by small and medium size businesses.
- (b) What are these supply needs.

**ANSWER:**

I am informed as follows:

The Department of Innovation, Industry and Regional Development does not seek or attain data on numbers of employees in supplier businesses.

Nevertheless, the Department of Treasury and Finance conducts a seminar called “Winning Government Business” specifically designed to assist small to medium size enterprises in Victoria in accessing the government marketplace.

**Education and training: Kingston — schools funding**

**2808. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Education Services (for the Honourable the Minister for Education): In relation to the City of Kingston:

- (a) How much has been spent on schools in each year since 1995.
- (b) How many students have graduated from VCE in public schools in each year since 1995.
- (c) How many students have failed to complete their VCE in public schools annually since 1995.
- (d) What is the average class size in public primary schools in each year since 1995.
- (e) What is the average class size in public secondary schools in each year since 1995.

**ANSWER:**

I am informed as follows:

The information requested is not readily available and the time and resources necessary to obtain and process the information cannot be justified. The Member is invited to submit a more specific question.

**Small business: supply needs of government departments**

**2825. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Small Business: What percentage of supply needs of the Department of Infrastructure are met by small and medium size businesses.

**ANSWER:**

I am informed as follows:

The Honourable Member’s question falls outside my portfolio responsibilities. The Honourable Member should direct her question to the Honourable the Minister for Transport.

**Small business: supply needs of government departments**

**2826. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Small Business: What percentage of supply needs of the Department of Health are met by small and medium size businesses.

**ANSWER:**

I am informed as follows:

The Honourable Member's question falls outside my portfolio responsibilities. The Honourable Member should direct her question to the Honourable the Minister for Health.

**Small business: supply needs of government departments**

**2840. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Small Business: What percentage of supply needs of the Department of Human Services are met by small and medium size businesses.

**ANSWER:**

I am informed as follows:

The Honourable Member's question falls outside my portfolio responsibilities. The Honourable Member should direct her question to the Honourable the Minister for Health.

**Small business: supply needs of government departments**

**2841. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Small Business: What percentage of supply needs of the Department of Treasury and Finance are met by small and medium size businesses.

**ANSWER:**

I am informed as follows:

The Honourable Member's question falls outside my portfolio responsibilities. The Honourable Member should direct her question to the Honourable the Treasurer.