

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**19 April 2005
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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Tuesday, 19 April 2005

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.03 p.m. and read the prayer.

CONDOLENCES

Reverend Dr John Davis McCaughey, AC

Mr LENDERS (Minister for Finance) — I move:

That this house expresses its sincere sorrow at the death, on 25 March 2005, of the Reverend Dr John Davis McCaughey, AC, and places on record its acknowledgment of the valuable services rendered by him to the people of Victoria as Governor of Victoria from 1986 to 1992.

Dr John Davis McCaughey died at his Melbourne home on Friday, 25 March, at the age of 90.

Dr McCaughey made an outstanding contribution to the community and the political life of Victoria. He was a man of great faith, education and vision. He will be remembered as a selfless contributor to public life in this state, and for those who knew him as a true gentleman in every sense of the word. He was a great leader who went about his business in a quiet, unassuming way, but who was not afraid to stand up and speak for those who had no voice.

John Davis McCaughey was born in Belfast in Northern Ireland on 12 July 1914. He was educated at Campbell College in Belfast, Pembroke College in Cambridge, New College in Edinburgh, and Presbyterian College in Belfast. So he was a man of many letters and great knowledge. He studied theology and was ordained as a minister of the Presbyterian Church in Belfast in 1942. He completed his wartime service with the YMCA from 1942 to 1945 and was study secretary of the Student Christian Movement of Great Britain and Ireland from 1946 to 1952. In 1946 he also became the secretary of the British Council of Churches, with special responsibility for issues related to atomic energy.

Having married Jean Henderson in 1940, Dr McCaughey moved his young family to Australia in 1953 to be professor of new testament studies in Theological Hall at Ormond College at the University of Melbourne. He held this position until 1964. In 1959 he was appointed master of Ormond College, a position he held with distinction for the next two decades. During this time Dr McCaughey was responsible for the theological education and development of hundreds of future ministers in Victoria and Tasmania.

He was also a strong advocate of ecumenical cooperation. He was a radical and way ahead of his

time in this area. One example of this was when the Jesuits moved their theological college from Pymble in New South Wales to Melbourne. Dr McCaughey offered the Jesuits accommodation and the use of the library and lecture facilities at Ormond College. Those of us who are aware of the history of the Catholic Church over the last few hundred years would know that there would not be many Catholic theologians who would have done that for the Jesuits. He was a leader and an ecumenist, and made an extraordinary statement during that period of time.

Dr McCaughey held various appointments with the World Council of Churches, and he was deeply committed to education and learning. He served three terms on the council of the University of Melbourne. He was the university's deputy chancellor from 1978 to 1979, and again from 1982 to 1985. He was also involved in the establishment of La Trobe University.

Despite these commitments Dr McCaughey found time over the years to write several leading publications, including *Victoria's Colonial Governors, 1839–1900*, an extremely valuable piece of research that he wrote in his spare time at Government House. He also wrote the *Basis of Union*, a publication that had an enormous impact on religious and community life in Australia. This seminal work eventually led to the unification of the Presbyterian, Methodist and Congregational churches in Australia. And, not surprisingly, Dr McCaughey was chosen as the foundation president of the first assembly of the Uniting Church in Australia in 1977. This remarkable feat was not the last of Dr McCaughey's accomplishments.

In 1986, at the age of 71, Dr McCaughey was nominated by former Premier John Cain as Governor of Victoria. Over the next six years Dr McCaughey approached this eminent role with his usual commitment, passion and sharp intellect. The rigour of his academic approach provided significant insights on the basis for reform in many areas of the public and private sectors. But to many Victorians, Dr McCaughey will also be remembered for being unaffected by the trappings of office. He was a man who replaced the traditional Rolls Royce with a Ford; he dispensed with military aides; and he opened Government House to the public. Throughout his public life Dr McCaughey maintained the highest degree of humility. He turned his attention equally from ethics and morality to good governance, and from the need for an altered tax system to the welfare of the disadvantaged members of the community.

Dr McCaughey's time as Governor was marked by modesty, by compassion, by wisdom, by intellectual

strength and by unity. Those impressive range of adjectives adequately describe this very amazing man. His personal qualities have been remarked upon by virtually all whose views have been published since his death. Dr McCaughey shared this with his greatest partner in life, his wife of some 65 years, Jean, who survives him. In an article published in the *Sun* news pictorial in December 1985 — a few months before he was sworn in as Governor — Dr McCaughey provided the following comments on his new position:

All I can say is that we have been extraordinarily happy in 33 years living in Victoria. We owe a great deal to this state and we would like — if it's possible — to say thank you by doing the best job we can.

On behalf of the Victorian government I offer sincere condolences to the family of Dr McCaughey. We can say with great confidence that his aim was clearly met. We offer our condolences to his wife, Jean, to their children Patrick, James, John, Mary and Brigid, and to their 11 grandchildren and 3 great-grandchildren.

Hon. PHILIP DAVIS (Gippsland) — I join the Leader of the Government in speaking to the condolence motion, and I make the observation that the death of the Reverend Dr Davis McCaughey, a former Governor of Victoria, is a sad event but an opportunity to celebrate an amazing life.

Davis McCaughey served as Governor from 1986 to 1992, but he will also be remembered for his considerable contribution to religious and educational life in Australia. He was born in Belfast in 1914 and was educated at colleges in Belfast, Cambridge and Edinburgh. He was ordained to the Presbyterian ministry in 1941 at the age of 27 and worked with the Student Christian Movement, the YMCA and the British Council of Churches before moving to Australia in 1953 to be professor of New Testament studies for the Theological Hall at Ormond College. This began his involvement in church life in Australia, which led to his later role in bringing together the Presbyterian, Methodist and Congregational churches to form the Uniting Church in Australia, of which he served as president from 1977 to 1979. For 15 years he was a member of the faith and order commission of the World Council of Churches. He was also a member of the National Health and Medical Research Council, which drew up the first ethical guidelines on IVF — in-vitro fertilisation — research.

He often summarised his attitude to life by repeating the message of St Paul:

There is faith, there is hope, there is love; and the greatest of these is love.

He was a theologian who served as vice-chancellor of Melbourne University for six years and master of Ormond College for 20 years — from 1959 to 1979. Dr McCaughey was well respected and was a popular teacher. It was said there was no end to the trouble he would go to for a student at the college. The biggest mark he left on the college was changing the composition of students by encouraging state high school students to apply and by taking Ormond College co-ed in 1973. He once said:

I enjoy diversity, and therefore I welcome the richness that comes into our community by having people in it with very varied backgrounds.

Outside Melbourne University he helped establish La Trobe University and the Australian Council for Education. He also spent 20 years on an advisory committee to the Australian Broadcasting Control Board. It was his church experience of bringing together people from different perspectives that was one of Dr McCaughey's key strengths and a reason for his appointment as Governor. The man who came out of retirement to take the role will best be remembered in this role as the man who dispensed with what was perceived to be elitism in the office by doing simple things, such as replacing the Rolls Royce with a Ford Fairlane, opening Government House to the public, dismissing military aides and choosing to fly business class instead of first class. During his time as Governor he compiled a history of his 23 predecessors.

Dr McCaughey died at home in the company of his family. He is survived by Jean, his wife of 65 years and his stalwart support in all of his endeavours; by his 5 children — sons Patrick, James and John, and daughters Mary and Brigid; and by 11 grandchildren and 3 great-grandchildren.

I think it is fair to say that Dr McCaughey was in all aspects of his life modest and humble. In keeping with his own attitude to life, his family requested that no state funeral be held. Notwithstanding that, 1300 citizens of Victoria attended the family funeral in a great testament to the regard in which he was held in the wider community. His son James said:

I will remember my father as a man who sought after truth. He spent his whole life knowing there was something to be understood, and I reckon by the end he was pretty close to the right answer.

Perhaps he was right. Dr McCaughey's philosophy was:

Dying may be uncomfortable, but not, I think, death itself.

We are here to honour and celebrate a life of service. On behalf of the opposition, I offer our condolences to his family and friends.

Hon. P. R. HALL (Gippsland) — The Nationals join with the government and the opposition in expressing our sincere sorrow at the death on 25 March this year of the Reverend John Davis McCaughey.

Dr McCaughey served as Governor of Victoria from 1986 through to 1992. That period of time coincided with my first term as a member of this house, so I had the privilege of meeting Dr McCaughey on several occasions, but I confess to not getting to know him all that well as a person. However, my recollections are that he was a very quiet man, a very sincere man and a very humble man, yet a very learned man at the same time.

I think many of the comments in the various obituaries reflecting on the life of Dr McCaughey gave that view. I particularly refer the house to the obituary printed in the *Herald Sun* of 31 March, which described Dr McCaughey as:

... a man of unflinching courtesy, who treated everyone with the same interest and respect.

Further, the obituary notice goes on to say that during his time as Governor:

He brought a human and typically understated personal quality to the position. He opened the doors of Government House to the public, for the first time inviting all Victorians to share the tranquillity and grandeur of the Governor's residence.

One of the very fond recollections I have of Dr McCaughey was of the very day that I was sworn in as a member of this chamber. An incident occurred at the reception that was held out in the gardens of the parliamentary precinct shortly after the swearing in of new members. I particularly recall that on that day my mother and father — good country people, perhaps not dressed with the same level of finery as some of the people at that reception — were absolutely delighted that the Governor actually made a point of coming up and introducing himself to them and spending some time talking with them. I think that typified the comment made in that obituary — that he treated everybody, all those he came across, with the same interest and respect. That is something that my mother and father, and I, will always remember of the man.

Dr McCaughey lived a very full life, contributing much in many ways. As has already been said, he was born in 1914 in Belfast in a prominent Ulster Presbyterian family. He was educated at Campbell College in

Belfast and then at Cambridge University. He married Jean in 1940. He was ordained by his church in 1942 and arrived in Melbourne in 1953 to take up a position at Ormond College, an institution which he served for a very long time.

He was also, as has been recounted already, deeply involved with the establishment of La Trobe University. He served twice in the position of Deputy Chancellor of Melbourne University, and he was a key architect in bringing the Presbyterian, Methodist and Congregational churches together to form the Uniting Church in Australia, where he became the inaugural president in 1977. As has been mentioned, he also served as Governor of Victoria between 1986 and 1992. So Dr McCaughey's life has been littered with substantial achievements, and he has influenced many of us in a very positive way.

I looked through the death notices, and I particularly refer the house to the death notice that appeared in the *Melbourne Age* of 29 March this year as perhaps that which best sums up the influence that Dr McCaughey had on so many of us. It states:

The master, council and members of Ormond College pay tribute to the exemplary life, inspiring influence and enduring achievements of Dr Davis McCaughey, fifth master of the college, first president of the assembly of the Uniting Church in Australia, former Deputy Chancellor of the University of Melbourne, and former Governor of Victoria. His wisdom has guided us; his faith has sustained us; his friendship has ennobled us.

I think they are fine words that reflect on the life of Dr Davis McCaughey.

To his wife, Jean, and his five children — James, Patrick, John, Mary, and Brigid — and their families, The Nationals join with the government and opposition in extending our sincere condolences.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I would like to add my support to this condolence motion on the passing of the Reverend Dr Davis McCaughey.

Dr McCaughey is somebody I knew as a result of being elected to this Parliament in 1988 as he was then the Governor of Victoria. By the time I was elected, he had already established himself as a respected Governor and someone who had made a number of important changes to allow more people to gain access to Government House in line with his idea of bringing the Governor closer to the people.

People have mentioned the Rolls Royce and the Ford. He did that not only as a symbolic act but that action

symbolised his whole thinking about how the Governor ought to be a part of and close to the people, and that his role should be understood by the people.

I knew him also as the Governor who swore me in when I became a minister of the Crown in 1991. I remember that occasion well, because I was the only minister sworn in as I was to replace a minister, not as part of a full cabinet being sworn. Quite a lot of attention was paid to me in that process. I well remember he made me come over before the swearing-in and talked to me about the role of being a minister. I also remember various other chats we had.

He tried to get to know ministers that formed a part of his Executive Council. Consequently I got to know him both through the Executive Council and through what I would call a couple of fireside chats that he and I had. I have very fond memories of him.

When you are sworn in as a minister you receive a plaque from the Governor as the Queen's representative, as he then was. That plaque, which I have in my office, starts with 'To our trusted and well-beloved minister'. It goes on to say how trusted and well beloved a minister is from the Queen's point of view and is signed by the Queen's representative, which in my case, as I said, was Davis McCaughey. I keep that plaque in my office to remind me of that day and of him as Governor. I pass on my condolences to his wife, Jean, their five children and to the rest of the extended family.

Mr SCHEFFER (Monash) — I remember Professor McCaughey during my student years at the University of Melbourne as a figure of strength and unwavering moral commitment. His name was synonymous with Ormond College. With the dismissal of the Whitlam government, Davis McCaughey surprised many of us when he spoke out against the threat to our constitution that those dramatic events posed. I will never forget him addressing the packed Melbourne Town Hall during the turbulent lead-up to the 1975 election.

Others have observed that Davis McCaughey was a blend of tradition and dissent. For my generation, Davis McCaughey stood for the radical tradition of dissent in European politics that was infused with an intellectual rigour, a deep moral integrity, a commitment to democratic participation in community life and a love of the creative impulse.

His appointment as Governor of Victoria was inspired and he brought to that office something entirely unexpected — that is, a sense of egalitarianism, a

dignified simplicity, a contemporaneity that we never thought possible. Davis McCaughey and I were members of the University High School council at a time when the school was a battlefield. On one side were those who supported the old guard of a selective school and accelerated programs for gifted children. On the other side were those who supported the idea of it being the local school that educated all comers from the local community.

Throughout his time on the council Davis McCaughey was on the side of practical compromise, moderation and harmony. He saw very clearly the folly of accelerated learning programs. I remember him telling us one afternoon that in his teaching career at the university he had never seen a student who was too old but many who were too young. What, he asked, was the hurry to rush a 15-year-old to university. Throughout his life Davis McCaughey was actively involved in those political issues that most turned on questions of fundamental principle — that is, justice, the rule of law, democracy and the enhancement of human rights.

I am honoured to have been a cosignatory with Davis, Jean and Patrick earlier this year to the open letter to the Australian government's maritime boundary negotiating team on the Timor Sea issue. The letter argued for a just share of Timor Sea oil and gas revenues for our new neighbours so that they will be able to overcome starvation, illiteracy and preventable disease. These were the issues that Davis McCaughey stood for. His was a life greatly lived. I offer my sincere condolences to Davis McCaughey's family.

Ms ROMANES (Melbourne) — I also wish to express my sorrow at the death of the Reverend Dr Davis McCaughey. He was a man who profoundly affected the lives of so many people in so many different ways across this state. Professor Stuart Macintyre has written about Dr McCaughey in the latest edition of Melbourne University's *Uni News*. The article is headed 'A life of remarkable talent, service, and leadership'. He summed up the influence of Dr McCaughey with these words:

For 50 years Davis McCaughey enriched this city, this state and the life of this country. He provided religious leadership that was rigorous in its theological scholarship and generous in ecumenical faith. He was a great educator who turned Ormond College into a rich and living intellectual community.

He was a Governor of the state of Victoria who gave the office a new presence and shared its amenities. He was a husband who took pride in the career of his wife, Jean, and her campaigns for social justice. And he was a man of unfailing courtesy, who treated everyone with the same interest and respect.

As the master of Ormond College during the years 1959 to 1979 Dr McCaughey influenced the lives of many students, including members of the Student Christian Movement. I was one of those SCM students who in the 1960s regularly attended lunchtime lectures delivered by such notable Melbourne theologians as Harry Wardlaw, who preached at Davis McCaughey's memorial service, and Davis McCaughey. Dr Davis McCaughey's lectures were always elucidating and inspirational. His generous ecumenical faith, which helped to drive the union of the Presbyterian, Methodist and Congregational churches in 1977, was the perfect vehicle for those times. His impact on Ormond College was considerable. Again I draw on the comments of Professor Stuart Macintyre, who wrote:

He wanted to create a more various and adult educational community, and secured it by broadening the intake, building the numbers of tutors and visiting academics, and eventually, in 1973, by securing the admission of women. With these changes came an enrichment of college life, which extended to the appreciation of theatre, art and music — the three creative forms practised by his sons James, Patrick and John — just as his daughters Mary and Brigid renewed his own vocation of teaching.

He also sought changes in many other areas, and was instrumental, as other speakers have noted, in the establishment of a joint theological library with the Jesuit Theological College when it moved from Sydney to Melbourne in 1969. From the growing cooperation between the Jesuit Theological College and its counterparts at Ormond, Queen's and Trinity colleges, a united faculty of theology emerged.

Following the period of Davis McCaughey's governorship, he and Jean came to live in North Melbourne, where they became much loved and respected members of the local community and always maintained their interest and involvement in many issues.

Like Dr Davis McCaughey, the McCaughey family continue to contribute and to enrich the life of this city and this state. I offer my sincere condolences to them all for the loss they bear.

The PRESIDENT — Order! I, too, wish to join the condolence motion following the death of the Reverend Dr John Davis McCaughey, AC, former Governor of Victoria from 1986 to 1992.

Davis McCaughey will be greatly remembered for a number of reasons — his deep faith and commitment to the church as a minister, the first president of the new Uniting Church of Australia when formed in 1997, and his role as Governor of Victoria where he opened and

developed the role of Governor for the people of Victoria.

Davis McCaughey emigrated from Northern Ireland to Australia in 1953. Some 33 years later, on the eve of being sworn in as Governor of Victoria, he became an Australian citizen — not that he had to be an Australian citizen to become Governor at that time, but he said he had not done so because of 'sheer indolence'.

Davis McCaughey was educated in his homeland and then later at Cambridge and Edinburgh. He, his wife, Jean, and family moved to Australia where he took on the role of professor of New Testament studies and master of Melbourne University Ormond College for 20 years, then Deputy Chancellor of Melbourne University.

Davis McCaughey held a high regard for the Westminster system. Asked by the press about his role as Governor of Victoria shortly after taking office, he replied, 'You would not do this job unless, in an important sense, you believed in it'.

Davis McCaughey spoke his mind and removed the pomp and ceremony associated with the role of Governor, paving the way for the informality that the role of Governor now offers. His inauguration in February 1986 was held for the first time on the front steps of Parliament House for the public to witness rather than in front of only the select guests usually invited to inaugurations in this chamber.

In an *Age* newspaper editorial upon his retirement in March 1992 it was written:

Dr McCaughey proved an inspired choice. He has been a quiet, tactful healer and an unobtrusively innovative people's Governor, who with his wife, Jean, has restored the dignity and restraint of the office.

While there is a constitutional requirement for a state Governor, Dr McCaughey will be the model his successors should emulate.

Davis McCaughey is survived by his wife, Jean, and his children and grandchildren. I join with all members in honouring his recent passing and will pass on our condolences to them.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

Pope John Paul II

Mr LENDERS (Minister for Finance) — I move:

That this house expresses its sincere sorrow at the death, on 2 April 2005, of His Holiness Pope John Paul II and extends its deep sympathy to all members of the Catholic community on the loss of their spiritual leader.

On Saturday, 2 April the Pope died after a lengthy illness. There was an amazing outpouring in a sense for those who watched what happened on the watch in St Peter's Square and what happened in various parts of the world, whether it be in our own Catholic congregations here in Victoria or whether it be across the world.

Throughout his 84 years the Pope was an influential religious figure who had a profound effect on the lives of millions of people worldwide. He was not only the leader of the world's 1 billion Catholics, he was also a man of peace. Born Karol Wojtyla in Poland on 18 May 1920, Pope John Paul's early life, as was his end, was clouded by suffering. He lost a sister, a brother and both parents before his 21st birthday, and he witnessed the horrors of Nazism following the German occupation of his homeland — an event that led to the extermination of millions of people. It would have been an horrific time to have been brought up and to witness what happened to the Jewish community. This laid the foundation for his lifelong compassion and support for oppressed people around the world.

Karol Wojtyla entered the seminary during the German occupation. He was ordained a priest in 1946, became a bishop in 1958 and was made a cardinal in 1967. On 16 October 1978, at the relatively young age of 58, Karol Wojtyla made history by becoming the first ever Slavic Pope, the first non-Italian Pope in 455 years and the youngest Pope of the 20th century.

Throughout his papacy Pope John Paul II campaigned tirelessly for harmony between faiths and for world peace. He reached out to other religions: he was probably the first Pope since St Peter to enter a synagogue; and he was certainly the first Pope on record to enter a mosque. He forged an historic reconciliation between Jews and the Catholic Church. Far from being a solely religious figure, the Pope's influence extended into the area of international politics. In preparing for this motion I was reading a book by Jef de Roeck called *The Man from Poland*. It talks about how at the time of the Pope's elevation to being a bishop the government of the day could veto the church's choices so the church had to come up with three candidates. The Polish communist government vetoed the two priests who were the descendents of aristocrats and let through the son of a worker; probably much to its regret later on when the Berlin Wall came down. Pope John Paul II opened the cracks in the communist regime in his native Poland, and provided

moral support to those suffering under communist rule. He is credited by most as having been a key figure in the fall of Eastern European communism. The reunification of a Europe divided after World War II is something for which the Pope can claim a lot of credit.

Pope John Paul II was a complex man. I think it is fair to say that his beliefs were not universally appreciated across his own religion or across the world. In 1981 he survived an assassination attempt by a Turkish communist gunman. Such was the nature of the man that the Pope visited prison and forgave the man who had tried to kill him. That is an example of reconciliation from which a lot of us can learn. He was also one of the most charismatic leaders of his time. His was the third-longest papacy in the history of the Catholic Church and he is the most widely travelled Pope in history. His 104 foreign visits took him to 129 countries, which is the equivalent of 30 trips around the globe. Vatican records indicate that he met nearly 18 million people in his audiences in Italy alone. As such, he was probably seen by more people in more cultural settings than anybody else in the history of the world.

The Pope's extensive travel brought him to Australia on three occasions and to Victoria twice. He first visited in 1973 as the Cardinal Archbishop of Cracow to attend the 40th International Eucharistic Congress. During that time he met with the Polish community of Australia in a number of cities including Melbourne. In 1986, as Pope, he visited every Australian state and territory, attending 38 functions and travelling more than 11 000 kilometres. Many Victorians will remember the ecumenical service the Pope held here in Melbourne; I was at the Melbourne Cricket Ground that day with many thousands of other Victorian Catholics. With many people sitting and standing on the MCG oval it attracted one of the highest crowds to that stadium. The Pope also attended the Polish community celebrations at the MCG the following day, which again brought out 40 000 people. On his third and last visit to Australia the Pope flew to Sydney for the beatification of Mary MacKillop, setting her on the path to becoming the first Australian saint.

The Pope travelled far less in his final years as the ravages of Parkinson's disease took hold and he delegated a lot to the people around him. The world will admire Pope John Paul II for the courage and determination with which he fought his disease and for the dignity with which he died on 2 April. The extent of his influence and inspiration was clearly demonstrated, as I said, by the extraordinary pilgrimage after his death. In the five days preceding the Pope's funeral, an estimated 5 million people passed by his body in Rome.

A further 2 million people attended the farewell gathering in St Peter's Square or watched on giant screens in the neighbouring piazzas. A further 1 million people came together in Cracow, the Pope's home town, for a candlelit evening mass in his honour.

Pope John Paul II made an enormous contribution to the community and religious life here in Australia and around the world. He will be remembered for his charisma, for his sense of enjoyment, for his leadership and for his unwavering commitment to the values which he so actively pursued.

As we sit here now a scene is being enacted in the Vatican where the cardinals are voting to elect a new Pope. The world is waiting for a successor. Few of us — from the Catholic fold anyway — will not remember that time in October 1978 when after two days of voting a cardinal came up and said, 'Habemus papam', which means, 'We have a Pope' — and we certainly had one.

On behalf of the Victorian government I offer condolences to the Catholic community on the death of Pope John Paul II.

Hon. PHILIP DAVIS (Gippsland) — I join the Leader of the Government in speaking on the condolence motion for His Holiness Pope John Paul II, who died on 2 April after a long illness. His was the third longest papacy, and it touched the lives of millions of Catholics and non-Catholics alike.

People from all faiths and communities have been affected not only by John Paul's death but more importantly by his life. It was a life of selfless service to humanity, and notwithstanding his strong views on doctrinal issues, which obviously caused debate in many quarters, people from all faith communities respected his views. Certainly this was evidenced by the public outpouring of respect for John Paul II in recent days and weeks and reflected by more than 4 million people journeying to the public viewing of his body at St Peter's Basilica. Born Karol Józef Wojtyła on 18 May 1920, he was elected the 264th Pope on 16 October 1978 and led the Catholic Church and its 1 billion members for 26 years as John Paul II, the first non-Italian Pope in some 450 years. He made his first holy communion at the age of 9 years and was confirmed at the age of 18 years. His mother and elder brother died early in life. In 1938 he and his father moved to Cracow, where Karol began to study drama at university. However, the Nazi occupation in 1939 led to the closure of the university. Karol had to work in a quarry from 1940 until 1944 and then in a chemical factory to earn his living and avoid being deported to

Germany. His father, who wished for his son to enter the church, died in 1941. In 1942 Karol began studying for the priesthood in the clandestine seminary of Cracow, which he continued until his ordination on 1 November 1946. He was then sent to Rome, where he finished his doctorate in theology in 1948. He returned to Poland and was made archbishop of Cracow on 13 January 1964. He became a cardinal on 26 June 1967.

As Pope, John Paul II travelled continuously. He made 38 official visits and held 738 audiences and meetings with heads of state, including 246 with prime ministers. He presided at 147 beatification ceremonies and 51 canonisation ceremonies. He held 9 consistories in which he created 231 cardinals. He convened six plenary meetings of the College of Cardinals. More than 17 million pilgrims attended his general audiences and more than 8 million were part of the great jubilee of 2000. In 1981 he survived an assassination attempt, as has been mentioned. Later, after visiting the gunman in prison, he said, 'I spoke to him as a brother whom I have pardoned and who has my complete trust'. That level of forgiveness is an example we should all bear in mind as a way of leading our lives no matter what faith we follow, or even those of us who may be atheists.

In later years Pope John Paul II suffered from Parkinson's disease, which contributed to the medical conditions that eventually took his life. He is considered to have been one of the most important figures behind the scene in support of the Velvet Revolution in Poland in 1989–90.

He worked to bring together the world's religious differences. He was the first Pope since St Peter to visit a synagogue, and it is clear that his extensive travel gave him the opportunity to make a significant contribution to the bringing of important historical moments to the world's attention. By visiting the Holocaust memorial at Auschwitz he ensured that the papal apology for anti-Semitism was well understood by the world.

He visited Greece where he met with the head of the Greek Orthodox Church, Archbishop Christodoulos, and tried to improve relations between the two churches. As far as we know he was also the first Pope to attend a mosque. As Pope he spoke out on issues which we believe were of doctrinal importance, as was said earlier, particularly on contraception and the ordination of women. This holding true to his beliefs and his interpretation of doctrine became seminal to marking him out as a man of incredible opinion and one who was prepared to comment on any social issue where he thought he could influence world opinion.

In this role he spoke out on the invasion of Iraq in 2003. International leaders, people from many faiths and royalty attended his funeral. Members of all the faith communities have honoured a wonderful life. We in this house extend our condolences to the Catholic community.

Hon. D. K. DRUM (North Western) — I feel extremely privileged to be able to contribute on behalf of The Nationals to this condolence motion. Karol Joseph Wojtyla was born on 18 May 1920 in Poland and, as we know, died on 2 April 2005. He lost his older brother, who died of scarlet fever, in 1932 and also lost his mother at a relatively young age. In 1938 he became a student of theatre and poetry at the University of Cracow.

Not only was he involved in those classes but he also was a very keen sportsman. He excelled at soccer, skiing, kayaking and swimming. Later, when elected Pope, he had a swimming pool installed at the Vatican residence. When questioned about the possible excesses of having his own pool he said that it would be an awful lot cheaper to keep him in health than it would be to bring the conclave of cardinals to the city to elect his successor at a relatively young age, because he saw his serving the Catholic Church as long term.

Whilst undertaking his studies, as was mentioned earlier, he had to work in a stone quarry and also at a chemical plant to make sure that he could afford to study his preferred subject. When it came to studies for the priesthood, they had to be done in private or in secrecy, and the underground seminaries in Cracow were where he was able to do that. He was ordained a priest in 1946, consecrated bishop in 1958 and became a cardinal in 1967. In 1978 he was elected Pope and the leader of the Catholic Church — the first non-Italian Pope since Adrian VI some 500 years earlier.

He visited Australia three times, twice as the reigning Pope. The story I would like to tell was from his first visit as a cardinal, when he came out with several other cardinals. He was the only cardinal who elected to stay outside of the hotels that were afforded to all the other cardinals. He elected to stay in a suburban, Polish house. That was a symbol of the fact that this Pope, even at that young age, was exceptionally happy and comfortable without the trappings that are afforded to the people of similar station.

During his pontificate he came to Australia twice. I would like to share one of his quotes with the house:

To all Australians, people of undoubted good will, I come as a friend to urge you to pursue in your lives all those values worthy of the human person, to encourage you to be open

hearted, generous to the unfortunate and caring towards those who are pushed to the margins of life.

I think that symbolises how this particular Pope thought the most important issues were that most of us could target those people whom he considered to be the most vulnerable. He believed that they needed more support than most. He sought to build a culture of life through the defence of the human life in all conditions and stages, particularly the unborn, the disabled, the elderly and the poor. I always believed it to be quite ironic or poignant that in the last year or possibly even two years of his papacy the Pope was in fact disabled himself.

With a body ravaged by Parkinson's disease and wheelchair bound for at least the last 12 months of his life, he still fulfilled the role of leader of the Catholic Church even though he was by no means a fit and able-bodied person. I think it is quite important we understand that the Catholic Church allowed somebody who was quite disabled to cope with that enormous position of responsibility. We can all take that on board. He adopted an extremely strong stance against the use of the unborn for stem cell research. That decision will be back in front of this chamber again maybe as early as next year.

In the lead-up to the Iraqi conflict a lot of people were trying to wedge various world leaders as to whether Iraq should be invaded, whether Iraq should be open to weapons inspectors, or whatever. They tried to wedge the Pope on who would be right or would be wrong. He simply refused to back the American President, George Bush, or to support Saddam Hussein. He simply said that the world should get down on its knees and pray for a peaceful ending. Again, that signal of peace that continually came from the mouth of that man was a credit to him and was an opportunity for us to take on board some of the beliefs the Pope was able to put forward.

He also had an amazing rapport with young people although so many of his close supporters were unable to understand why. He launched World Youth Day in 1984, and 2 million people gathered in Rome for a similar event in 2000 while 800 000 gathered for the day in Toronto in 2002.

John Paul II was at home and at ease in his little world of poverty. Even though he was entitled to the riches that were associated with his station in life, he was at ease in deflecting those riches away from himself. I watched a documentary on his life just a month or so before his death, in which a bishop who had two or three audiences with him said that one of his most important memories of the Pope was that he always seemed to have clean, tidy and neat garments, but that

they were extremely old. He was always very modestly dressed for someone who obviously had the opportunity to revel in life's riches. I think we have seen the passing of one of the world's great men. We are all blessed that he led the Catholic Church for such a long period.

Hon. J. G. HILTON (Western Port) — It is both a privilege and yet a very humbling experience to have the opportunity to speak on the condolence motion for Pope John Paul II — a privilege because he was one of the great men of the 20th century and humbling, because how can one do justice to such a life?

The funeral of Pope John Paul II, it is estimated, was watched by over 2 billion people — that is, one-third of the world's population. Practically every newspaper and magazine has carried a feature and/or obituary. It can, of course, be argued that his death drew that attention because of his position as head of one of the world's major institutions, and to some extent that is true, but in my view it was more than that — John Paul brought something special to his role and touched many people.

When he was elected Pope in 1978 he was the youngest cardinal in the conclave, and it was very obvious that he was a man of energy, vitality and great dynamism. He took Christ's instructions literally — to go forth and teach all nations. He visited over 120 countries, celebrated masses with congregations over 1 million people, met 1600 heads of state and travelled 750 000 miles. He never shirked the responsibility of taking God's word to the people. Even when his health began to fail he did not retreat into the Vatican but continued his ministry in full view and with no compromise. His was the most obvious physical decline the world has seen.

The Pope believed that as part of his ministry he should show the acceptance of his physical decline as being part of life and the will of God. As Christ himself said in the Garden of Gethsemane, while contemplating his own death and suffering:

If it is possible, let this cup pass me by but let it be your will, not my will be done.

Indeed, it was only near the end of his life that John Paul's frustration showed when, on Easter Sunday this year, he was unable to communicate with the thousands of people who had come to St Peter's Square to see him.

In an uncertain world the Pope was indeed a rock of steadiness and certainty. Many of us who were brought up Catholics but have left the church, as I have due to

its teaching on moral issues like birth control, could disagree with the Pope's stance but there was no doubt what that stance was. The motto of my son's school is 'Quod Bonum Tenete', which, translated, means 'Hold fast to what is good', which is what the Pope did and which was so inspiring to many.

During his pontificate the shoes of the fisherman had become rather larger. At his funeral the presidents of Iran and Israel shook hands during the sign of peace — surely that is the sort of world we want and the sort of world the Pope would have wanted.

John Paul II's elevation to the papacy gave him a unique opportunity to have an influence on many millions of people. He seized that opportunity as a great moral force for good. I join the Leader of the Government, the Leader of the Opposition and the Deputy Leader of The Nationals in extending my condolences to John Paul II's extended family, the Catholic Church.

Hon. J. A. VOGELS (Western) — I would like to add my support to this condolence motion in tribute to the life of the late Pope John Paul II.

Karol Józef Wojtyła was born in Poland on 18 May 1920, the son of a retired army officer and a schoolteacher. His mother died when he was 8, his older brother when he was 12 and his father before Karol's 21st birthday. The loss of your whole family by the time you are 21 must have had a significant impact on him as a young man.

Obviously a brilliant student, he was forced to work as a stone cutter in a quarry and later at a chemical plant to support his father and himself during the Second World War. That war saw Poland caught between the German army on the one side and the Russian army on the other, with millions being slaughtered. Again, the future Pope watched the inhumanity of mankind being played out in his own backyard.

Karol Wojtyła entered the seminary during the Nazi occupation to study secretly for the priesthood. He was ordained a priest in 1946. Once the Nazis left Poland, the yoke of communism took over. This young priest fought hard for his oppressed people, defending the right of Poles to practise their faith. This would have been a life-threatening occupation, but he always believed that God was with him.

In 1967 he was made a cardinal and visited Australia for the first time. In 1978 he was elected Pope. John Paul II was the first non-Italian Pope for 455 years. Like others in this chamber I well remember his visit in 1995 and his mass at the Melbourne Cricket Ground. It

was a great time for Catholics in Australia and many people from the south-west of Victoria hired buses to come down to the MCG for that memorable occasion.

When the Pope finally passed away after many years of suffering the mark of the man was shown when his funeral was attended by kings, queens, presidents and prime ministers, while millions of people all over the world were mourning his loss. Everyone had only good things to say about his pontificate. We have not all agreed with some of his views, but I doubt that anyone in the world has had views with which everyone agrees, but he was always solid as a rock — solid as the rock of St Peter on which the church was built.

The Catholics of Australia have lost a great Pope, a Pope that will be missed by us all. The cardinals now in Rome, including Australia's Cardinal Pell, are charged with selecting a new Pope. I am very confident that with God's guidance they will make the right choice. I extend my condolences to the Catholic community of Australia.

Mr SMITH (Chelsea) — I will start by saying how privileged I feel to make a small contribution on this particular motion, the condolence for the passing of His Holiness John Paul II. As a non-practising Catholic let me say that no man has done as much to make me think about re-engaging with the Catholic Church than John Paul II — a matter I am still seriously considering but have not actually made any decision on yet.

What first attracted me to John Paul in those early and heady days when I first became a union official, around about the same time as the establishment of Solidarity, was his encouragement and support for that movement in the shipyards of Gdansk with Lech Walesa. As a trade unionist who despised Marxism and communism I was strongly encouraged to hear a man of his standing actually standing up for working people around the world and their freedom. When you consider the millions of people who are, shall we say, 6 foot under as a result of communism, it was a great thing that he embarked on, and along with Ronald Reagan, the 40th President of the United States of America, he is credited with the destruction of the communism system throughout Eastern Europe. I have no doubt in saying that the vast majority of people in Eastern Europe and Russia are very grateful today to John Paul II.

He was a great and respected religious leader, and it has been referred to often today that he was one of the very few Catholic leaders who engaged with other religious leaders around the world. We have heard about the fact that he was the first Catholic Pope — maybe the second if you think about Peter — to actually step into a

synagogue. He offered a public apology for the persecution of the Jews, which, certainly from my perspective, was not only a manly thing to do but a great example of the sort of leader that he was. The response from religious leaders around the world, whether they be Buddhist, Hindu, Sikhs, Muslims or Jews, at his funeral was there for us all to see — an indication of the job he had done as having been an all-inclusive religious leader.

I want to refer to a little bit of prophesy, if you like, of Mr Yuri Andropov. For those who do not immediately recall the name, he was the leader of the KGB who at the time of his election said, 'Mmm, there could be trouble coming'. How prophetic! I was not aware of the fact raised by the Leader of the Government in his contribution that the Polish government rejected a couple of other candidates that were nominated and caused Pope John Paul II to be elected; which reminds me of the old Chinese saying, 'Be careful for what you ask'.

The Pope was a first in a number of areas: the first Slavic Pope; the first non-Italian in 450 years; the first manual worker, a man who worked manually in chemical plants and quarries; and I think it has already been referred to — but if not I will reiterate — as a slave for the Nazis. This was a man who knew what it was like for ordinary working people and the downtrodden. I think that came out in his papacy all his life: he never forgot his roots. I certainly was appreciative of that.

We have heard that the Pope was extremely well travelled and that he had ventured outside of Italy some 104 times. We saw the response of the people when he visited Australia. In fact all round the world wherever he went there was overwhelming support for the Pope and his visits because ordinary people understood his humanity, could relate to what he was saying, felt he was genuine and that he actually believed and wanted to help them. He did that throughout his papacy.

Before I conclude I want to rebut some of the comments I have heard and articles I have read about how the Pope was in some way responsible for the escalation of the epidemic in Africa of acquired immune deficiency syndrome, which we know as AIDS. How he could be blamed for this is just beyond belief. Rather than engage in a demeaning debate on the matter I will just say that people should look at Uganda, which is predominantly Catholic. That government works with religious leadership in Uganda. Together they have a very strong message about abstinence before marriage, fidelity within marriage and education for youth about abstinence et cetera. The end result is

that Uganda has by far the lowest rate of AIDS in Africa. It is 5 per cent. Those people have followed the teachings of the Pope. I would have thought that was a long way from blaming the Pope for the outbreak and escalation of AIDS. I am also aware of professors at Harvard University who are now rethinking their strategies and ideas about how to best handle AIDS. Surprise, surprise — they are actually starting to follow the same line.

This Pope was a very real champion of humanity. All his life the Pope fought for the underdog. The fact that we saw so many millions of people flock to Rome to witness the Pope's funeral is an indication of how much he was loved around the world. I wonder whether we will see his like again. I only hope we do.

Hon. D. McL. DAVIS (East Yarra) — I too wish to associate myself with this condolence motion for Pope John Paul II, who was born in Poland on 18 May 1920 and who died on 2 April 2005. Karol Józef Wojtyła was a remarkable man on any examination; he was a remarkable man by any measure. He was, as I think some people have said, a man of his century, a man who has had an enormous impact on his century, but he was also a man of contradictions. He was a man whose guiding principles were very clear to the world in many ways, but on closer examination were much more complex. It is true that his impact on public affairs and on political affairs around the world was remarkable. He will be judged first and foremost for his work in helping to remove the communist dictatorships in Eastern Europe.

Although he had a very direct experience in the period Poland was under the Nazis, he was able to work his way through and fortunately lived through that experience. But I believe that the experiences of that time and of his early life, particularly the death of a sibling and his parents before he reached the age of 21, had a remarkable impact on him in terms of his understanding of the importance of family, his feeling for his community and his feeling for the church in particular. I draw the attention of the house to the great contradiction that seemed to exist between the Pope's strong advocacy for religious freedom and many of the positions he took as leader of the Catholic Church. I am not a Catholic, and many of my views would be quite different from his. I say that very openly. At the same time he was a man to be admired strongly.

The early 1980s was a time when many of us observed the happenings in Eastern Europe very closely and could not have been but struck by the remarkable things that occurred there. It came out later that John Paul II met clandestinely with Lech Walesa of the Solidarity

movement. In those days Solidarity grew into a very powerful force — a force that was so public, so open and so clear in its advocacy of freedom for workers. I join with Mr Smith in saying that the Pope's experience as a manual worker, as somebody who understood and related to people, played a significant part in his ability to understand what was important to do at that time and how it was important to intervene. I think the relationship between the Pope and former President Ronald Reagan of the United States of America is something that will be explored deeply in the future. In retrospect I think those two individuals, along with President Mikhail Gorbachev of the former Soviet Union, were the three key people who were involved in the shift that occurred in Eastern Europe through the 1980s and into the early 1990s.

It is important to note also that the genesis of the changes that occurred in Eastern Europe was earlier than Pope John Paul's time. Solidarity had existed in one form or another previously and the workers in the shipyards that led the Solidarity movement had been active at an earlier period. Pope John Paul was very aware of that from his period as a bishop and church official in Poland. He understood the importance of Solidarity and the freedom fighters in the shipyards being able to lead Poland, with his assistance and that of others, to the freedom that they so strongly desired.

The other thing that will be seen as very significant is the Pope's advocacy of religious freedom and the flow-on of that advocacy into the peace he sought with those of other faiths, including the Muslim and Jewish communities, and with other Christian groups. He had less success with the Anglicans, but that was not through a want of openness and commitment on the Pope's part. His ability to reach out to people of different faiths, many of whose objectives were very similar to his own, and treat them as people of goodwill was remarkable and will make a great impression historically. As others have said — and it is not my place to repeat in detail some of the things that have been well covered — I believe his step in reaching out to and making an apology to the Jewish community for Christian-Catholic behaviour over many centuries was a very significant one and has gone a long way to healing the rifts that existed for many centuries.

Equally, politically it is also true that Pope John Paul II was not only prepared to speak out in terms of communism in Eastern Europe but was prepared to speak out in South America. His statements at the time of his visits to Chile were very significant. His branding of General Augusto Pinochet and his government as dictatorial was an important step in weakening that totalitarian regime. In the Philippines he spoke

fulsomely in favour of human rights in the presence of then President Marcos. I think that was a courageous act, which was very important in an international sense. Similarly he was prepared to speak against apartheid in South Africa. I commend him on the stand he took. His impact on world politics has been remarkable, and it is true that his contribution in Eastern Europe will be most strongly felt in terms of politics and the fight for the values of freedom and tolerance in political and state affairs.

It is important to go back and look at some of that period and the sequence in which things occurred, particularly his timely intervention to protect the Polish people and the freedom fighters. At one point when leading prayers in the Vatican the Pope pleaded with General Jaruzelski to put an end to the shedding of Polish blood. What happened in Poland, he said, was important not only for a single country but for the history of the world. That is absolutely true. As I said, I believe that as those critical periods are re-examined historically, Pope John Paul II's stature and contribution will grow, as will the contributions of Mikhail Gorbachev and former President Ronald Reagan.

The other thing to say about the Pope in assessing his remarkable contribution is that he was a man of the Second Vatican Council. To many this appears to be a contradiction. Bishop Wojtyła, as he then was, made eight contributions between 1962 and 1965 to the Second Vatican Council, that critical Vatican council that sought to open up the Catholic Church and in many ways to modernise it. Many would disagree with the steps that were taken at that time, but he was a man of the Second Vatican Council in the sense that he so strongly backed religious freedom. It is interesting to examine his presence at that council, the impact it had on him and the stances he later took on so many issues that would be seen as conservative or in some cases reactionary. Certainly they were seen as being opposed to the spirit of the Second Vatican Council. When you look deeper you can see a thread running deeply through his contributions to the council on issues of religious freedom and a consistency in his position throughout.

It is also interesting to look at some of John Paul II's encyclicals and to think of the philosophy and the understanding that he demonstrated in them. *Veritatis Splendor*, signed on 6 August 1993, was a contribution that took much of its philosophy and contributions from the testaments but sought to reduce the impact of moral relativism in the Catholic community in the first instance but more broadly beyond that. It is interesting to see those positions and the tension that exists

between them. On the one hand you need to see that his criticisms of moral relativism may have significant validity; on the other hand it is important to recognise that it is possible to see those religious freedoms that he spoke so strongly of protected and understood within any sort of liberal humanist framework.

There was tension in some of his contributions over the years. On one hand he sought to expand the scope of personal responsibility, but on the other he sought to lay down a more conservative and prescriptive way forward. This seemed to be at a tension with seeking to expand religious freedom.

In conclusion, I take pleasure in and am humbled by the contribution this man has made to the last century. He was a man of that century. He was there at defining moments and made contributions that will stand through history. There were contradictions and tensions within his framework, but nonetheless you would have to say he was a great man.

Mr SOMYUREK (Eumemmerring) — It is a privilege to join the condolence motion on the death of Pope John Paul II. My colleagues have eloquently delineated the Pope's life and his tremendous service to God and the people of the world. As such, I will restrict my comments to a few words from the Muslim perspective.

Pope John Paul II was very important in building bridges with the Muslim world at a critical juncture in history. Pope John Paul II played a key role as a voice of reason and calm during a time of crisis for the Muslim people when anti-Muslim sentiment throughout the Western World in the post-September 11 environment has been at fever pitch. He played down the theories of the battle of civilisations, which basically postulates that the civilisations of Islam and Christianity will ultimately battle each other. He preferred to concentrate on the unifying morals and values that Christianity, Islam and other monotheistic religions share.

In conclusion, I am honoured to be able to make a contribution in this place to the motion of condolence for the life of Pope John Paul II.

Hon. R. H. BOWDEN (South Eastern) — It is with humility that I rise to make my contribution today on this motion to honour the recent passing of His Holiness Pope John Paul II. He was a very great man who made an enormous contribution to world peace, world understanding and to humanity in the very best sense of that word.

The Pope travelled a great deal and was not confined to staying in Rome. Much has been said in earlier contributions about his willingness to go out and meet people, to understand them, to exchange ideas and to engage in constructive debate with world leaders. The outcome of the discussions and communications from those debates — which at times were well reported but at times were in confidence — served those who took the time to think about them very well indeed.

I can remember when the Pope was elected in 1978. At the time I was working in the United States of America. My colleagues made a prophesy, when they said, 'This is interesting and this will be a Pope to watch'. I am not of the Catholic faith and I do not think that most of my colleagues who I was working with in 1978 were either. But at that time all of us recognised that there was a change. In 1978 the Cold War was very much with us and was a real problem. History now shows that the contribution that Pope John Paul II made upon his election to improving the world situation was to be an important one.

I strongly believe that the early experiences of Pope John Paul II during his formative and early working years during World War II equipped him to have a great understanding of the background of matters that were to be put before him for decision. Here was a man with a humble understanding of what it is to do manual labour. He saw first hand and witnessed poverty, tension and stress. He was able to appreciate the difficulties people faced during the time of World War II and shortly after. This equipped him to be a very great Pope when he was able to make progress in that great institution.

Pope John Paul II provided guidance, stability and above all, assurance to the values of billions of people who he led. He was consistent and confident in the way he led his church. John Paul II was popular and will stay popular for a long time; in addition, he will retain the respect of people all around the world. As time passes historians will sit down and record an objective evaluation of key people who have made fine contributions in the 20th century. John Paul II will join names such as Ronald Reagan, Mikhail Gorbachev and several others who have made equally important contributions.

On 2 April the world lost a very fine man, and the Catholic Church lost one of its greatest popes. I extend to the church and to all of the Catholic faith in this constituency my sorrow and condolences.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That as a further mark of respect to the memory of the late Reverend Dr John Davis McCaughey, AC, and His Holiness Pope John Paul II the house do now adjourn for 1 hour.

Motion agreed to.

House adjourned 3.28 p.m.

The PRESIDENT took the chair at 4.30 p.m.

ROYAL ASSENT

Message read advising royal assent on 5 April to:

Corrections (Transition Centres and Custodial Community Permits) Act
Courts Legislation (Judicial Appointments and Other Amendments) Act
Retirement Villages (Amendment) Act
Water Efficiency Labelling and Standards Act.

MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

BUSINESS OF THE HOUSE

Digital timers

The PRESIDENT — Order! I inform the house that replacement digital timers have been installed at both ends of the chamber to assist members. The new timers feature a display at the top which identifies the overall period remaining for a particular debate, while the display at the bottom of the timer relates to the individual member's time limit. I am sure they will assist the whips.

Member for Ballarat Province: speaking rights

Ms HADDEN (Ballarat) (*By leave*) — President, as an Independent member of this house I seek to put a

position to and seek a ruling from you. The ruling I seek from you is in relation to my position as an Independent member of this Parliament as from 7 April. I ask you to give a formal ruling, which is both objective and unbiased, and that you apply it with the wisdom and maturity of President — —

The PRESIDENT — Order! In raising a matter for the President and asking for a ruling the member should not reflect on the President by implying that it would be anything but unbiased. I ask the member to withdraw those comments and continue her statement.

Ms HADDEN — I withdraw. I had no intention of casting any untoward inference upon the Chair. My request is that the Chair make a ruling in relation to my position in this chamber as an elected member of Parliament for Ballarat Province. A ruling is sought on how I as an Independent member am to be treated: how I am to be given time to make contributions to debates and in what order of speaking on all matters of business of this house, including members statements, the adjournment debate, statements on reports, general business on Wednesday mornings, notices of motion, second-reading debates on bills, questions without notice, condolences et cetera.

On questions without notice, if the Chair were to consider my participation on a proportionate or pro rata basis, I suggest it should be in the ratio of 1 question to every 37 questions and not 1 to 44 or 1 to 43, because government ministers and you, President, do not ask questions of government ministers or make members statements.

A ruling is sought as to how I, as an Independent member of this place and an elected member of this Parliament, am to be included with fairness in the sessional and standing orders in accordance with the conventions and Westminster traditions of this Parliament, and with the Constitution Act.

Therefore I ask, President, that you give due consideration to my formal request and that you give it fairly, given that I am in an unusual position as an Independent member. As an elected member I take my oath to this Parliament very seriously. I am here to represent my electorate without fear or favour. I ask that you consider my request for fair and equal speaking time in this place and rule on this important and urgent matter.

The PRESIDENT — Order! On the member's request for leave to make a statement, she has asked me about her representation in this house. I have already discussed this matter with the member and with the

party leaders. I have indicated to them that on a pro rata basis she will receive an entitlement to speak on the adjournment debate, on 90-second statements, in second-reading debates, on questions without notice, on member statements and on statements on reports and papers. That will be afforded to the member, as the member's rights will be preserved.

QUESTIONS WITHOUT NOTICE

Melbourne Markets: relocation

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Major Projects. I refer the minister to my question of 23 March regarding the government's consultation with the stakeholders in relation to its intention to relocate the Melbourne wholesale market. I and a large number of my colleagues met with market operators at 5 o'clock this morning, and they unanimously advised that they do not wish to relocate. I am advised that the five market stakeholder advisory committees recently met with both the minister and the Minister for Agriculture in the other place to advise them that they had unanimously agreed that they did not wish the market to be moved from its present site. Will the minister explain to the house why the market must be relocated and whether this move is contingent upon the Port Phillip Bay channel deepening project?

Mr LENDERS (Minister for Major Projects) — I thank the Leader of the Opposition for his question. I am delighted that he; Ms Lovell; I believe it was Mr Koch; Mr Rich-Phillips, who is probably sleeping it off now; and a number of others were at the market this morning, I believe Mr Stoney was there as well. I congratulate opposition members for getting to the market, meeting with some of the stallholders and discussing — —

Hon. Philip Davis — When did you go out there?

Mr LENDERS — I take up the Leader of the Opposition's interjection. About two weeks ago I went there in a formal capacity; and I have been there in an informal capacity in the days when my brother-in-law worked there.

I will raise two specific issues in response to the Leader of the Opposition's question. Firstly, I draw his and the house's attention to a letter received on 10 February 2005. It is addressed to four ministers, including me, and is signed by the president of the Victorian Chamber of Fresh Produce Wholesalers; the president of the Vegetable Growers Association of Victoria; Mr Eric

Robinson, a prime figure in the market; Mr Tony Mecca, the president of the Victorian Retail Fruiterers Association; and Mr Geoff Maguire, chair of the Flower Growers and Florists Committee. The letter opens:

We the undersigned wish to express the full support of our members for the Melbourne wholesale market (MWM) to be relocated to Epping.

I also quote from a document of 21 October 2004 headed 'Fresh state of affairs', which is a newsletter of the Victorian Chamber of Fresh Produce Wholesalers. This purports to be minutes of a very successful breakfast session with guest speakers:

Robert Doyle, Leader of the Opposition, opened the session and in his usual forthright manner told us the government had made up its mind that our market had to move. There were two sites in the pipeline, Werribee and one north of Melbourne. He would do his utmost to support a move to the north.

Of the two documents I quoted to the house, one is from five peak bodies representing people at the market, who met in Parliament House with me and my colleague Bob Cameron, the Minister for Agriculture in the Legislative Assembly. The other does not purport to be from the Leader of the Opposition in the other place but is certainly a description of an address he gave to the Victorian Chamber of Fresh Produce on that morning.

The material issue is that I do not think there is any doubt that when you walk around the stalls at the market, people would rather stay where they are if they were given the choice. I do not think there is any great doubt about that. This is a site, though, that is too small for future needs, and I do not think anybody disputes that the market does need to move. The material question for government, given that we get to the first step, is that it no longer suits the needs of the market or the things that are important for it, so where do you go for the next step? There is obviously an issue of contention the government is working through — whether you move to the north to Epping or whether you move to the west to Werribee. That is an issue that the government will need to come to terms with, but on the assumption that there is a move, and these two bits of correspondence imply that that is generally accepted, the stallholders have a view about where they should go.

We continue to have dialogue with the users of the market. It is a vibrant place. Even at 5.30 a.m. — or at 5 o'clock or whatever time people get there — it is a vibrant place. It is a dynamic place, and this is for the future of our horticultural and flower industries. The

government does not take these major projects lightly. We will work through the issues with the growers. But on the assumption there needs to be a move, the message I am getting, the government is getting and the opposition is getting is that if there is a move there is one direction in which the stallholders wish to go.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for his answer, which in my view is disingenuous. He would know absolutely that the position of the stakeholders at the market is that they will only move with a gun at their heads; and in the event that the government pulls the trigger they have made it clear there is only one option for them, and that is to go north to Epping. In relation to our investigations today we found less than 80 per cent of available tenancies are utilised and that the market authority is due to take vacant possession of additional adjacent land this month, and there is therefore scope for further development on the site. Will the minister explain why he persists in asserting that there is no scope for future development at that site, which is contrary to the view of all of the stakeholder committees at the Melbourne Markets at this time?

Mr LENDERS (Minister for Major Projects) — There has been a long process to deal with the Melbourne wholesale market. It has been a long process where we have done business cases. We have been assessing the needs and have been in consultation with the people there over a period of time.

I refute the Leader of the Opposition's statement that there is a unanimous view. There are mixed views in the market about whether there is a need to move or not. Those views will vary depending on how much capital a particular stallholder has put in to their place, on where they live, on where they travel and on their perceptions. I say to the Leader of the Opposition that after a discussion with people at the market those people realise there is no indefinite time for which the site can remain the market site. That threshold has been passed, and now the challenge for government is how to look to the future to keep this vibrant market alive and move so we can service Melbourne and Victoria in those areas. That is the challenge for us. We are moving forward, looking to the future and taking the stakeholders with us.

Libraries: rural and regional Victoria

Mr SOMYUREK (Eumemmerring) — My question is addressed to the Minister for Local Government. Can the Minister outline to the house

recent action taken to make sure regional libraries also benefit from the Bracks government's massive boost in support for libraries in Victoria?

Ms BROAD (Minister for Local Government) — I thank the member for his question and for his support of the efforts of the Bracks government to support local government and regional library services improve and expand their library services for all Victorians. This year the Bracks government has allocated almost \$29 million for libraries, through record funding for both ongoing library services and capital initiatives like the Book Bonanza program and the Living Libraries program.

Yesterday I was able to add to the government's achievements in library funding when I announced a further \$2.8 million as part of a new round of the Living Libraries program. This round of funding will be focused on regional Victoria, with the \$2.8 million allocated to 14 library projects across Victoria. As part of yesterday's announcement, the member for Gembrook in another place, Ms Lobato, and I were able to announce a \$500 000 grant from the Bracks government as a contribution towards the first ever library facility in Emerald. This will be a new, contemporary, functional library which is accessible to people of all ages, young and old. It will cater for parents with young children with a dedicated space for a toy library. It will have a shared foyer with the existing mechanics institute hall, which is very well used as a community facility.

The Bracks government recognises that as a growing community Emerald deserves its own library services and facilities. The Bracks government believes all communities deserve decent services and facilities and is very pleased to be able to make this contribution. I would like to put on the record my congratulations to the Cardinia Shire Council for its financial commitment to this project. This shows that great things can be achieved when these two levels of government work together and work in partnership to deliver better services and facilities to local communities. This is in stark contrast to the way the Liberal Party treated local government when it was last in office.

I am pleased to say that the Emerald community is not the only community which will benefit from yesterday's announcement as it saw allocations in virtually every part of the state. Other projects include a new library in Nagambie; the relocation of the libraries in Nathalia, Rosedale and Goroke; the renovation of the existing council building in Traralgon to accommodate a larger library; and mobile library services in Loddon shire, the Yarra Plenty Regional Library Service, Swan

Hill and the Goulburn Valley. These projects demonstrate that the Bracks government is governing for all Victorians, including regional Victoria. I will be very pleased to report progress on every one of these projects as they get up and running across Victoria. This is part of the Bracks government making Victoria a better place to raise a family.

WorkSafe Victoria: Gippsland field days

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to Mr Lenders, the Minister for WorkCover and the TAC. Why was the WorkSafe Victoria display at Farm World last week located in the Australian government stand in the Baw Baw pavilion?

Mr LENDERS (Minister for WorkCover and the TAC) — I would like to believe that I am on top of my portfolios and can micromanage a lot of issues, a lot of acts of Parliament and a lot of the clauses in which Mr Forwood shows interest in this place. However, I can assure Mr Forwood that I have absolute confidence that WorkSafe Victoria will find the appropriate place to locate its stand at the Gippsland field days. I am absolutely confident that WorkSafe has got it right by getting out there among farmers in rural communities, which are some of the most dangerous places in the state.

As Mr Forwood and the house know, 29 people died in workplaces last year and 32 000 were injured. I think it is great that WorkSafe is out there at the field days at Lardner. I think it is great WorkSafe has its display out there, whether it is in the Australian government pavilion or the Baw Baw shire pavilion. Baw Baw is a great shire and is where I grew up. I could enlighten the house about having lived in the towns of Willow Grove, Drouin, Longwarry and Trafalgar in Baw Baw shire and tell members about the shire. However, I think if it gets out to Warragul, it gets out into that large gathering of the farming community. In fact when I have been at the field days in some years I have seen members of The Nationals walking around but none of them as effectively as the member for Narracan in another place, Mr Maxfield.

I am delighted that WorkSafe is there. Why it was located in that pavilion, I do not know. However, I am sure the display was located in a good place where lots of farmers and members of the Gippsland community would see it. WorkSafe Victoria, like this government, is determined to take the actions necessary to make this state a better place to bring up a family.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I was pleased to see WorkSafe Victoria down there. I am advised that the WorkSafe display was located at WorkSafe's direct request. Given that the Baw Baw pavilion also held displays by the Environment Protection Authority, the Department of Infrastructure, the Department of Sustainability and Environment, the Department of Primary Industries and the Department of Innovation, Industry and Regional Development, why did WorkSafe not ask to be located in a Victorian government stand instead of pretending it was part of the federal government?

Mr LENDERS (Minister for WorkCover and the TAC) — I will take that on notice for the executive director of WorkSafe Victoria and ask him why. However, I can certainly say that there are not many on this side of the house, and nor should there be on Mr Forwood's side, who would want to be associated with the Australian government on issues of workplace relations. This is a government which is shamelessly trying to gut the WorkCover-WorkSafe system by letting people opt out into an inferior Comcare system.

Mr Gavin Jennings interjected.

Mr LENDERS — Exactly, Mr Jennings — the commonwealth government. I will take on notice for WorkSafe what its criteria was for locating its display in the Baw Baw pavilion or the Australian government pavilion. I thank Mr Forwood for his supplementary question because it highlights how seriously this government takes regional Victoria, and how it gets every single major instrumentality out and about in regional areas to tell Victorians how good a place Victoria is.

**Information and communications technology:
broadband access**

Ms CARBINES (Geelong) — My question is for the Minister for Information and Communication Technology. Can the minister indicate how the Bracks government has used new and innovative technology to deliver improved services to regional Victoria?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I would like to thank the honourable member for her question. I know she will be very interested in the response. Members will recall that last month I informed the house of a \$6.5 million infrastructure rollout by Telstra arising from its contractual arrangements under the Bracks

government's telecommunications purchasing and management strategy.

Mr Lenders — More good news.

Hon. M. R. THOMSON — More good news. This infrastructure is state-of-the-art mobile broadband technology. Not only will government be a beneficiary of this technology, but businesses and residents in regional Victoria will be able to access the Internet at broadband-equivalent speeds while away from the office or home. This is an accelerated rollout and it could only have been achieved with the arrangements under the telecommunications purchasing and management strategy.

Last week, together with the Minister for Health in another place, I had the pleasure of launching BreastScreen Victoria's mobile digital breast screening project. This will provide the world's best digital breast screening techniques to women in regional Victoria via BreastScreen Victoria's mobile vans. This is leading edge technology. It is a world first for this technology to be available through a mobile van. It is bringing the very latest technology available to women in regional Victoria. It has real practical advantages. Instead of having to travel to Melbourne or a large regional centre, a woman can go to where the van is. No longer will X-rays have to be moved to Melbourne to be assessed by specialists. They will not have to wait to see whether an abnormality is a cancer which needs treatment. The X-rays can be moved immediately — digitally — to a specialist for immediate diagnosis and a decision as to whether further tests need to be undertaken.

This takes away an awful lot of potential fear for women in regional Victoria. It provides them with access to specialists whilst they remain within their own communities without their having to travel long distances to get access to that specialist care. I was very proud to be a part of that launch. The Bracks government committed around \$2 million to BreastScreen Victoria for this project, along with the federal government and with Telstra Country Wide, Loddon Mallee Health Alliance and Grampians Rural Health Alliance Network. We have made this treatment a reality for women in regional Victoria.

Unlike the previous Liberal government, which described regional Victoria as the toenails of Victoria, the Bracks government is providing the smartest technology solutions to ensure that we are delivering the very best of services to families in regional Victoria.

Commonwealth Games: tickets

Hon. D. K. DRUM (North Western) — My question is to the Minister for Commonwealth Games. Why will there be a family limit of four tickets placed on swimming events at the 2006 Melbourne Commonwealth Games when there was no such limit on swimming events at the 2000 Olympic Games in Sydney?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question because a significant number of issues are being discussed in relation to ticketing and access to tickets for the Commonwealth Games — some in the media and no doubt some in the chamber. I am very proud of the program that we have delivered for ticketing for the Commonwealth Games, and let me highlight a couple of things about the ticket arrangements for the games.

Hon. B. N. Atkinson — Not very family friendly!

Hon. J. M. MADDEN — Mr Atkinson might also be interested in this because it is worth appreciating what we have done in relation to this matter. First of all, we are offering packages that have never existed before in any multidisciplinary sports event anywhere in the world, whether it be a Commonwealth Games or an Olympic Games. Traditionally those games have never offered concession tickets for pensioners, children, the disabled or any of those groups. Because we have the luxury in this state of very big venues, we are offering a very generous arrangement to the Victorian public, which includes family packages. The family packages are worth appreciating because they start with a collection of four individuals and range up to seven individuals on a family ticket. The ticket prices start — —

Hon. D. K. Drum interjected.

Hon. J. M. MADDEN — I am happy to give you all the details, Mr Drum, give me time! The ticket prices start as low as \$15 for an individual, and for that \$15 you get free public transport in the metropolitan area, access to the venue — and the GST imposed by the federal government — and you also get your booking fee paid. Four members of a family can get in for as low as \$44. It is fantastic value. The organising committee — —

Hon. D. K. Drum — I asked about swimming!

The PRESIDENT — Order! Mr Drum has asked his question and he should let the minister answer it.

Hon. J. M. MADDEN — The organising committee has decided that because it wants to implement affordability and accessibility as a policy constraint to ticketing access, the critical issue is to make sure that we give plenty of people an opportunity to acquire tickets. Because of that, where we have smaller venues with high demand because of a great event we have limited the purchase of tickets to four for any group — whether it is friends, family or any other group. But it means that where we have big venues, you get an even better deal because you can bring seven people.

Let me say this: these are the best value tickets in Australia. I will be putting my family's name in the ballot for athletics, netball, gymnastics and a range of events, and I hope members in this chamber will also put the names of their families and friends into the ballot to purchase tickets so they can enjoy the best games ever delivered.

Supplementary question

Hon. D. K. DRUM (North Western) — I am absolutely staggered to hear that the minister has not yet entered his family into the ballot! Mine is already in, and I know that Mr Hall's family is already entered. The minister has about three days left to get his family in.

My supplementary question is: the minister must surely know that there are 28 per cent more tickets available for the swimming events in Melbourne than there were in Sydney, which is nearly 1000 extra seats available per session in Melbourne than there were in Sydney, where there was no limit. How can the minister claim that these are family-friendly games when the truth is that there has never been a major sporting event in Melbourne's history that has discriminated more against Victorian families than this Commonwealth Games? It is discriminating against Victorian families who happen to have more than three or four children.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I only wish I had more time to answer this question because it is a great luxury to have these questions asked by the opposition in relation to this. We are very proud of the ticketing arrangements. Let me reinforce this: these family tickets have never been offered at any games before, not even in Sydney.

Hon. D. K. Drum interjected.

Hon. J. M. MADDEN — Mr Drum does not want to listen, but I will tell him again: family tickets were not offered in Sydney. We are offering them. I am

pleased to hear that Mr Drum has nominated his family for events; that is great and I am doing the same. He has four children; I have four children; Mr Eren has four children. It is great that he wants to go to events, and it shows that this policy and this initiative is working, and I look forward to seeing Mr Drum at those events.

WorkCover: sport sponsorship

Hon. R. G. MITCHELL (Central Highlands) — My question is directed to the Minister for WorkCover and the TAC. Can the minister outline to the house how the recent announcement by the Bracks government in relation to supporting regional sporting leagues is delivering safer workplaces for regional Victorians?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mr Mitchell for his question and for his ongoing interest in country sport. Like many other members of the Bracks government he has a commitment to regional Victoria, a commitment to country sport and a commitment to workplace safety in regional Victoria.

I am happy to advise the house that accompanied by Mr Mitchell I recently went up to Shepparton for the announcement of a \$150 000 grant to Netball Victoria. It was the fourth time I had been to Shepparton during the year and it was great to be there with Mr Mitchell. We also had the pleasure of the company of Ms Lovell and the member for Shepparton in the other place, Mrs Powell, who came along to watch the netball. We were there for the launch of country netball, and we were in great company.

With Mr Mitchell, Ms Lovell, Mrs Powell and me were Leanne Allen, who is on the board of Netball Victoria; Jenny Sanchez, the incoming president of Netball Victoria; Sharelle McMahon, the vice-captain of the Australian netball team and also the co-captain of the Melbourne Phoenix, and Sarah Wall of the Melbourne Phoenix team. With those people we announced the grant — —

Honourable members interjecting.

The PRESIDENT — Order! There is enough chatter across the chamber and I ask members to desist from interjecting and allow the minister to answer the question. I ask members to reduce the noise level so that Hansard can record it.

Mr LENDERS — The reason we were in Shepparton announcing the sponsorship for Netball Victoria was that we know 130 000 Victorian women play netball. I was pleased to hear the interchange before between my colleague the Minister for Sport and

Recreation, Mr Madden, and the opposition about people going to the netball, because it is a hugely popular sport and is one that the Victorian government wishes to support through this sponsorship.

WorkSafe is doing this because it helps get a message into regional communities, where we have the highest levels of incidence of injuries in the workplace. This is a way of getting out our safety messages through community organisations which have the respect of the community, which are part of the community and which therefore assist us in getting our safety messages out.

In addition on the theme of safety, we also announced that the WorkSafe Club Safety Fund is being set up. Country netball and football clubs can apply to this fund for small projects that actually assist with risk mitigation. If we suddenly find that in a club's premises there is a hole in a court or a faulty stair or other small maintenance item that costs the club money, this government puts its money where its mouth is. We do not treat these regional areas like the toenails of Victoria. We are out there providing support with matching funding of up to \$500 to let these clubs go out themselves and fix their problems to make their sporting facilities safer. If we actually are to make workplaces and public places safer, this action by the Bracks government in regional Victoria will assist in these areas.

I was delighted to be able to announce this in Shepparton in such distinguished company. The girls from the local netball team were delighted to be in the presence of Mr Mitchell, Ms Lovell, Mrs Powell and me. I think it was probably more because they got out of the final assembly on the last day of term than necessarily our presence, but they were delighted to be there. It was very positive. It is a great sporting venue, but most importantly we are assisting in getting a very important message out to regional Victoria about safety in the workplace. This is important because this government is all about making Victoria a safer place to bring up families, and this helps do that.

Land tax: nursing homes

Hon. ANDREA COOTE (Monash) — I direct my question without notice to the Minister for Aged Care, Mr Jennings. Since 1998 the State Revenue Office has been allowing an exemption from land tax for nursing homes under section 9(1)(j) of the Land Tax Act 1958. Why has this exemption been cancelled?

Mr GAVIN JENNINGS (Minister for Aged Care) — Good on the shadow minister for asking this

question, because it provides me with the opportunity to make it very clear to the Victorian community that at no stage do not-for-profit providers of nursing home residential aged care receive land tax notification. That is the scurrilous remark, which may not have been peddled by the shadow minister but which certainly has been peddled within the Victorian community. Let me be very clear about this: if people are providing residential aged care in a not-for-profit setting they do not pay land tax. The vast majority of residential aged care in Victoria falls into the category of either being public sector residential aged care — 6500 beds through 200 facilities provided by the public sector are not subject to land tax — or is run by not-for-profit organisations. They comprise about 50 per cent of all residential aged care across Victoria and do not pay land tax.

What we are talking about in the shadow minister's question is whether the State Revenue Office, on the basis of its interpretation of its legal requirements, has provided an exemption to profit-based residential aged care facilities throughout Victoria. It has for some time, but not exclusively to the entire sector, provided an exemption on the basis of a determination that the provisions that relate to retirement villages within the Land Tax Act also had a roping-in provision that included private, profit-based residential aged care. That is an interpretation of the law rather than the black-letter determination of the law. From time to time the State Revenue Office seeks legal advice. It does make decisions about the way in which it interprets its requirements under the Land Tax Act.

The critical issue that prevails in this case is the independent advice sought by the State Revenue Office and the independent actions of that office in interpreting its requirements under the Land Tax Act. On the basis of clear legal advice that has come to the State Revenue Office it has independently of any determinations by the Victorian government made it clear at this point that its prevailing legal advice is that the land tax exemption does not apply to privately based residential aged care facilities in Victoria.

Hon. B. N. Atkinson — Are you happy about that?

Mr GAVIN JENNINGS — Mr Atkinson interjects to ask whether I am happy about this matter. I am happy to respond to his interjection to say that this is a matter on which I have actually had lengthy discussions with the Treasurer. I have had lengthy discussions with the privately based residential aged care providers and their peak bodies in Victoria, and I support making sure that land tax provisions are equitable, reasonable and in fact do not play a role in militating against the provision

of residential aged care in Victoria. The Treasurer and I are very clear about my commitment to the sector to ensure that it is viable. Members of this house know that I leave no stone unturned in trying to ensure not only private sector and not-for-profit aged care is provided but also that there is an appropriate regime that allows for private, profit-based residential aged care to survive in Victoria, because the system depends on it.

I have actually taken some action and had discussions with the Treasurer about that matter. The Treasurer and the rest of the government are considering this matter in the context of the budget, and you will not be hearing any policy announcement from me on matters that are the responsibility of the Treasurer.

Supplementary question

Hon. ANDREA COOTE (Monash) — Was the minister consulted on this change in the exemptions policy; and if so, what did he do to prevent it from becoming policy? And it is policy.

Mr GAVIN JENNINGS (Minister for Aged Care) — Without going back on the basis of my 4-minute answer to the matter of significance, it is very clear to everyone in this chamber and to the Victorian community that the State Revenue Office does not report to me.

Aged care: rural and regional Victoria

Hon. J. G. HILTON (Western Port) — My question is to the Minister for Aged Care, Mr Jennings. Can the minister advise the house as to how the Bracks government continues to deliver to regional communities and older people in regional Victoria?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank the house for the reverential nature with which it listened to my last answer. It is the quietest I have ever heard the chamber in terms of making sure that every single word I put on the public record was in fact listened to with great attention. I would hope this would be replicated; however, we are falling short of that benchmark.

Members of this chamber are acutely aware of my and the government's commitment to providing quality residential aged care throughout Victoria, but that is not the limit of our support to regional communities. I would like to briefly outline to the house a number of initiatives taken by the government of recent times.

On 2 April I had the good fortune to visit the people of Rainbow to open a new acute hospital setting which

also has residential aged care beds as part of that important development. The opening was a great and outstanding community event in Rainbow, and the facility is one of the 34 facilities the Bracks government has committed to redevelop during the life of the government — a significant capital investment of \$227 million committed so far to making sure communities right throughout Victoria have the benefits of residential aged care when they need that degree of care. Whether it is in Rainbow or Red Cliffs, the government has risen to the expectations of the community and provided residential aged care.

I draw attention to Red Cliffs and go off at a tangent to talk about Mr Bishop, because he was at the opening of the Red Cliffs facility last year. On a number of occasions in the last few years Mr Bishop has said to me that he will not retire until he makes sure there is adequate provision for the people in his community. If Mr Bishop's announcement of today is an indication that I have satisfied the needs of his community, I thank him for that ringing endorsement. May I send my best wishes to him in his retirement, but he should not be in too much of a hurry to take up the residential aged care facilities provided by the Bracks government within his region — he should take his time in relation to that!

That is not the only development I have been associated with in the last month since the Parliament sat. Two weeks ago, with the Premier, I opened a new facility at the Grace McKellar Centre in Geelong. It is a \$22 million stage redevelopment of subacute and palliative care, and it was a wonderful community event for Barwon Health. As members know, we have \$50 million more for redevelopments at Barwon to provide a great community benefit to members of the Barwon region.

Last week I went to Colac to turn the sod — as people know I leave no sod unturned in relation to ensuring we have quality residential aged care — —

Hon. Bill Forwood — You are a busy sod!

Mr GAVIN JENNINGS — I am a busy sod indeed! In fact, last week's events saw a great coming together of the local community. I am pleased to say that the \$14 million redevelopment of the 75-bed state-of-the-art facility will be undertaken by a local contractor in Colac, BDH Constructions. It is another win for the community. Not only does it get a quality service but it also gets the social and economic benefit of the work being done locally.

This is something that, given the high degree of activity within the building sector, happens all too rarely — that

is, making sure the local contractor is providing the work. Builders throughout Victoria are stretched because of the high demand within the building sector. It is a great outcome for the community and is consistent with the commitment of the Bracks government to ensure that, regardless of where communities may fall, regardless of their needs, we will rise up and meet the needs of older members of our community throughout the breadth of Victoria.

Consumer affairs: property seminars

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Consumer Affairs. I refer to the minister's answer on 22 March regarding the property-spruiking activities of George Mihos. Given that a month has now elapsed, has the minister raised with the Minister for the Arts in the other place the fact that George Mihos is using the Victorian Arts Centre to run his seminars?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — It is interesting to see there are many spokespeople on consumer affairs opposite — obviously one is not enough.

An honourable member — We are a team over here!

Hon. M. R. THOMSON — Who are you trying to kid? The issue of Mr Mihos was brought to my attention by Ms Carbines, a member for Geelong Province, going back a couple of months ago. Consumer Affairs Victoria (CAV) has had discussions with Mr Mihos. It is seeking documents from him in relation to his practices and what he purports to be able to do by creating wealth for people who attend his seminars. That is the role of CAV, and it is investigating to see whether there are breaches in relation to the way he is spruiking his activities, promoting his business and conducting those seminars.

I have also taken the opportunity to write to my interstate colleagues to make them aware of the advertising of Mr Mihos, to alert their consumers to his practices and to at least warn them to be very careful. Every consumer affairs minister that I know of in the past has always said that if it sounds too good to be true, it probably is. Consumers need to be aware they should assess whether something sounds just too good, and if it does, to not buy it, because it probably is not going to deliver what it says it will deliver. In the case of Mr Mihos, the investigation will continue. The documents have been sought, and if there is a case for Mr Mihos to answer, CAV will take action.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — That answer is extraordinary. In about 3 hours time George Mihos will again hold his property-spruiking seminar in the ANZ pavilion of the government-run Victorian Arts Centre. What is the Minister for Consumer Affairs going to do about it?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — We do not take action against people without having the evidence. The evidence is being sought in relation to Mr Mihos, and if that evidence is provided and there is a case to answer, Consumer Affairs Victoria will take action. We have continued to inform consumers that they need to be careful about these messages that come from those who spruik wealth creation schemes. We suggest they take care in assessing whether or not what is on offer is too good to be true. We will continue to act in the interests of consumers, but we will do so with evidence that we know we can take to the Victorian Civil and Administrative Tribunal and win.

Goldmining: investment

Hon. J. H. EREN (Geelong) — I direct my question to the Minister for Energy Industries and Resources. With the *Australian* newspaper recently describing Victoria as being back in the gold business and saying that Bendigo and Ballarat are lining up for a new gold rush, can the minister inform the house of any recent developments in the resource industry and what they mean for provincial Victoria?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank the member for his question and his interest in resource development in regional Victoria. The member has a far bigger interest in it than members of the opposition, including the opposition spokesperson, who has not asked me a question. I keep waiting for his question so I can wish him well in his retirement, but I still have not received one. I look forward to getting one so I can do that.

I am pleased to advise the house that there have been a number of fantastic new developments in the resource industry in Victoria. Recently Bendigo Mining Ltd was given the go-ahead to build a gold ore treatment plant. This latest construction approval is great news for Bendigo and for provincial Victoria.

Construction is scheduled to begin in late May 2005 — that is, in a short time — and by June 2006, not more than a year after that, commercial production will begin at a rate of 120 ounces of gold per year from that mine.

In the process up to 500 jobs will be created in regional Victoria. So 500 families will not just have jobs but will be able to spend in regional Victoria and add to the prosperity of local businesses and the economy generally.

Activity in the state's mining industry currently includes a \$99 million investment at Fosterville, a \$220 million investment at Bendigo to date, and a \$270 million investment at the Douglas mineral sands project. Even the federal government's own Australian Bureau of Agricultural and Resource Economics confirms now that Victoria has just moved to third place amongst the states in attracting resources projects, and the current value of committed projects here now tops \$2.3 billion.

In addition there have been great new gold discoveries recently, and I am pleased to be able to advise the house that Ballarat Goldfields NL recently announced a spectacular increase in gold reserves. As a result the company has announced an early start to construction of its processing plant, which will produce up to 100 000 ounces of gold per annum. This plant will also be ramped up over the next three years to produce in excess of 200 000 ounces of gold. Final design plans will be completed in the next few months, with construction of the major project expected to begin later this year.

The *Australian* reported recently that 'companies are scurrying to get a part of the action' in Victoria, and they really are in the resources sector. There is fantastic investment taking place in regional Victoria, and a lot of it is happening in Ballarat, Bendigo and right throughout the state. We really do have a gold rush in regional Victoria at Bendigo, Ballarat, Walhalla in Gippsland and Tarnagulla and Maldon in central Victoria. It is about this state being developed under the Bracks government, and it will continue to be developed under the Bracks government.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 2659, 2663, 3014, 3080–81, 3233, 3248, 3292, 3295, 3329, 3354–55, 3640–41, 3648–49, 3656–57, 3659, 3664–65, 3672–73.

PERSONAL EXPLANATION

Ms BROAD (Minister for Housing) — I desire to make a personal explanation. On 22 March I responded to a question without notice from the Honourable John Vogels about vacant housing stock. Part of my response has turned out to be wrong, and I am seeking to correct it quickly.

I referred to a property that had been identified by the Department of Human Services in response to a freedom of information request as being vacant for more than 10 years. In my reply to the honourable member's question I noted that this property:

... is being utilised by an adjoining tenant in the small town concerned, and that property is not in fact vacant.

The department provided the latter information in response to an inquiry from my staff. It has subsequently proved to be incorrect. Following distribution of the *Hansard* record the department checked the facts and advised me that while units have been converted into larger flats in the residential development containing the unit in question, the unit referred to in the freedom of information response and press coverage has not been converted and is vacant. The property is a bed-sitter unit in a small rural town for which there is no waiting list and no demand.

The department has accepted responsibility for providing the initial incorrect advice that provided the basis for my response to the honourable member. The director of housing and regional director concerned have apologised for the error. I have given firm instructions that greater vigilance needs to be applied to the provision of information on vacant properties.

MEMBERS STATEMENTS

Gas: Wandong supply

Hon. BILL FORWOOD (Templestowe) — Before the last election members of the Bracks government, particularly the Treasurer, went from town to town promising, or should I say lying about, the prospects of gas being connected. One particular town was Wandong. Wandong this week is saying, 'Wandong wants its promised gas'. They are still waiting and at the request of my colleague and friend Mr Stoney I visited Wandong and noted the gas pipeline going straight through the middle of town. I met with a number of people there at the behest of the shire.

What is really apparent to the people up there is that they are being left behind. A recent council meeting

received a petition of over 300 names. The community group are reported as saying:

We're asking the minister if he's renegeing on his promise and to give us a decision on it.

I think they are entitled to a decision because everybody remembers the promises that were made all around the state. I say to the people of Wandong, and particularly the Mitchell Shire Council, 'Do not stop pushing; do not stop the effort to get this government to honour the promises that it made'.

An article on the front page of the *North Central Review* of 12 April says:

In his visit to Wandong in November 2002, Minister Brumby named Wandong as a 'strong contender' for natural gas ...

It goes on to say:

Since then, Wandong residents have waited in vain — —

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

Medicare: safety net

Mr SOMYUREK (Eumemmerring) — I stand to condemn the federal government for breaking its third election promise in six months by effectively cutting Medicare funding by increasing the safety net threshold levels from \$300 to \$500 for low-income concession card holders, and from \$700 to \$1000 for families. The Medicare safety net was a core election commitment. The government spent \$20 million of taxpayers money promoting the Medicare safety net before the last election. The Prime Minister Mr Howard, federal Treasurer Mr Costello and federal health minister Mr Abbott are all on record as giving ironclad commitments that the Medicare safety net threshold will not be reduced. The safety net has blown out to \$1.4 billion. Before the last election campaign, when it was introduced, the expected cost was \$440 million. Mr Abbott has admitted that he always knew that the commitment was financially risky. The question then is why did the government go to the last election with this commitment?

Labor opposed the policy at the last election because it did not offer sufficient relief to low-income earners and concession card holders. As a result of this broken promise the battlers in my electorate will be once again hard hit from the Howard government's cuts. This broken promise will add \$200 a year to the health care costs of the battlers in Eumemmerring Province. This comes on top of increasing interest rates, child care costs, and rising petrol prices.

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

Victorian Women's Cricket Association

Hon. B. N. ATKINSON (Koonung) — I had the opportunity last Saturday night to attend the Victorian Women's Cricket Association annual awards. I was delighted to be there and to actually see that a number of very talented young sportswomen were able to collect awards at that particular event. Indeed the premiership flags and so forth were presented.

It was a particularly successful effect because it followed two outstanding series in women's cricket. The first was Victorian Spirit beating New South Wales by two games to one to win the national championship. The second was the national team, the Southern Stars, winning the Women's World Cup in South Africa. Although that was a fabulous achievement, it is one that women's cricket in Australia consistently delivers. It is interesting to consider that women's cricket is one of the oldest women's team sports in Australia. In fact later this year the association will celebrate 100 years since its formation. I congratulate Clea Smith on her win in the district competition, and I particularly commend Belinda Clark, Cathryn Fitzpatrick, Louise Broadfoot and Melanie Jones for their inclusion in Southern Stars, which won the world cup, and the under-23 representatives Julie Hunter, Kelly Applebee and Sarah Edwards.

Infrastructure: funding

Mr VINEY (Chelsea) — I rise to congratulate the Minister for Innovation in the other house, the Honourable John Brumby, on his recent announcement of a further \$57 million in funding under the Bracks government's science, technology and innovation initiative infrastructure grants program. He made this announcement at the home of the Australian Tissue Engineering Centre, which is based at the Bernard O'Brien Institute for Microsurgery. It will receive a further \$5.2 million to develop ways to regenerate patients' skin, muscle, tissue, fat and organs.

Also part of the \$57 million announcement was a further \$6 million for the Centre for Medical Bionics, matching the commitment of the commonwealth government; \$6.7 million for the Victorian Centre for Advanced Materials Manufacturing; \$4.95 million for the Australian Centre for Healthcare Innovation; \$3.5 million for the Small Scale Technology Cluster; \$2 million for the new Retinal Vascular Imaging Centre and \$1.5 million for the Regional and Economic Benefits through Smarter Irrigation project. This is all

part of the government's \$1 billion investment in innovation, because the Bracks government understands that through this investment in innovation such as the synchrotron project it will deliver economic growth, jobs and benefits to the Victorian community.

Land tax: nursing homes

Hon. ANDREA COOTE (Monash) — I condemn the Treasurer, John Brumby, for the way in which he cancelled the land tax exemption for private nursing homes in this state. This is now the only state in the entire country that has land tax on private enterprise nursing homes. The way in which he went about this was callous and cavalier. He is to be condemned for making this policy on the run without any consultation with the industry or any understanding of what we need in this state. On 12 April the Treasurer claimed on Jon Faine's ABC radio program that there has been absolutely no change in legislation or policy. This is absolutely untrue. I have been led to believe the State Revenue Office recommended that the land tax exemption stayed. Its removal was a policy decision made by John Brumby in isolation, without any discussion or consultation with the industry or with private enterprise. It is essential that we have private enterprise investment in aged care in the state into the future. John Brumby has cancelled this exemption, and we will see private enterprise leaving this state in droves. There will be no private enterprise in aged care in this state. It is incumbent upon John Brumby to turn this around and make certain that he reinstates the land tax exemption to private operators within the state of Victoria before it is too late.

Housing: Port Melbourne

Mr SCHEFFER (Monash) — It was with great pleasure that I participated in the reopening of the Raglan Ingles housing units in Port Melbourne earlier this month. The site is bounded by Crockford, Ingles and Raglan Streets and previously consisted of 64 three-bedroom walk-up units built in the 1960s. The redevelopment of the area was announced by the Bracks government in November 1999, and the community advisory committee was established shortly afterwards, and was very ably chaired by Mr Viney. The committee included representatives of the local community, tenant representatives and the government. Peddle Thorp Architects was the consultant.

The new development consists of public and private housing. The public housing development consists of a 25-unit older persons' block, a 21-unit two-bedroom family block, 10 townhouses and 8 units for singles and families. There is parking for 41 cars, and 8 for the

older persons' block. As well the development includes lifts for older persons' and family blocks, a carer's room in the older persons' block and a ground-floor common room, disability access, community areas, computer terminal points and an outdoor private garden, as well as environmentally sustainable features, including a rainwater collection tank for irrigation purposes and solar collection panels. I congratulate Minister Broad and the government on the excellence of this development in Monash Province and for the effort that has been made to include the residents and the local community throughout the redevelopment process.

Water: Campaspe irrigators

Hon. W. A. LOVELL (North Eastern) — On 18 March I wrote to the Minister for Water, John Thwaites, in the other place requesting that he meet with a delegation of irrigators from the Campaspe irrigation system. I also raised this issue with the minister as a matter of urgency in Parliament on 22 March. As yet, and despite my office contacting the minister's office repeatedly, the minister has failed to even respond to my letter or to my adjournment debate question.

The irrigators in the Campaspe system are in a desperate situation, having received only 39 per cent of their water right in this current irrigation season. A further 5 per cent of water right is in storage, but because there is a 1-in-10 chance that Lake Eppalock will not receive any inflows at all during the coming winter, Goulburn–Murray Water has decided to keep that water in storage for the supply of stock and domestic water next season. Many of the irrigators feel that the water is of more value to them now, and others have said that if they do not receive this additional 5 per cent of water they will be out of business by next season anyway. I am also aware that Don Cummins, the chair of Goulburn–Murray Water, has also attempted to convene a meeting between the minister and the irrigators. With their livelihoods and future at stake, what the irrigators want is the ability to sit down and discuss their situation with the minister. This meeting cannot wait. This is a matter of urgency for the irrigators. But instead of showing concern, Mr Thwaites has chosen to sit in Melbourne twiddling his thumbs while country Victorians suffer.

Fraser Speechly

Hon. J. G. HILTON (Western Port) — Last Friday Fraser Speechly died. There will be no obituary in the newspapers and no television cameras at his funeral. This is how Fraser would have wanted it. He was a very

modest man and a very fine man. My wife and I were neighbours of Fraser and his wife, Jan, for over 20 years. He was the type of man who would help anybody at any time in any circumstance. His generosity of spirit was unwavering and, to his friends, very humbling. After retiring from his life as an orchardist, he freely gave his time to volunteer work at the local hospital, for which he was given some recognition as Victorian Senior of the Year in 2003. If everyone was like Fraser, there would be no poverty and no social disadvantage. I cannot think of a better epitaph than that. Everyone who met Fraser gained from the experience. Thank you and God bless.

Twelve Apostles: toilet facilities

Hon. J. A. VOGELS (Western) — The Bracks government and Tourism Victoria, together with local government in south-west Victoria, spend millions of dollars promoting the Great Ocean Road, with the icon being the Twelve Apostles. Last year 1.5 million tourists visited the Twelve Apostles, making it the major tourist destination in Victoria. The promotion is working. In fact this government has even launched a campaign in London with taxis advertising that people from England coming to the Commonwealth Games should make sure they go down the Great Ocean Road to visit the Twelve Apostles. What concerns me and the local tourist authority is that tourists have to travel 5 to 6 hours to reach the Twelve Apostles, but the \$6 million toilet facilities constructed by Parks Victoria are locked up because they are out of water. Easter was the latest example.

I ask the house to picture this: overseas tourists and visitors from all over Australia, after 5 to 6 hours of travelling — some on tourist buses and some with kids in the back seats of cars having been sick — are busting to go to the loos and are faced with no toilets. It is absolutely disgraceful. About 2.8 kilometres from the Twelve Apostles site is a reservoir owned by South West Water. It would be a very simple solution to connect a 2-inch pipeline from the reservoir. Because it is high the water would flow, as it would be gravity fed, down to the Twelve Apostles site so the toilets would always have water in them. It is an absolute embarrassment to tourist operators to send people 5 or 6 hours down the Great Ocean Road to the Twelve Apostles for them to then find out that the toilet facilities are locked.

Rotary: Shine On awards

Hon. KAYE DARVENIZA (Melbourne West) — I want to let the house know how delighted I was to attend and present the Shine On awards for 2005. The

awards are an annual event to recognise the contribution people with a disability make to our community. At the event an outline of each of the recipients' successes was read out prior to the presentation of the award, and you could not help but be inspired by each of the recipients, not only because of their strength and determination to overcome the challenges that their particular disability presents but also because of the enthusiasm with which they embrace life and participate in the community, excelling in a variety of fields. Their contributions have made our community stronger, more vibrant and more resilient.

The Shine On awards are hosted each year by Rotary, and this year the event was organised by the Rotary Club of Yarraville and District 9800, which encompasses the city of Melbourne, bayside suburbs and country clubs, such as Bendigo, Bacchus Marsh, Daylesford and Echuca–Moama.

I want to congratulate all of those who were nominated for the awards, particularly the award recipients. I would also like to take this opportunity to congratulate the Rotary Club of Yarraville on hosting this inspired event.

Walpeup: memorial hall banner

Hon. B. W. BISHOP (North Western) — Last Saturday evening my wife, Brenda, and I were invited to a special occasion at Walpeup, a small town about 30 kilometres west of Ouyen, which is well known for its prime Mallee lamb and its hot summers. This is about the great story of a banner made in 1919 to welcome home our returned soldiers from the First World War. The Walpeup Memorial Hall was standing room only to witness the rehang of the banner. The red, white and blue banner said 'Staunch and true — Hearty welcome home to our Walpeup district soldiers' as it hung on the wall of the Walpeup Memorial Hall for over 30 years. Then it was taken down and stored under the hall for about 50 years. It was discovered by accident by Fran Byrne and Robert Pole when they were searching for something else.

The hall committee recognised the historical significance of the banner and applied for a Saluting Their Service grant from the Department of Veterans Affairs to refurbish the banner, and with the help of their federal member, John Forrest, they were successful.

The banner looks terrific, now refurbished and in a frame. It was unveiled by the great-granddaughter of the original painter of the banner and Digger Valance, a

well-known and respected returned soldier from Walpeup. I congratulate the Walpeup Memorial Hall committee on its initiative in again bringing to life this important piece of Walpeup's history.

Grace McKellar Centre: redevelopment

Ms CARBINES (Geelong) — Earlier this month I was proud to attend with my colleagues Ian Trezise and Peter Loney, the members for Geelong and Lara in another place, and the Honourable John Eren the official opening of the new 100-bed rehabilitation centre at the Grace McKellar Centre by the Premier, the Honourable Steve Bracks, and the Minister for Aged Care, Mr Jennings.

The completion of this \$22 million state-of-the-art rehabilitation centre has allowed for 90 rehabilitation and geriatric evaluation beds and 10 palliative care beds. The Bracks government has now delivered on the first stage of the redevelopment of the Grace McKellar Centre, Geelong's premier aged care and rehabilitation facility. In last year's budget we also allocated a further \$50 million for the next stage, which will see a new 108-bed residential aged care facility, a new 90-bed complex care and aged persons mental health unit, a new community rehabilitation building and a new kitchen to service all of Barwon Health's needs. The Grace McKellar Centre is a much-loved Geelong institution, and most Geelong families have had a member of their family reside there at some time.

These projects clearly demonstrate the Bracks government's commitment to high-level aged care and rehabilitation care for the Geelong community. This is in stark contrast to the former Kennett government, which planned to privatise the Grace McKellar Centre, much to the outrage of all Geelong residents, and that government paid the ultimate electoral price when the former Minister for Housing, Ann Henderson, was defeated by Ian Trezise. Congratulations go to all at Barwon Health and the staff at the Grace McKellar Centre.

Gaming: taxes

Hon. DAVID KOCH (Western) — For the second time in four years this government is extracting millions of dollars from punters at a time when government coffers are overflowing. This government again admits to failing to manage public hospitals, even with abundant revenue, and is plundering \$45 million from the gaming industry to prop up its mismanagement.

In 2001 the Treasurer assured taxpayers that removing \$35 million from gaming revenues as a one-off measure would allow:

... tens of thousands of extra patients to be treated and more hospitals to be upgraded.

Victorians now realise that total state revenue has ballooned by 50 per cent over the last five years from \$19 billion to \$29 billion, yet again the government's uncontrollable greed targets punters' pockets and industry viability. This latest grab repeats what took place in 2001 with one subtle difference. In 2001 racing industry shortfalls under the Tabcorp joint venture were compensated by \$4 million per annum, but this time the punters will ultimately pay the price unless compensation is provided beyond the one-off \$3.5 million assistance package for the 2005–06 year. Either this additional gaming tax is only going to be a one-off burden to the gaming industry or the racing industry will be liable for these ongoing tax shortfalls. The racing industry faces enough challenges without having its pockets emptied again to prop up government bungling.

Land tax: nursing homes

Hon. ANDREW BRIDESON (Waverley) — Land tax exemptions have been given to privately owned aged-care facilities for almost a decade. These facilities provide an extremely important service to the community, and we as a society would be facing a crisis if they were no longer able to operate. Approximately 20 per cent of Waverley Province residents are aged over 60. A government policy change means that this vital service is under threat. The State Revenue Office has informed many of these facilities they are no longer exempt.

Noel Thompson, the director of Waverley Valley Aged Care, is reported as saying it would force him to think about selling up and leaving the industry:

There would be no-one to take it from. We do not set the fees, the government does and they just whack extra prices on us. It makes it impossible.

Another local aged care facility in Mulgrave, Sunrise aged care, stated that if faced with a land tax bill it would have to consider closing down. That is a potential loss of 200 beds in the future from these two facilities alone.

Mary Barry from the Victorian Association of Health and Extended Care has backed calls for the government to rethink this policy change:

The Bracks government should be doing all it can to assist the development of new residential aged care places, not force them out of business. This new tax will mean that investors and aged care providers will be discouraged from establishing new facilities in Victoria or expanding existing ones.

Mary Barry said that changes to land tax for Victorian aged care facilities are cruel and unacceptable.

Bridges: Wahgunyah–Corowa

Hon. W. R. BAXTER (North Eastern) — On Saturday, 2 April, I was pleased to join with several hundred citizens of northern Victorian and southern New South Wales at Wahgunyah for the opening of the new Murray River bridge connecting Wahgunyah and Corowa. This important new bridge replaces a 100-year-old existing bridge, the John Foord bridge, which was reduced to a single lane for several years. A new bridge was well overdue. It has cost some \$20 million, and it is the first of a trio of new Murray River bridges to be built. There is one at Robinvale, where the tender has been let, and one at Echuca, where there is still some dispute over the route. It is clear that this bridge would not have come into being without the good work of the then federal member for Farrer on the northern side of the Murray River, Mr Tim Fischer, who used the occasion of the centenary of Federation as a reason for getting the federal government involved in funding bridges that would otherwise be the responsibility of the states of Victoria and New South Wales. At the ceremony for the opening of the bridge and at another function later that day I was very pleased about the due regard accorded Mr Fischer's contribution to this bridge. Without his sterling work we would still be waiting for a new bridge at Wahgunyah.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget outcomes 2003–04

Hon. BILL FORWOOD (Templestowe) presented report, together with appendices.

Laid on table.

Ordered to be printed.

Hon. BILL FORWOOD (Templestowe) — I move:

That the Council take note of the report.

This another substantial body of work by the Public Accounts and Estimates Committee. It rounds out the

cycle. As honourable members know, we start with the estimates hearings and then we produce a report on them. At the end of the following year we produce the outcomes report. This is the document that is being tabled today. This is a substantial body of work but it is being produced with some difficulty. I place on record my concern about the actions of the Speaker and my grave concern in relation to the resources being made available to the Public Accounts and Estimates Committee. It is a matter of grave concern that its resources and its staff are being hamstrung in the way that they are.

There are two particular issues that I wish to raise at the outset. In last year's outcomes report we made a number of recommendations which were picked up by the government, but some were not. I draw to the attention of the house that this unanimous recommendation of the Public Accounts and Estimates Committee was rejected by the government. The recommendation, which we reiterate again this year, is:

The Department of Treasury and Finance report on the progress of projects funded through the Growing Victoria infrastructure reserve. The report should include:

- (a) the status of each project at the end of each financial year,
- (b) for each project, a comparison of budget and actual capital expenditure for the financial year, and
- (c) the project timeframes and reasons for changes.

This surely goes to the heart of accountability. If this government pretends to be an accountable government, then surely this is a recommendation that it must pick up.

Another recommendation that it did not pick up but rejected was last year's recommendation 26 on page 56 of the report, and again it was a unanimous recommendation of the committee. It said:

Financial information relating to each departmental trust fund be summarised in the annual report of the department ...

Hon. T. C. Theophanous — Why do you bother?

Hon. BILL FORWOOD — Because what is important is that trust funds be made accountable as well. What we know is that there is a propensity for governments to have the hollow log mentality and until we get access and know the transactions through each trust fund, as the Minister for Energy Industries and Resources knows, there will be the opportunity for, shall we say politely, ducks and drakes to be played with taxpayer funds. What the committee has said further on page 57 is that:

Given the lack of transparency through departmental trust funds, the committee intends pursuing this matter as part of its forthcoming report on the management and control of parliamentary appropriations, which will be tabled later in the parliamentary session.

That is a report that we will be working hard on.

Ms Hadden — I wish you luck!

Hon. BILL FORWOOD — I note an interjection from the Independent member, Ms Hadden, wishing us luck — she does not believe we will get this information from the government.

Ms Hadden — Very doubtful.

Hon. BILL FORWOOD — The honourable member says, 'Very doubtful'. This unanimous committee has a majority of government members. In these circumstances the government should be listening to its recommendations.

The committee report this time has 97 recommendations for the consideration of each of the departments. It again addresses the issue of the Australian Football League (AFL) sponsorship arrangements. Honourable members will realise that I have raised this matter in the past. I accept that the Transport Accident Commission has now ceased to fund the Richmond Football Club, but it is an outrage — —

Ms Hadden interjected.

Hon. BILL FORWOOD — So it should. I am pleased that it is funding the netball. At least it is going to announce the amount of funds. What I objected to and continue to object to is the TAC pretending that there are commercial-in-confidence reasons why it will not make the amount of funds publicly available. It is just nonsense.

An honourable member — Keep going.

Hon. BILL FORWOOD — I will. On a point of order, President — —

The PRESIDENT — Order! There has been a hitch with the new technology. About 30 seconds ago the Honourable Bill Forwood had 48 seconds to go but the clock went to the next time of 2 minutes, so I will allow the member another 40 seconds to conclude his remarks.

Hon. BILL FORWOOD — On a point of order, President, the clock in this chamber shows that I have 2 minutes left, and in those circumstances — —

Honourable members interjecting.

Hon. BILL FORWOOD — You are the people who brought in the time limits. You are the people who put the clock in here!

Honourable members interjecting.

The PRESIDENT — Order! I do not uphold the point of order. The Honourable Bill Forwood has 30 seconds to go, and I am counting — now!

Hon. BILL FORWOOD — In the truncated time available to me, let me make the point that this is again a substantial 380-page document. It does not deal with everything, but with — —

An honourable member interjected.

Hon. BILL FORWOOD — I have no time at all now. This is ridiculous! I commend the report to honourable members in this place, and I look forward to the government accepting the recommendations unanimously made — —

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

Ms ROMANES (Melbourne) (*By leave*) — I am pleased to follow Mr Forwood after his presentation and statement on the Public Accounts and Estimates Committee *Report on the 2003–2004 Budget Outcomes*. It is an important part of the PAEC's annual program of scrutiny of public sector performance and is a review of how accountable, effective and efficient the public sector has been in delivering some of the initiatives and programs outlined in the 2003–04 budget. The report does contain the committee's 97 recommendations on where there can be further improvement.

It is very important at this point to thank Michele Cornwell, the executive officer of the committee, and a number of her staff who have been involved in putting together the report with the involvement of members of the committee.

The report is another important outcome of the PAEC and adds to the scrutiny and accountability of the executive government through the Parliament. The report does show that the government is in a very strong financial position, as the budget surplus is \$990 million. It has enabled the government to apply further cash surpluses to reducing debt and to undertaking significant infrastructure program development in this state — investing in our hospitals, roads, schools, aged care facilities, public housing,

rolling stock, regional rail and many other important projects throughout the state. It shows improvements that have been happening in the public sector and where we need to go from here.

Hon. W. R. BAXTER (North Eastern) (*By leave*) — I want to join the two members of the Public Accounts and Estimates Committee who have spoken on the *Report on the 2003–2004 Budget Outcomes* in recommending that honourable members note the report and that they make use of it as a valuable resource document. In particular I commend it those members who might be contributing to the forthcoming budget. I endorse the remarks made by Mr Forwood and Ms Romanes but I want to emphasise the desirability of the government actually taking up and implementing the report's recommendations, because the committee has gone to great trouble to reach consensus on these recommendations.

It has not been a situation we sometimes see with parliamentary committees where there is division within the committee and that is recorded. Sometimes division can happen along party lines. For example, I was recommending at one stage that there be an insertion in this report about a particular matter which went to the sittings of this Parliament and the costs thereof. Finally after a lot of discussion we decided not to proceed with that recommendation. I did not think it was particularly productive for me to move a motion and for us to have a division recorded in the report's minutes on that issue. I use that simply as an example — and it is one of several — of where committee members, representing the three parties in this Parliament, actually sit around a table and toss things around until they come up with what we all think is an acceptable position.

It was disappointing that last year a couple of recommendations which went to accountability were rejected by the government. The committee has stuck to its guns and basically repeated those recommendations this year. Perhaps that strengthens the argument in favour of those recommendation and maybe has finessed the recommendations a bit, but I think it is incumbent upon the government to give those recommendations utmost attention and to accept them.

Motion agreed to.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 4

Ms ARGONDIZZO (Templestowe) presented *Alert Digest No. 4 of 2005*, together with appendices.

Laid on table.

Ordered to be printed.

**ECONOMIC DEVELOPMENT
COMMITTEE**

**Economic contribution of Victoria's culturally
diverse population**

**The Clerk, pursuant to the Parliamentary
Committees Act, presented government response to
report.**

PAPERS

Laid on table by Clerk:

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2004.

Mitcham-Frankston Project Act 2004 — Orders in Council of 16 March 2005 varying the Project Area and Extended Project Area (two papers).

National Environment Protection Council — Report, 2003–04.

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

- Ararat Planning Scheme — Amendment C8.
- Ballarat Planning Scheme — Amendment C65.
- Banyule Planning Scheme — Amendment C6.
- Bendigo — Greater Bendigo Planning Scheme — Amendments C40 and C59.
- Boroondara Planning Scheme — Amendments C44 and C47.
- Brimbank Planning Scheme — Amendment C69.
- Campaspe Planning Scheme — Amendment C32.
- Cardinia Planning Scheme — Amendments C50 and C57.
- Casey Planning Scheme — Amendment C65.
- East Gippsland Planning Scheme — Amendment C44.

Geelong — Greater Geelong Planning Scheme — Amendments C87, C88 and C92.

Glen Eira Planning Scheme — Amendment C44.

Hume Planning Scheme — Amendment C54.

Knox Planning Scheme — Amendment C37.

Latrobe Planning Scheme — Amendment C37.

Loddon Planning Scheme — Amendment C11.

Macedon Ranges Planning Scheme — Amendments C31 and C36.

Manningham Planning Scheme — Amendment C45.

Mansfield Planning Scheme — Amendment C4.

Melbourne Planning Scheme — Amendment C94.

Port Phillip Planning Scheme — Amendment C50.

Surf Coast Planning Scheme — Amendments C7 Part 1, C19 and C22.

Wyndham Planning Scheme — Amendment C49.

Statutory Rules under the following Acts of Parliament —

Fisheries Act 1995 — No. 12.

Forests Act 1958 — No. 13.

Magistrates' Court Act 1989 — No. 15.

Mineral Resources Development Act 1990 — No. 11.

Public Administration Act 2004 — No. 16.

Subordinate Legislation Act 1994 — No. 14.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 14 and 15.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 11, 12 and 16.

Victorian Environmental Assessment Council Act 2001 — Minister's response to submissions on the proposed Terms of Reference for the Riverine Red Gum Forests Investigation, pursuant to section 16(2) of the Act.

Wildlife Act 1975 — Notice of control of hunting, No. 2/2005, 11 March 2005.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — Section 55 — 1 April 2005 (*Gazette* G12, 24 March 2005).

Public Administration Act 2004 — Remaining Provisions of Part 1 and Division 1 of Part 4 — 4 April 2005; remaining provisions except Part 5 — 5 April 2005; Part 5 — 1 July 2005 (*Gazette* G13, 31 March 2005).

STATEMENTS ON REPORTS AND PAPERS

Notices

Ms Hadden having given notice:

Ms Hadden — On a point of order, President, could I be advised when I am going to be able to be in a position or be given a position to speak on this report?

The PRESIDENT — Order! The member would be aware that these reports are debated on Thursday, so Thursday will be the day that that comes before the house and, as I indicated to the house earlier, you will be allocated a position on all the procedures before the house on a pro rata basis — on a Thursday in this case.

Ms Hadden — On the point of order, President, that is on this Thursday?

The PRESIDENT — Order! I did not say that. Do not put words in my mouth. I indicated to you that, as you would be aware, reports are debated on Thursday. You will be allocated a spot on a Thursday on a pro rata basis to ensure that you as a member of this house are entitled to speak on matters before the house on a proportional basis.

Ms Hadden — Further on the point of order, President, I do not want to be difficult about this, but I am somewhat confused as to when I will be able to speak on a pro rata basis on this report — what sitting week — or when I will be able to speak on a bill.

Hon. Bill Forwood — Further on the point of order, President, sessional order 17 notes that members can speak for 5 minutes and that the time for statements for all members cannot be more than an hour, which means that each Thursday 12 people get the opportunity to speak. What will obviously be worked out, I understand by the President, is when Ms Hadden will get her turn in relation to that process.

The PRESIDENT — Order! Currently 12 members, as the Honourable Bill Forwood has indicated, can potentially make a statement each Thursday, except for the final Thursday in each sitting period as that time is reduced under sessional orders. On a pro rata basis of 1 to 43 Ms Hadden could therefore make a statement on each fourth Thursday. In response to her point of order, the question of which party's place she might take should in the first instance be discussed with the parties.

CLASSIFICATION (PUBLICATIONS,
FILMS AND COMPUTER GAMES)
(ENFORCEMENT) (AMENDMENT) BILL*Second reading***Debate resumed from 24 March; motion of
Hon. J. M. MADDEN (Minister for Sport and
Recreation).**

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill I indicate that the opposition will not be opposing this legislation. In general we know that in the broader arena there is an enormous amount of what is generally termed content out there in the marketplace, whether it be in films, television programs, video games, books or everything else. There is an enormous amount of entertainment-type material out there for people to look at, to enjoy or to be offended by, as the case may be.

One of the key issues is how do you know what a piece of content is all about. Certainly if we look at the newspapers we see on a fairly regular basis a lot of blurbs promoting a particular movie, TV program, video game or whatever. There is information out there by the people who have produced or manufactured that piece of content promoting it to various audiences. There are promotions on television screens, there are promotions on film screens, and almost every day in every newspaper there is some sort of enclosure or special supplement dealing with so-called entertainment. These generally refer to the content of TV programs, movies, music or whatever.

Those things that include all this information and bring it to public attention are in many cases advertising, advertorials and so on. How does a person know what is appropriate? How do they know whether that particular piece of entertainment is something they would find interesting or something they would find disgusting? How do they know whether it is something they would not want their children or their wife to see? How can they get an understanding? How do they know what is involved? One of the ways that is done is by the classification of the particular material. This seeks to give an independent indication of the suitability of that material for a particular audience. This is because, as I said, if you simply read the promotions and advertorials in the newspapers and other places, they are obviously more interested in promoting a product than saying whether or not it is suitable for a particular audience.

Quite clearly there is a need for a classification system to advise people on whether the content of certain material is appropriate for their needs, the needs of their families and the needs of the public. This is key information for the public. It is particularly important for parents to be advised whether the content is appropriate for their children to see. It can tell them whether it contains extreme violence or extreme sex, whether it encourages the making of bombs or whether it glorifies terrorists such as those who blew up the World Trade Centre in New York and so on. It can tell them what the material is about and whether they should be letting their children and others see it. The classification system is an aid in doing that, and it aids parents in particular by giving some indication of the suitability of the material.

In a theoretical sense that is all very well and good, but when we look at the skill and ease with which children and other young people use the Internet today we need to realise that to a great extent its content is not classified and not censored. It seems to me that when parents studiously tell children they cannot go to a particular movie because of its classification — it might have extreme sex or something unsuitable in it — or watch it on television at home, the truth of the matter is that they can log onto the Internet and get it anyway. At the end of the day, to a very large extent this whole issue of content and its classification is severely compromised by the Internet. As in so many things, the right course we should be adopting as a society is to encourage people to be responsible in all their behaviour. That includes their behaviour on viewing content, whatever it might be, whether it be in the form of film, the Internet or whatever.

In essence, this bill seeks to modify and amend the existing system. What is the existing system? We have a national system of classifications which has been agreed to by all states — it is a scheme by agreement. It would be ridiculous to have one form of classification in Victoria and another form of classification in New South Wales so it makes eminent sense that, as has been the case for quite a few years, this be a national scheme to which all the states have agreed.

The commonwealth has legislation in place. That legislation provides for a classification board which goes through and classifies films, videos, compact discs, computer games and publications in accordance with a national classification code and guidelines. In a way that is where the federal jurisdiction ends. It is then up to each particular state or territory to enforce those classification decisions in its jurisdiction. That is essentially where this bill comes in — it talks about harmonising the new system of classifications so

Victoria is consistent with the rest of Australia, and about particular enforcement issues as they refer to Victoria.

Specifically what does the bill do? The main thing the bill does is amend the nomenclature of classifications. I think we can all remember, because we are all old enough and have seen these things, the general classifications. There is a G classification for 'general' for films; there is a PG classification for 'parental guidance'; there is an R classification for 'restricted'; and also an X classification for 'restricted'. These classifications are the ones which currently apply to films. We can all remember those classifications, in many cases from our youth when we liked to go and see some of these X-rated movies or whatever. However, that nomenclature is changed by this bill and it is worth going into why.

The reasons for these changes go to the question of technology. That has come about because of video games, DVDs and so on, which are new technology. In 2003 new classification guidelines were issued to sweep up computer games, videos et cetera, and they were given a whole series of classifications. It probably would not be a surprise to anybody to hear that the classifications given to computer games and DVDs were different to those given to movies. This caused quite a bit of confusion. For instance, where we might have had the old M classification for movies, for computer games the classification was M (15+). In other words, we had a different nomenclature for the classification if it was a film or a computer game. Clearly, that is cause for confusion and is a pretty stupid situation to be in. Therefore, this bill basically aligns those classifications so that regardless of whether something is a film, a computer game or a DVD it will be classified with the same nomenclature.

In essence, where we had an MA (15+) classification for films and computer games under the old system, the classification brought in by this bill is MA 15+ — in other words the existing classifications have been brought into line to make them consistent across films, video games, DVDs et cetera so that there is a clear understanding. When a person sees a classification they will know what it is for a movie, a DVD, a computer game or whatever. The need for this was accentuated by the fact that because film classifications had been around for a long time most people understood what they were, but most people did not understand the classifications for video games or even know that they existed. There is a good case for bringing them into line. The bill will ensure that we have one system, and it will be the same regardless of the medium.

I wish to touch briefly on some of the key issues of the new nomenclature, because there is a distinction between legally enforceable classifications and those which are advisory. Classifications that include an age reference — for instance, MA 15+ or MA 18+ — indicate a legally enforceable age limit for the classification. Where there are just letters — for example, PG or A — that is a recommendation, an advisory classification. That is the key change the bill makes, and it is absolutely appropriate that the nomenclature for these classifications be unified.

A couple of other little changes are important. The first deals with the forfeiture of goods and the significant toughening up of the forfeiture conditions. Essentially, if the owner of a video or computer games shop is found to be significantly breaching the act as it applies to serious issues — for instance, with things that are classified as being restricted and so on — the totality of their stock can be taken away by the police. Whether or not all the stock was incorrectly classified, all of it can be removed if it is established that the offence involves 10 or more films that breach one of the serious classifications. The total removal of stock is a fairly significant penalty. If the owner wants to get the stock back, even if there was nothing wrong with the classification, use and so on of that stock, they have to go to a magistrate and ask for the stock to be returned. This significant procedure involves time, costs and general hassles. The new forfeiture provisions are fairly draconian.

There are new provisions to do with evidentiary certificates. Obviously the classification of a particular bit of content is based on the classification given to it by the classification board, and that is evidenced by a certificate which says that a particular video is classified as XYZ. To make it quite clear how the law will operate, copies of those evidentiary certificates can be accepted by the court. It is now not necessary for a piece of content, which is to all intents and purposes the same as one which already has an evidentiary certificate, to go through the whole process of having a separate certificate.

The bill also deals with the question of child exploitation, particularly the use of under-age children in videos, or alternatively people who are not under age but who are acting as if they are under age, bringing the legislation into line with the international code which says that under age is now less than 18 years rather than 16 years. So it changes the age limit to bring it into line with the International Labor Organisation convention which says that the cut-off for children is 18 years rather than 16 years.

That is a brief run-down of what the bill does, and the opposition is not opposing it. The bill rightly seeks to tidy up the nomenclature of these classifications and to that extent it is worthy of our support.

Sitting suspended 6.28 p.m. until 8.02 p.m.

Hon. W. R. BAXTER (North Eastern) — This legislation could be styled a commonsense bill. It is, in a sense, template legislation in that it is regularising classifications for these publications, films, computer games and the like Australia wide. I think that is a sensible provision.

This material knows no boundaries, and it would be a farcical situation if the states had differing rules and regulations applying to this sort of material. It would be impossible to police, it would be impossible for consumers to understand and comprehend what their rights and obligations were, and it would be a case of states' rights gone berserk if we attempted to have separate legislation in one or more of the states that was somehow or other different to that in others. In that vein, I applaud and congratulate the relevant ministers of the commonwealth, the states and the territories for reaching this agreement, because censorship and classification of objectionable material is a very difficult area indeed.

Sometimes offensiveness is in the eye of the beholder, and it can be easily contemplated that different governments of different complexions right across the political spectrum might on occasions have difficulty reaching a consensus. This might particularly be so on issues such as this, where there are all sorts of pressures coming on politicians and ministers from numerous lobby groups and pressure groups in the community. These pressures come both from those who want to take, for want of a better word, a really wowserish line and endeavour to prevent any of this material being in the public arena and from those who want to take a very liberal line and virtually have no restrictions and no controls at all. To that extent I think it is laudable that we have been able to reach some common ground in this legislation, and we are embodying it tonight so that it applies nationwide.

I have always found this issue difficult. I can recall, as I am sure many of my contemporaries can also do, the arguments going on in the days when I was at school; the views held by some politicians, rightly or wrongly; and the views ascribed to some politicians, rightly or wrongly, by the media.

I well remember the then Chief Secretary of this state, Sir Arthur Rylah, having fun poked at him for a remark

he made in this Parliament about what he may or may not like his teenage daughter to read. I think Sir Arthur was reflecting widely held views in the community at the time and he was a bit unfairly treated on that occasion by some elements of the media.

I have generally taken the view that adults in a democratic and liberal society ought to be free to make their own decisions about what they watch and what they read. That has not always sat comfortably with some of my party colleagues, particularly in my branches. No doubt there is grave concern in some parts of the community today as to the type of material that is reasonably freely available in our community — and that is not taking into account the Internet, which I am told by many people, including Mr Strong before dinner, contains a wide variety of material there for the looking. I have never been very good on computers, and I certainly need to lift my game in seeking some of this stuff out. I had a look over the dinner break, and I did find some objectionable material I have to admit —

Ms Mikakos — Purely for research, Mr Baxter!

Hon. W. R. BAXTER — Purely for research, Ms Mikakos, just to see if these allegations that were being made actually had the strength that is attributed them. Presumably they do if you know where to look. I clearly was not looking in quite the right places, but that is not to say that they are not easily found by children who are much more expert at operating this technology than I am. One only has to look, for example, at The Nationals conference in Wangaratta only the weekend before last, where there was debated a motion that the conference request greater censorship of MA — mature audience — and R-rated programs being screened on television and a total ban on programs and advertising including violence or sexual activity being screened before 9.30 p.m.

This reflects a widespread concern in the community that much of this material is on television at times when young people in particular can see it. That is a concern in these days when we have less parental supervision and guidance than might have been the case when I was a child. I understand the sentiments that were expressed by the supporters of the resolution. Quite often it is the trailers for these programs, which are shown early in the evening advertising something that is going to be on later that night, that are in themselves quite graphic and perhaps send messages to children that we would rather not be sent. In a sense I share their concerns. I certainly understand their concerns, and certainly I have had a lot of trouble on occasions fathoming why so many in our community seem to thrive on a diet of violence on

television. I do not mean just pornographic stuff, sexual activity and so on; I am talking about shootings, murders, assaults and so on.

Maybe I am an odd one out, I do not know, but so many of these programs which have high ratings on the television seem to me to be based on the same pattern. They are the same week after week. The plot is always the same: there is going to be shooting, there is going to be a murder, there is going to be a car chase, there is going to be an arrest, someone is going to go to jail and the like. I know what the result will be, and I could not be bothered watching them, but thousands do, so there is clearly some attraction to those sorts of programs. But I often wonder what sorts of attitudes they are inculcating in our community. Are they inculcating the opinion and the view that assaulting someone with a weapon, fist or whatever is quite acceptable in our community? Clearly it is not, but you can perhaps understand why young people think a resort to physical violence is okay, because they are getting a diet of that on television night after night. I find it mysterious why that is so.

Obviously in this day and age when we have such a high standard of living many homes have more than one television. In the old days when there was a single television in the house there was perhaps a bit of a consensus among family members as to what they watched; there had to be some sort of agreement. I have to confess that in my own home there are three televisions. There is seldom more than one on at any particular time, but it does mean that you no longer need to have a consensus on what the family will watch — they can all go off to their own tellies and watch what they like. This seems to me to be introducing a whole new element into the way families might bring up their children — what they should watch and what is acceptable behaviour. Of course the parents probably have precious little influence or control over what their kids look at on the Internet and the like, notwithstanding the Net Nanny or whatever other software is available to sift out and restrict what children can have access to on their computers.

I acknowledge that it is getting more and more difficult for parents to supervise what their children watch, and therefore it is more and more important that we send clear messages to parents about the content of stuff that is classified. In the past there has been some confusion about the various elements of the material that is classified, whether it is printed or is films or computer games or the like, so I certainly support the legislation from that point of view.

I suppose the other thing we have to take into account printed or as parliamentarians is that we have to react to and to a degree cater for what is the demand in the community. In the past decade or so the term ‘non-violent erotica’ has crept into the language. I have to say, looking at the statistics and seeing the number of adult shops that are about the place, there is clearly a demand for that material in our community. There are two such shops in the main street of my local town, Wodonga, which is a city of 30 000 people. I wonder how it can sustain two shops in the main street selling this material, but they have been there for several years now, so clearly they are making a profit. I am not game to go and have a look at them in my own town in case I am spied by one of my conservative constituents as I come out the door, but I have done some research into these shops in other places.

Mr Pullen — We won’t tell anyone, Bill.

Hon. W. R. BAXTER — No, of course you would not — I have just put it on the record. There are two in Shepparton, for example, which is also in my electorate, and now there is an application for another one, which is causing a good deal of concern in the community. That is understandable, I suppose, but some of it is perhaps misplaced. But it illustrates that there is a demand in the community for that sort of material. I am not protesting about the demand, I am acknowledging that it exists, but what I think we have to be careful about is that the material that is available in those sorts of outlets meets this classification of non-violent erotica that satisfies some people’s fantasies — and there is no doubt that it does. I am not one of those people who think this sort of material inflames passions and leads to people going out and actually exercising their fantasies. I think it does the opposite, frankly. It is an outlet for them and satisfies them more than encourages them to engage in untoward behaviour, but we need to be clear and certain that we have a system in place to ensure that what these outlets are offering the public, or retailing to the customer, meets the definition of non-violent erotica and that it is not being used as a means of getting around the law and selling some of the more objectionable stuff which is clearly available.

I have some concerns with the technology that is available now and the ease with which DVDs and the like can be pirated. Perhaps we are opening the door or giving smart operators an opportunity to organise some sort of criminal activity and market this stuff. We all notice in our suburban newspapers — and I have noticed in some of my country newspapers — advertisements offering to deliver X-rated videos to your door; there is no address, only a mobile phone

number. I do not know how objectionable this stuff is — I have not rung up to get a sample — but it seems to me that there is some scope there for organised crime to make, for want of a better word, a killing by offering this stuff via the back door, so to speak, because, as I have indicated, there does appear to be a demand in the community for certain types of erotica.

Does getting caught up with non-violent erotica then lead to seeking out more graphic stuff? I do not know. I do not know whether anyone has done the research on it. I am not advocating that we make the more violent material available, but what I am saying is there is an avenue there for the criminal element to perhaps become the marketers of such material. I do not envy the police force at all in this aspect of its work. It is extremely difficult to get convictions, and it is extremely unpleasant work in that it needs to be done, although there seems to be more pressing stuff out there in the community for the police to be taking an interest in. Unless the police are on top of it, we will see the criminal element increasingly turn to the sale of objectionable material as a means of making its nefarious income.

The Nationals are pleased to support this legislation. We understand and acknowledge there is widespread concern within the community about where we are going in terms of the availability of offensive material, particularly on the Internet. This is an element in the armoury to control that material. It is not the full answer, but being national template-type legislation it is obviously a worthy initiative.

Ms MIKAKOS (Jika Jika) — I rise to speak in support of the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill. I note at the outset that this bill does a number of things. It deals essentially with three key areas, and I want to discuss each of those fairly quickly.

The bill relates to the introduction of uniform classification-type names for films and computer games. It improves the operation and effectiveness of enforcement action and ensures that the act complies with the International Labour Organisation Convention 182 on the Worst Forms of Child Labour. These amendments will assist all Victorians to make informed decisions about what they are viewing. They will make it easier for Victoria Police to successfully prosecute people who commit offences under the legislation. The bill also demonstrates the Bracks government’s commitment to protecting children from being involved and exploited in pornographic films or material.

I turn to the first area of reform that I have just indicated. I note that the amendments seek to implement uniform classification types for films and computer games as agreed to by all censorship ministers at a meeting held in November 2003. It was agreed that all jurisdictions would seek to introduce a uniform and more easily understood classification scheme for films and computer games. The amendments agreed to by the ministers across all jurisdictions will create common classifications for films and computer games based on the current classifications for films. The proposal to rename the classifications will not affect the type of material that will be permissible within each classification.

The other area that the bill relates to, as I indicated, deals with greater effectiveness of enforcement action. It does this in a number of ways. In relation to evidentiary certificates, for example, the bill contains amendments that will improve the operation of the classification act by remedying a technicality which is currently hindering successful prosecution of classification offences in this state. Section 78 of the principal act provides evidentiary force to a certificate which the director of the Office of Film and Literature Classification is empowered to provide under section 87 of the commonwealth classification act.

The evidentiary certificate states the relevant classification if any of the film, publication or computer game is required so as to prove offences under the classification act. The bill amends section 78 to make it clear that an evidentiary certificate under the commonwealth act can be relied upon in a prosecution under the Victorian act as evidence of classification or non-classification at a date or dates in the past.

The bill also makes a number of changes in relation to duplicate copies. Currently it is costing Victoria Police in the range of \$110 to \$200 to obtain an evidentiary certificate for duplicate copies of films or computer games, and the amendments in the legislation will seek to enable Victoria Police not to have to incur this unnecessary expense in relation to duplicate copies.

The final area that the bill relates to and which I want to spend the most time discussing relates to compliance with the International Labor Organisation Convention 182 on the Worst Forms of Child Labour. I note that the Bracks government unequivocally supports the objectives of the ILO convention which seeks to eliminate the worst forms of child labour, including the use, procuring or offering of a child under 18 for prostitution, production of pornography or for pornographic purposes. The government has consulted very widely in respect of the whole legislation and I

note that it actively sought the views of Victoria Police, the Office of Public Prosecutions, the Office of Film and Literature Classification and adult industry stakeholder groups.

After the bill had been introduced in the other house the government became aware through representations made to it by local film producers of concerns about some aspects of this part of the legislation. The government was prepared to make some changes through house amendments which were introduced and agreed to in the other house.

The amendments are related to changes to the sexual depiction age in the definitions of 'objectionable material', 'objectionable films' and 'objectionable publications' from under 16 years of age to under 18 years of age. This may have had the unintended effect of limiting some types of films, particularly those that may have related to the coming-of-age type of story lines; films we have seen in the past, such as *Somersault* and *The Year My Voice Broke*, but certainly those kinds of films were not intended to be caught up in the provisions of the legislation.

The amendments made in the other house rectify this issue. Child pornography will still be identified and captured as films or publications that are 'refused classification', that is the RC classification, or if unclassified would be classified RC, which is already provided for under the national classification code. A film will be an 'objectionable film' if it would be classified X or RC under the national classification code. This brings Victoria's definitions of 'objectionable film', 'objectionable material' and 'objectionable publications' in line with other jurisdictions. The amendments ensure that Victoria fulfils its obligations under the International Labour Organisation (ILO) convention and the national classification code.

The bill is seeking to strike an appropriate balance between the need to protect children and the importance of complying with the ILO convention, with safeguards for the Victorian film industry to produce legitimate artistic films. Victorian film-makers have a highly respected reputation for making fine films which goes back over 100 years. A number of very successful Victorian films have been made; our film-makers have been and continue to be regarded as leaders in the Australian film industry. I note in particular films such as *Picnic at Hanging Rock*, *The Man from Snowy River*, *The Castle*, *Mad Max*, *Romper Stomper*, *Chopper*, *Crackerjack* and *Japanese Story*, to name just a few.

The Bracks government has been a strong supporter of the Victorian film industry. Our commitment to ensuring the industry thrives for decades to come has seen a significant investment in the establishment of the Central City Studios at Docklands. Stage 1 is now fully operational and five sound stages, production offices and ancillary services are in constant demand. Stage 2, the construction of an additional 6000 square metres of warehouse space, will begin in June. These and other existing facilities will no doubt continue to attract the attention of more local and international film-makers to our state.

We have achieved an appropriate balance between continuing to protect children, the most vulnerable members of our community, and taking a very strong position in relation to the abhorrence that the government and the community feel for child pornography whilst also enabling our film industry to continue with appropriate safeguards.

The final matter I wish to allude to briefly is the classification of computer games. I note this is a matter of interest to tens of thousands of adult computer games enthusiasts. Under the national classification scheme there is currently no R 18+ classification for computer games. Currently games considered to be above MA 15+ are refused classification and banned from sale or hire throughout Australia. The possibility of an R 18+ classification for computer games was considered in the past in a combined review of the classification guidelines for films and computer games. A review was undertaken by the Office of Film and Literature Classification on behalf of the commonwealth, state and territory censorship ministers. The findings of that review were discussed in November 2002, and new combined guidelines for films and computer games were approved by participating ministers.

However, these guidelines did not include an R 18+ classification for computer games as South Australia and the commonwealth objected to this at that time. I note that at that time the Bracks government was in caretaker mode, given this was in November 2002, so Victoria did not participate in the approval process.

Victoria supports the inclusion of an R 18+ rating for computer games. Unfortunately this is not achievable at the present time because, as I indicated, all jurisdictions would need to agree to it. Just as adults have a choice of what films they see, adults who play computer games should have a choice. Long gone are the days when computer games were the sole domain of children and young people. These days computer games are frequently played by adults. I agree with the sentiments

expressed by previous speakers that if the exploitation of children and other vulnerable members of the community is not involved in the production of either these types of films or computer games then adults should be able to make informed decisions as to what types of films or computer games they wish to participate in.

I certainly do not seek to make moral judgments about these matters. It is not something that interests me, but as Mr Baxter has indicated in his contribution, there seems to be a great deal of demand for this type of material in our society, and I think we would be taking a blinkered view if we did not acknowledge that that is in fact the case.

In conclusion I note that this is an important bill. It supports the choices made by adults as to what they wish to view, it sends a clear message to those flouting the law that they will be identified and prosecuted, and it provides greater protection to children who are exploited in the worst possible way. The bill also provides security to the film industry in relation to making creative and thought-provoking films that portray the lives of young people in our communities. I wish to acknowledge the support of all parties in this chamber and in the other place in the passage of this bill. I commend it to the house.

Hon. ANDREA COOTE (Monash) — We should remember the delineation between classification and censorship when we are talking on this bill. It is salutary to look at the Oxford dictionary to see the difference between censorship and classification. It says censorship is ‘the power to suppress or expurgate books, films, news, et cetera on the grounds of obscenity and the threat to security’. It says classification is ‘to arrange in classes’. The purpose of this bill is not censorship. We have seen that from the contributions that have been made today, and those of us who have read the bill and understand it can see there is a lot of merit in it. Indeed it is important to address the current media; to address not just books, films and news but to have a look at what is the current scenario with the Internet, computer games and a whole range of multimedia that was not there in the past.

It is quite comical to remember some of the censorship issues of the past. It brings to mind Peter Rabbit. We do not think of Peter Rabbit as being particularly bad, but he came under criticism for having all those bunnies running after each other, which was seen as having homosexual overtones and extremely concerning! Then we had Noddy and Big Ears, whose situation was seen as similar. Noddy and Big Ears were very bad examples to small children because once again that was

a friendship that was not to be condoned. Not to be forgotten is *Lady Chatterley's Lover*, and of course the minute that was censored probably most of the people in this chamber raced off to read the explicit chapters. How harmless they seem today. I can remember being home from school once and turning on the television to watch the *Loretta Young Show*, which was rated AO. The *Loretta Young Show* had a serious amount of sex in it. Sex was absolutely out of the question; it was certainly not to be talked about at all, which is why it had an AO rating. It was very quickly switched off, and I was sent back to school the next day. However, it is very important for us to see how those things seemed at that time to be important. Today we are dealing with something quite different — with very serious allegations, videos and Internet games et cetera.

I put on the record some of the things we are dealing with. In November 2002 the *Age* listed a number of video nasties. One of them was *BMX XXX*, in which players could choose to adopt the persona of a nude female rider. It was banned in 2002. Then we have *Grand Theft Auto III*, which was banned in 2001. The first version of this game featured a scene in which the player could have sex with a prostitute, then bash and rob her. The game also involves breaking into cars and mowing down pedestrians. Then there is *Postal Game*, which was banned in 1997, in which players adopted the character of a crazed postal worker who kills those around him. The very first video game that was banned was *Phantasmagoria* in 1995, which featured a violent decapitation and other short but graphic scenes of violence. I think it makes Peter Rabbit look absolutely harmless! However, this is nothing to be humorous about, because it is actually very serious.

New Scientist deals with a number of issues regarding the correlation between watching violent video games and aggressive behaviour. I quote from an article by Hazel Muir in *New Scientist* of 23 October 2004:

In *Manhunt*, a first-person 3-D game, for instance, the gamer plays a convict retrieved from death row who shoots, beats to death or suffocates all acquaintances. The more grisly the execution, the greater the accolades earned. And in *Grand Theft Auto: Vice City*, the gamer plays the part of an ex-con trying to recover cash lost in a botched drugs deal. The player mugs people, intimidates jurors and kills a prostitute.

And the violence is becoming more vivid as increases in computing power make the games look even more realistic.

We all recall the dreadful incidences of mass shoot-outs. For example, this *New Scientist* article talks about the April 2002 incident in Germany, when a 19-year-old ran amok with a pistol at a school. His 20-minute shooting frenzy left 17 people dead, including himself. It also mentions how in April 1999

two teenagers rampaged through Columbine High School in Colorado with bombs, guns and knives, slaughtering 13 people before committing suicide.

This seems to be a lot of anecdotal evidence, and there is increasingly more scientific evidence, to show the correlation between these violent video games and aggressive behaviour. It is therefore important to have a model and a framework whereby the rest of the community can understand what it is dealing with. The *New Scientist* article says:

Many studies have shown that people who play violent games regularly are more likely to show high levels of aggression. For instance, in 2000, Craig Anderson of Iowa State University in Ames and his colleague Karen Dill found that people who play violent games were more likely to admit to aggressive behaviour, including assaults or robberies.

An increasing amount of scientific evidence is coming through, and it is important for us as a community to understand what is involved with these games and what the opportunities are for our young people. The Internet is extremely difficult to contain, and video games show violence that most of us in here would be most unfamiliar with.

The purpose of this bill is to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995. It incorporates the commonwealth amendments which created uniform classifications for films and computer games. It is important for the rest of us to understand what the classifications mean. My colleague the Honourable Chris Strong spoke at length about the various classifications and what they mean. We need to have a guide, we need to understand, we need to have somebody who is looking at the total package to understand what it is we are facing. I commend this bill for doing exactly that.

This bill also adopts International Labour Organisation Convention 182 amending definitions of 'objectionable film', 'objectionable publication' and 'objectionable material', making it illegal to describe or depict a person who is, or looks like, they are under 18 from engaging in an indecent sexual manner or context. It is important to have that very clearly summarised so that we understand what it is we are doing.

As I said, this bill refers to incorporating the commonwealth amendments. It is important to look at the explanatory memorandum from the bill that went through the House of Representatives in 2004, entitled Classification (Publications, Films and Computer Games) Amendment Bill (No 2) 2004. The summary of amendments is fairly lengthy, but I will read it because it is important to understand that this bill deals with

those amendments. The summary of amendments on page 2 is:

The bill —

the federal bill —

will have the following effects:

validate board decisions made, both before and after the commencement of the amendments, on the basis of deficient or defective applications for classification by commonwealth, state and territory law enforcement agencies ...

validate review board decisions made, both before and after the commencement of the amendments, on the basis of deficient or defective applications for review of a board decision, where the relevant board decision resulted from an application by a commonwealth, state and territory law enforcement agency ...

validate any later decisions or actions taken by the board, the review board or the director under the classification act on the basis of the original board decision, or, as the case may be, review board decision ...

If we look at the federal bill we can see how thoroughly the issue was researched. The community can feel confident that the federal legislation is reflected in the bill we are dealing with today, and that the new scheme has been adequately examined and been given some guidelines. The bill is an indication that Victoria is cooperating with the federal government and the other states and territories in dealing with what has become a very difficult, and in some instances a very dangerous, sort of industry and area.

We have some areas of concern, including the inability of a court to seize property which does not form part of the offence. The government should be regulating the sale of X 18+ material instead of sending the industry further underground, providing for the situation where there is an increased likelihood of exploitation without checks and balances.

The Liberal Party is not opposing this bill, and I believe there are some facets of it that are commendable. I believe the community will be better off having a clear definition of what these classifications are.

Mr PULLEN (Higinbotham) — It is a pleasure to follow the Deputy Leader of the Opposition, who made a very good contribution on this bill, which is supported by all parties. My contribution will not be long, but the issue is important.

The Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill aims to enhance the national classification scheme by creating a

more easily understood classification scheme for films and computer games, to improve the effectiveness of enforcement action under Victoria's classification legislation, and to ensure that Victoria's classification legislation is consistent with the International Labour Organisation Convention 182 on the Worst Forms of Child Labour.

The bill is complementary legislation to that at the federal level, and it has been agreed to by state and territory censorship ministers to create a common set of classifications of film and video games throughout Australia. The type of material that is permitted within each classification is assessed by the Classification Review Board using the criteria set out in the national classification code and the relevant guidelines.

The agreed legislative amendments will modify the names of classification types to establish consistency between films and computer games. Currently films and computer games offer different names for the classification types.

While I will not go through what the current types are, this basically brings it down to new films and computer games having a G, which is a general classification; PG, which is for parental guidance; M for mature; and M (15+) for mature accompanied people. Then the R 18+ and X 18+ are restricted film classifications. One other classification, RC, stands for 'refused classification'.

The introduction of uniform classification types for films and computer games is to enhance community awareness of the computer games classification scheme by the use of well-known and well-understood film classification types. I was surprised to see — and I learnt this only when I studied this particular bill — that only 43 per cent of the population were aware that video games were classified. The censorship ministers agreed that the legislation to introduce the new classifications would commence in Australia on 26 May 2005, which is why we have to enact this bill now.

The bill contains amendments to improve the operation of the federal Classification Act as it is currently hindering the successful prosecution of classification offences in Victoria. It also contains an amendment to clarify that a separate evidentiary certificate is not required for each duplicate copy of a film publication or computer game, the cost of those certificates having been quite expensive in the past. After 100 of these free certificates have been used up, the cost of each additional certificate is \$110 to \$200, depending on the nature of the certificate. Therefore this amendment is

intended to provide certainty to ensure that Victoria Police is not hamstrung by the expense of obtaining separate evidentiary certificates for duplicate copies of films, publications and computer games.

To make the federal Classification Act more practically enforceable the bill provides an additional means to trigger forfeiture. This new trigger has the effect of reducing the number of evidentiary certificates Victoria Police needs to obtain, thereby reducing the cost of these prosecutions. Therefore the bill contains amendments to allow Victoria Police to seek full forfeiture where there is an offence or offences involving 10 or more items.

As Ms Mikakos covered very well — so I will not go through a lot of it — the final amendments address child exploitation in light of the International Labour Organisation Convention 182, which calls for the elimination of the worst kinds of child labour, including the use, procuring or offering of a child under 18 for prostitution, production of pornography or pornographic performances.

I believe honourable members would have received copies of a letter from Fiona Patten of BodyPolitics. It is a very good letter. I must make it clear that whilst this bill does not cover anything in relation to the sale of X-rated videos in Victoria, it is important for me to cover a few things as far as this is concerned. I have no doubt that most members of Parliament have met with Fiona Patten, and those who have not would certainly have received copies of a letter she sent out to people in relation to X-rated videos.

I accepted an offer by Ms Patten to have a tour of Sexpo when it took place here in Victoria, and I think it was very important for me to do that so they could put to me their particular point of view on X-rated videos. I always listen to all sides of all stories, which is why I went along to this particular exhibition. As people would know, I had no opinion on the stem cell research bill before I had listened to both sides of the argument on stem cell research. I eventually voted against the stem cell research bill because I could not be convinced that it was the right way to go. That is why I go along to anything — I may draw the line on going along to a Liberal Party fundraiser, but I would certainly go along to most things!

An honourable member — For research!

Mr PULLEN — For research, yes! The letter I received, dated 14 March 2005, makes a number of important points. It states:

Over 3 million adult films were sold last year in Victoria with a turnover of more than \$60 million.

Eighty-five per cent of adult material sold in Victoria is unclassified and/or pirated. Many of these pirated discs are now produced by criminal organisations.

Piracy of adult films helps fund crime gangs locally and internationally. One kilogram of pirated DVDs is now worth more than 1 kilogram of marijuana (UN Report, 2004).

Organised crime fears are very real. Police report that 30 per cent of pirated material found is adult. This material is providing the backbone for these criminal operations.

...

Over 1 million (30 per cent) of Victorians have stated that they watch X-rated films. (Sex in Australia survey — La Trobe University, 2002).

Over 30 per cent of all adult films in Victoria are sold from non-adult venues such as convenience stores, newsagents, petrol stations and family video outlets where minors have access as employees and customers.

Because of the prosecution changes that will come into place, this bill will go a long way towards eliminating some of these problems. However, negotiation should continue with adult industry lobby groups to develop a system that would be more acceptable to all concerned — adults who wish to view whatever film they choose and our young people, who would be further protected. I support the bill.

Hon. B. N. ATKINSON (Koonung) — This is an important piece of legislation. I join my colleagues in supporting this bill and not opposing it. It is a bill that takes us forward in dealing with the problem of classifying materials that are likely to cause some concern because of either violent or sexual aspects of their content. One of the concerns the opposition has, even though it is not opposing the bill, is the fact that the government has again come in with last-minute amendments. It has been working on this bill for quite a number of months, but it has still failed to bring into this house a bill that is comprehensive and that addresses all the issues. The bill has needed further amendment. That is a matter for concern.

I commend Mr Pullen for the comments he made towards the end of his speech when he indicated that there ought to be an ongoing dialogue on some matters related to censorship, the classification system we have and the opportunity to develop a system that addresses some of the issues related to adult materials and materials that we understand at this stage to be essentially X and R-rated.

I am particularly interested in this debate. A number of members are aware that this is an area that I have been

particularly concerned about. I am worried about the inconsistency of legislation around Australia, about our ability to address these issues in a way that will enable us to achieve some sort of consistency in policy framework throughout Australia, about our ability to have legislation which is contemporary and which recognises the reality of the transmission of information and material, and the technology that is associated with their distribution, and about our ability as a society to address some of the issues, particularly in respect of the availability of the material to young people.

The legislation this bill addresses has not really been visited for more than 20 years. When we consider the impact of the Internet and other technologies such as DVD-copying technology and even to some extent video-copying technology over that period we start to realise that a piecemeal approach to legislation in this area is simply not an adequate response by government. Whilst this legislation goes some way to addressing some of the issues associated with the availability of this material in the community — the accessibility of this material in this community to young people in particular — it goes nowhere near far enough. The government has lost an opportunity in this legislative process to address a much broader range of issues in regard to X-rated and R-rated materials, both of which have connections to sex and violence issues, by really addressing amendments or responding on what ought to be its legislative position going forward.

A number of members in this house and in the other house have suggested that we are part of a national classification system and that this legislation tries to fit in with that. That is absolute nonsense. That is an absolute furphy. The reality is that the national classification system being spoken of was put in place some years ago when the state, territory and federal governments signed on to a classification system which introduced a new classification of non-violent erotica. The fact is that the only government which has taken it up has been the federal government, and that is why we have an industry turning out adult material from Canberra. None of the states has really addressed that issue despite the fact that the states signed an agreement with the federal government. To talk of being connected with a national system is therefore nonsense. The fact is that because of the approach the states have taken, the area of adult-related material is full of anomalies.

I have a situation I have spoken about in a number of areas of a milk bar very close to my electorate office selling not just X-rated material but unclassified material. This material is visible from the street. It cannot be legally sold in an adult shop which has gone

through the process of obtaining a planning permit to establish in a suburb or a particular location where it has to submit to regulations regarding the display of material it offers for sale, yet somebody else is selling such material.

The resources the government provides for the enforcement of the proposed law before the house tonight and laws that are already in place are clearly inadequate — and there has been no discussion of that enforcement. Many members of this house and of the other place are quite happy to titter and giggle about the whole issue of X-rated and unclassified material being available in the community. They are quite happy to ignore the impact of the Internet and the sort of material that can be downloaded from the Internet. They are quite happy to put up with an anomaly where it is not illegal in Victoria to own or to buy adult-related material with an X classification but it is illegal to sell it. Those sorts of inconsistencies are not immediately comprehensible to the community.

It was amusing when the Premier on radio 3AW was asked by a commentator whether he had ever watched an X-rated video, because most of us on this side know that it is pretty hard to get a direct answer out of the Premier at any time. But the Premier vacillated over his answer on this particular issue. Later an adviser explained away his position on X-rated videos on this occasion by saying, 'Look, the Premier did not really understand the difference between an X-rated and an R-rated video'. As many members in this house would be aware, that was also reported in the *Australian Financial Review*.

I am not surprised at the Premier's response, and that is the very issue we as politicians ought to address in this community. If the Premier does not understand the difference between X-rated and R-rated material, or does not understand that unclassified material is out there in the community, all too accessible to young people, then we have a real problem. How do we expect the community to understand what these materials are, whether or not they are legal, and what exactly they mean in terms of the laws that apply and the enforcement we can expect from our police force? How do we make sure that we have a censorship regime that is appropriate to the needs and expectations of the community and makes sure that young people are not gaining access to material that is totally inappropriate to their maturity?

What Mr Pullen said is absolutely right; this legislation is okay as far as it goes. He certainly went a lot further in terms of commending this legislation to the house, but the fact is that we ought to be going a lot further.

We ought not be trying to giggle about these sorts of issues. As members of Parliament we ought to be a lot more adult in our approach to these issues. We ought to be taking them on and establishing a legislative regime that eliminates the anomalies and stops the criminal element Mr Pullen spoke about in quoting material provided by the industry lobby group, the Eros Association. We certainly ought to address the changing technologies in our community which make a whole range of materials, including information that you might well expect ought to stay in the adult domain, available or accessible to a greater cross-section of the community.

We ought to be looking to make sure that the enforcement we arrive at is capable of providing some integrity to the process of the laws we establish in this house. We ought to make sure that there are no inconsistencies from state to state. We ought to make sure that under the federal covenant we have signed we are at least able to rationalise our position in a mature and real way, and not simply sign it at one level but fail to implement any change in our laws that would give effect to it if we do not believe it. We ought to have a mature debate on these issues.

I have written to every one of the major churches in this state, and to each church in my electorate seeking their views on these issues, in particular those regarding classification of X and R-rated materials. I have asked for their views on some of the information in this material that is not just sexually explicit but indeed relates to violence. I have to say that in many ways I am far more concerned about some of the violent aspects of material presented to young people than I am about some of the sexually explicit stuff, notwithstanding that I believe in most cases many young people do not have the emotional capability and maturity to digest what is being offered to them.

As I said, things that are accessible through the Internet and increasingly through a range of distribution networks are totally unregulated in this state. You only have to consider places like that milk bar near my office and the Caribbean market or other markets around the state. You only have to consider the mobile vans that go around selling lunches, but also make available X-rated videos to workers in factories and so forth.

We need to go a lot further than this legislation. Yes, this legislation is a step in the right direction, but it is unfortunate that it has again been a hurried and reactive response to a problem and that it tries to provide bandaids solutions in areas of legislation to try to ensure that the police are able to obtain convictions where at the moment they are uncertain of their opportunity to

prosecute what they believe are offences against the existing laws. We need to go a lot further in the context of a mature debate on these issues, a debate that recognises all the interests of the community, including those church organisations that I have approached and gained some very constructive input from, particularly on the subject of movie or video classifications and adult-related material.

I hope that this is only the first step. I certainly hope that members of this Parliament recognise that we need to be a lot better in our leadership of the community on issues like this and not simply leave them on the shelf so that we pretend we are addressing significant issues when in reality we are not at all addressing some of the very real concerns that the community has about these sorts of materials and —

The ACTING PRESIDENT

(Hon. B. W. Bishop) — Order! The honourable member's time has expired.

Hon. J. G. HILTON (Western Port) — In my contribution tonight on the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill, I will be brief. The opposition and The Nationals have indicated their support; consequently I do not see any real reason to take up too much time in the house.

The purpose of this bill is to ensure that Victoria is in line with the national classification scheme. The fact that it does not do any more than its purpose is not a ground for criticism of the bill, as Mr Atkinson has tried to make out. Obviously it is necessary and important that we have a national classification scheme so that consumers of the products which are the subject of the bill can have an understanding of what they are purchasing and/or renting.

The genesis of the bill was the publication in 2003 of the new classification guidelines for films and computer games. It was acknowledged that there was a requirement for each state to implement its own legislation to support those new guidelines, and that is what this bill will do. Obviously one clearly worthwhile consequence of the bill is that now computer games will have the same classification as films — for example, PG, MA and R, which I think are universally recognised, as two of those classifications indicate.

I must acknowledge to the house that I have never played a computer game and our children, who are young adults, are now way past the time when we could have control over their behaviour or what they do.

However, I am sure that parents of younger children will find consistency useful and informative.

Before I sit down, I want to respond to a couple of comments made by other speakers in this debate. I was impressed by the Deputy Leader of the Opposition's contribution. However, she did seem to be implying that people who play violent video games are more likely to indulge in violent behaviour. There is no evidence that I am aware of that there is a causal relationship between playing violent computer games and indulging in violent behaviour. It could be merely an association that people who are likely to play violent computer games are more likely than the general community to indulge in violent behaviour. But there is absolutely no evidence to imply, nor should it be stated, that playing computer games by itself necessarily increases the tendency to violent behaviour.

I would also like to respond to a couple of the comments made by Mr Pullen. I have also been approached by Fiona Patten and find her arguments persuasive. The fact that it is legal to purchase an X-rated video, that it is legal to own an X-rated video, but it is not legal to sell an X-rated video seems to me somewhat bizarre. I am sure that at some stage that contradiction as I see it will be addressed.

Finally, in relation to Mr Atkinson's contribution, I always enjoy listening to Mr Atkinson, especially when he is very passionate about the issues which he has raised, which is obviously the case with this bill. Of course raising these issues is not without personal damage. He has raised these issues before and has been rewarded with the headline in the *Sunday Herald Sun* of 6 March, 'Legalised porn: Lib'. I think he will be talking about having a sensible debate. We need to have a sensible debate not only within Parliament but within the media as well, particularly the way the media portrays people who are making what they believe is a sensible considered contribution to a major issue. It is trivialisation at the extreme, and indeed may be somewhat off-putting to people wishing to make these statements in public knowing that is the way they can be portrayed.

I have a fair amount of sympathy with the views expressed by Mr Atkinson, but that sympathy does not extend to criticism of this bill. As I said, this bill was drafted for a particular purpose to ensure that Victorian legislation is in place to implement the national classification scheme. It was not intended to do any more or any less than that, and to criticise it for not going further I believe is mischievous.

This is good legislation that has been accepted by all parties, and I certainly commend it to the house. I am not saying — and this is my personal point of view — that this legislation addresses all the issues which should be addressed in this debate about the availability of X-rated videos, et cetera, but that was not its intention. Therefore, for the reasons which I have indicated, there being no opposition from The Nationals and the opposition to this bill, I am more than happy to commend it to the house.

Ms HADDEN (Ballarat) — I am going to be a bit of a fly in the ointment tonight, and do so for two reasons. I am not going to vote for this bill. I will neither support it nor will I vote for it. I am registering now to every member in this house that I intend to have my dissent vote registered. I do so for two reasons. It is all very well to pander to the powerful lobby groups that get into the minister's ear and forget about the children. What about the vulnerable young people in the state and what about the vulnerable children? Where is their voice? Nowhere.

If this state had an independent commissioner for children, I might be satisfied that this bill had at least crossed the commissioner's desk, but it has not. This state has not followed in Tasmania's footsteps, and until it does I will make sure that the Attorney-General, the Minister for Children and the Minister for Community Services in the other place get their act together in relation to the protection of children in this state and not just put all this spin in this material because I am absolutely sick of it.

No-one in my electorate even knows the bill is before the house. I have not had an opportunity to be properly briefed in relation to this bill. I have done some quick research tonight over the last few hours and I am not impressed with it because again it is looking after the film-makers' interests, raising age of consent of a victim from 16 years to 18 years to pander to their profit-making ideals. Again, where is the voice of the children? I have not heard anyone speak on behalf of children or on behalf of young people who are exploited every day. Members express concern about Mr Baldy who is about to be released, probably into my electorate because Melbourne does not want him. We cannot put him anywhere in Melbourne because he would probably be too close to the house of some minister or member. Mr Baldy will probably be released into my electorate or into the Bendigo electorate because that is where the services are.

My electorate is very sensitive about this issue. As I said, members are concerned about Mr Baldy and about victims being scarred for life, and then they have the

gall to come into the house and say, 'This is fine. We will just tinker around the edges', or, as I think I heard a previous speaker say, 'This is a focus on classification for film-makers'. Where is the protection for the children? Where is the voice for children in this state? I do not hear it and I am suitably unimpressed.

Every member in this house ought to do some research on establishing an independent commissioner for children. They ought to look at the Tasmanian model. My very best friend, Mrs Patmalar Ambikapathy, was the first Commissioner for Children in Tasmania. She was in that position for four years. Her hair would curl if she saw this bill because a bill that looks like being introduced into the house in Tasmania has to cross the commissioner's desk first. There is no protection in this bill for children. It raises the victim's age of consent from 16 to 18. It is totally inappropriate.

When I read the Scrutiny of Acts and Regulations Committee (SARC) *Alert Digest* No. 3 of 2005 I saw some grand statements, one of which refers to the International Labour Organisation and reads:

The ... government strongly supports ratification of this convention. Promoting the physical, sexual, emotional and psychological safety of all young people is a priority for this government.

Again I ask: who is speaking for the children and young people in this state? I have not heard anyone do so tonight, and I have not read it anywhere. The issue has to be addressed pretty quickly by the Attorney-General and the Minister for Children, who is also the Minister for Community Services in the other place.

The second reason I am not supporting this bill is because it contains no social justice impact statement. It contains no impact statement in relation to family and social issues that affect all Victorians — not just rural and regional Victorians, but all Victorians. I have not been offered any timely or professional briefing on this crucial bill that will have a huge impact on young people and children. As I said, it actually raises the age of consent.

As an Independent member of Parliament it is my role to scrutinise bills that come into this house. I am not satisfied that this bill will in any way protect young people or children in this state. Children in the 16-to-18 age group are the most vulnerable in this state. Look at the child paedophiles, the child sex offenders, and then look at the age group and at how they groom them from a young age up to 16 and 18. I do know what I am talking about. Some members in this house ought to get out and talk to some of the defence lawyers, members of the bar council, and public prosecutors and hear

about the impact of the exploitation of young people and children. They are vulnerable. We are parliamentarians and it is our job to protect them. I do not see too much protection in this house tonight.

The other aspect of the bill I want to focus on is the fact that the Labor government spouted and spruiked about integrity in public life, about its plan to restore the credibility, integrity and effectiveness of Parliament and win back public respect for the political process. I am an Independent and no-one has told me that this bill is a good thing for young people and children in this state. My view is that this bill will not in any way create stronger or safer communities. In fact it might do exactly the opposite.

As I said, I am not supporting the bill for those two reasons. This is a house of review. We are not a rubber stamp; we do not just trot out the set lines that are given to us by the media unit or the ministers' advisers. We should be thinking about what we are doing in this place. Some of us are collecting a pretty handsome salary and we have to do better than we have to date. I can tell the house I am not impressed.

I am not going to vote for this bill for those two reasons. I will not support it. I think we had better have a long, hard look at ourselves and exactly what we really mean by looking after young people in this state, by protecting our vulnerable children and young people. I do not see this bill doing anything like that. In my view it looks after a powerful lobby group, the film-makers. The focus is on that. There is no balance. Where is the voice speaking for the children and young people? It is not there.

The PRESIDENT — Order! The question is:

That the bill be now read a second time.

Those of that opinion say aye, to the contrary no.

Honourable members — Aye.

Ms Hadden — No.

The PRESIDENT — Order! I think the ayes have it.

Ms Hadden — The noes have it.

The PRESIDENT — Order! Is a division called for?

Ms Hadden — Yes.

The PRESIDENT — Order! Ring the bells.

Bells rung.**Members having assembled in chamber:**

The PRESIDENT — Order! Ayes to the right, noes to the left. It appears there is only one member for the noes. Under standing order 11.07 the member has the opportunity of expressing a wish to have her dissent recorded in the minutes, or under standing order 11.08 she can have a division recorded. Is the member prepared to have the dissent recorded in the minutes or does she want a full division?

Ms HADDEN (Ballarat) — I want a division.

The PRESIDENT — Order! I appoint as tellers for the ayes the Honourable Bill Forwood and Mr Smith, and for the noes, Ms Hadden and the Deputy Clerk.

House divided on question:

Ayes, 38

Argondizzo, Ms	Lenders, Mr
Atkinson, Mr	Lovell, Ms
Baxter, Mr	McQuilten, Mr
Bishop, Mr	Madden, Mr
Bowden, Mr	Mikakos, Ms
Brideson, Mr	Mitchell, Mr
Broad, Ms	Nguyen, Mr
Buckingham, Ms	Pullen, Mr
Carbines, Ms	Rich-Phillips, Mr
Coote, Mrs	Romanes, Ms
Darveniza, Ms	Scheffer, Mr
Davis, Mr D. McL.	Smith, Mr (<i>Teller</i>)
Drum, Mr	Somyurek, Mr
Eren, Mr	Stoney, Mr
Forwood, Mr (<i>Teller</i>)	Strong, Mr
Hall, Mr	Theophanous, Mr
Hilton, Mr	Thomson, Ms
Jennings, Mr	Viney, Mr
Koch, Mr	Vogels, Mr

Noes, 1

Hadden, Ms (*Teller*)

Question agreed to.**Read second time.**

Remaining stages

Passed remaining stages.**BUSINESS OF THE HOUSE****Photographing of proceedings**

The PRESIDENT — Order! Before I call the next item of business I remind visitors in the gallery that it is

inappropriate to take photographs of the chamber whilst it is in session.

OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL

Second reading

Debate resumed from 24 March; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Hon. C. A. STRONG (Higinbotham) — At the outset I would like to put on the record that the opposition will be opposing the Outworkers (Improved Protection) (Amendment) Bill, and the reason for that is simple: this bill is a remarkable and breathtaking intrusion on the rights of individuals to do what they seek to do in the carriage of their normal business and in going about making an honest living. It is an intrusion of remarkable extent. It smacks of socialist legislation, and of the most extreme and draconian removal of rights that we have seen in many years. The bill contains only five pages, but those five pages go to the very heart of how we as a society have ruled and carried out commerce and carried out our professions over the years. It says that you will no longer be able to contract your labour at a rate that you think is reasonable.

Before I came into this place I was an engineer, and if I was to consult to the clothing trade, for example, I could not contract my labour at a price that I thought was appropriate for the services that I provided; I could only be paid according to the clothing industry award. That is a travesty of everything that we have stood for as a civilised society, and I will try and explain that in a bit of detail in reference to the bill.

Some history of this legislation needs to be given to put the issue into context. In 2003 we passed the Outworkers (Improved Protection) Bill which sought to limit the ability of the clothing trade — because that is basically what we are talking about — to go and get a piecework rate for the making up of clothing in Victoria. We all know that when tariffs were removed from the clothing industry, most of the clothing industry jobs went offshore, in many cases — to use a euphemism — to sweat shops in the east and underdeveloped countries.

Basically the Victorian and the Australian industries fought back against this export of jobs to sweat shop nations by going into a piecework arrangement where they sought to use labour in their home and in their own factories and in many cases, we are led to understand,

in garages of houses et cetera where people were prepared to make up clothing at competitive rates to those at which it could be sourced overseas.

If you sourced it overseas there clearly would be management issues, there would be freight issues and there would be quality issues that would not exist if the goods were made up in Victoria, but the clothing trade unions said, 'These people who are making up garments on piecework rates in their own homes or their own garages or whatever are being exploited, and we have to close down this industry because we cannot have these people being exploited'. They rolled out a whole series of misleading statistics allegedly showing that these people were working for 50 cents an hour and containing all sorts of really quite outrageous facts and figures which, when they were analysed in the cold light of day, were clearly nonsense.

At the end of the day this government, which is beholden to the unions, brought in the Outworkers (Improved Protection) Act 2003, which sought to 'protect'— the government's quote — these outworkers from exploitation. Of course it did not really protect them from exploitation at all; it just took their jobs away from them because they were no longer competitive with people making up clothing overseas. They just did not have that work. That was work that left Victoria, left Australia, but that was fine, because these people were not members of the union and were not paid union wages, so they did not matter. The government went a long way towards closing down that industry.

What has happened since then is that as a result of changes to the industrial relations system federally we now have a situation where common-rule awards cover the clothing industry. Anybody who is making up in the clothing industry has to be paid according to these common-rule awards under the existing Outworkers (Improved Protection) Act 2003, which this bill seeks to amend.

How does it seek to amend it? I will tell you what it does. It simply says that if, for example, my wife and I wanted to form a little contracting business and we registered a business and, because it worked for us, we were prepared to undertake this work — making up garments or whatever — at a rate less than the common-rule award, we would be breaking the law. We would be breaking the law if we as a business sought in the competitive world in which we live to do this work at less than the government and union-regulated rate.

Here we have the union with a common-rule award. That common-rule award, which regulates what people can pay, will have the force of law if this bill is passed. It says, 'It does not matter who you are, you are not allowed under the law to contract at a lower rate than this'. If you have a business and you want to contract for work for less than the common-rule award for the clothing industry because you want the work and can do it more efficiently for whatever reasons, you are breaking the law. This is absolutely outrageous. This is why the opposition will be opposing this piece of legislation.

Just think about running this argument for other people who are in the contracting business. Let us look at other areas where there are a lot of small contracting organisations. Look at the taxi truck and courier industry. There is a common-rule award for the transport industry. So why not bring that in and make it apply to all courier drivers and taxi truck drivers? They are unable to contract at any other rate. They have to contract at the common-rule award rate. They cannot go in and say, 'We want this business; we are more efficient than these other people, so we will put in a price for this job that is less than the common-rule award'. No! They would be breaking the law.

If you were a young, up-and-coming clothing designer who had a small business — just you, you and your wife, or you and somebody else — and you wanted to contract for some design work in the clothing industry and you were prepared to go in at a very competitive price to build your business, to build your name, to start growing an industry for yourself and for Victoria and for Australia, you would be breaking the law if you wanted to do that at less than the union-regulated, government-regulated rate. It is an absolute shambles.

If we look at other small contractors we see that tow-truck operators are contractors in many cases as well. We can look at a whole series of areas, such as small computer businesses and new one or two-man accounting firms that want to get a foothold in a particular industry and want to contract at a low rate — but no, they cannot! They would be breaking the law if they contracted at a rate lower than the award rate.

With our system of a mixed economy, it is an absolute travesty of the rights of Victorians and Australians to regulate, because we are regulating a rate at which people in this industry can be paid. We are saying that if you work in that industry, it does not matter if you are prepared to contract your labour. If you are a small business and are prepared to provide your services at less than the union rate, you cannot do it. This is

ridiculous and we will oppose this legislation on that simple concept.

When we come to the committee stage of this bill I want to take up with the minister some issues of definition which go to that question at great length. I want to make quite clear that a broad range of industries and professions will be hit by this bill and that this is potentially the thin end of the wedge. Why will this not flow on to taxi truck drivers? Why will it not flow on to a whole series of small IT consultants or small building companies? How many subcontractors are out there in the building industry who run their own one or two-man businesses? There are virtually thousands and thousands. The mechanism is being put in place to say to them, 'No, you cannot subcontract at this rate; you can only subcontract at the union rate or greater; you cannot undercut the union'. That is what this is saying. It does not matter who you are; if you are prepared to run a business and undercut the union rate, that is against the law. That is the most ridiculous and unfair law and should never be passed in this place. I urge this Parliament to strenuously reject it.

Hon. W. R. BAXTER (North Eastern) — I share Mr Strong's distaste for this obnoxious legislation. He is quite right in alleging that it is setting a precedent and that we can see that if it is passed tonight, this government, acting at the direction of the Trades Hall Council, will attempt to extend similar provisions to other areas of our business community. He gave some examples that are likely to be the first targets — the courier industry, the taxi truck industry, tow trucks and the like, and clearly, I can see that happening as well.

This legislation is born out of the union's hatred of private contractors. Unions do not like people making their own decisions, doing their own thing and entering with their customers into agreements which suit both parties. Unions just cannot abide that sort of initiative being taken by individuals.

Unions want to run the show. They want to get rid of anyone who might be able to demonstrate the work can be done more efficiently and more cheaply than what their so-called award will set. That is exactly what we have seen in case of outworkers. It was dressed up in the original bill 18 months or so ago that somehow or other this was going to stamp out exploitation in the clothing industry and that it was protecting the people who worked in that industry — laudable aims sold well in the press, if you believed it. Of course it was nothing of the sort. It was actually designed to drive these people out of jobs.

The union did not want these people demonstrating that they could produce a quality garment in conditions in their homes, in their businesses, in their own time and at a price they were happy to do the work for, and that they were not therefore under the control of the union. I think largely the union succeeded in that because I am quite sure that much of the work that was previously done by outworkers is now not being done; it is either being imported from overseas or it is perhaps being done in factories by a heavily unionised work force. But clearly the bill of 18 months ago did not quite achieve what the Trades Hall Council was anticipating, so it has pressured the government now to bring in some legislation which will tighten it up and achieve the purposes that the union intended originally.

One only has to look, for example, at the definition that is included in the bill of 'clothing industry' to see how the union movement is endeavouring to make it absolutely watertight this time so that no-one can escape its clutches. The definition of 'clothing industry' is so extensive that I feel I need read it to the house so that honourable members will get some understanding of how all-encompassing the union movement intends this legislation to be.

In clause 4, under 'definitions', there is a new definition of 'clothing industry'. It means:

the industry including wholly or partly designing, preparing, manufacturing, processing or finishing, or wholly or partly controlling, managing or supervising the designing, preparing, manufacturing, processing or finishing, of any type of garment, apparel or articles (such as aprons, all descriptions of whitework, including napery, sheets, pillow slips, pillow shams, diapers, handkerchiefs, towels, chenille bedspreads, mosquito nets, chenille bath mats, and when made into clothing or whitework establishment cot covers, blankets or bedspreads, scarves, collars cuffs, neckware, muffs, rugs and mats such as are made in the establishment of a furrier from furred, haired or woollen skins, hats, caps, bonnets, berets or any other kind of headwear, umbrellas or parasols or the like), whether inside or outside of a factory or workroom.

I invite the house to contemplate for a moment or two that definition. The government must have spent weeks putting that together, thinking of every possible garment it could lump in, and it is simply an indication of how it really wants to make this a piece of catch-all legislation. Then, to make it even more encompassing, from the definition of 'outworker' that is in the current act the government wants to omit the words 'for someone else's business'. That has no purpose other than ensuring that it tightens up the legislation and means that it gets at anyone who is doing any work in the clothing industry who might, in any sense or fashion, be acting as an independent contractor.

This government, being the doctor of spin that it is, realised it could not just bring in legislation like that without people like me accusing it of dancing to the tune of the Trades Hall Council, so it attempted to dress it up and get some sort of justification for bringing it in. The government waited until the first report of the Ethical Clothing Trades Council of Victoria was presented to the Parliament. Honourable members will realise that this council is a creature of the legislation that was passed in 2003. That act sets out who is to comprise the Ethical Clothing Trades Council of Victoria, and I want to enlighten the house as to who is on the council. It includes a gentleman who is the national industrial relations manager for the textile, clothing and footwear sector of the Australian Industry Group; Mr Leigh Hubbard, currently — and I think soon to be former — secretary of the Victorian Trades Hall Council; a woman who is the coordinator of FairWear, a union instrument; the secretary of the Textile, Clothing and Footwear Union of Australia, Victorian branch; a person from the Victorian Employers Chamber of Commerce and Industry and a person from the Australian Retailers Association Victoria.

At first blush that might seem a reasonable complement of people to be on such a council, but if one thinks about it for a while one sees that there are three people heavily involved in the union movement and three people from big business on the council. It does not include anyone at all who has got any connection with outworkers — they do not get any say. It does not include anyone who might be to any great degree representative of people who engage outworkers. Certainly those who are representatives of the industry groups on this council, without doing them too much of a disservice, frequently behave as if they are members of the industrial relations club in any event, and in some senses it suits them to have a set of rules that also suits unions. I think it is pretty outrageous that the membership of this council does not include anyone who has some direct connection with outworkers. What happened? We find that they got a bit worried about federal government policy and what might happen when the federal government gains control of the Senate on 1 July, because paragraph 4.1.4 of this report goes to great lengths to talk about proposed federal government policy:

On 26 September 2004 the federal government announced a new industrial relations policy concerning independent contractors that it would pursue if re-elected. The federal government intends to introduce the Independent Contractors Act to —

and this is emphasised —

prevent the workplace relations system being used to undermine the status of independent contractors.

Then it goes on further to discuss this particular alleged policy of the commonwealth government and how it needs to do something about it before 1 July. In other words it is wanting to deny the will of the federal Parliament. What did it do? It took it upon itself to conduct a study to determine whether outworkers were receiving their lawful entitlements and evaluate the effectiveness of actions taken by the industry to improve industry compliance with outworkers' entitlements.

On its own it is probably not such a bad idea, but who did it contact to do the study? Did it get an independent consultant to come in and do it? Did it call for tenders to see who was out there who might do it? No, it appointed — 'commissioned' is the word used in the report — the Textile Clothing and Footwear Union of Australia to conduct this compliance survey. That is about the equivalent of putting Dracula in charge of the blood bank because you know exactly what sort of report you are going to get from the union in terms of compliance, bearing in mind it was this very union that was behind the originating legislation in the first instance, so I do not take any notice whatsoever of the report that was made by the union in the fact that it was commissioned by the council to undertake this, for want of a better word, 'compliance' audit.

That then led to recommendation 2 of this report, and according to the second-reading speech the minister hangs this whole legislation on this recommendation. Recommendation 2 says:

The Outworkers (Improved Protection) Act 2003 be amended to remove any ambiguity or varied conditions of employment created by Part XVI of the federal Workplace Relations Act 1996 and the failure to enact the Federal Awards (Uniform System) Act 2003 to:

give full effect to the deeming provisions of the act to ensure that whether classified as an independent contractor or outworker, the worker is entitled to identical terms and conditions of employment, has the capacity to recover money and that the same obligations of transparency and record keeping apply to all companies giving work out;

This is the very point that Mr Strong was making so vehemently — that regardless of what arrangements you might want to put in place, regardless of what agreements might be made, everyone is going to be working under the award provisions. It takes away any element of competition; it takes away any pressure for there to be greater efficiency; it takes away any use of individual initiative whatsoever.

It does not matter how good or bad you are or how prepared you are to work longer hours, everyone is on the same basis, and it just means the concept of independent contractors goes out the window. We know that is exactly what the unions want; they do not like independent contractors, and they have demonstrated that time and again. They think that if they can get this precedent through, they will be able to extend it right throughout the business world, and no doubt they will if they get half the chance. It is going to be incumbent on the federal government, with its control of the Senate from 1 July, to make sure that the legislation the government passes in this aspect cannot be undermined by state governments dancing to the tune of their local trades and labour councils.

One of the other obnoxious parts of the bill goes to the issue of the so-called information services officers, and honourable members will recall, I am sure, my objection to the use of that title in numerous pieces of legislation we have had over the last 12 months or so, including the WorkCover legislation, occupational health and safety legislation and the outworkers legislation. They ought to be titled what they are — that is, enforcement and compliance officers. They are not information services officers in the sense that that phrase conveys the impression that they are simply some sort of information resource for answering questions people might ask. Recommendation 2 of this report makes it very clear indeed that the information services officers are to be enforcement and compliance officers. This legislation enacts that recommendation.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Sewerage: rural and regional Victoria

Hon. J. A. VOGELS (Western) — I raise a matter for the Minister for Water in the other place and it concerns country towns sewerage programs. When campaigning before the 1999 election the Labor Party lambasted the Kennett government for the cost to residents in small towns to be upgraded to having a sewerage scheme. People in some communities, Ms Garbutt pronounced, were having to pay up to \$4000 in up-front fees which she said was unfair and created hardship in regional communities. If the Bracks government wins power, she said, no resident will pay more than \$800 per residential property or \$80 per year for 20 years.

I want to plead the plight of Peterborough, a town in south-western Victoria where residents have just been informed that they are liable for an average cost of \$9416 per property. In Poowong in South Gippsland the cost has been put forward at \$13 000 per residence.

A media release from the Minister for Water dated 6 August 2004, which is barely eight months ago, and headed ‘\$42 million for country sewerage work’, says:

Water minister John Thwaites today launched the Bracks government’s \$42 million country towns and sewerage program to address environmental and public health risks associated with water supply and sewerage in country towns.

Speaking at Mount Baw Baw, Mr Thwaites said the Gippsland region would be targeted under the program:

\$30 million to improve sewerage and water supply systems in small country towns; and

\$12 million to sewer towns in the Gippsland Lakes catchment where inadequate services are damaging the lakes environment.

...

Mr Thwaites said on top of the Victorian government funding, the program would include contributions from local governments, water authorities and the community.

Let me tell you that not 1 cent of Victorian government money is going to the two towns I have mentioned — Peterborough and Poowong. The media release went on to quote the minister:

We will roll out the program on the basis of need and the innovative solutions proposed by the community, local government and water authorities’.

Property owners’ contributions will be capped — they will pay no more than \$80 per year for 20 years — where a sewerage or water scheme is considered the only available option for addressing existing critical risks to public health or the environment.

The action I seek is for the minister, whose party duded members of the Peterborough community in 1999, when the Kennett government project would have cost \$2500 per resident, by saying that it was too expensive, to now make sure they are eligible to be part of the \$42 million promised just eight months ago.

Romney Avenue–Point Nepean Road, Tootgarook: safety

Hon. J. G. HILTON (Western Port) — My adjournment debate this evening is for the Minister for Transport in the other place. It concerns an intersection in Tootgarook, being Romney Avenue and Point Nepean Road. This intersection has been a cause of concern to local residents and visitors for a number of

years. I am sure any member of this house who visits the Mornington Peninsula during summer and drives through Rosebud and McRae to Sorrento knows how busy that section of road can be. There are two streams of traffic in each direction, which at the height of the summer season can appear continuous.

Romney Avenue is used as a connection between a local park and the beach. Parents taking their children first to the park and then to the beach feel very afraid of crossing Point Nepean Road. Hence the park has been underutilised. The dangers of this intersection were highlighted on Easter Monday when, following a three-car collision, two people were taken to hospital.

My request to the minister is that he ensure this intersection receives funding so that appropriate safety measures can be put in place.

Motor registration fees: concessions

Hon. ANDREA COOTE (Monash) — My adjournment matter tonight is directed to the Treasurer. I refer to an article in the *Sunday Age* under the title 'Dump seniors rego fee: RACV'. It says:

Senior citizens groups and the RACV have urged the state government to dump its \$80 car registration fee for pensioners in next month's budget.

Days before last year's budget, Premier Steve Bracks dropped a bombshell on senior Victorians when he said the full rebate on car registrations for pensioners and concession card holders would be halved, costing them \$80.

...

Mary Douch, assistant state secretary of the Combined Pensioners and Superannuants Association of Victoria, said many elderly Victorians had given up their cars — and their mobility — because of the extra charge.

However, the article continues:

A spokeswoman for Treasurer John Brumby said the rebate change was part of a major overhaul of the state's concession system. She said the \$80 rate was still low compared with other states.

That is absolutely heartless, scandalous and callous. Indeed I believe senior Victorians have noted what this Bracks government has done. They are out there quietly making up their minds. They are very angry about it, and it has certainly affected them.

I would like to put on the record here that the Liberal Party believes these members of the community deserve our respect and recognition and should not be punished by these new imposts. In fact the Liberal Party policy is to reinstate this \$80 rebate on car registration, and it has been welcomed right across this

state. We are committed to ensuring that older Victorians are not left stranded in their homes or become dependent on others for transport due to the cost of vehicle registration.

It is interesting to understand that those most affected by vehicle registration fees are full pensioners with minimal financial assets. Those in remote areas are hit hardest because motor vehicles are often their only means of transport. Many people are going to have to give up their voluntary work and make decisions about what they should be spending their money on — the car registration or perhaps fixing the fridge or something else. This issue is causing an enormous amount of angst right across Victoria.

I ask the minister whether he will reverse his callous 2003 decision about the rebate on car registration and make certain that in this budget he reintroduces the \$80 car registration rebate for pensioners.

Tourism: Asian visitors

Hon. S. M. NGUYEN (Melbourne West) — My question is for the Minister for Tourism in the other place, the Honourable John Pandazopoulos. The minister has sent out information about the success of the eight top tourism attractions that have been promoted to Southern China by a ministerial delegation. To promote the terrific tourism appeal of Melbourne and Victoria, the minister met with more than 170 Chinese buyers who represent a potential tourism market of over 93 million people. It is a great outcome from the Bracks government's commitment to put tourism on the agenda and especially to market it to Asian countries such as China. This promotion in China was very successful. Data for 2003–04 has revealed that Australia had 116 000 visitors from China, a 56 per cent increase on the previous year.

Tourism is a vital industry for Victoria. It generates \$10.6 billion a year, with 70 per cent of that being export earnings from overseas and interstate. The industry also employs about 156 000 Victorians. The Minister for Tourism also met with the Hong Kong Jockey Club to discuss its involvement in the upcoming Victoria Racing Club Melbourne Cup promotion tour to be held in November this year.

I ask the minister whether using China as a model he can expand this opportunity in other Asian countries that have had an improved economy in the last 10 years, such as Vietnam, Malaysia or the Philippines. I have met with people from many of these countries. They are interested in coming to Australia as tourists, but there is no organisation to promote Victoria or to

attract them to come here. There is a great potential, using China as a model, to attract more tourists to Melbourne.

Snakes: control

Hon. E. G. STONEY (Central Highlands) — I have an issue for the Minister for Environment in the other place. It relates to a constituent of mine, Mr Bob Bretherton, who is a licensed wildlife controller. Mr Bretherton is particularly concerned with the welfare of snakes, which he says are often killed rather than being relocated when found near houses.

Mr Bretherton told me he is happy to be called out to catch and relocate snakes; however, he is most unhappy about how the system is managed. He explained to me that currently people who feel in danger from a snake call either their local council or the Department of Sustainability and Environment. Those agencies hand out the names to the callers of the local wildlife controller or the nearest snake catcher, and it is up to them to ring and get them in. Mr Bretherton said:

These people then express amazement that I charge a fee. I find myself constantly justifying my charges (which I keep to a minimum, as I really just want to protect the snakes from the people). I charge \$35 travel charge for a radius of 30 kilometres and slightly more for more remote locations. To actually catch the snake costs another \$35. I know many people decide to attempt to kill the snake themselves because they feel they cannot afford to call in a person such as myself. I pay an annual fee of \$100 a year to do this job. I feel this is most unfair. I derive no financial gain myself at all — in fact my costs are not covered.

The Wildlife Act is good. It attempts to protect our wildlife — but in the case of snakes it is not working.

Mr Bretherton went on to tell me he is considering pulling out from snake catching because he is losing money and does not feel appreciated. He says he travels up to 100 kilometres and then has arguments with the people who have called him in when he explains that he has to charge even a modest fee. He makes the point — which I agree with — that next time a snake comes around people will not call him but will simply get someone to kill the snake.

Mr Bretherton has written to the minister and received a reply which he told me just fobbed him off. In fact he said it was quite patronising. I ask the minister to again look at the benefits of and difficulties for snake catchers and change the system to make it more attractive for snake catchers to continue their good work saving snakes.

Aged care: high-rise estates

Hon. KAYE DARVENIZA (Melbourne West) — I wish to raise a matter for the attention of the Minister for Aged Care, Mr Jennings, concerning services for older people who are living in high-rise public housing, particularly those who are living in my electorate of Melbourne West. We have several high-rise towers in Melbourne West that provide housing for a variety of people, including a number of older people. I would like to find out from the minister what support programs he and the Department of Human Services provide or plan for senior citizens who are particularly disadvantaged and find themselves living in high-rise estates. What programs exist to ensure that senior citizens have access to the services that will assist them to maintain their independence and good health?

These programs are needed so that older people in public housing can be linked into appropriate health and welfare programs. They are disadvantaged Victorians — they are frail aged and disabled — and many suffer from social isolation and often have quite complex health needs. What happens is that they find themselves quite socially isolated, not understanding how they can go about getting the services they need, particularly health and community services but also the more general services that might relate to the services provided within their accommodation — things such as gas and electricity, heating and cooking facilities, and those sorts of things which become ever more important when you are socially isolated.

This is a group of people who, because of their disabilities, are isolated. They can often be overlooked because they are not particularly vocal or visible. Extra support to these vulnerable people is absolutely vital. It is very important to their health and wellbeing that they have these services. I ask the minister what programs are available and what programs he is planning.

Fishing: trawl by-catch

Hon. P. R. HALL (Gippsland) — Tonight I wish to raise a matter for the attention of the Minister for Agriculture in the other place in his capacity as minister responsible for fisheries in Victoria. The issue I want to raise concerns trawl by-catch. This particular matter was raised by Mr John Barrett, one of my constituents from Lakes Entrance, who is a licensed professional fisherman. He informs me that people who hold a Victorian inshore trawl licence are allowed a 400-kilogram by-catch of quota species per trip. By 'by-catch' we mean an exercise whereby a licensed holder might be trawling for prawns and would commonly also catch in the nets, particularly in the

Gippsland Lakes, fin fish like whiting, flathead or John Dory.

If you hold a Victorian inshore trawl licence you are allowed to retain 400 kilograms of by-catch on each trip. However, if the licensee has a commonwealth permit attached to the same boat, that by-catch of quota species is not allowed and must be simply dumped over the side of the boat. This requirement seems to be an illogical injustice in relation to those fishermen who happen to hold both a state and a federal government licence. Mr Barrett, who holds both a commonwealth and a state permit for his boat, told me that in the last month he had to dump over the side of his boat at least a tonne of by-catch that would have netted him somewhere between perhaps \$2.50 and \$5 per kilogram; it would be a significant amount, perhaps \$2500 to \$5000 worth. That is also a loss of a tonne of seafood for Victorian consumers.

I also suggest that this is a serious environmental issue, given that the survival rate of by-catch is of real concern. Some species may survive being caught in the net and then being released over the side of the boat but other species will not survive that. I might add that with inshore areas like the Gippsland Lakes there is some controversy about the use of that resource by both professional and recreational fishermen. When they see fish being dumped over the side of the professional boat and later dying and being washed up on the shore, it exacerbates the concerns expressed by recreational fishermen.

This is an anomaly that I think needs to be addressed urgently. It is a needless waste of the very important and valuable fishing resource that we have in Victorian waters. My request is that the Minister for Agriculture look into this matter. I understand that it has been raised with him by Mr Barrett and also by the professional fishing association. It needs to be resolved, and I ask the minister to look at it as a matter of urgency.

Soccer: violence

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Sport and Recreation concerning soccer violence in this state. Soccer is a game that I, like many males born in Mediterranean countries, have played and followed throughout my life. The riot at last weekend's national league game between two Melbourne clubs — clubs based on two rival ethnic communities — was a disgrace. The beautiful game, as soccer fans like to call the sport, has not reached its full potential in Australia because of the ethnic-specific composition of clubs and

the resultant violence that erupts in the sport from time to time.

Soccer violence is a big issue everywhere in the world, and to be fair, in comparison Australian soccer in general is quite tame. Soccer is truly the world game, and consequently it is well positioned to be a conduit for peace and unity between peoples, tribes and nations. All too often, however, the terraces are hijacked by thugs who somehow equate the game of soccer with sociopolitical issues of ethnicity, nationalism or regionalism. These people need to understand that a win or loss in soccer does not demonstrate that a particular ethnic, national or social group is superior to others. They need to realise that rioting fans project a very bad image to the rest of the world — in this case the rest of the nation — of the communities involved in the riot.

For the record, the two communities involved in this riot have made significant contributions to the development of this country. They do not deserve to have their reputations tarnished by rioting thugs.

I call on the minister to advocate that clubs with supporters who riot should be made to play in empty stadiums.

Harness racing: country meetings

Hon. DAVID KOCH (Western) — I raise a matter for the Minister for Racing in another place. My concern and that of many harness racing participants in small rural communities across Victoria is about the unprecedented manner in which the seven active and viable harness racing clubs at Boort, Gunbower, Hamilton, Ouyen, St Arnaud, Wangaratta and Wedderburn have been told they can no longer race at their venues.

Without consultation these clubs were ambushed by Harness Racing Victoria on the false premise of discussing future initiatives for club development and growth. The affected clubs have had tremendous support from their local councils. Municipal mayors fully support their clubs and have travelled to Melbourne twice to meet with Harness Racing Victoria and the racing minister to express their grave concern about these closures proceeding.

Many people from the affected clubs have also expressed to me their disbelief at Harness Racing Victoria's actions while it knew not only that their local economies would be further eroded but also that harness racing underpins many sporting bodies where joint Crown tenancies are involved. As a direct result of

Harness Racing Victoria's *Vision Value Victoria* (V3) document many long-term industry friendships and associations are at breaking point. Harness Racing Victoria openly says that this paper is totally bottom-line driven and acknowledges that no allowance has been made for the human factor, the effects on finely balanced rural economies, communities of interest or social obligation.

Not surprisingly, those who see themselves as winners under the V3 document are very supportive publicly, but privately they express concern as to where Harness Racing Victoria's axe may fall next time, knowing full well that with the creation of the long-touted Melton megatrack at least 26 meeting dates will need to be secured for it to proceed.

Although the Minister for Racing in another place, John Pandazopoulos, maintains he has little influence over Harness Racing Victoria, it should be remembered that all directors of Harness Racing Victoria are his appointments and that ultimately whatever decision is made will sit squarely on his shoulders. To date it has been demonstrated that support for *Vision, Value, Victoria* has been far from universal, be it at a club level or indeed at the Harness Racing Victoria directorial level. Although selective third-party advocates have been used, there are as many who are not supportive but were ignored.

My question is: will the racing minister, John Pandazopoulos, intervene and honour his government's pledge at both the 1999 and 2002 elections and listen to rural Victorians so that rational consultation takes place to return confidence to a growing number of disenfranchised regional Victorians?

Schools: crossing program

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter for the Honourable Jacinta Allan, the Minister for Education Services in another place. It concerns representations that have been made to me by the Knox City Council in respect of the government school crossing program.

The council advised me that following a review of school crossings it faces the prospect of six school crossings within the municipality having to close towards the end of this year. Under the government program, from 1 July 2005 it is likely that the six crossings will no longer be funded. They will only survive until the end of the school year because of subsidy funding by the council which is aimed at trying to supplement the schools' position until they are able to requalify for funding in the 2006 allocations. The six

primary schools and one secondary school involved are Knox Park Primary School, Bayswater Primary School, Bayswater West Primary School, Wantirna Primary School, Rowville Primary School, Rowville Secondary College and Mountain Gate Primary School.

The council has pointed out that historically — since the program started — 70 per cent of the council's cost for operating crossings was covered by the subsidy provided by state government. Today this figure is below 30 per cent, which represents significant cost shifting. The council points out that the level of cost shifting is not sustainable by local government. Today this figure is totally inadequate to provide for the safety of children attending the schools I have specified. There is concern in a city like Knox that other school crossings may face the same fate in the future. The council is hopeful it might be able to maintain school crossing facilities for the safety of children in the short term — particularly by funding from its own resources until the end of this year — but what it seeks, and what I urge the government to consider on its behalf, is an increase in the school crossing subsidy program to ensure that crossings at the schools I have mentioned and schools across Victoria are not lost and that the government puts the safety of children as of paramount importance.

Sunraysia: agricultural marketing program

Hon. B. W. BISHOP (North Western) — My issue tonight, which is directed to the Minister for Agriculture in the other place, is about the difficult times that a number of agricultural industries are facing in the Sunraysia area. These are the table grape, wine grape, dried fruit and citrus industries. It is fair to say that the citrus industry has seen strong restructure and still faces challenges with a big crop this season.

The dried grape industry has seen massive downturns in production. The tonnages were over 90 000 tonnes some years ago and now they are down to a figure of less than a third of that as growers struggle to meet market pressures or diversify into table grapes or wine grapes. Table grape production has a high input and has had a high return. Now we see that the input is still high but the return is reducing due to a number of factors, one of which is market access into China which may take another two or three years to solve and the market power of the big buyers such as supermarkets.

The wine industry saw strong returns a few years ago and drove rapid expansion. That now sees wineries such as McGuigan using their market power to push prices down to an unsustainable level in some cases and for some growers to below the cost of production. Now

some wineries do not accept grapes even if they are under contract as many of them have vineyards of their own, which gives them huge market power to pick and choose at will.

I have two basic issues: firstly, a huge market imbalance as big buyers use their market power to manipulate the market; and secondly, the exploitation of particularly the small growers who are powerless against that sort of horse power. What can be done? Last Sunday evening Peter Walsh, the member for Swan Hill in the other place, and I attended the launch of the Robinvale regional young growers business development network. It was put together by a young lady named Kim Natale. We heard Terry and Carolyn Burgi, who are from the Yarra Valley, and Peter Walsh speak on the benefit of working together to cooperatively market produce through groups to give growers some market power in today's world.

The question is: are our marketing structures giving our growers a fair go? Many would say no that they have no market power and are being exploited. Therefore I request the Minister for Agriculture and the Minister for State and Regional Development to initiate a program which will make a collective group marketing approach available and give market power to the grower community.

Water: Ballarat Province supply

Ms HADDEN (Ballarat) — My adjournment matter tonight is for the Minister for Environment in the other place, the Honourable John Thwaites. I ask the minister to urgently consider directing that an environmental impact statement be conducted on three crucial water areas in my electorate in the bailiwick of Central Highlands Water Authority. One is in relation to Cosgrave Reservoir, at Creswick; the second is in relation to Burrumbeet Creek and Lake Burrumbeet; and the third is the water supply that is being pumped from the bores at Tourello. Those three issues are potential disasters for the region and for the environment, and it is absolutely crucial that the minister direct that an environmental impact statement be conducted by truly independent consultants.

In relation to Cosgrave, the decision of the Central Highlands Water Authority is to pump the water from this reservoir over the Great Divide, south into Ballarat's water supply. That will be an environmental and social disaster for Creswick. In relation to Burrumbeet Creek, for the last 50 years the Ballarat North wastewater treatment plant has released water into the Burrumbeet Creek, which in turn has flowed into Lake Burrumbeet.

We are in the ninth year of a drought, and we have some major environmental problems in my electorate. The recently announced Lake Federation Resort proposes a 3500 residential dwelling development west of Ballarat, and it plans a big lake. It proposes to get the water for that lake from the Ballarat North wastewater treatment plant. That will have an absolutely catastrophic effect on the environment, especially on the flow of water into the Burrumbeet Creek and in turn into Lake Burrumbeet. No one has been consulted; the farmers have not been consulted about how they can access water for their stock; the users of Lake Burrumbeet have not been consulted, nor any of the other landowners along Burrumbeet Creek.

The final issue is that the bore water from the two bores at Tourello, which is pumped up to a storage tank on Two Mile Hill down a pipe into Clunes, is an abject disaster. It is highly saline water. The people are on a six-month boil-water notice, and the minister needs to direct an environmental impact statement on each of those areas immediately.

Responses

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Honourable John Vogels raised a matter for the Minister for Water in the other place concerning the small country town sewerage program, and I will pass that on to the minister for his response.

The Honourable Geoff Hilton raised a matter for the Minister for Transport in the other place concerning the intersection of Point Nepean Road and Rodney Avenue, and seeking intersection funding for that particular problem. I will pass that on.

The Honourable Andrea Coote raised a matter for the Treasurer concerning motor registration insurance and the seniors rebate, and that will be passed on.

The Honourable Sang Nguyen raised a matter for Mr John Pandazopoulos, the Minister for Tourism in the other place, concerning the successful tourist attraction campaign in southern China and seeking the use of this model to support the tourism industry into other Asian countries, and I will pass that on.

The Honourable Graeme Stoney raised a matter for the Minister for Environment in the other place concerning an issue raised by a constituent, Bob Bretherton, about the management of the catching and relocation of snakes handled by the Department of Sustainability and Environment, and I will pass that on.

The Honourable Kaye Darveniza raised a matter for the Minister for Aged Care, Mr Jennings, concerning older

people in high-rise housing and the particular needs of those in the estates. She seeks information on what support programs are currently being provided or are planned to be provided to support these residents.

The Honourable Peter Hall raised a matter for the attention of the Minister for Agriculture in the other place concerning inshore trawling licences and the requirement to dump the by-catch. I will pass that on to the minister for his response.

Mr Somyurek raised a matter for the attention of the Minister for Sport and Recreation concerning soccer violence and requested that where teams have supporters who instigate violence those teams should play without supporters in the arena. I will pass that matter on to the minister for his response.

The Honourable David Koch raised a matter for the attention of the Minister for Racing in another place concerning racetracks in a number of country towns. Harness Racing Victoria has recommended the closure of these tracks, and the member has asked the minister to intervene. I will pass the matter on to the minister for his response.

The Honourable Bruce Atkinson raised a matter for the attention of the Minister for Education Services in another place about concern expressed by Knox City Council over the potential closure of school crossings within its municipality. The member seeks increased funding for the school crossing program to ensure that this does not affect the City of Knox. I will pass the matter on to the minister for her response.

The Honourable Barry Bishop raised a matter for the attention of the Minister for Agriculture in another place concerning the Sunraysia table and wine grape growing industries, dried fruit production and citrus growing. He asked about the potential for the government to support a collective marketing strategy for growers in the Sunraysia area which would help support the industry. I will pass that matter on to the minister for his response.

Ms Hadden raised a matter for the attention of the Minister for Environment in another place seeking environmental impact statements for water issues around Cosgrave, Burrumbeet Creek and Lake Burrumbeet, and a bore water pipeline between Tourello and Clunes. I will pass that matter on to the minister for his response.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 10.36 p.m.

