

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**19 March 2003
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By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Hirsh, Hon. Carolyn Dorothy	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

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Wednesday, 19 March 2003

The **PRESIDENT (Hon. M. M. Gould)** took the chair at 9.32 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Photographing of proceedings

The **PRESIDENT** — Order! I remind all members that an official photograph of members in the chamber will be taken today after the bells are rung at 2.00 p.m. and prior to the commencement of question time. I ask all honourable members to be prompt in returning from the luncheon break.

I also wish to advise the house that the photographer, Mr Grant Campaign, has also been given permission to capture action shots of all members during question time. These photographs will be taken from various positions in the public gallery and will be used on the Parliament's web site and in official publications.

PETITION

Disability services: Grampians region

Ms HADDEN (Ballarat) presented a petition from certain citizens of Victoria praying that a house or other appropriate and suitable accommodation, together with the appropriate support services to meet emotional, social, educational and physical needs, be provided for young people with a disability presently living in aged care facilities in the Grampians region (663 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Parliamentary Committees Act 1968 — Treasurer's response to the Economic Development Committee's inquiry into the Impact of Structural Changes in the Victorian Economy.

Surveyors Board of Victoria — Minister for Planning's report of receipt of the 2001–02 report.

MEMBERS STATEMENTS

Monash Freeway: upgrade

Hon. R. H. BOWDEN (South Eastern) — The Monash Freeway requires urgent upgrading between Dandenong and Warragul roads. At peak travel times the Monash Freeway is at full capacity and urgently

requires improved capacity in both directions. The road is clogged at peak times and it appears that the government is not interested in meeting its responsibilities.

Each working day many thousands of my constituents are forced to endure the results of slow, unreliable and limited capacity on the Monash Freeway. There is space for an additional lane in each direction between Dandenong and Warragul roads but the government continues to do nothing. The government is ignoring the need for efficient traffic flow. Recently it spent a reported \$3.6 million on wire separation sections on the spare land where additional needed road capacity could have been added. There is space for an extra lane in each direction and \$3.6 million would have at least contributed some small relief to the traffic difficulties.

The government is ignoring the inefficiency of the Monash Freeway and action is needed now. Many of my constituents believe that an anti-roads attitude of this government has to be combated. Traffic flow on the Monash is not acceptable — extra capacity is needed now. The government is ignoring the needs of many thousands of Victorian motorists.

Iraq: conflict

Hon. C. D. HIRSH (Silvan) — I would like to speak today about the Australian government's decision to commit to a war with Iraq. I am deeply sorry that this decision has been made despite the view of the majority of Australians that it is the wrong thing to do. I am absolutely horrified that Australia would join with the United States in a unilateral action that actually has nothing to do with a direct threat to our country at all. Certainly Iraq does not pose any immediate threat of attack on Australia and in fact this may well increase the likelihood of our country being a target for terrorist activities: this could have the opposite effect of what the government wants.

I am ashamed that this attack will hurt, instil fear in and cause the deaths of innocent people in Iraq. In particular, my shame and sorrow at the Australian government's action is directed to the effect it will have on women and children in Iraq. These people do not want to be hurt, they do not want to be afraid, and we have no right to be doing this.

Bushfires: inquiry

Hon. E. G. STONEY (Central Highlands) — I have concerns that the government inquiry into bushfires is totally inadequate and will not assist the Department of Sustainability and Environment and the government to

change direction on forest management. The state inquiry is half baked — it has no budget and it has no terms of reference. Rural people will find it extremely hard to contribute to the inquiry.

The government has ignored strong public support for an independent, fully funded bipartisan investigation into the bushfires. The central issues are fuel reduction, the future of the timber industry and future management of national parks and our Victorian forests. Eminent speakers at last week's bushfire conference — which was attended by many on this side of the house — supported more prescribed burning to reduce fuel. The Premier has totally ignored that point of view and pre-empted the outcome of the inquiry by saying he believes there is plenty of fuel reduction burning.

After the Ash Wednesday fires a wide-ranging inquiry was held. It is emerging now that many of the recommendations made by that inquiry have not been followed, and this issue should be part of any future inquiry.

People who live and work near national parks and forests — and indeed retired foresters, who are very professional — are bitterly disappointed at the structure of the government inquiry. They believe it will not achieve change. They believe it is a whitewash — and I agree.

Jodie Ryan

Ms HADDEN (Ballarat) — On International Women's Day on 7 March, 20 women from across Victoria had their names added to the Victorian Women's Honour Roll. Jodie Ryan is one of these 20 remarkable women who come from many sections of the community and whose achievements represent the diversity of Victorian women.

Jodie Ryan was chosen for her work as a young indigenous leader and particularly for her role as an Aboriginal and Torres Strait Islander Commission (ATSIC) councillor on the Tumbukka regional council.

Jodie Ryan was born and educated in Ballarat and is a qualified accountant. In 1999 Jodie received the National Aboriginal and Islander Day of Celebration Victorian Young Aboriginal Achiever of the Year award. In 2002 Jodie went to Geneva as the Australian youth representative to the United Nations Working Group on Indigenous Populations.

Last year Jodie was elected to the ATSIC Tumbukka regional council as well as becoming a member of the University of Ballarat Council. Jodie is also an

Aboriginal business development officer assisting indigenous people and community organisations.

I congratulate Jodie Ryan for her positive, remarkable and continuing contributions to the indigenous communities of our state.

Water: East Gippsland supply

Hon. P. R. HALL (Gippsland) — I wish to highlight the desperate need of people in fire-affected areas of East Gippsland to have access to fresh clean water. I raised this matter as part of my contribution to the address-in-reply debate yesterday, but I raise it specifically this morning because it is an emergency situation that requires to be addressed by the government immediately.

I highlighted yesterday the fact that many of the people in the Omeo-Benambra and Bonang-Delliknora areas have no clean water supplies for drinking and domestic purposes or for stock purposes. One lady yesterday informed me she had to spend \$180 to acquire clean drinking water.

The fact that the government has not moved on this issue to ensure that such needs do not arise is despicable. I am aware that the East Gippsland shire has accessed something like \$20 000 from the Gippsland emergency relief fund — not from the government — to provide water to some of these people, but now it seems that that money has run out and people are having to buy water when they can least afford it — after the effects of the fire in that area.

I urgently call on the government to take immediate action to ensure that people in the bushfire-affected areas of Gippsland and the north-east have free access to clean fresh water for their health needs.

Melbourne Sports and Aquatic Centre: redevelopment

Hon. ANDREA COOTE (Monash) — I would like to talk about the Melbourne Sports and Aquatic Centre, or MSAC as it is called, in Monash Province, which is enjoyed by thousands of people across the state, not just by people from Monash Province. Earlier in this sitting the Honourable Gordon Rich-Phillips asked the minister what his top five priorities were in his portfolio area, and I was very disappointed to learn that MSAC was not even listed amongst these priorities.

The minister did mumble and give some non-specific and very general answers — and I think he came up with two priorities. Perhaps the minister has chosen not to speak about this development because it has been a

very difficult issue for him. In May last year the lack of community consultation on the redevelopment was condemned by residents and the mayor of Port Phillip.

This multimillion-dollar complex is very important to the people living in my electorate and to sport in Victoria, in particular the ability of Victorians to hold a successful Commonwealth Games in 2006. I hope the minister gives MSAC the priority it deserves and that it is no. 1 on his priority list.

Electricity: solar power

Hon. B. W. BISHOP (North Western) — The issue I wish to raise is that last year I wrote to the then Minister for Energy and Resources regarding the production of solar energy and have never received a response.

One of my constituents from Charlton in central Victoria is keen to produce solar energy for his own use and also to sell into the national grid. The estimated cost of setting up a solar generator is approximately \$6000 to \$8000, which is a substantial investment but one that my constituent was seriously considering until he spoke to the distributor, Powercor. Powercor has quoted my constituent \$1050 to install a two-way meter, which of course would make the venture unviable.

I am seeking advice about any available government assistance for what appears to be the extremely high cost of the installation of a two-way meter, or, failing that, any suggestion that would allow my constituent the opportunity to put into place his project, which really has to be commended.

Crime: rate

Hon. C. A. STRONG (Higinbotham) — The issue I raise this morning is one that is enormously important in my area, and I suspect across Victoria — that is, the issue of drug addiction and the rising crime rate. We all know that specifically property crime and crimes against the person are on the increase, and that is particularly so in Higinbotham Province. Recent statistics show that some 80 per cent of people apprehended for property crime had drugs in their system, while also close to 70 per cent of those apprehended for crimes against the person had drugs in their system — establishing fairly clearly a link between drugs and crime. The issue I wish to raise is: when will the government crack down on drug addiction and drug use as an effective way to deal with the rising crime rate in Victoria and particularly in Higinbotham Province?

FUEL: ADDITIVES

Hon. A. P. OLEXANDER (Silvan) — I move:

That this house notes the deep community concern related to the use of the fuel additives ethanol, MTBE and naphtha in Victoria, and calls on the government to —

- (a) initiate a comprehensive program of fuel safety testing for motor vehicles, marine outboards, light aircraft and two-stroke engines with regard to fuel additives MTBE and naphtha; and
- (b) immediately regulate for the compulsory labelling at wholesale and retail levels of all fuel containing ethanol, MTBE or naphtha, including the blend proportions and potential damage and safety risks to Victorian consumers which may result from its use.

I rise to speak in support of this motion because it is a very important consumer issue to the people of Victoria. It is also a very important issue to industry and to others involved in the motor component sector. I would like to speak initially on the first component of this motion and to specifically highlight for the chamber the instances where other governments have supported this practice of fuel safety testing. The reason for this is that the facts regarding the ethanol-petrol blend that have recently come to light conclude the following damage may occur — and this is very important. Reduced fuel economy is one of the side effects, and an adverse impact on vehicle performance. These blends may also void or limit motor vehicle engine warranties or have adverse effects, long term or otherwise, on engine wear. There are also associated safety risks to the operators of those motors, depending on the context in which the motor is being used, and that, of course, is the uppermost concern in the mind of the opposition.

The introduction of fuel quality standards on the refining industry has also been reviewed, namely, by the fuel quality review undertaken by Coffey Geosciences Pty Ltd. In 1998 the process of developing fuel quality standards commenced in this country, alongside a commissioned review of fuel quality requirements for Australian transport. The review provided valuable information that set the path for the development of appropriate and quality standards for Australia as a whole. It is worth noting in respect to this that ethanol blends in petrol within Australia have been available to consumers since 1994.

Early last year the commonwealth Department of the Environment and Heritage conducted fuel sampling within the industry and found that ethanol-petrol blends of up to 13 per cent are being sold in Victoria. With this in mind I draw the attention of the house to an article by

Jeremy Calvert in the *Herald Sun* which was published on Friday, 31 January, this year:

Major car manufacturers, including Holden, have warned that running cars on more than 10 per cent ethanol can void warranties.

The article also stated that some unknowing motorists were running their cars on petrol that had been diluted by up to 24 per cent ethanol at some petrol stations in this state. The article strengthens the argument for the introduction of a comprehensive program of fuel safety testing for relevant engines by going on to say:

Mechanics told the *Herald Sun* that they often encountered evidence of ethanol damage, including blocked injectors, poor economy, ignition troubles, corrosion of engine parts and rough running generally.

The current situation is obviously not good enough. It is not good enough for Victorian motorists, and it is not good enough for fair competition and pricing in this state. This is such a contentious issue that the commonwealth Minister for the Environment and Heritage, the Honourable David Kemp, saw fit to write to the Victorian Minister for Finance, the Honourable John Lenders, in order to warn him of the dangers of such extreme blends and to urge him to act urgently in the best interests of Victorians. Dr Kemp informed the minister that the federal government was currently undertaking scientific testing of ethanol-petrol blends. Dr Kemp again reiterated the important facts on the effects ethanol blends can have on motors by stating in his letter of 18 December 2002:

There is preliminary information from the federal government's scientific testing of small motors that petrol containing ethanol at 10 per cent or above may have adverse impacts on the operability of two-stroke engines — in particular a marine two-stroke fuelled with 10 and 20 per cent ethanol blends failed the 'trolling test', in that it repeatedly hesitated or stalled when the throttle was opened from sustained slow speed.

The evidentiary basis supporting the notion that ethanol can damage certain engines is as follows: ethanol is hygroscopic and absorbs water, therefore softening engine seals and other internal components. This produces leaner mixes and reduces range. This in turn has a detrimental effect on safe operations, which is of course critical in the operation of a marine or aero engine and can potentially cause disastrous and costly engine damage. Engine failure in any vehicle, boat or aircraft could have disastrous consequences on safety and even lead to fatalities.

If the Victorian state government fails to act on this issue, it is being negligent in its responsibilities to protect Victorians who operate such engines. It may even have to deal with legal repercussions if such a

tragedy did occur that could easily have been avoided by giving this issue the attention and action it deserves. Implementing a program of fuel safety testing would need to be assisted by immediately introducing a mandatory system of labelling at both wholesale and retail levels. That is the reason the opposition has included that element in this important motion. For any fuel containing ethanol, MTBE — methyl tertiary-butyl ether — or naphtha, this is essential.

In my opening comments to the chamber I mentioned briefly that other state governments around Australia have shown an interest in this issue and an interest in acting on the issue; an interest that sadly for the people of Victoria this state government seems to be devoid of. All states in Australia have the power to set fuel standards; it is a clear power that exists in every jurisdiction, including our own. They have the power to label fuels and their content. This authority is vested in them under either fair trading legislation to protect their consumers or environment protection legislation to aid in the preservation of the atmosphere.

The New South Wales government, for example, has utilised this power through a protection of the environment policy under the Protection of the Environment Operations Act 1997. Through this legislation it has responsibly endorsed and enforced a 10 per cent cap on ethanol levels in fuel.

At this point I remind honourable members that it is the Royal Automobile Club of Victoria (RACV) recommended level. The act states in section 10:

Protection of the environment policies may be made for the purpose of declaring policies to be observed with respect to protecting the environment in New South Wales and, in particular, for the purpose of:

- (a) Furthering the objectives of the EPA as set out in section 6 of the Protection of the Environment Administration Act 1991; and
- (b) Managing the cumulative impact on that environment of existing and future human activities.

New South Wales has previously regulated the addition of lead and phosphorus in petrol under the Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997, and under the Protection of the Environment Operations Act 1997. Obviously New South Wales has been proactive on this issue, unlike the Victorian government.

I turn briefly to the situation in another Labor state, Queensland. That state has been proactive in its involvement with this issue, heeding calls of the federal government to act. In doing so it has granted a waiver

for the vapour pressure of ethanol blends which is effective from 15 November this year, and which applies only to ethanol blends containing between 9 and 10 per cent. In reference to the vapour pressure limits, these are only applicable seasonally and to south-east Queensland to govern its particular circumstances of traffic concentration. Again, however, the figure of 10 per cent is consistent with recommended levels from reputable experts in the industry such as the RACV, the Royal Automobile Club of Queensland, the National Roads and Motorists Association and other motoring bodies.

On this evidence I think honourable members can agree that the *Courier-Mail* in Queensland would not be reporting stories such as the *Herald Sun* did on Friday, 31 January, where a Blackburn South petrol station was selling petrol containing up to 24 per cent ethanol blends.

Briefly I turn to the situation in South Australia, another Labor state. That state has been very progressive in its dealings on the ethanol issue. Section 9 of the South Australian Environment Protection Motor Vehicle Fuel Quality Policy 2002, which is under the Environment Protection Act 1993, states:

Fuel supplier may add certain octane extenders

1. A fuel supplier must not add an octane extender —

of course of the nature of ethanol, MTBE or naphtha —

to petrol or petrol in the process of production that is to be supplied by the fuel supplier unless the octane extender is listed in schedule 3. Mandatory provision: category A offence.

2. A fuel supplier must not supply petrol to which an octane extender not listed in schedule 3 has been added. Mandatory provision: category A offence.

It is important in considering this issue and the situation in South Australia for honourable members to note that ethanol is obviously not listed in schedule 3 and is therefore not permitted at all in South Australia. Again it is disappointing to note that Victoria is not amongst the listed number of states that have been proactive in dealing with this issue and actively protecting their consumer bases.

Therefore it saddens me that my fellow Victorians are subject to a government that refuses to act on the matter in an appropriate manner. In fact this government refuses to act on this issue at all. Currently there is no accountability and only self-regulation in Victoria when it comes to the levels allowed in petrol blends.

Also supporting the move to make such mandatory introductions to fuel labelling is the corporate and government affairs manager of the RACV, David Cumming. To quote again from the *Herald Sun* article published on 31 January, I draw the attention of the house to the following:

Mr Cumming said the RACV would demand immediate legislative changes making it compulsory to display signs showing ethanol levels at point of sale, and making the sale of blends containing more than 10 per cent ethanol illegal.

One line that the state government has been putting forward over the past months while it has stubbornly persisted in brushing off such calls for the implementation of labelling is that ethanol blending is not widespread in Victoria. I make no apologies for calling the government's bluff on this point and asking its members to study the facts carefully. They should look at the statistics, but most importantly they should go out and talk to the community as we in the opposition have done and see for themselves that such an introduction is indeed warranted.

It is infinitely necessary. If ever there were a moment for the government to make good on its promise of governing for all Victorians, now is that time. Under the Fuel Quality Standards Act 2000 the commonwealth government currently does not have the power to require labelling of ethanol blends. However, it should not have to reach the point where the commonwealth government needs to step in. This state government should already feel compelled to act swiftly on this matter to protect Victorians, who only a few months ago placed their faith and goodwill in the government to set about the function of governing on their behalf. That means protecting the safety of Victorians and setting a culture of fair pricing and looking out for consumers. It means looking out for all Victorians who use motors of any type.

If this point has not resonated enough with the government, then perhaps my summary quote from the commonwealth Minister for Environment and Heritage in his letter to the state finance minister will make it do so:

Consumers need to know that the petrol they are buying is suitable for the purpose for which it is bought, and accordingly I call on you, as the minister responsible for consumer protection issues in Victoria, by requiring labelling of ethanol blends with suitable warnings to avoid inappropriate uses.

If the states refuse to institute proper labelling the commonwealth will legislate to give itself the power to require labelling when Parliament resumes.

The fact is that the Victorian government already has the power — the power exists in all jurisdictions to test and to label. The commonwealth government certainly has the power to test, and is progressing with tests on ethanol blends. Unfortunately naphtha and MTBE are not included. Importantly the commonwealth does not have an existing power to label — the state does, and it exists in every jurisdiction.

It is important for the government to decide to act and to respond very positively to this motion. The motion has the support of a vast majority of Victorian consumers, who see it as a very sensible move. Consumers want to know and want to be informed — they want to have information about what they are using and the potential safety effects it may have.

The industry and motoring bodies want to know, and all have called on the government to act. It seems staggering to the opposition that the minister has stubbornly decided not to do so and instead has used cheap political argument to attack the federal government for making this call in the first place. In response to questions on notice from me the minister in this place has used the spurious argument that this call by the federal government to act on behalf of Victorian consumers has something to do with the looming state election in New South Wales, which seems to us to be an absolute abrogation of his responsibility as a minister of the Crown in this state to act on behalf of Victorian consumers and to protect them.

The minister has often stated that his view about the core issues in his portfolio is that he is there, along with Consumer Affairs Victoria, to empower and protect consumers. The opposition's view is that labelling of ethanol and testing of other additives is exactly the sort of empowerment that consumers want — they want to understand what they are using in their motors and the potential damage and effects on safety it may have.

If the government is not prepared to protect or empower consumers in this way, then they have absolutely no right to claim that Consumer Affairs Victoria and the Bracks government are pro-consumer. What they will have to do is admit that they are more interested in making cheap political points against the federal government than they are in doing their job — the job they were elected to do in the state of Victoria.

Ms MIKAKOS (Jika Jika) — I rise to make a contribution to this debate and to highlight the inaccuracies in the statements made by the Honourable Andrew Olexander. I am disappointed that the honourable member has taken the position he has, given that he is now the opposition spokesperson for

consumer matters. I certainly congratulate him on his elevation to that role, but I think it was incumbent on him to get all the facts and to give a correct analysis of those facts in his presentation to this house today.

The Victorian government is concerned about the impacts on Victorian consumers of fuel additives. As a result of the Howard government's failure to act on this matter, I can inform the house that the Bracks government is currently examining regulations to introduce labelling laws. The Victorian government is consulting widely with a range of stakeholders in this area — the oil majors, retailers, distributors, the peak petroleum industry bodies, peak motoring bodies, the biofuel industry, Marine Safety Victoria, the Civil Aviation Safety Authority and the Australian Ultralight Federation.

It has been abundantly clear in that consultation process that the stakeholders in these industries are looking for national action and a national approach to labelling requirements, but all we have seen from the Howard government to date is press releases seeking to dodge the issue and pass the buck on to the states. That is quite typical and what we have become accustomed to from the Howard government.

The Victorian government is also consulting with consumer agencies in other jurisdictions, because it favours national consistency and a national approach on this issue. To date the federal government has introduced some environmental standards, but it is yet to introduce any quality standards on fuel and fuel additives.

I will quickly explain to the house the nature of these various fuel additives and some of the research that has been done on them to give members an informed view on this important issue. Ethanol, MTBE — methyl tertiary-butyl ether — and naphtha are substances that can be added to or blended with petrol and diesel. Ethanol, also known as ethyl alcohol, is a biofuel produced from the fermentation of sugar from wheat or molasses, a low-grade by-product of sugarcane processing. Ethanol has been used as a fuel itself — for example, in Brazil 100 per cent ethanol is used in motor vehicles — or it can be mixed to form an ethanol-petrol blend. The most common blends are 10 per cent ethanol, known as E10, which is generally the limit in the United States; a 20 per cent to 24 per cent ethanol blend, known as E22, which is all the petrol that is sold in Brazil and requires vehicle modification; and an 85 per cent blend, known as E85, which is used in parts of the United States, with vehicle modification.

International research shows that ethanol at levels above 10 per cent can cause damage to some types of engines. Today 10 per cent is regarded as the international benchmark under which modification is not required to engines. Ethanol has been promoted by some parts of the community as an octane enhancer and as reducing greenhouse emissions.

I note that in response to lobbying by environmental groups and also some parts of the sugarcane industry the federal government moved to introduce an ethanol rebate for domestic production of ethanol.

Industry stakeholders tend to support up to 10 per cent ethanol content in petrol; however, there are concerns that larger concentrations may reduce driveability, accelerate wear on engine components and fuel lines and reduce fuel economy. This view is consistent with preliminary comments made in the Environment Australia task force issues paper released in early 2002 and is to some extent supported by findings of research literature released by the commonwealth in December 2002.

The studies found that for 20 per cent ethanol blends there was the potential for corrosion of metal components and fuel systems leading to damage to carburettors, fuel pumps, lines, filters and petrol tanks. The studies also found that concentrations of ethanol above 20 per cent caused a swelling of electrometric and plastic surfaces, particularly with older vehicles, and a deterioration of vehicle operability, causing cold-start performance and warm-up problems, and slower acceleration. Concentrations above 20 per cent also impact on fuel durability in older vehicles in particular. There were also some findings to suggest that there was an increase in a range of vehicle emissions.

In addition to that, the studies conducted by Environment Australia found that there are issues to do with fuel economy, as ethanol has around 60 per cent of the energy content of petrol. Therefore, at 20 per cent ethanol, kilometre performance falls by about 8 per cent. Concerns have also been expressed by some motor vehicle engine manufacturers, in particular, warning that warranties may be voided by the use of non-standard lubricants and fuel, in particular ethanol, which could cause damage to vehicles, which obviously would have serious detrimental effects for consumers.

We know that at the present time there is only a small volume of ethanol-blended petrol available for sale in Victoria, and sales have been limited to independent service stations. The oil majors, companies such as BP,

Caltex, Mobil and Shell, have confirmed that they are not supplying ethanol blends to their branded sites in Victoria, and as a result of the rebate for domestic ethanol production introduced by the federal government there is now no longer an importation of ethanol into Australia.

I also want to give the house the benefit of some information in relation to MTBE — its scientific name is methyl tertiary-butyl ether — and it is a chemical compound that is manufactured by the chemical reaction of methanol and isobutylene. Unlike the case with ethanol, there is currently no evidence that MTBE can damage engines. While MTBE is used in petrol to improve octane levels as a replacement for lead, it has been responsible for widespread ground water contamination overseas and is currently being phased out of use in many countries.

The risk of leaking fuel storage facilities and spillage is of concern, particularly where, given that MTBE is highly soluble in water, it can get into groundwater reserves. Although there is currently no indication of any health hazard in ingesting water contaminated with MTBE, some independent health organisations have expressed some concerns about MTBE being a possible cancer-causing agent in humans.

There is a bit of debate going on about MTBE internationally. As a result of that I am pleased to say that under the federal Fuel Standards a maximum of 1 per cent MTBE will be introduced from 1 January 2004, but it is a shame that the federal government has not thought it appropriate to bring forward the starting date for that limitation under the Fuel Standards.

I turn to briefly discuss naphtha, a fossil fuel derived from shale oil. Currently any adverse consequences for engine safety of using naphtha are not known, although the Royal Automobile Club of Victoria has claimed that it may affect octane levels, and therefore engine performance.

Fuel supply in Australia operates primarily in a national market, and national standards and compliance are essential. As I indicated, Environment Australia has done some scientific research, particularly into the environmental effects of fuel additives. However, the federal government has now been doing this type of research for quite some time, since it announced back in May 2001 that it would introduce national fuel standards.

The federal government announcement about national fuel standards saw a deferral of any introduction of a cap and Environment Australia has established an

ethanol task force to assist in assessing ethanol blends of between 10 per cent and 20 per cent. A discussion paper was released in early 2002. However, the report that was expected in May 2002 has been deferred. We question why that report has been deferred; we believe the federal government should — —

Hon. A. P. Olexander interjected.

Ms MIKAKOS — It has been testing for an awfully long time, Mr Olexander. We have been waiting for the findings of this research to be concluded and for the federal government to act in this area.

The Bracks government takes the view that separate testing by Victoria in response to fuel alteration would duplicate the program currently being undertaken by the federal government. Victoria liaises with the commonwealth government about the results of fuel testing and also tests fuel when investigating alleged breaches of the false and misleading provisions of the Fair Trading Act 1999.

The Bracks government takes the view that the motion moved by the Honourable Andrew Olexander is a cheap political stunt designed to deflect attention from the federal government's primary responsibility for fuel testing and national fuel standards.

Hon. A. P. Olexander — What about labelling?

Ms MIKAKOS — The federal government has responsibility for fuel testing, as I have already indicated. It also has the ability to introduce labelling laws given the powers it has under the Trade Practices Act. The Minister for Consumer Affairs has written to the federal Minister for the Environment and Heritage, Dr David Kemp, in respect of this issue and called on the federal government to take some action in this area. I want to read some extracts from the letter from the minister to Dr David Kemp dated 31 January 2003. The letter says:

In the absence of a cap on the ethanol content in petrol, I support the need for laws requiring the disclosure of ethanol as this would ensure that consumers are better equipped to make informed purchasing decisions.

However, I consider that consumer protection with regard to ethanol-blended petrol is best achieved by the commonwealth government legislating to cap the ethanol content in petrol at 10 per cent. I understand that this view was conveyed to commonwealth representatives by officials from my department, Consumer Affairs Victoria, at the December meeting of the Standing Committee of Consumer Affairs Officials.

While I appreciate that you may be awaiting the outcome of a study investigating the impact on vehicles of 20 per cent

ethanol in petrol, I consider that immediate action is necessary on this issue.

The community is concerned about this issue. In recent times there has been much media commentary and claims by industry regarding the damaging effects of higher concentrations of ethanol in petrol. Victorian consumers have been warned that vehicle manufacturers warranties may be voided. National action is necessary before this issue becomes more significant in states such as Victoria. In these circumstances I consider it appropriate that the commonwealth act to protect consumers by amending the Fuel Standard (Petrol) Determination 2001 to set the limit of ethanol in petrol to 10 per cent.

In the absence of such action, I strongly encourage the commonwealth to take the lead to ensure that nationally consistent labelling requirements are introduced. The commonwealth currently has powers under the Trade Practices Act 1974 to introduce labelling requirements for corporations. Such legislation, accompanied by complementary standards under states' fair trading legislation is more likely to achieve national and uniform labelling standards than separate action by jurisdictions.

Separate action by Victoria, and other states, will not achieve the best outcome for consumers. Any interstate inconsistencies will have detrimental consequences for both industry and consumers.

Hon. A. P. Olexander interjected.

Ms MIKAKOS — I think you should listen to this, Mr Olexander.

Given the national nature of fuel markets interstate petrol supplies would be disrupted and, along with substantial compliance costs, would result in increased prices for consumers.

I also consider that effective labelling standards are best achieved by an accompanying cap on ethanol content in petrol.

I urge you to reconsider your position regarding ethanol and to immediately set a limit on the ethanol content in petrol and take the lead to introduce national labelling standards.

From that letter it is apparent what the approach of the Victorian government has been. The Victorian government believes that the Howard government has failed to act, that it needs to introduce a cap on the level of ethanol permissible in ethanol-petrol blends. While studies might be going on looking at the impact of 20 per cent ethanol blends, as I indicated earlier, at present international research and the international benchmark indicate that ethanol blends of up to 10 per cent do not require engine modification. For that reason the federal government is able to set a 10 per cent cap now and to continue to undertake its studies in relation to ethanol blends between 10 per cent and 20 per cent and even higher than 20 per cent.

We believe it is vital that the federal government act on this issue because, as I said earlier, the petrol market is a national market. We get petrol from interstate and we need to ensure that there is consistency in approach across all jurisdictions. For that reason it is imperative that national labelling standards be set.

Hon. A. P. Olexander interjected.

Ms MIKAKOS — It is a very long chain of supply from the manufacturer to the distributor to the retailer, Mr Olexander, and we need to ensure that where supplies are coming from interstate and being mixed into that supply chain there is proper accountability and reporting requirements all the way along the chain to avoid placing undue compliance on our petrol retailers. If we were to do what Mr Olexander is suggesting in his motion today, it would lead to huge additional costs for petrol retailers and Victorian petrol consumers.

For all of those reasons the government regards the motion moved by the opposition to be factually incorrect and based on a misunderstanding of the national fuel market. The motion completely ignores the responsibilities the federal government has in this area and the fact that there is legislation the federal government could easily amend — for example, the Fuel Standards Quality Act 2000 — to introduce the sorts of measures I have already discussed, such as a 10 per cent cap on ethanol-petrol blends. The federal government can move today to introduce national labelling standards. For all those reasons I wish to formally move an amendment to the motion moved by the Honourable Andrew Olexander. I move:

That all words and expressions after ‘calls on the’ be omitted with a view of inserting in place thereof ‘commonwealth government to work with the state to —

- (a) continue the program of fuel safety testing for motor vehicles, marine outboards, light aircraft and two-stroke engines with regard to fuel additives MTBE and naphtha; and
- (b) for the commonwealth to immediately regulate for the banning of fuel containing ethanol over 10 per cent until conclusive evidence is provided regarding its safety.’

I want to briefly speak to the amendment. The reason the government is moving this amendment is apparent from paragraph (a). Fuel safety testing is being done at the present time by Environment Australia. We in the government are happy for Environment Australia to continue with that research. We think it needs to get a bit of a move along, given that it has been undertaking this research now for a couple of years since its announcement back in May 2001, and we think it

would be a duplication for the Victorian government to undertake separate fuel safety testing.

I should also point out that the motion put up by the opposition calls for the state government to undertake fuel safety testing for light aircraft. I am a bit puzzled about why that was included in the opposition’s motion, given that aviation gas is generally the responsibility of the Civil Aviation Safety Authority, which comes under the responsibility of the federal government. It is indicative of the fact that the opposition is prepared to lump everything in together and try to pass the buck on to the states for the federal government’s failure to act in relation to aviation safety, which is a highly important area of safety and a very important issue on which the federal government should move as quickly as possible to ensure passenger safety on light aircraft.

My amendment also provides in paragraph (b) for the commonwealth ‘to immediately regulate for the banning of fuel containing ethanol over 10 per cent’, which is in line with my comment earlier that the commonwealth has the ability to introduce a 10 per cent cap under the national fuel standards. It can do so very quickly, and the Bracks government urges the commonwealth to do so as a matter of urgency, given the concerns that have been raised as I indicated earlier by motor vehicle manufacturers and a range of other bodies.

We in the Bracks government are calling on the federal government to take responsibility for this area. It needs to take the lead in introducing national labelling standards. We need to ensure that Victorian consumers are protected, and we also need to ensure that compliance costs for industry are kept at manageable and reasonable levels, because obviously those costs will then be passed on to consumers. In the current environment, particularly when we are possibly facing significant increases in the cost of petrol due to international events, it is important that we do not add to that potential additional cost to Victorian petrol consumers by going off with half-baked measures as is being suggested by the state opposition here today.

I urge the members of the state opposition to get on the phone and have a talk to Dr David Kemp and to impress upon him the concerns the Victorian government has on this issue and the fact that this government is currently consulting with stakeholders who have clearly indicated they are waiting for the Howard government to act. I call upon members of the state opposition to discuss this matter with Dr David Kemp as a matter of urgency and to use their influence with their federal counterparts to protect Victorian

consumers. I therefore urge members to support the amendment I moved earlier.

Hon. D. K. DRUM (North Western) — I was not quite expecting the government's amendment, but I would like to support the original motion. The first part of the original motion provides for the program of fuel safety testing that we in the National Party are looking for. The whole concept of ethanol and other fuel additives needs to be handled in a very safety-conscious way.

Given that ethanol needs a higher temperature than petrol to combust and that therefore engines have to run at a slightly higher temperature, the effect ethanol has on everyday engines has to be monitored. We have a real responsibility to our consumers to learn more about the effects ethanol has at the temperature at which it burns and the damage that temperature can sometimes do to engines that are not specifically designed for ethanol use.

Ethanol also attracts or absorbs water. It does this through condensation, and that creates a whole range of different issues. We all know that water and petrol do not mix, but we now have a very worthwhile additive — I will get on to that and some of its benefits later — which has the added feature that it attracts water for a couple of different reasons. If we have water being involved with petrol, we will obviously see a rusting effect and a corroding effect on many different engines, motors and motor parts. If we have corrosion going on in our engines, it will obviously create a real and genuine danger, and this danger has to be further understood if we are to allow the sale of these fuel blends to continue in Victoria.

Not only do we have water corroding engine parts, we also have the water in our fuel lines, which has the ability to stall our engines. It is extremely disappointing that consumers — the people of Victoria — are going to have to buy these fuel blends without knowing what they are getting. Water getting into the fuel lines of engines also sets up a process called phase separation, and phase separation is very, very dangerous. Imagine a scenario where a fisherman takes his boat out 20 or 30 kilometres into the ocean to do some fishing. If the water that gets inside the tank actually separates the ethanol from the petrol, he will end up with three layers inside the fuel tank. He will end up with the ethanol being separated from the petrol by a thin layer of water. If you are out the back of your favourite fishing spot and you have half an hour to get home, which would normally be adequate, and all of a sudden you turn the motor on and there is water in the lines and you cannot get home, you will die!

That is the danger that exists in the marine boating industry. If we are going to leave ethanol in the petrol pumps unlabelled, we will be killing people. We will be sending fishermen out there with fuel in their lines that will not get them home at night — that is the degree of urgency and the immediacy of this issue.

We in the National Party understand that there is a whole range of other issues associated with ethanol which we will get on to, but the immediacy of this current situation is that if the status quo continues we will end up with people going out on a normal day's fishing and not coming home, and that is something we cannot allow to go on for one day longer.

The second part of Mr Olexander's motion deals more with the blending and labelling of fuel than with the safety testing. We in the National Party believe it is the state's responsibility to protect Victorians against uncertainty, and that includes uncertainty about ethanol, MTBE — methyl tertiary-butyl ether — and naphtha. At the moment we have a situation in which some petrol outlets have taken the responsibility of putting banners out the front of their service stations and signs on their counters proclaiming their innocence and disassociating them from anything to do with ethanol. We now have a small percentage of service stations claiming they have nothing to do with ethanol. Effectively that creates an impression in the minds of consumers of total guilt for the 90 per cent of petrol outlets that fail to advertise in this way. So whether they have ethanol in their petrol or not they are guilty through lack of denial.

We have this situation where, whether you are innocent or guilty, in the mind of the consumer when it comes to this issue you are guilty unless you advertise. Suddenly service station owners do not know whether they have to go out and buy their own banners to prove their own innocence or put signs on the counter, but effectively this situation now is that unless you go out there and prove your innocence you are guilty through lack of denial. If nothing is done soon we can see a situation where all service stations will have to advertise irrespective of their guilt or innocence, and therefore they will have to run their own tests to make sure that the petrol they are buying from their own depots is clear, as their advertising banners are saying.

Because the scientific testing is going on at the federal level, we see the current situation as transitional. We do not think it will always be uncertain. We believe down the track we will know the true and real benefits and the true and real problems associated with ethanol. But at the moment we just do not know. We are in this transitional grey area. Most of the data tells us that up to

10 per cent is fine, but tests and scientific processes are currently being conducted which will test ethanol levels up to 20 per cent. Once we understand this issue better we will be in a situation where there will be less uncertainty about the whole idea of ethanol and ethanol blending.

If we experiment sufficiently with these engines they can be designed specifically for ethanol use. This has happened overseas, where aeroplanes are running on 100 per cent ethanol. So it can be done. But we have to give this process a fair amount of time. We have to understand the significant benefits in pursuing the whole experiment of ethanol as a real replacement and a real alternative fuel source. If we do that realistically we may have untold advantages down the track, but until we actually give it a chance we have to make sure in the interim period of uncertainty that we protect our people.

The whole ethanol debate needs to be given a fair hearing. We have the situation where the vast majority of data on this issue shows quite clearly that it is a very clean fuel in relation to emissions. All of us with an environment friendly attitude would be looking forward to having anything that could create an alternative fuel source with clean emissions. So until we actually continue the experiments and the testing we have to make sure we give it due respect. We cannot make ethanol out to be the bad guy simply because people are taking advantage of the fact that it is cheaper to produce and are therefore upping doses or blending percentages, which will make this potentially dangerous.

The independent motoring body, the Royal Automobile Club of Victoria, is calling for compulsory labelling at the petrol pumps simply to give motorists the choice when they are making purchasing decisions. It is reasonably common and fair that we would support the RACV in its stance on this matter. It has stated quite categorically that without labelling at the petrol pump it will not support the future sale or use of ethanol. Independent groups such as the RACV are really calling for this, and the National Party supports that stance.

Hon. P. R. Hall — It is up to the state Labor government to take some action.

Hon. D. K. DRUM — That is an interesting aspect. One of the other aspects which has already been mentioned by Mr Olexander is this fact that we have the potential where vehicle manufacturers will be voiding their warranties. It would be a horrific shame for consumers who had just purchased a brand-new car to find out that, unknowingly and unsuspectingly, they

had been using ethanol loaded petrol to extreme amounts and had their warranties suddenly voided. We need to be able to give these people the choice of whether they want to use ethanol blends, the percentages of ethanol they would like to have in their fuel tanks, or whether they would like to use totally ethanol-free petrol. At least we need to give these people the choice when it comes to buying petrol at the service station. We cannot put in danger these people's warranties on some motor vehicles just because they have been kept in the dark by a lack of labelling.

The other aspect we need to continually bring to the attention of the government is the situation in rural and regional Victoria, where transportation is a matter of fact. It is an everyday matter of fact. It is not an alternative. We cannot take the bus to the local hospital from the farm. We cannot take the bus to school — we have to drive our kids to school. We have to drive to the local hospital. We have to drive to get the shopping done. We have to drive, we have to drive, we have to drive!

The purchase of fuel is also an integral part of putting our crops in and doing our job every day. We cannot get away from this: an integral part of the everyday lives and livelihoods of the people I represent is the purchase of fuel. It is not just an optional extra that they can steer away from because of these dangers out there. They do not have the opportunity so say, 'I won't touch that for the time being because I hear some tests are going on and there is some danger in this issue'. They are forced to buy this product every day whether they like it or not. We have to understand that.

We have this opportunity now for the state government to act quickly and decisively to protect Victorians. We hear this government is hoping the federal government will enact legislation to give itself the power to act, when the state government already has that power to act immediately. There seems little or no reason why it cannot do something. Apart from the one issue that it would like it all to be done together with all the other states, there seems to be no reason why the government will not act.

When we talk about standardisation of rail lines we understand we are asking for \$100 million to be spent. If we talk about other projects we understand that, say, building a new police station will require money to be spent. But with this issue, it is just action. It is just a matter of doing it. There does not seem to be any reason why this government will not act in this matter to protect and represent all Victorians. It is very difficult to understand. Whenever we raise an issue we always get told we are simply politicising the issue, or it

is Jeff's fault, or something else. It is just quite bemusing as to why we cannot get action in this area.

As we have said earlier, ethanol as a fuel burns exceptionally clean with its emissions. Therefore we have to give it real consideration as a fuel of the future and we have to make sure that ethanol is given every chance to become that alternative fuel source that its supporters think it may become.

A couple of other statistics are worth thinking about. The government yesterday was exceptionally proud that Computershare has moved into the state with a possibility of creating 1200 jobs. That is fantastic and we support and congratulate the government. Even if it is a private venture, we still congratulate the government for being the government in power. It is great; it is fantastic. I congratulate the government.

If we protect this industry we may find down the track that in fact 10 per cent ethanol becomes scientifically proven to be the right and perfect amount and that it increases fuel efficiency, cuts costs and produces clean emissions. If it were to go across the board as 10 per cent mandatory ethanol in our fuel levels we would have an industry expansion in ethanol production that could lead to unbelievable economic activity in regional areas. It has been estimated that a mandatory 10 per cent of ethanol in petrol would transfer \$3 billion of the fuel market annually away from the fuel companies to the ethanol producers. That in itself has the capacity to create 90 000 new jobs; so if we can get excited about 1200 jobs, I think we can get excited about 90 000 new jobs nationally in what would become almost a whole new industry for Australia.

If we are fair dinkum and honest about wanting to do the right thing for our future, for our environment, for substantial and sustainable employment and development, we must give ethanol a real chance to succeed. If we could in any way, shape or form produce 90 000 jobs in a new industry, we should give it every possible opportunity.

In summary, we need to support the whole ethanol experiment, but we need to get further scientific testing done, as well as performance, safety and emissions testing. We have to encourage or force this government to continue to work with the federal government on these tests and see how the situation can be progressed. We need to understand that these tests are going to take time before we are realistically going to have any clear and true answers. While these tests are being done, we need to put measures in place to protect Victorians, not wait for the federal government to do it, not burden it with another new piece of legislation. We simply have

to act today to protect Victorians while the uncertainty passes. Whether that takes 3 months, 6 months or 12 months, we must protect Victorians during that interim period.

A real urgency exists on this issue. If the state Labor government has the ability to enact this legislation now, then we call on the government to do it now and not to wait for the federal government to do it when it can get around to producing a national bill, which could take from 6 to 12 months. We need this legislation passed immediately, and we need to protect lives. Reiterating that first scenario I spoke about, there are fishermen going out every day and using fuel that may not get them home at night. We should not be sitting in this chamber and doing nothing about it.

Mr SMITH (Chelsea) — I rise to speak in support of the amendment on this issue. It sounds like an old-fashioned demarcation dispute, doesn't it — 'their responsibility; our responsibility'. But we have a pretty strong view as to whose responsibility it really is.

Why will the federal government not take responsibility for this issue? I am at a loss to understand it, but I have to say that it is typical of the federal government. It abrogates its responsibilities wherever it can and tries to fob them off on the states. For example, it will not take full responsibility for aged care: it tried to fob it off onto us. I suspect it has something to do with the state of the federal economy. Its Boy Wonder, Mr Costello, has run us into the red and continues to do so, and the federal government has now just committed Australia to something in the order of an extra \$700 million to send our troops — and we all know where!

The economy is clearly in a difficult situation now. The federal government attempted to sell off Point Nepean. It thought, 'Well, there is a lazy billion dollars that we could recover'. It will not get that either, I might add.

Hon. Philip Davis — On a point of order, Deputy President, the member is not addressing the question before the house. Discussion about matters concerning the commonwealth jurisdiction are irrelevant to the debate.

Mr SMITH — On the point of order, jurisdiction, whether it be federal or state, is at the heart of this debate. I am developing my argument around the fact that this responsibility resides with the federal government and it is having problems accepting that fact.

The DEPUTY PRESIDENT — Order! On the point of order, this is a motion dealing with a matter that relates to both state and commonwealth

jurisdictions, and I do not uphold the point of order. However, I ask Mr Smith to come back to the motion before the house.

Mr SMITH — Thank you, Deputy President. I was not aware that I had actually left it; however, I will take your advice on that.

As I said, the federal government is under significant pressure, and it simply does not want to address this problem if it can get away with it, hence it is trying to fob it off on the states. I do not understand why it would not want to protect consumers in this country. We have a federal minister with responsibility for consumer affairs. I wonder what he does. The reality is that consumers have a very serious — —

Hon. S. M. Nguyen interjected.

Mr SMITH — I take up the interjection from the Honourable Sang Nguyen, who says they do nothing, and I have to agree. It would seem that way, particularly in this matter.

The federal Labor Party has taken a strong position on this issue, and the shadow minister, Mr Bob McMullan, has stated quite clearly and categorically that the Labor Party wants a 10 per cent limit on ethanol, and we support that. The reason we support it is that to date there is evidence clearly indicating that ethanol in excess of 10 per cent is detrimental to engines.

This is a view supported by the Royal Automobile Club of Victoria. Those on the other side of the house may have trouble accepting a body like the RACV having any credibility in this debate, but the government does not. We think it knows what it is talking about when it comes to the particular issues. When the RACV indicates to this government as a result of the consultation process that it has difficulties with this matter, the government is alert and takes note of them. We listen, which is something those opposite have difficulty with.

In addition, manufacturers such as the Holden Engine Company and other engine makers in this state, and indeed around the country, have serious concerns about the impact of adding ethanol or excessive ethanol additives to fuel and the effects on their products, and in particular their warranties. We all know that in a competitive world if your product is not reliable and if your warrantees do not stand up it is not long before you are out of business. The reality is that this side of the house is concerned about this issue because of the impact it has on working men and women in the manufacturing industry. Here in Victoria, the hub of all manufacturing in this country, we have significant

numbers of workers in the manufacturing industry who also have pride in their products. They are proud to build the sorts of high-quality engines they build, and anything that impacts on that has a detrimental effect on them as well, not only in terms of their employment and prospects, but dare I say it, on their psyches.

The union movement, and me in particular in a past life, worked very hard to create a culture in the workplace where workers care about the quality of their product because of the obvious flow-on benefits. By that I mean sales which guarantee security, higher living standards, et cetera. Given all of that you would think that the federal government would take note and attempt to do something about what is clearly a national industry and therefore a national matter.

Hon. A. P. Olexander — It has. It has written to the minister asking him to do it because he has the power!

Mr SMITH — I notice Mr Olexander continues to interject and indicates that it is the state's responsibility. Again he demonstrates that the federal Liberal government wants to fob off its responsibility. That is my whole point.

The petrol and oil industry is a national industry with a national market. Why then would you not have national compliance? It seems pretty simple to me. The Bracks government argues, and I reiterate that argument, that the federal government has to act in this matter and bring it about. As I said before, standards are essential for a whole host of reasons to add credibility to that industry.

I will give you a little insight into the impact the reputation of the industry can suffer from when it is a detrimental impact. For instance, a couple of years ago we had the light aircraft fuel problem, where avgas was affected in such a way that the whole industry was grounded. That impacted not just on the industry but on the Victorian economy in terms of tourism. Our National Party colleagues would know in particular that this had a serious effect for a significant number of people. The people in the oil industry and in the refining component of that industry in particular were very downhearted about it because it impacted on them. People were accusing them of doing something that was damaging their vehicles, et cetera, so it is extremely important that we get this industry right. We want proper standards to apply. We want people to feel confident that ethanol additives to petrol are at such a limit that they will not damage their cars or other engines.

We heard from the previous speaker the importance of this, particularly for fishermen, and he was quite right. I believe there is nothing more frightening than being stranded at sea. I can speak with a bit of authority on this, given my 15 years service in the Royal Australian Navy and having broken down once in the middle of the Sulu Sea. You might go to your atlases to find out where that is! It is pretty scary, and the last thing you would want would be to have contaminated fuel put you at risk. That is another reason for having national standards. We want quality control at a national level.

Just to be a little flippant in this argument I will say this: we would not have this debate and this argument about whose responsibility it was if there was some sort of American connection to the industry and the petrol we use. If there was an American connection Little Johnny would have fixed it yesterday. There would be no issue.

Honourable members interjecting.

Mr SMITH — And you know it!

I do not want to appear to be or sound like I am opposed to ethanol or ethanol additives in fuel. Quite the contrary! Let me explain why. Ethanol is an important by-product of sugar cane, and the sugarcane industry provides many jobs in this country for working men and women, particularly in Queensland. It just so happens that the vast majority of those men and women are members of my old union, the Australian Workers Union. Government members are committed to doing what they can to help this industry and as a consequence union members, so we do not condemn ethanol; in fact we support it. There are a lot of advantages and a lot of reasons why we would, but we also believe consumers are entitled to know what is going into fuel. Our argument is that those responsible reside about 8 hours drive or a 1-hour flight north of here. It is their responsibility to do something about it.

The Australian Workers Union has lobbied both the federal and Queensland governments very hard on this issue, and, I might add, with some success. It did not hurt that the sugarcane area happens to be in three very important, dare I say it, key federal seats to the conservative government. That was enormously helpful, and the employer lobbyists on the sugar side have put buckets of money into the Liberal Party's re-election campaign. That is a matter of public record. You could not jump over the pile of money that they provided to the conservatives opposite.

The Honourable Andrew Olexander has given us an opportunity to expose the federal government for its

shortcomings, for which we thank him. The amendment I am speaking to indicates clearly what we think of his motion and what should be done.

Hon. A. P. Olexander — Your slip is showing now!

Mr SMITH — Don't go there, comrade!

I shall now discuss what the Victorian government is doing in terms of action on ethanol. Following discussions with the relevant industrial personnel — that is, manufacturers, producers, the Royal Automobile Club of Victoria and others — we have decided that labelling is appropriate and that the product should be clearly labelled as to the exact amount of ethanol that is within. The debate today goes to whose responsibility it is to regulate, and we say that it is a national industry and therefore the responsibility of the federal government. We obviously disagree on this matter, and I am sure in a short period we will decide who was right or wrong.

The purpose of the labels will be to prescribe exactly what the product contains. We know there are some shonks out there who are putting excessive amounts of ethanol into the fuel, and the obvious downside is that consumers are being affected in a detrimental way, such as warranties and so on. There is unanimous support in this chamber that there is a problem, and the government wants to ensure that it is rectified and the correct authority is used to do that — that is, the federal sphere. It is the federal government's responsibility. I know all power, no responsibility is the opposition's creed.

Hon. Bill Forwood interjected.

Mr SMITH — I take up the interjection by the former deputy leader who said the AWU — —

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

Hon. R. H. BOWDEN (South Eastern) — I find it interesting to listen to Mr Smith because this is the first time that I can recall in the 11 years or so that I have been a member of the chamber that the government has gagged itself. This is an illustrative situation: we were promised free and open debate, but the government gagged itself. I was just about to rise and say how appalling it is when we try to represent an average of 142 000 to 150 000 constituents that we are given only 15 minutes on issues as important and vital as this, but I was amazed when the government gagged itself. I know I will be gagged after 15 minutes because it is in the sessional orders. That is appalling. Where is the free

and open Parliament? The Parliament has been gagged, and having made that point for the record I will move on. It is a disgrace the way this government treats the Parliament by gagging it — even gagging its own members.

In previous contributions it is upon us to wonder the direction of the debate. I cannot understand why the government simply does not understand the benefits of labelling because it has the power and ability but it is not acting. This is a sovereign state and it has the power to label — for instance, Queensland, South Australia and New South Wales have all moved and introduced clear legislative controls, but no, the Victorian government is not interested. It does not care.

I support the motion but I condemn and do not support the amendment. The amendment passes the buck by talking about its having to go to the federal government because the state will not act — let the federal government do it. The simple thing is that the state government should act and it has the power. Another reason I will not support the amendment is that it is premature. A great deal of technical testing and evaluation is under way and is a lengthy process. There are highly sophisticated chemical and material questions to be resolved before a technical conclusion can be reached on a national basis. Those tests are continuing, and need to continue for some time yet. It is irresponsible for the Victorian government to pass the buck for that reason to the federal government.

Then we come to the strangest aspect of the amendment that leaves me lost because there is no mention in paragraph (b) of labelling. It also calls for the federal government to immediately regulate for banning and all the stuff that is in the amendment, but there is no mention of labelling. This is a cheap shot by a cheap, unresponsive state government against the federal government, and that is why I will not support the amendment.

An advanced economy like Australia depends fundamentally on automotive power in two areas: firstly fuels, because we have a great range of petrol, diesel and other associated engines in our economy that work around the clock in many areas of our activities as an economy; and secondly, another measure of an advanced economy is the use of electric motors because that is directly connected to activity, industrialisation and so forth.

We are a First World and a first-rate economy by any measure. The parliamentary library has given me information which is illustrative of the scope and seriousness with which we should view the inaction of

the state government — for instance, information from Marine Safety Victoria in Victoria indicates that the number of recreational boat licence-holders is expected to grow from approximately 142 000 to 250 000 over the next few years.

Some 600 000 registered recreational craft are on Australian waters, and the source for that is the Boating Industry Association; thousands of light aircraft are based here in transit; and in 2002, 2 754 258 passenger category vehicles were registered in Victoria, with 10 101 441 being registered in Australia. According to Australian Bureau of Statistics figures a total of 3 413 708 motor vehicles were registered in Victoria in 2002, and 12 821 961 Australia-wide.

This is a major item of serious concern. I do not understand the lack of enthusiasm the government is clearly displaying for picking up this issue, because with millions — literally millions — of petrol-operated machines and transportation vehicles in this state it is just so logical, based on the evidence so far, that as a community we cannot afford to put questionable fuel into our fleets.

It is irresponsible, very irresponsible, of the state government not to act on labelling, because proper labelling at the petrol pump would warn where ethanol blends are available. Without it there could be reduced fuel economy and an adverse impact on vehicle performance, and in the future there could easily be limitations on vehicle engine warranties and unnecessary wear and tear affecting the long-term and even medium-term reliability of particular motors.

I suggest to honourable members that the next time they ride in aircraft, go out in boats or are alone in their cars at night they ought to think quietly about safety and reliability and the importance of having predictability in the performance of the engines we all use.

It may be worth noting that in many parts of the community each family has several motors. It is obvious that most Victorian families and individuals have access to a motor car or perhaps a motor bike or some other power-driven vehicle, but in many homes there are also lawnmowers, chain saws, whipper snippers and petrol-driven pumps, and in the beautiful area I have the privilege of representing in the South Eastern Province there are thousands of farming enterprises where petrol-driven machinery is absolutely vital to the production of milk and other produce, including vegetables and so forth.

It is clear, based on very recent newspapers reports, that in the Melbourne area there have been instances of

unlabelled petrol containing 24 per cent ethanol being available and sold to the public. The Royal Automobile Club of Victoria (RACV) has been very clear in its recommendation, which is that, based on present technology, tests and available information, 10 per cent appears to be the maximum responsible level of ethanol that should be used in the fuel mix.

Years ago I was the holder of a pilots licence, and I can tell you that when I took off in an aircraft I did not want anything at all on my mind about the unreliability of fuel. There was a great deal of pre-flight preparation, and when I was alone piloting an aircraft I believed the fuel was okay because I had checked it for water and I had the assurance in my mind that the fuel was supplied by a reputable major fuel supplier.

The same goes with boats. I spend some time — not enough, but I spend some time there — out on the water being involved in various activities. With the high speed at which the pistons operate in outboard motors, particularly larger outboard motors, it is absolutely mandatory that the ethanol question be addressed. As has been said, it is possible for layering to take place in the fuel tank of light aircraft and, in particular, in marine outboards. We have hundreds of thousands of outboards in this state, and the consequences would be severe if something went wrong.

Layering with ethanol is serious, because ethanol attracts water, which can lead to a separation in the fuel tank of ethanol, water and fuel. If you are out in the bay, as I am on occasions, and at other places, that is extremely serious. When you turn the key on an outboard motor — whether it is at night, early in the morning or any time of the day, and you may have a storm approaching — all things being equal, with a well-maintained motor you really do not want to have to suspect your fuel. This is a serious matter.

Tests have been to the level of E20. In the standards as they have been developed and publicised so far, E10 is 10 per cent ethanol and E20 is 20 per cent ethanol. There have been some indications by reliable testing authorities — Environment Australia is one — that even at 10 per cent ethanol has some modest impacts, small impacts. It runs the motor at a higher temperature; there is blistering in the carburettor; and there are slight degradations in the rubber, the silicone hoses and the various bits and pieces that go with the carburetion and the fuel injection systems of these engines. It is clearly established that there is some negative impact and some difficulty at the 10 per cent level.

It is interesting to note that Queensland has already implemented the RACV suggestion of a 10 per cent cap. I think that is responsible. It has said to the Queensland community, 'Okay, we have this very desirable contribution by the sugarcane industry to the Queensland economy, but we are not going to get carried away and dump more than 10 per cent in the fuel mix at this time'. As I said, I think that was quite responsible. The RACV has advocated and is still advocating so far as I know 10 per cent as a responsible level.

South Australia has banned all additives. It has taken a more cautious approach in the expectation of further technical testing and developments. New South Wales has a 10 per cent cap, and I understand that was put in place in 1997. It is currently believed to be under review. But it shows that Queensland, South Australia and New South Wales, with their sovereign state capability — which we have in Victoria — have moved to protect consumers by giving them the benefits of labelling and an understanding of the advantages of taking a cautious approach.

I cannot understand why this state, which has the power to label and to impose a limit, will not act. What we have heard is, 'Let the federal government do it', and it is absolutely irresponsible of this state to say that. It is irresponsible in terms of the consumers' interests, and it is irresponsible because we as a community expect the government to act in the interests of the people of Victoria. This government has a responsibility overall to act in the community's interests. The states of Queensland, South Australia and New South Wales have accepted that responsibility, and it is clear that Victoria has the same responsibility to protect consumers and their equipment against the downstream negative impacts of unrealistic and unwise use of blends beyond the minimum proportion.

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

Hon. R. H. Bowden — I have been gagged, so I will have to sit down.

Mr VINEY (Chelsea) — I would have to say at the outset that it is rather galling to hear the opposition talking about being gagged. How quickly they forget that bit of masking tape that was put over their mouths during the 1999 election campaign. They are the experts on gagging; they are the ones who know all about the exercise of the gag. They are the ones who used it viciously during the seven years of the Kennett government, only to find that their own Premier then turned the gag back on them. They are the ones who

started the process of gagging in this place, and they are the ones who are now squealing because they cannot get used to the fact that the numbers in this chamber have changed. They cannot get used to that fact.

The second point I make is: it is interesting to see another case of the opposition playing catch-up here today? The opposition is thinking, 'Oh, here is a little issue we had better jump on the bandwagon for; let's get onto the ethanol issue'. Opposition members are thinking, 'You never know, we might even claw back a vote or two after the devastating results of the 30 November election last year. That might happen if we can play a few little political games in here and try to make out that the opposition parties have a real concern about this issue'. Quite clearly it is the Liberal and National parties in the commonwealth government that have exhibited disastrous policy failure on this matter.

This is a matter that is affecting the whole of Australia; this is a national matter that requires national attention. Despite the pleadings of the Victorian government for the commonwealth government to take action, the commonwealth government has continued to dither and dally and say, 'Let's do a study. Let's have an investigation into it' — a two-year investigation into ethanol levels. That is two years to look at something the international standard has already set at 10 per cent. The commonwealth government wants to do a two-year study to look at setting it at 20 per cent in Australia.

There has been further dithering and further policy failure from the commonwealth government on this matter. It is hypocritical, to say the least, for the opposition parties to try to make out today that they somehow have some concern about this matter, because it is their minister in Canberra, the Minister for the Environment and Heritage, Dr Kemp, who is perfectly able to quickly introduce some legislation to create a national standard at 10 per cent.

At the moment in Australia there is no limit to the amount of ethanol that can be put into fuel, and we can all agree here on the concerns about that. But apparently Dr Kemp is not concerned about it and the commonwealth government is not concerned about it, because it has not acted. It has had the opportunity; it has been urged to do so on at least several occasions by the Victorian government — certainly at a meeting in December of departmental officers from the Victorian and commonwealth governments, and on a second occasion, on 31 January this year, when the Victorian Minister for Consumer Affairs wrote to the Honourable David Kemp in Canberra on this matter.

It has had several opportunities — more than several opportunities; it has had years — to deal with this matter. It has had plenty of opportunity to act on its own part. I suggest that the opposition here today ought to support the amendment that has now been put to the house and send a very clear message to its own people in Canberra that it wants some national action.

There is no point in having a set of differing statewide policy positions around Australia. We all understand that the fuel market in Australia is a national market, and in fact part of an international market, and the international standard has clearly been set in the United States of America and in other jurisdictions — in France it is at 5 per cent. So clearly there is concern about this and there is plenty of precedent around the world for the standard to be set at 10 per cent, which would then give certainty to consumers not only in Victoria but across Australia on the level of ethanol in fuel.

In fact, that is precisely what the Minister for Consumer Affairs wrote in his correspondence to Dr Kemp, where in part he said:

While I appreciate that you may be awaiting the outcome of a study investigating the impact on vehicles of 20 per cent ethanol in petrol, I consider that immediate action is necessary on this issue.

Later, the minister said:

National action is necessary before this issue becomes more significant in states such as Victoria. In these circumstances I consider it appropriate that the commonwealth act to protect consumers by amending the Fuel Standard (Petrol) Determination 2001 —

act —

to set the limit of ethanol in petrol at 10 per cent.

So there have been opportunities for the commonwealth to act. It has been reminded of those obligations by the Victorian government and it is still dithering on this matter.

The opposition can join with the government today and adopt a bipartisan position to send the message to Canberra: let us have national action on this and let us make sure all consumers in Australia can be confident when they are purchasing fuel, for whatever purpose — for their lawnmowers, for their brush-cutters, for their aeroplanes or for their motor vehicles — and they can be certain about what they are getting, because there will be a national standard.

In fact, the commonwealth has had other opportunities to deal with this matter. In March 2001 the

commonwealth referred the matter of ethanol to the Australian Competition and Consumer Commission, and in December 2001 the ACCC formally advised the commonwealth government that it had several fair trading concerns relating to potential misleading conduct by particular distributors and retailers. These concerns related to the lack of disclosure to consumers, the effect on vehicles and warranties, and the reduction in fuel economy. But the commonwealth government has still not taken any action — between 2001 and where we are now in March 2003. It has still failed to take any action other than to put it off for some long-term study to be undertaken on whether it can increase ethanol, not to the international standard of 10 per cent, but to 20 per cent.

In August 2002 the Australian Automobile Association, the Federal Chamber of Automotive Industries and the Australian Institute of Petroleum jointly called on the federal government to institute a 10 per cent limit — but still, no action. The federal government has obviously had a disastrous policy failure on this matter, and I think it is disingenuous for the opposition to move this motion before the house. I commend the amendment and hope and look forward to seeing the opposition support it, and if it has a genuine concern about this, being true to it.

In this debate there has been some suggestion from the opposition that the Victorian government needs to take action. In fact, it has been done. On this matter it is on record amongst various representative bodies that the Victorian government has been in comprehensive discussions and consultations with people to formulate its own policy position on this matter, in addition to its efforts — unfortunately ignored by the commonwealth government — to get some action. Those consultations have been with oil companies in Victoria, with consumers and consumer representatives. We have consulted with petroleum distributors. The government has consulted with all of the various peak bodies associated with this sector. There have been detailed discussions with the Civil Aviation Safety Authority, with the Australian Ultralight Federation, with all of the motoring associations and with marine safety organisations.

The government has been going about the process of making sure that all stakeholders with a particular interest in this matter have an opportunity to put their views to the government. That is something the opposition has trouble with. It is something it failed to do in government. It failed to go through proper consultative processes and that is partly why we had the result we had in 1999 which was reinforced by the Victorian people only last year. This government has

been taking those consultations and representing those views to the commonwealth government to implore it to take some action.

I commend the work the Minister for Consumer Affairs and his department have been doing on this matter; it has been forthright. It is correct policy to push for national standards. The minister has already announced that if the federal government fails to take any action the Victorian government will act to protect consumers in Victoria. However, it makes no sense at all that each state jurisdiction takes a different approach to what is a national fuel market. It will only increase costs to fuel distributors and consumers if there is not a national approach. It is only through a national approach that we will have some consistency in the approach to these things.

Opposition members purport to know all about the operations of business, but as a member of this house who has a business background I have to say that what businesses look for is certainty in regulation. If you are operating in a national market the last thing you want to do is have to deal with different regulations in different states. This is clearly a matter for the commonwealth government to address. Clearly the opposition should be supporting the amendment before the house to ensure that maximum pressure is put on the commonwealth government and on Dr Kemp. The opposition should draw Dr Kemp's attention to its concerns if it has any genuine concerns; at the outset I have to say I doubt that.

In listening to the debate so far, the opposition has just been playing political catch-up on an issue that like so many others has left it behind. The opposition has failed to be at the forefront of so many issues and here we have yet another example where it has decided that it wants to try to jump into the political marketplace and the position it has taken is simply opportunistic and does not deal adequately with the essential policy problem — that is, in Victoria, in New South Wales and in every other state where we need a national standard. In the absence of the commonwealth government having completed its two-year study, the national standard should comply with the international standard of 10 per cent. I urge all members of this house to support the amendment moved by the government and to put pressure on the commonwealth government, where it belongs.

Hon. D. KOCH (Western) — I rise to speak in support of the motion and against the amendment moved on the grounds that the state government has a responsibility in relation to this matter, the testing at a national level has not been completed and will not be

completed in the foreseeable future — something in the order of 2005 or 2006 — and there is no mention of labelling. We on this side of the house see the amendment as an unreasonable attempt to amend a responsibility that lies directly at the feet of the government of the day.

As we are aware, the motion says:

That this house notes the deep community concern related to the use of the fuel additives ethanol, MTBE and naphtha in Victoria, and calls on the Bracks government to —

- (a) initiate a comprehensive program of fuel safety testing for motor vehicles, marine outboards, light aircraft and two-stroke engines with regard to fuel additives MTBE and naphtha; and
- (b) immediately regulate for the compulsory labelling at wholesale and retail levels of all fuel containing ethanol, MTBE or naphtha, including the blend proportions and potential damage and safety risks to Victorian consumers which may result from its use.

I would firstly like to thank the two colleagues who have preceded me for their contributions to the house on this issue of significant importance. Right now the government is complacent in its role of protecting Victorians. It is not protecting them and is failing to even inquire about regulating dangerous levels of ethanol in petrol. The government is not protecting Victorians by refusing to provide valuable education and information that could very well save them thousands of dollars in easily avoidable vehicle repairs; injury in potential accidents, especially among boat users; and moments of panic and suffering at the thought of the two prior potential catastrophes becoming a reality.

In my contribution to the house I will focus primarily on the second half of the motion, dealing with the call for the compulsory labelling of ethanol, MTBE and naphtha. In addition, I would like to reinforce the points my colleagues made in their contributions.

On a point of differentiation between the three components let me make it clear that MTBE refers to the gasoline additive known as methyl tertiary-butyl ether. MTBE is currently being phased out in many countries and mostly ethanol is the only other oxygenate component acceptable as a substitute. With this worldwide precedent having been set, Victoria is currently behind the benchmark when it comes to educating its people about the components and entering into vital research and development on this issue. The crude oil product referred to as naphtha has been refined into a light gasoline.

Ethanol itself is a potentially very dangerous component for engines. To best define this point I, like my colleagues before me, would like to borrow from David Cumming, government and corporate relations manager at the state's peak motoring body, the Royal Automobile Club of Victoria. Mr Cumming stated in an RACV media release dated 19 December 2002 that the ethanol-petrol blend has the potential to cause the following damage: reduce fuel economy; create adverse impact on vehicle performance; void or limit motor vehicle engine warranties; or have adverse effects, both long term and otherwise, on engine wear.

This point of view is held by many in the motoring industry, especially in the engine and particularly small engine repair businesses. Country repairers are becoming more vocal due to the lack of labelling at most outlets. Their clients — especially the farming community, with its many engines and high fuel usage — are now becoming conscious of what they are putting into their motors, but they are limited without correct badging of fuel. The message here could not be any clearer: ethanol-petrol blends when unregulated can be very, very dangerous. It is the responsibility of this Parliament and the mandate of this government to act on this matter, and to act urgently. Consumer protection should be paramount in relation to these by-products.

In light of the evidence from industry experts and the calls by Victorian consumers for this government to involve itself appropriately in the matter, I will give examples of federal government initiatives and also of moves made by other state governments such as Queensland, New South Wales and South Australia. Firstly, though, I would like to emphasise the point made earlier by an honourable member for Silvan Province, the Honourable Andrew Olexander, on the findings of the fuel quality review and how those results are indicative of the need for reform and review of the issue of ethanol-petrol blends in the state of Victoria.

A commissioned review into fuel quality standards and fuel quality requirements for Australian transport had its genesis in 1998 when Coffey Geosciences Pty Ltd undertook the process of development that would see the collection of valuable information and data to enable appropriate standards for fuel qualities and levels within Australia to be set. Worthy of mention in this respect is that ethanol-petrol blends have been available in Australia since 1994.

In a proactive move by the federal government that is to be applauded, the commonwealth Department of the Environment and Heritage conducted research and development of its own in this area. Its conclusive

findings in Victoria were distressing to say the least, in that it found ethanol-petrol blends were being sold with up to 13 per cent ethanol at some petrol stations. The RACV recommends blends of up to only 10 per cent of ethanol.

Further to this, on Friday, 31 January 2003, the *Herald Sun* published an article stating that ethanol-petrol blends of up to — incredibly — 24 per cent ethanol were being sold at some petrol station outlets. I am sure I speak for many other honourable members when I say that these figures and the supporting evidence of their effects and consequences are distressing. They are distressing for me as a car driver and small-engine owner, and they are also distressing for many Victorian constituents who speak to opposition members about the concerns they have on this matter.

I ask government members of this house what happened to the election pledge to govern for all Victorians. If they were serious about putting these words into action and giving them a life beyond a catchy slogan, they would heed the calls from desperate Victorian consumers and seriously concerned experts in the industry and do something — anything, but hopefully a considered something — to address this situation. But at the moment they are doing absolutely nothing.

A government that has done something and is continuing to do something on this issue is the federal government. It will continue to further test, research and develop the issues right through until 2006. As well as doing this, the federal government met with the states at the Environment Protection and Heritage Council meeting held in October 2002 at which the federal Minister for the Environment and Heritage, the Honourable David Kemp, highlighted to the state ministers their obligations to consumers under their fair trading legislation. If this were not enough to spur the then Victorian environment minister, now the Minister for Community Services, Sherryl Garbutt, on the matter, Dr Kemp also wrote to the Victorian finance minister to remind him of his obligations and responsibilities to Victorian consumers.

As I mentioned, other states also made moves towards resolving the ethanol issue by taking steps in the direction of labelling and regulating. Consistent with the RACV's conclusions on safe ethanol levels, the Queensland and New South Wales governments have introduced a 10 per cent cap on the ethanol levels allowed in their fuels. The South Australian government has even banned fuel additives altogether across its state.

We on this side ask: where is the Victorian government when it comes to protecting its consumers and introducing similar protective measures? All the points made by my colleagues and me in our contributions, plus the supporting evidence from relevant research and development bodies and the practices and initiatives adopted by other governments, make for a most compelling case. Honourable members could conclude, though, that if this evidence is not substantial enough to persuade the government — a government that champions itself as a representative and responsible one — to act, then the very obvious plight and fright of Victorian consumers should move it to act. Unfortunately, so far that has not moved it either.

I hope my closing remarks to the house on this matter bear some weight in reversing this current position. These additives need to be limited to 10 per cent or below, and the necessary labelling to protect consumers should be put in place.

Hon. KAYE DARVENIZA (Melbourne West) — I am delighted to have an opportunity to make a contribution to this very important debate on the opposition's motion and to speak in favour of and support the amendment the government has put before the house.

This is an issue the government takes very seriously, and I pose a question to the opposition — in particular the previous speaker, who asked where is the state government. The question is: where is the federal government? What is the federal government doing? This issue is certainly a federal government responsibility, but where is it on this question? What has it done, and why is it not taking the necessary action that is required now and was in fact required some time ago? The federal government has failed consumers not only here in Victoria but right across this country by failing to do what it should be doing — that is, taking up its responsibility to ensure that we have national fuel safety standards.

We need national standards that apply right across the country so that we in Victoria have not only some consistency in the level of substances that might be added to our fuel by various proprietors but also a level of consistency about the information consumers receive. Something that has been raised by the opposition and certainly by government members is the need for consistency and the need for information about the type of fuel consumers are putting into their various motors, whether they be motor vehicles, whether they be — as other opposition and government members have mentioned — fishing boats or whether they be the whipper snippers consumers use at the weekend to cut

the edges of their lawns. It is very important that we have this information.

Hon. Andrea Coote interjected.

Hon. KAYE DARVENIZA — The Deputy Leader of the Opposition doubts that I cut my lawn. Let me tell her that it is not done often. It is looking a bit dry and dead at the moment, so I keep squirting a little bit of water on it every now and then, feeling guilty and trying to breathe a bit of life into it. I do not require a brush-cutter, and I do not think I would know how to use one if I had one. They look pretty nifty, but I certainly do not have enough lawn to require one.

It is important not only for people who are using motor vehicles but also for people who are using motor-driven appliances or other pieces of equipment that they know what fuel mix is being put into them. The National Party member, the Honourable Damien Drum, talked about the problems that could arise if you found yourself in a boat some distance out to sea or on a lake or a weir or whatever and your vehicle stalled. They are the sorts of problems that can be associated with fuel additives, and they are well known and well documented.

They are very real risks to people's safety and wellbeing. I do not necessarily agree that they will all result in people dying, but I am not ruling that out. Certainly it can be very distressing and cause a great deal of trauma if someone finds themselves in a situation where they are unable to return because of problems with their motor. It can certainly lead to a whole range of injuries and stress; people can suffer from exposure, dehydration and those conditions. There can be complications because people are unable to get access to medication that they might require. Of course that does not even deal with the stress that the family might be feeling at home when somebody does not return. Mr Drum has raised these issues that deal with concern for families and people using these vehicles as well as the concern that their families might be experiencing.

My question is: where is the federal government on this? Where is it when it should be legislating and regulating, when it is the government which has the power and the ability to put in place nationally consistent legislation and regulations right across the country — not just here in Victoria, not just from one petrol station or operator to another, but right across the country? This government believes national standards and consistency are required to deal with this matter and to deal effectively with this issue. The

responsibility for that rests firmly with the federal government.

Of course the Bracks government takes this matter seriously. I shall run through some of the ways in which this government has taken up the issue and attempted to get the federal government to take up its responsibilities and to take the action that is required. I urge the opposition to support the amendment the government has put before the house today which goes to the very heart of this issue and calls on the federal government to put in place national standards and consistency.

The issue of ethanol-blended petrol is certainly a national one. The responsibility firmly rests with the federal government. As I said, it is about having some regulations put in place nationally to provide that consistency of standards right across the country. The best and the only way to do that is by the federal government taking up its responsibility and regulating and legislating accordingly.

Previous opposition speakers have argued that this matter has not been dealt with properly by the state government. I firmly argue it is a federal government responsibility. As I said, we want to have nationally consistent standards so that when people travel from state to state — whether it be South Australia, New South Wales or one of the territories — they can go into a petrol station and purchase some petrol for their vehicle or piece of equipment and they know what they are purchasing and understand what they are putting in their vehicle or equipment.

Australians travel around a lot, not only nationally but also internationally. We cross borders all the time. Many constituents of my colleagues on the other side of the chamber live close to state borders. No doubt they and their constituents move across borders to do their shopping and purchase fuel and other goods. It is very important that we have that national consistency in those areas. You can imagine what it is like if on one side of the border you have one set of regulations governing what is happening and a different set governing what is happening on the other side of the border, with no consistency at all. I imagine this is an issue of great concern particularly to those honourable members in this chamber who have constituents who live close to state borders.

We want it to be possible to cross those state borders and have consistent standards. We do not want different standards and arrangements. We do not want different information. We do not want to be looking for the information that we require about how much additive has been put in our petrol, but it is located in a different

place from one state to another — maybe outside on a sign in one state and inside on the counter in another state. That information may not be easy to find. It might be easy to find if you are from that state, but if you are a visitor from another state it might be difficult to find. We want national consistency, particularly so far as information is concerned, not only what the information is but where it is placed and how accessible it is.

The composition of petrol and diesel is set down under the commonwealth Fuel Standard (Petrol) Determination 2001 and the Fuel Standard (Diesel) Determination 2001. The fuel standards were introduced on 1 January 2001. The purpose of these standards is to provide some uniform fuel quality and standards right across Australia. While the fuel standards set a maximum concentration for a whole range of substances that can be added to fuel, they do not prohibit the addition of ethanol and, more importantly, there is no requirement to set out what quantity of that substance can be added to the fuel. Therefore there can be different quantities added to the fuel in different states, and that certainly occurs in different countries — I will get to that a little bit later.

Fuel supplies in Australia are primarily operated in a national market. Therefore we should have our federal government, our commonwealth government, determining and putting in place the right legislative program and the right sorts of regulations as well as national standards. This is simply the very best way to manage this particular market and this matter. The Victorian government has taken this matter up with the federal government in a range of different ways. It has had meetings that have been arranged between the various departments and ministers from various states around Australia as well as our federal counterparts.

We have put it very clearly on the agenda at those meetings. We have made our position clear that we see the federal government as being responsible for taking up and dealing with this matter in a consistent way. More than that, recently our Minister for Consumer Affairs wrote to Dr Kemp and outlined what we believe the federal government should be doing. So if you like we have set it out for him, we have put it in black and white, in easy to follow instructions, what the federal government should be doing to fix this matter.

Honourable members interjecting.

Hon. KAYE DARVENIZA — We cannot help it if the states are electing Labor governments — we think that is a really good thing! We want national consistency; we believe it is a federal responsibility. I

call on opposition members to support this amendment and send a message to their federal colleagues.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — At the outset I would like to say that the issue before the house today is fundamentally an issue of consumer affairs, which of course comes under state government jurisdiction.

Why do we even have this issue before the house today? What is the issue with fuel additives? Why do we use fuel additives? There are a couple of reasons why we see additives blended with petrol for use as fuel. Those reasons have historically been primarily technical. Fundamentally, fuel additives have been used to enhance the octane rating of fuel. The octane rating of a fuel is its capacity to limit detonation in the engine. Detonation is a phenomena in a combustion engine where rather than the fuel burning progressively in the cylinder, it explodes spontaneously. Various additives have been used in fuels over time to prevent that spontaneous explosion of fuel in a cylinder and to promote progressive burning of fuel in the cylinder and a smoother running of the engine. That is primarily the historic reason why additives have been put in fuel and a number of types have been used for that purpose. I will come to that shortly.

The other reason why we are increasingly seeing additives in fuel is the cost differential between the primary fuel and the additives it is blended with. That is particularly the case with ethanol. As honourable members will be aware, the rates of duty that apply to ethanol can differ from that applied to petrol. Therefore if an operator can mix ethanol with petrol, because ethanol is cheaper they can lower the overall cost of the fuel which they then sell to retail consumers. So there is now a cost imperative which is contributing to the incidence of ethanol in particular being blended with petrol, as well as the technical reason I touched on earlier.

There have been a range of additives used in blended fuels. Traditionally tetra-ethyl lead (TEL) was used prior to 1987 before unleaded petrol was introduced. TEL was used to raise the octane rating in fuels and to therefore prevent detonation. Since the use of TEL as an additive in fuels was abolished for environmental reasons in 1987, a number of other products have been used. The motion my colleague Mr Olexander has moved today mentions methyl tertiary-butyl ether (MTBE). Ms Mikakos spoke about MTBE earlier and pointed out that in some jurisdictions its use is being discontinued, primarily on environmental grounds, because when MTBE is blended with fuels which are then stored in underground storage tanks in refineries

and service stations, any leakage from those tanks can have adverse consequences for ground water.\

MTBE is a particularly bad substance to have leaking into ground water and therefore in some jurisdictions such as California the use of MTBE fuels has been abolished. That has led to the use of alternative fuel additives. The key additive that has been discussed today is ethanol. Ethanol is an additive that is produced from the sugars of various crops. In Australia sugar cane is used, but corn can also be used in the production of ethanol, and this is the way it is produced in the United States of America.

As an additive, ethanol has a number of properties worth noting. One is that ethanol has a lower energy content than regular petrol. This means that for any given weight of fuel, for example a kilogram of ethanol versus a kilogram of petrol, consumers will get less energy from a kilogram of ethanol. That means they will have to use more of it to produce the same amount of power to get the same performance out of whatever vehicle it is being used in. Ethanol is also more volatile than regular petrol. That then leads to issues of how the fuel will burn when it is used in different types of engines.

As the Honourable Andrew Olexander pointed out, there is the issue of water absorption in ethanol. It is not normally a significant issue when it is used in motor vehicles. It can, however, be an issue in other fuel uses, and I will come to that shortly.

The fourth point I make about ethanol that is also particularly relevant is that ethanol acts as a solvent and it is not necessarily desirable to have a solvent in fuel systems, for reasons I will point out shortly.

Why is it important for consumers to know what additives are in their fuel? I go back to an example that was raised earlier today. It occurred over Christmas 1999, and of course it relates to the avgas fuel contamination issue. Over Christmas 1999, leading well into 2000, we had a situation where a full third of the fleet of general aviation aircraft in this country was grounded due to the fuel contamination issue. That fuel contamination issue had been quite unexpected and had occurred quite inadvertently. It occurred because of minor contamination which occurred in a Mobil plant where ethylene diamine was accidentally mixed with avgas. That was an agent used for corrosion prevention and somehow it had ended up in fuel that had been produced for aviation use.

The effect of that contamination in the fuel was that once the fuel with that contaminant was used, the

contaminant reacted with brass components in fuel systems and led to the production of a black sludge which consequently blocked fuel systems, such as fuel injection systems et cetera, and caused a number of engine failures in aircraft over that period. Fortunately there were no casualties arising from that, but once that situation was investigated it was found to be a widespread problem across roughly a third of the fleet of aircraft in this country and as a consequence they had to be grounded.

Mr Lenders — Is that the federal government that investigated or the state?

Hon. G. K. RICH-PHILLIPS — We will get to that, Minister; it is a very good point. That indicates the seriousness of the issue where you have unidentified substances blended in and contaminating fuel. It is particularly of significance in the aviation sector.

Earlier Ms Mikakos raised the point of why the motion moved by the Honourable Andrew Olexander has reference to aviation, and that goes to the issue about which the minister just interjected. The reason aviation is mentioned in the motion is quite simply that a number of aircraft in this country use motor fuel. The fuel that you buy at your service station, unleaded petrol, is used in aircraft applications. It is very important that we bear that in mind. I am disappointed that Ms Mikakos as lead speaker for the government was not aware of that. This issue affects aviation and therefore it is critical and important that there is disclosure of what additives are blended with unleaded petrol.

The reason motor fuel is used in some aircraft is an historic one. It relates mainly to older aircraft, those having lower compression engines requiring lower octane fuel. Traditionally avgas was produced with lower octane ratings but more recently in the last 20 years or so avgas has only been produced with a 100 or 130 octane rating which is significantly higher than those engines have traditionally used. Unleaded petrol has an octane rating of only 91; therefore it is more appropriate for unleaded petrol rather than avgas to be used in certain aviation engines. There is a significant proportion of older aircraft in the Australian fleet which use motor fuel, or mogas as it is termed in the aviation industry, rather than avgas. It is for that reason and the experience that occurred over Christmas 1999 with contamination of aviation fuel that this is such an important issue for the aviation industry. It is imperative that aircraft operators who are using mogas know what sort of additives are blended with the fuel they are buying.

I am struck by the hypocrisy of the government on this issue which is, as I pointed out earlier, a fundamental issue of consumer affairs. The previous Minister for Consumer Affairs in this place, the Honourable Marsha Thomson, would come into this chamber time and again and make announcements on consumer affairs issues. On one occasion, I think it was during question time, she came in wearing a mask. On another occasion she wore a Santa hat. On yet other occasions she came in here carrying show bags. The reason she did these things was to illustrate issues in consumer affairs. The minister used her position in this chamber to illustrate potential consumer traps in the retail area and to provide warnings to consumers about things which they may purchase and which may not live up to expectations or things, particularly in relation to the show bags, which may be harmful to children if their parents were to buy them.

On simple issues we have seen the former Minister for Consumer Affairs come in here and give warnings to consumers on what frankly would be matters of commonsense. If you have an item in a show bag that is potentially harmful to a child if they swallow it or whatever, you would expect a parent to know that. You do not need the Minister for Consumer Affairs to come into this place and lecture people about the content of show bags. That is commonsense. Yet when you have an example like the motion before the chamber today calling on the government to mandate the labelling of fuel so that consumers know what they are buying, we have the minister and the government walking away.

In her contribution Ms Darveniza seemed to be in fierce agreement with what the opposition is saying about the need to label fuel. Yet time will tell whether we see the government actually supporting that. The government in its argument seems to be supporting the case for fuel labelling and the case for disclosure of the use of additives in fuel so that people are protected. I go back to the cases I have used in the aviation industry where it is absolutely critical that we have this sort of disclosure, yet the government members seem to be willing to push responsibility onto the commonwealth government.

I would have thought at the end of the day that the primary focus of the Minister for Consumer Affairs would be on protecting consumers rather than trying to blame another jurisdiction. He has primary responsibility for that and, as Mr Olexander has previously raised, he sees his role as one of empowering consumers, yet by failing to mandate the labelling of fuel the minister is denying consumers the ability to be empowered in making decisions about purchases.

I shall briefly turn to the amendment proposed by Ms Mikakos and say at the outset that the opposition will not support it. Paragraph (a) of the amendment will not be accepted because the state government is saying it wants to abrogate responsibility to the commonwealth government. The government and the Minister for Consumer Affairs are not willing to pick up the responsibility and want to handball responsibility, and we do not accept that.

The amendment wants to regulate the content of ethanol in fuel, which we reject, because it is irresponsible for the government to call for that before scientific testing is completed. It is cart-before-the-horse stuff — —

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

Ms ROMANES (Melbourne) — I oppose the motion because it seeks to immediately and urgently shift the burden and responsibility for a comprehensive program of fuel safety testing of fuel additives to petrol and diesel and a program of compulsory labelling to the Victorian government.

What we need in response to widespread community concern is nationally consistent fuel standards and disclosure requirements, which is what the Minister for Consumer Affairs has been working towards and the Victorian government is pressing for. There is no point in addressing piecemeal issues that are of widespread concern throughout the country and missing an opportunity to put pressure on the federal government to deliver on those national standards and improvements to the regulatory regime relating to fuel additives.

I support the amendment moved by Ms Mikakos because I believe it is consistent with the approach of the Victorian government, which is one of trying to sort out the difficulties that the community is currently facing in regard to some addition of ethanol, MTBE — methyl tertiary-butyl ether — and naphtha in fuels in some places but is one which is consistent with the practices that are in place to address those issues.

Paragraph (a) of the amendment calls on the commonwealth government to work with Victoria to:

continue the program of fuel safety testing for motor vehicles, marine outboards, light aircraft and two-stroke engines with regard to fuel additives MTBE and naphtha.

There is already in place through the appropriate federal department a monitoring program that is measuring what is happening in this area. It is conducting random

testing and handling complaints that are directed to the commonwealth government about fuel additives.

With regard to the activities of the commonwealth government on fuel safety testing, the Victorian government liaises closely with counterparts in the commonwealth government to keep abreast of what is happening in this area, and also tests in Victoria when there are alleged breaches of the false and misleading provisions of the Fair Trading Act of 1999. Separate testing of the scale and dimensions suggested by the motion would be a duplication of activities that are already in place and would shift the compliance burden and cost to Victoria when, as I said before, there is the opportunity at this time to address the situation throughout the country and to develop a responsible approach that is consistent and that Victorian motorists who travel interstate could also rely on to provide the same level of protection.

I also support the second part of the amendment in relation to going back to the commonwealth to seek an immediate regulation for the banning of fuel containing over 10 per cent ethanol until conclusive evidence is provided regarding its safety. A lot of fear has been spread throughout the country about the effects of fuel additives and their safety. It is therefore incumbent on governments in the relevant jurisdictions to do something about this issue, but it could be addressed, as the Minister for Consumer Affairs said in his correspondence to the Honourable David Kemp, by the commonwealth putting a 10 per cent cap on ethanol, which is an international standard that has been adopted throughout the world. Until the scientific evidence and results of studies looking at the impact of a possible 20 per cent ethanol addition to fuel are concluded this amendment would be an appropriate and medium-term measure to address those widespread concerns in relation to that issue.

It is important to be clear that the commonwealth government has responsibility for setting fuel standards in this country under the Fuel Quality Standards Act 2000, but at this point it has failed to legislate to cap the ethanol content in petrol or to introduce the labelling standards of a kind that the Liberal and National opposition have proposed today. We must go back, as Mr Smith said earlier, to the whole issue of demarcation between the different governments and jurisdictions in this country to look again at how we deal with these issues which arise on a daily basis.

There are serious and pressing issues in every sector of our society, and fuel additives and their effect on the performance of motor vehicles or recreation craft reliability and safety are of concern, as they are in

health, road safety, aged care, and natural resources, which is happening across the board all the time. It is important for commonwealth and state governments to work harder at resolving these tough demarcation issues.

I am concerned that the public is always disappointed when it appears that a government which has, as does the commonwealth government in this case, the wherewithal or the legal authority to legislate to address a problem duckshoves the issue to another government. The people out there know that this will mean delays in finding a solution to the problem. It means that if a safety issue is involved there will be delays in protecting members of the community.

The commonwealth government's legal authority is an important tool that the Honourable David Kemp could use to immediately address concerns about the amount of fuel additives across the board. In that failure to act the federal government has demonstrated that it is not concerned to put first the broader concerns of the community about the potential safety and economic issues that may arise from the impact of such fuel additives on both vehicles and other engine-driven equipment. It is therefore concerned again to duckshove these issues back to the states.

What we need, and badly, is nationwide action. Nationwide action at that commonwealth level would be the straightforward and logical way to go. We know that other countries have adopted the 10 per cent cap as a de facto international standard and we know that that could be implemented through national legislation, so it is puzzling that the federal government is declining to act. This morning we have a motion from the Liberal opposition to let it off the hook. The opposition has said this is a serious and important issue that is of widespread concern in the community; it has put the matter on the table but not put the pressure on a Liberal federal government to take action to address the problem immediately and comprehensively across the nation. Therefore it leaves me wondering what are the motives of those on the other side of the house and where the real concerns of the opposition in this place lie.

I was interested to hear the comments of the Honourable Damian Drum who outlined for us the future of fuels such as ethanol; he suggested that ethanol is a potential fuel for the future and therefore we need to work closely with both the federal government and Environment Australia. If this fuel has the potential to reduce fuel emissions and improve air quality and the environment for the future, we should indeed be doing as much as possible to resolve current concerns and

fears about the impact of fuel additives and to prepare the way for a future where, as one of Victoria's bus lines has already shown, it may be that this country moves towards a far greater use of ethanol in fuels.

This is an opportunity to get the regulatory framework right, to encourage some confidence in ethanol, to follow the example of the bus line in the south-east that is running buses on ethanol and, of course, in that way to support the sugarcane farmers in Queensland because that is a natural product we could draw on in the future which would add to the environmental sustainability of our community.

I oppose the motion before the house, I support the amendment, and I call upon the commonwealth government to take the required action to address these very important issues we have been talking about this morning.

Hon. ANDREW BRIDESON (Waverley) — This is a very important motion, and I rise to speak in support of the Liberal Party's motion:

That this house notes the deep community concern related to the use of the fuel additives ethanol, MTBE and naphtha in Victoria —

and we call on the Bracks government to —

- (a) initiate a comprehensive program of fuel safety testing for motor vehicles, marine outboards, light aircraft and two-stroke engines with regard to fuel additives, MTBE and naphtha —

and furthermore, we want the Bracks government to:

- (b) immediately regulate for the compulsory labelling at wholesale and retail levels of all fuel containing ethanol, MTBE or naphtha, including the blend proportions and potential damage and safety risks to Victorian consumers which may result from its use.

Members of the government have put forward an amendment which we emphatically oppose, mainly because the federal government is still undergoing an extremely comprehensive testing program and regime on ethanol, and it is far too early for the federal government to come to any conclusions on what part it should play in this labelling process. It may mean that after the testing is completed the federal government will play a regulatory role, but until such time as the scientific tests have been concluded we say that it is a state government issue and its members should roll up their sleeves and get on with the job of governing and making the decisions they were elected to make.

It seems to me that this government is long on rhetoric but very slow to implement any actions. It will try to

get away with the excuse that it has not consulted widely enough. It has had plenty of time to consult on this one, a lot of evidence has been gathered and I see no reason why it cannot make an instantaneous decision on this issue.

I will speak initially on the first part of our motion and why the facts regarding the ethanol-petrol blend have recently come to light. Late last year the Royal Automobile Club of Victoria (RACV) was very outspoken about this. It claimed there would be reduced fuel economy, and in this day and age motorists want to conserve fuel — they want fuel economy not only to save their own pockets but also in consideration of the need to reduce emissions into the environment. They are also very concerned about the impact on vehicle performance. Whatever motors they are using, whether they are motors in their mowers, or as we heard from the honourable members opposite — and I am pleased to hear that the Honourable Kaye Darveniza does spend some time outdoors — —

Mr Lenders — She mows her lawn!

Hon. ANDREW BRIDESON — She does mow her lawn.

An Honourable Member — She uses her whipper snipper!

Hon. ANDREW BRIDESON — She uses a whipper snipper. She did not mention a blower; I am not sure whether she uses a blower to sweep her path or whether she usually uses that for her hairdo! But it is an interesting connotation, that one.

It is essential that motors that are used for whatever purpose are run on fuel that prolongs the life of those engines. The use of the wrong sort of fuel could also void or limit warranties. A lot has been said in the media recently — particularly by vehicle manufacturers — about warranties being null and void if ethanol fuels are used and engine damage results.

Coming back to the Royal Automobile Club of Victoria media release, which I think was put out by the RACV manager of government relations, David Cumming. I must say that David has been a great advocate of what the opposition is proposing in this motion this morning. I will just highlight what David Cumming had to say on Thursday, 19 December last year, just before Christmas. He said that the RACV is advocating that warning labels be placed on ethanol blended petrol. They must be regulated in compliance with the Trade Practices Act. That was done following legal advice the RACV obtained.

Last night on the way here I pulled into the Shell service station on Punt Road to refuel my vehicle and, for the first time, I noticed that on the Shell pump there was a sign saying 'No ethanol'. Perhaps the industry is self-regulating, which begs the question, 'Why are they self-regulating when it should be the state government that introduces the regulatory regime?'

Coming back to the RACV, it claims that research suggests that more than a 10 per cent blend of ethanol will cause damage to engines and — as I think I previously mentioned — void the manufacturers' warranties as well as causing a reduction in performance. That brings to mind the safety aspects, as I think the Honourable Glenyys Romanes mentioned. How would it be if damage were caused to, say, a motor boat engine when you were out in the middle of Lake Eildon, Port Phillip Bay or —

Hon. A. P. Olexander — Bass Strait.

Hon. ANDREW BRIDSON — Bass Strait, as the Honourable Andrew Olexander interjects. You would be sitting out there, your engine blown up because of faulty fuels.

Hon. A. P. Olexander — Weather change.

Hon. ANDREW BRIDSON — There are lots of factors you have to consider. Perhaps there could be a weather change or clouds could come rolling in, making it difficult for searchers to find you. This could result in litigation ultimately against the government and the taxpayer. An appalling situation could arise if the government fails to regulate the use of ethanol-blend fuels.

Another thought comes to mind regarding motorbike enthusiasts. When you have a look at the amount of money which some motorbikers spend on their machines, particularly Triumphs and Harley-Davidsons, which can cost anything up to \$30 000 plus, you can understand why these enthusiasts would like to be guaranteed that they can run their machines with the most efficient fuel. It also beggars belief that the bikers who have older or antique machines may, if damage is caused to their engines, be at risk of not being able to find parts to rebuild their motors.

Coming back to the RACV media release, the third point David Cumming makes is that motorists should not be disadvantaged by purchasing ethanol-blended petrol. The best way is to legislate a 10 per cent limit. David Cumming also said that a leading law firm which the RACV has consulted has warned that oil companies would have to place warning labels on pumps

dispensing ethanol-blended petrol. If they did not, they would be in breach of the Trade Practices Act. Simply saying that the petrol contained ethanol would not be warning enough to protect the service stations from legal action arising from damage caused by the ethanol-petrol blend.

Furthermore, according to this same legal opinion, the pump label would have to warn that ethanol-blended petrol would do three things. Firstly, it would reduce fuel economy. Secondly, it would have an adverse impact on the vehicle's performance, and, as previously mentioned by the RACV — —

The PRESIDENT — Order! Pursuant to sessional orders the time for general business has concluded.

Business interrupted pursuant to sessional orders.

Sitting suspended 12.47 p.m. until 2.02 p.m.

QUESTIONS WITHOUT NOTICE

Gas: Bonnie Doon supply

Hon. BILL FORWOOD (Templestowe) — My question is to the Minister for Energy Industries. During the recent election campaign the *Mansfield Courier* of 25 November had a photograph of the then member for Benalla, Denise Allen, with Mr Steve Taylor of Bonnie Doon Auto and Marine with the caption 'Bringing gas to Doon'. In view of the minister's answer to Mr Hall yesterday, will he now reassure the people of Bonnie Doon that the Bracks government's commitment to connect natural gas to Bonnie Doon will be honoured during the life of this Parliament?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question and for his new-found interest in taking gas to regional Victoria, an interest which seemed not to be present in the opposition in the past.

I genuinely welcome this new-found interest on behalf of the opposition and I look forward to working with its members in order to ensure that regional Victoria does in fact get gas in the places where it is now currently non-commercial. I welcome that cooperation, although there are not that many of them in regional Victoria for us to cooperate with anymore! Nevertheless, for those who are there and those who are interested, we are certainly happy to cooperate with them.

Prior to the election, as I have already indicated to the house, we announced the allocation of \$70 million to

stimulate the delivery of natural gas into a range of such areas. These funds are going to be primarily for infrastructure contributions in order to allow for the gas to be made available to those various locations.

Implementing this program is a joint responsibility of the Minister for State and Regional Development in the other place, the Honourable John Brumby, and me, and I am working very closely with him to ensure that this program is put in place. I am taking an active role in the issue because it is central to the objectives of my portfolio. Funding for the program is due to commence in the 2003–04 financial year, and in the meantime an interdepartmental working party is developing the details of the program. The guidelines will be made available to assist with the rollout of this program.

As I have indicated, it is the government's view that some gas extensions would be commercially viable under a regulatory regime that better reflects the commercial risks associated with greenfield development when natural gas faces competition from existing established fuels. We will work to remove such impediments in consultation with the Essential Services Commission and through the forthcoming review of the national gas access regime to ensure that government funds are provided for gas extensions only where they are needed and where there are net benefits in doing so.

I emphasise to the honourable member that there is always a limited amount of funds — in this case \$70 million has been allocated. I am not in a position to give the honourable member an indication of the exact time for any of these projects until the process has been completed. There have been a number of specific programs for which an indication has been given, and they include the Bairnsdale one, where the government has given a commitment. However, the question of timing is subject to this process occurring and will be announced in due course.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer. Do I take it from his answer, though, that the minister is confirming that Bonnie Doon will be one, like Bairnsdale, that will be connected?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The commitments that were made by the government involve Barwon Heads, Bairnsdale and Creswick. All other areas are subject to the process I have outlined and will be examined in the context of ensuring that the maximum reach is made with the available funds. I can assure the honourable member

that Bonnie Doon will be considered very seriously during the course of that process.

Electricity: wind farms

Hon. J. H. EREN (Geelong) — I refer my question to the Minister for Energy Industries. Will the minister report on the progress of Victoria's wind energy industry and the importance of this industry to Victoria's economic development?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question. Victoria remains strongly committed to growing the state's renewable energy resource and in particular its wind energy resource. The Bracks government recognises that renewables can reduce greenhouse gas emissions, and I think everyone in this house would want that to occur, and that wind energy in particular provides a sustainable supply of energy that is clean.

Not only is there a capacity for a reduction in emissions but the provision of wind energy is a whole industry on its own. Support for a wind industry in Victoria is an important part of what the government is attempting to do. We are already seeing a boost in regional Victoria with new jobs and economic development arising out of this industry. Again it is an investment in confidence in Victoria through the establishment of a complete new industry. Currently there are two wind farms operating in Victoria — one at Codrington and the other at Toora.

Hon. Bill Forwood — Have you been down there yet?

Hon. T. C. THEOPHANOUS — No, I haven't visited them yet, but I certainly intend to do that. They have a capacity of 40 megawatts. In addition, Pacific Hydro is constructing a 75-megawatt wind energy facility at Challicum Hills, the first stage of which is expected to be operational in mid-2003.

Hon. J. A. Vogels — Where is Challicum Hills?

Hon. T. C. THEOPHANOUS — For Mr Vogel's information it is at or near Ararat. There is a further 440 megawatts — —

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — I want to actually commend the local members, since you raise it with me, because the local members, in particular the honourable member for Ripon in the other place, Joe Helper, and my upper house colleagues the

Honourables Dianne Hadden and John McQuilten have been very strong supporters of wind power and have helped to bring some of these projects into being.

A further 440 megawatts of wind energy capacity has been committed or is in the preplanning stages, including the landmark 180-megawatt Portland wind energy project. We have the potential for a very substantial wind industry in this state. There is only one possible obstacle in the path of this — that is, the federal government, because if the federal government does not — —

Hon. Bill Forwood — You are so predictable.

Hon. T. C. THEOPHANOUS — You can laugh, but I look forward to your supporting us on this.

We are not only asking for a renewal of the mandatory renewable energy target, known as the MRET, but we want an expansion of the target, we want it to be increased. Let me make this absolutely clear: were it to be increased we would have a viable industry in this state, one capable not only of producing electricity but potentially one that is actually producing generators and associated windmills as well. Consequently it is very important for this state.

We often say that Victoria is blessed with lots of wind, but at the moment all we are getting from the opposition and the federal government, I am afraid, is a lot of hot air.

Public liability: ministerial agreement

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is for the Minister for Finance. I refer to the minister's answer yesterday in question time when he described the New South Wales public liability legislation as draconian. How does the minister reconcile his comment with the ministerial joint communiqué on public liability signed by all state and territory governments, other than Victoria, which lauds the very same legislation as a model to develop nationally consistent reforms?

Mr LENDERS (Minister for Finance) — I thank Mr Rich-Phillips for his question, but I am somewhat puzzled, as I thought Mr Strong was the spokesperson on finance. Perhaps if the Leader of the Opposition has reshuffled the shadow portfolios he could advise us of that. Maybe I have missed something.

Mr Rich-Phillips raised the specific issue of what he described as my response yesterday to the New South Wales legislation. Again I urge Mr Rich-Phillips to listen. I was referring to the legal system and the claims

record in New South Wales, where on average claims were almost double the awards made in the Victorian judicial system. Because they operated under a different form of law, where in Victoria for example — —

Hon. G. K. Rich-Phillips — On a point of order, President, I believe the minister is misleading the house in his response. Yesterday he quite clearly referred to New South Wales having introduced some fairly draconian pieces of legislation. He was not referring to the claims history, he was referring to the legislation.

The PRESIDENT — Order! There is no point of order. The point the member made is not a point of order; it is a debating issue. I do not uphold the point of order.

Mr LENDERS — The ministerial council on insurance has looked at the regime in place across the eight jurisdictions in Australia. It has tried to get raw data from those jurisdictions to try to find out if there is a problem in the law of negligence that affects insurance availability in jurisdictions. To do that, the ministerial council commissioned Trowbridge Consulting, headed by John Trowbridge, who is now the chief executive officer of Suncorp Metway, to provide data to individual jurisdictions so we could make informed decisions on where we went with our legislation to deal with insurance.

Out of that data there was unequivocal evidence that the state of New South Wales had a severe problem. Its claims history was not good, and its claims management was not good. Part of that was things that are endemic to New South Wales where there is a different legal culture; a different common law applies and a whole range of things. Part of that was also that some of the legislation is quite different. If in the state of Victoria a person is injured on the road, it is a no-fault system and the Transport Accident Commission deals with it whereas in the state of New South Wales fault still needs to be found. They are very different jurisdictions.

The point I made in question time yesterday was when people are looking at solutions to the issues in insurance we need to look at the problem they are trying to fix rather than try to find some miraculous solution that suits all. That is what I would have hoped Mr Rich-Phillips would have listened to.

Fundamentally, on all these issues of financial management the Bracks Labor government in Victoria unreservedly comes from a position where it is the financial manager of choice in this state. We have a AAA credit rating as a government and that has been

reaffirmed on two separate occasions. We continue to maintain a budget surplus as part of our process because the issues of financial management are the ones that this state needs to trade on if it is going to operate as a successful state.

This is unlike reckless members of the opposition such as Mr Rich-Phillips. Yesterday in this house he was urging us to abandon years of bipartisan support for the management of superannuation funds because he thought that people like him, working through Commonwealth Securities and providing their own services, could give advice to the state. That is a concern to the state. It should be a concern to his leader because the Labor government in Victoria believes in a AAA credit rating. The Labor government in Victoria believes in long-term financial management. The opposition should listen and learn if it wishes to govern this state again.

Goods and services tax: social housing

Hon. H. E. BUCKINGHAM (Koonung) — I refer my question to the Minister for Housing. Will the minister advise the house what the Bracks government is doing to minimise the impact of commonwealth taxation impositions on Victoria's comprehensive social housing program?

Ms BROAD (Minister for Housing) — I thank the member for the question and for her continuing interest in Victoria's extensive social housing program. While the Victorian government runs an extensive social housing program with both public and community housing, it relies on the commonwealth's contribution through the commonwealth-state housing agreement.

I should say that the government acknowledges the effort the commonwealth Minister for Family and Community Services has made towards a new commonwealth-state housing agreement to commence from 1 July this year. However, it is very disappointing to have to inform the house that one of the components missing from the offer was continued funding to offset the impact of the commonwealth's goods and services tax on the provision of social housing. The commonwealth minister has indicated that she is not authorised to negotiate on this matter and that the states and territories need to pursue this matter with the federal Treasurer.

It is important to note that as part of the taxation arrangements imposed by the commonwealth for the past three years the Office of Housing is required to pay GST; however, under the very same legislation the state is unable to claim the additional cost of the GST. It is

extremely disappointing that the commonwealth government is currently not proposing to fulfil its end of the bargain by meeting the additional GST-related costs in the commonwealth-state housing agreement proposal which is currently on the table.

I also advise the house that this is no small matter for Victoria: goods and services tax compensation is worth some \$15 million per year to the state, or some \$75 million over the life of the agreement. These are additional funds that Victoria could be using to make things happen, to reinvest in housing, to create additional housing stock and to improve the lives and living conditions of housing tenants.

I might also add that this is not only a matter of concern to Victoria. The matter is of such importance to all of the states and territories that each Premier and first minister has authorised the Western Australian Premier, Geoff Gallop, to write to the Prime Minister on behalf of all the jurisdictions seeking a resolution to this matter. We are asking the Prime Minister to ensure that the commonwealth Minister for Family and Community Services has the authority that she requires to sort out this matter and ensure that the commonwealth's goods and services tax does not short-change Victoria's public housing tenants.

Meanwhile the Bracks government will continue to invest for the future in our social housing system to deliver benefits to housing tenants as well as managing our assets responsibly and maintaining our state's AAA credit rating.

Questions interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! Before I call the next question, I wish to acknowledge the presence in the gallery of the Honourable Don Wing, the President of the Legislative Council in Tasmania. Welcome, Don.

Questions resumed.

Mineral sands: government policy

Hon. B. W. BISHOP (North Western) — My question is directed to the Minister for Resources. Does the government support the development of mineral sands industries in Victoria?

Hon. T. C. THEOPHANOUS (Minister for Resources) — I am very tempted to simply provide the honourable member with a one-word answer: the

answer to his question is 'yes', but this provides an opportunity for me — —

Hon. Bill Forwood — Which you couldn't pass up.

Hon. T. C. THEOPHANOUS — I could not pass up the opportunity to talk about what a fantastic investment environment we now have in Victoria in the whole area of mineral extraction and resources, not just in relation to mineral sands but also in relation to a range of other projects. The latest figures I have seen in terms of investment in this area in Victoria show that unlike a range of other states Victoria has seen an increase in investment relative to the other states in relation to minerals and exploration.

That is because there is a great deal of confidence about Victoria in the international community. There is confidence about Victoria and about Victoria going forward. Part of that confidence emanates from the fact that this government has very strong economic and financial management credibility in the international scene. We are known as a state which has high economic growth, which is controlling its budget and where you can do business and make investments. We have become known as the AAA state, and we will continue to be known as the AAA state, because under this government we have seen an unprecedented level of investment in the state and an unprecedented capacity for this state to move forward in terms of its growth and prosperity.

That has been done in the context of reducing unemployment in Victoria to the lowest of any state — that is, down to 5.2 per cent, which is an absolutely phenomenal achievement by the Bracks government. The answer to the honourable member's question is yes, and yes again.

Supplementary question

Hon. B. W. BISHOP (North Western) — I am glad the minister made those comments, and I am also glad the minister spoke about removing impediments. Let me take the minister to one major impediment that is stopping the development of the mineral sands industry in Victoria — that is, the standardisation and upgrade of the Mildura railway line.

Two years ago this government trumpeted the announcement that it would put money into that project, saying that the project would be undertaken. There has not been a spike driven on that railway line since that announcement, and I can assure the minister that the people of Victoria and of north-western Victoria in particular have had enough of the tired old excuses the government has rolled out in this instance. We have

heard the excuse that it is due to the bickering between Freight Australia and the government. We have given the minister a way out on that: have a look at the lease, get rid of it and there will be nothing stopping the process.

Will the minister confirm that the latest start date of June this year for the standardisation and upgrade of the Mildura rail line will be honoured?

Hon. T. C. THEOPHANOUS (Minister for Resources) — I am happy to refer the honourable member's question to the appropriate minister. I do not know how long Mr Bishop has been in this house — how long has it been? — but even he might well have picked up by now that you do not ask the Minister for Energy Industries something about transport! Just in case he does not understand, I inform him that he should ask the relevant minister. That is how this place operates.

I am happy to say in relation to his mineral sands question, which was the original question he asked me, that the government is involved in a range of projects in relation to mineral sands. For example, we are involved in one in Ouyen, for the honourable member's information, where we are expecting 100 new jobs to be created in just one potential mine. People are investing in this state in mineral sands.

**Information and communications technology:
broadband access**

Hon. C. D. HIRSH (Silvan) — I have a question for the Minister for Information and Communication Technology. The minister is aware, of course, of the importance of broadband technologies and how vital the availability of broadband is to Australia's future economic growth. Will the minister please advise the house what action the government is taking to increase broadband take-up in Victoria?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the honourable member for her question because I know she has a great interest in the availability of broadband to her own constituents and to Victorians more broadly.

The Bracks government has already committed more than \$150 million to broadband-related projects right across Victoria. During the election the government committed to developing a Victorian broadband strategy or framework. Through this framework process we will also establish a broadband access office to encourage the increase and take-up of broadband use.

To add to the improved broadband access that will result from the Victorian government's aggregation of its telecommunications requirements, the Bracks government has also committed \$15 million to accelerate the rollout of broadband to government facilities such as schools and hospitals. This will help to deliver improved broadband access to communities and to business.

Although the Bracks government is committed to improving the take-up of broadband, state governments are limited in what they can do in telecommunications.

Honourable members interjecting.

Hon. M. R. THOMSON — Yes, you're absolutely right! To make real progress on broadband, the Howard government needs to act. It has a clear responsibility for telecommunications.

Last March the federal Liberal government appointed a broadband advisory group, commonly called BAG, to respond to mounting criticism that it was doing nothing to increase broadband take-up.

Honourable members interjecting.

Hon. M. R. THOMSON — It is an appropriate name. The BAG report released in late January provided recommendations to the federal government to improve broadband access and take-up. The recommendations included the development of a national broadband strategy, the need for strategic infrastructure investment by government to increase broadband access, and demand aggregation of government telecommunication requirements to stimulate broadband investment.

Victoria is developing a broadband framework, it already has a demand aggregation strategy and the government has already committed to a number of strategic infrastructure programs, so clearly the BAG report supports the direction the Bracks government has been taking.

Unfortunately the federal government is yet to respond to the BAG report or commit to a national broadband strategy. The Howard government needs to start showing the type of leadership the Bracks government shows. It is critical that the federal government act now or it will risk Australia's falling further behind other countries in broadband take-up.

Maribyrnong: Saltwater ward candidate

Hon. ANDREA COOTE (Monash) — My question without notice is to the Minister for Local

Government, and I refer the minister to media reports regarding the City of Maribyrnong ex-councillor, Cuc Lam. In those reports it is stated that former Cr Lam is known to own properties in Keilor East, Kingsville and West Brunswick, and that she has confirmed her electoral enrolment to be 14 Palmer Street, Footscray — a single-bedroom public housing unit for older people.

I ask: will the minister explain to the house when she was informed that Cr Lam and her relatives were living at the public housing property and what action she has taken in relation to this matter?

Ms BROAD (Minister for Local Government) — I can indicate to the member that I am aware of the media reports about this matter. I am advised that the Victorian Electoral Commission is dealing with certain elements of those reports, and it is appropriate that it does so; and in relation to the housing matters, they are being dealt with by the Office of Housing following those media reports, as that is its responsibility.

Aboriginals: family violence

Hon. S. M. NGUYEN (Melbourne West) — I refer my question to the Minister for Aboriginal Affairs. Will the minister advise the house of the recent initiative undertaken by the Victorian government to support Victorian indigenous communities to deal with the nationally recognised issue of family violence?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank the honourable member for the question and for his concern that has generated the question about the profound issue of family violence in indigenous communities, both within our state and across the nation.

I had the good fortune to be in the company of many people from across the Victorian community who provide services to indigenous communities throughout Victoria and who are undertaking a conference on this matter which commenced earlier this week at the Darebin Arts and Entertainment Centre in Preston and which will run until today.

Along with my ministerial colleagues the Minister for Community Services in another place, Sherryl Garbutt, and the Parliamentary Secretary for Women's Affairs, Mary Gillett, I spent a number of hours in the company of these service providers who are interested in the wellbeing of the Aboriginal community at large and the individual members of the Aboriginal community who unfortunately have been victims of a high incidence of family violence.

The subtheme of the conference is to say that family violence is not part of our culture. A key message that has come through the conference is that the aggressive behaviour that is sometimes generated within domestic circumstances is not excusable and that its significant and profound impact upon families should never be excused or ignored. The community as a whole is standing up and saying, 'We are prepared to do something about it'.

It is not an easy thing to do because there are many painful circumstances that have led to this event. There have been the explicit and sometimes inadvertent actions by government and welfare agencies that have perpetuated the breakdown of indigenous family structures and community structures that have led today to the circumstances of profound impacts of substance abuse and violent behaviour.

The communities are grappling with these issues and it is a very difficult issue to bring out into the public domain very often private circumstances that are being discussed; perpetrators of these incidents are quite often shrouded in shame and guilt and do not want their personal circumstances discussed in the public domain. Victims feel a similar experience. They want to heal the hurt in the quickest way possible, and coming out and talking in a community environment to deal with this issue can again replicate that pain and in some circumstances exacerbate it.

So I am profoundly grateful on behalf of the Victorian government that the Victorian Indigenous Family Violence Taskforce has been charged with the responsibility of working cooperatively with Aboriginal community organisations right across the state to turn this situation around. How is it doing it? Last year we employed nine regional workers who operate out of the Department of Human Services to provide support to communities. They are assisting in the development of indigenous family violence action plans to redress this problem.

As part of the conference I announced the first round of a \$7.6 million program over the next four years to provide resources and support to Aboriginal communities to be able to effect real change in their communities. The first round is in the order of \$650 000 that will apply to around about 15 organisations right throughout the breadth of Victoria to deal with this issue in a sensitive fashion. It will deal with men who are perpetrators and with women and children who are most often victims. Wherever we possibly can we will engage the whole family and the whole community in addressing this important problem together.

Delatite: financial management

Hon. J. A. VOGELS (Western) — I address my question to the Minister for Local Government, and I ask: has the minister investigated the claim in the Auditor-General's report concerning the now-defunct Delatite Shire Council which shows that the \$1 million that the Bracks government contributed towards Benalla's Performing Arts Centre just before the election — no doubt to help prop up the election chances of Denise Allen — had been spent to meet cash flow needs to keep the shire solvent before de-amalgamation occurred?

Ms BROAD (Minister for Local Government) — I can advise the member that in relation to this matter I understand it has a very long history, which traverses not only the current government but the previous government. The matters which have been noted in the Auditor-General's report are being addressed and there is a commitment on the part of the council to take those matters on board and take them into account in endeavouring to bring this very long-running project, which I think started back in 1998, to a successful conclusion.

Supplementary question

Hon. J. A. VOGELS (Western) — Will the minister now make available another \$1 million to ensure that the partnership between the new Benalla Rural Council, which has just been elected, the Goulburn Ovens Institute of TAFE and the state government is not jeopardised? This \$3.8 million project is very important to the region.

Ms BROAD (Minister for Local Government) — I am intrigued that this early in the life of the government members opposite are calling on the government to make a whole range of commitments which clearly constitute budget commitments. This does not herald well in terms of the opposition's approach to responsible financial management — something that this government takes very seriously indeed, unlike the opposition.

Honourable members interjecting.

Ms BROAD — As the Leader of the Government on this side has indicated, the government is very serious about maintaining this state's AAA credit rating, and we intend to manage the state's finances in a responsible way to ensure that rating is maintained. We have seen almost every day in this place in opposition questions calls for further commitments on the part of

the government. As I have indicated, the government will take a responsible approach to this.

Commonwealth Games: promotion

Mrs CARBINES (Geelong) — I refer my question to the Minister for Commonwealth Games, and I ask: in light of the minister's commitment to make the 2006 Commonwealth Games an event for all Victorians, what steps has the minister taken to ensure this?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I thank the member for her question and her continued support and endorsement of the Commonwealth Games. As some of the members of the chamber may well know, last Saturday was the three-years-to-go date for the start of the Melbourne 2006 Commonwealth Games. As part of the process of bringing the games together I was very pleased to join with the board of Melbourne 2006 at the launch of the new identity, or for those in the house who might appreciate the technical jargon, the logo for the games.

This logo represents the aspirations of Victorians in terms of what the games can and will mean for us. It is a logo that emphasises sport — and clearly that is a significant and critical element of the games — but also it represents culture. The creative idea behind the identity is one of winning together, and hence there are two figures that I might describe as organic and abstract figures that form part of the look, or the logo, or the identity. One of those figures represents the athleticism of the games, and the other, representing the cultural aspect, could well be a ballerina.

I would ask that this logo be incorporated into *Hansard* for the benefit of honourable members, but can I just say it reinforces that the games will be about winning together. It will be a significant community celebration. It will be more than just sport. I will be updating and advising the house regularly on the progress being made in this area as well as other elements of the games.

I also appreciate that in attendance at last Saturday's event was the Honourable Gordon Rich-Phillips, the opposition spokesperson for the games. I am sure he will testify to the exciting events I am advising the house of. Also participating in the launch of that identity was Senator Rod Kemp, the federal Minister for the Arts and Sport, who made very significant comments in terms of the federal government's support for the games. I am pleased to advise the house that negotiations with the federal government are proceeding in an amicable and fruitful manner. No doubt there will be some significant arm wrestling but I

look forward to advising the house of the coming together of those negotiations — and any support that the opposition might lend to those negotiations would be fully endorsed by this government.

In conclusion along with unveiling of the identity we were also able to announce the face of the games, which will be presented certainly internationally but nationally as well. I am pleased to advise the house, as some members will be aware, that Cathy Freeman has agreed to act as the face of the Melbourne 2006 Commonwealth Games. Her capacity to represent the games is unquestioned, as is her capacity to promote goodwill and a sense of community, which is most significant about her presence in endorsing the games. There is no better way for her to act than as an ambassador for these games. Cathy has also agreed this may well be the last event she competes in prior to her retirement from competitive sport. We hope her preparation allows her to compete and, hopefully, win a medal at those games.

I thank members for their support. I look forward to the support of the opposition, particularly in terms of negotiations with the federal government, and I continue to look forward to informing the house in the lead-up to the games in 2006.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 27 February; motion of Mr SOMYUREK (Eumemmerring) for adoption of address-in-reply.

Mr PULLEN (Higinbotham) — President, I am indeed humbled and proud to stand here as the first-ever Labor representative for Higinbotham Province and for the Brighton part of the electorate; the first-ever Labor member to represent it since the Legislative Council was formed some 153 years ago. I hasten to add that if George Higinbotham, after whom the seat is named and who was a lower house member in the Brighton area 140 years ago, was alive today he would probably be a Labor man. I will elaborate on George later in my speech.

I would also like to acknowledge the traditional owners of the land on which we are today, the Kulin nation, and pay my respects to their elders.

President, I congratulate you on your election as the first woman to hold such a prestigious position in this chamber. Your guidance, together with the help of the parliamentary staff, has been of great benefit to me, as I

know it has been to other new members. It is sincerely appreciated.

Today is a very significant day for me, as it is the sixth anniversary of the passing of my late mother, Rene. Mum's devotion to me is the principal reason I am here today. Keep smiling from above, beautiful lady.

I would also like to acknowledge my predecessor, Dr John Ross, and I am pleased to advise the house that John's health is stable and he reckons he has plenty of good years left in him.

I now want to let the house know a bit of my background and how I became a Labor man. I was born in Essendon — carn the Dons! — and moved to the Higinbotham electorate some 50 years ago. My first recollection of politics came with the defeat of the state Labor government in the mid-1950s when as a little boy I well remember my mum and dad were most distressed. I thought the hobyards — the evil people in a book I was reading at the time — had taken over. I could not sleep that night. My good friend Lin from my local milk bar still refers to the conservatives as the evil party today.

By the time I was 16 my great mate, Terry Grange, and I began to take a keen interest in politics. Although the Vietnam war was being used as a political tool by the conservatives at that time, it was not the primary issue that drove us towards the Labor Party. It was principally because of the party's outstanding history of achievements and humanitarian policies.

Prime Minister Ben Chifley's words about the Labor movement in 1949 are still a driving force behind me. Ben said:

I try to think of the Labor movement not as putting sixpence into somebody's pocket or making somebody Prime Minister or Premier, but as a movement bringing something better to the people; better standards of living, greater happiness to the mass of people. We have a great objective — the light on the hill — which we aim to reach by working for the betterment of mankind, not only here but everywhere we may give a helping hand.

I proudly wear the Light on the Hill badge today.

I had particular difficulty being a Catholic and not supporting the Democratic Labor Party. Terry and I had more blues with the DLP than anyone else at that time. We would never miss a Sunday afternoon at the Yarra bank arguing with people of all political persuasions. It was a great training ground. I believe our great love for the party is the principal reason we are still mates today, and it is a pleasure that the first time we both stood for public office was at the last election, with Terry putting

up a magnificent fight in Gippsland East. Although he did not win, at least the seat stayed with Craig Ingram and did not fall to the conservatives.

At the age of 18 I was transferred to the bush in my job, and I did not know anyone. I joined the local Young Christian Workers movement, and this organisation, which is not, never has been and I trust never will be, a training ground for any political organisation, was a real inspiration to me. The work involved helping young people in various ways, and I became secretary and later president of this organisation, but I felt that more could be achieved by joining the Labor Party.

On my return to Melbourne at the age of 21 I joined the party's Brighton branch and the branch secretary, the late Bart McIlroy, was a guiding light to me. I read countless numbers of his books, which were a magnificent political education. I have worked on every state and federal election campaign since then and was responsible for initiating the party's liquor law reform policies which were introduced by the Cain Labor government in the 1980s and are now the law of the state.

I decided to stand for preselection for Higinbotham mainly because the party did not field a candidate in the 1999 election, but also out of a personal desire to continue the outstanding achievements of the Bracks government and to offer my services to the wonderful people of the area.

Another equally important influence, although he did not know it, was my parish priest, Fr Frank Martin of Cheltenham. Fr Frank was a member of Gough Whitlam's Schools Commission, together with another of my heroes, Joan Kirner. His highly thought-provoking, sincere and genuine Sunday sermons are my weekly tonic and inspiration.

I sincerely thank the Labor Party for endorsing me as its candidate for Higinbotham. On 30 November 2002 the electors of Victoria overwhelmingly returned the Bracks Labor government to office. This was because the Bracks government had honoured all its election commitments of 1999 and outlined positive policies for its second term. By contrast, our opponents stood for nothing. They just regurgitated the usual conservative arguments: 'Would the last business leaving turn out the lights' and 'Labor is run by its union mates'. The Labor Party's record of support for business is second to none, and I am proud to stand here as a mate of the union movement.

I have had personal experiences of the magnificent work carried out by them, not only for their members

but also for other people. A mate of mine, Tony Grant, is a senior shop steward for the Construction, Forestry, Mining and Energy Union and he clearly understands both sides on a building site which works for the betterment of workers and employers alike. I make special mention of the four lower house candidates and their campaign committees that constitute the seat of Higinbotham Province because without them I would not have won.

Before the party endorsed me I joined the campaign committee of Janice Munt in Mordialloc. I was absolutely amazed at the effort Janice made in taking on one of the toughest conservative opponents and she came through with flying colours. Similarly Rob Hudson had to put up with a shocking smear campaign, but the good people of Bentleigh would not have a bar of it and he ended up by winning every booth in the seat. The most remarkable feats were achieved by Rachele Sapir in Brighton where the swing to Labor was 7.4 per cent, and in Sandringham a swing of 9.1 per cent was achieved by Justin Caruana, to turn that seat into the most marginal lower house seat in Higinbotham Province.

I place on record my appreciation to the other two members of my campaign committee: my best mate Kevin McNally, who is in the public gallery today and is now my electorate officer and was an outstanding campaign manager; and a man who is the real salt of the earth, David Wingfield. Kevin's wife, Sue, father, Jim, and mother, Nora, have been unfailing in their support of any of our endeavours over many years and that support was once again in evidence during this campaign. I also thank the donors to my campaign in former federal Attorney-General, Michael Duffy, and his wife, Caroline, my sister, Barbara, who is also in the public gallery with her husband, Tony, the Brighton branch of the Labor Party and the Sapir family.

I also acknowledge the magnificent support I received from Labor Party members and friends and members of the Brighton Union Cricket Club. I sincerely thank those people who voted for me after voting some other way in the lower house. If I had received only the lower house Labor vote I would have lost by 457 votes. As it was, I won by 994 votes. I put this down to my local community involvement in sport and the Red Cross.

The electorate of Higinbotham is named after George Higinbotham, as I alluded to earlier. I believe he was a Labor man ahead of his time. George was born in Dublin in 1826 and went from the Royal School of Dungannon with a scholarship to Trinity College, the nursery of Protestant ascendancy. He excelled but had

to settle for an early degree off the class list when his father's business suffered from the effects of famine.

In 1847, following the complete failure of the potato crop and a harsh winter, George left Ireland for London and entered himself as a student at law at Lincolns Inn. While reading for the bar he supported himself as a journalist on the staff of the *Morning Chronicle*. Within six months of being called to the bar he sailed for Australia and arrived in the autumn of 1854 just short of his 28th birthday. Shortly after he was admitted to practice at the bar but struggled to get briefs and again supported himself as a freelance journalist. In September 1854 he married Bendigo parlourmaid Margaret Foreman and they set up house at Emerald Hill. He again supplemented his income as editor of the *Argus* from 1856 to 1859. In 1860 he moved to Brighton and in 1861 was elected unopposed as an Independent member. He held the seat until 1871, which included five years as Attorney-General. From 1873 to 1876 he held the seat of East Bourke. Following his resignation as Attorney-General he refused to use the title 'the Honourable'. He had a considerable platform. It contained the suggestion so dear to him that the office of state Governor should be abolished, and that the Prime Minister of the colony should communicate directly with the Prime Minister or Colonial Secretary in England. He wanted a single house of Parliament and did not believe the Legislative Council should have the power to block supply.

Most irksome for Higinbotham perhaps was the fact that a later opponent, Thomas Bent, the Brighton rate collector, was a blatant Loyalist who had no wish to meet him in debate on any elevated plane. In 1880 he was made a Supreme Court judge and Chief Justice in 1886. He was calling for independence from England as early as the 1860s and later declined a knighthood. In 1890 he caused a sensation by sending £50 to the striking maritime workers and a promise of a further £10 a week until their reasonable request for a conference with the employers was granted. George died on 31 December 1892.

My knowledge regarding Higinbotham was gathered from two books: *A Colonial Liberalism* by Stuart Macintyre, loaned to me by the president of the Brighton branch of the ALP, Frances Scholtz; and *A History of Brighton* by Weston Bate, published some 41 years ago. Since my election I have had the pleasure of meeting Weston. One of my constituents, local historian and former mayor of Sandringham, Lesley Falloon, has suggested the name of Higinbotham should be retained when the Legislative Council boundaries are redrawn. I strongly support that view.

The electorate of Higinbotham embodies everything that is great about Victoria, and I know it has been said by previous speakers, but I consider it to be Victoria's best region. It covers 108 square kilometres in the southern suburbs of Melbourne and, as mentioned earlier, includes the lower house seats of Bentleigh, Brighton, Mordialloc and Sandringham. It contains part or all of five municipalities: Bayside, Glen Eira, Greater Dandenong, Kingston and Port Phillip. The logo of the Kingston City Council probably best sums up the character of Higinbotham Province.

Its colours start with the blue of Port Phillip Bay and its magnificent foreshore areas. Next is the green of its homes, gardens and green wedge area, including its agricultural businesses. Finally, there is the orange, which represents its manufacturing and industrial sector which is so vital to Victoria, Australia and our export industries. It includes Braeside Park, magnificent sporting fields, a marine park, and some of Victoria's finest restaurants and shopping areas.

The electorate is also home to the Brighton Union Cricket Club, the club I joined the same day I joined the Labor Party. During my time the club has produced two test, three state and countless district cricketers, but so many more have stayed with the club when they could easily have performed at a more senior level. Without doubt the club's greatest player is Con Gorozidis. The Champ could have played at the highest level, but his loyalty to the club has been his finest trait. The club's support during and since the election campaign has been magnificent. The same could be said of a number of other rival clubs, administrators and umpires with whom I have come into contact over the years. I trust I can repay the confidence these organisations and individuals have shown in me.

The areas on which I will concentrate during my term will include the core policies of the government in health, education, community safety and the environment, together with my personal interest in disability and aged services, sport, economic development, electoral reform, Melbourne 2030 and Port Phillip Bay.

I have been personally touched by the tragedy of disability experienced by special friends of mine. I consider that the state disability plan goes a long way towards upgrading the services available to help improve the lives of participants as well as carers. I intend to make this the principal focus of my term. Similarly, we must ensure that our aged services keep pace with our ageing population, as Higinbotham has the highest average age of all provinces in the state.

Sport is not only a magnificent way to reduce the cost of our health services but is also a great social hub for people of all ages. I am keen to become a focal point for all sports in the Higinbotham electorate.

The Bracks government's plan for economic development will build on the outstanding record of the previous three years. We are already seeing the fruits of its economic initiatives with new industries setting up business in Victoria and the state leading the way with Australia's lowest unemployment rate. As part of this I will ensure that small business is an equal partner, and in line with government policy I will strive for a code of practice in such industries as the smash repair business as a matter of urgency.

One of the major reasons the Bracks government won so many seats in this chamber was our policy to reform the Legislative Council. I look forward to the government implementing Labor's policy early in our term.

Melbourne 2030 is a grand plan for the future of our great city, which I fully support, but we must ensure the special character of inner suburbs is not destroyed by the Victorian Civil and Administrative Tribunal overturning sensible planning decisions by councils. Port Phillip Bay is one of if not the greatest of Victoria's assets, but it is subject to many competing interests — from the conservation movement to active participants.

The Bracks government's declaration of the marine sanctuary at Ricketts Point is one of the best environmental decisions ever made in the area. Local environmentalist Bob Whiteway must be given credit for his untiring efforts here. It is essential that the whole area of Port Phillip Bay is protected from overdevelopment. I see it as my role to bring the relevant parties together to ensure all stakeholders' interests receive appropriate consideration.

I am a country music fan, and it is disappointing that no such festival is held in Melbourne. I have had preliminary discussions on the prospects of staging a country music festival with a number of people in my electorate, and I hope to facilitate one in the future.

On 30 November 2002, 66 711 people voted either directly or indirectly for me and the Labor Party — 65 717 did not. I will serve all people of the electorate, whether or not they voted for me and whether or not they have a vote. I will not let them down.

Finally, I wish to acknowledge the magnificent support of my family — namely, brother Ken and his wife Wilma, sister Barbara and her husband Tony, niece

Vicki and her husband Malcolm, niece Sandra and her husband Marco, and nieces Donna and Julie. Without their support and encouragement I do not know if I would have made it here.

My only disappointment is that mum and dad are no longer with us, because I know how proud they would be.

Hon. B. N. ATKINSON (Koonung) — It gives me great pleasure today to respond to the Governor's address, to welcome a number of new members to the chamber and to extend congratulations to those people who have assumed office in this chamber subsequent to the election on 30 November.

I extend my personal congratulations to each of the ministers who have been elected. I note the return to the frontbench of a very experienced Labor member in the Honourable Theo Theophanous, and look forward to the role he might play in his new position. I suspect he is on probation because he has been remarkably quiet since he has assumed ministerial office. I do not know whether that was because he needed to impress somebody to get the frontbench or whether, having got there, he is on probation.

But I also congratulate those honourable members who have been made parliamentary secretaries. I certainly cannot argue that Labor is not committed to jobs growth when it comes to its own MPs, because the expanding number of parliamentary secretary and committee positions is quite considerable in this term of the Labor government. A number of people will have a chance to establish that they have particular abilities to contribute to the areas in which they are responsible, and I would hope they take the opportunities the government has provided to them. There are, as I said, quite a number now involved in parliamentary secretary and committee positions, and I wish them well.

I also have great pleasure in congratulating and welcoming new MPs. They have joined the Council at an interesting time in both the history of the Parliament and the history of this chamber. I have no doubt they will enjoy their time here. This is a house that works quite differently from the lower house, notwithstanding the changes to sessional orders, which are an unfortunate retrograde step in terms of the role this house has played for many years. I do not go back to the days of the squatters, but certainly since the reforms of the 1980s this house played a very constructive role without abandoning the opportunities of members to make an unfettered contribution.

The house has provided some tremendous opportunities to undertake a review of legislation and, even more importantly, to contribute to debate on a wide range of public issues and legislation. Members of this house have made a significant contribution which in this case is quite different to that provided by members of the lower house. I think members of this house will enjoy their time here. I am sure that they recognise, as certainly I have from the time I joined this place in 1992, that it is a rare privilege to have the opportunity to represent people in this house. It carries with it an enormous amount of responsibility and it would be a very great fool who would underestimate the importance of that responsibility or indeed who would believe it was something to do with their own particular talents that put them above the people they represent. From my perspective we are very much first among equals when it comes to the representation we provide on behalf of our electorates.

I acknowledge in this place that the Labor Party had a very famous victory on 30 November. By any measurement it was a significant result for the Labor Party, and it has certainly provided the Liberal Party and no doubt other candidates at that election with many things to think about and to address in terms of the responsibilities of their parties and enunciating new policy positions to take forward on behalf of the people of Victoria at some future opportunity and to advocate, as it were, while in opposition.

The Labor Party's victory was substantial and it carries with it a considerable responsibility, particularly a responsibility to govern according to the conventions of the Parliament and of the Westminster system of government and to have respect for the important role of this Parliament and its committees. I regret that to this point that has not been evident in some of the decisions that the government has taken and in the sessional orders that were put in place in this house. Nonetheless I hope the Labor Party in government will perhaps reflect on some of those early experiences of this session of Parliament and will look to comply much more in the future with the conventions that have been established in this house over many years and have worked so well, not just in the interests of members but more importantly in the interests of Victorians.

It gives me great pleasure to acknowledge the election of Richard Dalla-Riva, Wendy Lovell, John Vogels and David Koch as new Liberals in the opposition ranks, and I know that each of those members will make a significant contribution to this place. I have been impressed with the speeches they have made. Obviously the speeches in this debate tend to be a

marking of territory — people bringing to this place some of their experience, knowledge and talents as well as their aspirations for the future. I was particularly impressed with the contributions of members of both sides of the house. There have been some people who have indicated a tremendous ability to contribute to this place in the interest of the advancement of Victorians. I certainly acknowledge that in the case of the four people I know best in this place, and I look forward to the contribution they will make to the Liberal Party's ranks, to their constituents, to the people in Victoria more broadly and indeed to the Parliament itself.

I am delighted to welcome the new members of the government who were elected on 30 November. I particularly extend a welcome to the Honourable Helen Buckingham, who is now my alternate in the electorate of Koonung Province. She has the distinction of being the member who will close the province down because she will be the last member for Koonung Province.

An Honourable Member — I thought you were!

Hon. B. N. ATKINSON — I was the first! It is debatable as to which one of us is the last member for Koonung Province, but in any case I welcome the honourable member to her somewhat foreshortened political career at this time, notwithstanding that she might well look forward to a position in the revised structure proposed by the government, should the government persist with that revised structure. It is interesting, because I have represented the electorate of Koonung Province with Gerald Ashman now for quite some years, and I have to tell you that I have never kissed him on the cheek at any time, either in this house or in any other place, but I did kiss — —

Hon. A. P. Olexander — You don't know what you are missing!

Hon. B. N. ATKINSON — It is possible I do not know what I missed, Mr Olexander, but nonetheless I did take the opportunity to steal a furtive kiss from the new member for Koonung Province after she completed her speech the other day in this place. Her speech indicated that she certainly has the interests of Koonung Province at heart. I have had a longstanding relationship with the Honourable Helen Buckingham in the context of her being a councillor of the City of Whitehorse, and a very good one. Although we have represented different sides of the political spectrum we have both found an opportunity to constructively represent the constituency that was shared between the City of Whitehorse and Koonung Province in the past, and I am sure that both of us will make a constructive

contribution on behalf of the electors of Koonung Province into the future.

It would be remiss of me if I did not also note the loss of several colleagues from this place, particularly Gerald Ashman, Wendy Smith, Carlo Furletti, Peter Katsambanis, and Cameron Boardman and Maree Luckins who, because of redistribution, sought to stand in other seats but were unsuccessful in being re-elected. Of all the members of Parliament who left this place, including John Ross who had to stand down because of illness, and Bruce Chamberlain who retired, as did several others, I want particularly to focus on those ones who were defeated at that election — Neil Lucas is another one. Parliament is the poorer for the loss of their contribution.

Notwithstanding that, the people who have replaced them in Parliament might well make a significant contribution in their own right. Each of us could at different times recall different perspectives that those who have left this place brought to the debates, which enriched the decisions of this place and informed the community.

I note also the number of members on my side who lost their seats in the other place who made significant contributions to Parliament and to the community. I do not want to name everybody, but I particularly indicate that I am disappointed at the loss of Hurtle Lupton, with whom I had a very close working relationships, Gordon Ashley, Ron Wilson, Inga Peulich, Christine Fyffe, Lorraine Elliott and Leonie Burke. Many of those were in the eastern suburbs and were members with whom I worked particularly closely. Again in each case they have made a contribution to this place and also to the communities that they represented and have left some very big shoes for the new members of those seats to fill.

Before I quickly touch on things to do with my electorate I will pick up on a theme that started the Governor's address — the Governor's expression of admiration of and gratitude to those Victorians who had worked in the Bali bombings tragedy to give support to people who had been hurt, and also to those who worked in the bushfires that ravaged Victoria earlier this year. I am sure all members of this house join with those sentiments. We owe a great debt of gratitude and indeed strongly admire all those people who volunteer their time and energy and expertise in the defence of our community against such things as bushfires and other tragedies or who step into the breach when we have the sort of tragic incident that occurred in Bali.

In the short time that is remaining to me I will raise some of the key issues I intend to pursue on behalf of the electors of Koonung Province in this term of the Parliament. They include the Knox hospital, to which at this stage the government continues not to have a commitment. It would seem that the government has an alternate plan for health services in the eastern suburbs, which I do not believe is effective for our area, and I maintain support for the Knox hospital. Clearly the government has now repackaged the Scoresby freeway project and the Eastern Freeway extension as the Mitcham–Frankston freeway. We look forward to a genuine commitment and to work commencing on that project.

Before the election the government promised it would underground the railway line at Middleborough Road at Box Hill. I look forward to that project. I hope the government might also look at further works of that nature along that railway line to both improve the efficiency of the public transport service and also to address some traffic issues in that area. I refer particularly to the Springvale Road intersection with the railway line and Maroondah Highway; that needs to be addressed by the government and is something I will pursue.

I look forward to works at both the Antonio Park Primary School and Vermont High School. I have had longstanding discussions with and have actively supported projects at those schools, both of which the government has picked up in its election campaign. I look forward to the completion of both those projects.

I also believe two of the issues that will be quite important to the electorate of Koonung Province into the future are urban renewal issues, particularly under the 2030 planning regime the government has established, and public transport services.

I look forward to serving this Parliament in the four years ahead as a member for Koonung Province and to discharge the responsibilities I have been given as the small business spokesperson for the Liberal Party.

Debate adjourned on motion of Ms HADDEN (Ballarat).

Debate adjourned until next day.

VOCATIONAL EDUCATION AND TRAINING (TAFE QUALIFICATIONS) BILL

Introduction and first reading

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) introduced a bill to amend the Vocational Education and Training Act 1990 and the Victorian Qualifications Authority Act 2000 and for other purposes.

Read first time.

PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 18 March; motion of Hon. M. R. THOMSON (Minister for Small Business).

Mr SCHEFFER (Monash) — It gives me pleasure to be able to make a contribution to the Public Holidays and Shop Trading Reform Acts (Amendment) Bill. The Victorian government has a commitment, in the interests of the Victorian community, to better balance work and family responsibilities. There can be no argument with this. The Victorian government is also committed to building a sound environment for small business, as my colleague the Minister for Small Business has argued in her second-reading speech.

The Public Holidays and Shop Trading Reform Acts (Amendment) Bill, in its own way, tackles the many pressures faced by Victorian families, where in most cases both parents work and where they also have a range of time-consuming and important responsibilities that involve support to members of their extended families. This bill gives another opportunity for Victorian families to better balance the competing claims on their time to enjoy leave on Easter Sunday.

One objective of the bill is to provide fairer working conditions and greater business certainty that will contribute to achieving a better balance between economic and social outcomes. Contrary to the claims made by opponents of the bill, business will not be adversely affected. Indeed, Easter Sunday is a non-shop-trading day in every other mainland state. We have not heard that business, including tourism, in these states has been adversely affected.

The bill seeks to address this irregularity by bringing practice in Victoria into line with that in the other mainland states. Victoria still has the most liberal shop trading arrangements in Australia and there is no

suggestion from any quarter that shop trading times are about to be re-regulated.

The commitment to synchronise Victoria's public holidays was clearly announced during the election campaign and has been supported by small business. The evidence is there in Monash province.

I refer to an article in the *Caulfield Glen Eira Leader* of 3 March headed 'Traders give nod to new Easter laws'. I will not bore you with the entire article but will refer only to the most salient parts. The article states:

Most Port Phillip traders appear to support the state government's decision to alter Easter trading.

...

Carlisle Street Business Association spokeswoman Sue Kiss von Soly welcomed the change.

'Most businesses are working seven days a week, 24 hours a day', she said.

'Even though you do not have to open on Sunday, it is almost forced on you.

What the public doesn't realise is that shopkeepers don't have any time off.

I think it is a really good opportunity to have the odd Sunday off without feeling the pressure to open.'

Ms Kiss von Soly said about 10 per cent of Carlisle Street businesses usually opened on Sunday.

Middle Park Traders Association vice-president Jack Revens said he had not heard about any retailers who were upset about the trading ban.

Mr Revens estimated about 30 per cent of traders currently opened on Sunday.

South Melbourne Business Association president Michael Walstab said he believed traders would be more concerned about Easter Saturday being declared a public holiday.

'Usually you have to pay staff double time on public holidays', he said.

These three traders from Carlisle Street, Middle Park and South Melbourne were asked by the *Caulfield Glen Eira Leader*, and they all applaud the provisions of the bill. There is not a suggestion here that they were not consulted and there is no confusion over exemptions, just simple, unqualified support.

However, local identity Frank Penhalluriack, whose peculiarities have already been championed by the opposition, of course takes his usual counterintuitive approach. I again refer to the *Caulfield Glen Eira Leader*, which reports:

While most Glen Eira traders are looking forward to a day off, Caulfield hardware retailer Frank Penhalluriack will risk fines of up to \$10 000 for his right to trade on Easter Sunday.

While small shopping strips claim changes to the trading laws will have little effect on business, Mr Penhalluriack has rebelled against the decision.

The article concludes by saying:

But the Easter Sunday trading ban has been applauded by some Glen Eira shopping strip traders who said they were looking forward to a break.

Finally — —

An Honourable Member — The lights have gone out!

The DEPUTY PRESIDENT — Order! The sitting will be suspended until the ringing of the bells.

Sitting suspended 3.35 p.m. until 7.07 p.m.

Mr SCHEFFER — Before the interruption I was at the point in my contribution where I was about to conclude quoting an article in the *Caulfield Glen Eira Leader* concerning, in the first instance, the response of retailer Frank Penhalluriack to the legislation:

... the Easter Sunday trading ban has been applauded by some Glen Eira shopping strip traders who said they were looking forward to a break.

Carnegie traders association president Gerald Galatis said the only traders who could be affected by the closures might be one or two gift shops.

The conclusion is that we have four trading groups within the Monash Province area, all of which have found the bill now being debated to be perfectly satisfactory and not at all damaging to their interests.

Hon. A. P. OLEXANDER (Silvan) — I intend to make a brief contribution to the debate this evening. I would also like to focus my comments largely on the position of Victorian customers and consumers as a result of this legislation. Having listened to government contributions today and yesterday, it is quite obvious that the government has concentrated on the effect on traders, which is of course an important aspect of the bill but certainly not by any means its only aspect. The position of customers and consumers in this situation also has to be considered by Parliament and should be taken into account in any legislation of this type.

Before I turn to that, President, I would like to briefly reiterate some of the points opposition members have made on this bill over the two days it has been debated here. I would like to briefly recap on some of the key points we have made.

Firstly, there is a distinct lack of supporting evidence in the government's argument that this change is absolutely required. The government has consistently failed in all its presentations to present this evidence, and to date in this debate the evidence has still not been presented to this place. There is also a reluctance on the part of the government to provide any economic assessment of the effects of the trading ban on Easter Sunday. Many economic effects should be taken into account.

It is not only the effects on traders themselves but also the effects on retail trade figures generally. The effect on the tourism sector and the like should be taken into account. None of this economic analysis has been done. The opposition questions whether that work has actually been done at all. We are surmising that as a result of the fact that the bill's introduction has been hasty the government has not looked at those economic impact effects.

The opposition has also outlined concerns about the haste with which the bill was introduced and about its presentation, which in this context has led to a distinct lack of consultation not only with traders but also with consumers in various regions of the state, with the tourism sector and customers generally. Unfortunately, because of the hasty introduction of the bill the government has not been able to conduct adequate consultation, and for a government that has lauded itself in its first term, and now in its second, on its ability and priority to consult it is now paying lip service to consultation. That seems to be a major flaw with the introduction of this piece of legislation.

I would also like to briefly recap on the selective nature of the exemptions that are being made to those who can and cannot trade on Easter Sunday. The opposition has pointed out in the debate that the selective nature of those exemptions for people who can and cannot trade on Easter Sunday is a direct result of the lack of consultation, because every new group that comes to the government with a problem is usually afforded another exemption status. That is certainly no way to run good legislation. All of that work should have been done in a comprehensive consultation process before the bill was introduced. Unfortunately it was not, and the growing list of exemptions is testimony to that.

Generally speaking the opposition has pointed out that there has been poor planning behind this bill, a lack of consultation, a reluctance on the part of the government to provide any real economic evidence of the benefits of this move and a spurious argument that this is somehow designed to benefit families in small business who will not be able to trade on Easter Sunday and that

that is a good thing because they will not have to compete with anybody, large or small, on that day. The opposition says that that is a spurious argument because at the moment there is no compulsion for any business of any size to open at any time; businesses can make their own decisions about that, as they have in the past. If this law were not being put before us, they would make those decisions and choose accordingly in the future.

My major comments on the bill will address the effect on customers. For at least the last seven years Victorian consumers have benefited from a choice and a freedom that they did not have prior to that time. Seven years ago new shop trading legislation was introduced to free up and liberalise the rules governing shop trading in this state. Private sector traders and customers took to these new laws and regulations extremely positively.

It has to be understood by this chamber that the declaration in this bill of no trading on Easter Sunday has no real meaning to many in the community because we live in a largely secular society in Victoria today. That society caters for all people, whether they hold a Christian faith, some other faith or no faith at all. To many people Easter Sunday does not represent a specific day that should be quarantined in any way, shape or form, but there is no compulsion for those who have a special connection with this day to undertake any form of economic activity.

Hon. Bill Forwood — That is the point.

Hon. A. P. OLEXANDER — As my honourable friend Mr Forwood says, that is the point. The introduction of this ban on Easter Sunday trading brings forward a prohibition that is not necessary for that purpose. We live in a secular society, but that does not seem to have been taken into account by the Bracks government.

I also want to point out the negative and deleterious effects of this on the tourism sector in this state and on tourists in general. Many tourists would take the opportunity to use that weekend to travel, and whether they be domestic internal tourists or overseas tourists they would take the opportunity to shop on that day. Indeed many families use that weekend in exactly that way — it is their choice. They have had the choice and freedom to do that, but it is now being taken away.

Honourable members interjecting.

The PRESIDENT — Order! There is too much audible conversation in the chamber. Members should lower the level of conversation or move outside.

Hon. A. P. OLEXANDER — That needs to be noted. We need to pay attention to the fact that the Easter weekend is the biggest retail period of the year in some regions of Victoria. It actually outstrips Christmas in a retail sense in many parts of the state. Obviously that has economic benefits for many regions, but it also caters to a very large demand on the part of the customer. Unfortunately the government has not looked at that either. It has done absolutely no assessment of the impact on retail spending in regions and what this will translate to as far as jobs and the economic viability of smaller communities which rely on the tourist trade are concerned.

Community support for the choice and freedom to shop is clearly evident, because people vote with their feet and their dollar. As I have said, the Easter weekend is generally a huge shopping turnover weekend. This law abruptly disrupts the consumer pattern and habit that has been established over the years, a pattern and habit that people support and want. People have come to accept and expect a degree of shopping freedom. This bill further curtails that choice and that freedom.

The government's argument around inconsistency with interstate laws is ridiculous. Is the government's argument that because people do not have the freedom to shop in some other states we should take that freedom away on this same day in our state? If that is the government's argument, it is a flimsy one, it is a weak one and it will not wash with the vast majority of consumers. Just because other people do not have the ability, the choice or the freedom to do something does not mean that we should curtail that freedom.

I believe the changes proposed in this legislation are an affront to the benefits Victorians have enjoyed for nearly seven years. There is no logical argument supporting them and no supporting evidence for them, and the government has demonstrated no sustainable benefit that would result from these changes. Rather, there is a very clear union-Labor agenda, and it is an agenda that the government has not been prepared to talk about. It has used every other argument under the sun to justify introducing this legislation, but what it will not do — with the possible exception of my honourable friend Bob Smith —

The PRESIDENT — Order! The house will reduce the noise in the chamber so the honourable member can be heard. It will also assist Hansard in taking down his speech.

Hon. A. P. OLEXANDER — Thank you, Honourable President, I appreciate that. I was just paying a compliment to my honourable friend Bob

Smith, who in his presentation — which I believe was the most honest presentation from the government side — actually admitted that there was a union agenda and that the unions had been trying to achieve a reduction in trading on these sorts of days for many, many years. He admitted that the government was responding to a union agenda.

Unfortunately the minister is not prepared to make the same admission, and nor is the government. It is very interesting that that is the case. The government should just come clean about it, because everyone understands it.

The effect of this legislation is to deny access, to take something away and to disrupt the trading patterns that consumers have established. What is the benefit of this legislation? No obvious benefit has been pointed out — except, of course, the benefit that might accrue to some workers in limited sectors who are linked in and unionised. That is the only benefit that has been pointed out in this legislation.

Labor claims to have listened, consulted and formed a needed policy. The truth and the actuality is that it is a rushed attempt to pass an unpopular and costly measure for no other reason than to appease mates and factional interests. If the government had been prepared to admit this, we would have come a lot further in this debate than we currently have. Dressing these measures up as something else is a cynical and transparent exercise that should be discouraged.

We in the Liberal Party do not support this bill, and we do not support it because of the dramatic changes to consumer habits and expectations that would result from it. We do not support the denial of choice; we do not support the dominance of one sectional interest over the majority; and we do not support the community's having to carry the cost for the social and industrial agenda of the few.

The Liberal Party does not support Labor bullying to impose its will upon us all without having a chance to fully argue and scrutinise the case, and it cannot support less choice, higher costs and denial of a basic freedom.

Hon. BILL FORWOOD (Templestowe) — I also rise to speak on the Public Holiday and Shop Trading Reform Acts (Amendment) Bill for this year. As my colleagues have so eloquently explained over the last day and a half, the Liberal Party opposes this bill. There are, of course, many tests of what is good legislation and what is bad legislation, and people choose their own methods for deciding whether or not legislation advances the course of society.

Often the test used is to ask the question: who benefits from a particular piece of legislation? Who actually benefits from the piece of legislation that is being passed here today? Will the majority of Victorians be better off when the Labor Party crunches this bill through as it will in the next day or so? Will the majority of Victorians who are used to shopping when they wish to shop and exercising their democratic right to go down to the high street with their wife and children on a Sunday or go to the city or any of the rural tourist areas throughout Victoria to do some shopping be better off as a result of this legislation?

All the people going away for Easter who had an expectation that on the Sunday they could go here, there or anywhere to shop if they so wished will now find themselves — with absolutely no prior knowledge — in a position where these things have been denied to them.

Let us not fall for the Labor Party's line that this was a major plank in its election manifesto. Nonsense! It was a minor paragraph included in the industrial relations policy. It got no publicity at the time, and it is now being jammed through. This is the government that prided itself on its capacity to negotiate, have reviews, consult and all the rest; given the timing, one would have thought it could have consulted until next year if it regarded this issue as being so important.

On the first test of who this legislation benefits, it is clear that it does not benefit the people of Victoria. The piece of legislation before us has two clauses of real moment. The first is a clause to add Easter Sunday as a day on which shops will be closed, and we can deal with that separately; the second clause relates to holiday entitlements provided for in section 10(1)(b)(iii) of the Public Holidays Act. The bill states baldly in clause 4 that that section is repealed.

Do not fall for the trap of thinking that what happens on the Sunday and what happens on the Saturday are in any way connected, because they are not. The issue on the Sunday is that you cannot open your shop; the issue on the Saturday is that people will get paid more. The section of the act I just mentioned refers to 'the day after Good Friday', which is of course the Saturday, and by repealing that section the bill will mean that instead of people being paid their normal day's rates for that day in the normal course of events, all of a sudden they will move into a penalty-time regime.

Let us not fall for the furphy that the two main clauses in this bill are doing the same thing. One of them is stopping people from shopping when they want to shop; the other is just handing money from an employer

to an employee for doing exactly the same work they have done every other Saturday. That is all it is! Let us not hide behind this. I am getting a nod from one of my honourable friends opposite.

Hon. J. H. Eren — It's still a Saturday, Bill.

Hon. BILL FORWOOD — It is still a Saturday, and in these circumstances all we are doing is transferring some funds from an employer to an employee.

I am sure the employees will like that. It is very easy to come in here and change a piece of legislation with the stroke of a pen, delete one section in an existing act, take out the words 'the day after Good Friday' and add a windfall gain to workers throughout Victoria. Good luck to them — but let's be honest about it! Let's come in and say, 'This is not about being family friendly, this is not about anything other than ensuring that there will be a transfer of profits on the Saturday from an employer to an employee'.

Not one person in the government has come out and said that, and now they have stopped speaking. The members opposite have given up the debate. We know they will use their numbers to crunch this bill through, but none of them is going to get up after me to rebut my arguments in relation to this bill.

Hon. A. P. Olexander — They might come over.

Hon. BILL FORWOOD — That would be good. Bob Smith admitted that this bill was a payback to the union movement, and at least he was honest about it. I do not object to him saying that, and I do not object to the government doing it, as long as people are honest about it. But the mealy-mouthed words we see when we read the second-reading speech are just a nonsense. It is embarrassing to read this stuff, particularly when you read the paragraph on the front which says that this means it will be business as usual for small retailers, including the pubs, when everyone who was at the Australian Hotels Association function last night knows that it does not apply to the big pubs but only to the little pubs. Now the minister has to find a way around that because she made a mistake.

The people of Victoria have the habit of shopping when they want to shop. I was in this Parliament when we changed the shop trading hours. Yes, there was pain caused to some small businesses, but as my colleague Mr Atkinson said, the people of Victoria have voted with their feet: they like shopping when they want to shop. In his contribution earlier today Mr Scheffer read a newspaper article which detailed some of the amounts

of shops that were open in particular districts. I think he mentioned figures of 10 per cent and 30 per cent.

Obviously people choose to open on a Sunday if they wish, or choose not to. That is their choice. People choose to shop in the shops that are open if they so wish. So they do not need the bill. If people want to close on Easter Sunday they can close on Easter Sunday. They can do that anyway. According to an honourable member for Monash Province in his contribution, many in his electorate do. So why do we need this piece of legislation? We have come full circle. We need this piece of legislation because the government is paying back its mates in the Shop, Distributive and Allied Employees Association (SDA).

Hon. J. H. Eren — It was an election commitment.

Hon. BILL FORWOOD — I thank Mr Eren for his contribution. Was it an election commitment to connect natural gas to Bonnie Doon?

Hon. J. H. Eren — That is a question you need to ask the minister.

Hon. BILL FORWOOD — Mr Eren says I should ask the minister. I did ask the minister. And guess what he said? He said 'No'. He said, 'They will have to take the choice along with other people'.

The PRESIDENT — Order! Mr Forwood, on the bill, and through the Chair.

Hon. BILL FORWOOD — I am on the bill, President. I am being seriously provoked by government members. This is at the core of these issues. Mr Eren says this is a policy commitment in the manifesto. Sure it is, but why is it there? I can tell the house why it is there. You write the cheque out and you get it in the manifesto. I do not have the statistics here with me but I can get them — I have got them in a file upstairs. I know how much money the SDA has been giving the Labor Party over the years. Do not come in here with mealy-mouthed words and say to us that this bill is about being family friendly or that this is about Easter Sunday. What this bill is about is paying back your mates in the union movement and taking us backwards.

Victoria has been a progressive place and people do actually want to shop when they want to shop. As I said, and as Mr Atkinson said, they vote with their feet: when they want to go to shops they go to shops. They actually have fun shopping. If you look at the retail statistics in Victoria, you find that one of the reasons they have been vibrant is that people elect to open their

shops on the days they wish to open them. It is as simple as that.

There is no good policy reason for this bill, and not one member of the government has made an effort to articulate a policy reason, apart from our friend Bob Smith, who stood up and said, 'The union wants it, and what the union wants the union gets'. Honest Bob! This is very sad. I am reminded of a quote from that well-known convener of Labor Unity, Billy Shorten, who said at a public rally not long after the election of the first Bracks government — and the words will stick in my memory forever — 'We put them there; they owe us'. Now is the time. Honest Bob is back in the chamber! It is good that he is back because he is a fine, upstanding former official of the Australian Workers Union, closely allied to Bill Shorten.

Honourable members interjecting.

Hon. BILL FORWOOD — I said he is a former official — and a good man; he is a close ally and factional warrior of Labor Unity. Of course he is now on the outer because of the Socialist Left-National Union of Workers Sword-Carr factional agreement. However, do not let me get sidetracked. At a public rally Mr Shorten said, 'We put them there, they owe us'. And guess what this bill is? This bill is payback big time.

Hon. J. H. Eren interjected.

Hon. BILL FORWOOD — I hear again the words from Mr Eren, 'It's a commitment'. Yes, it is a commitment, behind closed doors, in the smoke-filled rooms of Trades Hall down there — the faceless men. They are all back again — the faceless men of the ALP.

Honourable members interjecting.

The PRESIDENT — Order! I ask the house to come to order. I ask the honourable member to address his remarks through the Chair and to conclude in the next 3 minutes and 25 seconds.

Mr Smith — I never said it was payback. Get it straight.

Hon. BILL FORWOOD — President, I do not wish to be provoked by members on the other side of the house, but Mr Smith said he did not say 'payback'. I am quite happy to say that my interpretation of this is payback. I do not in any sense, and I would never, put words in Mr Smith's mouth, because he is quite capable of speaking for himself. But let me say that Mr Shorten was the person who is on the record as saying, 'We put

them there; they owe us'. And I am saying this is payback.

Let me complete my brief contribution to the debate on this piece of legislation by saying the government has not given one sound public policy reason why this legislation should go through. There are two aspects of this bill. One is to close down people who wish to trade on a Sunday, and the other is to put dollars into people's pockets just because the government can.

Hon. ANDREA COOTE (Monash) — I will build on the eloquent contributions made by Mr Atkinson and those in the Liberal Party who followed. I have to say that one word hit me when I read the second-reading speech — it is really patronising. The speech states the government is going to promote:

... a more balanced approach between work and family life ...

I think that is totally patronising. People want choice. They do not want to be imposed upon. Just as my colleague the Honourable Bill Forwood said, people want choice; they want to be able to shop when they can. It smacks of the old system. Let me go back and remind people in this chamber what it used to be like. We had 6 o'clock closing, no butchers open on Saturdays after 12 o'clock, and no Sunday trading at all. Is this where we are going? Is this what the government is going to send us back to?

Mr Smith — Who told you that?

Hon. ANDREA COOTE — You did.

This legislation is a backward step. It is a terribly regressive step. It is leading in a bad direction and it is patronising. The government has taken the attitude of knowing what is going to be best for families. It is up to families to choose what they want to do. They want choices and will make them. In my electorate resides Frank Penhalluriack, whom we have discussed at length today. Frank Penhalluriack is on the record as being a strong proponent of open trading hours.

Honourable members interjecting.

The PRESIDENT — Order! There is too much audible conversation. I ask honourable members to allow Hansard to take down the honourable member's contribution.

Hon. ANDREA COOTE — The Chadstone shopping centre is in my electorate. It is an enormous area and is extremely popular with people. They spend a lot of time there. It is a very good shopping centre, as Ms Darveniza says by interjection, and people go there

on a Sunday and look forward to going there on Easter Sunday. In the *Stonnington Leader* of 24 February, an article by Alison McClelland states:

Stonnington retailers have reacted angrily to the state government's decision to ban Easter Sunday trading.

Chadstone Shopping Centre retail manager Catherine Daw ... said retailers had not been adequately consulted ...

We heard the minister saying how widely she has consulted. Here is the retail manager of Chadstone, one of the largest establishments, saying its traders have not been adequately consulted. Ms Daw says the Chadstone traders would have to revise their store budgets downwards. She goes on to say:

It's a very busy day for us ... our Easter Saturday and Sunday trade is 7 to 10 per cent on a normal weekend.

I think that encapsulates it. The government is deciding what families are going to do. Families choose to go to Chadstone, particularly at Easter, and spend a happy day in that complex.

We also looked at the Jewish businesses in my electorate, in Glen Eira Road, and also in Elwood. Mr Atkinson adequately covered their particular concerns and I reiterate those. One of the prime Victorian shopping centres is Chapel Street and Toorak Road, South Yarra, which attracts many international visitors. Once again they are going to be — —

Mr Gavin Jennings interjected.

Hon. ANDREA COOTE — The minister says it is very good when he visits. But aside from my own electorate I am mostly concerned about the tourism areas which come under my shadow portfolio of tourism. It is of particular concern to people in areas affected by bushfires and drought. Easter is one of the busiest times for rural and regional Victoria and it is particularly sad to see this bill being debated because many small business are going to be badly affected.

Jeremy Calvert, business affairs reporter for the *Herald Sun*, in an article on Thursday, 13 February, says:

Retailers in popular tourist destinations have attacked the government bans on Easter Sunday trading, saying it could break their businesses.

I think it will do more than break their businesses. Many of these people are bleeding because of the drought and the bushfires. You need look no further than areas such as Sorrento on the Mornington Peninsula. The government put in \$100 000 recently to promote the bays and peninsulas, but stores such as Debs, the clothing boutique, are going to suffer over the

Easter weekend when many people visiting Sorrento want to shop, stroll and browse, but will not be able to do that.

Many other tourism destinations will also be affected — for example, Puffing Billy, a huge tourism destination for people wanting to go out with their family. They spend the whole day there. They go on Puffing Billy, they go to Belgrave, they park in Belgrave and shop in the local retail stores. They are there with the family for a family day. No, they will not be going shopping in Belgrave. It will be closed. They will not be able to do it. It will be a distressing day. They will not be able to spend money in the Belgrave shops.

It is interesting to look at the Great Ocean Road and see that the Twelve Apostles is a huge visitation area for intrastate, interstate and international visitors. They are going to find that when they get to Port Campbell those small shops and boutiques that make a killing at Easter time are not going to be open. What a pity for tourism in that area. People come from Melbourne to this area and it is highly publicised in tourism brochures. People come to Australia and when they come to Victoria they see the Twelve Apostles as one of the tourism icons in this state. But they will not be able to do that any more. They will go through Apollo Bay. The small shops, the surf shops, and some of the little boutiques that rely on Easter trading are not going to be able to do it. These businesses rely on people coming back to the area at Easter time, strolling around and spending a considerable amount of money.

Tourism in this state has already been under a huge amount of pressure. You would have thought that the rural towns of Beechworth, Bright and Myrtleford, all of those areas that have suffered significantly because of the bushfires, would have been supported by the government at this time, instead of which it is hindering them and making things more difficult.

The government recently put tickets on itself and said how clever it was to come up with an advertising campaign which involved huge full-page advertisements at a cost of \$25 000. Many people would skip over the advertisements in the *Herald Sun* and not even bother to see them. They are dreary, you have to read the small print, they are certainly not inviting and it is a waste of the government's \$25 000. I refer the house to what happened in areas of New South Wales that were affected by bushfires, such as Jindabyne and Thredbo. The New South Wales government ran a \$370 000 advertising campaign on television. Interestingly it advertised in northern Victoria. We should be out there advertising in southern

Victoria to get people to go into our northern areas and spend money in towns that rely on the tourism industry to keep their economies going.

The government went to Beechworth on several occasions. We have heard all the stories, seen the spin, heard about the love-in, heard about the visits, heard about the whole rigmarole. But what are they doing for Beechworth — —

An honourable member interjected.

Hon. ANDREA COOTE — I have been to Beechworth on several occasions.

An honourable member interjected.

Hon. ANDREA COOTE — They did not invite me to your love-in.

An honourable member interjected.

Hon. ANDREA COOTE — It is a pity that you are not going back on Easter Sunday, isn't it, because on Easter Sunday they are going to be closed!

Honourable members interjecting.

Hon. ANDREA COOTE — Is that all you do? You are only in the pubs! I have to say there are a number of other businesses in Beechworth, including Home Hardware and a whole range of other places as well.

So we have this \$25 000 campaign with a huge input, according to the government, telling people they can go back into rural areas; go back to the tourist areas, they are open for business. But what is going to happen when they get there on Easter Sunday? The shops are going to be closed. I suggest the government puts out another \$25 000 advertisement and explains what it is that this government has — —

Honourable members interjecting.

Hon. ANDREA COOTE — These people need the economy to get back on its feet and this government is making it exceedingly difficult for them. It has wasted its \$25 000 and it is doing the people of Victoria a disservice.

Hon. PHILIP DAVIS (Gippsland) — I cannot say it is a pleasure to join the debate on this bill because frankly it is a great shame that the bill has been introduced. Clearly the opposition has articulated its position which is that it is opposed to the bill and I do not intend to canvass all the issues which my colleagues have already covered. Suffice it to say that the proposals to declare Easter Saturday as a public holiday

and require shops to close on Easter Sunday are clearly an anathema to the process of deregulating trading hours which we went through progressively during the 1980s and 1990s. The reality is that these moves impact significantly on the operating costs of businesses. Importantly, in relation to consumers — and this is really the clear issue — they create a prospective lack of choice. The facts are that businesses should be able to decide whether to open or not open according to the indications they receive from their customers.

What is most disturbing for me about this first bill, which earlier this week the Leader of the Government indicated he believed was the most significant legislation before the house for this week, is that the priority given to this legislation by the Leader of the Government and the government as a whole would indicate that it is in fact out of touch with what ordinary citizens and business seek to have as appropriate opportunities for choice.

Further I am concerned that the government has now transferred so much of the authority of the Parliament to the executive that it regards Parliament as nothing more than a rubber stamp. Irrespective of the views expressed in this house on this bill today, or indeed on the earlier occasions that it has been debated, they are irrelevant because the government made a pre-emptive announcement before the bill was introduced into Parliament about the effect and implementation of these regulations from this Easter, which would inevitably mean that there were regulatory mechanisms in place for the prescribed exemptions which clearly presumed that no amount of consultation with the people directly affected by the bill would have any effect on the government's policy position. In other words the government has seen fit to bring legislation to the Parliament without regard for a proper consultative process.

This puts the lie to everything that Mr Viney said on this bill about the outrageous moves of the government to disallow an opposition spokesman from taking the call on the bill last week and inserting Mr Viney as the speaker to take the call for the government. It was unprecedented in this chamber in 146 years. It was a disgrace. What Mr Viney had to say was a complete misrepresentation. Mr Viney claimed that the reason he took the call was to adjourn the bill for the express purpose of consultation. What consultation could be had when the government by press release has announced its executive policy on this matter without reference to the Parliament?

So far as I am concerned the way the government has started will be the way it finishes. It is holding the

Parliament in contempt and as a result the community will hold the government in contempt. I am opposed to this bill. I am opposed for a number of reasons, not least of all is because of the contempt for the Parliament of Victoria which the government has displayed by its introduction.

Hon. R. DALLA-RIVA (East Yarra) — I support the remarks just made by my leader. In doing so I also oppose the bill. There are a number of issues that I wish to touch on. One concerns consultation, which has been spoken about widely on our side of the chamber, but not so much on the other side. The other is enforcement. The minister says in the second-reading speech:

In response to changing community attitudes and consumer trends ...

My recollection of the speech made by the Honourable Bruce Atkinson is that he talked about consulting widely among the peak bodies and peak groups. They all indicated they opposed this change to the act. So I am thinking about what sort of consultation the Labor Party has undertaken in terms of putting forward this bill. The only thing I can conclude is that there has been significant consultation by the Labor Party, and that significant consultation has been with the Shop, Distributive and Allied Employees Association, known as SDA. There is no doubt that SDA has clearly indicated the direction in which it wants this bill to go. The Honourable Bill Forwood has indicated that this is the payback time for the union, and it certainly is.

It is important to understand why this bill is before the house and why it has been presented even before the terrorism bill. The consultation the government talks about is an absolute sham and the Labor Party ought to be held responsible for it. If government members had undertaken appropriate and responsible consultation they would have understood that the retailers are actually opposed to it.

I went back and looked at some history in terms of the changes to the shop trading hours, and there was a newspaper report written by Dr Ed Shann, which appeared in the *Herald Sun* on 13 December 1996. Dr Shann was a director of Access Economics. He referred to a study titled *Open All Hours* on the possible gains from deregulation written by researchers Rob Brooker and Gayle King. This might hurt the Labor Party because it is about creating jobs. Dr Shann said the study estimated there would be an increase in retail employment of around 6000 jobs. So when the act was originally brought in under the Kennett government an independent study indicated there would be an increase of 6000 jobs. I wonder how many jobs will be lost with

the passage of this bill. Dr Shann indicated in his last sentence:

However, it is clear that Victorian consumers and the economy benefit from deregulation.

Yet here we are heading down the path of regulation of the worst kind.

The second part I wish to touch on relates to enforcement provisions. We have a bill before the house that talks about ensuring that those who open on Sunday are going to be subject to a hundred penalty units — \$10 000!

Mr Smith — Were you a member of the union when you were in the force?

Hon. R. DALLA-RIVA — The association.

Mr Smith interjected.

Hon. R. DALLA-RIVA — It was not unionised back then. You guys have taken it over since then.

In relation to history, let's again look at a gentlemen whose name we all know well — Mr Penhalluriack. He was fined for trading on Sundays. A report from the *Herald Sun* of Monday, 2 December 1996, is headed 'Shoppers vote yes'. Mr Penhalluriack was fined more than \$500 000 and the contents of his store were seized twice in place of fines. This is what we are going to go back to. We are going back to the days where on a busy Sunday Victorian police will be heading off to a major crime and all of a sudden D24 rings up and says, 'Quick! A store is open! Divert from your emergency and head down to the store because it is open!'.

I will not mention the hammer. As the Honourable John McQuilten said, let us call it a can opener. It might be the purchase of a can opener — indeed, in one of the debates the Minister for Energy Industries suggested false teeth. Why you would need false teeth on a Sunday I do not know, but it might be from eating too many Easter eggs.

The realities are that people should have choice and freedom to purchase what they want when they want. Mr Penhalluriack also said on 2 December 1996:

I am absolutely elated ... while sending a message to future governments.

This is very important for the Labor Party, because if its members had consulted and listened to the community they would have understood that everyone is opposed to it. Mr Penhalluriack continued:

They —

being the government —

... should get the hell out of our normal lives. I don't need the government to tell me when my customers want to be served. My customers tell me, and if I make a business mistake and I go broke, it's nothing to do with the government.

Clearly we will go back to the days, as has been said, where books will be sold and as a result of buying a book you will be given a free billiard table. That is coming down the path. The responsibilities of the police according to the web site are to ensure a safe and secure society. I cannot recall having to be called away when I was in the police force to arrest a shop trader for opening on a Sunday, but this is what the government is encouraging the police to do.

The bill has not been thought through or consulted on widely, and on that basis I strongly oppose it.

Hon. W. A. LOVELL (North Eastern) — As a small business person until just recently, and also a member of a family business and a business that operates 365 days a year, I feel that I have some authority to speak on the Public Holidays and Shop Trading Reform Acts (Amendment) Bill.

As the Honourable Bruce Atkinson outlined in his contribution, the minister failed to consult widely with retail groups, and the opposition was dismayed at that lack of consultation by the government. I believe it displays extreme arrogance on the part of the minister, who obviously thinks she knows what is best for the retail industry and does not need to consult with retailers or their associations. I concluded that the minister must have had a background in small business or at least in some business and that she had had so much experience that she knew what was good for retailers better than they did themselves. I looked at the minister's curriculum vitae in the parliamentary handbook and did not see a reference to any small business in her background, yet she thinks she knows better than the retailers and their associations.

This bill has already caused and will continue to cause great confusion. It will cause confusion among consumers, who have come to expect retailers to be open on public holidays, and it will cause confusion among retailers because of the lack of consultation and the lack of communication by the government.

I shall give some examples of the confusion that has already been expressed in my community, such as quotes from letters to editors and articles in local newspapers. They state:

Easter trading brings big bucks to the Murray River towns, something that is needed this year more than ever as the

effects of the drought continue to hit us hard. Working on Easter Sunday and earning generous penalty rates is more than a bonus for individual staff struggling to live on a limited family budget. It is something they may have been relying on.

The state government is doing communities such as Echuca a disfavour by declaring Easter Sunday a non-trading day.

For many border towns the Easter weekend is the last opportunity for the year for businesses to benefit from visiting campers.

Trade from tourism and local customers fluctuates during the year, and these holiday periods are a time for large and small businesses to balance the books against quieter times.

Our image as a tourist destination is measured against the experiences and expectations of the tourist. If our retail shops are closed when tourists have money to spend, then these expectations will not be met and they may seek other destinations in the future.

The next one is a beauty, one the minister should take notice of. I am sorry that she is not in the chamber to hear it, but it states:

The state government should not be able to make such significant changes without consulting the people and towns most affected. This is a major change in retail policy and deserves more consultation.

Not only will the bill cause confusion among consumers and retailers, but as the Honourable Richard Dalla-Riva pointed out, it will also cause confusion among police. Easter Sunday may become a haven for shoplifters because retailers who are not sure whether they should be open may not want to call the police, and the police, if they are called to a retail location, may be confused about whether to arrest the shoplifter or the retailer. It is ridiculous.

The timing of the introduction of the bill, four weeks before the Easter period, shows how little the minister and the Bracks government understand or care about business. Many businesses in the tourism and the hospitality industries would have had to commit to prices nearly 12 months ago, long before the bill was ever dreamed of.

The minister says the legislation will give the mums and dads more time with their families. It will, but they will be at home, they will not be away on an Easter holiday. I know where my family will be and the families of many other small business operators, they will be together but working hard, not having four days off.

Hon. ANDREW BRIDESON (Waverley) — There is not much left for me to say on the Public Holidays and Shop Trading Reform Acts (Amendment) Bill, but I certainly endorse the cogent and purposeful arguments

that have been put forward by my colleagues. It is clear to anybody who has been listening to the debate that we have won it on this side, and it is unfortunate that we do not have the numbers to carry the day.

I shall make a couple of points about the bill and how it affects the retailers and shoppers in my province. Waverley Province is blessed with some fantastic shopping centres. I must have an argument with my deputy leader on whether Chadstone is in her electorate or mine, but it is certainly on the border of both electorates. It might be within the new boundaries or the old boundaries, but certainly Chadstone is in part of my electorate.

Hon. Andrea Coote — We share.

Hon. ANDREW BRIDESON — We have come to a conclusion on that. We have The Glen in Glen Waverley; Brandon Park and Waverley Gardens; and 5 or 10 minutes from my electorate there are such large shopping centres as Knox City; Southland to the south; Forest Hill to the north; a good shopping centre in Scoresby; and Wheelers Hill. We have some very vibrant and thriving strip shopping centres in Oakleigh, Clayton, Mount Waverley and other areas of the electorate.

Having spoken with a lot of the retailers throughout the area, I know they are cheesed off, to say the least, because they will lose income by not being able to open on Easter Sunday. In fact Catherine Daw, the Chadstone Shopping Centre manager, told my office that Easter Saturday and Sunday trading is up by 7 to 10 per cent over the Easter weekend compared with a normal weekend. Similar figures were given to me by the shopping centre manager at The Glen, who said that those Easter trading days are traditionally good retailing days, and the majority of retailers are planning on opening and bearing the running costs, rent and other outgoings. She also said that Easter Sunday is the third busiest trading day in the retail year.

Many of the retailers have purchased stock in advance based on figures from previous Easters. This legislation will cause great inconvenience to them. Shoppers are being denied the right to shop on a day they want to choose to shop. Since the deregulation of shop trading hours it has become a modern phenomenon that families go out as families, whereas perhaps in the past they did not, to shop, to eat and to enjoy each other's company in the shopping centres, to make purchases, to window shop and to do whatever.

I guarantee that Mr Somyurek has been out with his family on previous Easter Sundays, and I bet he has had

great times in some of the shopping centres around his area. I have even seen Mr Jennings and his son down in Malvern Central on a Sunday, and I can guarantee that on previous Easter Sundays not only Mr Jennings but other members with young families have spent Easter Sunday together having an enjoyable day out shopping. Well, not this year and not in the foreseeable future will they be able to repeat that. It is a crying shame that families can no longer continue in this pleasurable activity.

I oppose the bill for the reasons that have already been espoused by my colleagues. It impinges upon the freedom of Victorian citizens to choose whether they can shop on an Easter Sunday. It also takes away the right of certain retailers to operate their businesses on Easter Sunday. Had the parliamentary committees been established prior to this legislation being introduced it would have been interesting to see what sort of decision the Scrutiny of Acts and Regulations Committee would have made on this bill, particularly the way it infringes upon the rights of people. I oppose this draconian piece of legislation.

Hon. D. KOCH (Western) — I rise to speak against this ill-conceived bill that will have terrible ramifications beyond the union deal that has been done, without much acknowledgment and without apology, by the government. The consequences in regional Victoria of this sort of nonsense will be quickly measured. Plainly it is not in favour of small business. There will be a public holiday on Easter Saturday and the closing of business on Easter Sunday. The proposed exemption, like the bill, has had little or no business consultation, as evidenced not only last night at the Australian Hotels Association function but also by the minister who has already granted extensions to the initial cut-off of 28 February 2003. It will cause great concern to most business houses.

This nonsense that the bill is family friendly could not be further from the truth. The dearth of commercial business knowledge and experience on the other side of this house clearly demonstrates that the government will not be offering further rewards to small business. In fact, it will disadvantage small business with greater workloads and staff penalty rates. As my Western Province colleague, the Honourable John Vogels, clearly indicated yesterday in this house, we have small business houses, specially those catering for the tourist industry and the travelling public, that are considering closing their doors over Easter. What a disgrace to put these business people in this position! Imagine what this signals to the people of Stawell during their high-trading annual Stawell Gift event and the towns along the South Australian border, not to mention the

financial disaster that will occur along the Murray River, as was alluded to yesterday by an honourable member for North Western Province.

The bill is ill conceived and ill considered and can only hurt those involved in small business. Industry is not seeking further regulation. Small business should be freed up to do what it does best — that is, create jobs, provide goods and services and grow local economies that then have a flow-on effect to reward all Victorians. Regional Victoria does not support this bill.

Hon. M. R. THOMSON (Minister for Small Business) — Some issues have been raised that I think I should cover and clarify. Firstly, an awful lot of small businesses out there do not have a voice. They are small businesses that over the many years of my travelling around Victoria have said to me, ‘We have to open if our competitors are open. If the majors are open, we must open’. They would probably prefer to see more Sundays closed, not open. But this government has accepted the deregulation of shop trading. We are not going back there, but we will give them one extra day when they can make a real choice as to whether they open or they spend time with their families and friends and enjoy some social pursuits. We will give them that opportunity.

We are also aware that the vast majority of employers are already paying federal awards in one way or another, so when we talk of financial impact, it is minimal impact. Far and away the vast majority of employees now in the retail sector are already covered by a federal award.

I will clarify a couple of other issues. The Honourable Bruce Atkinson referred to the fact that the pubs will be able to continue to open on Easter Sunday. That is in fact the tradition they already have in relation to Christmas Day and other holidays, and that will continue. In relation to the markets, those that are Sunday markets will of course be allowed to operate on Easter Sunday, so those who have stalls at Sunday markets will be able to open. The practice for hotels has been to open on Christmas Day and to function and deliver services to Victorians, and they will be able to maintain that practice on Easter Sunday.

The Honourable Bruce Atkinson raised the matter of police and their arrangements for monitoring the act as it will be. The police have that responsibility now, so it will be no different. The responsibilities that they have for Christmas Day, Boxing Day and Anzac Day morning will be the same for Easter Sunday. There is no change.

House divided on motion:*Ayes, 23*

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Ms (<i>Teller</i>)	Mitchell, Mr
Carbines, Mrs	Pullen, Mr
Darveniza, Ms (<i>Teller</i>)	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hadden, Ms	Smith, Mr
Hilton, Mr	Somyurek, Mr
Hirsh, Ms	Theophanous, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr
McQuilten, Mr	

Noes, 19

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hall, Mr
Bishop, Mr	Koch, Mr
Bowden, Mr (<i>Teller</i>)	Lovell, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr
Drum, Mr (<i>Teller</i>)	

Motion agreed to.**Read second time.***Third reading*

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

That this bill be now read a third time.

I give an undertaking to provide the opposition with a copy of the letter that has been forwarded to the Australian Hotels Association about the opening of pubs on Easter Sunday.

Hon. Bill Forwood — Thank you.

Hon. M. R. THOMSON — I also thank honourable members who have participated in the debate.

Motion agreed to.**Read third time.***Remaining stages***Passed remaining stages.****CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL***Second reading*

Debate resumed from 27 February; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — I rise to speak on the Crimes (Property Damage and Computer Offences) Bill. This bill amends the Crimes Act 1958 in three specific areas. It creates a new bushfire offence, it introduces new computer offences and it introduces new offences of sabotage. The opposition supports this bill with one amendment, which I will foreshadow as I go through my speech.

I turn to the details of the bill. The bill introduces three new crimes, but it is important to note that these are areas that have been developed through a bipartisan arrangement by officers across Australia. The offences are based on the model criminal code report on these crimes produced by these officers called *Damage and Computer Offences* of January 2001.

Similar legislation is currently being or has been enacted in all Australian jurisdictions. So although this is not template or model legislation, because its provisions are based on the model criminal code *Damage and Computer Offences* report, similar provisions are being introduced across the nation.

I turn to the details of the new offences I have outlined. The first deals with offences relating to bushfires. A new offence to be introduced into the criminal code is concerned with intentionally and recklessly causing bushfires. This is a very serious offence. When we look at what has happened with bushfires across Australia in the last month or so we understand the importance of having very significant penalties in place to deal with people who intentionally or recklessly cause fires.

The provisions carry a level 4 offence with imprisonment of up to 15 years. I foreshadow that we intend to move an amendment that this offence become a level 3 offence which carries imprisonment of up to 20 years. In the context of what has happened in the last few months, members will understand the seriousness of this offence.

The legislation contains the two provisions that a fire is 'intentionally caused' and is 'intentionally allowed to spread'. Everybody would understand there are many cases in which fires are deliberately lit for reasons other than those associated with arson — it could be for fuel reduction or back-burning, which are important issues.

The offence contains many important provisions that cover a situation where a person has lit a fire which has got out of control but which is part of a fire prevention program. If a person causes a fire to continue to burn only in the course of carrying out fire prevention, fire suppression or other fire management activities that offence will not apply. It applies specifically to somebody who intentionally or recklessly causes a fire and recklessly allows it to spread to property and vegetation belonging to another.

The next set of offences deals with computers, and a whole series of computer offences is inserted into the legislation. Honourable members may be aware that computer offences have not previously been included under the Crimes Act. Low-level computer offences have been covered in the Summary Offences Act, but they frankly are not sufficient to deal with the major problem of computer hacking, flooding, the introduction of viruses and all the computer offences that are now taking place. The bill makes those Summary Offences Act provisions redundant, and they will be replaced by the computer offences in this bill.

The bill sets out in some detail an interpretation of the terms required to define 'a computer offence'. It deals with terms such as access, data, data held in a computer, data storage, electronic communications et cetera. Certainly quite a few provisions define clearly the various terms that apply to data and data processing. It then sets up the actual offence, which is unauthorised access, modification or impairment with intent to commit a serious offence. It contains two provisions. One is to have unauthorised access with intent to commit a serious offence, and 'serious offence' is set out in the definitions. It is not necessary to actually have committed that offence; it is sufficient that you are entering a computer system with the intent of committing a serious offence. The penalty that applies to entering with that intent is the same as the penalty that would apply had one carried out the actual interference with the data.

A new offence of unauthorised modification of data to cause impairment is prescribed, and the further offence is unauthorised impairment of an electronic communication. Therefore in the bill we have an offence dealing with an intention to commit a serious offence; we have the modification of data offence; we have an offence concerning the impairment of electronic communications; and here we have things like interference with email, flooding of emails and so on with a view to impairing electronic communications.

The offences include the possession of data with the intention to commit serious offences. If one is found to

have data programs, various hacking programs or programs that allow one to do Internet floodings or to spread viruses or the like, the possession of those is considered to be an offence, and somebody who actually produces and supplies such equipment would also be committing an offence. In other words it is an offence for somebody to actually develop a virus.

Hon. T. C. Theophanous — What page are you on?

Hon. C. A. STRONG — If the minister were as smart as he thinks he is, he could probably work that out. As well as it being an offence to use the virus it is an offence to produce a virus and to supply data for that purpose. It is also an offence to have access to restricted data without authorisation, or to impair such data or data held in computer disks, credit card devices et cetera. One can see that the extent of the provisions that deal with computer crimes is very significant. They deal with the whole issue of access, producing and using various viruses, and trying to disrupt communications by the use of the various flooding techniques that have been used on the Internet.

Honourable members will understand that the whole question of computer communications is international in its nature. Computers can be anywhere and their databases can be held anywhere. Those who seek to interfere with communications or misuse the data can also be located anywhere. The bill contains an extraterritorial clause which says these are offences if they are carried out on any data that is stored on any computer in Victoria or if the conduct is carried out in Victoria even if that conduct were to be exhibited against some databases that were not in Victoria or Australia. They are very significant provisions. As I said, the provisions in the Summary Offences Act are very insignificant in comparison. I think these offences go a long way towards meeting what is a very real problem.

The next new offence set out in the bill is sabotage. I think we all realise that this is a fairly important issue for us today. The sabotage offence is introduced, along with some definitions. As before, the object of the sabotage is defined, and there is a description of public facilities. Like the computer offence, the sabotage offence has two legs. The offence of intent to carry out sabotage attracts the same penalty as actually causing sabotage. The carrying out of sabotage is an offence, as is the intent to cause sabotage and the threat to cause sabotage. I think we all know that the threat to cause sabotage is highly significant. Those offences carry significant penalties; the threat to cause sabotage is a

level 4 offence attracting a maximum of 15 years imprisonment.

The whole issue of sabotage of public utilities like electricity, gas, water, rail, fuel supplies et cetera, is incredibly important, and although the government has set out the offences in the bill, a lot needs to be done to ensure protection against such sabotage. Only this evening I attended a conference on infrastructure security which highlighted the very great risks that exist in securing our infrastructure from sabotage, terrorists and the like.

The conference made what I think is a very valid point — that is, although the bill puts in place provisions for the offences, not a lot has been done as yet to afford protection to these important bits of infrastructure. The conference highlighted how far behind the United States and Europe we are in getting proper provisions for the security of key infrastructure. The nature of Australia over many years as a relatively safe jurisdiction means much of the infrastructure is highly visible and not well protected, making sabotage very easy. A lot needs to be done at the state level to protect infrastructure.

The Minister for Energy Industries might be interested to know that one of the areas of key concern at the infrastructure security conference was the security of our electricity and gas facilities and how we are a very long way from having that under control and having effective procedures and protocols in place to deal with infrastructure security.

It needs to be said that most of the infrastructure is state based. While telecommunications is a federal jurisdiction, as are some of the rail and road systems, most of the key infrastructure such as electricity, gas and water comes under the state jurisdiction. This conference of experts highlighted how much needs to be done. It is worth drawing that to the attention of the government as we go through this bill. It is one thing to establish the offences, but it is a different thing to ensure that these key assets in our state are effectively secured, and it appears that a lot more needs to be done in that direction.

The bill contains some transitional and other arrangements, particularly dealing with the serious issues of bushfire offences, where there is now a presumption against bail for arson causing death. The bill tightens up that area significantly. They are the main provisions of the bill.

As I said, the opposition supports the bill, with the amendment I have foreshadowed. However, I reiterate

the point that although the bill puts in place the provisions, which is all very well, a lot needs to be done to ensure that the community is protected against these crimes. As I have highlighted, the government needs to do a lot in the area of infrastructure protection. Looking at the bushfire area we see that the government needs to do an enormous amount on the issue of protecting the community from bushfires.

Although penalties for bushfires need to be enacted, what also needs to be done and what the government has unfortunately failed to do is effectively move through proper inquiries and so on to get the whole bushfire situation under control. Although the bill deals with the issue of the offences, much more needs to be done to ensure that the community is protected against people who seek to commit these offences.

With that brief introduction to the bill, I commend it to the house, foreshadowing that the opposition will move an amendment increasing the penalties for bushfire offences.

Ms MIKAKOS (Jika Jika) — It gives me great pleasure to rise to speak in support of the Crimes (Property Damage and Computer Offences) Bill 2003. The Bracks government is committed to ensuring that Victoria's criminal justice system responds to changes in technology, to changes in the security position of Victoria and to the increasing prevalence of bushfires in our state.

The Crimes (Property Damage and Computer Offences) Bill seeks to introduce a number of new offences into the Crimes Act 1958. It seeks to introduce a new bushfire offence, a series of new computer offences and new offences relating to sabotage and threatening sabotage.

The new offences are based on the model offences contained in the Model Criminal Code Officers Committee chapter 4 report *Damage and Computer Offences* published in January 2001. The Model Criminal Code Officers Committee was established by the Standing Committee of Attorneys-General in 1991 to create a set of model criminal laws for Australia.

Members may recall that this bill was introduced in the last Parliament and was unfortunately unable to be passed by the Legislative Council because of the Parliament's being dissolved due to the forthcoming election. However, I find it quite extraordinary that the Liberal Party is foreshadowing an amendment to a bill that it had actually introduced in the last Parliament. It is quite clear that the overwhelming victory of the Bracks government at the last election has just not sunk

in with the Liberal Party and that it is still ignoring the mandate of this government and still ignoring the election policies that the Labor Party went to the last election with. Nevertheless I will seek to respond to the amendment that has been foreshadowed tonight.

I wish to now turn to the provisions in the bill that relate to the new bushfire offences proposed by clause 4 of the bill. Every year Victoria faces the danger and devastation that fires can cause to the community. We have seen the devastation of bushfires during this past summer and the heroic efforts of our emergency services personnel from across 25 agencies, both career firefighters and volunteers, to protect our community.

Acting President, before I continue I seek clarification about the clock, which seems to be incorrect. I believe I have 60 minutes as the lead speaker?

The ACTING PRESIDENT (Ms Hadden) — Order! The honourable member has 15 minutes.

Ms MIKAKOS — Okay. I will keep going.

Hon. Bill Forwood interjected.

The ACTING PRESIDENT (Ms Hadden) — Order! Mr Forwood will resume his place.

Ms MIKAKOS — I wish to commend the efforts of our emergency services personnel — both our career firefighters and volunteers — from across 25 agencies to protect our community. I take this opportunity to place on the record my sincere gratitude and admiration and the gratitude of all Victorians to those thousands of brave individuals who risked their lives to save the lives and livelihoods of others.

I also take this opportunity to congratulate the emergency services minister in the other place, the Honourable André Haermeyer, for having the foresight to properly resource our emergency services — for example, the engagement of extra firefighters by the Department of Sustainability and Environment (DSE) and Parks Victoria, the provision of \$120 million to train 2000 wildlife-accredited Country Fire Authority volunteers and fund the new equipment for the CFA, and the additional funds put into the State Emergency Service and other agencies.

I find it extremely disturbing that people deliberately light fires for the purpose of causing damage to vegetation and our beautiful landscape and forests and endangering people and property. Victoria currently has a range of offences such as arson and other offences covering destroying property by causing and lighting fires. However, these offences do not deal with

situations where a person recklessly creates the risk of spread of fire to vegetation.

All jurisdictions including Victoria agreed to implement the model bushfire offence at the meeting of the Standing Committee of Attorneys-General in March 2002. New South Wales and the Australian Capital Territory have already introduced legislation implementing the model bushfire offences. This bill will introduce into the Crimes Act a new offence directed at a person who intentionally or recklessly causes a fire and is reckless as to the spread of the fire to vegetation on property belonging to another. The offence is punishable by a maximum penalty of 15 years imprisonment — a penalty that is consistent with existing penalties for other Victorian criminal offences with similar levels of culpability such as recklessly causing serious injury.

It is for this reason that the government regards the amendment that has been foreshadowed by the opposition to be unnecessary. While I have not actually seen the foreshadowed amendment I anticipate that it is in the same form as the amendment that was moved by the opposition in the Assembly last year.

Causing a fire will be defined to include lighting, maintaining or failing to contain a fire. The term ‘spread of fire’ will be defined to mean the spread of fire beyond the capacity of the person who caused the fire to extinguish it.

The bill also identifies circumstances in which a person will not be considered to be reckless as to the spread of fire. A person will not be considered reckless as to the spread of fire where that person carries out fire prevention, fire suppression or other land-management activity and does so in accordance with the legislative provisions or in accordance with the code of practice approved under an act and where the person honestly believes their conduct in carrying out that activity is justified having regard to all the circumstances.

An example of a fire prevention activity is fuel reduction burning. A fire suppression activity includes activities such as burning out of fuel between a control line and a fire front. Other land management activities include biodiversity management and pest plant and pest animal management.

The exemption specifically prevents people who satisfy each of the three criteria in the relevant section from being charged. Activities that could be covered by the exemption would include activities where such people believe their conduct is justified; fire suppression activities engaged in by CFA or DSE officers on private

or public land in accordance with an act or code; fuel reduction burning engaged in by DSE officers in accordance with the code of practice for fire management on public land; and the burning of vegetation or other matter by farmers in accordance with a permit issued under the Country Fire Authority regulations of 1992.

However, the bill makes it clear that there may be other circumstances in which a person will be taken not to have been reckless as to the spread of the fire. This will be up to the courts to determine on a case-by-case basis, depending on the circumstances of any particular case. The common-law standards for recklessness will continue to apply in these situations.

The bill also seeks to introduce a range of new computer offences in clause 5, and I turn to those clauses briefly. I note that more than 3 million Australian households and over 1 billion people worldwide are connected to the Internet. The Internet offers the community — particularly people in rural and regional Victoria and people who are housebound — enormous access to information and services that previously were far more difficult for them to access. More and more of us are utilising the enormous potential of the Internet every day.

The increasing use of e-commerce, for example, is another benefit that is increasingly being taken up by the community. However, this means that unscrupulous individuals who seek to profit from stealing intellectual property or other information stored on computers are attracted to this technology.

In the leaders summit agreement on terrorism and multijurisdictional crimes of April 2002 all jurisdictions, including Victoria, agreed to introduce the model computer offences. The commonwealth and New South Wales governments have already enacted similar offences. Clause 5 of the bill seeks to introduce those model offences into the Crimes Act and seeks to cover a range of circumstances ranging from tampering with data and computer hacking to unauthorised impairment of electronic communication such as denial-of-service attacks, where a web site is inundated with a large volume of unwanted messages thus crashing the computer server. I note in this respect that Parlynet users may be particularly interested in the introduction of this new offence into the Crimes Act.

The computer offences are very straightforward, and I will not go over them in any detail. But I want to note that the bill does not seek to define the term 'computer'. This is because previous attempts to define the term

have not stood the test of time. This approach allows a definition to evolve and encompass new developments in technology.

I now turn to the sabotage offences contained in clause 6. I note that Victoria faces new challenges in combating terrorism. A key element of this challenge is to ensure that Victoria's criminal law is properly equipped to respond to all forms of terrorist conduct. This Parliament will be debating a series of other bills that are designed to protect the Victorian community from terrorism, but clause 6 of this bill is part of that antiterrorism package and seeks to introduce offences that deal with conduct which is directed at the government or the community at large rather than at particular individuals and which has the potential to cause massive damage and disruption to public services and facilities.

I note that the bill will introduce into the Crimes Act a new sabotage offence, which is directed at individuals who damage a public facility by committing a property offence such as destroying or damaging property or by causing an unauthorised computer function, with the intention of causing major disruption to government functions, major disruption to the use of services by the public or major economic loss. The offence will be punishable by a maximum penalty of 25 years imprisonment.

The bill also introduces a new offence for threatening to commit a sabotage offence. That is directed at individuals who threaten to damage a public facility in a similar manner, and it is punishable by a maximum penalty of 15 years imprisonment. There is a fairly lengthy definition of the term 'public facility' in the bill, covering both public and privately owned essential services.

Part 3 of the bill makes a number of changes to the Bail Act that require the court to refuse bail where an accused person is charged with arson causing death, unless the accused person shows why detention in custody is not justified.

In conclusion, this bill implements Victoria's commitment to introducing greater consistency in criminal responses across Australia. The offences provide a modern and effective criminal justice system and are part of the government's commitment to provide safe streets, homes and workplaces for the Victorian community. I commend the bill to the house.

Debate adjourned on motion of Hon. W. R. BAXTER (North Eastern).

Debate adjourned until later this day.

ADJOURNMENT

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the house do now adjourn.

Country Fire Authority: information access

Hon. D. KOCH (Western) — I direct my question to the Minister for Police and Emergency Services in another place. My question relates to Country Fire Authority mapping, and key CFA personnel and privacy issues. The review and upgrade of the only accurate and factual map of regional Victoria has been completed, but there is major concern that this vital instrument used for our emergency services and the community volunteers alike for more than three decades right across regional Victoria is now not allowed to be distributed amongst members of our community who over many years, as has been demonstrated, have assisted in the recovery and saving of both lives and assets with incredible accuracy.

Regrettably, these upgraded maps are not available to the community on the ground that property owners are not to be identified. This is similar to the non-printing of information on CFA leaders region by region, group by group and brigade by brigade. Communities are at a loss as to who to call for assistance in emergency situations and are not comfortable with the push-button-and-hope mentality which has been employed in metropolitan areas, because many times the calls have been received by people who have little appreciation of the caller's needs or plight.

All players, property owners and service providers appreciate that there is no compulsion to supply this information, and their information is omitted on request.

Accurate mapping is the major ingredient of Victoria's rescue success over many years. Along with western Victorian constituents and indeed regional Victorians, I request the minister to intervene in the current mapping impasse and complete the distribution of information to volunteers and publicise all community CFA leaders on an annual basis, as in the past.

Planning: Bulleen drive-in site

Ms ARGONDIZZO (Templestowe) — I raise a matter for the Minister for Planning in the other place. The Minister for Planning has announced a process in relation to the future development of the Bulleen drive-in site in the City of Manningham and the electorate of Templestowe Province. This is an issue

that has been ongoing for some time now. The minister has made a positive and democratic decision in relation to this land, a decision that has been welcomed by both the community and the applicants. People who have dealt with planning issues would know this is not always possible.

The process has been handed back to the local authority in order to give the community and the local authority the opportunity to determine their attitude in relation to the future of the site and to determine via a clear and transparent process what would be the most appropriate development to take place on that site. The encouraged outcome would be that any development on that site be as acceptable as possible to all parties as well as maintaining and enhancing the amenity of the local area and protecting our waterways.

I welcome the minister's decision to hand this matter back to the local community for further consultation. I ask her to ensure that the preliminary work and assessments undertaken by the panel she previously appointed to identify potential users and development proposals are rigorously examined by the local authority and the local community in the current consultative process to provide confidence in the community that democratic and open scrutiny is available to constituents in my electorate.

Children's Farm Safe Expo: government sponsorship

Hon. B. W. BISHOP (North Western) — My adjournment issue this evening is directed to the Honourable Rob Hulls, the Minister for Workcover in another place. The Children's Farm Safe Expo Committee of Ouyen is a volunteer group dedicated to reducing on-farm accidents and deaths in the Mallee. It has been widely reported in the print media that the percentage of accidents on farming properties is the highest under Workcover in the state.

In September 2002 over 450 year 3 and year 8 students from schools within a 100-kilometre radius of Ouyen attended the expo. They experienced a wide variety of activities designed to educate them about living safely on working farms, including understanding the importance of firearm safety and motorcycle and trail bike safety.

Representatives from the Country Fire Authority provided sessions to increase children's awareness of home fire hazards and help them to develop strategies to prevent and deal with house fires. Handling sheep and general safety around farm animals was also covered, as well as off-road driving, while in the

evening over 150 farming men and women attended an evening forum on farm safety.

The expo was widely acknowledged as being a huge success in raising safety awareness on and around the farm and farming equipment for people of all ages. Would the government show its support for this type of exposition by providing sponsorship to the farm safety expo committee to enable a similar event, which is already being planned, to take place during 2003?

Albert Park College: community links

Mr SCHEFFER (Monash) — I raise a matter for the attention of the Minister for Education and Training in the other place. In its first term the Bracks government made investment in education a key priority. That commitment has been reinforced for this second term and has been widely supported. Schools are an important part of our social infrastructure. Their participation in community activities is an essential element in building strong neighbourhoods.

Schools provide a social focus and can also provide facilities for community use. Linking schools with their communities can also benefit students by widening their real-life experience. Students brought into direct and working contact with local businesses, community organisations, charities, unions and local government, for example, greatly increase their knowledge and skill, as well as enhancing their employment prospects. School community involvement is also efficient because it maximises the use of available resources and improves the community's understanding of what the local school does. Everyone benefits and there are no losers.

Albert Park College in my electorate is working hard on improving student wellbeing through this kind of community school engagement. When I recently visited Albert Park College I learnt that the school received \$1000 from the government as an incentive to support staff to attend an overseas conference that would help them develop their model for community in schools — a model they believe can be used by many schools and their communities across Victoria.

I understand Albert Park College has worked with the minister's department in developing the 'Student wellbeing and community framework'. Staff are keen to present this to a statewide conference so that all schools and their communities can, if they wish, share in the benefits of what Albert Park College has found. Will the minister provide advice on when Albert Park College will have an opportunity to make its presentation?

Water: Goulburn irrigators

Hon. W. A. LOVELL (North Eastern) — I address my issue to the Minister for Aged Care for the attention of the Minister for Water in the other place. In my inaugural speech on 27 February 2003 I outlined to this chamber the importance of the irrigation district of Victoria, not only as the food bowl of Australia but also because of the contribution our region makes to the Victorian economy.

This year is an extraordinary year. We are facing our worst drought for the past 100 years and our farming and business communities are feeling the strain. Irrigators on the Goulburn system have received only 57 per cent of their water rights this year, and yet despite the fact that most will be facing their worst financial year for the past 100 years, they are still expected to pay for 100 per cent of their water rights.

During his visit to Shepparton last week, the minister told us that we are better off paying for 100 per cent of the water allocation, despite only receiving 55 per cent as it was then, because the payments cover not only the cost of the water but also support the maintenance of infrastructure.

We understand Goulburn-Murray Water needs to maintain its infrastructure no matter how dry conditions are and that our future water supply depends on that infrastructure. However, this is the first year in history that irrigators have not received 100 per cent of their water rights and therefore the first time in history that they will be charged for water that has not been delivered.

The Liberal Party recognised the strain that paying for undelivered water placed on irrigators and as an election policy it promised that irrigators would only pay for water delivered and promised that a Liberal government would compensate Goulburn-Murray Water for the unallocated water portion.

The cost of the unallocated water payments is less than \$14 million. This is money irrigators either do not have or would otherwise have spent in our local business community which is also suffering from the drought. When I raised this matter with the minister in January I was told that the government had made available a grant of up to \$20 000 to assist drought-affected farmers and that this grant should be used to pay the undelivered water costs.

Firstly, I point out that not all farmers received the grant and some only received a portion of the \$20 000. Secondly, the government closed applications for the

grant without any notice, prior to many farmers having the financial information needed to complete the form.

In a state where the government can afford to knock back \$90 million in federal funding to appease their union mates, or throw an extra \$350 million at the Commonwealth Games without batting an eyelid, surely it can find less than \$14 million to support our primary producers and regional economy. Will the minister reassess the government's position and assist irrigators on the Goulburn system by compensating them for the cost of water allocations not received?

Bushfires: fences

Hon. P. R. HALL (Gippsland) — Tonight I wish to raise a matter for the attention of the Minister for Agriculture in his capacity as a member of the ministerial bushfire task force that was established by the government. It concerns fencing grants offered to farmers and particularly the conditions attached to those grants.

I make no apology for once again raising an issue related to bushfires in this Parliament. I am going to keep hammering this issue because many of my constituents are still constrained and frustrated with the lack of assistance provided to help them through the worst disaster many have experienced in their lifetime. Today I received correspondence from Mr Norm Woodhouse of Gelantipy. I spoke to Mr Woodhouse shortly after the fires, and he had some frustrations at that time. His frustrations are continuing. Yesterday he had Department of Primary Industries inspectors at his property. They mentioned verbally that the cost of constructing electric dog-proof fencing on his boundary lines was \$6.75 per metre, to which the government would contribute \$2.25 per metre.

Mr Woodhouse has to reconstruct something like 4 kilometres of fencing. The total cost would therefore be in the order of \$27 000, and he would only receive about a \$9000 grant from the government — a very minimal contribution. Further, the fence has to be completed and paid for in full before the farmer receives that grant.

In relation to the clearing of those fences, the only allowable clearance on the park side of the fence is 3 metres. As Mr Woodhouse says in his letter:

Clearing is only 3 metres into the park which is useless. It will not prevent timber falling over the fence and is not wide enough to get vehicles along to control regrowth.

He also says that the minimum height of the bottom of the wire is 4 inches above the ground and the maximum

is 5 inches. Yet in rocky terrain and on steep ground it is impossible to maintain those uniform standards of between 4 and 5 inches.

The point that Mr Woodhouse makes is that the conditions being imposed by the government are far too stringent. Many of these farmers will fail to meet the conditions of the grants being made available because of the rigidity of these conditions.

I ask the Minister for Agriculture to look at this situation again, to rethink it and show a bit of sympathy and understanding to the farmers who need to get fencing erected as soon as possible on fire-affected farms.

Point Nepean: army land

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Finance because I believe he will have the ability to meet my request. In my electorate on the Mornington Peninsula there is great community concern that the total area regularly referred to as the Point Nepean army land remains in public ownership and is not used for public housing. There is growing concern in the community that the state government is not acting promptly and responsibly. The community clearly requires that all the land, which comprises approximately 311 hectares, remains in public ownership.

Last week the Minister for Environment was reported as stating that the Bracks government would not accept commonwealth land arrangements currently on offer for this irreplaceable area. During the leaders debate on 2 November last year on ABC TV, leading up to the election, I understand that a comment was made by the Premier that the state government would purchase defence land. I believe local Labor candidates on the peninsula gave the community the impression that they supported the key issue that all the land would remain in public ownership.

The government's record on selling land to councils seems hypocritical when reference is made to the commonwealth offer at Point Nepean. Perhaps the member for Western Port Province could stand up to his party in the interest of his constituency and community and join the honourable member for Nepean, the federal member, Greg Hunt, and me in meeting community requirements on this issue. I request the minister to press his colleagues in the government for early acceptance of the current commonwealth offer, an offer that has local community support.

Rail: station safety

Hon. ANDREW BRIDESON (Waverley) — I raise an issue for the attention of the Minister for Transport in another place on behalf of the City of Greater Dandenong, Melbourne's second city. The Greater Dandenong council is demanding that railway stations be safer. The council has backed calls from both the Victorian rail union and the Police Association for increased staffing and police presence on all Melbourne railway stations.

Over the last five years public transport crimes have risen by almost 50 per cent. The number of total offences on public transport, which exclude offences committed in taxis, was 5070 in 1999; it jumped to 6049 in 2000; and it rose to 6711 in 2001. I am advised that Crime Stoppers is going to run a public transport program which will see posters in premium stations inviting travellers to report suspicious behaviour or information on crimes to police. This is clearly not the solution. Senior Sergeant Paul Mullet from the Police Association said that preventing crime required more than just posters. He said that a high police presence is needed and urged a significant number of the additional 600 police the government promised before last year's election be directed into the police transit safety division.

In the City of Greater Dandenong a recent drugs and community safety survey found that more than two-thirds of respondents from the local constituency felt that only an increase of station staff, police patrols, cameras and lighting would have a significant impact on the safety of public transport. The chief executive officer of the City of Greater Dandenong, Warwick Heine, said that the rail union was definitely on the right track and that increased staffing and police presence was needed at railway stations within the City of Greater Dandenong. Mr Heine has stated that simply putting up more noticeboards is not the answer to the solution. In the media release that Mr Heine sent me he said that the state government needs to ensure the safety of passengers on its public transport system and that means more staffed stations and more on-board personnel. I request that the Minister for Transport take urgent steps to ensure more staff are available for train stations and that visible police presence on the transport system be increased without delay.

Prisons: management

Hon. R. DALLA-RIVA (East Yarra) — I direct my question to the Minister for Aged Care to refer to the Minister for Corrections in the other place. I refer the minister to the increase in the cost of prisoners as

reported in the commonwealth Productivity Commission corrective services report of February 2003. Over the past financial year the cost of keeping prisoners in Victorian jails has grown by over 13.1 per cent. What this means for the Victorian taxpayer is that the cost per year of keeping each prisoner rose by \$6250. At the same period the inflation rate, or the consumer price index, was 2.8 per cent.

The national average recurrent cost per prisoner, taking into account all prisoners across Australia, increased by 6.6 per cent. The state government needs to explain to the Victorian community why the cost for each prisoner has risen in the past year alone from \$47 647 to \$53 901. Whilst there has been a modest increase in the average daily prison number by 170 prisoners, the total expenditure rose by over \$29 million. So in just one year — one financial year! — this state government has seen a blow-out of over 19 per cent in its management of the prison system. It is no wonder the prison system is in crisis. I ask the minister why the cost of accommodating prisoners in Victorian jails has more than doubled against the increase in the number of prisoners and more than doubled the national average over just one year?

Bulleen: flood plain

Hon. BILL FORWOOD (Templestowe) — On 20 February along with other MPs, including my colleague Ms Argondizzo, I attended a public meeting where an issue came up which I wish to raise with the Minister for Water in the other place. This meeting was also held, would you believe, at the Veneto Club. And it was also concerned with the Bulleen drive-in site, which my colleague has already mentioned tonight.

At that meeting a considerable discussion was held about the 1-in-100-year flood in the Yarra River and its effect on houses in the vicinity of Bulleen Road, particularly now that the water flows in a different direction, and also because there has been some illegal dumping of soil on that site which has also altered the flood pattern there.

I received a letter from Mr Bryan of Buckingham Drive who says:

However, my concern at present is with the old drive-in theatre land, in particular the related flood basin. It seems to me that the requirement for the 100-year flood basin should be the paramount concern, in the interests of all those Melburnian residents, visitors and other users of Yarra Valley land who would be affected should a 100-year flood occur.

A doubt has occurred in my mind that the Melbourne Water plan for flood basins may require re-evaluation in the light of

dam constraints on the Yarra River and its tributaries and alterations to the existing basins which may have occurred —

such as the one Ms Argondizzo and I heard about the other day. He continues:

Such alterations may have been due to piecemeal alienation over time ... reductions in capacity due to dumping of fill or rubbish et cetera ... Has such overall re-evaluation occurred in recent years? If the data is inaccurate —

then the state may have some issues about this. He asks that I put this question to the government. It is important that he and other residents are assured that work is done on the flood patterns in the Yarra, particularly as they relate to Bulleen Road where the water can come in and go over the playing fields of Trinity Grammar and Carey Grammar and across the playing fields of the Veneto Club. Honourable members would be aware that the Veneto Club basketball court was built in a way that water can just go through when the floods occur.

I am aware that the 1-in-100-year floods do come. My recollection when I was in the Northern Territory is that the 1-in-100-year flood came two years in a row! We would not want that to happen in the Yarra Valley.

Responses

Mr GAVIN JENNINGS (Minister for Aged Care) — The Honourable David Koch referred a matter to the Minister for Police and Emergency Services in another place. It relates to Country Fire Authority information that is currently being withheld from members of the community on the basis of privacy concerns. He asked the minister to review whether that is appropriate practice, given that in certain emergency circumstances that information may be useful to members of the community. I will make sure that matter is referred to the minister.

Ms Argondizzo raised a matter for the attention of the Minister for Planning. She wanted to ensure that the minister provided within the planning regime the consultations that are taking place within the City of Manningham relating to a planning matter and that the work that was undertaken by a planning panel that she previously appointed be incorporated into the consideration of the current process being undertaken by the local council in consultation with the community. I will pass that matter on to the minister.

The Honourable Barry Bishop raised a matter for the attention of the Minister for Workcover, hoping that the minister is enthusiastic about the good work that has been undertaken by the safety-on-farm group in Ouyen and the expo that has been undertaken there with much

support from the local community, particularly schoolkids, in becoming familiar with safety practices on farms. He encouraged the minister to seize the opportunity to take that expo opportunity far broader than the ones that are currently benefiting the constituents in Ouyen. I will pass that matter on to the minister.

Mr Scheffer raised a matter for the attention of the Minister for Education and Training. It concerned a fantastic program the Albert Park College has embarked upon to enhance student wellbeing and community participation in the activities of the school. The honourable member believes this is a model worthy of recognition and transference throughout the rest of the school system. He asked the minister to provide opportunities for the school to make sure that its insights and valuable contribution to the community and school activity are enhanced throughout Victoria.

The Honourable Wendy Lovell raised a matter for the attention of the Minister for Water on the question of whether it is appropriate that water users across Victoria, particularly in a time of drought, should continue to be charged for water on the basis of a payment for use plus charges for infrastructure. The honourable member suggested that it would be more appropriate for a charging regime to be based on water delivered as distinct from the additional payment for water infrastructure investment. I will pass that matter on to the minister.

The Honourable Peter Hall raised a matter for the attention of the Minister for Agriculture — again not for the first time in the house — on behalf of one of his constituents, Mr Norm Woodhouse, who currently has to replace fences after the unfortunate bushfires that went through his property. Mr Hall said this is a prohibitive cost, notwithstanding the \$9000 the government is currently providing for fence restoration. He reminds the government that from Mr Woodhouse's perspective a 3-metre clearance is not appropriate for the fence line. I will pass that matter on to the Minister for Agriculture as a member of the bushfires task force.

The Honourable Ron Bowden raised a matter for the attention of the Minister for Finance. He may well have perhaps asked it of the Minister for Environment as well. I will pass on to the Minister for Finance his desire that the minister speak to other members of the government who have absolute responsibility for this matter to ensure that the discussions about the 311 hectares at Point Nepean that are currently the subject of public concern in terms of ongoing public ownership are satisfactorily negotiated and settlement

concluded between the state of Victoria and the commonwealth.

The Honourable Andrew Brideson raised a matter for the attention of the Minister for Transport on behalf of his union mates and the City of Greater Dandenong to reiterate the fact that — —

Hon. Andrew Brideson — I don't know whether I am a member of that faction!

Mr GAVIN JENNINGS — You should be proud to consort with the union mates who are very concerned about the wellbeing of the travelling public on public transport! He is very supportive of the City of Greater Dandenong and the increased presence of station staff and police association members on stations. He asked the Minister for Transport to urgently review the capacity of the system to have additional staff.

The Honourable Richard Dalla-Riva raised a matter for the attention of the Minister for Corrections. He referred to statistical information derived from the Productivity Commission's review of the cost of providing for prisoners across Victoria and other jurisdictions. He asked the minister to respond to the proposition that the improvements in the penal and corrections system in Victoria have led to an escalation in costs beyond the national average. He asked the minister to review that cost structure and to provide for the Victorian community an explanation of how those enhanced provisions in the corrections system are good value for money.

The Honourable Bill Forwood raised a matter for the attention of the Minister for Water. It related to a matter that specifically was raised with him by Mr Bryan of Buckingham Drive, Bulleen, and his concern about the 1-in-100-year flood plain. Mr Bryan is of the belief that this warrants sufficient attention for the minister to review the Melbourne Water containment plan and he asked whether that is under active consideration by the Minister for Water.

Motion agreed to.

House adjourned 9.29 p.m.