PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

11 May 2004

(extract from Book 4)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
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Hirsh, Hon. Carolyn Dorothy	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

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TUESDAY, 11 MAY 2004

Tuesday, 11 May 2004

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.02 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

Control of Genetically Modified Crops Act
Limitation of Actions (Amendment) Act
Marine (Amendment) Act
Monetary Units Act
Petroleum (Submerged Lands) (Amendment) Act
Road Management Act.

QUESTIONS WITHOUT NOTICE

Electricity: safety

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to the Minister for Energy Industries. Let me start by saying I know that all honourable members want a system of electrical safety which minimises incidents, particularly electrical fatalities. In 1994 there were 6 electrical fatalities; the next year, 8, and the year after, 9. In the following five years there were 8, 5, 7, 8 and 5 — far too many. How many electrical fatalities were there in the years 2001–02, 2002–03, and this year to date?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The issue of safety is something which this government takes very seriously. We have been proactive in our actions in relation to safety in the workplace with the establishment of WorkSafe Victoria and the way we dealt with what was in the past an absolute mess that was left to us by the previous government. It was a mess which included the Longford explosion, which resulted in injury and death. The safety record was appalling. As a result of actions taken by this government workplace safety has improved immeasurably. There has been a concerted effort across all parts of government, including WorkSafe, which has responsibilities that cover the electricity industry in relation to the operation of our power stations and a whole range of other areas. It includes also efforts by the Office of the Chief Electrical Inspector, the Office of Gas Safety and a range of other organisations that were established by and given direction by this government.

This government has a proud record of safety in the workplace and on the roads. We made safety our no. 1 priority from the point of view of protecting workers and this community. We make no apologies for that. One of the outcomes has been that electrical safety has improved, along with safety in a whole range of other areas. We are very proud of that.

Hon. E. G. Stoney — What are the numbers?

Hon. T. C. THEOPHANOUS — I do not know the exact numbers, but I can tell the honourable member that in the last three years we have only had one death in the electrical area, and that is partly because of actions taken by this government when it came to power four years ago for the safety of workers irrespective of where they work.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister. Given that there has been one fatality in the past three years, down from 56 in the previous eight years, will the minister explain to the people of Victoria why he is removing the chief electrical inspector, Ian Graham?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — As I have indicated to the member on a number of occasions in this house when he comes here with these questions, the government has not made a decision in relation to this matter. I will not be commenting further until the government has made an announcement about this issue.

Sport and recreation: discussion paper

Hon. J. H. EREN (Geelong) — My question is directed to the Minister for Sport and Recreation, the Honourable Justin Madden. I ask the minister to advise the house of what actions the Bracks government is taking to ensure Victoria remains the sports capital of Australia post the 2006 Commonwealth Games.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the member's interest in the progress of the sport and recreation portfolio. Members of the chamber may not be aware, but I am happy to inform them that last Monday — last week — I launched a discussion paper, *Sport and Recreation 2005–10* — —

Hon. Bill Forwood — You don't mean last week; you mean the week before. You are brain dead!

Hon. J. M. MADDEN — The Honourable Bill Forwood might be interested in this. If he is really interested in the sport and recreation portfolio, it would be worth him paying attention. I know he does not pay

attention to many things in this chamber, but this might be worth his while.

I recently released the 2005–10 discussion paper for sport and recreation in this state. It is to ensure that in the lead-up to and post the Commonwealth Games we make the most of the games and reinforce and cement our hard-won reputation as the sports capital of Australia.

This discussion paper is an opportunity to make sure that we collaborate and consult with the sector more broadly and build on the profile of and investment in the Commonwealth Games in 2006. Having the games is a fantastic one-off opportunity to make sure that we build on our past successes and anticipated successes, and it is also an opportunity to ask local clubs and peak sporting associations where they think the government can best direct its resources to support, nurture and enhance the development of sport in this state. We will be guided by a peak sports reference group and the feedback from a series of focus sessions that will be held across the state over forthcoming months.

This discussion paper will have a number of themes: firstly, the culture of participation; secondly, building capacity right across the state; thirdly, collaboration and cooperation; and finally, achievement, so that everybody who wants to participate or is eager to be involved in one form or another has the opportunity to achieve on that basis.

It is also a great opportunity to focus opportunities and link the role of grassroots organisations to the other element of our strong sporting reputation — the ability to deliver major events. It will make sure that we have linkages that are beneficial at both ends of the spectrum.

Importantly, not only do those major events and sport generally provide an economic benefit to this state, but the links and connections also reinforce and build on our social capacity, as shown in the social indicators which are part and parcel of the community development that takes place under this portfolio.

This is a great opportunity to build on the legacies of the Commonwealth Games and on the lead-up to and the back of the 2007 World Swimming Championships. It is an exciting time for sport and recreation in this state, given those key dates, and importantly, it will be an exciting time for sport and recreation in this state well beyond 2010.

We are excited about investing in sport and recreation in this state. We look forward to the federal government making commensurate investment in future years, not only for major events — and we are expecting announcements by the federal government in relation to those in this budget — but also for development. We would like to see the federal government making an investment in the grassroots development of sport in this state.

Chief electrical inspector: appointment

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to the Honourable Theo Theophanous, the Minister for Energy Industries. Mr Graham's five-year contract as chief electrical inspector expired at the end of February this year but was extended for three months until the end of May, which is three weeks away. What steps has the minister taken over the past three months to find and appoint a replacement for Mr Graham?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The honourable member was accurate when he indicated that a three-month extension was provided in relation to the continuing appointment of Mr Ian Graham. Given that this issue is one which the government is currently dealing with, it is certainly not one that I intend to discuss in this place. As I have indicated to the Parliament, the issue of the appointment or reappointment is a matter which is under consideration by the government. As I said in answer to a previous question asked by the honourable member, I do not intend to comment further until the government has made an announcement on this issue. To do so would be inappropriate and unfair to the incumbent and everyone else, but I assure the honourable member that, whatever decision the government makes, it will be done through the proper and appropriate processes.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I note the minister's unwillingness to answer straightforward questions in this place. Will the minister explain to the house why this decision has not been publicly advertised, or am I correct in saying that he is putting a mate in the position like the Premier did with Jim Reeves?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I have resisted thus far the temptation to respond in the way the honourable member invites me by suggesting just how lazy he is and how he goes about these fishing exercises in this house without caring at all for the reputations of individuals or anyone else in his pursuit of moving one step on the front bench and taking the position of the person sitting next

to him — something he is obviously not going to achieve.

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — The member might go back that way, but I think he might keep going along that bench the other way. The government is looking at a range of decisions in relation to — —

The PRESIDENT — Order! The minister's time has expired.

Football: women's participation

Hon. C. D. HIRSH (Silvan) — I direct my question to the Minister for Sport and Recreation. In light of the women's weekend round of the Australian Football League on the weekend, will the minister advise the house what action the government is taking to encourage greater participation by women in Australian Rules football both on and off the football ground?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the member's interest in sport, in particular women's football. There has been a lot of media attention over recent years about the opportunities that do or do not exist for adolescent girls to play in football competitions. Some members of the chamber would appreciate that one of the difficulties in past years has been that we encourage young women to participate in Auskick programs and open-age women's competitions; however, in terms of a pathway for young women there has not been the opportunity for them to participate. If they are keen on the rough-and-tumble game of football, there have not been opportunities where they could participate in a way they might find acceptable.

In Narre Warren South last Saturday morning I launched a well-supported program that establishes an under-17 competition in the south eastern suburbs for young girls between the ages of 14 to 16 who are very enthusiastic about playing Australian Rules football. It was a great turnout and was very well supported by the Narre Warren South football fraternity. The other team playing on that occasion was Sacre Coeur. I was very impressed with the skill level.

A number of people put in an enormous amount of time to see this competition come to fruition. It also complements what was part and parcel of the Australian Football League's women's weekend. Curtain-raiser matches held at the Melbourne Cricket Ground put the Victorian Women's Football League in front of large crowds. It was great to help lift its profile, and I congratulate the AFL on those initiatives.

As I mentioned last week, it also complements our package of $1 million to provide assistance to drought-affected communities for their football and cricket grounds. It again reinforces that we recognise the key elements of sport and the way it brings communities together, builds on the their ability to relate to one another and strengthens them. It is great to have women's sport on the agenda and in the public profile. I note as well that it received reasonable coverage in the media on Saturday.

This complements the level of investment by this government in recent years. Over the last four years we have provided more than $26 million for football-associated projects and initiatives at a community level — and I reinforce the words 'at a community level'. That presents an overall picture and reinforces that we are contributing to community development by acknowledging the role of sport, particularly football, in many local communities and building on the investment that we make also into facilities across the state.

So we look forward to John Howard in tonight's budget investing in communities whether it be in facilities or programs at a community level in sport. Can I suggest that no doubt if there were such an investment, it would be the barbecue stopper that John Howard has been searching for!

Fuel: prices

Hon. P. R. HALL (Gippsland) — My question without notice today is directed to the Minister for Consumer Affairs. The previous Minister for Consumer Affairs introduced a fuel monitoring initiative to track petrol and liquid petroleum gas prices. I ask the minister: is this program still going and, if not, what mechanisms does the department now have in place to monitor petrol and liquefied petroleum gas prices?

Mr LENDERS (Minister for Consumer Affairs) — I thank Mr Hall for his question and his interest in monitoring fuel prices. As members of the house will be aware, a report on the fuel terminal gate price primarily but also a range of other issues was presented last year. Obviously from the government's perspective we are looking closely at what parts of that need to be put into legislation. We are also working on the monitoring of fuel. It is an area that we are looking at closely, because the whole point of terminal gate pricing is to provide transparency so that any person or any supplier who wishes to buy fuel can go through that fairly complicated set of links right back to Singapore spot pricing to see what the price is. We obviously need to deal with a lot of the issues around that. We need to

deal with what happens if it is a major buying from a major or a franchisee or an independent and all the types of issues that go to that, which the report goes into.

Mr Hall's essential point asked what the government is doing about monitoring the pricing. It is something that the government is continuing to do. We are very conscious, particularly now that Woolworths/Safeway are into their discount scheme and now that Coles Myer is replicating it, that there is a great need for us to see what is happening. It is a very fluid market — no pun intended — at the moment, because of major competition from the supermarket retailers and presumably the very large amount of cross-subsidisation they are putting in.

I can certainly assure Mr Hall and the house that the monitoring of fuel prices is something that I am conscious is necessary and that I have been in discussions with my department on what our options are and how we can continue to do this effectively. We do not want to monitor just for the sake of monitoring. We are particularly conscious that we have the terminal gate pricing issues, we have the report and we have the new issue, which was not there when this was started in this government, with the terminal gate price legislation and the activities of the two major retailers going into the fuel market. They are new, but I can assure Mr Hall and this house that the government is conscious that it needs to monitor this. Monitoring it and being able to provide information empowers consumers to make better choices and empowers small businesses also to have a bit more of a level playing field with the majors.

Supplementary question

Hon. P. R. HALL (Gippsland) — By way of introduction to a supplementary question, I point out that I asked this question in 2000, and the answer does not appear to have changed significantly in the interim four years. However, more immediately, I ask the minister: is the government concerned that oil companies may use recent increases in crude oil prices to disproportionately increase petrol prices, and if so, what is he going to do about it?

Mr LENDERS (Minister for Consumer Affairs) — Firstly, just to refresh Mr Hall on history, the Australian population in a 1974 referendum voted quite clearly against price controls, and I do not think any particular political party — not even the agrarian socialists — is advocating price controls. However, what this government did in 2001 was bring in terminal gate pricing, which makes the price of fuel transparent. What it does is have everything linked back to Singapore spot prices, which are what the market operates upon. Daily Singapore spot prices are on the web site so that every retail purchaser of fuel can see what the going rate is. That reveals all the old previous hidden discounts and all the various things that made algebra look simple so that now there is a transparent price. This government has acted to make it transparent. We are continuing to monitor the regime in place, and we will improve it.

Consumer affairs: property investment scams

Ms MIKAKOS (Jika Jika) — I refer my question to the Minister for Consumer Affairs, Mr John Lenders. Can the minister advise the house if the commonwealth government is doing its fair share to make sure that the Australian Securities and Investments Commission has sufficient funds to deal with unscrupulous property investment operators so that Victorian families are not ripped off?

Mr LENDERS (Minister for Consumer Affairs) — I thank Ms Mikakos for her ongoing interest in consumers and also her ongoing interest in intergovernmental relationships and how we can, together in partnership, look after consumers better.

Peter Costello, the Treasurer of the federal government, will tonight be presenting a budget. We are aware that there is $9 billion — if we are to believe it — about to be available to the federal government to put priorities in place, priorities that could assist consumers. We also know — and Mr Olexander has brought it to the attention of this house on a number of occasions — of the need for a coordinated approach across jurisdictions to deal with property spruikers of the likes of Henry Kaye and to deal with that scourge in our community. In Mr Costello's hands tonight is a capacity to put some of that $9 billion into the Australian Securities and Investments Commission to give it teeth to enable it to deal with the likes of Henry Kaye in conjunction with state governments.

The Bracks government has listened and acted. We have listened to our community, which says, 'Deal with the likes of Henry Kaye', and we have led the way and prosecuted. As I speak, Australian Finance Direct, one of the Henry Kaye group of companies, is in the Victorian Civil and Administrative Tribunal, so this government is doing its bit. This government is the government of Victoria — one-quarter of the country. Every Victorian is also an Australian citizen, and there is an obligation on the commonwealth for it to assist as well, to put its shoulder to the wheel to assist.

Today I call upon the federal Treasurer to put some of that $9 billion in surplus into giving ASIC teeth so it can assist with this. This is not a tricky question; the federal Treasurer should be able to deal with this. It is not only the federal Treasurer, with his $9 billion, but also the Prime Minister — if he would bother creating in the federal jurisdiction a minister of consumer affairs so that the federal government took consumer issues seriously and we might more adequately deal with the likes of Henry Kaye. Then it would not just be left for the states to deal with all these things. Sadly, as is often the case, this Sydney-centric federal government is lazy on policy. I would expect better from Mr Costello, being a Victorian — that for one moment he would be a Victorian first and a Liberal second, not the other way around, because a little bit of that $9 billion in largesse would help. It is not too late; there is still time. Mr Costello has not delivered his budget speech. He could still amend his speech now and put some of the $9 billion into Victoria, into the community, to assist with ASIC in delivering it.

Honourable members interjecting.

The PRESIDENT — Order! Things were fine for a while, but it is absolutely impossible for Hansard to report the minister's comments, and I am sure all members look forward to reading them tomorrow.

Mr LENDERS — To take up the point of my colleague the Minister for Commonwealth Games, if the Prime Minister, Mr Howard, is looking for a barbecue stopper tonight to capture the imagination of our community he can put some resource into the Australian Securities and Investments Commission to give it more teeth to assist consumers to stamp out Henry Kaye. He can listen, like the state government has listened. The federal government needs to move on and help consumers.

Minister for Energy Industries: conduct

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to the Honourable Theo Theophanous, the Minister for Energy Industries. Did the minister meet with Dean Mighell and Howard Worthing from the Electrical Trades Union the night before the Australian Labor Party state conference last year?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The member just keeps coming with the same questions. It was not that long ago that he came in here and named a particular individual who he claimed was connected with the Electrical Trades Union (ETU) and was going to be the next chief electrical inspector. He named that person in Parliament; he put his name on the record, and subsequently I had to get up and quash that rumour for the sake of the reputation of that particular person. So all Mr Forwood does is to keep coming in here — —

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — Well, that is what you do: you come in here with things that you have no idea about. You ask questions, and in this case the same question as you have asked on another occasion.

Let me make this point: I meet with all of the unions, and I meet with them on a regular basis. I meet also with the companies on a regular basis. That is part of ensuring you are in touch with what is happening out there. It was the fact that I keep in touch with the companies and with the unions that allowed us to effectively manage the situation when there were some strikes in the electricity industry not that long ago. It is the way we on this side of the house do things: we go and talk to people, we listen to them; we find out what is needed; and we then act decisively, as I did in the case when the ETU threatened industrial action. As I did on that occasion — —

Hon. Bill Forwood — On a point of order, President, I think the chamber is it not very interested in the minister's diatribe. I make the point that the question was entirely specific: did he or did he not meet with Howard Worthing and Dean Mighell on a particular date? I ask you, President, to get him to return to answering yes or no and stop the diatribe we are putting up with.

The PRESIDENT — Order! Mr Forwood has been here long enough to know that when a member raises a point of order he must not debate the point of order. The minister has been asked a question and he is responding about the people and organisations he meets. He is being responsive, and I ask him to continue. I do not uphold the point of order.

Hon. T. C. THEOPHANOUS — As I said in answering the question, I meet with the unions on many occasions. On the last few occasions I have had to meet with the unions, let me tell the house that those meetings were not exactly easy. They were meetings in which I had to tell those unions, including the one that Mr Forwood is referring to right now, that the government was not going to cop any threat at all to electricity supply in this state. I will continue to meet with them and continue to tell them that in the event that they try to affect the supply of electricity in this state.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — He did not say it, but I will take that as a yes, he did meet with them. By way of a supplementary, the *Australian* of 8 January quotes Mr Mighell. The article states:

> He also admitted that on the eve of December's state conference, the right had offered him a deal in return for the ETU's support for right candidates on the party's administrative committee.

Was the minister the person who made the offer?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am not going to respond to speculation from the newspapers that the honourable member wants to come in here with.

Ordered that answer be considered next day on motion of Hon. BILL FORWOOD (Templestowe).

Federal budget: small business

Hon. J. G. HILTON (Western Port) — I refer my question to the Minister for Small Business, the Honourable Marsha Thomson. In 2003 the Bracks government gained the agreement of the small business ministerial council to work towards the coordination of the many federal, state and local business assistance services. With the federal budget being delivered tonight, I would like to know if the Minister for Small Business expects to see announcements about coordination?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his question. For some considerable time the state government has been concerned about the lack of coordination across the three tiers of government in delivering programs to small business. We have seen duplication in some cases and copying of programs that are already in place which adds to the confusion that is out there for small business. Although this might not be a barbecue stopper, it is certainly an important issue to the small businesses in this state.

Last year the government undertook some research about small business's understanding and use of government programs. The government found that more than one-third — 37.5 per cent of non-users of our service — cite confusion as to which tier of government provides the services as the reason for not using it. A further 70 per cent of non-users responded that they would feel encouraged to use government services if they had a better understanding of what services existed.

As the member correctly pointed out, we have worked some way towards how we may coordinate those services through the ministerial council meetings of the small business ministers across the country. The intention of all governments is to move in that direction, but there is an opportunity for the federal government tonight through its budget to put in place some real measures towards the coordination of our services. Rather than just talking about them it can demonstrate a need and an intention to do it.

I want to give some examples as to why there is a need. Although the intent is there, recently the federal government announced the Small Business Enterprise Culture program to encourage best practice and foster business growth by providing grants for business planning, financial management and mentoring projects on either a one-to-one or group basis. While we commend this, it is very similar to if not the same as the Grow Your Business program that we operate in this state. Obviously there would be ways in which you could cut administrative costs and confusion by working collaboratively with governments to ensure that we are delivering these programs on the ground in a smooth way.

There is added confusion if you are in Traralgon, for instance, because to try and find out what services to use you could either go to the Victorian business centre that has been in Breed Street for years or you could cross the road to the new federal government office that has been there for a shorter period of time and ask the same questions. I would have thought it makes more sense to place this service where it is really needed and to talk to the jurisdictions about the best placement of offices for small business.

I hope the federal budget addresses these issues and that we see small businesses benefit from the coordination of services and the better application of money across the state to ensure that small businesses get the benefits of programs without duplication.

Public liability: Goulburn-Murray Water

Hon. C. A. STRONG (Higinbotham) — I direct my question without notice to Mr Lenders, the Minister for Consumer Affairs. It concerns public liability insurance and the requirements of government bodies — in this instance Goulburn-Murray Water. Goulburn-Murray Water requires private jetty owners at Lake Eildon to hold $20 million public liability cover and further requires that such a policy have special conditions including one giving GMW co-insurance status. As no mainstream insurers offer these special conditions, the authority directs jetty owners to Goulburn Valley

Insurance, a firm of brokers, which provides cover through Triton, a Cayman Island group which is not approved by the Australian Securities and Investments Commission and is currently under ASIC investigation. This action potentially places all parties at great risk in the event of a serious accident. I ask: does the minister approve of this action by Goulburn-Murray Water?

Mr LENDERS (Minister for Consumer Affairs) — I will certainly endeavour to be helpful to Mr Strong in answering his question, although I am puzzled because if it is a matter involving Goulburn-Murray Water it is presumably an issue for the Minister for Water, but as Minister for Finance I will assist by making a general comment on the insurance issue. I assume that because Mr Strong is seeking an answer from me as Minister for Consumer Affairs his question refers to a consumer contract, but I am at a bit of a loss as to where I am going.

Hon. C. A. Strong — On a point of order, President, I understand the minister has carriage of insurance issues, and I ask him if he could deal with this question in his capacity as the minister looking after insurance issues.

The PRESIDENT — Order! I wish to clarify the request for the minister and the member. The Chair was not sure who the question was directed to, and the minister was not sure whether it related to consumer affairs or finance. The member has clarified that: he is addressing the minister as Minister for Finance.

Mr LENDERS (Minister for Consumer Affairs) — Thank you, President, for that clarification. Mr Strong has raised a number of policy issues, and I will not comment on any individual contract because I have not seen the contract. However, he has certainly raised the issue of the Australian Prudential Regulation Authority (APRA) recommendation status of insurers we let into the country. We have endeavoured, for good and prudent reasons — APRA has been under enormous scrutiny by the HIH royal commission and Treasurer Costello has taken fairly strong action to boost up what APRA is required to do to make absolutely sure that the community can have confidence in that advice — to recommend that insurers recommended by APRA be used throughout government and in the community. That is the first thing we recommend to people. Secondly, where there is no APRA recommendation we will also recommend insurers. We specify a credit rating — I think it is a AA minus — which is generally an issue for my colleague the Minister for Planning in another place, in certain areas, not mine. But as a general policy we recommend a high Standard and Poor's or Moody's rating to try to make absolutely sure that there is confidence there. We do that for our own government-regulated organisations.

But government has a dilemma, because it is not for government, particularly a state government when this is a commonwealth regulatory matter, to go out directing everybody who takes out insurance in this state exactly what form of insurance it is to be. We are required to in certain areas which the state government has regulated, and we do so prudently. We have also worked hard on the policy situation. We have been vigilant on Marshall Islands insurers and a number of others, and have been generally wary of having carte blanche in our market, because we want to be confident that the insurer will ultimately deliver to the consumer the product the consumer has paid for. We have that grave concern, but over the last several years we have also had to be conscious of wanting lots of players in the market. We tried to balance all those in policy. For use on Crown land and a range of areas we stipulate putting a series of requirements in place.

In all these areas we have tried to be as commonsensical as we can, if that is the word to use. We have applied commonsense where we can, and through the Department of Treasury and Finance in more than 400 separate cases we have offered advice to individuals and organisations to assist them with finding their own insurance. Obviously the officials of the Victorian Managed Insurance Authority have also been part of this, and we try to offer that advice.

On the specifics of being asked to comment on a contract for Goulburn-Murray Water, I would certainly want to see that contract before commenting on it. Probably it would be more appropriate for such a specific thing to be referred to the Minister for Water, but in general policy terms the government is trying to raise the standard so that business and consumers can have confidence that when people do business in this state the people they are dealing with are reputable insurers, ones that will honour their contracts and not ones that will welsh on their agreements like HIH did through its incapacity to perform. That is the tone of where our insurance policy goes.

Supplementary question

Hon. C. A. STRONG (Higinbotham) — Given that the Minister for Finance quite rightly has said he is trying to raise the standard of insurance policies, that Goulburn-Murray Water is a statutory authority and that Triton is quite clearly not registered with the Australian Securities and Investments Commission, why has the minister not ensured through some sort of direction that government bodies like Goulburn-Murray

Water do use ASIC registers of insurers or the AA minus rating that the minister has referred to?

Mr LENDERS (Minister for Finance) — Again, without going into the specifics of a contract I have not seen, the basic principles are that people have insurance before them, and some have insurance that goes back a long time with existing organisations. We have said that the Australian Prudential Regulation Authority alone is not sufficient because it does not cover the market widely enough; therefore in some areas the government has extended the arrangement. I use the reference to the AA minus credit rating of Standard and Poor's and Moody's, which we accept for some insurers to trade in our market. We have not gone into the market and precluded people or struck out existing arrangements. When new players come into the field this government wants to test these new players to show that they are reliable, not shysters and fly-by-nighters who come in from places like the Marshall Islands to exploit our consumers. We want to be absolutely sure of new entrants. We have not gone forensically through existing insurance contracts, but I will take advice on that specific issue that Mr Strong has raised, because this government is absolutely confident and wants the best outcome for Victorian businesses and instrumentalities.

Aboriginals: ministerial council meeting

Hon. S. M. NGUYEN (Melbourne West) — I refer my question to the Minister for Aboriginal Affairs, Mr Gavin Jennings. I note that the Ministerial Council for Aboriginal and Torres Strait Islander Affairs met in Sydney last Friday. Can the minister advise the house of any outcomes from that meeting?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank the member for his question and for his concern, respect and regard for the original inhabitants of this country and for the consideration given to the issues confronting Aboriginal communities at the ministerial council meeting last Friday in Sydney. Indeed the gathering, which brought together state and federal ministers from around the nation to discuss indigenous affairs, was given a number of presentations, one by Gary Banks, the head of the Productivity Commission, who is charged with the responsibility of developing a national database of indicators of the wellbeing of Aboriginal communities, which is also unfortunately an indicator of disadvantage experienced by Aboriginal communities to this very day.

This was a very salutary reminder for all ministers of our collective challenge of rising up to meet that degree of disadvantage. Unfortunately it occurs right throughout this nation in terms of life expectancy and other indicators, which show that the Aboriginal community clearly needs support and encouragement to deal with economic and social development. The meeting itself took a positive note because an economic framework has been developed for the consideration of ministers for Aboriginal affairs ministers, but also other ministerial councils, and the Council of Australian Governments will meet later on this year to consider economic development and establish a framework for the consideration of COAG later this year.

We also heard a report of some fantastic work being done by the outgoing Australian of the Year, Fiona Stanley, in relation to a series of programs that she has been running in Western Australia which are designed to overcome the incidence of suicide within Aboriginal communities. The programs focus on early intervention and child-protective mechanisms that have been successful in working against the incidence of suicide within Aboriginal communities. It is very inspiring work, and all ministers have taken it back to their jurisdictions to follow up on what policy and program responses should be to this very important work. We also had the opportunity to discuss with the commonwealth minister what is going to happen in terms of funding and support to Aboriginal communities following the demise of the Aboriginal and Torres Strait Islander Commission (ATSIC).

Indeed Senator Vanstone took the opportunity to say that the reforms of the commonwealth in relation to what will replace the Aboriginal and Torres Strait Islander Commission were profound, and that the demise of ATSIC was only a small part of the story. However, in terms of her presentation it was fairly clear that beyond ensuring that ATSIC is abolished, it was very short on detail as to what will replace ATSIC, what the funding arrangements are, and what it means to say that the funding will be mainstream. All the states were very eager to find out what the replacement mechanisms would be to ensure self-determination within Aboriginal communities and to provide the appropriate degree of support.

All states and territories signed up to a statement at the conclusion of the meeting to underpin the following principles: firstly, they insisted that the new funding arrangements must continue to address existing disadvantage and allocate further funds on the basis of need; secondly, they must not involve cost shifting that comes at the expense of Aboriginal and Torres Strait Islander people in any state or territory; thirdly, they must not lead to a reduction in existing mainstream programs following any transfer of specific indigenous

programs; and fourthly, they must provide mechanisms that support stronger indigenous community-based organisations and national representative structures that enhance self-determination. That will be a major challenge for the commonwealth government today in delivering the budget outcomes and ensuring the ongoing support and responsiveness to Aboriginal communities across the nation. I hope the federal government is up to it.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1272, 1324, 1564, 1565, 1655.

MEMBERS STATEMENTS

Hazardous waste: Baddaginnie–Violet Town

Hon. E. G. STONEY (Central Highlands) — The anti-toxic dump on rural land movement is alive and well in Violet Town. Last Friday the Minister for Major Projects in the other place, Peter Batchelor, to his credit, spent the day inspecting the Baddaginnie site and meeting with small groups at the Violet Town community centre. The community took the opportunity to rally outside the centre as the minister was meeting groups, and introduced its mascot — a guardian angel designed by Leunig. Together with the federal member for Indi, Sophie Panopoulos, a member for North Eastern Province, Wendy Lovell, and the member for Benalla in the other place, Bill Sykes, I took the opportunity to encourage the sizeable crowd outside to maintain their rage. As usual Michael Leunig hit the issue right on the button with his contribution when he said, 'They thought it would all go away'.

It has not gone away, and the community is standing firm behind the five affected families. I think this process has been fatally flawed from the start. The government needs to go back to base and find a facility on public land within 100 kilometres of Melbourne for its toxic waste dump. It should not use good farmland for such a facility. The government and the minister should leave the good people of Baddaginnie and Violet Town alone to get on with their lives and dump their toxic waste on public land closer to Melbourne.

Member for Polwarth: statement

Mr PULLEN (Higinbotham) — The Liberal member for Polwarth in the other place rang radio station 3AW at 10.40 p.m. on Tuesday, 4 May 2004 — and 3AW is on relay throughout Victoria — and said:

> We have a bill that has gone through the lower house called the Road Management Bill and it has found its way into the upper house, but unfortunately the Labor Party are all out celebrating the budget. No-one turned up to vote and the bill has been lost.
>
> The Labor government had the numbers in the upper house, but they didn't turn up to vote.
>
> If they would have been there to vote for the bill, that bill would have gone through.
>
> We opposed the bill and we have won the vote and it's been lost in the upper house of Parliament because they are all out celebrating the budget and forgot to turn up to vote.
>
> They were all that enthused and wrapped up in the fact that they believed they delivered a great budget they have actually forgotten to turn up to Parliament, to turn up to work and vote on a piece of legislation.
>
> They should suck down the chardonnays and swivel down the shiraz because Parliament is here, all the resources and all the staff are here, but the Labor Party have forgot to turn up to vote. We were all here, we were on the mettle, but the Labor Party has walked away.

As honourable members would be aware, the member for Polwarth's version of events is a blatant untruth. How could this man ever be trusted in government? I call on the good constituents of Polwarth to reject him at the next election. He has also tainted the decent upper house members of Western Province, the Honourable John Vogels and the Honourable David Koch, with his lies.

Hon. Philip Davis — President, I raise a point of order in regard to the aspersions which are being made about a member of the other house. Mr Pullen's contribution concluded with what are clearly regarded as unparliamentary terms, and I would ask that you direct him to withdraw.

Hon. T. C. Theophanous — On the point of order, President, a number of tests need to be put in relation to the comments that have been made — first of all, the issue of withdrawing a comment such as this. If the member was in this house, that member would have the right to ask for that comment to be withdrawn. Since the member in not in this place, and is in fact in another place, there are some protocols in relation to this. However, in this particular instance the member went to great lengths to quote what the honourable member had said in a public forum about the goings-on in this house. Quite clearly from the quotes that have been made, what the honourable member had said about members on this side of the house was clearly untrue. Not only was it untrue, but the honourable member would have known at the time that he made the comments that they were untrue. He would have known at the time he made the comments that they were untrue

because he knew that the vote was, first of all, a matter of one person, and not a matter of every person on this side, which is what he is quoted as having said, and as a result I believe the term in this instance that has been used by the honourable member is not outside of what is true or untrue.

The PRESIDENT — Order! I draw the attention of members to standing order 9.17:

> No member will use offensive or unbecoming words in reference to any other member of either house.

It refers to the other place or this place. The Leader of the Opposition has taken offence to the words used by Mr Pullen with respect to a member in another place, and in line with the standing orders I ask Mr Pullen to withdraw his comments.

Mr PULLEN — President, I seek your guidance.

Hon. Bill Forwood interjected.

The PRESIDENT — Order!

Mr PULLEN — President, I seek your guidance. I quoted from this tape.

Honourable members interjecting.

The PRESIDENT — Order! We can only deal with one point of order at a time. The comments that Mr Pullen quoted in his 90-second statement are one issue. His comments at the conclusion of that are what is in dispute here and not the quote that was on the radio. It is Mr Pullen's comments at the end that are the issue. I reiterate my ruling. I said to the member, under standing order 9.17:

> No member will use offensive or unbecoming words in reference to any other member of either house.

The Leader of the Opposition has taken offence on behalf of a member in another place who cannot defend himself, and I am asking Mr Pullen to withdraw.

Mr PULLEN — Thank you, President. What I will say — —

An honourable member interjected.

The PRESIDENT — Order! With respect to a withdrawal — without your assistance, Mr Davis — a member will withdraw without qualification. I ask the member to withdraw.

Mr PULLEN — I will withdraw what I said at the end.

Hazardous waste: Baddaginnie–Violet Town

Hon. W. A. LOVELL (North Eastern) — Last Friday, together with a member for Central Highlands Province, Graeme Stoney, the federal member for Indi, Sophie Panopoulos, the member for Benalla in the other place, Bill Sykes, and members of the Violet Town community I attended a public rally to demonstrate the anger our community feels towards the Minister for Major Projects in the other place, Peter Batchelor, and the Bracks government for considering prime agricultural land as a proposed site for the government's toxic waste dump.

The community made it clear to Minister Batchelor that it will not accept Melbourne's toxic waste being dumped on our landscape — an area that is subject to flooding and is upstream of the Shepparton irrigation district.

Minister Batchelor visited the proposed site for the first time and is quoted in local papers as saying land-holders have provided him with 'really important information' in relation to flooding in the area. Surely the minister and his task force should have taken such obvious information as flooding into account before putting our community through the worry, concern and stress that we have endured over the past seven months.

The five families whose properties are most affected by the proposed dump have been forced to put their lives and businesses on hold while the government takes its time going through the process. Each of the families has had to postpone plans for farm improvements and each of them will lose thousands of dollars through the Bracks government's mishandling of this proposal.

People are angry at the government; they are angry at the minister; and they are angry at the Honourable Robert Mitchell, whom they elected to be their voice in Spring Street and who instead has become the government's mouthpiece in the north-east. Mr Mitchell did not even have the courage to attend the meeting in Violet Town with the minister last Friday. I call on the minister to immediately rule out Violet Town as a site for a toxic waste dump.

Schools: Western Port Province

Hon. J. G. HILTON (Western Port) — Last Friday I visited three schools in my electorate of Western Port Province which had received significant funding in the 2004–05 state budget. Cowes Primary School received $1.8 million, and the money will be used to rebuild the school administration area, library, classrooms and toilets lost to a fire in late 2003. Koo Wee Rup

Secondary College will receive $2 million, which will be used to modernise information technology, commerce and general-purpose classrooms as well as the staff administration complex. Rosebud Secondary College will receive $5 million to develop technology and general-purpose classrooms, a student lounge and music, drama and administration facilities. Two other schools in my area also received significant funding — Pearcedale Primary School and the Somerville campus of Mount Erin Secondary College.

Needless to say, all the principals with whom I spoke were absolutely delighted with the prospect of new and modern facilities. It is indeed a great pleasure to be part of a government which sees the great value that can be derived from investing in our children's education. The comparison with the previous government, which was more intent on closing schools, is indeed stark.

Thompsons Road–Western Port Highway, Lyndhurst: safety

Hon. R. H. BOWDEN (South Eastern) — In recent days I have been pleased to see the granting of funds for upgrading and widening sections of Thompsons Road at Lyndhurst. As honourable members will know, I am a constant enthusiast and fan of increased road funding in that area. It was good to see that we will have improved road construction and safer conditions along the Thompsons Road section at Lyndhurst.

However, I want to alert honourable members to a problem that will inevitably become even more acute than it is now. With the upgrade of Thompsons Road, welcome as that is, more traffic will be funnelled faster to the blockage and very unsafe situation at the intersection of Thompsons Road and the Western Port Highway. VicRoads has shown an acute lack of vision and expertise in allowing the very dangerous circumstances at this intersection to develop. With the expected arrival soon of substantial new residences in the city of Casey on subdivisions yet to be constructed, that intersection will be very dangerous. I call on VicRoads to look at segregated roadways and an overpass at that vital intersection.

Plastic bags: Creswick

Ms HADDEN (Ballarat) — I congratulate the Creswick community and businesses, in partnership with Hepburn Shire Council, for taking up the challenge of going plastic-bag free. Creswick township is to receive $5000 through EcoRecycle Victoria, Planet Ark Victoria and regional waste management groups to go plastic-bag free. This money can be used for giving calico bags to shop customers, and on promotional and educational materials as well as to build local support for having no plastic bags in Creswick.

Nearly 7 billion supermarket plastic bags are used by Australians annually, and each plastic bag takes up to 1000 years to break down in the environment. Creswick's leadership will follow in the footsteps of Anglesea in the Surf Coast Shire, Coles Bay in Tasmania and Dublin in Ireland. I urge the Creswick community to follow in the footsteps of Dublin, where in the first three months of 2002 a plastic-bag levy was introduced that resulted in a 90 per cent reduction in plastic-bag use, with 277 million fewer plastic bags being used, as well as raising €3.5 million from nearly 3000 retailers and shops.

I congratulate Creswick township, and I wish it all the best in becoming plastic-bag free.

Melbourne University: research and innovation fair

Hon. BILL FORWOOD (Templestowe) — On Friday I had the privilege of attending the opening of the 2004 research and innovation fair at the University of Melbourne. It enabled each of the university's faculties and affiliated research institutes to display more than 80 exhibits in this really important area. Members would know that Melbourne University is one of Australia's leading research-intensive universities.

At the same time I would like to commend the federal government for backing Australia's ability by funding a $5.3 billion, seven-year extension to the existing $3 billion three-year scheme. Honourable members in this place would know the huge importance that is placed by the federal government and universities on research and innovation. We know that funds in this area will lead to significant advances in the interests of all Victorians and all Australians.

It is with real concern that I contrast the commitment of the federal government to the actions of the Bracks government when it unilaterally defied science last week and sought to pass the gene technology bill, which flies in the face of the extraordinary work being done by the Commonwealth Scientific and Industrial Research Organisation, the University of Melbourne and others on research and innovation throughout the country.

Cafe WOW

Ms MIKAKOS (Jika Jika) — On 10 March I had the pleasure of attending an award ceremony hosted by the Whittlesea international women's day committee at the City of Whittlesea Civic Centre at which local women were acknowledged for their commitment and work in the community. The event was attended by a large number of women from a variety of backgrounds including my colleagues in the other place the members for Mill Park and Yan Yean.

Two of the recipients of awards, Ms Lisa Hamilton and Ms Suzzanne Kalamouni from Cafe WOW — Women of Will — a women's domestic violence support group operating out of premises at 1 May Road, Lalor, were acknowledged for their vision in opening a not-for-profit coffee shop and drop-in centre for women in the Whittlesea area.

Cafe WOW opened its doors for the first time on 10 December 2003 at which time I had the pleasure of attending its launch with my colleague the member for Mill Park. This program is staffed on a voluntary basis by Lisa Hamilton and Suzzanne Kalamouni and creates a friendly and informal environment that caters to women who have been victims of domestic violence by drawing on their life experiences and culturally and linguistically diverse backgrounds.

I congratulate all the participants in the Cafe WOW program, particularly Lisa and Suzzanne, on their hard work and dedication, and I extend to them my personal congratulations on their award and achievement in opening Cafe WOW.

World Hot Air Balloon Championship

Hon. B. W. BISHOP (North Western) — The 16th World Hot Air Balloon Championship will be held in Mildura from 26 June to 3 July. Mildura's involvement with ballooning is quite famous — it is the only location in Australia to host five consecutive national championships. Mildura beat bids from Mansfield, Bendigo and Ipswich to win the right to host the world championship.

We will see over 100 competitors, 300-plus crew, 110 observers, 80 officials and at least 200 volunteers. The competitors will come from 38 countries, and organisers have managed to get interpreters for each language spoken. There will be a huge meet and greet at Tullamarine airport as the competitors arrive. The official opening will feature over 300 performers, a fireworks display and a stunning balloon night glow, with an anticipated 10 000 spectators. The competitors who are attending are so enthusiastic about ballooning that many bring their own media with them. The world spotlight is about to be turned onto Mildura, and this is an opportunity for our region to shine. Other events that will be staged during the eight days include a food and wine festival, a concert, live music and markets.

The world championship has never been conducted in the southern hemisphere, so it is a historic first for Australia, Victoria and Mildura. The organisers and promoters who pitched the bid for Mildura to host the championship are to be congratulated on a world-class effort that brought about a world-class result.

Iraq: conflict

Mr SCHEFFER (Monash) — As one of the occupying powers in Iraq, Australia carries collective responsibility for the recent repulsive abuses perpetrated against prisoners held in Baghdad and Basra. Australian human rights advocate Justice Marcus Einfeld has said that most of the prisoners are civilians brought in randomly, and now Australia has to ask itself exactly what it is doing in Iraq.

The justification for the invasion has now disappeared, and the mission is bereft of purpose. Few could have imagined the descent to the present ghastly position. Wanton violence, which includes the acts of the Iraqi mob that brutalised the charred bodies of United States contractors, should always be condemned. It is possible that the abuses perpetrated in Iraq were systematic, and if so, as United Nations judge and human rights lawyer, Geoffrey Robinson, has said, Australia may be implicated in war crimes. The question is: what is the Howard government doing about it? What inquiries is it, as a coalition partner, making about these abuses? This is not just a federal government issue; it implicates every Australian citizen, and it is everyone's responsibility to speak up.

Justice Einfeld has urged the Australian government to use its influence with the United States to encourage a change of direction in Iraq. I suspect Justice Einfeld's appeal will fall on deaf ears as this is a government in moral paralysis — with the stolen generation, children in detention centres, 353 drowned at sea and men held without charge or trial at Guatanamo Bay.

Legal aid: Casey litigant

Hon. J. A. VOGELS (Western) — According to an article in today's *Herald Sun* taxpayers will foot a $50 000 bill so that a transgender witch may sue a suburban mayor. Attorney-General, Rob Hulls, in the

other place believes this is money well spent. The article quotes him as saying:

> We govern for all Victorians — and that includes witches, magicians and sorcerers ...

No doubt, on the other side of the argument, the Casey City Council will need to use ratepayers funds to defend its mayor at a cost of probably another $50 000.

It is obvious that the Labor government, which refuses to adequately fund legal aid or local government, is happy to see $100 000 being spent on a witch-hunt. Here we have a failed local government candidate, a police officer and a person who runs a naturopathic clinic all rolled into one getting money from ratepayers and Victoria Legal Aid just because she is a failed local government candidate. Every time council elections are held across Victoria numerous candidates believe they were unfairly treated and that that caused them to lose the election. I have seen many of these cases — we usually send them off to the Attorney-General, who says, 'Take your grievance somewhere else. I am not really interested; that is the democratic system'. The $100 000 would be much better spent on legal aid and local government rather than wasting it in our court system.

Iraq: conflict

Mr SMITH (Chelsea) — I rise to express my dismay at the incompetence of the USA military leadership in Iraq. Current events regarding the treatment of prisoners are totally unacceptable. I have supported and still support the coalition in Iraq. However, we of the willing must stand up and protest at this treatment. It is totally unacceptable, it is embarrassing and it is disgusting. The American leadership must act decisively. It must deliver justice in a way that is acceptable to the citizens of the coalition and, more importantly, to the people of Iraq.

PETITION

Planning: rural zones

Hon. PHILIP DAVIS (Gippsland) presented petition from certain citizens of Victoria requesting that the Victorian government and the Minister for Planning not proceed with the introduction of the proposed 'farming zone' to the Victorian planning provisions (393 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2003.

Judicial Remuneration Tribunal — Report No. 2 on Review of Salaries, Allowances and Conditions of Service for Judicial Officers and Non-Judicial Members of VCAT, 16 March 2004.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2003.

Mount Buller Alpine Resort Management Board — Report for the year ended 31 October 2003 (two papers).

Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2003 (two papers).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

- Nillumbik Planning Scheme — Amendments C6 and C12.
- Surf Coast Planning Scheme — Amendment C12.
- Wangaratta Planning Scheme — Amendment C16.

Statutory Rules under the following Acts of Parliament:

- Crimes Act 1958 — Supreme Court Act 1986 — No. 33.
- Fair Trading Act 1999 — No. 34.
- Goods Act 1958 — No. 35.
- Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 32.
- Subordinate Legislation Act 1994 — Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 32 and 33.

Proclamation of the Governor in Council fixing operative dates in respect of the following Act:

Fair Trading (Amendment) Act 2003 — sections 11, 75 and 76 — 1 June 2004 (*Gazette No. G19, 6 May 2004)*.

BUSINESS OF THE HOUSE

Program

Mr LENDERS (Minister for Finance) — I move:

That, pursuant to sessional order 20, the orders of the day, government business, relating to the following bills be considered and completed by 4.30 p.m. on Thursday, 13 May 2004:

- Victorian Qualifications Authority (National Registration) Bill

Crimes (Controlled Operations) Bill

Crimes (Assumed Identities) Bill

Primary Industries Legislation (Miscellaneous Amendments) Bill

Justice Legislation (Sexual Offences and Bail) Bill

Commonwealth Games Arrangements (Further Amendment) Bill

Heritage (Further Amendment) Bill

Land (Miscellaneous) Bill

Transfer of Land (Electronic Transactions) Bill

Corrections (Further Amendment) Bill

Health Services (Supported Residential Services) Bill

Estate Agents and Travel Agents Acts (Amendment) Bill.

I move this business program of 12 bills which is a similar quantity to that passed by this house during a four-day sitting last year. If we make reasonable progress — and it is in the hands of the house how much attention individual members want to give to the bills — I would envisage on Thursday adding the remaining three bills on the program subject to that caveat.

We are now in the fifth last week of the sitting, and we anticipate there will be 24 bills coming from the Legislative Assembly in the next three weeks. This would, in the 24 hours of government business, roughly accord with the time that is normally spent on these bills. It is obviously in the hands of the house how much it wishes to debate them and the time taken. I believe it is a workable program that deals with the fact that we will have completed a two-week sitting, have a week's break and then have three weeks of sitting. It would be more desirable to sit this Friday rather than in that three-week period.

Hon. PHILIP DAVIS (Gippsland) — As a matter of course the house is aware that the opposition objects to the government's approach of introducing a business program. The history and practice of this chamber is that it has not been required. It has already been demonstrated, as I know you, President, are well aware, that we are taking a great deal longer to debate legislation now than we did in the previous parliaments. Indeed, the resources of Parliament are being consumed increasingly by keeping this house sitting, the reason being the restrictive rules that have been brought into place this parliamentary sitting which have elongated debate rather than made it more expeditious. Notwithstanding that, the government is intent on introducing a business program now which it says is for 12 bills and which is to be amended to 15. It seems to have a view that the Parliament is to be used by the executive simply to pass legislation without proper scrutiny because the executive happens to have a majority of support in both chambers.

I note that a significant number of the bills on the government business program have not yet been second-read in this house. I make the point to the Leader of the Government that as a matter of practice the house should not be used as a rubber stamp for the executive. We have already seen demonstrated in this Parliament that the government needs to bring legislation back before it from time to time. I note that the first bill we will consider today has amendments that relate to errors made in the drafting last year. If the government took more time to allow the house to have proper examination of legislation without simply exercising an agenda of expeditious passage without meritorious scrutiny, then Victorians would be better served.

For the record, again I say that bringing in such a program is an unacceptable practice. What makes it worse is the rub that the Leader of the Government has indicated that 12 bills is not a satisfactory number and 15 will be the number of bills passed this week. I have to point out to the house that there has been discussion between the party leaders, and I acknowledge that the Leader of the Government was dissuaded from introducing an initial program of 15 bills. I give notice that should the government pursue this agenda with a demonstration of the exercise of force and the use of numbers, then Victorians will be incredibly disappointed about the way Parliament operates. We need to have an environment where members do not feel they are being bludgeoned to expedite legislation because of arbitrary and artificial time limits the government seeks to impose on those debates on important matters to Victorians.

Hon. P. R. HALL (Gippsland) — While I acknowledge that the government has the numbers to pass its government business program, I wish to pass comments on behalf of my colleagues in The Nationals. I find this week's proceedings a bit of a farce. If you look at the government business program, you see that it means the consideration this week of 12 bills must be completed by 4.30 p.m. on Thursday, 13 May 2004. A similar motion was put to the chamber last week. What happened? Last Thursday when 4.30 p.m. arrived, the minister moved that the sitting be extended to almost 10 o'clock last Thursday evening. This motion says we will conclude 12 items of business by 4.30 p.m. on Thursday, but we have also been given an indication

that the government intends to add an extra three bills, and we have been told that we will be sitting this Friday as well. The motion says the bills will be completed by 4.30 p.m. on Thursday, but we are voting on the motion with the full knowledge that the minister has indicated to the house that there will be an extra three bills and that we will be sitting on Friday.

It is farcical to have a motion before the house that says these are the 12 bills, and they will be finished by 4.30 p.m. Thursday. If that is the motion, let us do it, but if there are to be an extra three bills and we are to sit on Friday then it is a farcical situation. I cannot let this motion go without expressing those strongly held views.

Hon. BILL FORWOOD (Templestowe) — I rise to oppose the government business program. I pick up the point of the Leader of The Nationals: it might be farcical, but sessional orders enable us to come back and deal with matters on Friday. While the Leader of The Nationals might like to have a motion that says we will finish on Thursday and do 12 bills, the rest of the house would prefer to take the time that is available under sessional orders, which includes extending business on Thursday nights and moving into Friday.

Hon. P. R. Hall — Then introduce a different motion!

Hon. BILL FORWOOD — If the member wants to move a different motion, he can, but the sessional orders will have to be changed again. It has been done a few times already, which shows that if you bring kids from the other place and they do not settle in, then we run into this sort of problem.

What I object to most about the government business program is that of the 15 bills that are expected to be debated this week, 6 have not even been second-read in this place. In the old days we had the capacity, as the Minister for Energy Industries would acknowledge, for these bills to be debated without time limits and by agreement. What we now have is a business program and a guillotine process in both chambers. Bills are jammed through in the other place and then brought here. They have not even been second-read in this place yet the government expects to have 15 bills jammed through in a week. It is not good practice and does not lead to good results. For those reasons I oppose the motion.

Mr VINEY (Chelsea) — I rise just to point out the hypocrisy and disingenuous nature of the objections of the opposition today — and the house might like to hear from another kid from the other place. What we have is the government with a serious legislative program, a significant agenda, wanting to provide adequate time for the Parliament to debate those matters by putting in place the government business program and by sitting on Friday. The Leader of the Government has actually indicated that should the house make proper progress on the 12 bills — which is in the hands of the house, as he said — the government reserves the right to introduce another three bills and make it 15 bills. That is a sensible program.

We on this side well know and the people of Victoria know that those on the other side when in government, in — in Mr Forwood's words — the good old days, when they had the majority in this house and the other place, rammed through what they wanted at any time of the day or night. They sat all night and passed legislation in the middle of the night, never making amendments to Kennett's legislation — the jellybacks on the other side never once showed any guts in this chamber.

What we have is a government which is serious about parliamentary reform and which has put forward the most significant reform of this house in its 150-year history, making it a genuine house of review, and which is providing adequate time through the government business program to debate this legislation. We are not prepared to sit here and listen to the hypocrisy and disingenuous comments and watch the crocodile tears being shed by the opposition about the government trying to implement its program.

Hon. J. A. VOGELS (Western) — I am another kid from the other house. I just find it amazing, as a fairly new member of Parliament. When we got the autumn sitting dates this year I think it showed 21 sitting days. We came back for the first week, and due to the sad death of Sir Rupert Hamer we missed a day. We sat on the following day and retired. So we did not sit on the third day of the week. We sat for one day. Two weeks or so later we came back and sat for two days out of three.

We are now into the middle of May, and we have probably not passed 15 bills so far this year because we have not had legislation. I do not know what those guys over there are supposed to be doing, but they actually have not produced anything much for us to debate. Now, all of a sudden, here we are, with only four weeks to go, and we have to rush through 15 bills in one week. The Leader of the House said there are 24 bills left. We know there will be more than that, because the Road Management Bill will have to come back and that will make it at least 25.

This is absolutely ludicrous. The government just cannot manage its business. Why do we have about 15 bills in five months? We were all sitting here asking, 'What are we going to do?'. We said, 'We might as well go home. There is nothing to do here'. It is absolutely ridiculous. Now, all of a sudden, out of the blue, there are 15 bills this week. The government should get its act together and manage the bills properly. Blind Freddy could do it better.

Hon. B. N. ATKINSON (Koonung) — I just want to also remark that it is unfortunate that in the management of the government business program there is not an opportunity this week for members of this house to consider the budget. The state government issued an economic statement and then delivered the budget last week. They are significant documents that the public of Victoria expects this house to scrutinise, and we are certainly looking forward to the opportunity to debate the budget in full.

As has been stated by a number of members on this side, particularly the Honourable John Vogels, from whom the house has just heard, the management of the program to this point — the number of days we have sat to this point against the number of days that were available — has meant that the program has been extraordinarily bereft of substantial debate and substantial bills. Indeed, that could be said of some of the legislation that is currently before the house. I am also concerned that so many pieces of legislation are fairly narrow and could well have been incorporated into omnibus bills. That would have given us an opportunity to actually consider related matters in a much more effective and forthright manner and to ensure that the business of the house was in fact expedited. The government seems to be pursuing a program of trying to bring forward these very narrow bills which take up more of the time of the house.

We need, as I said, in this session to have an opportunity for all members to scrutinise the budget as our constituents would want us to do and to explore some of the initiatives the government has proposed in the budget and in the economic statement made prior to that. I am concerned that the government business program as it is laid out now, certainly for this week, will preclude any debate on the budget, and if we have to look at another 24 bills later on in the piece we will not have adequate time for debate of those documents.

It is absolute nonsense to hear discussion of the reform of this house and the need for this house to become a house of review. That statement made by Mr Viney a few moments ago flies in the very face of the way the government business program has been developed. It in fact does anything but give the opposition a chance to effectively review legislation.

Hon. RICHARD DALLA-RIVA (East Yarra) — I was not intending to enter into this debate, but somebody has to speak on behalf of the backbench on the government side. One of the concerns I have is that the house of review should be allowed to engage in some level of debate, and that means that those on the other side should be given the opportunity to make a contribution to debate. They should be allowed to speak without a gag being placed fairly and squarely across their mouths. They should be in a position where they can go through the bills and make a solid contribution to debate on the bills, some of which could be classed as difficult. I put that on the record because I consider it a disgrace that the government has gagged the backbench to prevent it making a contribution.

I also put forward my concerns about a number of the bills the government wishes to ram through this week which have not even been second-read yet. At the moment we have a situation in our society where we have gangland killings, and we have legislation on the notice paper which in part goes towards addressing some of those issues. I would have liked to have had some level of debate — —

The PRESIDENT — Order! The member should be careful of anticipation.

Hon. RICHARD DALLA-RIVA — I am not anticipating; I am just saying that we, as members of a house of review, ought to be going through the discussion of those bills without them being rammed through, given the seriousness of the issues in our community. I just place those two issues on the record and therefore oppose this government business program.

Motion agreed to.

VICTORIAN QUALIFICATIONS AUTHORITY (NATIONAL REGISTRATION) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

The bill will address current inconsistencies in state and territory vocational education and training legislation in order to achieve greater consistency nationally in the regulation of training organisations. The bill arises from an agreement by ANTA MINCO in 2002 for the development of draft 'model clauses' as a basis for a legislative framework for a more fully integrated national system.

The intent of the inclusion of the model clauses into the Victorian Qualifications Authority Act 2000 is to increase consistency in the regulation and quality assurance of the national vocational education and training system. It is not envisaged that the proposed amendments to the Victorian Qualifications Authority Act 2000 will have any significant impact on the processes for the registration of training organisations and the accreditation of courses carried out under the authority of the Victorian Qualifications Authority, as there is a high level of consistency between the aims of the model clauses and current business practices.

The bill will improve the capability of the Victorian Qualifications Authority to deal with risk management issues, especially in relation to a body or organisation falsely claiming to be a registered training organisation; or falsely claiming that a course is accredited. The bill will also enhance compliance with national Australian Quality Training Framework standards.

Vocational education and training in Australia operates as a national system through cooperation between the commonwealth and state and territory governments, industry and the community. The aim of a national system is to attain nationally consistent, high quality vocational education and training and fully portable qualifications for students.

A national system ensures that a qualification issued by an approved training organisation in Victoria is recognised and accepted anywhere in Australia, therefore allowing the individual to receive national recognition for his or her qualifications and achievements. At the same time a consistent approach to the national training system also assures Victorian employers that qualifications obtained in another state or territory are consistent in quality with the same qualification delivered by a provider registered in Victoria by the Victorian Qualifications Authority.

Key aspects of a strong national system are:

the award of nationally recognised qualifications;

training organisations approved to deliver courses Australia-wide with one registration;

registered training organisations benefiting from providing nationally recognised qualifications; and

Australia-wide consistency in regulation and quality assurance.

The bill will implement the 'model clauses' that are not already covered in the current act.

In summary the bill will make the following changes.

1. The bill makes provision for the inclusion of reference to the national register. The purpose of the national register is to ensure that once a training provider is registered by a state or territory and had their details recorded on the national register, no further state-based approvals are necessary and the provider can deliver training in any state or territory. The same situation applies to the accreditation of courses. That is, once a course is accredited by a state or territory and the details are recorded on the national register, the course may be delivered in any state or territory.

   The national register also provides a public information service which lists registered training organisations and the accredited vocational courses and qualifications they can offer. This provides a facility for students and training organisations to check and be assured that a registered training organisation has met certain national quality standards, and that the qualification they receive will be nationally recognised. Public information on the national register also discourages organisations from misrepresenting, in their marketing material, their registered status or the status of the courses that they provide.

2. The bill also acknowledges the reciprocal responsibilities of states and territories in relation to organisations delivering training in more than one jurisdiction. A training organisation is registered by only one state or territory. The amendments to the act specify the powers of the Victorian Qualifications Authority to impose conditions on a training organisation registered in another state but operating in Victoria in cases where registration was obtained because of incorrect or misleading information or if the training organisation contravened a condition of its registration. Similarly other states will legislate to achieve the same effect within their own jurisdiction. This means that a training organisation registered by Victoria but operating in another state may also be subject to conditions imposed by the other state.

3. The bill provides for a consistent approach to the auditing of training organisations to ensure compliance with national standards. The proposals will improve the clarity of the existing act and increase the Victorian Qualifications Authority's capacity for regulation and risk management. The current act makes no explicit reference to compliance audits. The model clauses define the circumstances where an audit may be undertaken and the conditions where the Victorian Qualifications Authority may conduct an audit of a training organisation that is registered in another state and is delivering training in Victoria.

4. The bill also provides greater clarity in describing offences, both in relation to falsely claiming to be a registered training organisation; or falsely claiming that a course is accredited. The new clauses make it an offence to claim that a course provided is accredited unless it has been officially accredited by a state and territory course-accrediting body and listed on the national register. The new clauses also describe as an offence a range of situations where a false claim could be made about the registration status of an organisation. These clauses allow the Victorian Qualifications Authority to investigate and penalise persons or organisations who may make false claims to the public.

5. The bill will make provision for the exchange of information with other states and territories registering bodies about applicants for registration or registered training organisations. The effectiveness and reliability

of the national system is dependent on the power of these registering bodies to exchange information with each other relating to the registration of organisations. The new clauses provide the power to disclose relevant information to another registering body, and also offer protection to officers in doing so from the possibility of contravening any obligation not to disclose the information as imposed by other acts or rules of law.

6. The bill also deals with matters related to apprenticeships and traineeships and it will have the effect of ensuring that contracts entered into by employers who provide training to apprentices or trainees are drafted in line with the nationally agreed training contract approved by MINCO.

I commend the bill to the house.

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

Debate adjourned until next day.

CRIMES (CONTROLLED OPERATIONS) BILL

Second reading

For Hon. J. M. MADDEN (Minister for Sport and Recreation), Mr Lenders (Minister for Finance) — I move:

That pursuant to sessional order 34, the second-reading speech be incorporated into *Hansard*.

This bill was amended in the Legislative Assembly. There are a series of amendments that deal with the chief commissioner's authority to conduct cross-border operations and who the delegations could be to. Those amendments are in the bill before the house and are incorporated into the second-reading speech.

Motion agreed to.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

This bill is part of the government's major crime and terrorism package which implements model laws developed as part of a national initiative to tackle cross-border criminal activity. Organised criminal networks such as drug cartels can move freely across the country, but police are often hampered in investigating cross-border crime because the laws on police investigations vary across Australia.

Recognising the need for a nationally coordinated approach to law enforcement, commonwealth, state and territory leaders met in 2002 for a summit on terrorism and multijurisdictional crime. At that summit, the Premier committed to introduce model laws for a consistent national set of powers for criminal investigations that cross state and territory borders. These model laws were to cover controlled operations, surveillance devices, assumed identities and witness identity protection, and were to enable relevant authorities or warrants issued in one jurisdiction to be recognised as valid in other participating jurisdictions.

The model laws were developed by a national joint working group established by the Standing Committee of Attorneys-General and the Australasian Police Ministers Council. Victoria has played a leading role in this national initiative.

In February 2003 the joint working group released a discussion paper on the proposed model laws. After receiving submissions from across Australia, the joint working group revised the model laws and published them in November 2003 in the *Cross-Border Investigative Powers for Law Enforcement* report. I take this opportunity to acknowledge all those who made submissions on the model laws. The joint working group's report analyses in detail the revisions to the model provisions made as a result of those submissions, many of which came from Victorian stakeholders.

On the issue of consultation, it is worth noting that there has been extensive consultation with Victoria Police over a two-year period in the development of this bill. Victoria Police was represented on the joint working group that developed the model laws. Indeed, Victoria Police made a detailed submission to the joint working group responding to the draft model provisions, and its representatives were closely involved in settling the joint working group's final report. A copy of the discussion paper with the draft model laws was sent to the Police Association, however, the association did not make a submission to the joint working group. The Police Association was also sent a copy of the final report on the proposed model provisions. Finally, Victoria Police was provided with, and invited to comment on, a draft version of this bill.

This bill implements the model laws relating to controlled operations.

A controlled operation is an investigative method where an operative (who can be a law enforcement officer or a civilian who is assisting a law enforcement agency) conceals his or her identity in order to associate with people suspected of being involved in organising or financing crimes. As part of the investigation, it may be necessary to authorise the operative to commit an offence (such as to purchase drugs) in order to gather evidence or intelligence. Controlled operations can play a particularly important role in the investigation of organised crime such as drug trafficking, where it can be difficult to obtain evidence by other means.

The use of controlled operations was challenged by an appeal to the High Court in *Ridgeway v. The Queen* (1995) 184 CLR 19. In that case the prosecution alleged that Ridgeway initiated a deal to import heroin into Australia and to purchase the drug when it arrived. The drug itself was imported by a police informer (with the assistance of Australian and Malaysian police) as part of a controlled operation.

The High Court decided that the importation of the heroin by law enforcement officers was illegal and therefore the evidence of that importation should have been excluded from the trial. The court acknowledged that sometimes law enforcement officers may need to engage in illegal activities

to uncover organised crime, but recommended that this should be addressed by legislation.

After the Ridgeway decision, some jurisdictions enacted comprehensive legislation setting out a process for authorising illegal activities by law enforcement agencies. The remaining states and territories (Victoria being one of them) continued to rely on a patchwork of specific provisions in legislation and administrative arrangements within law enforcement agencies to deal with these activities.

The model provisions were developed drawing from the experience of the commonwealth and New South Wales, which have both introduced comprehensive controlled operations legislation. The joint working group also examined a number of reviews of controlled operations, such as the Wood royal commission and the commonwealth parliamentary joint committee on the then National Crime Authority (now the Australian Crime Commission) in 1999. These reviews, while recognising the dangers of authorising illegal activities, have concluded that a legislative approach is the best way of limiting and monitoring such law enforcement activity.

This bill will implement the model controlled operations laws in Victoria. It will apply the model provisions to regulate both cross-border investigations and investigations that occur wholly within Victoria. This scheme will replace the existing piecemeal approach to controlled operations in this state.

Victoria Police have administrative procedures to regulate the conduct of controlled operations. They also rely on a patchwork of legislative provisions, such as section 51 of the Drugs Poisons and Controlled Substances Act 1981 which allows police to commit certain drug offences.

Under most of these statutes, controlled operations can be authorised by a senior sergeant. These provisions do not stipulate how things should be done. They do not say when an operation should be authorised or the matters that should be considered. Nor do they set out a process for recording and overseeing these operations.

The bill will repeal most of these provisions and replace this unsatisfactory system with a much more comprehensive regulated scheme.

There are a number of important advantages to a legislative approach.

Firstly, it will provide clear guidance on what are acceptable and unacceptable activities.

Secondly, it provides protection to covert police officers so that they can perform their duties in the knowledge that they will not be prosecuted for undertaking necessary, authorised activities.

Thirdly, it lessens the risk that evidence might be judicially excluded.

Fourthly, it imposes internal discipline on law enforcement agencies.

Lastly, it provides a scheme of accountability that can be monitored and reviewed and which makes the behaviour of law enforcement officers subject to independent scrutiny.

I will now describe the main features of the bill.

Authorisation process

The bill sets out a rigorous process for authorising controlled operations conducted by the Victoria Police and in some circumstances the Australian Crime Commission.

The Bracks government recognises that the integrity of the authorisation decision is a crucial safeguard against the overuse, or abuse of controlled operations. The bill therefore provides that controlled operations may only be authorised by senior law enforcement officers.

Cross-border controlled operations (investigating offences punishable by a maximum penalty of three years or more) must be authorised by assistant commissioners or above. This is the same level of authorisation as that proposed in the model provisions. When introduced into the Legislative Assembly, the bill provided that this category of operation could only be authorised by a deputy commissioner or above. Deputy commissioner is one rank higher than assistant commissioner. In response to concerns raised by police, the government agreed to move a house amendment to lower the delegation level to assistant commissioner.

Local major controlled operations (investigating offences punishable by a maximum penalty of three years or more) must also be authorised by assistant commissioners or above.

Local minor controlled operations (investigating offences punishable by a maximum penalty of less than three years) must be authorised by superintendents or above. This is a significantly higher level of authorisation than is currently required in Victoria. Superintendent is the most senior rank at the divisional level, thereby combining seniority with operational experience. It is expected that the function of authorising minor controlled operations will not be delegated to all officers of the rank of superintendent or above, but will be limited to those who have a relevant area of responsibility and who have been nominated by an assistant commissioner. It is also expected that civilians will only be used as participants in minor controlled operations in very limited circumstances.

To ensure proportionality between the offences being investigated and the unlawful conduct that a participant may engage in, an authority for a local minor controlled operation can only authorise a law enforcement officer to commit an offence with a maximum penalty of less than three years imprisonment.

Duration of authorities

Under the bill, local major and cross-border controlled operations can be authorised for up to three months (with the possibility of extension).

The maximum duration of a minor controlled operation will be limited to seven days without the possibility of extension.

What an authorising officer must consider

When considering an application, the authorising officer must be satisfied of a number of things. These are set out in clause 6.

An authority cannot be granted unless the authorising officer is satisfied on reasonable grounds that:

an offence has been, is being or is likely to be committed;

the criminal activity is sufficiently serious to warrant a controlled operation being conducted (the use of more traditional investigative tools should always be considered);

the operation will not be conducted in such a way that a person is likely to be induced to commit an offence against a law of any jurisdiction or the commonwealth that a person would not otherwise have intended to commit; and

any role assigned to a civilian participant is not one that could be adequately performed by a law enforcement officer.

Certain types of activity cannot be authorised as part of a controlled operation. This includes activity which would:

cause the death of or serious injury to any person;

seriously endanger any person's health and safety;

involve the commission of a sexual offence; or

involve conduct that would result in unlawful loss of or serious damage to property.

The effect of an authority

Law enforcement officers and civilians who engage in authorised unlawful activity as part of an authorised controlled operation will be protected from criminal responsibility, provided that certain requirements are met. Victoria Police and the Australian Crime Commission must also indemnify authorised participants against any civil liability arising from their conduct during the operation.

A cross-border controlled operation authority authorises operatives to engage in unlawful conduct in their own jurisdiction and any other jurisdiction that has adopted the model laws.

Monitoring

The bill requires law enforcement agencies to keep adequate records and report on the nature and use of controlled operations.

Each authority will name the law enforcement officer who is to be responsible for the conduct of the operation. This officer will be required to prepare a report for the chief commissioner on the outcome of the operation within two months of its completion. The report will need to report loss or serious damage or personal injury that occurs as a result of the operation.

Victoria Police (and the ACC) will be required to establish a general register which includes details of all authorised controlled operations and to keep all documents connected with authorised operations.

Independent oversight

The bill creates an oversight role for the Victorian Ombudsman who will inspect the records of the law enforcement agency at least once every 12 months and report to the Parliament on the work and activities of the law enforcement agencies and the extent to which controlled operations conducted during the year complied with the legislation.

As well, Victoria Police will be required to provide a six-monthly report to the Ombudsman on the number of authorities issued, varied, cancelled and the types of activities engaged in.

The commonwealth Ombudsman will undertake the same oversight role for the Australian Crime Commission.

Other safeguards

The bill includes a compensation provision which would make the government liable to pay compensation to a person who suffers loss or serious damage to property as a direct result of a controlled operation. This would not apply if the loss or damage to property occurred as a direct result of that person engaging in criminal activity or if the person is a law enforcement officer.

Mutual recognition

The mutual recognition provisions in the bill will mean that cross-border authorities issued here in Victoria are recognised as valid and effective in any other jurisdiction which implements legislation based on the model laws. This will mean that police do not have to apply for a new authority when a suspect moves across Victorian borders.

Wildlife and fisheries controlled operations

The bill will regulate all controlled operations authorised by the Victoria Police or, in limited circumstances, the Australian Crime Commission. This will cover the vast majority of controlled operations conducted in this state. There will be a slight deviation for controlled operations investigating fisheries and wildlife offences.

The provisions in the fisheries and wildlife legislation operate differently to other Victorian provisions. Fisheries and wildlife controlled operations are authorised and conducted by the Department of Sustainability and Environment and the Department of Primary Industries and are authorised under section 110A of the Fisheries Act 1995 and section 63 of the Wildlife Act 1975.

To ensure that the Department of Primary Industries and Department of Sustainability and Environment can continue their important work of monitoring and investigating offences relating to priority species, the bill will leave these provisions to operate independently of the Crimes (Controlled Operations) Bill. However, importantly, the bill will amend both the Wildlife Act 1975 and the Fisheries Act 1995 to incorporate most of the accountability, monitoring and oversight features of the model law.

Commencement

Members will note that the bill does not have a default commencement date. This is to allow time for necessary commonwealth regulations to be made in relation to the powers and duties that have been conferred on officers of the Australian Crime Commission in the bill. It will also allow time for Victoria Police and the departments of primary industries, and sustainability and environment to establish appropriate systems to ensure that they comply with the new laws. Once this has been done, the bill can be proclaimed.

I commend the bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

CRIMES (ASSUMED IDENTITIES) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

This bill is part of the government's major crime and terrorism package which implements model laws developed as part of a national initiative to tackle cross-border criminal activity. Organised criminal networks such as drug cartels can move freely across the country, but police are often hampered in investigating cross-border crime because the laws on police investigations vary across Australia.

Recognising the need for a nationally coordinated approach to law enforcement, commonwealth, state and territory leaders met in 2002 for a summit on terrorism and multijurisdictional crime. At that summit, the Premier committed to introduce model laws for a consistent national set of powers for criminal investigations that cross state and territory borders. These model laws were to cover controlled operations, surveillance devices, assumed identities and witness identity protection, and were to enable relevant authorities or warrants issued in one jurisdiction to be recognised as valid in other participating jurisdictions.

The model laws were developed by a national joint working group established by the Standing Committee of Attorneys-General and the Australasian Police Ministers Council. Victoria has played a leading role in this national initiative.

In February 2003 the joint working group released a discussion paper on the proposed model laws. After receiving submissions from across Australia, the joint working group revised the model laws and published them in November 2003 in the *Cross-Border Investigative Powers for Law Enforcement Report*. I take this opportunity to acknowledge all those who made submissions on the model laws. The joint working group's report analyses in detail the revisions to the model provisions made as a result of those submissions, many of which came from Victorian stakeholders.

This bill will implement the model laws relating to assumed identities.

An assumed identity is a false identity that is used by police for a period of time to investigate an offence or gather intelligence. Assumed identities provide vital protection for undercover operatives engaged in investigating crimes and infiltrating organised criminal groups. Undercover operatives must be able to substantiate their assumed identity with proper identification documents. Without a credible and verifiable identity the safety of undercover operatives can be jeopardised.

The bill will create a comprehensive scheme for police to acquire and use assumed identities for both local criminal investigations and for investigations that cross into another state or territory. The bill will allow authorised persons to obtain identity documents from a range of agencies, and to use those identity documents in undercover operations and other criminal investigations.

Unlike other jurisdictions such as New South Wales, there is currently no assumed identity legislation in Victoria. Police administrative procedures and informal arrangements currently govern the acquisition and use of assumed identities in criminal investigations. The proposed legislation will introduce a comprehensive regulatory scheme with provision for regular review of assumed identity documents, a requirement to cancel authorities when they are no longer needed, six-monthly auditing obligations and a requirement to provide annual reports to the minister.

The bill provides for a formal application process to ensure that assumed identities are only granted in appropriate circumstances. A law enforcement officer must apply to the chief officer of the agency for an authority to acquire and use an assumed identity. The application must contain detail on the reasons for the need to acquire and use an assumed identity, the types of documents that will be obtained and which agencies will be requested to issue evidence of identity.

Only the chief officer of the law enforcement agency (or one of up to four other senior officers of at least the rank of superintendent) may approve an application. To ensure that authorities are granted only when appropriate, the authorising officer must be satisfied that the assumed identity is necessary for the purposes of an investigation or for gathering intelligence in relation to criminal activity.

As circumstances in criminal investigations can change quickly, the bill includes a provision to vary an assumed identity authority should this become necessary.

Each authority must be reviewed annually. This will ensure that assumed identity authorities only remain valid for as long as they are necessary. The chief officer must cancel the authority if the review reveals that it is no longer required.

The bill also allows entries to be made in the register of births, deaths and marriages. This process will be strictly controlled. An entry will only be made in the register of births, deaths and marriages if authorised by a Supreme Court judge, and entries must be cancelled when they are no longer needed.

In the course of acquiring and using an assumed identity, law enforcement officers and other authorised persons may commit minor offences such as making a false statement or giving a false name or address. The bill offers protection from criminal and civil liability for authorised persons from these types of minor offences. Agencies and staff who issue identity documents in response to a request under the legislation will similarly be protected from liability.

The bill creates an offence for the misuse of an assumed identity. This will ensure that assumed identities are only used for the law enforcement purposes set out in the authority. If an authorised person obtains or uses the assumed identity for any other purpose or in ways not contemplated in the authority,

that person may be criminally liable. The offence carries a maximum penalty of two years imprisonment.

A disclosure offence is also included in the bill. This aims to ensure that the safety of undercover operatives using assumed identities is not compromised by disclosures that may reveal the fact that an assumed identity is not a person's real identity. If a disclosure about an assumed identity is made with the intention of endangering the health or safety of a person, or with the intention of prejudicing an investigation or prosecution, the maximum penalty is 10 years imprisonment.

The bill requires record keeping and regular auditing of assumed identity authorities. Police must keep detailed records relating to all assumed identity authorities, which must be audited at least every six months. The results of this audit must be reported to the chief officer of the law enforcement agency. The bill imposes an additional level of accountability and oversight by requiring the chief officer of a law enforcement agency to report to the Attorney-General each year on the results of the audit. This report must include information on whether any fraud or other unlawful activity was identified during the audit, as well as any other information relating to assumed identities considered appropriate by the Attorney-General.

The mutual recognition provisions enable an assumed identity issued in another state under a corresponding law to be recognised as valid for use in Victoria. Similarly, assumed identity authorities issued under this bill will be recognised as valid and effective in any other jurisdiction which implements legislation based on the model laws. This means that undercover police involved in an investigation which crosses state or territory borders can continue using their assumed identities in that other jurisdiction without being exposed to the possibility that they are committing minor offences in that other jurisdiction such as making a false statement or giving a false name or address.

Members will note that the bill does not have a default commencement date. This is to allow time for necessary commonwealth regulations to be made in relation to the powers and duties that have been conferred on officers of the Australian Crime Commission in the bill. After those commonwealth regulations have been made, the bill can be proclaimed.

The model laws on assumed identities will eventually be implemented by all states and territories. By moving quickly to introduce this important legislation, the Bracks government is reaffirming its commitment to ensuring that impediments to the effective investigation of serious and organised criminal activity are removed.

I commend the bill to the house.

Debate adjourned on motion of Hon. C. A. STRONG (Higinbotham).

Debate adjourned until next day.

SURVEILLANCE DEVICES (AMENDMENT) BILL

Second reading

For Hon. J. M. MADDEN (Minister for Sport and Recreation), Mr Lenders (Minister for Finance) — I move:

That pursuant to sessional order 34 the second-reading speech be incorporated into *Hansard*.

This bill received four amendments in the Legislative Assembly dealing with the officer primarily responsible for the execution of a warrant, with participant monitoring and recording, with authority under the warrant and with revocation of warrants and reporting to the court. These amendments are described in the second-reading speech.

Motion agreed to.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

This bill is part of the government's major crime and terrorism package. The package will implement a national law reform initiative to tackle serious crime that crosses state or territory borders. Organised criminal networks, such as drug cartels and motorcycle gangs, move freely across the country. However, law enforcement agencies are often hampered in investigating criminal activity that crosses borders, because the laws on police investigative powers vary across Australia.

For example, if an investigation currently crosses a border, a surveillance device warrant must be obtained in every state or territory where the surveillance device needs to be used. This means that if Victoria Police obtain a warrant to install a surveillance device on a car and the suspect crosses the border into New South Wales, the police must either arrange for New South Wales police to apply for a new warrant or stop using the surveillance device when the car crosses the border. This results in delays, loss of evidence, and high administration costs.

Recognising the need for a nationally coordinated approach to law enforcement, commonwealth, state and territory leaders met in April 2002 for a summit on terrorism and multi-jurisdictional crime. At that summit, the Premier committed to introducing model laws for a consistent national set of powers for criminal investigations across state and territory borders. These model laws were to address surveillance devices, controlled operations, assumed identities, and witness identity protection, and were to enable relevant authorities or warrants issued in one jurisdiction to be recognised as valid in other participating jurisdictions.

The model laws were developed by a national joint working group established by the Standing Committee of Attorneys-General and the Australasian Police Ministers Council. Victoria played a leading role in this national initiative.

In February 2003 the joint working group released a discussion paper on the proposed model laws. After receiving submissions from across Australia the model laws were revised and published in the joint working group's November 2003 report, 'Cross-Border Investigative Powers for Law Enforcement'. I take this opportunity to acknowledge all those who made submissions on the model laws. The joint working group's report analyses in detail the revisions to the model provisions made as a result of those submissions, many of which came from Victorian stakeholders.

On the issue of consultation, it is worth noting that there has been extensive consultation with Victoria Police over a two-year period in the development of this bill. Victoria Police was represented on the joint working group that developed the model laws. Indeed, Victoria Police made a detailed submission to the joint working group responding to the draft model provisions, and its representatives were closely involved in settling the joint working group's final report. A copy of the discussion paper with the draft model laws was sent to the Police Association, however, the association did not make a submission to the joint working group. The Police Association was also sent a copy of the final report on the proposed model provisions. Finally, Victoria Police was provided with, and invited to comment on, numerous drafts of this bill.

Victoria will implement the model surveillance devices laws by amending the Surveillance Devices Act 1999, which currently regulates the use of electronic surveillance devices generally, including their use by law enforcement officers.

Let me turn now to the features of the bill.

The first thing to note is what the bill is not changing.

The Surveillance Devices Act prohibits people from using listening devices or optical surveillance devices to spy on private conversations or private activities to which they are not a party. It also prohibits people from using electronic tracking devices that are designed to track people and objects without consent. The Surveillance Devices Act also restricts the publication and communication of records and reports of private conversations and activities gained from using surveillance devices. This includes publication or communication by participants without the consent of all the parties to the conversation or activity.

The bill does not alter this general framework, but rather focuses on the provisions of the Surveillance Devices Act that regulate the use of surveillance devices by police investigating serious crime, and the accountability framework that will best ensure those devices are used appropriately.

The model law on surveillance devices was drafted to apply to cross-border investigations only. However, to simplify the regulatory regime for surveillance device warrants in Victoria, where possible this bill uses the same provisions for both cross-border and local investigations. This approach avoids a dual system and was feasible because the model laws are closely based on the Victorian Surveillance Devices Act. The amendments will allow law enforcement officers to obtain a single warrant that will apply both within Victoria, and in other participating jurisdictions.

The bill regulates the same four surveillance devices that are currently regulated in Victoria — listening devices, optical surveillance devices, tracking devices and data surveillance devices. However, the bill enables new surveillance devices to be prescribed by regulation. This will ensure that the Surveillance Devices Act is more flexible and responsive to changes in surveillance technology.

Other than in cases of emergency, the bill will require law enforcement officers to obtain surveillance device warrants from a Supreme Court judge or, for tracking devices, a magistrate. In this respect, the model reflects the existing warrant regime in Victoria. When considering a warrant application, a judge or magistrate must take into account the nature and gravity of the alleged offence and the extent to which the privacy of any person is likely to be affected. Retaining judicial scrutiny of the warrant process is an important safeguard in the Bill. Independent judges are well placed to balance the benefits of the use of surveillance devices in a criminal investigation with the potential invasion of privacy.

In cases of emergency, the bill enables senior officers to issue emergency authorisations for the use of surveillance devices. This is already provided for under the Surveillance Devices Act. However, instead of simply furnishing a report to the Supreme Court, law enforcement officers will now have to seek retrospective approval from a Supreme Court judge for the emergency use of powers. If the judge does not approve the application, he or she can order that the use of the device cease. In this supervisory role, the judge also has the discretion to make orders about information obtained from the use of surveillance devices during the emergency. This could include ordering the destruction of the information in appropriate cases.

The bill will enable surveillance device warrants and emergency authorisations issued in other participating jurisdictions to be executed in Victoria. This means that law enforcement agencies from other jurisdictions will be authorised under their locally obtained warrant to install and use surveillance devices in Victoria. Once other States and territories adopt the model law, Victorian issued warrants and emergency authorisations will also be able to be executed outside this state.

The bill provides for new and more rigorous restrictions on using, communicating and publishing information obtained from surveillance devices under warrants and emergency authorisations, as well as information that relates to the application process behind warrants and emergency authorisations. This information is called 'protected information' in the bill. It will be an offence for a person to use, communicate or publish protected information, punishable by a maximum penalty of two years imprisonment. Where protected information is used, communicated or published with the intention or knowledge that it will endanger a person's health or safety or prejudice an investigation, the maximum penalty will be 10 years imprisonment. The bill carves out the restricted circumstances and purposes when protected information can be used, communicated or published.

Compared to the existing Surveillance Devices Act, the bill provides for greater accountability of surveillance device usage by law enforcement officers. When the joint working group consulted on the proposed model laws, the submissions, particularly from Victorian organisations, called for stricter oversight of the warrant regime. Several new safeguards in the bill will address these concerns.

Firstly, the bill requires the chief officer of a law enforcement agency to take steps to discontinue using a surveillance device under a warrant and to revoke the surveillance device warrant, where the use of the device is no longer necessary. This is to ensure that surveillance does not continue under a warrant unjustifiably, for example, if the suspect has been arrested.

Secondly, the bill requires additional information to be provided in reports that law enforcement officers are required to make to the court after they carry out surveillance under a warrant, and in the annual report that the chief officer makes for tabling in Parliament. This will include qualitative information about the benefits of using surveillance devices, including statistics on arrests and prosecutions.

Thirdly, the bill obliges law enforcement agencies to keep detailed records, including a register of warrants and emergency authorisations, and details of the way that agencies use, communicate and eventually destroy information obtained from surveillance devices.

Fourthly and most importantly, the bill creates a new oversight role for the Victorian Ombudsman, who will inspect the records of Victorian law enforcement agencies, and the commonwealth Ombudsman, who will inspect the records of the Australian Crime Commission. Every six months, the Ombudsman must report to Parliament on the extent of the relevant agency's compliance with the act. The enhanced record-keeping obligations will ensure that there is an adequate documentary trail for this auditing role to be fulfilled.

Members will realise that the bill was amended in the house of Assembly to address four matters raised by Victoria Police. I will briefly explain these amendments.

Firstly, the bill will insert a new section 3(8) into the Surveillance Devices Act to clarify that the law enforcement officer named in the warrant as primarily responsible for executing a warrant, does not need to be physically present for any step in the execution of the warrant.

Secondly, the bill will insert a new section 6(2)(c) into the Surveillance Devices Act to permit a law enforcement officer to use a listening device to monitor or record a private conversation to which he or she is not a party, if a participant to the conversation consents and the officer reasonably believes that monitoring or recording the conversation is necessary to protect any person's safety. In addition, the law enforcement officer must be acting in the course of his or her duty.

Thirdly, new section 19(3)(f) has been amended to broaden the authority under a surveillance device warrant to enable law enforcement officers to connect a surveillance device to 'any object or system' that may be used to operate the device or transmit the recorded material back to the law enforcement agency.

Fourthly, the process for revoking surveillance device warrants and retrieval warrants has been changed. The chief officer of a law enforcement agency will now be obliged to revoke a warrant where the grounds for the issue of the warrant no longer exist, rather than having to arrange for a revocation application to be made to the court. In addition, when the agency reports back to the relevant judge or magistrate, they will need to state whether the chief officer has revoked the surveillance device warrant or retrieval warrant.

The Bracks government is keen to demonstrate Victoria's commitment to the cooperative objectives underlying the leaders' summit commitments, and is moving quickly to implement the model legislation. I expect that other jurisdictions will introduce similar laws during 2004 to activate the mutual recognition framework.

Members will note that the bill does not have a default commencement date. This is to allow time for necessary commonwealth regulations to be made in relation to the powers and duties that have been conferred on officers of the Australian Crime Commission in the bill. In addition, the commonwealth government will need to pass legislation to enable the Commonwealth Ombudsman to perform the oversight role in the bill. After the commonwealth has taken this action, the bill can be proclaimed.

I note that the Standing Committee of Attorneys-General and the Australasian Police Ministers Council will continue to have a role in monitoring the model law on surveillance devices and any issues that may arise out of its implementation in jurisdictions throughout Australia. I will also be monitoring the impact of the model provisions in Victoria, as well as the operation of the Surveillance Devices Act more broadly.

I commend the bill to the house.

Debate adjourned on motion of Hon. RICHARD DALLA-RIVA (East Yarra).

Debate adjourned until next day.

ENERGY LEGISLATION (REGULATORY REFORM) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

The principal purpose of this bill is to further improve the operation and effectiveness of Victoria's energy legislation and to facilitate the transition to national regulation of energy markets, as agreed by the Ministerial Council on Energy in December 2003.

The bill provides for amendments to the Gas Industry Act 2001, the Electricity Industry Act 2000, the Electricity Safety Act 1998 and the Electricity Industry (Residual Provisions) Act 1993.

In 2003 I directed the Essential Services Commission to review the operation of the 'significant producer provisions' of the Gas Industry Act 2001. These provisions restrict the sale of gas by significant producers to end-use consumers and

require that these producers do not discriminate in selling gas to retailers for the purpose of substantially lessening competition in the market.

These provisions, introduced by the former government, were intended to be transitional, to facilitate competition by limiting the opportunity for misuse of market power at a time of major reform in the structure of the Victorian gas market. Only one, unsubstantiated, complaint has been made to the Essential Services Commission under these provisions.

Over the past five years the upstream gas market in Victoria has developed from one characterised by a single dominant supplier in a geographically isolated market, to an interconnected multi-state market where Victorian gas retailers may purchase gas from a number of producers operating different sources of gas supply. These developments have improved the competitive alternatives available to Victorian gas retailers in sourcing gas supply.

In accordance with the recommendations of the Essential Services Commission and with the support of the large majority of submissions to the commission's review, these provisions may now be repealed.

The bill will also provide for the revocation of the Victorian Electricity Supply Industry Tariff Order 1995 and the Victorian Gas Industry Tariff Order 1998, now largely historical. These instruments regulated charges for gas and electricity transmission and distribution services during the transition to a national energy market, and charges for retail services prior to the implementation of full retail competition. These orders have now largely expired. Consumers will continue to be protected from energy retail price rises through the price path arrangements recently agreed between retailers and this government. The bill will also provide for the few tariff order provisions of ongoing operation to be continued through more limited orders made by the Governor in Council.

Government is committed to the promotion of renewable energy sources, including wind farms. The Electricity Industry Act 2000 provides for a generation company and council to agree a payment in lieu of council rates where the generation company owns land used for generation functions. The bill will clarify that a generation company leasing land for generation functions, such as a wind farm, may also have the benefit of this provision.

The bill will amend the Electricity Industry (Residual Provisions) Act 1993 to allow the Treasurer to set the amount of the smelter reduction amount, payable on wholesale purchases of electricity from the national electricity market, at zero. The government has recently announced that it will cease to collect the smelter reduction amount from 30 June 2004. This proposed amendment will provide a mechanism for the government to give effect to this decision.

The remaining amendments proposed by the bill are of a technical nature, to repeal provisions no longer relevant to industry regulation and to clarify the application of certain provisions. For example, amendments are proposed to clarify the commencement of retailer-of-last-resort obligations under the Electricity Industry Act 2000 and the Gas Industry Act 2001; transitional powers granted to the Governor in Council to make rules in respect of the implementation of electricity retail competition, never used, will be repealed and the conditions to be met for the Office of the Chief Electrical Inspector to recommend approval of Electricity Safety Management Schemes will be clarified.

It is also proposed that sections 33 and 160(1)(i) of the Gas Industry Act 2001 be repealed. These provisions provide for the Essential Services Commission to determine standards in relation to the supply of gas to classes of consumers in accordance with recommendations made by VENCorp. The commission has advised that there has never been a need to determine these standards. Since the introduction of these provisions in 1998 (prior to the implementation of the Victorian gas spot market) new sources of Victorian gas production and pipeline interconnections to alternative sources of gas supply have been developed. As I have noted the upstream gas market is now a geographically interconnected multi-state market with participation by a number of producers. In addition, other regulatory provisions promote the reliability of Victorian gas supply including the prudential and technical requirements that must be met before a gas retail licence is issued, the retail licence conditions requiring gas retailers to purchase gas to meet customer requirements, the retailer-of-last-resort obligations, VENCorp's annual planning review process and, ultimately, government's emergency powers.

I commend the bill to the house.

Debate adjourned on motion of Hon. BILL FORWOOD (Templestowe).

Debate adjourned until next day.

ALPINE RESORTS (MANAGEMENT) (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Ms BROAD (Minister for Local Government) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

The purpose of this bill is to amend the Alpine Resorts (Management) Act 1997 to:

clearly set out the purposes for which Mount Stirling shall be used;

provide for a single board to manage and operate Mount Buller and Mount Stirling;

include objectives and additional functions for the strategic planning and management of alpine resorts by the Alpine Resorts Coordinating Council ('the council') and Alpine Resort Management Boards ('boards');

provide additional powers to assist in the management of alpine resorts; and,

make other minor amendments.

The six alpine resorts are some of Victoria's greatest assets, offering exciting recreational opportunities in a dramatic, yet fragile, environment. They are also gateways to more remote alpine experiences, many located in adjoining national parks and other areas of public land.

The government wishes to address the long-term viability of Mount Stirling and secure its future as an alpine resort. The widely accepted community vision for Mount Stirling is as 'all season, nature-based tourist, recreational and educational resource with no ski lifts' — consistent with the findings of the 1996 EES. This bill establishes a single board to manage and operate Mount Stirling and Mount Buller to achieve efficiencies and provide the capacity to achieve the government's vision for Mount Stirling, capitalising on the complementary experiences at both resorts.

The new board will have the financial, technical and marketing resources to ensure that the two mountains are managed on a sustainable basis. Major benefits include:

certainty for the direction of Mount Stirling by providing legislative backing extending the current moratorium banning ski lifts;

extension of the Mount Buller environmental management plan across both resorts leading to improved environmental outcomes for Mount Stirling;

joint but discretely different marketing efforts to help improve visitation at both resorts;

better staffing and financial resources to secure the future of Mount Stirling; and,

improved visitor access to both resorts, including a new bridge over the Delatite River.

The Victorian government has a strong commitment to environmentally sustainable development of alpine resorts and has clearly set out that commitment, including the following policies:

development of a statewide long-term strategy for resorts that plan for potential impacts of climate change;

ensuring the long-term sustainable growth of resorts, particularly year round usage; and,

improving environmental planning and performance.

The government released its alpine resorts 2020 draft strategy for public consultation on 30 August 2003. The strategy has been prepared to guide the long term planning and management of Victoria's alpine resorts, taking into account the potential impacts of climate change. The soon-to-be released final strategy is the culmination of an extensive, open and transparent consultation process which saw the release of a discussion paper and draft strategy, both of which were the subject of extensive public exhibition and consultation processes. This bill provides the capacity for the alpine resorts 2020 strategy, when finalised by government, to become the alpine resorts strategic plan.

Also on 30 August 2003, the government announced its alpine resorts reform package, an integrated package of measures that address financial and structural issues at the resorts. In large measure, the alpine resorts reform package addresses the shortcomings in the management regime established by the former government. It ends the unfair system of cross subsidies, releases boards from $4.9 million in inherited debt repayments, provides a mechanism to enable boards to better cope with poor snow seasons, and provides funding for some important initiatives.

The amendments contained within this bill have been identified through the development of the strategy and the reform package. They are also necessary to enable the government to deliver on its commitments to the sustainable development of our alpine resorts and address shortcomings in the original 1997 legislation.

The alpine resorts are important to Victoria, being visited by up to 900 000 visitors in winter and half that number in summer, with the summer visitor numbers growing strongly. Spending associated with alpine resorts is $305 million annually. The alpine resorts contribute $129 million value-added expenditure annually to the Victorian economy and support 3700 jobs. Most of this spending and activity occurs in regional Victoria, particularly the north-east, an area hard hit by the 2003 eastern Victorian bushfires.

It is against this background that I now turn to the key amendments introduced by the bill.

Part 1 sets out the purpose and provides for commencement of the bill.

Part 2 introduces clear and explicit objects and amends the functions and powers of the council and the boards to specifically recognise the broader role these bodies have in determining the future of and managing the alpine resorts. Importantly this part gives these bodies a role to undertake strategic planning across and within alpine resorts and provides that land managers and other authorities will take account of such plans. In addition this part also provides the boards with the power to tow vehicles, an important safety requirement in areas subject to hazardous conditions.

Part 3 provides for a single board to manage Mount Buller Alpine Resort and Mount Stirling Alpine Resort. It includes the necessary transitional and succession provisions to enable the new board to fully assume the responsibilities across both resorts. It also specifies that Mount Stirling shall be used as an all season, nature-based tourist, recreational and educational resource with no ski lifts.

In conclusion, the bill will ensure that the legislation under which Victoria's alpine resorts are managed provides the appropriate contemporary guidance and powers necessary to ensure that our precious alpine resorts are managed and developed in an environmentally sustainable manner for the long-term benefit of all Victorians.

I commend the bill to the house.

Debate adjourned for Hon. E. G. STONEY (Central Highlands) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

PRIMARY INDUSTRIES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 6 May; motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

Hon. PHILIP DAVIS (Gippsland) — I rise to speak on the Primary Industries Legislation (Miscellaneous Amendments) Bill, the purpose of which is to make various amendments to various acts and it is therefore an omnibus bill. It seeks to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Dairy Act 2000, the Fisheries Act 1995, the Fisheries (Further Amendment) Act 2003, the Plant Health and Plant Products Act 1995, the Stock (Seller Liability and Declarations) Act 1993 and to repeal the Australian Food Industry Science Centre Act 1995.

Before I proceed further, however, I indicate that I am particularly alarmed about the fact that the government has failed to properly consult on this legislation. It is clearly the case that when legislation is brought into the Parliament one anticipates that a proposal by a government minister will have been given proper consideration by the relevant stakeholders in terms of how the issues that are being proposed may affect them. Indeed it is usual practice for ministers to have regard for the views of peak bodies, particularly peak industry bodies, when it is a matter that deals with industries legislation, in this case primary industries.

I was surprised to find in the course of the consultation which the opposition routinely undertakes that with respect to this bill there had been a significant omission in the consultation process, because very few of the stakeholders with whom the opposition undertook dialogue had been aware of the existence of the bill or indeed the parts of the bill relevant to their particular interests. In particular I think it is relevant to put on the record that the Victorian Farmers Federation was extremely disappointed with the government's approach. The president of the VFF, Mr Paul Weller, wrote to me on 3 May saying:

> Thank you for providing the Victorian Farmers Federation (VFF) with a copy of the Primary Industries Legislation (Miscellaneous Amendments) Bill 2004 and the minister's second-reading speech to introduce the legislation.
>
> I note that the bill is in omnibus format, proposing a number of amendments to existing legislation relating to primary production.
>
> It is of some concern that neither the government nor the Department of Primary Industries advised the VFF directly that this bill was to be introduced to the Parliament.
>
> The VFF has long enjoyed a cooperative relationship with the department as we work to represent the interests of our farming members. There generally exists a healthy two-way dialogue between VFF representatives and departmental officials on matters of public policy, including early notice that legislation is to be introduced to the Parliament.

It really behoves the department and the government to do better. A bill which seeks to amend a large number of acts that directly affect the farming community ought to be a matter for some serious consultation between the government and the Victorian Farmers Federation, as indeed it ought to be the case that other stakeholders — for example, Seafood Industry Victoria, the peak commercial fishing industry stakeholder group, and the recreational fishing group, VRFish — ought to have been consulted in regard to amendments to the Fisheries Act.

I note that the Stock and Station Agents Association had not been consulted in regard to the stock seller liability declaration amendments certainly before I consulted with it, and indeed I do not even know whether it has been consulted as yet by the government. It seems to me that this is a fairly slack approach and I just make the point that it is not an appropriate way to go about dealing with legislation. It may well be that the view of the minister and the department was that most of the amendments herein are of no great consequence, but as we know with legislation the impacts of changing the law can be profound for some individuals, and in this case for industry. I would argue that a number of the proposals in this bill are significant.

I might briefly step through what some of the provisions are without going into the detail. Of course the second-reading speech outlines in summary the details of the bill. Because this is an omnibus bill it would take, if you like, an age to go through the details of each of the consequences for the acts that are amended. But what I will do is try to summarise. The bill provides greater authority to investigate inappropriate use of agricultural and veterinary chemicals by allowing samples of used packages, equipment and soil as well as plants and plant products to be taken. Currently plants that are suspected to have been illegally sprayed cannot be sampled under the principal act, which allows only for samples of agricultural produce to be taken. The bill also makes it an offence to move equipment, soil, plants and plant products past highway sign control areas without a permit. This is an important initiative in the control of disease when it occurs.

The bill provides the minister with the power to take action to prevent or reduce the risk of the spread of

exotic pests or disease and prevents court proceedings against the minister and others acting on the minister's instruction to recover damages for a loss. By not allowing court proceedings, actions to rectify or control pest diseases can begin immediately without court-based delays. We know from the experience in the United Kingdom with foot-and-mouth disease some three years ago that slow reaction to the initial FMD outbreaks caused an exponential increase in the number of cases that were eventually detected. Therefore any moves to put livestock and plant health regulators in a position to act expeditiously are of great benefit to quickly controlling any outbreaks of exotic disease.

I note that the bill in part seeks to remove the 72-year age limit for members of the Agricultural Chemicals Advisory Committee. One could wonder whether there was somebody in mind for appointment to that committee. In any event there are a number of simple amendments, one of which is the amendment to require the tabling of the annual report of the Geoffrey Gardiner Dairy Foundation. The Gardiner Foundation is the trustee of the proceeds that came about as a result of the winding up of the Victorian Dairy Industry Authority and as a result of the sale of the milk brand several years ago. That arrangement was put in place by a good degree of goodwill and negotiation between the government and the various parties to the dairy industry, both the manufacturers and the dairy farmers. The Gardiner Foundation is undertaking good work in terms of allocating funds to various research and development projects. It has a provision in its own rules that a report be tabled. However, there is no provision under the Financial Management Act for that to presently occur, so by amending the Dairy Act there will be a requirement that the Gardiner Foundation report be tabled annually.

This is a sensible move because it will enable the industry to be confident that there is proper and full public disclosure of the financial activities of the Geoffrey Gardiner Dairy Foundation. The bill also provides for vendor declarations about livestock and deals with the disease status of stock or livestock products. It requires that the secretary must provide reasons if an ongoing declaration is refused registration. Provisions are also introduced to give access to appeal through the Victorian Civil and Administrative Tribunal.

The bill repeals the Australian Food Industry Science Centre Act 1995. We are advised that the reason for this is that the board of AFISC is the same board which provides governance for Food Science Australia, so that there is a degree of duplication, and the governance arrangements previously in place have become redundant. I advise the minister that in the bill's committee stage I will seek clarification about some of the implications of winding up AFISC. Before I go further I will refer to the AFISC annual report of 2002–03. Just to elucidate for the benefit of the house what AFISC is about, I quote:

> AFISC commenced operations on 1 July 1995.
>
> ...
>
> On 1 December 1997 AFISC entered into a joint venture with the Commonwealth Scientific and Industrial Research Organisation (CSIRO) — via the Division of Food, Science and Technology ...
>
> This joint venture is trading as Food Science Australia.

In the last financial year the annual report disclosed a deficit of $1.4 million. I particularly draw to the attention of the house the balance sheet, because in the winding up of the Australian Food Industry Science Centre (AFISC) there are clearly some issues in regard to control and disbursement of funds. It would be of benefit to the house to have some reassurance from the minister during the committee stage as to how those funds will be disbursed. Rather than seek to in any way imply that the opposition is seeking to ambush the minister in the committee stage on any of these matters that I will refer to during the second-reading debate, it is clearly the case that there are matters which warrant examination. For example, to put it simply, AFISC presently has, or had at the end of the last financial year, cash assets of $4.7 million with a total net asset base of $32.7 million. We are keen to establish that in any rearrangement of the governance of Food Science Australia that the assets of AFISC will be preserved and not soaked up by other and undisclosed activities of the Department of Primary Industries.

There are proposals to remove the opportunity for partners to share a fisheries licence — that is, in terms of registration — so that a fisheries licence must be registered to a person or corporation or cooperative. That means that licences will not be issued to joint parties. This is, I understand, clarification in relation to legislation which was dealt with in the spring sittings, but I will also be looking for some explanation about the need for this amendment to the Fisheries Act. There are matters being raised in terms of further amendments to the licensing arrangements in regard to the rock lobster fishery, dealing particularly with the way access licences are dealt with for quota and rock lobster pots. There is currently no reference to rock lobster pots but other seafood licences can be levied in proportion to the number of quota units held. There is a view that there may be some implications in the way licence fees are

collected by varying the present licence arrangements under which the rock lobster industry is governed.

There is also an amendment which I understand seeks to clarify that an office-bearer of the Fisheries Co-Management Council, the fisheries committees or the Fisheries Revenue Allocation Committee could be filled mid-term by any person appointed by the Governor in Council or a minister. Currently the way the act operates implies, in effect, a drafting error, because the person who must be appointed to fill a casual vacancy must first be a member of that committee or board. I make the point, as I did earlier in considering the government business program, that were this house given more time to consider the legislative program of the government I am sure it could do a better job of dealing with the detailed drafting of proposals brought into this house by the government. A number of the flaws in legislation that are seeking correction today are flaws which could have easily been picked up with more detailed examination.

I do not intend to belabour the debate by a detailed exposition, which is normally what one would be tempted to do with a bill that deals with a large number of acts. In the consultation process undertaken by the opposition there were not on the whole strong objections to most of the provisions in this bill; however, I do wish to make some particular remarks.

I should say that the Victorian Farmers Federation did provide comprehensive advice as to its views on a number of matters, but in short it did not have any major objections to any of the provisions, and indeed in regard to one or two of the provisions it was relatively positive. But, as I said earlier, the VFF was greatly concerned that it had not been involved in any consultation process with the government. I also understand the Australian Veterinary Association is another group that first became aware of the bill because of contact made by the opposition, as was the Stock and Station Agents Association.

I certainly did engage with fishery stakeholders, who have a direct interest in this. Fisheries in Victoria is in its own way a very significant primary industry. It is important for many reasons, not simply because many of us enjoy participating in the culinary delight of eating fish, but because it underpins the economic and social infrastructure of many small villages along the Victorian coast. In itself it is not necessarily a large industry by some comparisons, and certainly when it is measured alongside the national profile of the seafood industry it is clear that Victoria's industry is a relatively small component. On a national basis the seafood industry is worth about $2 billion to the Australian economy, and the gross value of Victorian fisheries in 2001–02 was only about $117 million. Aquaculture contributes about $20 million to the Victorian economy, and that is only 2 per cent of national aquaculture production. Therefore it is relatively paltry when compared with other states.

However, aquaculture is significant when compared to the scale fish industry. The gross value of the scale fish industry is less than what we produce from aquaculture's largest sector — that is, the salmonids. That produces about 1800 tonnes, which is mainly rainbow trout and a small amount of Atlantic salmon. As I said, although it is relatively small in value, it is a very significant industry for those people who are associated with it both directly and indirectly. On a national basis about 27 000 people are directly employed in the seafood industry across Australia. In Victoria we have a much smaller industry, and therefore a comparatively smaller number of people are directly employed in it — that is, we have about 2000 who are directly employed. There are about 8000 people who gain their livelihood from the fishing industry directly and indirectly.

At the moment the fishing industry is in a difficult position. It is true that the present government has been on a campaign of regulating the seafood industry over the last several years. Firstly, the introduction of marine parks had particular effects in terms of access to certain fishery opportunities, but more recently we have seen the introduction of new arrangements in regard to seafood safety and the implications of the new PrimeSafe regulations, which in effect wrap up the seafood industry into the same regulatory net that afflicts the red meat and chicken meat industries. It has been profoundly controversial.

The biggest single level of correspondence I have had on an issue in recent months has been in dealing with complaints by the fishing industry sector and the seafood sector in regard to the impact of PrimeSafe. It has not involved just the fact of the regulation, but also the fees and charges being imposed by PrimeSafe on that industry. To add insult to injury, as it were, we have seen the introduction of new regulations on fees and levies for fisheries licences. That is another layer of cost being imposed by government in seeking cost recovery. All sectors of fisheries have been complaining about this overburden of cost. The aquaculture sector has been making strong representations — indeed, yabby farmers have indicated that many of them are going to give it up. It is just too hard. It has been forecast that 70 per cent of

yabby farmers will exit the industry in the next several months.

We have seen particular impacts on the rock lobster industry. This was expressed in the *Geelong Advertiser* as recently as Saturday, 8 May. I refer in particular to a story headed 'Costs rock lobster trade'. It states:

> Apollo Bay cray fishers have warned they will struggle to survive under new government regulations.

And further —

> Mr Polgeest —

Mr Polgeest is well known to the rock lobster industry as a leading spokesman —

> said the creation of marine parks, new health regulations and China's flu and SARS outbreaks had the industry on its knees.

And further:

> I've been fishing for a long time and I've never seen the industry under siege like this.

Mr Polgeest is somebody who would be known to anybody involved in fisheries management and they would have regard for his views. I make the point on his behalf that the industry is clearly struggling. The Australian dollar has not helped in terms of the value of the fishery, which is essentially an export fishery. It is Victoria's second-highest value wild-catch fishery, producing in the order of $20 million a year of direct catch. Mr Polgeest said that most of the people in his industry are finding it hard to cope. He has further, in discussion with me and other members of the opposition, said that the compounded impact of the PrimeSafe implementation and the additional cost of the new fees established under the fisheries regulations could be the straw that breaks the camel's back.

Essentially there is a plea from the rock lobster industry to government: what is it that government is offering for the industry by way of assistance to help it survive, because it is in a state of crisis? There is no doubt in my view that we are going to see some further rationalisation of that industry because it is not possible for the industry to absorb the additional costs given the current state of the market and the downturn in the volume of exports of rock lobster.

Further, with regard to the introduction of PrimeSafe and the additional licence fees that have been introduced as a consequence, I would like to refer to correspondence from the Victorian Fish and Food Marketing Association (VFFMA). The association represents those stakeholders who are involved in the import of seafood to Victoria, to Australia, and who essentially are suppliers of a wholesale product to the larger resellers and supermarkets. Those members of the VFFMA have been concerned about the introduction and the rollout of PrimeSafe in terms of the impact on their ability to operate and the costs imposed.

On 9 February this year Brian Casey, the chief executive officer of PrimeSafe, addressed the VFFMA. The association was not surprisingly confused over how PrimeSafe determined its fee structure without proper knowledge or indeed apparent consultation, especially as the applicable fees are so high compared to the previous regime and interstate examples, and they do not appear to be justified. At that meeting with Mr Casey, he appeared to be unaware of the members of the association's common practice to regularly procure independent professional auditors to accredit their established hazard food safety programs, and furthermore he was unaware that the members do not handle seafood directly but only in frozen packaged form, stored in strictly moderated temperature controlled environments and transported in temperature regulated vehicles.

It should also be noted that imports by association members must first obtain Australian Quarantine and Inspection Service accreditation, including tests for all identifiable risks, and must comply with all Australian food standards requirements. The safety issues for association members present to the public are therefore already being closely regulated by government and are being audited by third parties. The only thing the association understands that PrimeSafe will add to these existing food safety controls will be a checking of the audits to determine whether they have been done by properly accredited bodies at the prescribed intervals. The work that PrimeSafe needs to undertake in relation to that part of the industry is therefore reduced to a paper-checking exercise of existing systems. Therefore it is not surprising that association members are confused by PrimeSafe's decision to adopt a fee structure that requires them to pay comparable levies to their counterparts of up to $6000, even though they present a high health risk to the public.

In essence the parties that present the least risk are therefore bearing the same or the highest fees in relation to PrimeSafe, and the association sees this is as being an unfair impost on the members and an abuse by PrimeSafe which is supposed to be raising revenue for seafood safety and should therefore be basing its fees on risk, not just on volume. The association provided some information to me by way of comparison for reference. Interstate regulatory authorities have

indicated that their licence fees will be in the order of $250 after having properly consulted with the seafood import association based in New South Wales, and the VFFMA notes that the fees in New South Wales are not subsidised by government.

To sum up, the association is concerned about a lack of consultation and, notwithstanding Mr Casey's claim that the industry has been consulted, it believes that has not been adequate and that the industry is again unaware of the regulatory impact statement. It has also indicated that it is concerned about the lack of representation on the PrimeSafe board — that is, that there are no vehicles through which the concerns of this section of the seafood industry can be properly heard by PrimeSafe. The association makes the point that although Seafood Industry Victoria may have been consulted, that section of the industry is not in any way affiliated and able to be represented by SIV, and that it is clear that PrimeSafe does not have a proper understanding of the needs of that section of the industry and the risk management practices.

I make that point simply as but one further example we have seen in relation to the rollout of the PrimeSafe regulatory arrangements and licensing arrangements and fees, that like a number of other aspects of seafood and the seafood industry management regime, at the present time the industry is feeling extremely vulnerable to the impacts of government process and, rather than being encouraged to develop an efficient marketing system, the industry is being taxed by additional bureaucratic overlay. It is pretty clear that in terms of legislation before this Parliament we are consistently supportive of improvements to human health safety risk management, and I do not suppose there would be anybody here who would be expressing particular concern about the principle of improving the way we manage our fisheries overall. However, there are aspects which inevitably affect sections of industry which need to be taken into account.

As I said earlier, I wanted to make some brief comments on various aspects of the bill, and I want to flag that I will be looking for some particular response to some questions I have about the detailed effects of provisions during the committee stage, not with a view to any other outcome than seeking clarification for stakeholders who have raised particular matters with the opposition and clearly have not gained satisfaction by the consultation process with government.

Hon. B. W. BISHOP (North Western) — I rise on behalf of The Nationals to make a contribution to the Primary Industries Legislation (Miscellaneous Amendments) Bill. The Nationals will not oppose this bill. From our discussion this morning about the practice of this house, this is a real fair dinkum omnibus bill. It draws a lot of sectors together in this bill and, from my adding up, it amends seven bills and repeals one, so it certainly wraps that process up and gives us an efficient way in the Parliament of addressing this particular issue.

As usual, members of The Nationals have consulted widely on this bill, and I must pay credit to the briefing we got from the departments — and perhaps I should make it very clear which departments. A great number of people came in, which I guess is reflected from the breadth of legislation that this bill handles. As my colleague the Honourable Philip Davis said, it has certainly been raised with us that the minister appeared to not directly consult with the Victorian Farmers Federation. That may well have been an oversight, but I might observe that the way the minister has been carrying on lately with his tiff with the VFF over genetically modified products, I can understand that the VFF is quite concerned about this particular issue, being the leading representative of farmers throughout the state of Victoria.

As I understand it, the VFF has made approaches to the Secretary of the Department of Primary Industries to endeavour to overcome this particular issue. It was not particularly clever not to include the VFF in those briefings as this bill was brought to fruition.

The bill broadens the sampling powers of authorised officers investigating chemical contamination of crops or stock by agricultural spraying or veterinary chemicals so as to better monitor the source and enforce compliance. This is a particularly important part of agriculture and the regulations that must remain. It widens the range of materials the officers can collect in the course of their duties. Any suspected case of misuse of agricultural or veterinary chemicals is often quite difficult to detect, as the house would understand. This will assist in identifying those particular chemicals across all aspects, be they chemicals themselves or residues on plants, or on or in animals.

The Nationals believe the industry is very good in relation to the use of chemicals. I can think of a cooperative example, at Lake Cullulerraine just out from Mildura. It is a broad acre farming area with more recent vineyards around the lake. Grain farmers had quite effectively used both ground and air spraying on their cereal crops to manage weeds. It was a standard part of their operations. Those chemicals would have endangered the grapevines, so farmers got together with the department and worked out a code of practice. It has worked particularly well. It is a very practical issue; it is

about using the right chemicals and timing. Conditions vary because at some stages the chemicals would have little or no effect on the grapevines — it depends on what part of the cycle the grapevines are in. That is a practical example of how farmers across a wide range of products can work together quite effectively and efficiently to manage chemicals that are absolutely essential in the production of agriculture.

I would like to make the point, and it was pointed out in the debate we had in this house last week, that we farmers use chemicals — it is part of our armoury. But I would also like to make it quite clear to the house that Australian farmers have the highest reputation for having the lowest residue levels in their products. The testing process is quite strong. It has occasioned Australia to have tremendous credibility and capacity to deliver products domestically and internationally with very low or nil residue levels, driven by the market requirements. From my memory those standards are set by *Codex Alimentarius* or by Food Standards Australia New Zealand. It is interesting to note that when those standards are set the industry adopts the highest set of standards to make sure it does the right thing in relation to our market credibility.

There is no doubt that across Australia the producers of many agricultural products would certainly like to reduce the level of chemical usage that occurs. Last week we debated in this house the ban on genetically modified products that has been applied by the Labor government for four years. It will drive down the research capacity for this country to lower the use of chemicals. I am reminded that the Honourable John McQuilten spoke during the committee stage of the bill; when he gets up he speaks from the heart. My colleague the Honourable Bill Baxter put his point at that stage, as I did, but about two separate issues. If my memory serves me right Mr McQuilten asked which side everyone was on — the Greens or the multinationals? I would like to put on the record again that The Nationals are clearly, firmly, without doubt on the side of the farmers throughout Australia. We have no other alliance. I commend the Honourable Bill Baxter for putting the position fair and square in that debate.

As I said during that debate, we want our farmers to have choice in what they use and what companies they use when they buy the inputs for those agricultural products. It is interesting to note the technical advances that have been achieved in agriculture. The use of global positioning systems (GPS) in agriculture is a clever introduction of technology. In broad acre agriculture the crops are quite often sown with very wide machines, but they use the old terminology of 12-inch spacings to allow for better growth and control of weeds.

These GPS systems that are now available are so good that one year you can sow in a particular line and the next year you can sow in the middle of those 12-inch spacings. They are superbly accurate, and they get down to a couple of centimetres of the positioning of products by very wide machinery.

When we are talking about the use of chemicals and how careful farmers are with them, we also think about the aeroplanes that apply agricultural chemicals. We have gone past the old days when we used to walk in the crops and 'mark' — the term we used — for the aeroplanes flying alongside us. Now they use the GPS systems as well. They are remarkably safe and accurate and show again how you can use technology in agriculture to make things better and safer. I make the point that farmers are very enthusiastic about being careful with chemicals. Thousands of Victorian farmers and their staff have gone through the chemical users certificate course, which is important to ensure that they handle chemicals safely.

At this time I would like to pay some credit to the farm women in agriculture, because I am quite sure that many of our farmers have a better appreciation of the ability to handle chemicals safely because of the farm women who have taken a great interest in this particular area. They can pass on to their menfolk and to the people who work in their immediate areas that there is a real need to be safe when handling chemicals; they can pass it on to everyone they come into contact with.

The next part of this bill allows persons over 72 to be appointed to the Victorian Agricultural Chemicals Advisory Committee. Years ago I knew a number of the people who served on that particular committee, and they did a really good job. It is a tough job to give the right advice on that particular committee. While we in The Nationals are certainly not against age or experience — and I can speak from experience on that particular issue — we think this goes against the trend to a degree, particularly in the chemicals area where younger people certainly have a better grip on that than older farmers do. From my point of view, years ago I used to be up on the agricultural chemicals that were used in farming, but now I have certainly lost a grip on the modern chemicals and the way they are managed. We can understand the sentiment behind the amendment, but we think it is very important to ensure that younger people are on those committees so that the latest technology is brought forward.

The third aspect of the bill I would like to talk about is the requirement that a change to the Dairy Act be accompanied by the tabling in Parliament of the annual report of the Geoffrey Gardiner Dairy Foundation, which the minister now tables by leave. I can remember speaking on that bill, but I cannot remember when the foundation was put into place. Geoffrey Gardiner was recognised as a real leader in the dairy industry. His efforts on behalf of dairy farmers were recognised not only throughout Victoria but throughout Australia. I know the Leader of The Nationals in the Council, the Honourable Peter Hall, has the highest regard for Geoffrey Gardiner and the tireless work he did as an advocate for the dairy industry. I recollect that the funds for that particular foundation came from the Victorian Dairy Industry Authority after the deregulation of the dairy industry. I can also remember from the debate that the funds were to be used to assist the dairy industry, particularly in areas of research. This amendment requires the minister to table the annual report within 10 days. I can also recollect from the debate and the negotiations that took place as this foundation was being put into place that that is what the foundation wanted as well. It has taken a while; it was not in the legislation before but it will be when this amendment goes through. We think it is fitting and only right and proper that it is in there. On that particular issue we again record the appreciation of The Nationals for the work that Geoffrey Gardiner did on behalf of the dairy industry not only in Victoria but in Australia as a whole.

The fourth issue I would like to discuss this afternoon is the amendment to the Fisheries Act 1995, which ties the levy for rock lobster licences to the quota and the number of pots specified in the licence and ensures that the Fisheries Act 1995 applies to the whole of Victoria. In the briefing we were told that on one translation that part of the act applies to any land on which aquaculture activity is conducted and that is what was intended, but some believed it could be interpreted as applying to a specific part of Victoria. That certainly was not intended, so the amendment makes it quite clear that it applies to all Victoria.

The bill also changes the rock lobster licences levy system in relation to pots and quota units. It appears to we in The Nationals that there is some uncertainty about this, particularly throughout the industry. Apparently the industry believes some inequities can appear from this mix of applications of levies. No doubt some fishermen are nervous about how this will apply, and we believe some of them may be unaware that this particular issue is coming up at them at this time. The minister might explain in his summing up the consultative process that has been utilised in this particular area and assure the house that inequities will not appear in relation to the mix of applications of levies. From our point of view, we urge strong communications between the department and the fishing industry.

I turn to amendments to the Fisheries (Further Amendment) Act 2003. The amendment makes it clear that only individuals, single companies or cooperatives can hold certain licences under the Fisheries Act 1995.

We are advised that this enables a much clearer tracking of licences that may be transferred or traded over time. It probably provides better security and certainly a better paper trail that is clearly and easily understood. Again the industry must be informed. We have some doubt that the industry has been fully consulted on this issue. I know any producer, business person or fisherman goes to substantial expense to set up their financial and company structures, whatever they might be. It is even more expensive if, through no fault of their own, they set them up incorrectly. We urge the government to fully discuss this with the industry and fully inform its members about it. It is important that the government and the industry think through very carefully this structural change to the industry.

When we were being briefed on this issue we could recollect that the yabby industry had problems arising with proposed charges to PrimeSafe. We understand that discussions are still occurring and urge the government to take a long-term view of the yabby industry. It is a young and small industry that has the potential to carve out a niche in Australia and Victoria for its particular market. It must not be shackled by higher levies and must not have barriers put in place in areas such as transportation. It needs assistance and understanding from government. It is a work in progress that needs to be handled carefully, and we will watch with interest what occurs in relation to that particular sector of the aquaculture industry.

The next part relates to the Plant Health and Plant Products Act 1995. It allows the secretary to issue permits for the movement of appropriately treated plants and machinery in or out of control areas and allows the movement of treated materials for other than scientific purposes. It forestalls legal action that could frustrate the emergency response to the outbreak of exotic pests and/or diseases. It also adds used packaging, agricultural equipment and soil to a list of items it is an offence to move into and out of a control area.

As we understand it from a practical point of view, it centres around the control of plant diseases. It is absolutely essential in Victoria and Australia that we have strong legislation and regulations in place to manage these issues. Be it a quarantine or control area, it needs to be well and truly laid down what the rules and regulations are. We have any number of plant diseases in Australia, and certainly the ones I am most familiar with are those involving the grapevine and citrus areas. This particular amendment adds used packaging, soil and agricultural machinery. When we thought about agricultural machinery we had some concerns, but we understand the reason for its being inserted. It increases the safety that can be built into the system in relation to stopping the transportation of diseases.

It is important that as permits are put in place to enable people to shift agricultural machinery — and I can think of grape harvesters as an example — those permits must be available readily and without too much fuss. We were advised, if my memory serves me correctly, that a person who is in charge of a machine can have his own quarantine program in place to ensure that an efficient mechanism can be used in transporting the machinery.

To illustrate the importance of this issue I refer to a letter sent to the Minister for Agriculture by one of my constituents, Enid Borschmann. Enid is a great lady who has had a great career in education. She has been a strong worker in the community and is well qualified to make the points she puts forward in this short letter. She wrote to the minister saying:

> Living in the Mildura district, which is in a fruit fly exclusion zone, it disturbed me greatly when I was in Wodonga recently to learn that fruit fly is rife in that area.
>
> I am led to believe that fruit fly is also rife in the Deniliquin New South Wales area.
>
> I asked my Wodonga friends what the official bodies — for example, the department of agriculture — were doing to control fruit fly — —

Honourable members interjecting.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! It would be helpful to the Chair if honourable members would reduce the level of background noise.

Hon. B. W. BISHOP — I shall start the sentence again for the clarity of members opposite:

> I asked my Wodonga friends what the official bodies — for example, the department of agriculture — were doing to control fruit fly and I was told 'they don't want to hear about it'. If this is the case, then what is any official body doing to protect our fruit crops from potential disaster?
>
> I am fully aware that the Wodonga and Deniliquin areas are not commercial fruit growing areas, but they are either side geographically of the Goulburn Valley fruit growing area. Wodonga is 25 to 30 kilometres as the crow flies from the apple, cherry and wine growing areas of Beechworth, Stanley and Rutherglen. Deniliquin is approximately 130 kilometres as the crow flies from Swan Hill — another fruit growing area and getting dangerously close to our 'exclusion zone'.
>
> If the powers that be, whoever they may be, wish to preserve, extend and foster our domestic markets and most certainly our export markets, then steps must be taken immediately to eradicate fruit fly in all of Victoria. To do this I believe cooperation with New South Wales and South Australia is vital.
>
> Fruit fly fly.
>
> People carry fruit. People must be educated fully about the seriousness of this problem, a problem which could destroy the economy of the fruit growing areas of Victoria, South Australia and New South Wales if not acted upon forthwith.
>
> I am not a fruit grower nor am I involved with such in any way except for a couple of fruit trees and the growing of vegetables in my own backyard. Gardening is rewarding but not if fruit fly threatens.
>
> I urge you as Minister for Agriculture to act immediately in dealing with this potentially disastrous problem.

That is a good letter.

Hon. T. C. Theophanous interjected.

Hon. B. W. BISHOP — Yes, I will. I thank the minister for his interjection and the offer, and I will read the rest of it.

I took some interest in this and spoke with Sunraysia Citrus Growers. That organisation came back to me with some information. The letter says:

> The effective control of fruit fly is a top priority at SCG, and I have prepared some brief background notes for your information leading to a question you could ask the minister.

It goes on to say:

> Victoria is the largest producer of horticulture in Australia and therefore has the most to lose from fruit fly problems.
>
> Victoria ... needs to increase ... funding to ensure continued management of the pest threat.
>
> Government needs to recognise the value of the fruit fly exclusion zone to Victoria's horticulture by showing leadership to New South Wales and South Australia to continue to support the tri-state approach to fruit fly management.
>
> Government needs to recognise that a permanent road block within the FFEZ may be required to satisfy market access protocols (as per the South Australian ... model)

There is an urgent need to progress the development of an MOU for the tri-state fruit fly committee.

As background, the previous MOU expired in 2000.

Two reviews were undertaken, namely:

1. a technical review into the science of prevention and control of the pest; and

2. a cost-benefit review which has had a controversial outcome.

The cost-benefit review has brought into focus the financial split between government and industry for ongoing management of the pest.

The sticking point is identifying the beneficiaries and ensuring all beneficiaries make a contribution.

Until all the parties have an MOU to define their responsibilities, it is very difficult for tri-state to manage — —

Hon. T. C. Theophanous — On a point of order, Acting President, I do not normally take such a point of order, but there is a requirement in this house that members give their own speeches. I have listened to the honourable member. He has, for the purposes of his argument, not only quoted from some letters but he has gone through and literally read two fairly extensive and long letters, and he continues to simply read letters that he has received. That is not the basis of a speech. I ask you to direct him to give a speech. It is fine if he wants to quote from letters but not to make a speech simply by reading in letters.

Hon. Philip Davis — On the point of order, Acting President, as a former Deputy President of this chamber, I am sure that Mr Bishop needs no assistance in defending himself in regard to what is a spurious point of order. Mr Bishop has been speaking for a very limited period and, indeed, we are now reducing the time available for this important contribution. Mr Bishop is more than capable of identifying matters which are important to the substance of his argument. Any member is entitled to come in here and use authenticated sources to embellish and assist their argument. The house should accommodate Mr Bishop in constructing a comprehensive lead speech, which he is now doing.

Hon. B. W. BISHOP — Further on the point of order, Acting President, I have had interjections before from the Honourable Theo Theophanous. I remind him that I am the lead speaker for The Nationals, and lead speakers are able to utilise whatever material and whatever production of evidence they wish to in this house. It has been the culture of this house that that should apply. I suggest that the Honourable Theo Theophanous would add to the efficiency of this house if he sat and listened and tried to understand some of the complicated issues that we have in agriculture in Victoria. I believe I am quite entitled to read into my contribution a couple of important letters which in fact align very definitely with this bill.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! This is a very technical bill and contains the opportunities for clarification of a number of very complex issues. The honourable member who has the call is a member with considerable years of experience in the chamber and is mindful, I am sure, of the need to be presenting to honourable members his own thoughts and comments. On the other hand, it is helpful and useful for the members of the house to have the benefit of technical and supporting information from the industry which will help them understand the purposes of the bill and the execution of the different clauses contained in it. My ruling on this matter is that there is no point of order. I suggest that even though the honourable member has considerable latitude he may wish to limit some of the rather lengthy quotations.

Hon. B. W. BISHOP — Thank you for your advice, Acting President. I conclude the letter from the Sunraysia Citrus Growers with a request that the minister expedite the signing of a memorandum of understanding to enable the tri-state fruit fly committee to manage the fruit fly exclusion zone, which is an important part of this particular bill and the amendments we are looking at today.

The next part of the bill relates to the amendments to the Stock (Seller Liability and Declarations) Act 1993 to allow sellers of stock to make ongoing or one-off declarations about disease status. It allows the person to request the registration of an ongoing declaration and gives the secretary power to refuse or suspend registration or cancel a suspension in certain circumstances. This matter depends largely on cooperation between the buyer and the seller and the stock agents. In some instances, of course, buyers' requirements will be different. Some, as Mr Vogels would know, would require stock to breed from although they might need stock to fatten for the market in the future. The bottom line is that the buyer must have the capacity to know the status of the stock he or she may be looking to purchase; otherwise it is buyer beware. We consider this addition could assist us to move towards a much more transparent selling system in Victoria.

The next part of the omnibus bill repeals the Australian Food Industry Science Centre Act. It abolishes the board, the chief executive officer position and any

advisory committee and allows the Department of Primary Industries to manage the new joint venture agreement currently under negotiation with the CSIRO. In 1997 representatives of the food industry got together with the government and formed the Australian Food Industry Science Centre. That, of course, was driven to a fair degree by Food Victoria, which was a great initiative that was put in place early in the time of the former coalition government. Food Victoria in fact acted across all departments. Jeff Kennett, the Premier of the day, showed a real interest in this particular area, and he worked with Barry Steggall, a former member for Swan Hill, whom many would remember. I must say that Barry Steggall was a real achiever in this area. He showed a real interest and he really enjoyed it, including the round table discussions with leaders of the food industry. Food Victoria created great growth and efficiencies in the industry, but I suspect that now it is sadly but a shadow of its original self.

As I said, in 1997 the government and representatives of the food industry came together and put together the Australian Food Industry Science Centre. They joined the minds and real horsepower in the food industry. They brought together the Australian Food Research Institute at Werribee, the Royal Melbourne Institute of Technology, the Victoria University of Technology and the University of Melbourne. It was a fantastic initiative, which created great focus for research in agriculture and collectively gathered the brains and resources from around those areas. It created research that enabled us to grow food products that were market driven — that is, what the market wanted. The market really wanted a lot of products to be retail ready. It produced some really good stuff, and there is a long list of it. One that I can remember was quite inventive. It was a packaging that absorbed the oxygen in a package and extended the shelf life of the product in that package not only for domestic markets but also for international markets.

We in The Nationals were concerned when the change occurred that the centre would still be a true blue joint business venture between the Department of Primary Industries and the CSIRO. Since the briefing I have had sent to me a flow chart which satisfies us that our concerns will be alleviated and that it will be a joint venture into the future. We are pleased to see that but will watch that very closely, and we urge those involved to keep up the momentum of the good work already done.

As I said, this is a real omnibus bill. We have some concerns with the bill, but we do not oppose it. We will watch with a lot of interest a number of the issues that we have discussed this afternoon as the bill moves forward into the future.

Mr SMITH (Chelsea) — I am pleased to rise and speak on the Primary Industries Legislation (Miscellaneous Amendments) Bill. This important bill makes amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992. It also amends a number of other acts, including the Fisheries Act 1995, the Dairy Act 2000, the Plant Health and Plant Products Act 1995 and the Stock (Seller Liability and Declarations) Act 1993, and it repeals the Australian Food Industry Science Centre Act 1995.

An important aspect of this bill is that it increases the responsibility and authority of authorised officers who are currently restricted in what they can and cannot sample in the areas this bill talks about. The important reason for expanding their areas of responsibility is that it goes to protecting the state's interests in the production of food and stock. Given the importance of both food production and stock to our overall economy, it is vital that we get the proper protection in place.

All of this goes to the possibility of protection from the possibility of imported exotic diseases and the like. Over the last couple of years we have had a couple of issues, including disputes about the importation of New Zealand apples. That has created a great deal of concern, particularly for growers in the southern part of the continent. We have the prospect of bananas being imported from the Philippines in the near future, and that has caused great consternation. Our colleagues in Tasmania have some real concerns about the importation of salmon and the potential that has to impact upon their product, the Atlantic salmon, which is a highly regarded and high-quality fish. They are very concerned about the possible importation of disease.

In the last Parliament I served on the Environment and Natural Resources Committee. One of the references we had was to investigate the impact of OJD — ovine Johne's disease. When we witnessed firsthand the results of disease-infected flock and the impact it had in human and financial terms, it drove home to me the need to ensure, and the importance of ensuring, that we get this right in terms of protecting our farmers, graziers et cetera. The appearance of ovine Johne's disease was the direct result of the importation of New Zealand stud rams that unbeknown to people at the time were infected. They passed on the disease, which is highly infectious or contagious.

The previous speaker mentioned the interesting debate we had last week on the issue of trials of genetically

modified canola. Very strong views were put by both sides of the house — indeed, from all three parties in the house — as to the need or otherwise for that legislation. The previous speaker referred to the very good reputation that Australian farmers enjoy in world markets. We are reputed — and deservedly so — to produce very high-quality, clean, efficiently produced and competitive products. It is vital that we protect our interests in this regard. This is good legislation and I commend the bill to the house.

Hon. J. A. VOGELS (Western) — The Primary Industries Legislation (Miscellaneous Amendments) Bill, as many speakers have mentioned before me, is an omnibus bill that covers amendments to a large number of existing pieces of legislation. I will limit my discussion to clause 5, which amends the Dairy Act and requires the minister to table the report of the Geoffrey Gardiner Dairy Foundation in Parliament; clause 7, which relates to fishery access licences and changes to that industry; and clause 12, which gives much wider powers to the Minister for Agriculture to act decisively when an outbreak of an exotic disease occurs.

The Geoffrey Gardiner Dairy Foundation was set up in 2001 following deregulation of the liquid milk component of the dairy industry. It had assets — and still has them, I assume — of approximately $60 million following the wind-up of the VDIA — the Victorian Dairy Industry Authority — and the sale of its brands, such as Big M and probably others. When it was all wound up, there was approximately $60 million left which was put into the Geoffrey Gardiner trust fund. The dairy industry is really struggling at the moment due to the drought but probably even more so because of the value of the Australian dollar, which has gone up from about 60-something US cents 12 months ago to, I think, around 70 cents now after hitting over 80 cents. Because the Victorian dairy industry is an export industry, this has had a huge impact upon the prices the farmers receive for their product.

When deregulation occurred it only deregulated, as I said before, the liquid milk component of the industry, which was only about 6 per cent of farmers' production on average. The federal government set up a fund, charging consumers about 11 cents a litre to go into that fund which will eventually raise about $1.2 billion. That was then handed back to farmers to help them cope with deregulation. In Victoria about $700 million went to the Victorian dairy industry. It was a payout over eight years. Our farmers had the opportunity to cash in the whole lot in one hit, rather than getting it in eight sums. Most farmers chose to collect their package in one hit.

I think that is one of the major problems with the dairy industry in Victoria today. The average farmer receives about $600 per cow; an average Victorian dairy farmer milks about 150 or 160 cows, so it was about $100 000 a farm. This was to be paid, in theory, over about eight years, which would have been about $12 000 a year. That was to compensate farmers for exactly what is happening now. If there was drought or price fluctuations this $12 000 a year — I am talking averages — would help farmers ride through the rough patch. However, as we all know, most farmers took the package and the money is gone. Be that as it may, last year and this year the dairy industry in Victoria has been at crisis point. Dairy farmers are leaving the industry in droves, and it is sad to see. They are mainly young farmers.

There is $60 million sitting in the Gardiner Foundation trust fund that we are talking about. The foundation was set up as a constitutional commitment to direct $3 million a year towards dairy community support activities. It identified labour, changing demographics and leadership as the things that it would fund or look at. It can also give grants: small grants up to $5000, small projects up to $25 000 and major community development projects up to $250 000 over three to five years. The dairy industry is in crisis and the government needs to have a look at this legislation again. There is not much point leaving $60 million sitting in a fund to help the dairy community in the future. Let us spend the money wisely now. There is not much point in having $60 million sitting there in the future with no or very few dairy farmers there to access it, because, as I said, they are leaving the industry in droves. When I started in the dairy industry there were about 20 000 dairy farmers in Victoria; that figure is down to about 6000 now, and it is fast reducing.

Clause 7 of the bill relates to the fishery access licences, cost of recovery and regulations that will govern quotas, health regulations et cetera. I have received many complaints from fishing families at Apollo Bay, Port Campbell, Warrnambool, Port Fairy and Portland who are all struggling. Since the election of the Bracks government they have been hit with marine parks, quotas and enormous increases in licence fees; it is just one hit after the other. Once again they are on their knees. I would like also to quote from a few letters that I have received from fishing families, or fishers, because they can explain their concerns much better than I can. I am only a recreational fisher, it is not my living. I will start with a letter from the aquaculture industry. Mr Mark Gervis, general manager of Southern Ocean Mariculture Pty Ltd, runs an abalone farm in the western region of rural Victoria. He said:

> I was extremely concerned to receive the regulatory impact statement, which details the potential costs to both fishermen and aquaculturists in securing cost recovery for the department of fisheries ...
>
> We currently pay a licence fee to fisheries to allow the cultivation of farmed animals on our site and this includes a peak body levy and a research levy. We believe that this is where the collection of funds by the government should both begin and end.
>
> The government has consistently publicised the intention of increasing the aquaculture industry within the state and made particular reference to this with the creation of marine parks. It cited aquaculture as the area in which jobs will be created when commercial fishing jobs were lost. This just has not happened. Now it is proposing to put a large impost on industry for what we believe is for cost recovery in the commercial fishing sector.

A yabby farmer called Trevor, an inland fisher from Edenhope, contacted my office regarding licence fees and also health regulations. Trevor is concerned that the application fee is $200 to register with PrimeSafe. Once you have registered, at a cost of $125 per hour, PrimeSafe will send out a health inspector two to four times annually, and the distance travelled by the inspector will accumulate to cost. Members can imagine that would soon add up to $250 an hour. Trevor also mentioned that the licence fee for fisheries, which was $350, is now $450, and in two years time it is predicted to be $1000. He said fees and charges are out of control and forcing him out of the business. There are also nine multi-water licence-holders in Victoria who were paying $350 but are now paying $1200, and in two years time it is predicted to be $4000. Multi-water licensees will be forced to give up their licences, which means that 60 growers in Victoria will also be out of business because they will have no-one to sell to.

The final communication is a letter from a crayfishing family, which we have quite a few of in the Western District. I think this letter went to quite a few members of Parliament. I heard it quoted just before, but I think there are some important parts in it. This lady wrote:

> I write to you in despair hoping you will at least read what I have to say and maybe in some way be able to help by informing the public of our plight. I am the wife and partner with my husband in the crayfishing industry owning our own boat and licence. I don't know whether you are aware but this industry is bleeding badly, in fact you could say it is haemorrhaging, and the Bracks government is not helping at all. In fact they are one of the main reasons for our plight. This industry has survived for decades but since Labor has been in office, we are on a downhill slide with no stopping in sight. I don't know why they have it in for this industry but they seem to be trying their hardest to break us.
>
> In the last four years we have had quota, marine parks, national ocean policy and PrimeSafe forced upon us. All of these eat away at our incomes.
>
> ...
>
> With the fees which were received on Monday, 22 March, we only had to 31 March —

one week —

> to pay them. It said on the fees we didn't have to pay until 31 May but you are not allowed to go fishing until they receive the moneys. Our season started on 1 April. It really is a jackboot government. I hate to think what they will be next year as more costings have to be added onto these fees.
>
> The Labor government doesn't seem to understand. They said the fees were worked out on $40 per kilogram. We have not had $40 per kilogram for years. At the moment we only are getting $23 per kilogram. It has been as low as $17.
>
> ...
>
> Pre quota (before government interference) at the end of a fishing season we had disposable income but now all turnover goes back into production leaving nothing for our closed season. How are fishermen meant to survive?

In conclusion, I would like to finish up by discussing clause 12, which gives the minister wider powers to act decisively when an outbreak of an exotic disease occurs. Nobody could disagree with this provision.

I recently spent some time in Canada and I visited a dairy farm there. About 12 months earlier one cow in Canada was found to have mad cow disease — only one. Due to this one cow being found with the disease, instantly the United States market was cut off to all beef over 30 months of age. This guy took seven cows or cull cows to the market to sell, and whereas a couple of weeks before that they would have averaged $700 or $800, they averaged $10 each. So you can see that it is important that we protect our clean, green image, and trace-back is essential. In the last month or so I have noticed reports of many cows having been duffed from our saleyards in Colac, Warrnambool and some other places. You would think that if you had a national livestock identification scheme these people would not be able to sell those cows because they had been stolen; in theory they should not be able to go anywhere without being able to be traced back.

Of course we know they will, because they will cut the tags out of the ear and deliver them to an abattoir somewhere that will process them. There were suggestions when the national livestock identification scheme was being debated in the other house that maybe we should have the IDs called rumen bolus. The animal swallows the actual tag, which is the ID, and it stays in its stomach for life. To get the tag out you have

to kill the animal, so there is not much point in pinching or flogging them around because they will always be identified as belonging to the property they came from.

The opposition does not oppose the bill, as this omnibus bill contains clauses that need to be passed. However, I am greatly concerned about our fishermen and I am greatly concerned about the future of our dairy industry. Although the bill goes no way towards addressing any of those issues, we do not oppose it.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Hon. PHILIP DAVIS (Gippsland) — If the minister will bear with me, what I am seeking to do at clause 1 — and I had hoped I would have got a response at the conclusion of the second-reading debate, but we have not had any contribution by the government at this stage — which relates to the principal purposes of the bill, is to invite the minister to make an observation in response to my earlier comments about consultation on the bill, which I am sure the minister took on board. I indicated clearly that the opposition was surprised that the obvious peak bodies representing stakeholders in connection with this bill, like the Victorian Farmers Federation, the Stock and Station Agents Association, the Australian Veterinary Association and so on, seemed not to have been consulted in the development of the bill.

I elaborated in some detail on the remarks made by the VFF president, but I am really just wanting to have the minister advise the chamber what process of consultation was undertaken by the government in the development of the bill, because clearly for it to achieve its aims it needs to have the support of the stakeholders.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The honourable member raised this matter with me. I am informed that consultation with the Victorian Farmers Federation and the Stock and Station Agents Association took place through their members on the Livestock Industry Consultative Committee. I am also informed that consultation with the CSIRO occurred on the Australian Food Industry Science Centre amendments. Further, that consultation on all fisheries levies takes place through the regulatory impact statement process for the Fisheries (Fees, Levies and Royalties) Regulations 2004, so there has been consultation through these committees, and the rest of the bill was essentially of a technical nature and it was deemed unnecessary to have further consultation on those technical aspects.

Hon. PHILIP DAVIS (Gippsland) — While simply acknowledging and thanking the minister for his response, it would appear therefore that there may be a misunderstanding which I will note — that is, that because it is an omnibus bill there are aspects of it which could not have been considered by the Livestock Industry Consultative Committee, because they only deal with livestock. I point to the amendments to the Plant Health and Plant Products Act specifically, which is a matter that would not have been considered by the Livestock Industry Consultative Committee. I also suggest that the Dairy Act amendments would not have been considered there and the appropriate body to contact is the dairy group within the Victorian Farmers Federation, the United Dairyfarmers of Victoria. Quite obviously my point is well made, that the process in regard to this bill was less than optimal.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am happy to pass on the comments of the honourable member to the responsible minister in this case.

Clause agreed to; clause 2 agreed to.

Clause 3

Hon. PHILIP DAVIS (Gippsland) — I have some issues here, and again I wonder if consultation occurred with the Australian Veterinary Association, which we did not hear much about from the minister a moment ago. It was interesting that the AVA gave me a comprehensive treatise on its view of the bill, and I want to read in part into *Hansard* in relation to clause 3(1), and I quote from the Australian Veterinary Association's Victorian division:

> Consideration should be given to include an additional point under S54 (1A) regarding 'samples of any product used to treat or prevent animal disease'.
>
> This is required because animal health products either injected, applied or administered to animals can also be important causes of contamination of either the carcass or agriculture produce. We are also starting to see farmers administer products of a non-traditional nature such as alternative medicines that are neither registered nor approved for this purpose which could have important consequences for carcass or produce contamination and sampling of these would be required in any such investigation. Currently there is little legislation governing this area. An example is colloidal silver which is used for mastitis in dairy cattle.

The point I raise there is that the AVA is concerned that the bill does not go quite far enough and the association is seeking a further insertion, an additional point under proposed section 54 (1A), which is to be inserted by clause 3 (2) of the bill. Can the minister advise if in the government's view the AVA perspective is valid — that is, that there is a need to give consideration specifically to the ability to sample products which are used to treat or prevent animal disease?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The honourable member is aware that the bill expands the range of things that may be sampled by an authorised officer, so it expands the powers, if you like, of such officers and in that sense it is in keeping with the AVA's direction. The AVA has asked for some consideration of additional powers. Obviously that is not capable of being addressed in the context of this bill and there is no amendment before the committee in any case.

I am informed that this is something new from the point of view of the department. I think the best way for me to handle this is to pass on that request, made through the honourable member by the Australian Veterinary Association, to the minister for consideration at a later date.

Hon. PHILIP DAVIS (Gippsland) — In the spirit of cooperation and to expedite this process, I wonder if in so doing the minister could respond, and I will provide a copy of the request from the Australian Veterinary Association. It would be useful if the minister could respond, and likewise I wonder if he could respond specifically to an additional point the AVA has raised in the context of this clause. The AVA states:

> An additional purpose for having the powers listed should be to ascertain: 'potential threats to human health or the safety of the human food chain'.

I do this simply as a matter of clarification, because, as I said earlier — and I made the point at clause 1 and during the second-reading debate — it does seem that certain stakeholders did not feel there was an adequate level of consultation on the development of the bill. An important group was omitted — that is, the AVA — which actually has something to say about it. I wonder if we could get a response at a later date. I would be quite happy to take that by way of a response to me in writing in due course.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am happy to pass on to the minister the request of the honourable member, and I am sure the minister will want to respond to the suggestion of the Australian Veterinary Association. I think the proposals in the bill expand the powers significantly and may well cover some of the issues that have been canvassed by the honourable member, but I think this is something the minister will want to take up and respond directly to the honourable member on.

Clause agreed to; clauses 4 and 5 agreed to.

Clause 6

Hon. PHILIP DAVIS (Gippsland) — Again this is a matter of clarification. This clause deals with the scope and application of the Fisheries Act. I am looking for a brief explanation as to why this amendment is necessary. I note that it is an amendment to the amending act of 2003, which we considered in the spring sittings. It would be useful if the minister could clarify for the house why it is that, having amended the Fisheries Act, the principal act, in the spring sittings we are back here at almost the earliest opportunity further amending that amendment and what the scope and import of this proposal are.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — As the honourable member has indicated, this clause amends section 11A of the Fisheries Act by inserting a new subsection to clarify that section 11A(1) does not limit the application of any provision of that act. Section 11A was inserted into the Fisheries Act 1995 by the Fisheries (Further Amendment) Act 2003, as has already been pointed out by the honourable member. This is being done to ensure that the Fisheries Act applies to land on which an aquaculture activity is being conducted.

It is possible to mount a technical argument that a consequence of section 11A is that authorised officers may only exercise their powers upon Victorian waters or on land on which an aquaculture activity is being conducted. To obviate this argument the amendment ensures that the enforcement provisions in part 7 and other relevant areas of the Fisheries Act apply to the whole of Victoria. This measure is a precaution, as a result of the drafting style in section 11A, to avoid an unintended result with a possible limitation of scope. If the amendment were not made it may be possible to interpret the remainder of the legislation to be limited to Victorian waters.

Hon. PHILIP DAVIS (Gippsland) — I would like to leave it there, and I am sure the minister would be delighted if we left it there, but I listened intently to the minister's response, and I think the reality is that I will have to pursue this a little further. I hope the minister has additional clause notes which will assist him in

elaborating for the house so that we actually understand the intent. While I heard what he said, I do not think I heard in such a way that it was clear.

The amendment in the Fisheries (Further Amendment) Act 2003 was contained in clause 24, which inserted section 11A, which states:

> This Act applies to fisheries reserves on land
>
> This Act applies to —
>
> (a) any fisheries reserve declared under section 88(1)(b) or 88(1)(c); and
>
> (b) any land on which an aquaculture activity is being conducted.

That is the end of that clause.

It would seem to me that what the minister just said simply confirms what has already passed through this house, and it is not clear why the government believes a limitation on the application of the act can be implied in respect of other than fisheries officers being able to undertake enforcement anywhere other than on water. Could the minister embellish?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Let me try to help the honourable member. The changes he refers to in the Fisheries (Further Amendment) Act 2003 were to ensure that the Fisheries Act applies to land on which an aquaculture activity is being conducted. However, as I indicated before, that could be interpreted to mean that it only applies to that. There is a technical argument that authorised officers can only exercise their powers on land on which an aquaculture activity is being conducted, whereas the intention of the change to section 11A was that it apply to the whole of Victoria.

The change that is being proposed by clause 6 is, as the honourable member can see, that at the end of section 11A of the Fisheries Act a simple clause be inserted which states that subsection (1) does not limit the application of any provision of this act. In consequence of that I would have thought that this is simply a technical point that the member would support to ensure that the scope of section 11A, as inserted by the Fisheries (Further Amendment) Act 2003, is not limited.

Hon. PHILIP DAVIS (Gippsland) — It is a technical argument, and probably it will be an interesting discussion between lawyers at a future date. The advice I have, which is from the principal legal consultants to the seafood industry in Victoria, who are, as I am sure officers of the department will know, Frenkel Partners of Melbourne, clearly indicates that the proposal in the bill is ambiguous as to its intent and effect. I am seeking to elaborate on the point as far as I am able for the benefit of the people who ultimately have to use the act. As we know, because fisheries are so highly regulated, all players in the fishing industry unfortunately have cause to resort to the legislation on a regular basis.

In fact I heard an expression used in this place recently about bush lawyers. In this case I am sure there are many fishermen who would be in that category, not by inclination, but because of the need, so I am trying to be absolutely clear. It would seem to me that what the minister is saying is that the effect of the amendment under the Fisheries (Further Amendment) Act 2003 — that is, the insertion of section 11A in the principal act, the Fisheries Act 1995 — was to create an ambiguity. I do not think anybody else recognised it, but I am interested to know why it is that the government believes that ambiguity has arisen.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The government had legal advice from the Victorian Government Solicitor on this matter. That advice was that an unintended consequence of the insertion of section 11A, which was intended to expand the scope, was that it may have an effect on other parts of the bill, and consequently this provision is meant to clarify that.

Clause agreed to.

Clause 7

Hon. PHILIP DAVIS (Gippsland) — Again I am sure the minister will have been briefed on this. This is an issue that was raised as a contentious issue concerning the way that rock lobster fishery access licences are issued, which introduced an arrangement where the licence fees will be collected on the basis of the number of rock lobster pots and the quota units held. Again Seafood Industry Victoria is keen to clarify the intent of this proposal.

I should say for the record that in relation to the rock lobster fishing industry representatives with whom I have had consultation, there has been no clear objection to the provision as such, but there is at an industry level a concern about clarifying what the effect will be — for example, it was put to me that it could be inferred that it would appear that the greater the amount of quota units held, the lower the number of pots, the cheaper the levy would be. I am not sure that that is intended. I understand that the government position is that the amendment will reflect what is an agreed industry

management arrangement, and that this has the support of industry. However, there is some caution at a peak body level about what the implications may be for individual fishermen. It is clear it would be helpful to those sea lawyers who will be reading what has occurred with the passage of this legislation if the government could clarify that point.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — This amendment is to provide for a prescribed rate of levy to be fixed in proportion to the number of rock lobster pots specified in the licence and to the number of quotas held. It is meant to achieve both of those things, and it clarifies those issues. It clarifies matters in relation to which a levy may be prescribed for rock lobster licences and permits consistent with industry requirements, and the amendment is to avoid any possible doubt about the ability to prescribe a levy on this basis — that is, on the basis I have just outlined.

Under current regulations a levy is already in place for rock lobster fishery access licences based on the number of rock lobster pots specified in the licence as well as the number of quota units held. During the course of settling the most recent regulations, parliamentary counsel queried the head of power for a levy on both pots and quota units and then subsequently accepted the opinion of the Victorian Government Solicitor that they were within the power conferred by section 151. The amendment to section 151 is intended to put that matter beyond doubt.

Clause agreed to; clause 8 agreed to.

Clause 9

Hon. PHILIP DAVIS (Gippsland) — Clause 9 makes amendments to the provisions concerning who may hold access to fisheries licences. In effect it deals with the issue of unitary registration — in other words, there being only one person, corporation or cooperative on a licence rather than a licence being held jointly. Can the minister clarify the basis on which this determination has been made, and more particularly address the question about dealing with the issue of ownership, if you like, as distinct from licence registration? There are clearly going to be circumstances where licence-holders, or licensees, will be affected where more than one person is the legal owner of the licence.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Again this is a fairly technical issue. The purpose of it is to make clear that only an individual, a single corporation or a cooperative may hold certain licences under the Fisheries Act. That is the purpose of it. The amendments will have the result that the ownership arrangements of existing licences not held by a single individual will need to be revised to convert to either a licence being held by an individual or converting to a corporation or a cooperative. The new provisions will take effect on 31 December; these requirements must be met by 1 April 2005 or the relevant licence to be renewed will be suspended.

Hon. PHILIP DAVIS (Gippsland) — I want to clarify that in any circumstance where a licence is presently registered and held by more than one person the transitional arrangements will be that those persons will have an automatic entitlement to transfer a licence, irrespective of any other particular fishery restrictions on the provisions that apply in some fisheries where there is a two-for-one requirement — for example, where you are transferring a licence in some fisheries there is a requirement to transfer two licences in order to consolidate licences. I want to ensure that those provisions will not apply in any circumstance, so that there will be an entitlement with any individually registered licence, where it is held by more than one person, that the licence-holder can, to meet the requirements under these provisions, have an as-of-right transfer to a different business entity — that is, from two persons to a corporation or some other legal entity that will be able to be automatically registered.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — That is correct. I am informed that there may be a limited application of these circumstances — licence-holders who are in partnerships such as husband and wife arrangements. The matters for family or similar partnerships could be addressed by the creation of a company or using a registered financial interest.

Clause agreed to; clauses 10 to 24 agreed to.

Clause 25

Hon. PHILIP DAVIS (Gippsland) — Clause 25 headed 'Money in Fund vests in Trust Account', deals effectively with the winding up of the corporate structure of the Australian Food Industry Science Centre (AFISC) fund and what presumably can be inferred to be transitional arrangements in relation to the movement to a new joint entity agreement between the CSIRO and the Department of Primary Industries without AFISC as a legal entity in the middle. The opposition is seeking clarification about the government's commitment to ensuring that all of the equity and assets of AFISC, which are subject to the present agreement with CSIRO and Food Science

Australia, will transfer. Apart from the fixed assets there was in excess of $4 million in cash assets at the end of the last financial year which would presumably in the short run be vested in the trust account. However, I am particularly concerned to understand what commitment can be inferred in relation to the passing of those funds across to Food Science Australia when the new joint agreement has been put in place.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am informed that the residual funds in the Australian Food Industry Science Centre fund will be transferred to the Department of Primary Industries trust fund. It is intended that these will be used for the continued operation of the Food Science Australia joint venture and meet any obligations that are conferred on the state as successor in law to the centre. The honourable member was asking about a specific amount, and I think my answer covers that.

Hon. PHILIP DAVIS (Gippsland) — I take it that the minister's response is that the state is committing to ensure that all the assets including the cash assets which are presently held within the legal entity of the Australian Food Industry Science Centre — on the balance sheet of the last annual report there was $4.7 million in cash assets and total net assets of $32.7 million — will be transferred under the provisions in relation to clause 25 and clause 26, which conjointly provides that the state is successor in law to AFSIC. The opposition is concerned that no joint agreement is yet finalised. I think what the minister is saying — and I am trying to get him to say it as quickly as I can — is that it is clearly a commitment of the Victorian government to enter into a new joint agreement with the CSIRO and transfer all the existing activities, liabilities and assets across to that joint entity.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I think the honourable member is correct that clause 26 is linked to it. Under clause 26 there is a transfer of ownership of all assets including buildings, equipment and intellectual property to the state with the intention that it will be managed by the Department of Primary Industries for the continued use of the Food Science Australia joint venture. This clause also confers on the state any liabilities of the centre and replaces the centre with the state in any contracts, leases or other agreements. I will seek advice on the other issues.

The other issue is a little bit more complicated. I am happy to try to take the honourable member through it. As I understand it and as he has indicated, there is a sizeable amount of assets. Those assets will remain with the state. As he has also indicated, there is also an amount of money — $4 million-odd — that will go into a Department of Primary Industries (DPI) trust account. The Food Science Australia joint venture which has been established is not a company and has no legal status. Consequently the assets cannot be transferred to that body; it is simply a joint venture. It is made up of the CSIRO and the Australian Food Industry Science Centre. Consequently the use of the trust funds and the assets will be determined through the mechanism of the continued control of the assets by the state and the DPI trust account.

Hon. PHILIP DAVIS (Gippsland) — This is not going where I wanted it to go, because it is begging a whole lot more questions. I understand that the intention of the legislation we have before us is to wind up the current governance arrangements and to take out what is effectively a duplication in terms of governance and to resort to a structure which is essentially a joint venture agreement between the Department of Primary Industries (DPI) and the CSIRO rather than between the Australian Food Industry Science Centre and the CSIRO. This bill is proposing to remove a layer of governance, and it is clear that in the transitional arrangements the liquidation of AFISC will simply dissolve the joint venture agreement that currently controls the staff and assets, including the cash, and for the time being those assets, including the cash, will presumably fall back into state control and will remain in state control while a new joint venture agreement exists. But what I am interested in is the cash that is presumably part of the cash management of the business venture, Food Science Australia, presently, which will enable it to continue uninterrupted when a new joint venture agreement has finally been settled between CSIRO and DPI. It would mean that the joint venture will have access to those funds which are held in the DPI trust account, is that correct?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The honourable member's interpretation of what has taken place is correct. However, I am not sure that I can give him the comfort that he wishes in relation to the second part of his question. What I can say to him is: the funds will continue to be held in the Department of Primary Industries trust account; there is currently a joint venture agreement in place, but there is a new one being negotiated so there will be a new joint venture agreement; and the new joint venture will be able to call on those funds for the purposes of the operation, but the funds will reside in the DPI trust account or within the government ambit.

Hon. PHILIP DAVIS (Gippsland) — I will go right to the heart of the question. The issue involves clarification on whether we can be assured that the purpose of the funds residing in the trust account is in

effect to preserve them in their entirety so they are available for the new joint venture.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The member's interpretation is essentially correct, but it could be used to meet liabilities that might have been incurred.

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for his cooperation. I have concluded my examination in the committee stage.

Clause agreed to; clauses 26 to 29 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — By leave, I move:

That the bill be now read a third time.

In so doing, I thank honourable members for their contribution during the debate. I also thank the Leader of the Opposition for his contribution during the committee stage, which was conducted in a way that allows explanation of important parts of the bill. With those words, I hope that honourable members support the legislation.

The ACTING PRESIDENT (Ms Hadden) — Order! As there is not an absolute majority of members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! I am of the opinion that the third reading of the bill requires to be passed by an absolute majority. So that I may ascertain that the required majority has been obtained, I ask members who are in favour of the question to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

JUSTICE LEGISLATION (SEXUAL OFFENCES AND BAIL) BILL

Second reading

Debate resumed from 6 May; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — The Justice Legislation (Sexual Offences and Bail) Bill makes various amendments to the Crimes Act with regard to sexual offences and to the Bail Act. It is a sad reflection on society that we need to be moving such amendments to the Crimes Act 1958 in relation to various sexual offences. It is sad that in an advanced and civilised nation like Australia in the 21st century there are still people out there who seek to exploit the sexual activities of women and girls for profit. That is something we should have moved beyond in this day and age. However, that is unfortunately not the case, and the bill seeks to address some of those issues.

We have heard a little in recent times about sexual servitude, and the bill introduces a new offence of sexual servitude. We can all recollect that the Deputy Leader of the Opposition, Mrs Coote, has raised this issue in the chamber on several occasions. She has asked various questions of the ministers opposite seeking that something be done about this. She raised the plight of women who in many cases have been brought to Australia from overseas and almost imprisoned here while being used for sexual services for profit.

That is to be abhorred, and Mrs Coote is to be commended for having raised this on many occasions, and now we have solutions in this bill. To a large extent we should be acknowledging her part in drawing this to the attention of the Parliament and getting the type of response we have.

The definition of sexual servitude set out in the bill is about people who are forced to provide sexual services. In many cases they are people brought to Australia — the Philippines is clearly an area where many of these women come from — under various guises. They are often tricked into coming here as a way of making money to support their families back home, and when they get here they find that they are held in semi-captivity, as it were, or alternatively, they are forced into working long hours for extended periods because they have hanging over their heads a debt they believe they incurred to some operator who brought them into Australia to provide these sorts of services.

It is a trade that quite clearly needs to be stamped on, and this bill goes a long way towards doing that. Many of the people detained for sexual services are exposed to threats and violence, and the environment in which they live and work can be nasty and vicious. Over the years all honourable members have probably seen exposés by various television programs and newspapers of the inhumane conditions in which many of those people are forced to live.

As I said, the bill sets out to try to stamp out that trade. In doing so the bill extends significantly the definition of 'sexual services', from just physical contact to the display of a woman's body for the sexual gratification of others for economic gain or profit by an operator. There are clauses in the bill that define, firstly, 'commercial sexual services', which is a new term that the bill introduces and is about the commercial use and display of a person's body for the sexual arousal or sexual gratification of others, so it goes beyond physical contact. The protection offered under the existing Prostitution Control Act 1994 is in relation to offences restricted to prostitution or services that include the encouragement of some form of physical contact. Quite clearly other forms of exploitation exist. There are obviously many strip clubs and places that provide lap dancing, pornography and blue movies as well as many other forms of sexual exploitation other than those involving simply physical contact or prostitution.

The bill also introduces a new offence of tricking or deceiving somebody into becoming a sex worker. From what we are led to believe, quite clearly for those who come from overseas countries there is a significant level of deception in that they are told that when they come they will be able to make a lot of money and be able to pay off their debts quickly and support their families back home et cetera. In many cases that is not so. The debts that they incur are much greater than they are led to believe and the rate at which they can pay them off is less. There is a significant element of people being deceived into getting into this business. Of course they can also be deceived in other ways — for instance, many young girls fancy being a model and appearing in a magazine or something like that. People can be encouraged to take up some modelling activity and before they know they are modelling for some pornographic magazine or for some other striptease arrangements. The bill creates offences so that action can be taken against people who seek to deceive or mislead people into becoming sex workers.

The bill contains some very good provisions that set out to catch those who directly benefit from the work of others who seek to bring people to Australia or involve people in some form of exploitation. These are, for instance, the proprietors of the clubs that use people in various sex acts or the brothels or even pornographic magazines et cetera. If the proprietors or owners of such establishments knowingly use the services of a sex worker who is in sexual servitude they will be committing an offence and be proceeded against. They will not be able to hide behind the fact that they do not actually impose the sexual servitude on a sex worker. If they are using that sex worker, they will not be able to hide behind the fact of being at that distance to escape the penalties of the law. Those provisions deal specifically with sexual servitude.

The bill also contains some new clauses that aim to strengthen the law against the exploitation of children. Currently the child pornography offences under the Crimes Act define children as being 16 years of age and under. The bill amends the provisions relating to age to raise the threshold to 18 years, which is consistent with the other age thresholds throughout the Crimes Act and the Prostitution Control Act, so they will now all be brought in line.

The Prostitution Control Act already makes it an offence to allow a child under the age of 18 years to be involved in sexual services, which are defined in that act as being physical contact. As I outlined in relation to the sexual servitude clauses, where the expansion of the definition includes sexual activity for commercial gain so that it is not just the physical contact but also a display of a woman's body for sexual gratification or sexual arousal, a new offence in the Crimes Act will cover all performances involving children under the age of 18 years which are for the sexual arousal or sexual gratification of any person, not just as provided under the narrower sexual services definition of the existing Prostitution Control Act. All honourable members can think of many areas where a young woman can be abused in that way — there are all the striptease clubs and so on that exist and there are all sorts of pornographic photography et cetera. Those activities which do not involve physical contact will be outlawed.

I must say in passing that it does raise an interesting issue when one looks at the relative freedom and the relatively laissez-faire way in which many young singers and pop stars cavort on the various video clips, which every so often I catch a view of as a result of my 13-year-old grand-daughter watching them. One can quite clearly see that there is a fine line between doing that to sell a record, or for some sort of sexual gratification and arousal of the audience, or a bit of both to sell their music. Some of these music videos are pretty risqué, not to put too fine a point on it, so it will be interesting to see how those issues are dealt with a result of these changes.

As I mentioned at the outset this bill also amends the Bail Act 1977. Essentially this repeals section 4(2)(c) of the Bail Act, which deals with show-cause offences, regarding people who are in custody for failing to answer bail. If they were to seek bail again then the bar for them attaining bail would be significantly raised — in other words, if somebody has a record of failing to reappear after being bailed and seeks bail again, that provision makes it somewhat more difficult for them to get bail.

It is interesting to look at the part of the minister's second-reading speech that deals with this provision. He basically said that there was an overrepresentation of indigenous people in custody, and more broadly in the criminal justice system, and that the government's pre-election policy statement on Aboriginal affairs noted the disparity in health, education, employment, housing and justice outcomes between indigenous and non-indigenous communities. He then went on to say that the repeal of this section will ensure that the bail system operates in a fairer way for indigenous people, and also for people from newly arrived communities.

One is left to ponder that a little bit, because what he seems to be saying is that for people from communities which have higher rates of crime, and presumably higher rates of skipping bail — newly arrived communities and Aboriginals — we should get rid of stricter conditions on them getting bail a second or third time after they have skipped it in the past and make it easier for them to get bail. If we look at the Aboriginal community, we will see that it does have a significantly higher crime rate, a significantly higher incarceration rate et cetera. For people from newly arrived communities I guess the argument is that they do not understand the system, so if they break the rules we should let them break them again. One wonders a little bit about this, but at the end of the day, as we are advised, it will probably not have a great deal of impact because the effect of the amendments still mean that the courts will be given the discretion to take into account all the relevant factors when deciding whether to grant bail to a person. It is worth putting on the record that these amendments to the Bail Act were a result of recommendations from a Victorian Law Reform Commission report in 2002.

That is a brief outline of the bill. As I said, it amends the Crimes Act, particularly regarding sexual crimes and, most importantly, regarding sexual exploitation and servitude. Although nobody is precisely sure how big a problem that is, whether it is a big problem or a small problem it needs to be stamped out. Hopefully these changes will go a long way to doing just that. With those comments I commend the bill to the house.

Sitting suspended 6.25 p.m. until 8.02 p.m.

Hon. W. R. BAXTER (North Eastern) — This legislation deals with an issue that I have some difficulty coming to grips with; I find it difficult to comprehend how we could still have in our community today such low-lifes that they are prepared to exploit others to the degree that this bill indicates they do. They are mainly men exploiting women, but as we have seen in a couple of recent examples in the city of Melbourne, also men and women in partnership exploiting disadvantaged women. I really have some trouble understanding how that could be happening in our society today, how we could have in our community people who are prepared to engage in that sort of behaviour and who have the sort of personality one must have to exercise that sort of coercion over other human beings and the capacity to make other human beings fear that unless they act virtually as slaves and do what they are told they will be placed in danger of some sort or another.

It really is a fantastic thing to contemplate that that occurs, with all the education we have now and all the opportunities there are for people to get advice from other sources, to go to the police, to go to neighbours, to seek assistance and to realise in their own heart that it is not right and they should not have to be putting up with it. Yet the evidence is before us. I am not sure how often it occurs, but we have seen a couple of pretty graphic examples in recent times — one only last week where a perpetrator got his just deserts and was sent off to prison for a pretty lengthy term. It was only six or seven months ago that we had the example of a brothel in Fitzroy being closed down because the proprietors were importing, for want of a better word, women from Asian countries and virtually keeping them prisoner and forcing them to engage in sexual acts with men, ostensibly to pay off some huge debt that had allegedly been incurred in bringing them to Australia.

I just find that whole set of circumstances and behaviour so difficult to believe, but I have to believe it because the evidence is there to prove that it goes on. I note the bill talks about manifestly excessive debt as being one of the aspects which would go towards meeting the definition of this sexual servitude set out in the bill. I have some difficulty with that as well. What does 'manifestly excessive debt' mean?

Hon. J. M. McQuilten — Financial services.

Hon. W. R. BAXTER — Indeed, but it is almost suggesting that if you have a low debt somehow or other it is okay. I would have thought that we should not be suggesting for one moment that a debt of

whatever magnitude or proportion owed by one to another can be held as some sort of stick with which to belt them or to provide some sort of capacity to hold them in servitude. It does not seem to add up to me. I cannot see how the owing of a debt can in any way be amortised by engaging in the provision of sexual services and that doing so can somehow be okay. I am somewhat intrigued — that is probably a better word than 'fascinated' — by the fact that the bill refers to manifestly excessive debt. I would have thought that it would have ruled out debt per se as being in any way capable of giving some sort of capacity to hold another person in servitude.

I have to say that I wonder why people stay in these circumstances. I wonder why in this day of education for most of us, with the capacity to take opportunities and the family networks which most of us are fortunate enough to have — but obviously some people do not — the coercive pressure of their tormentors is so strong and overwhelming that they do not feel they can walk out of that place and report it to the nearest police station or seek help from someone. But the evidence seems to be that they are so cowed by these people — frankly I would call them mongrels — —

Ms Hadden — Parasites.

Hon. W. R. BAXTER — Yes, 'parasites' is a better word, Ms Hadden. The evidence seems to be that they are so cowed by these parasites that they just feel unable to do it — unable to break out and unable to send a cry for help. I have a lot of difficulty in understanding why that could possibly be so, but it is so. The evidence is all there; we can all see it.

Therefore The Nationals have no hesitation in supporting the legislation, despite the fact it imposes very heavy penalties — 15 years in jail, and 20 years if it is an aggravated offence involving violence — because they are appropriate penalties in the circumstances we are talking about. We should not resile from that. This is a dreadful circumstance to have occurring in our community and we ought to come down heavily, and this bill does come down very heavily indeed.

The bill also goes to the issue of enticing people into compromising positions by what I have called false advertising — that is, encouraging people to come along for a photo shoot for a glamorous job such as modelling and the like, and Mr Strong quite rightly referred to it earlier, and when people get there they are either lured by the offer of some fantastic reward or are coerced, once they have been caught up in this web, to engage in activities and are exploited in a way they never intended and which was never able to be divined from the advertisement that got them interested in the first place. I think they are appropriate penalties to be imposing.

I also support the increase in the age from 16 to 18 years for persons engaged in pornographic filmmaking or photographs or books and so on. Surely if someone wants to be involved or encouraged to be involved in that sort of nefarious activity they ought at least to be an adult. We should not be providing the opportunity for people who are under the statutory age of adulthood to somehow get involved and not have that be unlawful. Again I support that particular provision of the legislation.

Part of the legislation which I am in disagreement with to a degree and somewhat uncomfortable with — and I wonder why it is attached to this bill, because it seems entirely divorced from the thrust of this bill, almost as if it were tacked on at the end incidentally — is clause 10 which goes to the abolition of section 4(2)(c) of the Bail Act. It does not seem to have anything to do with the rest of the legislation, and I wonder why it was inserted. The Bail Act includes, quite rightly, a presumption that people who are arrested and taken into custody will have bail as of right, unless they have been arrested for a serious charge such as murder or, as more recently inserted in the Bail Act, if they have been involved in very serious crimes relating to drugs and prohibited circumstances. Other than that the presumption of the act is that the offender will get bail until their case comes up. I think we would all agree with that and the concept 'innocent until proven guilty'. It can quite often take some time for evidence to be gathered, for the case to be assembled and for it to be heard by a court. People ought to be bailed, unless there is some compelling reason not to offer them bail.

Section 4(2)(c) goes to the issue of where someone is in custody because they have skipped bail previously and did not appear at the set hearing for their case, having been granted bail earlier. It says that bail will be denied unless the person can demonstrate to the court that the reason they did not appear on the date specified in their original bail application was due to causes beyond their control. Fair enough. Again the court can take into account all the circumstances and make a decision. I do not find at all convincing the abolition of this section on the pretext that indigenous and disadvantaged people and some new arrivals are somewhat put upon by this section.

I have read the Victorian Law Reform Commission's report on it — and I have great respect for Professor Neave who heads up the commission. She is a person

who has done some extremely good work over the years. I worked with her during the time of the Cain government when the Prostitution Control Act was under consideration — but I think in this case the commission has taken the comments of the Royal Commission into Aboriginal Deaths in Custody far too literally, and we are in danger of again creating this difference between Aboriginal people and other Australians. We have to have a situation where as far as possible we treat everyone the same. I acknowledge that Aboriginal people suffer disadvantage and they need in certain respects some treatment which is not available to the community as a whole. I have no objection to that; I support that and I have advocated that.

However, I have this feeling in the pit of my stomach that, in relation to bail, if we say to an Aboriginal, 'You did not turn up last time because of something that would not be accepted as a reasonable excuse for another citizen in our community, but because you are Aboriginal we are going to let you off', so to speak, that seems to me to be creating an artificial barrier, a division and a separateness in our community that we do not need. There are some reasons for separateness, but this is not one of them. I think this provision, which I believe the law reform commission has made in good faith, is likely to blow up in our faces. I certainly do not support it, but for the purposes of this bill I am prepared to say that we in The Nationals are not opposing it outright, though we feel a great reluctance about it and we do not believe it will work in the best interests of the community at large or of the Aboriginal population in particular.

Time will tell, Deputy President, but I think a decision has been taken which need not have been taken. The fact that the Royal Commission into Aboriginal Deaths in Custody made some comments about the overrepresentation of the Aboriginal population within our prison system — and no-one argues with those statistics — and that the law reform commission has connected that with the Victorian Bail Act is an inappropriate and unwarranted connection. I think this is a wrong decision and we will see that as time goes by. With that one reservation, The Nationals generally support the legislation.

Ms MIKAKOS (Jika Jika) — I am proud to speak on this bill which seeks to protect some of the most vulnerable people in our community, women in particular who have found their way into sexual slavery; the poor; children; indigenous people; and people with disabilities. The government is not afraid to champion human rights and it is committed to addressing some of the injustices that exist in our community. The bill has a number of different elements, the first of which includes the introduction of new sex slavery offences. The second makes changes to child pornography offences to bring Australia into line with international law. The third repeals a section of the Bail Act that has caused hardship to members of our indigenous communities, people with disabilities, and people from culturally diverse backgrounds.

I turn to the sexual servitude aspect of this bill. I share some of the passion with which the Honourable Bill Baxter has spoken on this issue. Sexual slavery shows how low our society can go. It is quite confronting to think that in a society such as ours, which is quite proud of regarding itself as a progressive and sophisticated culture, the practice of importing women from poor nations goes on to service our community's baser wants for financial gain, without regard for the health and welfare of the women involved and without regard for the law.

A federal parliamentary library research report entitled *Trafficking and the Sex Industry: from Impunity to Protection* has found that global trafficking of women and children into the commercial sex industry has increased over the last decade, although it is close to impossible to obtain any statistics given the illicit nature of the activity. I note that in the second-reading speech the Attorney-General referred to Project Respect, a Victorian-based, non-government organisation with which I am familiar and which has undertaken some research on this issue. Project Respect has documented approximately 300 cases of alleged trafficking for sexual exploitation in Sydney, Melbourne, Canberra, Perth and Darwin alone, so it is quite possible that the numbers may well exceed the numbers identified by Project Respect.

A number of factors were cited in the federal parliamentary library paper as being the causes for this increase, including the commercialisation of the sex industry on the Internet and satellite television and the rise in the number of displaced persons matched by the decreasing opportunities for legal migration. One estimate of the Australian trafficking industry is that organisers of the trade net about $1 million per week, which is quite a shocking figure in itself.

Women brought to Australia to work in the sex industry may not be aware of or may be misled about the nature of the work or employment they will undertake once they arrive here. They may find themselves forced to repay huge debts to those who assisted them to travel to Australia and arranged their work placement. These women may be threatened, abused, have their passports

confiscated and their families at home threatened. Quite literally they are slaves.

I note that the bill seeks to introduce a number of new offences. There are four new offences in the Crimes Act 1958 to deal with this fight against the illegal trade in women. Can I say at the outset that the four new offences that are being established are based on model offences that were developed in 1998 by the model criminal code officers committee of the Standing Committee of Attorneys-General. However, the bill differs from the model law in one important respect — that is, that the coercive use of debts to keep a person in sexual servitude, which was not included in the commonwealth's legislation in this area, has been addressed by this government in this legislation. It is a very important inclusion in the bill, and I will turn to the issue of manifestly excessive debt in a moment.

The four offences apply in the context of commercial sexual services, which is defined in the bill to mean the commercial use or display of a person's body for the sexual arousal or sexual gratification of others. The new offences are broad in nature in that they apply to a range of sexual services, such as prostitution, stripping, lap dancing and modelling for pornographic magazines.

There are thee new sexual services offences. The first offence is using force, threats, unlawful detention, fraud, misrepresentation or a manifestly excessive debt to cause a person to provide or to continue providing commercial sexual services. The second offence is causing or inducing a person to provide commercial services knowing that or being reckless about whether the person would be in a condition of sexual servitude. This offence targets people who recruit sex workers while being aware that another person will use force, threats, unlawful detention et cetera to prevent the worker from ceasing to provide those services. The third offence is that of conducting a business that involves sexual servitude. This offence targets the organisers, managers and financiers of a business that involves sexual servitude. It is significant that the maximum penalty for all these three offences is 15 years imprisonment, which is quite a significant penalty.

The fourth new offence being established relates to deceptive recruiting for sexual services. This offence applies a maximum of five years imprisonment for inducing a person into sex work by deceiving them about the fact that the engagement will involve providing commercial sexual services. In order to prove this offence it is not necessary to prove that sexual servitude actually resulted; it is enough that the person was deceived.

I note that there are aggravated offences with higher maximum penalties of up to 20 years imprisonment when these offences are committed against children under 18 years of age. That of course is commensurate with community expectations that where minors are involved the penalties should be harsher.

I want to note also that the Honourable Bill Baxter referred in his comments to the issue of manifestly excessive debt. As I said earlier, this is an area where this government went further than the commonwealth legislation. Its inclusion is significant. It refers to situations where a person causes another person to provide commercial sexual services by telling them to repay a debt that far exceeds any amount actually owed by that person. The deception could relate to the size or existence of the debt or whether their services are actually discharging the debt. The inclusion of this offence will address a very significant problem in that women are in effect in a type of bonded labour when they arrive here and are asked to repay debts for the cost of organising their transportation to Australia, their visas or other such matters.

Can I just say before moving on to the other aspects of the bill that the sexual servitude reforms that have been included in this legislation specifically address concerns raised in the government's women's safety strategy. That strategy is about reducing violence against women in Victoria and about ensuring that we have a strong criminal justice response to these issues, including the trafficking of women for prostitution. It is part of the government's commitment to providing a safer Victoria for all Victorian women, and indeed for all Victorians.

I now want to turn briefly to the new aspects of the bill that relate to child pornography. I note at the outset that these provisions will ensure Victoria's laws fully comply with our obligations under the International Labour Organisation (ILO) convention on the worst forms of child labour. These forms of labour include the use, procuring or offering of a child for prostitution or for the production of pornography or pornographic programs. Currently child pornography is defined in the Crimes Act as material that depicts or describes a person who is or resembles a child under 16 years of age engaging in sexual activity or depicted in an indecent sexual manner or context. The bill will raise the age threshold in this definition to under 18 years of age. This will meet the requirements of the ILO convention to criminalise the production of pornography involving children under 18 years of age.

The bill will insert new offences into the Crimes Act to prohibit the involvement of children in sexual performances and, as I said, will also satisfy an ILO

convention requirement to prohibit the use, procuring or offering of a child under 18 years of age for pornographic purposes. The inclusion of this provision is quite significant. I note that in a *Sunday Age* article dated 22 February it was reported that the Uniting Church has been strongly supportive of the inclusion of these provisions in Victorian legislation after it became apparent that minors are working in this industry.

The Uniting Church campaigned for this loophole to be closed, particularly as the federal government has delayed the signing of the international treaty banning the worst forms of child labour, so we are addressing international human rights obligations even if the Howard government is not.

I want to turn now to the final part of the bill which relates to the repeal of section 4(2)(c) of the Bail Act 1977. This section applies where a defendant has been released on bail to appear in court on a specified date, fails to appear in court on that date, is arrested for failing to appear and reapplies for bail. In this situation, section 4(2)(c) limits the discretion of the court by requiring the court to refuse bail unless the defendant can satisfy the court that the failure to appear was 'due to causes beyond his or her control'. A court is therefore not permitted to consider other relevant matters in deciding whether to grant bail.

The provision does not offer the court any guidance on what should be done if there are a number of different causes for the failure to appear, some of which are beyond the person's control and others not. Persuading a court that the failure to appear in court was beyond their control can be extremely onerous for indigenous people, people from culturally diverse backgrounds and people with disabilities. This amendment will give the court discretion when deciding whether to grant bail in that particular instance to consider the full range of criteria that may be relevant which could include any previous failures to answer bail.

I note that the Law Reform Commission inquiry into this aspect of the Bail Act was suggested by the Victorian Aboriginal Legal Service, which was concerned about the impact of this legislation upon indigenous defendants. VALS argued that the provision did not allow the courts to take proper account of the numerous cultural and environmental factors that frequently contribute to an indigenous defendant's failure to answer bail. These factors can include comprehension and communication and financial and transport difficulties. The involvement of VALS in securing this reform to the law is indicative of its critical role in advocating for indigenous people in their contact with the justice system. It is important to note that it is this same organisation that is currently under severe threat by the short-sighted and ill-informed federal government proposal to tender out indigenous legal aid services.

I note that the Honourable Bill Baxter raised some concerns in relation to this provision, but I believe this amendment is much warranted. It will not make it easier for people to obtain bail; rather, it will make the justice system fairer and more flexible. It will allow judges and magistrates to consider the full range of relevant matters in making decisions about whether to grant bail. If a person has already failed to appear on bail, that will of course be deemed to be a serious factor to be considered in any further bail applications.

I want to say that this was a recommendation of the Royal Commission into Aboriginal Deaths in Custody. I think that it is an inclusion provision, and I am very pleased, as Parliamentary Secretary for Justice and chair of the Aboriginal Justice Forum, that this amendment has been included in this piece of legislation. I say in conclusion that these reforms arise from this government's commitment to supporting people at risk who are vulnerable in our community, and I commend the bill to the house.

Hon. RICHARD DALLA-RIVA (East Yarra) — I have pleasure in supporting this bill. Although I will talk at length a bit later about the amendments to the Bail Act and the repealing of a certain section, I say at the outset that I will be supporting this bill in its entirety. It is important for parliamentarians to acknowledge the seriousness of the offences being dealt with. It is also important to acknowledge that such conduct has occurred and will continue to occur in our society in relation to a variety of serious matters that unfortunately we do not like to talk about. Most often people prefer to think these things do not occur. However, the realities are that as legislators we need to be aware of these matters so that they can be understood and dealt with.

The bill makes amendments to a number of different acts of Parliament. I shall deal firstly with the amendments to the Crimes Act, into which four new sexual servitude offences are inserted. I certainly agree with and support that wholeheartedly. The second amendment relates to sexual offences involving minors, which I again support wholeheartedly, and the third creates new offences relating to the sexual exploitation of children. Without question I support those amendments.

The bill then goes on to amend the Evidence Act in relation to the giving of evidence in cases for sexual

servitude offences and to amend the Sentencing Act 1991 to classify sexual servitude offences as serious offender offences.

The bill also amends the Bail Act 1977 and makes minor alterations to the County Court Act. I believe those amendments have been put forward by the courts. I do not wish to speak further on that part of clause 1.

It is important for those people who have not read the bill or who may wish to peruse it briefly to understand that the new offences being inserted into the Crimes Act, the Evidence Act and the Sentencing Act include a range of offences relating to what are called 'commercial sexual services'. This is defined as the display of a body 'for the sexual arousal or sexual gratification' of others. I think that is appropriate given the background. A lot of the people who unfortunately fall into this situation become — to put it in lay person's terms — slaves to the illegal sex industry.

It is important to put on the record, certainly from my perspective as a former worker in the law enforcement environment, that it is appropriate to legislate in relation to the adult industry to ensure that we do not have the corrupt and illegal activities that were reported many years ago in that industry. We know it is a multibillion dollar industry in the USA, and we know a multimillion dollar industry operates out of Canberra. It is important to put on the record that those industries involve what I think one of the previous speakers called blue movies. This bill goes beyond the issue of legal, by-consent, non-violent blue movies; this is about preventing the exploitation of those who arrive here on the promise that they will be settled in Australia.

As it states in the bill, a person is guilty if they cause another person, by force, threat, detention, fraud, misrepresentation or a manifestly excessive debt to perform what you would class as commercial sexual services within the definition of the new section 60AB. It is important to acknowledge that this creates serious offences, and they are indeed very serious offences — the penalty is 15 years maximum. It puts it way up there with other very serious crime. Again, I think that is appropriate. New section 60AC talks about aggravated sexual servitude where the same offences are committed and where the person is under the age of 18. That involves a 20-year maximum. I say hear, hear! That is the term of imprisonment that is appropriate to these offenders and these offences.

The provisions relating to child pornography are an important acknowledgment in the bill. Clauses 4 and 5 in part 2 of the bill talk about causing a minor to be in any way concerned in the making or production of child pornography or offering a minor to be in any way concerned in the making or production of child pornography. Clause 5(2) inserts in the act the heading 'Procurement etc. of minor for child pornography'. The important thing here is that the bill addresses what I believe was probably a loophole, in that it provides for offences involving persons under the age of 18. Previously you could take photos of minors over the age of 16 that were not sexual but, on my understanding, were pornographic or intending to be pornographic in that they were designed to arouse sexual excitement or gratification. This amendment brings the legislation into balance with a variety of other acts.

The final part of the bill I will talk about it is the repeal of section 4(2)(c) of the Bail Act. I listened intently to the Honourable Bill Baxter and Ms Mikakos. They each argued effectively the rationale for this amendment to the Bail Act. I understand the rationale. I understand that a person who fails to appear in court can be classed in similar vein to someone who has been charged with serious matters like murder, where they would have to show cause, but I have to question the rationale that has been provided by the Law Reform Commission and some of the arguments that have been put forward here. That the argument that a person who has been charged and fails to appear was poorly represented is justification for the repeal of this section of the act leads me to believe that perhaps it is not the legislation which is wrong but that it is an issue of the capacity of the legal support provided to the offender at the point of time he needs support. It is acknowledged without doubt in my portfolio that indigenous people are imprisoned at a higher level — —

Hon. J. M. McQuilten — Your shadow portfolio.

Hon. RICHARD DALLA-RIVA — Thank you for the interjection. Indigenous people are $12^{1}/_{2}$ times more likely than anyone else to be imprisoned in Victoria. However, that is about imprisonment, it is about incarceration, and what we are talking about here is bail. For those who may be interested, I have looked at the Victorian Law Reform Commission's draft recommendations on failure to appear in court in response to bail. I subsequently looked at the final report of that inquiry and saw that the recommendation did not change. Both versions of the report recommended that the repeal of section 4(2)(c) of the Bail Act 1977 proceed. It is concerning that we are now repealing a section of the Bail Act which required an offender to show cause for a particular matter. As I said, it appeared to be more a failure of the legal process than of the defendant showing cause. If the legal representation is so poor that the defendant does

not have the capacity to show cause when he is duly represented, then you have to ask how bad are these lawyers.

It is good for the Law Reform Commission and those on the other side who are lawyers and want to be judges — Ms Mikakos — but the reality is this diminishes the capacity of Victoria Police and the prosecution. Let me give the house one example. We have the situation — I had it in my experience as a detective — where you arrange witnesses, arrange the prosecution, arrange everyone else and lo and behold the defendant fails to appear on the day. Under these provisions we are meant to say, 'That is too bad. He did not show up. He must have had a reason', because the defendant does not have to show cause any more. He does not need to justify not showing up, he just needs to say, 'I did not show up. I apologise to you, Mr Businessman, to Mr and Mrs Witness, to the police' — who should be out on the street investigating crime, not sitting in court wasting time waiting for a defendant to roll up.

What the government is saying with this amendment is that it is going to throw that out. It is not the poor old defendant who is wrong, it is not the lawyer who represented him at the time, because lawyers are never wrong, as Ms Mikakos knows, there is a problem with the legislation, so we will throw it out and make it the responsibility of the community to deal with this issue. I am pretty aggro about this because, as Mr Baxter indicated, the government included this in a bill that deals with a very serious matter — —

Ms Mikakos — You said that you support all parts of the bill.

Hon. RICHARD DALLA-RIVA — I do support it. You cannot but support the bill, but I question the government making an amendment to the Bail Act which will have a significant effect. I would appreciate Ms Mikakos listening to the arguments instead of having a discussion over there before turning back and deciding to engage.

Hon. C. D. Hirsh — Come on!

Hon. RICHARD DALLA-RIVA — She has not been listening to the debate, and all of a sudden she wants to engage and gets upset.

This is an important bill. I support it in its entirety because of its nature, but I know the government has snuck in a clause to change the Bail Act. The government did that because it knows this is a sensitive issue. Victoria Police will now have to defend this, and the police will bear the brunt of this amendment to the Bail Act; the government will not. It does not care. It has slotted this change into the serious context of these sexual offences, and I think that is a shame.

This is a very serious matter. It is important to put on the record why I went to great lengths to discuss it — those who have been engaged in the process would understand the issues offenders go through. The sexual offences clauses are absolutely and totally supported in their entirety. However, I have problems with the amendments to the Bail Act the government has put before the house. That is a real shame in the context of the bill. Having said that, I support the bill.

Hon. W. A. LOVELL (North Eastern) — It is a pleasure to contribute to the debate on the bill. In doing so I say the opposition supports the bill. This legislation is very important because it will amend the Crimes Act 1958 to create four new sexual servitude offences and strengthen offences relating to the sexual exploitation of children. It will amend the Evidence Act 1958 with regard to the giving of evidence in cases involving sexual servitude. It will also amend the Sentencing Act 1991 to classify sexual servitude offences as serious offender offences. The bill will amend the Bail Act 1977 in relation to the failure to answer bail and the extension of bail to help address the overrepresentation of indigenous Victorians in our corrections system.

Women and children are the main targets of those who trade in sexual exploitation and forced prostitution. As I said, this legislation will create four new offences of sexual servitude. The first new offence prohibits any person from forcing any other person through unlawful detention, threat, force, misrepresentation or excessive debt to provide commercial sexual services. It is important to note that the definition of commercial sexual services includes the display of any person's body for sexual gratification or arousal — this goes further than the existing references to physical contact. It is a timely and important enhancement of the legislation. The second new offence prohibits any person from causing or inducing any other person to provide commercial sexual services. This offence will enable the middleman or others who are supporting those who are forcing any person through unlawful detention, threat, force, misrepresentation or excessive debt to provide commercial sexual services to be prosecuted for their role in the industry.

The third new offence prohibits running or operating a business involving commercial sexual servitude which forces any person through unlawful detention, threat, force, misrepresentation or excessive debt to provide commercial sexual services. The fourth new offence prohibits any person from misrepresenting employment

or engagement in commercial sexual services. This is particularly important because it makes clear that misrepresentation such as offering modelling jobs or even secretarial jobs which in reality involve commercial sexual servitude is an offence.

These four new offences will provide additional protection to women and children, particularly vulnerable women and children, and send a clear signal to those who operate or support this industry that they too are now committing an offence and can be prosecuted for their activities.

The Crimes Act 1958 will be amended by the legislation to raise the threshold of child pornography from 16 to 18 years, and this will certainly assist in the prevention of 16-year-olds and 17-year-olds from being misled and exploited. The same act will be amended to prohibit payment or reward for engaging in sexual performances. Young people can be induced into services by large sums of money or items they want. They may be unaware of what they will be required to do or what will be done in terms of distribution of pornography, photographs, recordings et cetera.

This legislation before us today is very important and timely. The development and expansion of the Internet, the availability of camcorders, digital cameras and other technological equipment has provided those in the pornography and sexual servitude industry the opportunity to obtain relatively cheap production materials and the limitless ability to show, sell and distribute this material. Women and children are the vulnerable and often unsuspecting victims of the sexual servitude and pornography industry, which can leave lifelong scars of humiliation and degradation on them. This legislation will enable those who engage in, operate or support this industry to be prosecuted for their actions.

The changes to the Bail Act 1977 will enable the courts to take into account a broader range of circumstances when considering whether to grant bail. This will assist indigenous Victorians who are overrepresented in our corrections system. I welcome this amendment. The legislation provides important justice reform for women, children, indigenous Victorians and the broader Victorian community.

One concern is that legislation is often passed in this place without the community being aware of it and the changes it makes. It is important that this legislation does not fall into that category. The legislation should be a deterrent to all who are engaged in this industry. They all need to be aware of it because once an offence is committed the damage done to the victim is significant. We need to prevent as well as prosecute these crimes. The opposition supports the bill. As the Liberal Party spokesperson for women's affairs and Aboriginal affairs, I particularly welcome this legislation.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

COMMONWEALTH GAMES ARRANGEMENTS (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 6 May; motion of Hon. J. M. MADDEN (Minister for Commonwealth Games).

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The Melbourne 2006 Commonwealth Games will be the single largest event ever to be staged in Victoria. The event will involve 72 commonwealth nations, 4500 athletes and around 15 000 volunteers. The Commonwealth Games enjoys the full support of the Victorian Liberal Party. Indeed can I say having regard to tonight's federal budget, it also enjoys the full support of the federal Liberal government. Were it not for the Victorian Liberal Party, the state of Victoria would not be hosting the Melbourne 2006 Commonwealth Games. If it were not for the work that was done between 1996 and 1999, Victoria would not be hosting the games in 2006. That serves to reinforce the fact that the Victorian Liberal Party is 100 per cent behind the Commonwealth Games that will be staged in March 2006.

The legislation before the house today, the Commonwealth Games Arrangements (Further Amendment) Bill, is the third tranche of amendments to the enabling legislation, the Commonwealth Games Arrangements Act 2001. At that time the responsible minister, the Honourable Justin Madden, foreshadowed that there would be a number of amendments brought forward with respect to that legislation to put in place the regulatory framework under which the games would be organised.

I note that the Minister for Commonwealth Games is not with us tonight. I am disappointed by that because the handling of this legislation by the minister from the

time it was introduced until now has been very poor. The fact that the minister is not even in the house tonight does not give the opposition much — —

Mr Gavin Jennings interjected.

Hon. G. K. RICH-PHILLIPS — The Deputy Leader of the Government said, 'When the minister arrives in the house', and if indeed the minister does arrive in the house we will be keen to see him. But if the minister does not arrive in the house, the opposition will be keen to take this legislation into committee, because the way this has been handled by the government from the time it was introduced has been diabolical. I hope the Deputy Leader of the Government is ready to take this bill into committee.

The legislation before the house has four key purposes. The first is to insert new section 56K(4) into the principal legislation. Proposed section 56K(4) corrects an anomaly that was identified by the opposition when the previous tranche of amendments was passed in September 2003, which was the governance tranche of amendments to the principal legislation. One of the changes that tranche made in September 2003 is the prohibition on the use of a number of so-called Commonwealth Games references and images. The government in its zeal to protect its sponsors eliminated from common use a reference to the terms 'gold', 'silver' or 'bronze'. The legislation that passed in September last year made it illegal for anyone to use the terms 'gold', 'silver' or 'bronze' in a commercial sense, which meant that someone involved in, say, promoting the Olympics this year who had some sort of commercial promotion in which they used the terms 'gold', 'silver' or 'bronze', would be in breach of the legislation. The opposition is very pleased to see that the government has corrected that anomaly with the bill before the house tonight, which qualifies the use of the terms 'gold', 'silver' or 'bronze' so it is okay to use them provided they do not suggest a sponsorship-like arrangement with respect to the Commonwealth Games. The Liberal Party welcomes that amendment and notes that it corrects an anomaly that the opposition identified in September 2003.

The second provision is the key part of the bill. It creates a framework for the prohibition of broadcasting and recording of Commonwealth Games events without the authorisation of the Commonwealth Games Corporation. The opposition understands the purpose of this: quite clearly it is to protect the interests of Commonwealth Games television rights holders, which is entirely appropriate. They are corporations that have paid a great deal of money for the privilege of being the official Commonwealth Games TV rights holders, and it is appropriate that their commercial interests are protected. The mechanism this legislation introduces is the same as that which was put in place for the Sydney 2000 Olympics by way of the New South Wales Olympics Arrangements Act 2000.

The other key aspect of this legislation is the prohibition on aerial advertising within sight of a Commonwealth Games event for the month of March 2006. The purpose of this provision is to prevent ambush marketing. I am aware that a number of examples have been cited with respect to the grand prix. I understand at this year's grand prix there were a number of examples of ambush marketing by way of flags being towed under helicopters, banners being towed behind aircraft et cetera.

What this legislation does is to prohibit aerial advertising within sight of a Commonwealth Games event for the month of March 2006, which on the face of it sounds reasonable. However, the reality is that the Commonwealth Games baton relay will no doubt travel around most of Victoria, so most of Victoria will be the site of a Commonwealth Games event and the airspace within sight of that Commonwealth Games event is going to be off limits to any aerial advertisers during the month of March.

If, for example, the baton travels through Mildura, Bendigo, Ballarat or Shepparton, none of those towns will be available to anyone operating in the aerial advertising industry for the entire month of March. I can understand that the government is seeking to protect its sponsors, but having spoken to a number of operators in the aerial advertising industry I have been advised that roughly 50 per cent of that industry's work is of a non-commercial nature. It is skywriting and banner towing of personal messages, such as happy birthday messages and marriage proposals — they are all things which will in no way be predatory to Commonwealth Games sponsors, all things which are legitimate business activities and, unfortunately, all things which are going to be outlawed under this legislation despite the fact that they will have no impact on the Commonwealth Games. These are the two provisions which have caused the most concern.

But the reason for greatest concern is that the government has failed to consult. Despite the fact that the first key provision prevents the non-television rights holders — Channel 10, the ABC network, Channel 7 and SBS — from recording or broadcasting any Commonwealth Games events in any form unless they have an exemption from the Commonwealth Games Corporation, the government did not think it was

necessary to tell those four television stations that it proposed to do that.

In discussions with Meredith Sussex, the executive director of the Office of Commonwealth Games Coordination, about this legislation and why the government had failed to consult with the television stations, Ms Sussex said that the government did not think they would mind. The chief Commonwealth Games bureaucrat for the Victorian government did not think that the two commercial and two government networks would mind having access to the Commonwealth Games completely cut off by the legislation.

If the minister had bothered to talk to the media and Channel 7, Channel 2, SBS and Channel 10, the situation that has evolved over the past six weeks, with the media being offside with respect to this legislation, would not have arisen. It is of great concern to the opposition to have the chief Commonwealth Games bureaucrat, Meredith Sussex, saying that she did not think they would mind, but it is even more concerning to have the minister accepting that and not making his own best endeavours to consult with affected parties on the legislation to ensure that their concerns are covered. We have had a great deal of upset particularly among the electronic media because the government simply failed to consult. The minister obviously accepted the assurance of his chief bureaucrat and did not bother to undertake his own investigations and seek his own assurances as to the acceptability of the legislation to the bulk of the media, and he has therefore found himself in an absolute mess with the news directors of all the non-television rights holders up in arms because on the face of it they will be locked out of having access to the Commonwealth Games, even for news reporting.

I am pleased to report that following the introduction of the legislation the opposition leader in the other place, Robert Doyle, and I met with the Melbourne 2006 organising committee, as we do on a regular basis, and the legislation was discussed. Our concerns were put to the chairman, Ron Walker, and the chief executive, John Harnden, and some progress was made. I am pleased to say that as a consequence of that meeting the opposition has obtained from the chairman of the Commonwealth Games Corporation a letter of comfort. The legislation provides a blanket prohibition on the recording and broadcasting of Commonwealth Games events and on aerial advertising in sight of Commonwealth Games events. However, it provides the corporation with the power to issue exemptions from those blanket prohibitions.

Following discussions between the opposition and Melbourne 2006, the opposition now has a letter of comfort from the chairman indicating the exemptions the corporation will be willing to consider. The letter, dated 8 April and addressed to Robert Doyle, Leader of the Opposition, states:

> I refer to our recent meeting at the offices of Melbourne 2006 Commonwealth Games Corporation and to our discussions about the above bill.
>
> During the meeting you and the Honourable Gordon Rich-Phillips, MLC, outlined concerns that media organisations have expressed to you in relation to the proposed legislation. In particular, you advised that they are concerned about proposed restrictions on filming and broadcasting Commonwealth Games events such as the Queen's baton relay and Commonwealth Games cultural events.
>
> Since our meeting, John Harnden and Meredith Sussex have met with representatives of non-rights holder television organisations who outlined their concerns directly.
>
> As you are aware, the proposed legislation gives Melbourne 2006 the power, in certain circumstances, to authorise broadcasting and filming and to make a determination that authorisation is not required.
>
> As discussed in our meeting, Melbourne 2006 is required to protect the organisation of the games as well as commercial arrangements relating to the games. We are still planning our detailed operational arrangements and putting in place commercial arrangements with sponsors and media rights holders. However, we confirm that we intend to use the power to issue authorisations and determinations to minimise restrictions on media access to the Queen's baton relay as it travels through Victoria and to cultural (as opposed to sporting) events occurring outside the venues. Of course, the authorisations and determinations will be required to ensure exclusive rights in relation to other events remain protected where events are combined or adjacent to each other.
>
> In addition to the above, Melbourne 2006 will also develop a news access policy to provide games news packages to the media for use in news bulletins and the like. The terms of the news access policy have yet to be confirmed but will be in line with those applied by other similar event organisers — for example, the Sydney 2000 Olympics.
>
> In relation to aerial advertising, the restrictions are required to ensure that the games are not subject to ambush marketing. As such they are required to be broad. We will have the power to issue authorisations and may well be prepared to authorise personal messages or messages of a non-commercial nature in certain circumstances. However, I am sure that you appreciate the need for us all to ensure that the interests of our official sponsors can be protected from ambush marketing.
>
> As discussed, we would be happy to consult with the opposition parties in the course of developing our policies. In the meantime, we hope that you will be able to agree to support the legislation.

The opposition was pleased to receive that letter from Ron Walker, the chairman of the corporation. I stress

that the letter does not go as far as the opposition would like in providing comfort to parties affected by the legislation, but it clearly demonstrates goodwill on the part of the chairman and Melbourne 2006 towards ensuring that the interests of parties external to the Commonwealth Games that may not be involved in commercial activities with companies in opposition to Commonwealth Games sponsors are protected.

It is clear that Melbourne 2006 is aware of those issues, and the fact that the chairman was willing to provide the letter of comfort demonstrates that there is clearly goodwill on the part of Melbourne 2006 about addressing these issues, which the opposition welcomes.

The fourth main provision of the legislation is to create the offence of obstructing or hindering the conduct of Commonwealth Games events. The advice provided to the opposition by the government is that this provision does not duplicate the provisions of the Major Events (Crowd Management) Act 2003, and on that basis the opposition is happy to support those provisions to protect the running of the games and to ensure that the serial pest problem which was prevalent two years ago at various events can be dealt with should it arise during the course of the Commonwealth Games.

In summary, the opposition supports the legislation in the spirit in which it has supported the Commonwealth Games from the inception of the bid in 1996, but it is concerned about the way the government handled the development of the legislation and the fact that it did not consult with the key stakeholders in the media that will be affected. It is clear that, in picking up the New South Wales Olympics Arrangements Act, the government thought that simply introducing the legislation into the Victorian Parliament would be fine and it would not have to do any work itself. That sloppy approach by the government has had repercussions with the stakeholders.

They could have been avoided had the government bothered to consult with affected parties. The approach of simply introducing legislation on the basis that the government does not think anyone will mind risks eroding goodwill towards the Commonwealth Games, whether media outlets are official rights holders or not. I am sure the government and the minister would agree that the support of all media outlets is vital to the success of the Commonwealth Games. That sort of heavy-handed approach risks undermining the good work that is being done by Melbourne 2006, the chairman, Ron Walker, and the chief executive, John Harnden.

The opposition will support this legislation because a workable solution to these issues has been found by Melbourne 2006 — I have to say not through any great action by the government since the legislation was introduced. Over the last four years we have heard members of the Bracks government say that the government likes to consult — it goes out and consults people. Whenever a project is behind schedule it is because the government is consulting. With this legislation the government failed to consult and it got into a mess. I urge the Minister for Commonwealth Games, if he plans to bring forth other tranches of amendments to the enabling legislation, that in future he does consult so that the goodwill towards the Commonwealth Games is preserved.

Hon. D. K. DRUM (North Western) — I take pleasure in rising to contribute to the debate on the Commonwealth Games Arrangements (Further Amendment) Bill. I state at the outset that members of The Nationals have shown again that they are hugely supportive of the games. We have only a few minor concerns with the bill. We have looked through it quite carefully, and we are keen to make sure that we support the government in every way in its quest to bring on the best Commonwealth Games that has ever been witnessed.

Some generic facts about the games include that there are now only 673 days until the games open in Melbourne, and we are looking forward to some 72 countries competing in Melbourne. This will be the fourth time that Australia will have hosted the games, following the games in Sydney in 1938, in Perth in 1962 and in Brisbane in 1982. Having spent some time in Perth I can attest to the multitude of sporting facilities that were left over from the games that were run in Perth in 1962. Even well into the 1990s and into 2000 the facilities that were put in place in the early 1960s are still serving the city of Perth exceptionally well. We imagine that the infrastructure gains to the city of Melbourne will continue to serve the sporting community of Melbourne well into the next 10, 20, 30, 40, 50 years and longer. It will be not just in Melbourne but also, with the possibility of some of the infrastructure being located outside the metropolitan area, in the regional centres and provincial cities.

In 2006 we are expecting around 4500 competing athletes, which is an enormous number of athletes embracing our city. We are also expecting around 1500 team officials, along with some 1200 technical experts, all converging on the city to be part of the games. We expect that some 5000-odd suppliers will also play significant roles in bringing the games about, along with 3100 media personnel who will be there to

report on the games. Being typically Australian, we expect that Melbourne will have to come up with some 15 000-odd volunteers, which will hopefully help us put on, as I said earlier, the best games that the commonwealth has ever witnessed.

We also understand that we will have serious challenges in raising so many volunteers. They will be needed not just from Melbourne and Victoria at large but also in Bendigo. We have the added responsibility of later this year hosting the Commonwealth Youth Games in Bendigo, and we will need a serious number of volunteers to get behind those games. Some of those youth athletes will return to compete in the 2006 Commonwealth Games, having gone on to qualify for those senior games. We understand there will be real pressure on Bendigo to provide enough quality volunteers to assist with the running of the Commonwealth Youth Games.

One of the great things about the Commonwealth Games — and this is one of the areas that The Nationals are really looking forward to — is that they will give us the opportunity of really showing off our sporting precinct. We have one of the great stadiums of the world in the Melbourne Cricket Ground and with its capacity about to reach over 100 000 people. We will be able to encompass not only the MCG but also Melbourne Park's Rod Laver Arena, which can now hold in the vicinity of 15 000 people just in the main centre. With the velodrome's ability to seat some 5000 or 10 000 people, it is a brilliant precinct in this area. There is also the Olympic Park stadium, where the Collingwood Football Club is now housed. We also have such areas as the MCG and Punt Road playing fields, the arenas at Olympic Park and also all the outside arenas, which will serve the athletes well for training and warm-up.

One of the great assets of the city is that we will be able to show off such a brilliant sporting precinct. It is certainly now showing the benefits of people who were planning 10, 15 and 20 years ago to make sure that we spent the money and developed the sporting precinct that we now take for granted on so many occasions. Every now and again we need to sit back and take a deep breath and realise how fortunate we are that our forefathers and people in our recent history have been forward thinking enough to actually build and make commercially viable some of the great facilities that we have at our disposal.

In a different precinct, at the Melbourne Exhibition Centre we will be able to host sports such as gymnastics and weight-lifting as well as badminton. Some of the facilities there will be able to house 7500, 3000 and 2000 people respectively.

As I said, The Nationals are truly supportive of the Commonwealth Games. As a team we are exceptionally keen to make sure that everything that should be done has been done to the best of our ability to make sure we can in fact produce a truly great Commonwealth Games. We understand there is pressure on Melbourne and Victoria, being the sports capital not only of Australia but — we think — of the world. Not many cities can boast of having a formula one grand prix as well as having an outlying area such as Phillip Island hosting a 500cc motorcycle grand prix. We can also claim to having a grand slam tennis tournament in the same city. Then we have our own flavour with the Australian Football League finals series. These are all in the one city. We are able to host 100 000 people at cricket matches, and we have the Melbourne Boxing Day cricket test. We also have the Australian Masters golf tournament. It really is an amazing city, given what we are able to hold.

In the provincial areas we also have enormous events such as the Stawell Gift, which I think, without being 100 per cent sure, is one of the richest 100-metre races in the world. In my particular region in Bendigo we certainly do have the world's richest 400-metre foot race as well as the Bendigo International Madison bike race. It really is a true reflection of how capable people in the regional areas are of putting on international events. As I said in the house this morning, in late June and early July Mildura will host the World Hot Air Balloon Championship. It will be an amazing effort to run these events and it should enhance the reputation that we have in Victoria and Melbourne as being on the world scene.

We are very grateful that some of the preliminary rounds of Commonwealth Games competitions will be held outside Melbourne — at Ballarat, Geelong, Traralgon in the Latrobe Valley and also at Bendigo, which will host the preliminary rounds of the basketball competition. We are looking forward to playing a key role in helping the basketball teams, culminating in their inclusion in the final few teams to go on and play in the finals series. Bendigo will also host some of the rifle events at the Welsford range. Again Bendigo is setting itself for an influx of international shooters, who will converge on the town during the Commonwealth Games proper. Again we understand how important a role provincial centres will play.

It also raises the question: are we truly utilising all the available scenery associated with country Victoria? I do not know exactly where the cycling road races will be

held, but could there possibly be a better route than the Great Ocean Road? It is one of the truly great scenic drives in the world, and I would like to think that if those courses have not already been set maybe the cycling road race should go down that road.

Hopefully many countries will also use regional centres for training. I would like to think that the government will play a proactive role in encouraging the teams of some of the competing countries to move out into provincial centres to use them as training bases in which to acclimatise in the weeks and months leading up to the 2006 games. I would appreciate it if the Minister for Commonwealth Games would explain in his wrap-up what role the government is playing in encouraging teams from other countries to pursue training venues outside the metropolitan area.

One of the big and real challenges we have with the games — and I think the minister was talking about this in response to a question this afternoon in the house — is to turn them into something other than just an elite event. We need to make sure that we harness the inspiration and ensure that the great spectacle that will be the Commonwealth Games of 2006 transfers directly across and inspires young children to get away from their computers, Xboxes, PlayStations and Game Boys and to get out and appreciate the next wave of Cathy Freemans.

When Cathy Freeman won the 400-metre race at about 8 o'clock on 25 September 2000 there were about 100 000 people at the Sydney ground cheering her on. Millions and millions of others would have been truly inspired by her through watching the race on television. We need to make sure that the next wave of athletes have a similar inspirational effect upon our upcoming young champions. We need to get them away from their TVs. We need to get them outside the house and onto our sporting fields. We need to make sure they are truly inspired to get out and get active.

As I said, one of the most important challenges we have with the Commonwealth Games coming up in 2006 is to ensure it transfers over from being just an event for the elite. It has to be the impetus and the kick-start that so many of our young children need so that they get out, get active, have some passion and become sports minded. We have to stop thinking of sport as just a great physical activity that keeps our kids healthy and keeps the puppy fat off them — being involved in sport is so much more important than that. We have to stop making excuses; we have to stop being apologetic about being totally and utterly in favour of sports — by this I mean all sports. We need to advertise the benefits of sport. We need to be totally in favour of sport being pushed hard within the broader community.

A statistic has been made available to us by VicHealth. It goes along these lines: over the last two years one magistrate had 600 children come before him in a juvenile court. Of the 600 young children that came before the magistrate, how many were involved in team sports? Would it have been 500? Would it have been 400? Would it have been 300? The answer is that there was one. Of the 600 children who appeared before the magistrate, only one of them was involved in team sport. We have to understand that the more we invest in sport and the more we can put our youth into a team environment, the greater our chance of keeping them on the straight and narrow and out of the courts. I refer specifically to team sports, where the children have team-mates they are responsible for, coaches who are able to act as mentors and where parents and older siblings are also able to act as mentors.

The government has to increase spending on team sports. At the moment we have a government whose members stand up in Parliament and say a lot of nice things about how keen it is on sport, but it is not able to back up those statements with what it is spending on team sport and sports in general. The government is actually reducing the number of minor sports facility grants under the community facilities funding program by 40 per cent — and these are the government's figures! We need to make sure that this is turned around, that the reduction in the number of grants is reversed and that we go back to how it was last year.

The government also shows that it is not truly serious about grassroots sport by the way it distributes moneys from the Community Support Fund. I take great exception to this. The Minister for Commonwealth Games should consider himself very lucky to have had a life involving sport, but it must be clearly understood that the government takes $1.3 billion every year out of gaming, and yet it still sees it as necessary to take money out of the Community Support Fund, which is essentially there for funding sporting facilities.

If we go through the history of the Community Support Fund, we see that it was created to rectify the imbalance between clubs that specifically sponsored the various sporting facilities in their areas and hotels. When it was decided to put poker machines into hotels, that money went straight into the pockets of hoteliers. The Community Support Fund was born with the idea of correcting that imbalance. But what has happened over the years? Governments have taken this fund and used it to spend on a whole range of community projects, and they have made it legal to do so by adjusting the

regulations associated with the fund. Governments are doing nothing outside the regulations.

What we have to understand is that by now about 25 per cent of the fund goes to the drug rehabilitation program. That program is a worthy cause, but it is not a worthy cause that should be taking money out of the Community Support Fund. That fund was originally started to create sporting facilities throughout our regions, and the longer we ignore that fact and the longer we keep taking money away from sport the more money we will have to pour into the drug programs. The government has to wake up and start spending more money in sport at the grassroots level or it will have no option other than to spend more and more money on the drug problem and on gambling issues. As I said, 25 per cent of the Community Support Fund now goes on drug rehabilitation.

Hon. J. G. Hilton — On a point of order, President, I can appreciate the honourable member's passion for what he is speaking about, but I question its relevance to the bill, which is specifically about the Commonwealth Games.

The PRESIDENT — Order! The member has been straying from the bill, and I ask him to come back to the bill before the house.

Hon. D. K. DRUM — With the $1.3 billion we are getting for the Commonwealth Games we really have to make sure, as the minister was saying this morning, that the games become a true reflection of what we want to do for grassroots participants and that the Commonwealth Games will become that great impetus we are all looking for in relation to grassroots participation. That will be one of our biggest challenges.

In regard to the broadcasting companies that have paid enough money to take over the rights and claim exclusivity over the filming of the events, we think it is only right that they should be protected from any other forms of filming working their way into the various sporting arenas. I can imagine and understand that the Commonwealth Games has such a wide range of sporting fields that it will be quite difficult, so the laws have to be quite strict, and they are in this case. We support that because we understand that to maximise the returns to the television companies we need to offer them a fair amount of security and exclusivity.

We also need to be able to guarantee our sponsors that they will be protected from any ambush marketing. This was an issue that in some respects plagued the Sydney Olympics. We need to make sure that the people who are going to put in their hard-earned money to support the games here in Melbourne are safeguarded against those who want to take the liberty of putting up a sign in an advantageous position in the view of cameras and so forth.

It is interesting that this is the first piece of legislation I have had to debate in the house which repeals another piece of legislation I have had to debate in my time in this place. Back in September 2003 we put in place a piece of legislation which was going to make illegal and prohibit the use of the terms 'bronze', 'silver' and 'gold' in the lead-up to the games, and now in this legislation we are repealing that and making it not an offence. That is a first for us.

The legislation will enable people to go to the games and take a little bit of footage for a friend, associate, acquaintance or family member who happens to be competing, provided that the footage will not be used for profit or gain. It will no longer be an offence to take such footage. That is a wise and commonsense provision.

People that contravene the broadcasting laws will receive a warning first, and then if they continue to broadcast and take footage of the events their equipment will be seized. That is also a strong rule and a strong law that needs to be put in place.

However, a part of this legislation is unclear and has caused some concern. I have spoken to the department, and I must thank the departmental officers, who were very helpful in giving us a briefing about the various parts of the legislation. Also, when we raised some issues they were very good at coming back to us with responses.

There is one piece of wording in the legislation that we have some issue with, and I would like to place on record that I think there may be some problem with this if in fact the government or M2006 is ever put to the test in the courts with this wording. I refer to proposed section 56KJ(2)(c), which deals with another form of ambush marketing. An airship may hover over a particular sporting event and therefore create a form of ambush marketing. It really needs to be put on the record that the wording in the legislation may not adequately cover the situation. Its relevant provision states:

> (2) For the purposes of this section "advertisement" —

which is banned —

> includes —
>
> ...

(c) matter displayed on an aircraft, other than its normal markings and livery ...

The Nationals initially put this to the people working for M2006 with the thought that the Goodyear blimp, for instance, would in fact be displaying its normal livery and markings. They refuted that and more or less said that a blimp is a blimp when it is built and that at that time it is without any form of marking or advertising on it at all, therefore, the second that 'Goodyear' is put on it, it becomes an advertisement and is therefore not normal. I really think we will have a issue if it ever comes to the courts. I do not think the wording in the legislation is clear enough. I know the M2006 people feel the situation is covered, but we certainly believe it will create an interesting test case if it ever goes that far. Having put that on the record, I am sure the people concerned are prepared to challenge that wording should it ever get to a court of law. As I say, The Nationals would have liked the wording to be slightly different so that there could be no doubt at all about whether or not it would be an accepted piece of advertising.

The final part of the legislation pertains to an offence of obstructing or hindering the conduct of Commonwealth Games events under sections 56ZC and 56ZD. Again, although we are supportive of this, it applies a maximum fine of $6000 or 600 penalty units at $100 a pop. It is interesting, but again there is a little bit of inflexibility that concerns The Nationals. If a Peter Hoare-type idiot runs onto a badminton court and disrupts a point in badminton, that is just an inconvenience; we can fine the intruder and simply replay the point. No great damage or harm is done in that case — we simply fine the intruder and get on with the event.

However, we do need to take into account that there are some events at the Commonwealth Games where it will be more than an inconvenience and it will be impossible to replay a point or get on with the event. I think it will be quite a shame if we have an event at these games such as the end of the walk, the end of the marathon or the end of a road race on bikes where we have an idiot coming out onto the event arena and actually impacting on the finish of the event.

All the athletes who are competing will have put four to six years into training for the event, and they do not want to have it impacted upon by some goose wanting to score some political point, to raise his profile or to highlight a particular issue, yet the same monetary unit or penalty applies to anyone who obstructs an event at the Commonwealth Games. There could have been a bit more flexibility in this legislation to zero in on people who have a significant impact on an event as opposed to those who come on board and make a political point and 5 minutes later the event can carry on as if nothing ever happened. There is a catastrophic difference between these two examples, yet we do not allow for any flexibility in the punishment that is handed out.

With those few issues I have raised, I would like to say again how proud all Victorians are going to be showcasing not only our city but also the state to the rest of the world. We expect that we — —

Hon. Andrea Coote interjected.

Hon. D. K. DRUM — It will be great. It is fantastic to see that the federal government has finally come on board. I think Minister Madden will be very grateful in tomorrow's members statements and question time. He should be very thankful for the $270 million the commonwealth government has put in to help bolster the security of our athletes. I am sure it will please our whingers in the government. We have the only government in Australia that whinges as if it were in opposition whenever it talks about the other state governments — but I am getting off the point. We would like to say that we in The Nationals support this bill and the whole running of the games. We hope everything goes as well as it possibly can.

Hon. C. D. HIRSH (Silvan) — I take great pleasure in rising to speak on these amendments to the original Commonwealth Games Act. The Commonwealth Games are going to be very exciting in March 2006. I will just say briefly that I attended the 1956 Olympic Games in Melbourne.

Hon. D. K. Drum — I thought you were going to say you went to the 1928 Sydney games.

Hon. C. D. HIRSH — I did not go to '28 Sydney. No, I was not quite about then. I found the 1956 Olympics very interesting and very exciting. More recently I took my grand-daughter to the Sydney Olympics, and they were also absolutely fantastic. I know that the pleasure gained from having the Commonwealth Games in Melbourne in 2006 will beat the pleasure of everyone who attended the Olympics four years ago in Sydney. I am looking forward to working with the volunteers because that was a great feature of the 2000 Olympics.

The main purpose of this bill, which is a series of amendments, is to enable M2006 to maximise the returns from the sale of sponsorship and television rights through protection of these rights from ambush marketing and to prevent interference with

Commonwealth Games activities. The bill is going to restrict aerial advertising within sight of the games in the month of March unless authorised by M2006, again to prevent ambush advertising. There will be about 14 days before the start of the games for a clean build-up of promotions for the games to protect the commercial rights of the Melbourne 2006 Commonwealth Games Corporation.

Mr Drum referred to something like the Goodyear blimp. Once any sort of aerial signage is painted on it, it becomes an advertisement and is therefore advertising. Regardless of whether it is visible all the time or only at a certain time, it is still advertising, and it would be prevented because it is not the usual marking of the aircraft. The usual marking of an aircraft is however it came out of the factory. Once a company paints something else on it, that is advertising; that seems clear and logical. For example, a blimp acts as a billboard and carries whatever the advertisement of the day might be.

The legislation is drafted to provide powers to M2006 Commonwealth Games Corporation to support its obligation to protect the games and commercial arrangements relating to them. The bill is based on the legislation that was in place for the Sydney Olympics. It gives M2006 the powers to authorise broadcasting in certain circumstances and to determine when broadcasting authorisation is not required. M2006 advises that that these powers are going to be used reasonably.

Of course, the domestic media rights in relation to the Commonwealth Games are held by the Channel 9 network. Discussions have been held with all major media organisations which are non-rights holders, and their primary concern has been their ability to use games footage in news programs. It has been agreed that further consultation will take place with them in the development of a news access policy by M2006. It is going to be based on the policy that was used very successfully at the Sydney Olympics with the application of the three-by-three-by-three convention which enables the use of footage of not more than 3 minutes in duration in not more than three news programs which are at least 3 hours apart per day. That convention seems to be a very good basis on which to work out access for the non-rights holding media organisations.

M2006 further advises that it is still putting in place the detailed operational arrangements and the commercial arrangements with sponsors and media rights holders. However, it is intended that it use the power in the bill to issue authorisations and determinations to allow media access to almost all of the Queen's baton relay. So be reassured that as it travels through Victoria there will be media access, and there will also be media access to cultural events. It has provided written assurances in the form of letters to channels 10 and 7, and SBS and ABC television making the statements I have outlined.

The bill also creates the offence of hindrance or obstruction of a Commonwealth Games event. As Mr Drum said, it has a very strong penalty. The legislation also makes it an offence to hinder or obstruct a person who is involved in the running of the Commonwealth Games or who is assisting police with crowd management at events and activities. The offence of hindrance or obstruction is important to ensure, as Mr Drum said, that the events are held in a clear and safe environment without interference so that they do not have to be repeated or replayed because of people interfering with the finals. The penalties are quite strong.

Hon. D. K. Drum interjected.

Hon. C. D. HIRSH — I am sure that would prevent the majority of idiots who might want to play some sorts of games from doing so.

I want to commend this bill to the house, because commercial interests have to be protected. The media organisations are now quite satisfied with the measures that are being put in place and will be put in place for the games. Along with other members I am certainly looking forward to the Commonwealth Games being extremely successful. I suggest they will be the best Commonwealth Games that have ever been held. They will probably match or beat the 1956 Olympics in Melbourne.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I take this opportunity of replying to the debate to alleviate some concerns that may have been raised by the opposition and The Nationals on a number of matters.

First of all, there have been discussions with those who do not hold broadcast rights. I want to reply to the matters that were raised by members in this house and in the other place, where I know this was also raised. I want to assure the house that there has been reasonable consultation with the rights holders in relation to broadcasting since the government was made aware of the opposition's concerns.

It is also pleasing to hear that the opposition has been given appropriate briefings on those concerns not only by the Office of Commonwealth Games Coordination

but also by M2006. I am pleased to reinforce that at any stage in the future when and if opposition members feel they need to be briefed on any specific or general matters in relation to the Commonwealth Games I am always happy to provide the opportunity for any technical matters to be further discussed in light of opposition concerns and to have members of the opposition briefed accordingly.

To come back to the concerns of the non-rights holders, they have been considered and assurances that I am sure will provide them with comfort have been given to them. In the chambers remarks have been made about a letter provided by John Harnden in relation to this matter and from Ron Walker and M2006. I understand the letter from M2006 was provided to the ABC, SBS and channels 7 and 10. It confirmed that a news access policy to prevent the use of games footage in news programs is being developed. That has certainly alleviated concerns that have been raised not only here but by a number of media organisations.

Many of those organisations were given a degree of comfort by an assurance that that policy will be based — I reinforce the word 'based' — on the policy that was used at the Sydney Olympics, and there will be an allocation under the three-by-three-by-three convention. That will be the model, but of course there will be discussions around that. That convention has been the model, but broadcast models have changed over recent years and may continue to change in future years.

The convention enables the use of footage of not more than 3 minutes in duration in not more than three programs which are at least 3 hours apart per day. Non-rights holders as well as the rights holder will be consulted in the course of developing the news access policy. There is certainly an appreciation of promoting as much of the games as we possibly can over and above what the rights holders are entitled to. Giving non-rights holders appropriate consideration and opportunity helps promotes the games, this state and of course the ideals of the games.

I understand furthermore that M2006 has advised that it is still putting in place detailed operational arrangements and the commercial arrangements with sponsors and media rights holders. This legislation is very much about giving comfort to many of those respective commercial partners, but I also highlight that it is intended to use the power in the bill to issue authorisations and determinations to allow media access to almost all of the Queen's baton relay as it travels through Victoria and the respective cultural events that might be attached to that.

I note that members raised matters related to concerns about aerial advertising. I certainly appreciate that the bill will provide an extensive regulatory regime to enable M2006 to manage aerial advertising within sight of Commonwealth Games venues and events during the month of March 2006. I appreciate that a number of business organisations, large and small, which may have an interest in relation to these matters have expressed concern. They are either banner or skywriting-type organisations — aerial advertisers.

Also I have recently been approached by balloon operators in the city. They operate in very restricted hours, given the air and climatic conditions they need to operate. I also appreciate that all of their balloons are probably able to operate only on the basis that they have commercial advertising as a key component of their business.

There is work to be done, and I note the opposition's concerns in relation to these organisations, whether they involve planes that carry banners behind them or are skywriters. Their operations are not seeking to ambush the Commonwealth Games or undermine any commercial agreements with Melbourne 2006 or the activities that Melbourne 2006 might have entered into, but this will require Melbourne 2006, with encouragement from government, to enter into arrangements that can allow it to feel a degree of comfort that its operations will not be undermined by what we seek to do in relation to the Commonwealth Games.

Again I wish to thank honourable members for their contributions on this bill and look forward to their further support in the future.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PRIVATE SECURITY BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of Mr Lenders.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

COURTS LEGISLATION (JUDICIAL APPOINTMENTS) BILL

Introduction and first reading

Received from Assembly.

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

COURTS LEGISLATION (FUNDS IN COURT) BILL

Introduction and first reading

Received from Assembly.

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

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Budget: motor registration fees

Hon. DAVID KOCH (Western) — My matter is for the Premier and it relates to pensioner health card holders and veterans now having to pay car registration fees. I was horrified to read recently that nearly one-third of aged Australians live below the poverty line and that the average income of our disabled in the community is less than half what the average wage-earner receives.

These figures were published in the same week that the Bracks government decided to withdraw the longstanding motor vehicle registration concession for pensioners, apparently in response to some pensioners owning luxury cars. However, most pensioners do not own luxury cars; most are struggling to maintain their ageing jalopies in communities without public transport, especially in smaller rural districts. Many pensioners will have their freedom of movement jeopardised, their independence lost and their quality of life severely diminished, especially if they are forced to dispose of their motor cars. I wonder if the Premier is aware how essential the car is for many of our pensioners to enable them to participate in the community. For example, in Southern Grampians shire there are in excess of 3500 pensioners out of a total population of about 25 000. Of these, over 10 per cent actively volunteer in the community helping others less able than themselves by taking them on outings to the supermarket, visiting doctors, friends, the sick and delivering Meals on Wheels. I acknowledge that in our volunteer ranks elderly members of our community, including one lady who is 90 years old, are still delivering Meals on Wheels.

Losing this concession will make it difficult for many pensioners, health card holders and veterans on low incomes to continue their much-needed and appreciated voluntary service to local communities. This hike will hit those in our communities who can least afford it, and the consequences may well mean that others who are no longer able to get about on their own will become even more isolated. If pensioner volunteers living in small communities without public transport are forced to sell their cars, they will also be forced to give up their social and community commitments. This will mean that our communities will be the poorer for this government's absurd tactic to catch the few it claims are misusing the current registration concession.

Will the Premier abandon this proposal that will force pensioners to pay car registration fees which will severely impact upon those who are unable to pay?

Glen Eira: child care

Mr SCHEFFER (Monash) — My question is to the Treasurer. Yesterday's *Herald Sun* carried a story headed 'Child-care fee uproar'. It dealt with parent concerns over the City of Glen Eira's decision to dramatically increase child-care fees. The item said the fee changes affect four Glen Eira council-run centres at Carnegie, Caulfield, Elsternwick and Murrumbeena, and that under the city's draft budget there would be an increase of up to $64 a day from 1 July. Needless to say parents are deeply concerned over the steep fee hike and they are quoting the *Herald Sun* article as saying that there is a hidden agenda to make child care unaffordable for the average family.

I am concerned over remarks attributed to the mayor, Bob Bury, that ratepayers should not be subsidising the centres. Cr Bury is quoted as saying that the council is

adhering to national competition policy principles and ensuring that it did not undercut private providers.

I understand that under the competitive neutrality policy, any government business, including local government-owned and operated child-care centres, can be exempt if it is shown that implementation of competitive neutrality measures to the business in question is not in the public interest. I ask the Treasurer to write to the mayor of Glen Eira, Cr Bury, explaining the options available to the City of Glen Eira in relation to its child-care services and its obligations under the competitive neutrality policy.

The current edition of the *Port Phillip/Caulfield Leader* carries letters from parents also expressing their view that the City of Glen Eira lacks commitment to provide affordable child care to all children who need it. They are furious and frustrated at the fact that councillors and council officers refuse to engage in open and honest debate over what services the council considers it should be delivering. I am disappointed and dismayed that Cr Bury believes ratepayers should not be subsidising child care. Why not? In modern Australia this is precisely what we do. Taken to its illogical conclusion, Cr Bury's user-pays regime would mean that ratepayers should be free to pay only for the services and infrastructure that they themselves use. This leads to chaos. Publicly provided formal child care is a necessity and an essential service. Without it parents could not work or attend to their many private and community responsibilities. The community has voiced its concerns for many years. They believe that child care should be provided and supported by the whole community — for the children and parents in and of our community. The City of Glen Eira has a clear responsibility to respond to specific community needs and public policy objectives and should not hide behind a misreading of national competition policy.

Taxation: government policy

Hon. A. P. OLEXANDER (Silvan) — Tonight I wish to raise a serious matter for the Treasurer. The Bracks Labor government is taxing Victorian families an average of $2200 more each year since it was elected. It is robbing Victorians through higher taxes, fees, fines and charges. Thankfully tonight the federal Liberal government has put back into Victorian wallets what Victorian state Labor has taken away. It is providing tax cuts so that over 80 per cent of taxpayers will have a top tax rate of 30 per cent or less.

The Liberal government will provide a $600 increase in the level of payment per child under the family tax benefit after June this year. As well there will be an immediate payment of $600 to eligible families. This means there will be a total payment of $1200 in the next 12 months. The federal Liberal government is easing the income test to mean more people will be eligible for the family tax benefit which is already paid to 2 million families. The federal Liberal government is providing higher benefits for single-income families and those with a part-time second earner.

The Liberals are providing new maternity payments to be paid to all new mothers rising from a lump sum of $3000 from July this year to $5000 by July 2008. They are providing increased child-care places and boosting superannuation incentives for low and middle-income employees.

It is the Liberals who are providing one-off payments of $3500 a resident to aged care providers before 30 June. They are investing $2.2 billion over five years in the aged care sector. The average care subsidy will rise to $35 000 for each resident by 2008. They will provide $101 million for more trained nurses for aged care patients. The Liberal Party will give one-off payments of $1000 to 80 000 people getting carer payments, plus $600 to 300 000 recipients of the carer allowance. Funding for schools under the Liberal government will skyrocket by over $8 billion to $32 billion over the next four years. And John Howard and the Liberals are keeping their $455 million promise for the Scoresby freeway. Will the Victorian Treasurer remove the tax he has imposed on Victorian families and ease the burden of Labor on ordinary Victorians who deserve better?

Eureka: rebellion anniversary

Hon. J. H. EREN (Geelong) — I wish to raise an issue for the attention of the Minister for Energy Industries, the Honourable Theo Theophanous. December this year will mark the 150th anniversary of the Eureka stockade. I am sure Mr McQuilten and Ms Hadden will be very excited about that as well.

Hon. Andrea Coote — What about me?

Hon. J. H. EREN — And Mrs Coote would be very excited. We all know the famous saying of Peter Lalor in 1854:

> We swear by the Southern Cross to stand truly by each other and fight to defend our rights and liberties.

These words highlight the struggles that shaped our future. Victoria was built on the gold rush of the 1850s. The brave men and women of the Eureka uprising rebelled against unfair treatment.

I welcome the Bracks government's decision to celebrate the 150th anniversary of the events that shaped our great nation and resulted in our access to democratic rights which we still enjoy. The Bracks government has been instrumental in supporting and encouraging the mining industry in Victoria to the extent that the state is now on the cusp of another gold rush. The Eureka Stockade was about goldmining. Victoria's wealth today is still linked to the golden days of the 1850s. I urge the minister in commemorating 150 years since Eureka and in supporting a new golden era to ensure that as part of the celebrations he take necessary steps to arrange a variety of events that are specifically aimed at celebrating the mining industry of 150 years ago and its connection to the mining industry of today.

Cr Roland Abraham

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise a serious matter for the attention of the Attorney-General in the other place. It relates to statements made by Cr Roland Abraham of the City of Casey. At a council meeting on 13 April Cr Abraham declared a pecuniary interest in relation to appeals that were coming before council. The nature of the interest was that he was a member of the Victorian Civil and Administrative Tribunal. Two matters were considered that night in which Cr Abraham declared that pecuniary interest. I am advised by officers of the City of Casey that Cr Abraham signed a statement declaring he was a VCAT member.

Subsequently, my office has received advice from VCAT. An email was sent to my electorate officer:

> As discussed with John Ardlie I have attached a current list of members employed at VCAT.
>
> Cr Roland Abraham is not currently nor was he at any time a member of VCAT.
>
> Should you have any queries please call me.

Sure enough there is a list of VCAT members starting with Justice Stuart Morris, the president, and it goes through the vice-presidents and other members. Cr Abraham is nowhere on the list.

I am deeply concerned that Cr Abraham, a member of the ALP at the City of Casey, is holding himself out to be a member of VCAT when in fact he is not. Since Cr Abraham's election there have been questions raised as to his enrolment — whether he is appropriately enrolled in the City of Casey and therefore entitled to be a City of Casey councillor. I understand there is currently an investigation by the Victorian Electoral Commission into that matter. There have been questions raised about Cr Abraham's employment. I understand he has claimed to be a lecturer in law at Monash University, but Monash University has no record of him. Now Cr Abraham is holding himself out to be a member of VCAT. I seek the urgent attention of the Attorney-General to investigate this very serious matter of Cr Abraham claiming to be a member of VCAT to determine the accuracy of that statement and whether he has breached the law in claiming to be a member of VCAT when he is not.

Planning: Frankston amendment

Mr VINEY (Chelsea) — I wish to raise a matter this evening for the Minister for Planning in another place, the Honourable Mary Delahunty. The matter relates to a planning scheme amendment that has been submitted in Frankston for an extension of the bulky goods zone on the corner of McMahons and Cranbourne–Frankston roads in Frankston. This is a very exciting project extension; it is a $100 million development; it will deliver around 700 permanent retail jobs and about 600 other indirect local jobs, bringing into Frankston a further $35 million per annum in wages. I seek from the minister ways that this planning scheme amendment can be expedited so that this project can proceed. This is one part of a very large package of developments and projects which are delivering over 2000 retail jobs in Frankston and it will be part of the significant economic growth that is happening — —

Hon. B. N. Atkinson interjected.

Mr VINEY — It is good that Mr Atkinson has gone back to his place because his place before he came in here tonight was the public bar; he should watch what he is going on with.

This is a very important project to Frankston. It is a serious opportunity for economic development in Frankston and is part of a broad range of economic development opportunities that have happened in Frankston under this government. The previous lot, including Mr Atkinson, were unable to deliver on this. This is a demonstration of the extraordinary growth, development and opportunity that is happening in Frankston under the leadership of this government. I am seeking the support of the minister to ensure that this project goes ahead. In Frankston at the moment we have about $350 million worth of retail projects under way under the leadership of this government, and I am hoping the minister is able to assist with the expedition of this planning scheme amendment for the benefit of all residents of Frankston.

HM Prison Bendigo: future

Hon. RICHARD DALLA-RIVA (East Yarra) — I wish to make a request to the Minister for Corrections in the other place about the Bendigo jail. What I am seeking is to find exactly where we are at with the existing jail. Apparently the matter has gone cold and I think it would be fair to say that the community of Bendigo and people in the surrounding areas would be at a loss to know where this process is at. It is no use asking the local Labor members of Parliament because I do not believe they know either. I have checked *Hansard* for mention of Bendigo jail and Bendigo Prison and found that it has been mentioned once by each member in the other place. The member for Bendigo East mentioned it on 6 June 2001, and the member for Bendigo West mentioned it on 29 April 1997!

It appears that the local members do not know what is going on with the Bendigo jail, as they have made no reference to it in the house. Although they are happy to announce the very fast rail project about 450 000 times, when it comes to an issue relating to a concern of the local community — the Bendigo jail — the government is not in a position to pass on information to local residents. Given that the jails are significantly overcrowded, and that we understand at some point in the future this ageing jail will be closing, the questions that a local member if they were to raise it in the house would ask — and I do not believe that has been done — would be: when is it to close, what is to become of the inmates, and what is to become of the old jail which is similar to the Ararat jail, which I have had the privilege of visiting?

I suggest it is a sad day for the people of Bendigo, given that they do not even know through their local members what on earth is going on with the jail. My request is: will the minister advise the community of the Bendigo area of the status of the Bendigo jail?

Dandenong Hospital: redevelopment

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Health in another place concerning the redevelopment of Dandenong Hospital. Dandenong Hospital is one of Melbourne's key hospitals offering health services in the south-east region. The hospital is currently undergoing a major redevelopment and expansion program. The opening of the first stage was a significant step in the redevelopment process and highlighted the state government's continuing commitment to improving our health facilities.

I welcome the announcement in the 2004–05 state budget of $15 million towards the stage 2 redevelopment of the Dandenong Hospital. The provision of this money will see the establishment of 72 new and refurbished beds as well as 2 extra operating theatres. This redevelopment will enable the hospital to grow and expand so as to better meet the ongoing needs of the local community. The redevelopment of Dandenong Hospital will help expand its capacity to service the growing population of the south-east.

I ask the Minister for Health in another place to provide information as to the current time frame for each part of the redevelopment and at what stage these works are likely to be completed.

Timber industry: Our Forests, Our Future program

Hon. P. R. HALL (Gippsland) — Tonight I wish to raise a matter for the attention of the Minister for Environment with special interest for the Minister for Employment and Youth Affairs, both in the other place, regarding the workers assistance program under the government's Our Forests, Our Future policy. I say both ministers because Our Forests, Our Future is the overall responsibility of the Minister for Environment, but the workers assistance program is administered by the Department for Victorian Communities, for which Minister Allan has some responsibility.

I am raising this matter on behalf of my constituent Mr Robert Dawson, who lives in Rawson in my electorate. Bob is 58 years old and has worked for Jacobs Creek Contractors for the last 12 years. Jacobs Creek Contractors is a timber harvesting company based in Rawson. I have a letter from Mr John McConachy, who is a director of that company, and I want to alert the house to the essence of this letter. The letter, addressed to whom it may concern, is dated 3 May 2004 and states:

> Due to Our Forests, Our Future policy our company withdrew our total operations from the Noojee forests district on 30 June 2003.
>
> The outcome of this decision meant that some of our employees were subject to a relocation to East Gippsland and unfortunately Mr Robert Dawson became redundant.

The company sought a redundancy package for Mr Dawson under the workers assistance program, but this was refused because the company was not exiting or partially exiting the industry — what it had to do was relocate its operations to Dargo as part of the timber salvage operation following the fires in the summer of 2003. So Bob Dawson has been left high and dry. He

has had no job since 30 June last year. He has had no income and no redundancy package, and all of this is a direct result of the government's Our Forests, Our Future policy.

Everyone is sympathetic to Mr Dawson's case — certainly his employer is. I have spoken to people in the Department for Victorian Communities and I have spoken to the Rural Finance Corporation about this matter, and all of them are sympathetic to his cause and say that at least morally he deserves some assistance under Our Forests, Our Future. The workers assistance program was set up to provide assistance to workers displaced by Our Forests, Our Future, and Mr Dawson has been displaced in every sense of the word and is deserving of assistance.

I ask the Minister for Environment to personally review his case and find the means to give Mr Dawson the assistance he so thoroughly deserves.

Kiwanis House Special Needs Centre: funding

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter for the Minister for Community Services regarding funding for the Kiwanis House Special Needs Centre. The centre was originally established in 1979 as the Goulburn Valley Special Needs Toy Library to assist families who are caring for children with disabilities.

In recent years Kiwanis house has expanded its facility to include a multi-function room, an office, an equipment storage room, an outdoor playground, switch toys and more stimulating toys, and therapy equipment. These additions have enabled Kiwanis house to extend its services to provide a recreational facility for adults with profound disabilities and a safe environment for the Mansfield Autistic Centre to conduct a social skills group for children aged 10 to 16 years.

Kiwanis house provides support to a number of organisations within the Goulburn Valley, including specialist children's services, Shepparton Access, the Mansfield Autistic Centre, the GV support group for children with special needs, the Verney Road special development school, regional child-care centres, regional kindergartens and schools, GV Family Care, child and maternal health facilitators, professional health and early intervention providers, the City of Greater Shepparton Best Start program, the GV Health language and development clinic and other local services including playgroups and community groups.

Based on the 2001–02 end of financial year report, the operating expenses at Kiwanis house totalled $28 800 and the funding received through the Department of Human Services (DHS) was only $7271. The centre was able to generate a further $4105, leaving a significant shortfall that needed to be raised through fundraising efforts. Due to the nature of this organisation many of the volunteers are parents of children with special needs, which significantly reduces their fundraising capacity.

Kiwanis house is extremely concerned that, if additional recurrent funding is not made available to it, it will have to close. It struggles to understand how a similar organisation, which is also within the Hume region and provides services for 0 to 6-year-olds gains recurrent funding of around $55 000 through DHS while Kiwanis house, which provides services across a much broader section of the community, receives only minimal funding.

On 19 February I wrote to both the minister and Dr Tom Keating, the director of DHS in the Hume region, requesting a review of the funding arrangements for the Kiwanis House Special Needs Centre. On 17 March I received a response from Dr Keating saying that he has requested Jill Guerra and Rob Harris from the Department of Human Services, Hume region, to contact Kiwanis house and explore the possibilities for funding solutions. On 5 April I received a similar response from the minister. I call on the minister to take urgent action to ensure that the Kiwanis House Special Needs Centre is allocated adequate funding to enable it to continue to offer the important services it provides to families of children with special needs in Shepparton and the surrounding district.

Fruit fly: exclusion zone

Hon. B. W. BISHOP (North Western) — My adjournment issue directed to the Minister for Agriculture in the other place arose out of a letter from one of my constituents who wrote to the minister. The author of the letter, Enid Borschmann, said:

> Living in the Mildura district which is in a fruit fly exclusion zone, it disturbed me greatly when I was in Wodonga recently to learn that fruit fly is rife in that area.
>
> I am lead to believe that fruit fly is also rife in the Deniliquin, New South Wales, area.
>
> I asked my Wodonga friends what the official bodies — for example, department of agriculture — were doing to control fruit fly and I was told, 'They don't want to hear about it'. If this is the case, then what is any official body doing to protect our fruit crops from potential disaster?
>
> …

> If the powers that be, whoever they may be, wish to preserve, extend and foster our domestic markets and most certainly our export markets, then steps must be taken immediately to eradicate fruit fly in all of Victoria. To do this I believe cooperation with New South Wales and South Australia is vital.

When Enid showed me that letter I contacted Sunraysia Citrus Growers, and the president, Peter Crisp, kindly provided some information for me. He said:

> The effective control of fruit fly is a top priority at SCG … Victoria is the largest producer of horticulture in Australia and therefore has the most to lose from fruit fly problems.
>
> … there needs to be an increase in funding to ensure continued management of the pest threat.
>
> Government needs to recognise the value of the fruit fly exclusion zone to Victoria's horticulture by showing leadership to New South Wales and South Australia to continue to support the tri-state approach to fruit fly management.
>
> Government needs to recognise that a permanent roadblock within the FFEZ may be required to satisfy market access protocols (as per the South Australian ... model).
>
> There is an urgent need to progress the development of an MOU for the tri-state fruit fly committee.
>
> As background the previous MOU expired in 2000.

There were two major points:

> A technical review into the science of prevention and control of the pest; and
>
> A cost-benefit review which has had a controversial outcome.
>
> The cost-benefit review has brought into focus the financial split between government and industry for ongoing management of the pest.
>
> The sticking point is identifying the beneficiaries and ensuring all beneficiaries make a contribution.
>
> Until all parties have an MOU to define their responsibilities, it is very difficult for tri-state to manage the fruit fly exclusion zone effectively.

I request the minister to expedite the signing of a memorandum of understanding to enable the tri-state fruit fly committee to manage the fruit fly exclusion zone.

Responses

Mr LENDERS (Minister for Finance) — Mr Koch had an adjournment matter for the Premier regarding car registration, and I will raise that with the Premier.

Mr Rich-Phillips had one for the Attorney-General regarding City of Casey municipal matters, and I will raise that with the Attorney-General.

Mr Viney had an issue with the Minister for Planning regarding Frankston planning, and I will raise that with the minister.

Mr Dalla-Riva had an issue regarding Bendigo jail for the Minister for Corrections in another place, and I will raise that with the minister.

Mr Somyurek had an issue regarding the Dandenong Hospital, which I will raise with the Minister for Health in the other place.

Mr Hall had an issue regarding Our Forests, Our Future for the Minister for Environment in another place, which I will happily raise with the minister. It is a bit of an ambit claim raising it with two ministers, but I am sure that the Minister for Employment and Youth Affairs will join the Minister for Environment when he receives the information.

Mr Scheffer raised an issue with the Treasurer regarding child-care fees.

Mr Olexander in an extraordinary performance had an issue on federal tax, which I guess is for the state Treasurer, and I will leave it to the Treasurer for his attention.

Mr Eren had an issue on Eureka Stockade matters in Ballarat for the Minister for Energy Industries, and I will raise that with the minister.

Ms Lovell had an issue regarding Kiwanis house, which I will raise with the Minister for Community Services in another place.

Mr Bishop had an issue for the Minister for Agriculture in another place, which I will raise with the minister.

House adjourned 10.33 p.m.