PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 22 August 2006

(Extract from book 11)

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By authority of the Victorian Government Printer

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Drugs and Crime Prevention Committee — (*Council*): The Honourable S. M. Nguyen and Mr Scheffer. (*Assembly)*: Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells.

Economic Development Committee — (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen. (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson.

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House Committee — (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen. (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith.

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Public Accounts and Estimates Committee — (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek. (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino.

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Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Dalla-Riva, Hon. Richard	East Yarra	LP	Pullen, Mr Noel Francis	Higinbotham	ALP
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Hirsh, Hon. Carolyn Dorothy [1]	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

[1] Ind from 17 September 2004
ALP from 10 November 2005

[2] Ind from 7 April 2005

[3] Ind Lib from 30 November 2005

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TUESDAY, 22 AUGUST 2006

Tuesday, 22 August 2006

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

ROYAL ASSENT

Message read advising royal assent on 15 August to:

- **Children, Youth and Families (Consequential and Other Amendments) Act**
- **Corrections and Other Justice Legislation (Amendment) Act**
- **Courts Legislation (Jurisdiction) Act**
- **Courts Legislation (Neighbourhood Justice Centre) Act**
- **Drugs, Poisons and Controlled Substances (Amendment) Act**
- **Evidence (Document Unavailability) Act**
- **Gambling Regulation (Further Miscellaneous Amendments) Act**
- **Health Services (Supported Residential Services) Act**
- **Long Service Leave (Preservation of Entitlements) Act**
- **National Parks and Crown Land (Reserves) Acts (Amendment) Act.**

QUESTIONS WITHOUT NOTICE

Dandenong: Metro Village 3175

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Major Projects. On 12 March 2002 the Premier announced that VicUrban would deliver the 1400-dwelling Metro 3175 project in Dandenong within five years — that is, by March 2007. Will the minister inform the house if that project is on schedule and within budget?

Mr LENDERS (Minister for Major Projects) — In September 1999 I was a candidate for the then lower house seat of Dandenong North and Mr Rich-Phillips was a Liberal Party candidate for Eumemmerring Province, which covers Dandenong North. I can recall vividly that a debate was going on about drug-injecting facilities, and when the Labor Party was trying to solve the problem, the Liberal Party was talking Dandenong down.

I can recall there was a dilapidated hospital where the Labor Party was promising resources, and the Liberal Party was talking Dandenong down. Mr Rich-Phillips knows that we already have stage 2 of the hospital built. I also recall the whole dynamic, when Premier Kennett thought so little of Dandenong that he said, 'The Liberal Party will give support to Dandenong, make it a prime city, if it elects a Liberal MP'. Then when questioned by Peter Couchman as to whether it was one or two, he said, 'We're not sure — one or two'. The Liberal Party, which Mr Rich-Phillips is a member of, under the leadership of his great mentor, Jeff Kennett — I think Mr Rich-Phillips still has a jeff.com sign on his office door — actually talked Dandenong down and treated it with contempt.

The Bracks Labor government has come forward. I contrast Mr Rich-Phillips with the other member for Eumemmerring, Mr Somyurek, who has a passion and a commitment to build Dandenong. As part of that, the Bracks government has invested $290 million as part of the Dandenong transit city project, to revitalise central Dandenong. That project already has a number of concrete things — the saleyard site, that dilapidated old site, is now earmarked for 1000 houses, including 100 for social housing, with 4000 people coming into there. In addition, it is connected with an updated Dandenong railway station, an improvement to Cheltenham Road and a shared vision for Dandenong.

Unlike the Kennett government, when Jeff, the advertising man from KNF, knew everything, the Bracks government has gone out there — —

Hon. Bill Forwood — On a point of order, President, I submit that it is inappropriate for the Leader of the Government to refer to a former Premier as 'Jeff, the advertising man from KNF'.

The PRESIDENT — Order! I ask the Leader of the Government to refer to members of this house and the other house, and former members, by their correct titles.

Mr LENDERS — I am glad to see that the former Premier's loyal deputy, who presided over the Public Accounts and Estimates Committee as his watchdog, still defends and protects him blindly.

I return to talk about central Dandenong: the dilapidated saleyards are being turned into a housing estate with a $290 million investment; we have Cheltenham Road being moved; we have the building of the George Street bridge; we have the Dandenong Logis site; and 150 hectares of former wasteland being turned into a prime area.

All of this is happening because the Bracks government cares about communities and cares about Melbourne 2030. Unlike Mr David Davis who wants Melbourne to become a suburb of Los Angeles, the Bracks

government has a plan for Melbourne. We make the hard decisions, and Dandenong is part of that.

Mr Rich-Phillips, as is a classic for one of those opposite who no longer wears his Victoria badge, gets great joy from talking down this state. He is drawing attention, undoubtedly, to the fact that there are a number of houses already being sold in Dandenong. There are more houses coming onto the market. The display is going on.

Hon. B. N. Atkinson interjected.

Mr LENDERS — It is a good thing Mr Atkinson is making his money out of this place rather than small business because you only go where a market is and you do what you can to make the market work.

Dandenong will flourish. It has a 16-year plan. The start of that is the Metro 3175 site. Mr Rich-Phillips and I have sparred in the local newspaper about this issue. He likes to get a headline, talking it and Dandenong down, but he should know that the last time Liberal politicians talked Dandenong down, they lost both seats. Mr Kennett is now history, and Dandenong is under great stewardship to grow.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — It is remarkable that the Minister for Major Projects, who likes to talk about time lines — —

Hon. J. H. Eren interjected.

The PRESIDENT — Order! Mr Eren will be quiet.

Hon. G. K. RICH-PHILLIPS — The minister did not refer to either in his primary response to the question. Will the minister now confirm that as of July, four and a half years into the five-year project announced by the Premier in 2002, only 4 of the 1400 dwellings have actually been constructed?

Mr LENDERS (Minister for Major Projects) — Mr Rich-Phillips loves what he thinks is a bad story. Just to correct him, firstly, he should look at the vision for central Dandenong and the time line for it to be open. Secondly, he should look at the number of people coming from all over the area seeking affordable types of housing. He should look at the common vision for Dandenong and he should rejoice in this great part of his electorate. He should encourage it, he should welcome it and he should put his shoulder to the wheel.

I suggest that Mr Rich-Phillips should perhaps move from Narre Warren into Dandenong if it is a central part of his electorate and he wants to talk about it so much. He certainly should encourage the growth of Dandenong and not be part of the Hawthorn cycle — that is, thinking, like Mr Baillieu and Mr Kennett, that the epicentre of the world is Hawthorn or Burwood. There is a Victoria outside Hawthorn and Burwood. Dandenong is a viable part of it. Mr Rich-Phillips should embrace it and come and see the great things happening in Dandenong in a partnership between the state government and the Dandenong community.

Energy: renewable sources

Ms ARGONDIZZO (Templestowe) — My question is to the Minister for Energy Industries. Will the minister advise the house of any threats to business investment within Victoria's renewable energy industry and how many jobs and investment dollars are at risk?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for her question. The Bracks government is proud of its support for the renewable energy sector in this state. At a time when climate change is becoming more and more widely accepted as an issue, we on this side of the house are looking at doing something about it. Standing still and doing nothing, which is the opposition's policy on climate change, is not an option. We on this side of the house intend to continue to promote renewable energy and other measures over time.

I have spoken several times of government proposals to increase renewable energy in Victoria, which follows what was a deplorable decision by the federal government to nobble its own renewable energy scheme. This had the impact of stalling renewable energy developments in Victoria and putting both jobs and investment, mostly in regional Victoria, at risk. As a direct result, the Bracks government has decided to show leadership on the issue and has since looked to encourage the renewable energy industry in this state.

We support renewable energy. We support it in addition to supporting new, clean coal technology. We put $103 million towards developing new, clean coal technology, but we do not take the same view as the opposition does, that the only solution is through new technology. It is a furphy, and anyone who knows anything about the industry knows that we need an industry mix which includes renewable energy and also a range of other measures such as an emissions trading scheme. All the good work done under the Bracks government to address climate change is being put at risk by the public statements — —

Hon. Bill Forwood — Good.

Hon. T. C. THEOPHANOUS — The honourable member says, 'Good'. He says it is good that climate change is not addressed. It is being put at risk by the statements of Mr Philip Davis and supported by members of the opposition and The Nationals, who have warned companies not to invest in wind energy because they will be left in the lurch if the opposition were to ever come to power in this state. Two weeks ago the opposition announced a policy that it would have a moratorium on wind energy development. Now Mr Philip Davis has changed that policy so that it is no longer a moratorium but a funeral for the wind energy industry in this state. The new policy of the opposition is that there will be no further renewable energy developed in Victoria. That is the policy.

Honourable members should just think about what that means. Mr Vogels was prepared to give up 200 existing jobs in the Portland area. I can tell the house that the Keppel Prince factory and the Vestas facility will not be able to continue without a renewable energy scheme in this state. They are not the only ones. There are 2000 jobs at stake in regional Victoria. This opposition has said it does not care about those jobs. The opposition does not care about jobs in regional Victoria, and it does not care about climate change.

Kew courthouse: preservation

Hon. D. McL. DAVIS (East Yarra) — I direct my question to the Minister for Finance, Mr Lenders. I refer to the government's decision to unilaterally withdraw from discussions with the City of Boroondara over the future of the historic Kew courthouse and police station and to flog off this important building. Is it a fact that the government has estimates which indicate that the cost of making good the fabric of this historic but crumbling building exceeds $2 million? Will the government release to the community its estimates of the cost of its heritage obligations?

Mr LENDERS (Minister for Finance) — I am delighted to be getting questions from that part of the opposition frontbench today, and I am delighted to get one on the Kew courthouse. In a sense it is a pity that the Honourable Gordon Rich-Phillips, as the shadow Minister for Finance, did not ask this question, rather than Mr David Davis, the man who wants to be the good news man in all places. Like his leader, he roams around the state and wherever he goes he says what he thinks will be popular. However, let us have a discussion in response to his question on the Kew courthouse.

For the record, this is hardly a short or abridged process. In my first few months as Minister for Finance Mr Davis's colleague the member for Kew in another place, Mr McIntosh, took me out to Kew to look at the courthouse. This government looks at these things, and it does not act abruptly or hastily. If it is any comfort to Mr Davis, a dialogue has been going on between the City of Boroondara and its members of Parliament since 2002. If Mr Davis looks at the courthouse, and I am sure he has, he will find that the commonwealth has sold part of this precinct off to a private operator. There is a bit of sitting on a moral high horse going on here about whether the building should be in public ownership or not.

Let us get right to the nuts and bolts of what Mr Davis is saying. The state of Victoria has a lot of unused property. In the case of the Kew courthouse, a new courthouse and a new police station have been built. There is surplus government property and how the state deals with it is an important issue. One option is to sell it off. Another option is to try to negotiate with the local community for a community use. The state has offered to sell this building to the City of Boroondara at the Valuer-General's price for community purposes, not for what it could be sold for commercially. It has also offered to allow the City of Boroondara up to six months to pull out of the contract if the council cannot find the finance to set the place up. I cannot think of a more generous commercial operation than a government offering to sell a building to a municipality for about 40 per cent of its market value and giving the municipality six months to go to other sources, including the Community Support Fund, to find the extra money.

We are engaging in partnerships with communities. A dialogue has been going on for four and a half years — since I, as a courteous minister who is interested in communities, went out and engaged an opposition member in his electorate to talk on this issue. This government responds to and deals with all Victorians — we govern for the whole state. It goes out there and engages and goes through a dialogue. The City of Boroondara is obviously trying to get the best deal it can. I understand that, and if I were a Boroondara councillor I would do exactly the same thing. However, Mr Davis is effectively asking that whenever a community says, 'Give us something for what we want it for', the government to put up its hands and not prioritise for waste containment, for waste reduction, for schools, for hospitals, for police or for anything else — that when a community says, 'We want something', the government gives it.

We have gone into a partnership. We have offered the building at a discounted rate to the community and given the council six months to find the money without any penalty. I think that is how responsible governments govern for the whole state. I welcome Mr Davis's supplementary question but I urge him to, just once in his life, think about making some hard decisions and not blindly follow his leader in shillyshallying, being wishy-washy, being all things to all people in different parts of the state, and being unfit to govern.

Supplementary question

Hon. D. McL. DAVIS (East Yarra) — I take it that means the government does not want to release the estimates of the significant cost that it will take to bring this building to the point where the heritage obligations have been met. I, for one, think the government's behaviour on this matter has been a travesty. I do not believe the government has accepted its responsibilities. I do not believe it has treated this matter in a way that is satisfactory. In fact to flog off this building without proper efforts being made on heritage controls and to meet heritage obligations is a travesty. I ask as a supplementary question: has the government complied with all the requirements imposed under heritage legislation and by the Heritage Council to preserve this building and to prevent its deterioration?

Mr LENDERS (Minister for Finance) — If crocodiles could cry, the tears they would shed would be feeble compared to those of Mr David Davis. Mr Davis is a man who preaches to this side of the house that every single cent we can find should go to reducing the size of hospital waiting lists. He preaches in this place about priorities, yet he also says that in offering a municipal courthouse in his suburb to the community for $825 000 when it is worth $2 million the government is not being generous enough, that we have to offer more and that there is no sense of priority. If Mr Davis ever wants to govern he needs to have a sense of priorities and, unlike his leader, take a stand on something, make a hard decision on something and not try to be all things to all people. The Victorian people are not fools, they see through the charade of the parliamentary Liberal Party.

Information and communications technology: international investment

Hon. H. E. BUCKINGHAM (Koonung) — I refer my question to the Minister for Information and Communications Technology. The minister has often told this house that Victoria is Australia's leading information and communications technology (ICT) state. Does she have any recent examples of new ICT investment in Victoria that has occurred because of the positive business environment in the state?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the member for her question. I know she is interested in the growth of the information and communications technology (ICT) industry in Victoria. I have informed the house before, and members would be well and truly aware of the fact, that the ICT industry is the most global of industries. As ICT firms look around for places to invest and base their businesses in, they take into account a lot of issues. They look for locations with strong and growing economies that are supported by progressive and innovative governments, places that encourage investment and development. An indicator of how well Victoria's economy is growing is that companies are starting up businesses and making ICT commitments in this state.

Two weeks ago I announced that the Canadian software company Workbrain had chosen Melbourne as the new home for its Asia-Pacific regional headquarters, bringing 30 jobs to Victoria. This announcement comes on the back of two announcements made by IT security companies, Computer Associates in the USA and Ness Technologies in Israel.

Last week I had the pleasure of joining Cybertrust, one of the world's leading IT security companies, in announcing its decision to choose Melbourne for its Asia-Pacific headquarters. Cybertrust's choice of Melbourne is a ringing endorsement of Victoria, especially given that the company also has offices in Sydney, Canberra, Hong Kong, Singapore, Taipei and Jakarta. It could have chosen any of those locations for its regional headquarters, but it chose Melbourne.

Cybertrust currently has a staff of 60 in Melbourne and will triple that number with an additional 120 jobs over the next five years. The chief executive officer, Mr John Becker, who was in Melbourne for the launch, said that Cybertrust chose Melbourne despite big cash incentives from other major cities in the region. Mr Becker went on to talk about why the decision was made to base the Asia-Pacific headquarters here in Melbourne. He said it was because we have the skills, we have an industry that is innovative, and we have a government that looks forward.

In stark contrast to the opposition, we actually have a plan for the ICT industry in Victoria; and in stark contrast to the federal government, we have a plan for the ICT industry. We do not flip-flop around on our policies. We do not decide to go out and say the most

popular thing to the next person we meet. We come up with a plan — something that will work — and we implement it. We have worked with the industry on a viable ICT industry plan until 2010. The latest announcements suggest it is working.

Our Environment Our Future: employment

Hon. W. R. BAXTER (North Eastern) — I address a question to the Minister for Energy Industries. The minister will recall that on 19 July, in answer to a question from me on the employment consequences of wind farm developments, he referred to modelling undertaken by McLennan Magasanik Associates. Will the minister make a copy of that document available to the house prior to the resumption of debate on the Victorian Renewable Energy Bill?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the member for his question. The house will be involved in a significant debate in relation to this bill in coming days. I am not sure whether the question breaches the rule of anticipation, but in any case I am happy to answer the honourable member's question.

As I have indicated in the house before, an enormous amount of modelling has been done in the lead-up to making decisions on the proposed Victorian renewable energy target (VRET) scheme, which will be discussed and argued about in this house soon. Modelling was done by the government, and the generators also did their own modelling. We undertook an extensive process of consultation, including with the generators, to share a significant amount of information with them on the basis — —

Hon. P. R. Hall — Is that the wind generators you are talking about?

Hon. T. C. THEOPHANOUS — No, it is the brown coal generators in the Latrobe Valley, Mr Hall. There was an extensive process of consultation to ensure that the concerns the existing industry had, that bringing an additional amount of wind energy into the system would affect or reduce the wholesale price, would be allayed. There was a lot of consultation on the basis of information provided during that whole process in relation to modelling and so forth.

In the end we stand by the modelling we did in relation to the figures that were put out by the government about the impact on retail prices and about the impact of the scheme more generally. We have made those figures available publicly.

However, there is quite a lot of information in the modelling which is in the category of commercial information, particularly in relation to some of the generators. I am currently looking to see whether we can release the aspects of the report that do not impinge on commercial-in-confidence issues but which answer some of the questions that the honourable member has sought to have answered.

Supplementary question

Hon. W. R. BAXTER (North Eastern) — That answer was a good deal of beating around the bush; I think the answer to my question was no, and certainly there was no indication of whether, if anything is to be released, it will be released prior to debate in this house on the relevant bill. I therefore advise the minister that shortly after my question of 19 July I lodged a freedom of information request for the document. Will the minister ensure that my application is processed prior to the resumption of debate on the bill?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — As the member would obviously know, it is not up to ministers to process freedom of information requests; the honourable member knows that. I reiterate that it is my intention to make the non-commercial aspects publicly available.

Hon. W. R. Baxter — Before the debate on the bill?

Hon. T. C. THEOPHANOUS — I will have a look at it. If it is available before then, I am happy to make it available. I am not even sure when the debate on the bill will occur, but I am happy to look at that request and see whether I can accommodate it.

12th FINA World Championships: economic impact

Mr PULLEN (Higinbotham) — My question is to the Minister for Sport and Recreation. I ask the minister to inform the house of what opportunities are being created for employment and volunteers by the hosting of the 12th FINA World Championships in 2007 — for the benefit of the opposition, FINA stands for Fédération Internationale de Natation Amateur — and Why such major events are so critically important to Victoria.

Hon. D. McL. Davis — You probably could not spell it!

Mr PULLEN — It is in French.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank Mr Pullen for his pronunciation.

His French, as well as his interest in major sporting events in this state, is particularly impressive. He understands, as does this government, that the 12th FINA World Championships are vitally important for Victoria in a number of ways. Our events strategy is second to none, to no city in the world, because it achieves what is vitally important — it achieves a strong economic impact, it helps create employment, it provides opportunities for all Victorians, and it leaves ongoing benefits for the entire community.

Just five months ago Victoria held the Commonwealth Games, which were noted as being the best ever Commonwealth Games. More than 2 million spectators attended the games. We had a worldwide television audience of 1.5 billion people. The games had an anticipated economic impact of $3 billion. More than 340 Victorian companies benefited from the hundreds of millions of dollars invested in the games infrastructure, and the equivalent of 13 000 full-time jobs were developed.

Now we face an exciting challenge to build on that fantastic legacy of the Commonwealth Games and to continue to attract the biggest international sporting events. Victoria continues to host those events, whether they be the Australia versus Greece football match or the Rugby League state of origin match, to name just a couple.

The direct economic impact of major events on the Victorian economy is of the order of $1.2 billion a year. That should not be smirked at, as it is by the opposition. The sport and recreation industry represents of the order of 2 per cent of the state's economy, it contributes approximately $3.5 billion to the state annually, and it employs of the order of 90 000 Victorians. It is worth appreciating that not only is the sport and recreation industry great for the community by making people feel great but it does great things in international promotion by branding Victoria as a major events destination. But it does not stop there, because it is the support of businesses, sponsors, the community and suppliers alike that makes our major sporting events such a huge success.

We will continue to bid for major events and continue to build on those major events. The FINA 2007 world swimming championships will enhance the state's reputation as Australia's event capital.

Hon. D. K. Drum interjected.

Hon. J. M. MADDEN — I ask members opposite to take note of the fact, because they might need to refer to it at some stage, that the championships will involve some 2000 elite competitors from basically every nation; more than 1000 international media representatives, which Mr Drum will no doubt appreciate; up to 12 000 interstate and international tourists; a television audience of the order of 1 billion people; and an estimated economic impact of the order of $100 million.

We will continue to build on those events. These championships will provide a significant economic impact and return, whether it be jobs or a platform for Victoria to promote itself. It will also have the opportunity to provide 100 staff and 2000 volunteers, and a further 475 contractors will also be required. It should not be overlooked in terms of its economic impact and job opportunities. These championships will provide Victoria with economic return, job opportunities and a platform for us to promote the state as a tourist destination. Again, this is building on our magnificent reputation as not only a great destination, but a great place to live, work and raise a family.

Commonwealth Games: economic impact

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Commonwealth Games. Following on from Mr Pullen's question, I refer to the minister's most recent claim that the economic benefits of the Commonwealth Games will be long term. Is the minister aware that, according to his own KPMG economic impact study, the net expenditure from the games beyond 2006 is only $6.5 million?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome questions from the opposition at any time, particularly from Mr Rich-Phillips, in relation to the Commonwealth Games and its benefits. Everybody enjoyed themselves at the Commonwealth Games. It was applauded as the best ever Commonwealth Games. Victoria's games were applauded as simply the best.

Regardless of how members wish to summarise or measure the benefits and legacies, one of the things that made the Commonwealth Games simply the best can be seen when they leave the Parliament precinct tonight and look down Spring Street towards the Melbourne Cricket Ground. Can I just remind the opposition about the MCG? The redevelopment was entirely built and delivered by Labor governments. From the $77 million contribution by this state government, we have seen a project of $450 million delivered for all Victorians. That will not last 1 year, it will not last 2 years and it will not last 3 years. I suspect it will last 50 years.

Hon. G. K. Rich-Phillips interjected.

Hon. J. M. MADDEN — What is the problem with that? I suggest that the next time Mr Rich-Phillips and his colleagues attend the MCG and sit in the MCG members section with blankets on their laps, like the rest of the members after having a nice luncheon, they should look around the MCG, take in a deep breath, reflect on it and remind themselves that the MCG was delivered by Labor governments.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The minister talks about the long-term benefits of the games. Given that his own KPMG report makes no reference to them, I ask: what is the basis of the minister's claim? Where did he get his figures from?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I look forward to making further announcements about the benefits of the Commonwealth Games. We will report on the Commonwealth Games in a number of ways. I particularly look forward to the triple-bottom-line report which will be unique in the sense that it will report not only on the economic impact of the games but also their environmental and social impacts. I suggest that no matter how we report on the games, and no matter how suspicious the opposition is of those reports, any of them will reflect as strongly on the Commonwealth Games as the games themselves did. I look forward to that.

I know that when the Commonwealth Games was delivered, everybody in Victoria other than opposition members had a great time. The opposition was hoping and praying that something would go wrong, because it was the only chance it had to get some good news. But the good news for all Victorians is that we delivered simply the best.

Housing: affordability

Mr SCHEFFER (Monash) — My question is addressed to the Minister for Housing. Can the minister inform the house how the Bracks government is helping to deliver certainty for business with its long-term plans for social housing?

Ms BROAD (Minister for Housing) — I thank the member for his interest in how the Bracks government is helping to deliver certainty for business investment with its long-term plans for social housing.

Hon. B. N. Atkinson interjected.

Ms BROAD — The government's long-term plans for social housing are generating the certainty business needs to invest, as well as delivering benefits to the economy and to Victorian families. For its part the Bracks government is also investing to improve the supply of homes for lower income families, because we believe that every Victorian deserves a decent place to live. We know that it is tough for some families in the current housing market, and that is especially so given the inability of the federal Liberal Party — —

Hon. B. N. Atkinson interjected.

The PRESIDENT — Order! One more interjection from Mr Atkinson and I will use sessional orders to remove him. I warn other members of the chamber to be quiet whilst members are on their feet. The minister, to continue.

Ms BROAD — That is especially so because of the inability of the federal Liberal Party to keep its promise to keep interest rates low. Victoria has also had to face continuing cuts to its housing funding — cuts made by the federal Liberal government under the commonwealth-state housing agreement, which amount to more than $900 million over the last 11 years.

Victoria for its part has responded to this environment in two ways. Firstly, the Bracks government has boosted its investment in housing assistance by $453 million over and above what it is required to invest through its agreements with the federal government. Secondly, we have turned to the non-government sector and sought partnerships with business, councils and community groups in order to deliver more housing, despite the cuts from Canberra — and we have created the legislation to provide the certainty required for these partnerships.

By partnering with the non-government sector to date we have generated $60 million of equity for social housing projects. That represents a $60 million saving to Victorian taxpayers, and it means an extra 260 families have a roof over their heads rather than had we simply invested government funds alone without partnering with non-government and business groups. Those 260 extra homes, which have been delivered at no cost to the Victorian taxpayer, make up just part of the 10 637 new homes delivered by this government to date.

Because the Bracks government has made a deliberate and strategic decision to focus social housing growth on building projects rather than simply purchasing existing homes, as happened under the previous government, more jobs are being generated for Victorians. The jobs which social housing projects are generating have contributed to the more than 320 000 jobs created under

the Bracks government since we were elected to office in 1999.

The point is that these benefits to the economy and Victorian families are not simply the result of good luck. They have come about as a result of a systematic, long-term plan that delivers the certainty that businesses need to invest, which is in stark contrast to the lack of certainty, the lack of leadership, the lack of direction and the lack of policies or any plans for social housing whatsoever for lower income families under the Liberal Party.

Commonwealth Games: economic impact

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Commonwealth Games. I again refer to the KPMG economic impact study on the Commonwealth Games. The report indicates that the estimated long-term contribution of the games from 2007–2022 is a decline in gross state product of $241 million and a decline in employment of 3089 full-time equivalent jobs. Is that the long-term impact of the benefit of the games that the minister is referring to?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question in relation to all aspects of the Commonwealth Games. As I said, we will report on the games thoroughly. We will have a whole-of-government report on the Commonwealth Games, all delivered very shortly. As well as that we will have the finances reported on and, as I mentioned before, we will report on the economic impact, the social impact and the benefits of the games. I know that the member might be sceptical about the games, given that they were a huge success, much to his disappointment, but I can say that that success will be reflected in the reports when we announce those figures on all matters regarding the Commonwealth Games.

I do not have in front of me any of the reports that the member opposite might be referring to, but regarding any of the figures for which we advocated strongly before the games, based on independent advice — whatever they might be — I am sure that the reports following the games will reflect as strongly on this government as did the games themselves, again reinforcing that Victoria is a great place to live, work and raise a family.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Does the minister deny that the current KPMG report indicates that there is no long-term benefit from the Commonwealth Games?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I know that the member opposite would like to think there is no benefit from the Commonwealth Games because that would probably serve his own political purposes. But there have been modelling reports done on the basis of what was expected in relation to the games, and we will also report on those matters. It would be only an absolute sceptic or cynic who could say that the Commonwealth Games village, the Melbourne Sports and Aquatic Centre redevelopment, the State Netball Hockey Centre refurbishment, the Olympic Park track refurbishment, the State Mountain Bike Centre, the State Lawn Bowls Centre or the Melbourne Cricket Ground redevelopment were not a benefit now or in the future. Only a cynic or sceptic would say that. We know that opposition members have always been sceptics in relation to our good work with the Commonwealth Games, but when we report on it we can all rejoice and celebrate.

Melbourne Markets: relocation

Ms ROMANES (Melbourne) — My question is to the Minister for Major Projects, Mr Lenders. The Bracks government has outlined its long-term vision to secure the economic and jobs future of Victorians through a number of statements. Can the minister inform the house of the benefits of moving the wholesale fruit and vegetable market to Epping and of any alternative policies in this regard?

Mr LENDERS (Minister for Major Projects) — I thank Ms Romanes for her question and her ongoing interest in all matters agricultural and dealing with the wholesale fruit and vegetable market and the future of Victoria's buoyant agricultural industries. It is interesting that Ms Romanes asked about economic benefits, jobs and some of the difficult decisions made about the market. I remind the house that the wholesale fruit and vegetable market has been a vibrant part of the Victoria's economy. It will actually have moved five times with the move to Epping. It was originally at the Southern Cross site. It first moved to the AXA site, then to the Queen Victoria Market site and finally to Footscray. Now the government is proposing through a difficult decision to move it to Epping.

Just like Sir Henry Bolte and Sir Gilbert Chandler last made a hard decision on this in 1969, the Bracks government is making a difficult but correct decision. We are moving the wholesale fruit and vegetable market from Footscray, from a tight, compressed

33-hectare site which has outlived its usefulness and which would require a massive capital injection to survive in that cramped environment, to Epping, to a 130-hectare site where the core market and the stallholders can move. It is also next to a great bit of infrastructure completed by this government, the Craigieburn bypass.

It can move there to an area where 75 per cent of agricultural produce comes in from the north, on a distribution route around the metropolitan area, and with plenty of space for private sector leverage to add warehousing and things around it. That is the difficult decision this government has made. It is a decision for the future, which will bring 7000 jobs to Epping. However, there are some who have their heads in the sand. As the market has moved five times in 150 years, the opposition has had about six positions in six days from six different spokespeople. It will not make the hard decision.

Honourable members interjecting.

Mr LENDERS — I think it was Mr Atkinson who said, 'Rubbish'. The Leader of the Opposition in the other place, Mr Baillieu, has a view. Only two weeks ago Ms Asher, the Deputy Leader of the Opposition in the other place, said that the site should be within 100 kilometres of Melbourne. The aspiring Deputy Premier, Mr Ryan, has said it should be within 100 kilometres of Melbourne. Mr Bishop has said that it should be within 100 kilometres of Melbourne. But Mr David Davis thinks waste is not a problem. He says we do not need to do anything. Mr Davis could make his fortune in the Western World and in every manufacturing society by saying, 'Waste is not a problem'. The government has moved the site to Epping because that is better for the economy of Victoria, a hard decision for the agricultural commodities.

The opposition is being all things to all people. The last person who spoke to Mr Baillieu said it should stay in Footscray so he wants it to stay in Footscray. That is like Mr Baillieu saying that the opposition has a policy on waste so it does not need to do anything new. But he is in the Bulla newspapers around Tullamarine saying they are going to extend the Tullamarine site. The Liberal candidate in Lyndhurst says they should not put anything in Lyndhurst. So the opposition wants it in all areas.

Mr Davis could truly make a fortune if he could get rid of waste in industrial societies, but it is a hoax. The opposition will not make a hard decision. Opposition members are all things to all people. They know industrial waste is a problem. They know you cannot just put 79 000 tonnes of industrial waste in your back pocket. Mr Davis cannot put it in his back pocket. You have got to put it somewhere. The opposition has no plan and will not make any hard decisions. Mr Philip Davis might get up early every now and then and go to the market with his leader to stir up a few stallholders, but hard decisions involve decisions for the agricultural future of the state and for the manufacturing future of the state. The opposition is not up to it. It has no plans and no policies other than to be all things to all people and say nice things to the last person they met and hope that wins them votes. But that is bad for Victoria. Peter Costello knows it, as does the Victorian Employers Chamber of Commerce and Industry.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 4067, 4105, 4109, 5425, 5433, 6513, 6668, 7463, 7472, 7492, 7515, 7534, 7548, 7576, 7590, 7599, 7600, 7608, 7632, 7634–5, 7672, 7676–7, 7718–19, 7725, 7758, 7800, 7810, 7842, 8123–4, 8126–7, 8194, 8302–3, 8347, 8424–5, 8648.

MEMBERS STATEMENTS

Carers: disability legislation

Hon. ANDREA COOTE (Monash) — In March this year the Minister for Community Services in the other place, Ms Garbutt, introduced the Disability Bill. At that time she said that it was a once-in-a-generation opportunity. The bill was released for comment to the public in December last year right before the Christmas break. That was a chaotic time for those in the disability sector, and they had no time to reply.

When the bill eventually came to Parliament it was a blatant insult to the thousands of carers in Victoria, who were totally ignored by the bill. Jean Tops of the Gippsland Carers Association said:

> Carers were sold out by the Bracks government in the Disability Bill. The government rejected entirely any recognition of carers.

The Liberal Party's policy is to rewrite the shameful Disability Bill. On Friday of last week we saw a blatant political act by Minister Garbutt, the Minister for Health in the other place, Ms Pike, and the Minister for Aged Care, Mr Jennings, to try to buy the carers vote.

A media release invites carers to call a 1800 number to get a copy of the government's action plan. The only trouble is that the Department of Human Services people who answer that 1800 783 783 phone number have no idea about the action plan or who is responsible for it. They have no idea about anything at all to do with it. This is another example of the Bracks government continuing to insult Victorian carers. I notice that the Minister for Aged Care is in the chamber. I suggest he get on to the 1800 number himself. He will find out that those who answer have no idea at all about — —

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

Darrell Hair

Mr SMITH (Chelsea) — I rise to congratulate a man of real professionalism and dedication to his chosen profession, a man with the ability to apply the law without fear or favour and a man who, whenever he has been put to the test, has stood fast. I speak of course of Darrell Hair, the Australian international cricket umpire. Darrell Hair is currently under the microscope for the decision of he and his colleagues to declare that the Pakistani cricket captain had by his actions forfeited the third test match against England. This courageous decision should attract the attention of not only the Australian Cricket Board but also the International Cricket Council and therefore support. The game is bigger than Inzaman-ul-Haq, whose actions in my view were disgraceful and brought the great game of cricket into disrepute. He should suffer the indignity of an appropriate suspension to send the appropriate message to all cricketers around the globe that it is simply not good enough. When the umpire makes a decision, that is it — it is final.

Vietnam War: Long Tan commemoration

Hon. DAVID KOCH (Western) — I wish to pay my respects to our Vietnam veterans and their families in commemorating the 40th anniversary of the battle of Long Tan on 18 August 2006, Vietnam Veterans Day, and acknowledge their commitment and service to each other and the community.

The battle of Long Tan was Australia's greatest victory in its 10-year involvement in the Vietnam War. It involved just 100 diggers who fought off more than 1500 North Vietnamese soldiers. These brave young soldiers were involved in an epic battle that was to become one of our nation's defining moments in the Vietnam War. But it was also Australia's most costly engagement: 18 young Australian soldiers were lost and 24 were wounded during the 3-hour battle fought against overwhelming odds.

On Vietnam Veterans Day we remember the sacrifice too of the 520 young Australians who lost their lives and the 2400 who were wounded during the war. It is an important day to recognise the service, bravery and sacrifice of the 50 000 Australian servicemen and women who fought in Vietnam, many of whom were conscripts who were sent to fight in Vietnam as the result of being born on a particular day. I appreciated participating in the Vietnam veterans service in Ararat, and I extend my congratulations to the Ararat Rural City Council for hosting a civic reception for local returned Vietnam ex-servicemen and women.

Asylum seekers and refugees: federal legislation

Hon. J. G. HILTON (Western Port) — In my 90-second statement this afternoon I would like to pay tribute to the federal Liberal MPs who scuttled the Prime Minister's iniquitous asylum legislation. The proposed legislation demonstrated, as I have said before in this house, that not only is our foreign policy made in Washington but that our immigration policy is now made in Jakarta. By standing up to the Prime Minister and withstanding the pejorative comments of a number of their colleagues, the so-called rebels demonstrated that there is still room for integrity, decency and dignity in public life. As was mentioned in the last sitting week, the general population is growing increasingly disillusioned with politics and politicians. Politicians are seen to stand for nothing, apart from their own self-interest. The action of these Liberal rebels has demonstrated to the public that there are people who believe in principles and who are prepared to put their own self-interest aside for those principles. Those people are to be commended. I congratulate them for the service they have done for our country.

Ovarian cancer: testing

Hon. J. A. VOGELS (Western) — I raise an issue of great concern to women — that is, ovarian cancer. Ovarian cancer is the hardest cancer to diagnose; by the time it manifests itself and symptoms are evident it is almost too late. It is my understanding there is a blood test available to help diagnose this disease at an early stage. Can the government make this blood test available to all women, beginning the process by providing information through the press and electronic media to highlight awareness? We all realise that breast screening is a necessity in ensuring women's health, as is prostate screening for men. I would like to see action by the Minister for Health to raise public awareness of ovarian cancer and to work with the federal government

to allow all women to have blood tests for the detection of this disease at a reasonable cost.

Advanced Centre for Automotive Research and Testing: launch

Hon. J. H. EREN (Geelong) — Last week I was in attendance when the Minister for Innovation in the other place, John Brumby, launched the Advanced Centre for Automotive Research and Testing (ACART), a joint Ford Australia and Melbourne University initiative at the Ford Australia proving ground at Lara.

The Bracks government has provided the centre with a $6.7 million grant under its science, technology and innovation infrastructure grants program. This new $90 million ACART will provide research facilities for the automotive facilities to develop low-emission technologies that will hopefully see future groundbreaking research take place right here in Victoria. One of the largest facilities to be built at the Lara site will be the environmental laboratory testing facility, which will be able to simulate extreme weather conditions, with other research facilities to be located at the University of Melbourne's Parkville site.

As well as being used by Ford Australia, which is based in Victoria, the ACART facilities will be open to other car companies and component manufacturers on a commercial basis and is expected to attract strong interest. The launch of the new centre comes after Ford Australia this year announced a $1.8 billion investment in its Victorian operations, meaning one of the largest research and development projects ever undertaken in the Australian automotive industry will be carried on here.

Ford Australia's product development operations will see its Victorian operations become a centre of excellence for the company's Asia-Pacific region. The Bracks government's science, technology and innovation initiative is already demonstrating economic, social and environmental benefits for the state.

Whitehorse: positive ageing strategy

Hon. B. N. ATKINSON (Koonung) — It gives me great pleasure to draw to the attention of the house a report issued by the City of Whitehorse entitled *Planning to Age Well in Whitehorse — Positive Ageing Strategy 2006–2011*. Whitehorse City Council has implemented the strategy. I extend my personal congratulations to the council on a job well done in the consultation process that went into developing this strategy and its recognition of the need to establish a strategy in the first place. I note Mrs Buckingham also concurs with my view that this is a very important strategy for residents of the city of Whitehorse. It is certainly a plan that it will be well worth other municipalities looking at in the context of developing positive opportunities for senior Victorians.

This report covers a wide range of issues, from residential care and supported services through to things such as lifelong learning, community participation, health promotion and physical activity, all with a view towards engaging our senior citizens — in this case those in the city of Whitehorse — in full and productive lives with full involvement in the community. The council is to be commended on the strategy.

Bicycle motocross: Sandringham facility

Mr PULLEN (Higinbotham) — On Saturday, 5 August, I had the pleasure to represent the Minister for Sport and Recreation, the Honourable Justin Madden, at the official opening of the Sandringham bicycle motocross (BMX) facility, together with the mayor of the City of Bayside, Derek Wilson. Entertainment was provided by the FReeZA Battle of the Bands winner of last year, Paranoya, which is a great young trash metal band.

The BMX facility consists of carefully planned piles of dirt varying in height from 1 to 1.5 metres, which makes them suitable for beginner to intermediate riders who are at least 12 years old.

One of the best things about the project is that Bayside council worked with young people in the community to find out what type of facility they needed. The result was that the facility will provide a social hub for young people in Bayside while encouraging them to get physically active.

The Bracks Labor government contributed $12 500, with the remaining $22 500 provided by Bayside council. The contribution by the Bracks government continues the support of the government to Bayside council, as every project it has submitted to the government has been approved since I have been a member for Higinbotham Province.

I must pay tribute to Brad Rose, now aged 24, who has lobbied the council for the jumps since he was 16 and former councillor Ken Beadle, who took up the issue with council. Congratulations to all involved.

Building industry: warranty insurance

Hon. C. A. STRONG (Higinbotham) — I would like to raise an issue about builders guarantee insurance and an article in the *Australian Financial Review* of 16 August reporting on the Tasmanian government's position on this issue. The Tasmanian Attorney-General, Steve Kons, said in part:

> … there was a growing consensus that the last resort insurance had to go.

Another Tasmanian member of Parliament echoing that situation stated:

> I think it should be blindingly obvious to even the most palpably stupid minister in other states that the system doesn't work.

I think it is palpably obvious to everybody that the current building warranty insurance system does not work. It will be interesting if Tasmania does break the drought and make some changes. I draw the attention of the palpably stupid ministers in this state to the growing consensus that the last resort system is a failure and has to go. I urge the government to act.

Asylum seekers and refugees: federal legislation

Hon. H. E. BUCKINGHAM (Koonung) — I rise to salute and congratulate those seven members of Parliament who not only exhibited principle but also bravery in voting or indicating they would vote against the federal government's immigration legislation nearly a fortnight ago. Interestingly, five of those seven — Petro Georgiou, Judith Troeth, Russell Broadbent, John Forest and Steve Fielding — are Victorians; Judy Moylan and Bruce Baird are from Western Australia. Every member of this house has some idea how difficult it would be not to support their party's legislation, but what happens when the party's legislation and policy does not concur with your principles and morals?

Our parties give us a conscience vote mostly on moral issues, then we wrestle with our own beliefs and principles. What happens, however, when as politicians we are not given this luxury? Fortunately, for most of us it is not difficult to support our party's policies; after all, their policies and view of the world are what attracted us to them in the first place. But what would you do if you were faced with supporting legislation that you found flawed or, indeed, wrong? How many members of this place would be as morally brave as those seven politicians I have named?

The legislation they could not support flew in the face of international law. It was morally, ethically and spiritually wrong, as John Forest said. I salute and congratulate the seven federal politicians who exhibited the moral courage to vote against it or to abstain from voting. Democracy is the better and the richer for their actions. One hopes we do not now see petty retribution carried out on these individuals.

Carers: forum

Hon. D. K. DRUM (North Western) — Last Sunday in East Melbourne I attended with the Honourable Andrea Coote a 'Walk a mile in my shoes' forum for carers. There were approximately 70 mostly long-term carers in attendance at the forum. Members of political parties also attended and were given the opportunity to address the forum.

Mrs Coote represented the Liberal Party, and representatives were present from Family First, People Power, the Socialist Party, the Greens and an Independent. I represented The Nationals. Despite many attempts, the carers were unable to get a member of the Labor Party to attend the forum. Not one member of the Bracks Labor government was there; not one member had the decency to show up and answer any questions from the floor. We know that Ms Romanes was formally invited. Five phone calls were made to her office but she refused to turn up at that forum.

Mr Scheffer was sent an email but refused to turn up. The Minister for Community Services in the other place received two emails but refused to turn up. The member for Derrimut in the other place, Telmo Languiller, did not turn up; he did not respond until the very last minute. The member for Yan Yean in the other place, Danielle Green, did not bother to respond and Premier Bracks responded at the very last second, saying that he could not make it. It was an absolute disgrace that the government has turned its back on these carers.

Vietnam War: Long Tan commemoration

Ms CARBINES (Geelong) — As a member for Geelong Province I was honoured to attend special events held in Geelong to commemorate the 40th anniversary of the battle of Long Tan. The first was the wonderful Vietnam veterans state dinner held at the Geelong RSL, organised by the Vietnam Veterans Association of Australia, Geelong and district sub-branch. Over 120 people attended the dinner and enjoyed an evening of camaraderie and wonderful speeches to honour the service of all Vietnam veterans, but specifically the 18 Australians who gave their lives in the bloody battle of Long Tan.

The following day I attended the Vietnam Veterans Day service, to lay a wreath at the Osborne Park Vietnam veterans memorial. I was proud to join the many Geelong residents who stood in respect as the battalions of veterans marched to the memorial. The service was very moving indeed, with an inspiring oration delivered by Mr Bob Elworthy, president of the Victorian branch of the Vietnam Veterans Association of Australia.

The City of Greater Geelong later hosted a reception for the veterans at Osborne House. I was pleased to join the men and their families as they relaxed, remembered their service days and honoured their fallen comrades.

Congratulations to all at the Geelong and district sub-branch for ensuring that the 40th anniversary of the battle of Long Tan was appropriately commemorated and that our fallen soldiers were honoured.

Real estate agents: institute dinner

Hon. W. A. LOVELL (North Eastern) — Last Wednesday night, together with the Honourable Bruce Atkinson and the Honourable Bill Baxter, I attended the Real Estate Institute of Victoria's (REIV) annual president's dinner at the Grand Hyatt Hotel, a dinner that was well attended by real estate agents from around Victoria.

The real estate industry is an important section of the small business sector in this state and is one sector that is highly regulated under state legislation. During the course of the evening it was noted that the REIV enjoyed a good working relationship with both the Liberal Party and The Nationals, and that once again representatives of both the Liberals and The Nationals were in attendance at the annual dinner to show support for the industry.

It was also noted that the government had not bothered to attend any of the four annual president's dinners held during the term of this government. This is typical of the Bracks government, which thinks it can dictate to an industry how it should run its business, but when an opportunity arises to attend a function where it might actually learn something about an industry, it fails to attend.

Vietnam War: Long Tan commemoration

Ms ARGONDIZZO (Templestowe) — On Sunday, 13 August, I had the pleasure of attending the Doncaster RSL sub-branch commemoration service of Vietnam's battle of Long Tan. The guest speaker, veteran Lieutenant Brian Powell, RD, RANER, gave an historical and personal account of the bravery of those who served our country during the controversial Vietnam war.

The 40th anniversary of the Long Tan battle has reignited the discussion of the way we treated those brave men and women of the armed services who served this nation and state in Vietnam. An unpopular war at that time resulted in many in our community not giving the recognition deserved to those who served us. Lieutenant Powell reminded those at the service that the bravery, courage and mateship displayed by our service personnel at Long Tan, where they were grossly outnumbered and fought in terrible conditions, resulted in Australians gaining the respect and admiration of not only their American comrades but also the Vietcong.

At the service the mayor of Manningham, Cr Pat Young, announced that the Manningham council was proposing to recognise its Vietnam veterans at an upcoming event. I congratulate the Doncaster RSL on its commemorative service.

Drought: government assistance

Hon. B. W. BISHOP (North Western) — Today I raise the issue of the continued dry weather across Victoria. While it was touch and go, there was an air of quiet confidence at the Mallee field days. However, now, a couple of weeks later, with frosts, no rain, temperatures in the mid-20s and the days stretching out, our crops are a real concern and are really struggling.

Immediate falls of rain are a must to generate any sort of season, and then we will need a good finish, particularly for our later crops with the end of September and early October always being crucial times. Our irrigators are also doing it tough. Some have little or no water allocations at this stage, so heavy falls of rain over the catchments are essential. Those catchment rains are desperately needed for stock and domestic water. I congratulate Cr Helen Ballentine of the Yarriambiack shire for her practical assessment of the situation in the southern Mallee area.

Helen calls for help, as she says the area has not recorded weather like this since 1914. She is really worried about access to water, as well as about the difficult and expensive task of carting water to the house and to the stock that are left. She says:

> … the thought of someone sending environmental flows down the Wimmera and Glenelg rivers is enough to break the spirit of the best man in Hopetoun.

How right she is!

It is time for the Minister for Water in the other place to get out of the city and into these areas to see first hand

the real problems these people are facing, so that he can put in place measures that would greatly assist these communities.

PETITION

Human rights: legislation

Hon. W. R. BAXTER (North Eastern) presented petition from certain citizens of Victoria requesting that the Charter of Human Rights and Responsibilities Bill be defeated by the Legislative Council (32 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Ms ARGONDIZZO (Templestowe) presented *Alert Digest* No. 9 of 2006, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Minister's orders of 22 and 23 July 2006 giving approval for the granting of leases at Geelong Botanical Gardens and Recreation Reserve (six papers).

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

Ballarat Planning Scheme — Amendment C100.

Benalla Planning Scheme — Amendment C17.

Cardinia Planning Scheme — Amendment C75.

Golden Plains Planning Scheme — Amendment C21.

Greater Bendigo Planning Scheme — Amendment C65.

Greater Dandenong Planning Scheme — Amendment C46.

Melbourne Planning Scheme — Amendment C113.

Mildura Planning Scheme — Amendment C33.

Mornington Planning Scheme — Amendment C68 Part 1.

Mount Alexander Planning Scheme — Amendment C35.

Port of Melbourne Planning Scheme — Amendment L38.

Southern Grampians Planning Scheme — Amendment C12.

Stonnington Planning Scheme — Amendment C60.

Surf Coast Planning Scheme — Amendment C30.

Warrnambool Planning Scheme — Amendment C49.

Whitehorse Planning Scheme — Amendment C50 Part 1.

Whittlesea Planning Scheme — Amendment C67.

Wyndham Planning Scheme — Amendment C75.

Psychologists Registration Board of Victoria —

Minister's report of failure to submit report for 2005 to the Minister within the prescribed period and the reasons therefor.

Minister's report of receipt of 2005 report.

Statutory Rules under the following Acts of Parliament:

Domestic (Feral and Nuisance) Animals Act 1994 — No. 101.

Supreme Court Act 1986 — No. 102.

Subordinate Legislation Act 1994 — Minister's certificate of exemption under section 9(6) in respect of Statutory Rule No. 101.

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

Transport Legislation (Further Amendment) Act 2006 — Section 16, section 17, section 20 (except sub-sections (2)(b) and (3)), section 21 (except sub-section (2)(b)), section 24(3) (except paragraphs (b) and (c)), section 25 (except sub-section (2)(b)), section 26 (except sub-sections (2) and (3)(b), section 27, section 28 (except sub-sections (2) and (3)(b)), section 31(1), section 31(2), section 35(1) and section 35(3) of that Act and Schedule 1 — 8 August 2006 (*Gazette* No. S199, 8 August 2006).

Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Section 41 and sections 43 to 47 — 8 August 2006 (*Gazette* No. S199, 8 August 2006).

Veterans Act 2005 — Remaining provisions — 21 August 2006 (*Gazette* No. G33, 17 August 2006).

ENVIRONMENT PROTECTION (AMENDMENT) BILL

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

I am very pleased to present the Environment Protection (Amendment) Bill to the house today. This bill represents an important step in achieving the government's environmental sustainability vision.

Successful modern societies are those that can develop a vibrant and dynamic economy which is capable of delivering the social aims of the community.

A key to developing a vibrant and dynamic economy is to identify and harness new forms of productivity.

The Bracks government believes that, in the early stages of this 21st century, environmental resource efficiency represents a new form of productivity.

In short, as a global community, we need to work out how to use less energy, less water and fewer materials to produce more of the goods and services for the lifestyles that we all aspire to.

If this new productivity can be harnessed, the environment will be transformed from being considered as a business cost into an enormous business opportunity — one of the biggest business opportunities available in world markets.

And Victoria is well positioned to be at the forefront of this emerging global trend.

The Bracks government has already taken many steps to ensure Victoria is at the forefront of environmental sustainability policies.

Last year, the government presented its vision for an environmentally sustainable future in our framework, Our Environment, Our Future. Recently, we released a major action statement to ensure the next phase of delivery of this pivotal environmental sustainability framework.

With the introduction of this bill, we are now taking another major step.

This bill will amend the Environment Protection Act to help deliver the government's aspirations for a sustainable state by ensuring that the Environment Protection Authority is equipped with the tools that it needs to meet today's challenges and to make some key reforms to the way in which we plan and implement our waste management needs in metropolitan Melbourne.

The Environment Protection Authority is 35 years old this year.

It has achieved a lot and it is about to achieve a lot more.

The Environment Protection Authority's sole purpose — to protect and improve the Victorian environment — remains unchanged.

But what will change with the passage of this bill and a set of associated reforms is some of the ways in which the Environment Protection Authority achieves its purpose.

This government is encouraging Victorian businesses to harness the economic opportunities presented by the world's use of environmental resources.

This bill will ensure that Victoria will have an environmental regulatory system and an environmental regulator which are better equipped to support this business innovation.

The government is therefore pleased to announce that it is directing the Environment Protection Authority to operate in a new, smarter and enhanced framework.

This framework is designed to deliver stronger environmental outcomes and better business outcomes.

It will help deliver the government's commitments to cutting business red tape, supporting business innovation and achieving environmental sustainability.

Under this framework, the Environment Protection Authority will operate in three broad ways.

First, it will continue to use traditional regulatory means where these are needed and appropriate. It will set tight controls, hold polluters to account and, unreservedly and without fear, be the community's environmental watchdog wherever and whenever this is needed.

Second, as far as possible it will find an economic basis for administering its regulations.

This second arm of the framework represents the key innovation in this bill.

The government believes there is a strong nexus between environmental outcomes and economic outcomes. The Environment Protection Authority will be asked to find, and help businesses pursue, this nexus wherever it can.

This represents a new way of regulating. Most people believe that regulation must add to business costs. The direction from the Bracks government to the Environment Protection Authority is to find ways to develop and implement regulatory approaches that improve the environment and, where possible, improve profits and business outcomes.

This second arm of the new framework for the Environment Protection Authority is critical. This government is encouraging Victorian businesses to lead the world in innovation in environmental sustainability. In doing so, we are asking businesses to uncover the many coincidences between environmental outcomes and economic outcomes. Therefore, we will support Victorian businesses by requiring the statutory authority that regulates them on environmental issues to do likewise.

The government will require the Environment Protection Authority to be innovative and world leading as a regulator.

The Environment Protection Authority will be equipped to help ensure that Victoria becomes one of the first places in the world where the environment routinely becomes a business opportunity rather than a business cost.

Third, the Environment Protection Authority will also continue to work in partnership with businesses and the broader community to deliver environmental improvements.

This bill strengthens the Environment Protection Authority's capacity to pursue all three arms of this new framework.

The bill also makes some key reforms to waste management in Victoria that will keep this state at the forefront of resource efficiency. These reforms will deliver:

> a strengthened partnership between state and local governments to address the challenges of increasing resource efficiency in metropolitan Melbourne;
>
> a mechanism to reduce avoidable litter by controlling the distribution of plastic shopping bags;
>
> a stronger framework for the management of hazardous wastes to reduce the generation of these unwanted materials.

In describing in more detail the features of this bill, I will address each reform in turn, commencing with the establishment of 'environment and resource efficiency plans' for large users of environmental resources.

Protecting our environmental resources

It is well understood that high levels of energy and water use can place significant stresses on ecosystems and adversely impact environmental health. High levels of consumption can also lead to the discharge of wastes into the environment and unnecessary cost to the economy and society.

In order to prevent this waste and protect our environmental resources for future generations, this bill provides for the establishment of a new environment and resource efficiency plans scheme to deliver significant gains in environmental resource use efficiency.

The government will build on the success of EPA's industry greenhouse program by introducing environment and resource efficiency plans for the state's 250 biggest energy and water users.

These companies will be required to explore energy, water and waste reduction opportunities. Only those resource efficiency actions which have a three-year or better payback period must be implemented as part of an environment and resource efficiency plan.

The scheme will not apply to broadacre agricultural primary production, including irrigated primary production, as a significant amount of work is already being undertaken to encourage resource efficiency in this area.

Organisations which are already taking the initiative to reduce their environmental resource consumption will have these actions recognised. This scheme will facilitate voluntary action, and recognise and support businesses taking action through existing programs such as the water efficiency programs delivered by water retailers. However, all large environmental resource consumers will be required to register with Environment Protection Authority and to report on their achievements.

To ensure a fair and equitable system, the scheme provides for offences for those firms that are major environmental resource consumers who do not participate through the development and implementation of a plan for environmental resource efficiency. This is an important safeguard that underpins the efforts of those pursuing resource efficiency.

This action plan scheme has been tried and tested in Victoria before. The government's greenhouse industry program, which required high energy users to prepare and implement action plans, is estimated to deliver annual reductions of 1.1 million tonnes of carbon dioxide equivalent, and reduced energy bills for Victorian businesses by $34 million per annum. This demonstrates the large-scale improvements in environmental resource use efficiency which are possible.

In addition, there will be a voluntary program for other large users through industry associations and targeted programs for key areas such as smaller commercial and industry resource users.

Improving waste management

In 2004, this government established the Towards Zero Waste Working Party to support the implementation of Victoria's Sustainability in Action — Towards Zero Waste strategy. The working party comprised metropolitan local governments, regional waste management groups, the Municipal Association of Victoria, the Victorian Local Governance Association and state agencies.

The working party recognised that, while the metropolitan regional waste management groups have served Victorian communities well in the scaling up of waste management to regional multi-council efforts, the current arrangements are inadequate to meet the challenges of delivering Towards Zero Waste.

The working party recommended:

> the establishment of a single metropolitan waste management group to replace the northern, south-eastern, eastern and western metropolitan regional waste management groups;
>
> a new metropolitan-wide strategic waste planning framework;
>
> a metropolitan local governments waste forum;
>
> a framework for procurement of waste management and resource recovery services.

These reforms have the broad support of the metropolitan councils, local government peak bodies and the waste management industry.

This bill delivers on these reforms.

The Metropolitan Waste Management Group will be a statutory body corporate with an eight-member board. Half of the board members will be nominated representatives of the

30 metropolitan councils while the other half will be skills-based nominees of the Minister for Environment.

As the successor body to the four metropolitan regional waste management groups, the new Metropolitan Waste Management Group will be funded through the landfill levy distributions currently allocated to the four metropolitan regional waste management groups.

The Metropolitan Waste Management Group represents a unique partnership between the Victorian government and the 30 metropolitan councils. A key function of the new group will be assisting councils in the procurement of multi-council regional waste services. Procurement directions and/or guidelines, to be issued by the Treasurer, will ensure that the councils are fully engaged in the processes and that risks are fully identified, quantified and assigned so that the interests of all parties — councils, contractors and the Victorian government — are properly protected.

The metropolitan local governments waste forum will serve as a conduit between the individual councils and the new Metropolitan Waste Management Group. It also provides a mechanism for the 30 councils to determine their four members on the board of the Metropolitan Waste Management Group. These members of the board will therefore have a clear line of accountability to their constituents, the metropolitan councils, through the forum. It is understood that councils may prefer that their representatives on both the forum and the board are sitting councillors. In recognising this, the bill provides that the rules for such council representation and other matters are to be determined by the councils themselves through the forum. The bill does not impose any particular model on local government but provides councils with the flexibility to determine their own representation.

The bill also establishes a new strategic planning framework for solid waste management and resource recovery for metropolitan Melbourne. This strategic planning will complement Melbourne 2030 to provide clear direction for the facilities and services that will be required to manage waste and achieve the resource efficiency goals of Towards Zero Waste. The planning framework established by the bill requires a consultative and transparent process that engages key stakeholders including local government and industry.

The continued engagement of metropolitan councils in these new arrangements is essential. While the Metropolitan Waste Management Group will provide a capacity for the planning and establishment of broad-based waste management and resource recovery services, it is important to acknowledge and recognise that each of the 30 metropolitan councils will continue to be responsible for the provision of waste management to their local communities. For example, councils will remain responsible for considering the options available for the disposal of waste that they collect. While the new Metropolitan Waste Management Group will have a key role in establishing new options and alternatives available to councils, it will be the responsibility of councils to determine the option that best meets their needs and circumstances.

The bill's proposed reforms to metropolitan waste management arrangements represent an agreed way forward by metropolitan local governments and state agencies for delivering this government's Towards Zero Waste strategy.

Reducing plastic bag waste

In the Sustainable State, this government established a commitment to reduce the impact of plastic shopping bags in Victoria's streets, beaches, landfills, creeks and waterways. Plastic bag waste can threaten wildlife, cause drains to block and overflow, and create amenity problems. For these reasons, plastic bag litter continues to be a prominent community issue.

In 2003, environment ministers around Australia agreed to the objective of phasing out lightweight plastic shopping bags by the end of 2008. In 2003, ministers also endorsed the voluntary code of practice for the management of plastic carry bags, which committed large retailers such as supermarkets to a 50 per cent reduction in plastic bags distributed by the end of 2005.

This bill introduces into the Environment Protection Act 1970 a head of power to create regulations to establish controls over the 'free' distribution of plastic bags by Victorian retailers. Under the regulations, retailers would be required to charge a minimum prescribed fee (such as a minimum of 10 cents) per plastic bag. Appropriate exemptions will apply, for example, where a bag is required for health and safety reasons such as bait bags or bags for fresh foods. This, and other exemptions, along with the detail of the requirements will be outlined in regulations to be developed following public consultation.

Importantly, government does not intend to make regulations immediately, but this head of power clarifies the capacity to regulate in the future if plastic bag consumption is not further reduced through voluntary action.

Reducing red tape

The Environment Protection Authority receives strong feedback about the value of the works approval and licensing system, which is seen to provide business investment certainty, and assurance to the broader community and business that consistent standards are enforced.

To further improve the effectiveness of the current Environment Protection Authority licensing system, this bill institutes two significant changes in the way in which licences are governed.

Firstly, the Environment Protection Authority will be empowered to accept applications for the amalgamation of existing separate licences for premises controlled by the same licensee into a single 'corporate licence'.

This approach will assist the Environment Protection Authority to streamline licence development, monitoring and management processes for multipremises operators. This will benefit many businesses with more than one licence, by enabling the integration of environmental issues into the broader corporate group, rather than on a site-by-site basis. This reform will also be supported by internal administrative improvements to the way the Environment Protection Authority manages licences.

Secondly, the bill clarifies and standardises annual reporting requirements across licensed firms. Currently, many licensees have between 5 and 10 components to their annual environmental reporting. These reports are often submitted to the Environment Protection Authority separately and generally in a hard copy.

This bill addresses this inefficiency by requiring licensees to report annually by way of a 'performance statement' signed by a representative of the licensee. Where a licensee's performance does not meet licence conditions, a summary of failings and actions taken or proposed to address that failure will accompany the statement.

The proposed amendment makes it an offence for a licensee to fail to submit a performance statement by the required date, or to provide false or misleading information to the Environment Protection Authority, or to conceal information from the Environment Protection Authority.

A provision in relation to self-incrimination will prevent information in a performance statement being used as evidence in proceedings for an offence (except for the offence of providing false or misleading information or concealing information). This will encourage frank disclosure by licensees.

These changes, which have come about through consultation with current licensees, are designed to create administrative savings and reduce compliance complexity.

Finally, this bill also improves the clarity around the requirements for scheduled premises by removing the antiquated schedules 1 to 6, and replacing them with a single definition of 'scheduled premises'.

Preventing pollution

The primary focus of existing enforcement sanctions under the Environment Protection Act 1970 is on punishing the offender and deterring through punishment future breaches of the act. While it is critical to environment protection, this enforcement approach does not require systemic changes to be made which will help prevent similar breaches in the future.

To address this shortcoming, this bill introduces a capacity for the Environment Protection Authority to enter into a voluntary enforceable undertaking with an offender in relation to a breach of the act or regulations made under the act. An enforceable undertaking is a voluntary, negotiated, written set of promises given by an offender as a part of a settlement for contravention of an act.

Should an offender fail to comply with an undertaking, the authority will be empowered to seek a court order for compliance. Failure to comply with such a court order may result in the commencement of proceedings for contempt of court.

This enforcement model has been adopted by the Australian Securities and Investments Commission, Consumer Affairs Victoria, the Victorian WorkCover Authority, and most recently in NSW environment legislation.

To ensure transparency in the use of this enforcement mechanism, the use of enforceable undertakings will be governed by publicly available guidelines made under the act, and all undertakings will be made available to the public.

Cleaning up contaminated land

Contamination of land and ground water can pose a risk to the environment, impact on human health and impede site redevelopment.

In some cases, corporate structures prevent the clean-up of sites which have been polluted in the chase for corporate profits. Corporate structures should not be used to quarantine liability for polluting behaviour, and it is important that the law makes it clear to parent companies that they cannot escape responsibility for polluting activity that a subsidiary company has been allowed or encouraged to undertake.

This bill empowers the Environment Protection Authority to order a parent company to accept responsibility for clean-up where their subsidiary is liable for clean-up measures under section 62A of the Environment Protection Act 1970.

This change will clarify community expectations that companies operate in a way which protects the environment. It will also reduce the risk that Victorian taxpayers can be left with a hefty bill if a subsidiary company does not have the funds to pay for the clean-up of a contaminated site.

The bill limits the exercise of this power to corporations which meet a specific test of control in relation to the polluting conduct. Further, a corporation will not be made accountable where they can reasonably satisfy the Environment Protection Authority that they took all reasonable steps to prevent the polluting conduct.

This significant reform is modelled on provisions in the Corporations Act 2001 which attaches liability to parent companies for the insolvent trading of a subsidiary. It also ensures that the polluter pays for the rehabilitation of contaminated land in Victoria.

Further, this bill also clarifies the nature of clean-up notices by making it clear that they are issued for the purposes of clean-up as well as ongoing management of a site. The conditions which the Environment Protection Authority may specify in a notice will remain unchanged.

Achieving reductions in hazardous waste

Prescribed industrial waste is produced in the manufacture of goods and services that Victorians use on a daily basis. These wastes are potentially hazardous, and need to be managed appropriately. Reducing the generation and disposal of prescribed industrial waste is a high priority for this government and the community.

In order to ensure that the levy for disposal of these wastes appropriately reflects the level of community concern about potential health and environmental impacts, this bill provides for the changes to the existing 'one size fits all' prescribed industrial waste landfill levy. From 1 July 2007, different levies will apply to wastes of different hazard levels being deposited to landfill.

Specifically:

Disposal of category B, or higher hazard, prescribed industrial wastes and high-level contaminated soils to landfill will attract a levy of $130 per tonne.

Disposal of category C, or lower hazard, prescribed industrial wastes and low-level contaminated soils to landfill will attract a levy of $50 per tonne.

The current landfill levy of $30 per tonne for asbestos waste will remain unchanged to encourage safe handling and disposal of asbestos.

No levy will apply to the deposit of wastes to the long-term containment facility when it is built.

The waste categories will be defined through changes to the Environment Protection (Prescribed Wastes) Regulations 1998.

Importantly, revenue from these levy increases will be reinvested by the Environment Protection Authority in partnership with industry to assist the elimination of the production of prescribed industrial wastes. This will deliver significant outcomes through avoiding the generation of these wastes which continue to cause significant community concern.

Other amendments

This bill also makes a small number of additional amendments which are designed to improve the operation and effectiveness of the Environment Protection Act 1970.

The defence that a director had no knowledge of a contravention by his or her corporation is being repealed. This will bring the available defences for a director or person concerned in management into line with community expectations about how directors of corporations should discharge their duties.

The offence under section 27A(2) of the act of 'dumping' industrial waste is being amended to make it clear to a court that the acts of 'depositing' or 'discarding' waste at an unlicensed site are also clearly captured by the offence provision.

The ability to issue a single pollution abatement notice to more than one premise is being clarified to enable effective enforcement of the waste management policy (used packaging materials) and future product stewardship policies.

A technical amendment is being made to create a head of power to make regulations with respect to a national environment protection measure.

In order to avoid overlapping consultation processes, the Minister for Environment will be empowered to certify that the public consultation and impact assessment process for making a policy under section 16 or 16A or for a national environment protection measure has effectively met the same requirements as the sustainability covenant consultation processes as set out in section 49AE of the act. When the minister has made such a certification, the Governor in Council will then be able to declare that an industry has the potential to have a significant impact upon the environment under section 49AD.

Finally, the bill introduces a capacity to enable consent for an indictable matter to be heard summarily to be given in a defendant's absence. This will increase the chances of successfully and efficiently prosecuting a charge under the Environment Protection Act 1970 against a person who has fled the Victorian jurisdiction.

The bill before you today makes a significant number of changes to the state's most important piece of environment protection legislation, and makes considerable progress in achieving this government's vision of a sustainable state.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

VICTIMS' CHARTER BILL

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

Background

Nobody chooses to become the victim of a crime.

Here in Australia, we enjoy a historic social legacy that has traditionally been open, trusting and generous in our approach to life and to each other. Crime shatters this trust and openness.

Becoming the victim of a crime affects each person differently, not just because crimes vary in type, but because our individual circumstances are also different.

Crime is much more than the act itself. Crime can leave its victims devastated, often violated. It destroys people's sense of faith in each other and the effects of crime on victims can be severe and long lasting.

As a community, we tend to think of the damage caused by crime to the health and welfare of individual victims. The cost of crime can only partly be measured in terms of property and immediate financial loss. There can also be an enormous toll on the families and friends of victims, as well as on their communities and on society at large.

The criminal justice process itself can exacerbate the trauma that victims have already experienced and can, in fact, become a source of secondary victimisation. This not only hinders victims' recovery, but can impact on their future willingness to report crime and participate in the prosecution process. If this happens, the efficacy of the criminal justice system as a whole is undermined. If victims stop reporting crime and do not come forward to give evidence in the prosecution process, this makes it much more difficult to call perpetrators to account for their actions.

Supporting and acknowledging the needs of victims, and assisting them to recover from crime, are key priorities for this government. Since being elected in 1999 we have introduced a wide range of reforms for victims.

One of the first things we did was to reintroduce compensation for pain and suffering to primary victims of

crime, which had been so callously abolished by the previous government.

Since then, we have embarked on a systemic process of reform to recognise and improve the position of victims of crime in their dealings with the criminal justice system. This includes:

establishing a Sentencing Advisory Council, which provides a forum for the community to have input into sentencing reforms;

introducing major advances in relation to crimes against women, in particular the introduction of specialist family violence courts;

new laws to improve the court experience for children and people with a cognitive impairment who are required to give evidence; and

various amendments to the sentencing legislation which:

acknowledge the impact of crime on victims;

provide that appropriate and admissible parts of their victim impact statement can be read out aloud by the prosecutor during the sentencing process; and

ensure that, where desirable, victims are not automatically excluded from the courtroom during a criminal trial.

The criminal justice system, historically, has focused on the investigation and prosecution of offenders. It is now time for the criminal justice system to also consider the needs and interests of victims. Indeed, victims recovery needs to be one of the system's priorities.

Any changes made to the criminal justice system should minimise the secondary victimisation which can occur when victims are required to be a part of the prosecution and trial process.

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power sets out principles for responding to the needs of victims. These are based on the themes of access to justice and fair treatment, restitution, compensation and assistance.

The government supports the principles contained in the United Nations declaration and has used this declaration as the basis for the principles now incorporated in the Victims' Charter Bill.

The Victims' Charter Bill brings together in a coherent framework all the existing legislative rights and entitlements for victims of crime. It does not broaden these existing rights and entitlements.

The bill sets out principles which will represent minimum standards governing responses to victims of crime across criminal justice and government agencies. It also provides a benchmark for the development of service standards and victims policy across the criminal justice system.

Enshrining these principles in legislation provides a clear recognition by the government of victims of crime and their important role in the criminal justice process. It will form the basis for future policy development in this area.

Objectives of the victims charter

The Victims' Charter Bill is the result of extensive community consultation which took place during late 2005. The aim of this consultation process was to give a voice to victims of crime, service providers and the broader community about the nature and role of a victims charter.

The objectives of the victims charter are to:

provide statutory recognition for victims of crime and the harm that is caused by criminal offending, irrespective of whether an offender has been identified, arrested, prosecuted or convicted;

establish principles which will govern responses to victims of crime by the criminal justice system; and

seek to improve the experiences of victims of crime and minimise the impact of secondary victimisation by the criminal justice system.

Charter principles

The bill acknowledges that crime can impact on a wide range of people, including immediate and extended family, children and witnesses to crime. It also acknowledges that not all victims report the crime to police.

The principles in the bill spell out various obligations on criminal justice and other agencies, investigating agencies, prosecuting agencies and victims services agencies.

For the purposes of the principles in clauses 6 and 7 of the bill, if a person has been adversely affected by a crime they are entitled to be:

treated with courtesy, respect and dignity by all criminal justice, investigating, prosecuting and victims services agencies; and

provided with clear, timely and consistent information about the services, entitlements and legal services that may be available to them, and referral to those services where appropriate.

The bill provides that where principles create obligations on agencies in relation to victims, their obligation only applies in situations where they are or should reasonably be aware that a person is a victim.

The principles contained in clauses 8 to 17 of the bill require that:

victims are informed at reasonable intervals about the progress of investigations, unless the disclosure may jeopardise the investigation, in which case the victims should be informed accordingly;

victims are informed, at the earliest practicable opportunity, of charges laid against the accused, the date, time and place of hearing of those charges, the outcomes of criminal proceedings against an accused and any subsequent appeal. If a criminal justice agency decides to substantially modify or not to proceed with charges, the victim should be informed of this and the reasons why the decision was made;

victims who are going to be witnesses in a criminal trial are informed about the court process and, where appropriate, the role of prosecution witnesses;

reasonable practical arrangements are taken to protect the victim from intimidation by and unnecessary contact with the accused, defence witnesses and the accused's supporters at court;

the privacy of victims is respected; and

the property of the victims is treated respectfully.

A number of the principles incorporate existing legislative provisions, detailing the rights and entitlements of victims, as follows:

victims are able, on request, to be informed of the outcome of any bail application and of special conditions intended to protect them or their families. Where relevant, the physical protection of the victim and their family should be taken into account when an application for bail is being considered;

victims should be able to have their views on the impact of crime presented and taken into account by the court on sentencing, by way of a victim impact statement and the victim should have access to information and assistance to help them prepare the statement;

victims should be able to apply for compensation from offenders, in accordance with the provisions of the Sentencing Act 1991. Victims should also be able to make an application for compensation and financial assistance, in accordance with the provisions of the Victims of Crime Assistance Act 1996; and

victims of violent crime may, in accordance with the provisions of the Corrections Act 1986, request information regarding the length of offenders' sentences, their likely release dates and details of any escapes and have their views taken into account by the Adult Parole Board when a decision about possible parole is being considered.

These principles have already been given effect by existing legislative provisions and it is intended that the principles be consistent with, but not extend, those existing provisions.

Monitoring and review

The bill provides that the Secretary to the Department of Justice will ensure that:

the charter is actively promoted;

adherence to its provisions is systematically monitored; and

processes are in place to deal with complaints.

Further, the operation of this act will be reported in the Department of Justice annual report.

Implementation

We know from interstate and overseas experience that giving effect to victims rights can be a gradual and evolutionary process. It often requires a major cultural shift by justice agencies and this does not happen overnight.

We also know that jurisdictions which have established cooperative and collaborative relationships between all their stakeholders are best placed to implement victims rights.

A phased and closely monitored approach to implementation is proposed for Victoria, with the bill commencing operation on 1 November 2006. The primary focus will be on victims of violent crimes, particularly sexual assault and family violence.

Implementing the victims charter in this way will mean that criminal justice, investigating, prosecuting and victim services agencies will be developing consistent and systemic approaches to responding to victims. This will facilitate the ongoing cultural change within the criminal justice system which is necessary to ensure they are adequately and consistently responding to victims of crime.

Conclusion

In enacting a victims charter, we will have created a framework for system-wide reforms that recognise and promote the rights of victims of crime.

Through developing and maintaining cooperative and collaborative relationships between service-providing agencies who are committed to the principles of the charter, we will make a positive difference for victims in their dealings with the criminal justice system.

I commend this bill to the house.

Debate adjourned for Hon. RICHARD DALLA-RIVA (East Yarra) on motion of Hon. B. N. Atkinson.

Debate adjourned until next day.

VICTORIAN RENEWABLE ENERGY BILL

Second reading

For **Hon. T. C. THEOPHANOUS** (Minister for Energy Industries), Mr Gavin Jennings (Minister for Aged Care) — I move:

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

It is incumbent upon me to outline to the house changes that were made to the bill in the Assembly. Prior to the bill's successful passage through the Assembly three amendments were made to it. The first amendment dealt with clause 37. This clause was amended to clarify that no certificates can be created in respect of small generation units installed on or after 1 January 2031 — that has given us plenty of warning. Secondly, clauses 56 and 57 were amended to clarify that an order in council could be made with respect to notional scheme acquisitions in addition to standard scheme additions.

Hon. B. N. Atkinson — What does that mean?

Mr GAVIN JENNINGS — That is a very good question. Thirdly, clause 8 was amended so that undertakings may be required from applicants that are not commonwealth scheme participants, in addition to those which are commonwealth scheme participants. Otherwise the bill as it was originally second read has remained intact.

Motion agreed to.

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

That the bill be now read a second time.

Incorporated speech as follows:

Large reductions in greenhouse gas emissions are expected to be necessary by the middle of the century to mitigate the impacts of climate change. Sustainable growth in a strong local renewable energy industry will support the achievement of significant cuts in greenhouse gas emissions.

Victoria will lead Australia in the development of a renewable energy industry with the introduction of the Victorian renewable energy target (VRET) scheme established by this bill.

This bill plays a key part in delivering the government's commitment to increase the share of Victoria's electricity consumption from renewable sources to 10 per cent and to facilitate 1000 megawatts in wind power generation.

The bill establishes a requirement for electricity retailers to purchase an additional 3274 gigawatt hours of renewable energy by 2016. We have chosen that year after careful consideration of its impacts on electricity prices and the need for a long-term flow of work for the renewable energy industry.

We are taking this step to fill a void left by the commonwealth's failure to extend the mandatory renewable energy target (MRET) scheme. The Howard government has failed to do so despite the sensible recommendations of its own Tambling review.

The Victorian renewable energy target scheme is responsible and balanced. It provides the renewable energy industry with the certainty of steady but not excessive growth over a 10-year period which will limit increases in retail electricity prices and avoid creating large losses for existing generators.

In addition to the VRET scheme, we will continue to work towards our ambitious 10 per cent renewable energy target as early as 2010, through a range of complementary measures to promote renewable energy in Victoria.

These include further promotion of voluntary green power purchases by households and businesses in Victoria, solar power on houses, technology support and energy smart zones.

These additional measures could add to our renewable energy capacity, taking the level of renewable energy as high as 12 per cent by 2016.

Almost 70 per cent of Victoria's greenhouse gas emissions are from the stationary energy sector. In December 2004 the government released its *Greenhouse Challenge for Energy* position paper.

The *Greenhouse Challenge for Energy* proposed a comprehensive policy framework to reduce greenhouse gas emissions from the stationary (non-transport) energy sector while continuing to ensure that Victorians have access to a secure, efficient and affordable supply of energy.

To prepare for a carbon-constrained future, the government recognised that it would need to pursue a range of policy initiatives including support for the introduction of a national emissions trading scheme, a renewable energy strategy, an energy efficiency strategy and the energy technology innovation strategy. The government also supported the expansion of the MRET. However, with the commonwealth's failure to extend the MRET scheme the government decided to introduce a state-based market scheme.

It is premature to support a single strategy to reduce greenhouse gas emissions at this stage — there is no silver bullet to address climate change — rather all of these initiatives must work together as part of a sound energy policy.

The government's decisions on the design of a state-based market scheme are contained within the bill.

The government's approach is in line with the views of the International Energy Agency, which released a report in February 2006 urging governments not to leave such developments to the market. Rather, the International Energy Agency called on governments to improve market deployment strategies for renewable energy technologies, ensuring continued improvements in their cost competitiveness.

The bill provides investment certainty and ensures that a number of major investments in regional Victoria will proceed. VRET will trigger up to $2 billion of new investment in renewable energy projects over the next 10 years.

VRET will result in greenhouse gas abatement of 27 million tonnes over its full life, or an average of 1.13 million tonnes per year. This is equivalent to taking all of Victoria's 3 million cars off the road for two years.

Extensive analysis has been conducted to demonstrate that the government's target is able to be met in a cost-effective manner and offers real economic benefits to regional Victoria. These are benefits which go beyond simply the achievement of greenhouse gas reductions.

VRET will create up to 2200 new jobs in the renewable energy industry and up to $2 billion in capital investment, mostly in provincial Victoria. VRET will cost the average Victorian household less than $1 per month (starting in 2008) and will only increase an average household electricity bill by $8 for the year. The Bracks government has recently announced cuts in average power prices for households and small businesses of between $33 and $57 over the next two years.

The government will invest $1.5 million to establish the scheme.

I now turn to the features of the bill.

This bill implements a commitment to introduce a mandatory target (3274 gigawatt hours by 2016) for the uptake of new renewable energy. This will result in over 5000 gigawatt hours from renewable energy in total by 2016.

The bill provides for a market-based measure to promote the development of renewable energy generation through the establishment of a scheme for the creation of renewable energy certificates by generators, and the surrender of these certificates by relevant entities. Relevant entities are sellers of electricity and wholesale purchasers of electricity.

The objects of the bill are as follows:

(a) to encourage additional generation of electricity from renewable energy sources;

(b) to encourage investment in the generation of renewable energy and the development of renewable energy technologies;

(c) to encourage regional investment and employment;

(d) to contribute to the diversity of Victoria's energy supplies; and

(e) to reduce greenhouse gas emissions.

The bill provides for the VRET scheme to come into operation on 1 January 2007.

Part 2 of the bill provides for the creation of renewable energy certificates. Renewable energy certificates can only be created by an accredited power station in respect of electricity generated prior to 1 January 2031.

An accredited power station under the bill can be situated either in Victoria or in another state or territory in which an approved interstate renewable energy regime applies. An interstate renewable energy regime can be approved if amongst other things, the approval would complement, and not detract from, the achievement of the purpose and objects of this bill and the approval would not impose unreasonable costs on purchasers of electricity in Victoria.

Under the bill a power station is eligible for accreditation if the power it generates is from an eligible renewable energy source.

Eligible renewable energy sources include, for example, hydro, wave, wind, solar, biomass and geothermal.

Renewable energy certificates may be created for electricity generated from new renewable energy generating units that commence commercial operation from 1 January 2007. An individual generator may create certificates for 15 years from the time it starts commercial operation.

Certificates will be electronic and will be traceable to the point of origin by the unique identification code allocated to each certificate.

An audited electricity generation return must be lodged each year detailing the amount of electricity generated by the power station during the previous year, the number of certificates created during that year and other information specified by the rules.

The bill also provides for the creation of certificates by small generation units installed on or after 1 January 2007. A small generating unit is a device that generates electricity from an eligible renewable energy source but is specified by the rules to be small. It is intended that the compliance regime for small units will be simpler than for larger units to reduce the costs associated with this scheme. The key difference will be that a certain number of certificates will be deemed for the life of a small generating unit whereas certificates will only be created by larger units after electricity has been generated.

Small generating units will include, for example, wind generators with a rating of no more than 10 kilowatts and which generate no more than 25 megawatt hours of electricity each year.

Once created, certificates may be registered by the scheme administrator, which is to be the Essential Services Commission. Certificates that have been registered may be transferred. A certificate may be surrendered, in which case the certificate ceases to be valid. The commission must update its register to show the transfer and surrender of certificates.

I will now focus on the obligations imposed by the bill on relevant entities, covered by part 3, acquisition of electricity and part 4, renewable energy shortfall.

A relevant entity is a retailer or wholesale purchaser of electricity acquired for use in Victoria.

The renewable power percentage is the mechanism used to determine a relevant entity's renewable energy requirement. It is therefore also the basis for determining how many certificates are required to be surrendered to meet each relevant entity's renewable energy requirement. The renewable power percentage will increase as the interim targets increase.

The bill provides that a relevant entity must surrender sufficient certificates to cover their renewable energy requirement in each year.

A relevant entity that does not surrender enough certificates in a year is liable to pay a penalty.

The penalty payable by a relevant entity for a year is based on the number of certificates that have not been surrendered and the penalty rate for that year.

The shortfall penalty rate has been set at a level to support compliance and at the same time impose reasonable limits on the costs faced by businesses.

Part 5 of the bill establishes requirements to record and report liabilities incurred under the bill and the surrendering of certificates to meet those liabilities. For example, the bill provides that a relevant entity must lodge a statement for a year on or before 30 April in the following year.

The remainder of the bill covers the following:

part 6 deals with the civil enforcement regime;

part 7 establishes an internal merits review process;

parts 8 and 9 address the administration of the VRET scheme, its registers and publication of key annual data

and an annual report on the operation of the VRET scheme;

part 10 provides for the VRET scheme's information-gathering powers;

part 11 deals with the appointment and inspection powers of authorised officers;

part 12 deals with confidentiality; and

part 13 deals with a range of matters including the fixing and charging of fees.

Part 8 of the bill provides that the commission will be required to administer the scheme. Part 14 provides for consequential amendments to the Essential Services Commission Act 2001 to empower the commission to administer the scheme.

The bill provides for the development of rules for carrying out or giving effect to the bill. The rules must be prepared according to the consultation requirements of the Charter of Consultation and Regulatory Practice published under the Essential Services Commission Act 2001.

The bill provides for a review of the operation of the VRET scheme by the end of 2011. The review will assess whether it is working effectively and achieving its objects. The matters to be considered in the review include whether the targets and the penalty rate under the VRET scheme are appropriate considering the interests of existing generators, the renewable energy industry and Victorian energy consumers.

This is a significant day in the history of the Victorian Parliament. We have a proud history of reform which is continued in this bill. This bill is the first legislation of its kind developed in any state or territory in Australia and one of only a few worldwide.

Having drawn on detailed analysis and substantial stakeholder input, the government has developed a carefully tailored scheme that balances the interests of the renewable energy industry, existing generators and Victorian energy consumers. Because the VRET scheme is a market-based scheme it will meet the government's renewable energy targets at the lowest cost.

The target of 10 per cent renewables by 2016 (or an additional 3274 gigawatt hours of new renewables) is achievable and goes a long way towards preparing Victoria for a carbon-constrained future. It builds on Victoria's national — and international — leadership position in sound energy policy.

With the passage of the bill, further development of the Victorian renewable energy industry will encourage regional investment and employment. Additionally it will produce significant reductions in greenhouse gases for years to come.

If not us, who? If not now, when? Today is the day for Victoria to assume its rightful place in leading the nation towards a sustainable energy future.

I commend the bill to the house.

Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

STANDING ORDERS COMMITTEE

Review of joint standing orders

Message from Assembly as follows considered:

The Legislative Assembly has adopted the joint standing orders and joint rules of practice as recommended by the Standing Orders Committee in its report on the review of the joint standing orders of the Parliament of Victoria, July 2006, with amendments, to take effect from the start of the 56th Parliament, to which the agreement of the Legislative Council is sought.

Mr LENDERS (Minister for Finance) — I move:

That the Council concur with the Assembly and agree to adopt the joint standing orders and joint rules of practice as recommended by the Standing Orders Committee, with the amendments made by the Legislative Assembly, to take effect from the commencement of the 56th Parliament.

I will speak very briefly to this. It is 103 years since the joint standing orders were last amended.

Mr Gavin Jennings interjected.

Mr LENDERS — I advise Mr Jennings that things move very swiftly in the joint standing orders committees. After 103 years the committees of the Assembly and the Council met jointly and recommended agreed joint standing orders to bring them into the 21st century — we leapt from the 19th century to the 21st century. In fact it is 113 years — the current joint standing orders were in place from 1893 until 2006. We leapt over the 20th century and right into the 21st century. This is a sensible set of provisions that translate the joint standing orders into modern language and deal with the issue of joint sittings, which are now referred to in the constitution. This is in addition to provisions for joint sittings that have existed under various acts, such as the Tobacco Act. I commend the package to the house. It had the unanimous support of the joint standing orders committees and has been recommended by the Assembly with two minor amendments.

Hon. BILL FORWOOD (Templestowe) — I concur with the words of the Leader of the Government. This matter went through the joint standing orders committees, which were unanimous in their acceptance of it. While I think it would have been better if this house had done it and the Assembly concurred with us — because we did all the work — I am quite happy for the motion to be that we concur with the Assembly.

Motion agreed to.

SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL

Second reading

Debate resumed from 10 August; motion of Ms BROAD (Minister for Local Government).

Hon. W. R. BAXTER (North Eastern) — When this bill was last before the house I was rudely interrupted by the rather quaint sessional orders this place operates under. It is a little difficult to pick up the pieces this long after the event, but at the time I was regaling the house with my mystification as to how the Premier's great bevy of advisers, strategists and so on in Treasury Place was unable to forewarn him about the outbreak of public concern if the Snowy hydro system were to be offered for sale. That is exactly what came to pass — there was an outcry.

I have been intrigued by the fact that some members of the government have attempted to paint Snowy Hydro as a power company and not as a water authority. I have to say to the house than in the 12 days since we last debated this bill things have gotten drastically worse in northern Victoria and the southern Riverina. We are now two-thirds of the way through August without any rain at all except for the odd scattered shower. Crops are turning up their toes from moisture stress, grass is rapidly dwindling, hay supplies are running out and the stress level among farmers is rising very rapidly, as it is among businesses and workers in country towns which rely on a buoyant farming economy. Those people certainly believe Snowy Hydro is a water authority, because without Snowy Hydro we would be in even worse difficulties in northern Victoria.

It is for that reason that earlier today I gave a notice of motion calling on the government to put into place plans to deal with what at this stage appears to be a rapidly approaching crisis. I do not want to cry wolf. I do not want to be saying that we are going to have a failed spring as well as a failed winter rainfall period, but the fact of the matter is that inflows into the Murray-Darling Basin are at their lowest recorded levels ever — 1902 was the worst up until now. If you look at it the monthly, three-monthly, six-monthly or annual tables, you see we are now in the lowest inflow period in recorded history. We are in an entirely new environment.

We do not know what is in front of us, what is in store. Spring rains fail on occasions, and the rough run of below-average rainfall we have had for nine successive seasons does not give one a lot of confidence that spring this year will be better than average. If it is not better than average, there will be a tremendous amount of hurt and damage in rural Victoria. The notice of motion I gave today calls on the government to prepare itself for that eventuality. Like everyone else, I hope it does not happen, but we need to be prepared. This bill really is a sham. I said that in the major part of my speech, and I do not resile from it.

Hon. B. W. BISHOP (North Western) — I rise to make a contribution on the Snowy Hydro Corporatisation (Parliamentary Approval) Bill, and particularly to support the amendments The Nationals will move in the committee stage, led by our leader in this house, the Honourable Peter Hall.

It is interesting to look at the history of the Snowy River. The history of the Snowy River has been gathered up with films, poems and folklore along the years. I think that is a good thing. I have a view that a lot of that history and folklore was destroyed when the government meted out its treatment of the mountain cattlemen. That is a great pity. In fact, the government almost sold off the Snowy Hydro scheme, which would have been an absolute disaster.

Hon. B. N. Atkinson — Acting President, I draw your attention to the state of the house and the government's continued inability to maintain a quorum.

Quorum formed.

Hon. B. W. BISHOP — It is disappointing that a quorum has had to be called during debate on such an important bill. It shows a lack of interest on the part of government members.

I was talking about the history of the Snowy Mountains scheme and the engineering project itself. Not so long ago the Swan Hill Regional Art Gallery held an exhibition of photographs showing the history of the scheme. The exhibition brought home to me the size and importance of that particular project. If my memory serves me correctly, it went from 1949 to 1974, and about 100 000 men and women from 30 countries worked on what was an iconic project for Australia. For many of those people, working on the project was their first job in Australia. They were immigrants. A number of them were displaced people who came to Australia after the war. Theirs was a tough job — cold, wet, muddy and slippery — and the project was tough on the people who worked on it. There is no doubt that

they had a huge work ethic. The photographs on display in the art gallery during that exhibition showed in graphic detail how hard the conditions were for the people who lived and worked on the project.

Some of the workers from that scheme came to our farm afterwards. Obviously concrete-laying skills were extended past the duration of the Snowy project. Some of them built concrete tanks at our place. I remember them working in the middle of summer when it was very hot. They were good tradesmen — good workers who did an excellent job. I take my hat off, firstly, to the people who put forward the vision for this project — it was a brave scheme — and secondly, to the men and women who built the project, which stands there quite proudly. If my research is correct, the project provides about 70 per cent of our renewable energy generation.

Given that history, I suppose we would have to ask ourselves: who would sell it? New South Wales, which owns 58 per cent and is strapped for cash, is on a bit of a slippery slide according to all the reports and commentaries, which is probably due to poor financial management. Victoria owns 29 per cent, but we are not strapped for cash — or I do not believe we are, because the GST money keeps pouring in. But I guess it was not a bad lurk for the government to slip this in and get, say, $900 million and stick $600 million of it into the school system and free up a bit more cash for the upcoming election at the end of November. Of course the commonwealth owns 13 per cent of the project, which is not much one way or the other. But the commonwealth made the right decision. It led the way when it decided to take the initiative and pushed for Snowy Hydro not to be sold. It was a great result, and I congratulate the commonwealth and some federal members in particular, a number of whom led the charge.

One federal member I know well is John Forrest, the member for Mallee. He knows about water because he is an engineer. In fact he is well known as the One Hundred and Sixty-Seven Million Dollar Man, because he was a driving force behind the pipelining of the balance of the Wimmera-Mallee. I think his name will go down in history for that. Once the commonwealth put its foot down the right decision was made, and it was interesting to see everyone leaping to claim the credit. 'Who first?', you might ask.

Of course there were the Independents, and I will give some credit where it is due. The Independent member for Gippsland East in another place had a bit of a go, but he did not follow through with amendments, as The Nationals will do during the committee stage of this debate. Immediately after the announcement that Snowy Hydro would not be sold the Independent member for Mildura in another place immediately put out a flyer saying, 'We won!' in big letters. What a lot of nonsense! Without the commonwealth no-one would have got anything out of that. The commonwealth led the way, showed the initiative and certainly put the pressure on.

It is interesting to see the Independents going crook at the government. In fact I do not see how they could complain, because they put the government into power. No-one should forget that. It is interesting to note that they seem to play two sides of the fence, and I do not think you can do that and maintain your credibility, particularly in a house of Parliament. It was interesting that all that happened. The member for Mildura said that he reckoned the schools were okay. I do not; I disagree with that.

Hon. W. R. Baxter — So do I.

Hon. B. W. BISHOP — I have had a decent look around the schools in the Mildura electorate, which is where my electorate office is located. I get on very well with the schools there, even though I note, Mr Baxter, that a memo has come out saying that if any of us wanted to go near the schools we would have to have clearance from the minister, which I think is absolutely ridiculous and stands in the way of people representing their communities.

The member for Mildura in another place commented that he thought the schools were okay, but I know that the gym hall at Mildura Senior College needs to be upgraded. In fact the college has requested that the Labor government get on with this job a number of times. But has it got the okay for it? No. Has the school tried? Yes, it tried very hard but could not get the okay. Aside from the gym at the secondary college, which in my view is a priority, a heap of work needs to be done in schools around the Mildura area. For years we have waited for the Nichols Point primary school to be built. Hopefully that is getting under way, but the schools themselves are not okay. A lot of work needs to be done, and I certainly will be holding the government to account to ensure that that work is done.

Let us have a look at the bill. It is probably okay in a way, but it does not go anywhere near far enough. If the government were fair dinkum, it would support The Nationals' amendments, which will be moved by the Honourable Peter Hall during the committee stage of this bill and which are pretty straightforward. They put in place the same discipline that we can look forward to in the operation of our water authorities. Some people

have said that the Snowy hydro scheme is different from water authorities. I think blind Freddy could see that it is not. It has the same practical structure and system that we see in our water authorities. I think that if the government were fair dinkum it would support our amendments fully to ensure that a three-fifths majority of both houses of Parliament would be required before any changes could be made to Victoria's ownership of shares in the Snowy hydro system.

I urge all members to support The Nationals amendments because I think they are essential as we move forward. The government has said that a change in ownership of shares in Snowy Hydro would not be a problem and would require the consent of a majority of both houses, but the government could do that tomorrow. I think government members have missed the point in relation to what they are doing. Certainly I am sure that our communities understand the issue, particularly those communities that have anything to do with water and understand the structure of its distribution and, as the Honourable Bill Baxter pointed out, its current shortage.

The water shortage situation is fast becoming very grim across Victoria, in the catchment areas both for irrigation and for stock and domestic purposes well. I am sure that any of those faced with a shortage of water would say that the government should support the amendments to be proposed by The Nationals. The government has a great opportunity to do so, and I urge every member in the house to support our amendments when we reach the committee stage.

Hon. B. N. Atkinson — Acting President, I draw your attention to the state of the house, to the fact that the government is again down to just three members and that it cannot maintain a quorum to transact its own business.

Quorum formed.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Hon. P. R. HALL (Gippsland) — I invite members to vote against this clause. In front of members there will be a series of nine amendments. The amendments are all related to this particular point, so the principle will be tested by amendment 1 standing in my name.

With this series of amendments I am trying to do as the government has done with every other water authority in this state — that is, to put in the constitution the requirement for a three-fifths majority of the chamber if we are to go along the path of privatising Snowy Hydro. With this series of amendments The Nationals seek to ensure that the Snowy hydro authority is given the same treatment as every other water authority in this state. We believe that the Snowy hydro authority should fit within the definition of a public water authority, as defined in the Constitution Act.

I remind members exactly what was done in 2003 when the government passed the Constitution (Water Authorities) Act. When he delivered the second-reading speech in the Legislative Assembly on 10 April 2003, the Premier said:

> Honourable members will agree that the provision of water services, at reasonable cost, is a matter of primary importance to our community. It was for this reason that, at the last election, this government made a commitment to ensure that our water authorities remain publicly owned and directly accountable to the people of Victoria.

He further stated:

> The ownership of our water authorities that deliver water to Victorians will be entrenched in state ownership by amendments made to the Constitution Act 1975. Any bill that removes the responsibility for ensuring the delivery of water services from a public authority will be governed by these entrenchment mechanisms and will require a special three-fifths majority of all the members of both the Legislative Council and the Legislative Assembly before it can be submitted for royal assent.

The Nationals supported that legislation and it was passed by the Parliament. The Parliament is also supporting this legislation. With our set of amendments we seek to strengthen the legislation to require that any future decision undertaken by government to pursue the selling of Victoria's share of the Snowy hydro authority will need not only to gain the support of a majority of the members of the Legislative Council and the Legislative Assembly but will have to achieve a three-fifths majority of the combined numbers of both houses.

When the 2003 legislation was passed the government seemed to specifically exclude the Snowy hydro authority as part of the definition of a public authority undertaking a water service delivery function. I refer to the definitions contained in the Constitution (Water Authorities) Act 2003. It talks about authorities that

deliver a water service function. Within the definition of water service is included a service relating to:

(a) a water supply; or

…

(c) irrigation; or

(d) water collection and storage

The Nationals claim that the Snowy water authority fits at least three of the five criteria for defining a water service and is therefore an organisation which delivers a water service function. There is no doubt that the Snowy hydro authority is a water supplier — it supplies water for irrigation purposes — and it also is in the business of water collection and storage by virtue of the 16 or so dams constituting the Snowy hydro scheme. We claim that the Snowy hydro authority fits the definition of an authority that delivers a water service function.

The Snowy hydro authority is not included under the 2003 legislation. If members go back to the definition put in the constitution by the Constitution (Water Authorities) Act 2003, they will see that it says:

> 'public statutory authority' means a body, whether corporate or unincorporate, that is established by or under an Act for a public purpose but does not include a company (within the meaning of the Corporations Act) in which all the shares are not held by or on behalf of the State …

That definition excludes the Snowy hydro authority. I cannot think of any other water authority owned or partly owned by this state that would equally fit that definition. I claim that when the related legislation was brought in in 2003, the government was very crafty and ensured that the Snowy hydro authority was not included in these entrenchment provisions. Indeed, a draft bill was introduced but not debated prior to the 2002 election, and although I do not have that draft bill in front of me, I recall that it did not include these specific provisions. The Nationals believe that the definition in the bill which I have just quoted applies specifically and only to the Snowy hydro authority.

Such has been the debate since the New South Wales government first proposed to privatise the Snowy hydro authority, which proposal was soon followed by the federal and Victorian governments, that I think the public feeling has caused that backdown. I think every member who made a contribution to the second-reading debate alluded to the fact that it was public pressure that forced governments to back down. I am pleased, as I said in my contribution to the second-reading debate, that that outcome was achieved.

The Nationals now give the government a challenge to support the amendments I have put before the house, because we say to the government, 'If you are really serious about your recommitment to the people of Victoria not to privatise the Victorian share of the Snowy hydro authority, then you should treat the Snowy hydro authority in exactly the same manner in which every other water authority in Victoria is now dealt with under the constitution'.

The nine proposed amendments I have placed before the house are complicated in their nature, but essentially they seek to alter the purposes of the bill, they alter the long title of the bill, and they do what is necessary in terms of changing sections 96 and 97 of the Constitution Act to ensure that no government — whether it be a Labor government, a Liberal government or a government that comprises a number of parties — will be able to sell Victoria's share of the Snowy hydro authority without the vote of a combined three-fifths majority of both houses of Parliament.

In moving this amendment to delete clause 1 of the bill The Nationals say that the government needs to be serious about this issue. To show the people of Victoria that it is serious about the issue, it ought to commit to what everyone thought the Premier was doing when he made that second-reading speech in 2003 — that is, committing all water authorities in Victoria to be entrenched under the Constitution Act so they could not be privatised unless there was a three-fifths majority vote. That is simply what this amendment does. For the sake of consistency, if nothing else, the government should support this amendment.

Hon. PHILIP DAVIS (Gippsland) — I want to make it clear at this point that the Liberal Party's position is that while it clearly flagged during the second-reading debate its general support for the bill, it also anticipated the fact that The Nationals would be moving amendments to it. While those amendments had not been circulated in the house at the time, my understanding was that the amendments would seek to further entrench the parliamentary scrutiny of any change to the ownership of Snowy Hydro and that therefore, consistent with our position on the bill in principle, we would be supporting The Nationals' proposed amendments.

I confirm that support now. Notwithstanding the general unanimity of parliamentary support for the original legislation in 1997 — that is, the Snowy Hydro Corporatisation Act — and without reiterating the second-reading debate in its entirety, things change, and as my good friend the Honourable Peter Hall said, public pressure caused governments to reconsider their

view. I think it is proper that that public pressure and advocacy be reflected in terms of the amendments now before the house.

The Liberal Party will be supporting all the amendments The Nationals seek to have made to the bill.

Ms BROAD (Minister for Local Government) — I indicate that the government will not be supporting The Nationals' proposed amendments, and I will outline the reasons these amendments are not being supported by the government. The proposed changes by the government to the Snowy Hydro Corporatisation Act will ensure that it must obtain the approval of both houses of Parliament for any future sale or disposal of Victoria's shares in Snowy Hydro. In addition, that legislation is required to be passed through not only the Victorian Parliament but also the New South Wales and commonwealth parliaments. Any reasonable person would accept that that is a very high standard indeed.

In addition to that, the government is proposing that when considering any future sale, if those circumstances were ever to arise in the future, the Victorian Parliament would be provided with copies of all relevant documents, and those documents are actually specified in the bill.

I also wish to indicate that of course the existing arrangements which were agreed to at the time of corporatisation of the Snowy Mountains Hydro-electric Authority — this has already been referred to — provide significant protection for Victoria's water rights and interests, and I, as the minister responsible for corporatisation at that time, can certainly vouch for that. However, if the ownership of Snowy Hydro Ltd were to change for any reason in the future, according to the government's proposed amendments to the legislation Parliament would be provided with the ability to properly scrutinise all the implications for any such proposed change in ownership or any proposed disposal of shares of Victoria's water rights and interests.

I also wish to indicate the following in relation to the matter that has been referred to in terms of Victoria's constitution. Reference has been made to section 96 of the Constitution Act 1975 as amended by this government through the Constitution (Water Authorities) Act in 2003, which secured the continued responsibility of public authorities for the delivery of water services to the people of Victoria and their responsibility to ministers for ensuring that delivery.

The government clearly enacted that provision to ensure that Victorian water authorities could not in future be privatised without a change to the Victorian constitution. It should be borne in mind that under the previous government there were attempts to privatise Victoria's water authorities and, in light of that, these changes were made to the constitution to ensure they were protected in future.

To come back to the bill before the house, in relation to any proposed sale of Snowy Hydro, the Constitution Act does not apply for a number of reasons. Snowy Hydro Ltd is a Corporations Act company jointly owned, as we know, by the commonwealth, New South Wales and Victoria. It is based in New South Wales. It is a hydro-electric generator which holds a New South Wales water licence under the Snowy Hydro Corporatisation Act 1997; it is an act of the New South Wales Parliament not the Victorian Parliament. For those reasons it is not simply that the government does not support these amendments, but that they are not applicable to the arrangements that exist in Victoria. I urge members to support the bill that the government has put before the house. I understand the Liberal Party will commit to the bill after we have dealt with these proposed amendments.

Hon. P. R. HALL (Gippsland) — I need to respond to a couple of the issues raised by the minister in her response. Firstly, I will just clarify the last point. If the minister had listened to the contributions of three members of The Nationals she would recognise that we are clearly in support of this legislation. Of course we support the legislation. We are just trying to strengthen it by putting the proposed amendments before the house. We have indicated from day one that we support this legislation in a big loud way. We probably support it more strongly than any other party because of the fact that we are trying to strengthen it by moving these proposed amendments. The minister's throwaway line that in the past the privatisation of various Victorian water authorities was contemplated cannot remain unchallenged. We tried to ask by way of interjection where the proof of that is? To my knowledge, and I was part of a coalition government between 1992 and 1997, there was never any discussion in the party room during that period about the privatisation of water authorities in Victoria.

Hon. W. R. Baxter — Nor was there in cabinet.

Hon. P. R. HALL — Mr Baxter said, 'Nor was there in cabinet'. He was a member of cabinet for the majority of time during that period as well. This was quite different to the Snowy hydro authority. There were many contemplations about privatising the Snowy hydro authority. On 28 May 2006 an advertisement in the *Herald Sun* referred to a Snowy Hydro share offer

and asked people to pre-register. There was advertising in all newspapers statewide about the potential privatisation of this authority. There have been no contemplations about the privatisation of Victorian water authorities, but plenty about the Snowy hydro authority.

The minister claimed in her response that as a part of the protections which have been built into this legislation, both houses of the Victorian Parliament will now be required to approve any sale of Victoria's share in Snowy Hydro and the permission of the other governments, the New South Wales and the commonwealth governments, will be needed. How easy is that to achieve? It was pretty easy less than 12 months ago to achieve that. As soon as the New South Wales government was in a bit of financial strife, then its mates from the Victorian government quickly fell in line with it. Even now I do not understand why the federal government contemplated selling its share, but it also fell into line quickly. It could happen again.

Let us wait and see what happens after the next New South Wales election which I understand is due early next year. There is the Victorian election at the end of this year. Let us see what happens when the New South Wales and Victorian governments get their elections out of the way; let us see whether they are wishing to pursue their sale of their particular shares in the Snowy hydro authority. I say it could happen. It could happen just as easily as it has happened in the past. By entrenching those provisions in the Constitution Act the amendments before the chamber seek to make it harder for this government or any future government to actually sell its share.

The minister also made a comment that the Snowy hydro authority does not comply with the provisions of the Constitution Act because it is different. Any future sale of the Snowy hydro authority can be made to comply and that is exactly what these amendments seek to do. The amendments will ensure that at least Victoria's shares are treated in the same way as every other water authority in Victoria. We can change the provisions of the Constitution Act and achieve this by these amendments that I have put before the chamber today. Before finalising my comments, I simply ask the minister and seek a response to the following question: what is the harm in putting these entrenchment provisions into the bill?

Ms BROAD (Minister for Local Government) — I will respond to some of the matters raised by Mr Hall. In his contribution Mr Hall held up the newspaper advertisement referring to the float. I think it is clear to anyone who cares to examine history — and this is quite recent history so it is not difficult to do — that the Victorian government reluctantly agreed to participate in the float after both the New South Wales and commonwealth governments indicated that they would be selling and after the Victorian government had received a great deal of advice in the strongest terms that the only way to protect Victoria's interests, including the interests of irrigators as well as the environment, was to participate in the float process. At that time it is also clearly on the record that federally The Nationals and the Liberal Party supported the sale. In Victoria the opposition and The Nationals were spectacularly silent at the time this happened. It took quite some time before they decided to say anything publicly about this. That is the recent history of what happened in relation to the float.

I return to the bill and reiterate the reasons that the government is not supporting these amendments by The Nationals. I acknowledge and thank Mr Hall for his reaffirmation that The Nationals are supporting the bill. I was not intending to make any reflection about that. The reasons are quite simply that Snowy Hydro is not a water authority. It is a hydro-electric power company. It is does not have the same power and responsibilities as a water authority.

In Mr Hall's later comments he talked about Victoria's share of Snowy Hydro; he was acknowledging that Victoria does not have control over that authority. It is based in New South Wales, and it operates under a New South Wales licence as well as being jointly owned by the commonwealth and New South Wales. Therefore, on the advice that the government has, it is not appropriate to alter the Victorian constitution to prevent a future sale of Snowy Hydro because, simply put, it is not in Victoria, it is not a Victorian water authority or indeed a water authority at all, and it simply does not belong to Victoria.

The government's view is that the bill is the best way to ensure environmental flows to the Snowy and Murray rivers and irrigator entitlements receive maximum protection in the event of any future proposals from either the New South Wales or commonwealth governments for a sale of Snowy Hydro.

Hon. P. R. HALL (Gippsland) — My last response on this particular issue is that I am disappointed that the government is still refusing to agree to these amendments and even acknowledge that there is no harm in putting them into the constitution. Technically it is possible.

The advice from parliamentary counsel is that we can entrench Victoria's share of the Snowy hydro authority

and give it the same level of protection from privatisation as every other water authority has in Victoria. I believe that by refusing to accept this amendment, the government is doing less than the people of Victoria expect it to do on this issue.

Hon. W. R. BAXTER (North Eastern) — We heard a novel defence in the response from the minister a moment ago. She said that if you own 29 per cent of something, it is not yours. I found that breathtaking — 29 per cent is a very substantial holding, and I am sure the taxpayers of Victoria believe it is worth something. But my real reason for speaking on clause 1 is that the minister on two occasions has attempted to mislead the committee.

She claimed that the former government was intending to privatise water authorities, and when that was denied vehemently by Mr Stoney, Mr Bishop and me, the minister simply moved on. I say she cannot leave an allegation like that hanging in the air. It was comprehensively denied, and it should have been withdrawn. You cannot make an allegation and move on, leaving it hanging there.

The second unfounded allegation the minister made to the committee was that The Nationals in particular and possibly the Liberals were slow off the mark in opposing the sale of Snowy Hydro. I draw the minister's attention to the notice of motion in the name of the Honourable Peter Hall, as listed on the notice paper of 8 August:

> … that this house expresses its opposition to the sale of Snowy Hydro Ltd and calls on the government to reverse its decision to sell Victoria's share of the company and in so doing honour its 1999 election promise to Victorians that it would not privatise water authorities.

That notice was given to the house on about the first opportunity provided to Mr Hall after the decision was made by the three governments to float Snowy Hydro, so the minister's allegation was totally unfounded, and I reject it.

This bill is a sham and is worthless if the amendments foreshadowed by Mr Hall are not incorporated in it, because it will simply mean that any future government which commands the numbers in both houses can do what it likes. If the government is serious about what it says it wants to do — that is, to keep Snowy Hydro in public ownership ad infinitum — it needs to legislate to achieve that end. What it is doing today will not achieve that end unless the amendments are accepted.

Committee divided on clause:

Ayes, 21

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs	Nguyen, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Scheffer, Mr
Eren, Mr	Smith, Mr (*Teller*)
Hilton, Mr	Somyurek, Mr (*Teller*)
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr
Madden, Mr	

Noes, 19

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

Clause agreed to.

Clauses 2 to 5 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Ms BROAD (Minister for Local Government) — I move:

> That the bill be now read a third time.

In doing so I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL

Second reading

Debate resumed from 9 August; motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

Hon. PHILIP DAVIS (Gippsland) — I indicate that the opposition will not be delaying the passage of the Energy Legislation (Hardship, Metering and Other Matters) Bill. However, there are a number of matters in respect of which we will be seeking a response from the minister, and the minister may choose to indicate that these matters will be responded to in his summing-up of the debate; the alternative is for an extensive committee stage. The minister, in reply, may choose to respond to our comments.

The bill deals with a number of issues. Firstly, it deals with introducing hardship provisions, and secondly but separately, with the introduction of interval meters. Further, it makes amendments to the Energy Safe Victoria Act 2005 and the Pipelines Act 2005 in respect of the recovery of annual amounts of costs associated with certain undertakings.

I will speak briefly to the hardship provisions. I note that this aspect of the bill is in response to a review which was established in 2005 to assess and advise the government on energy consumer hardship. The amendments are in response to recommendations from that inquiry that would require energy retailers to develop and implement hardship policies for energy consumers. The bill outlines the key principles and minimum requirements that any hardship policies of retailers are to contain, including the assessment for entry into and exit from retailers hardship programs. The Essential Services Commission will be given the power to establish guidelines for the development of hardship policies, and retailers policies will require the approval of the commission.

Energy consumers who have entered into an energy retail hardship program and are in compliance with the agreement entered into will not be allowed to have their energy supply disconnected. This will only apply to those who have entered into a hardship program with an energy retailer. It will therefore not apply to all consumers.

According to stakeholder advice, by using orders in council to prescribe matters that should be covered by regulations the government has changed the basis upon which these arrangements are otherwise understood to progress from a regulatory perspective. It may be asked: is it the fact that the government is trying to bypass the regulatory impact process on arrangements — that is, by using orders in council there will be a different level of scrutiny of the nature of the arrangements than would otherwise be in place were regulations used to ensure arrangements for hardship provisions were in place? Given that the head of power under this legislation does not clearly prescribe what those hardship provisions will be, it means that arrangements will be in place which will not be scrutinised by the Parliament.

Hon. T. C. Theophanous — You are just talking about the hardship provisions, are you?

Hon. PHILIP DAVIS — Just hardship provisions in that respect. I note in regard to the introduction of these hardship provisions that one of the benefits which the government does not seem to have alluded to but which it is worth noting — perhaps the minister would further expand on it — is that given the significant cost to the energy retailers of operating the office of the energy and water ombudsman and the contribution they make to that service, it may be a consequence of this policy that there will be an amelioration of that cost, because the hardship provisions that are being created under this bill will enable a reduction of the number of matters brought to the ombudsman's attention for resolution. It may on the other hand be the case that what we will see is an additional layer of bureaucracy and cost as a consequence of the hardship provisions and that the cost of operating the ombudsman's office may not reduce. I would like to think it will be the former proposition and that the minister would give us some comfort in that regard.

I turn to the issue of interval meters. The notion of interval meters has been around for some considerable time. For those who do not get excited about electricity, interval meters are those devices which in a contemporary sense allow time and substance measurement of the amount of electricity consumed. The technology we have in place at the moment for measuring electricity consumption is 100 years old and enables the measurement only of the total aggregate amount of energy used over a given period — that is, between reading periods of the meter. Interval meters will give a more accurate measurement of time and use, and importantly will be a device that will give consumers greater choice about when to use electricity.

Clearly in the longer term the use of interval meters will lead to a different expectation about the way the retail market will work. The retail market will be able to reflect the potential discounts that are available for consumers if they consume electricity at times when there is a low price in the wholesale market. That would be of significant benefit not only from the point of view of retail consumption and therefore the average price of electricity to an individual consumer but importantly to the construct of our integrated energy system. There may be an opportunity to see a reduction in peak demand, whether at periods of what are consistently high demand in the summer months or during periods

of high demand on an average day of moderate temperature but when at the same time demand from both industry and domestic consumers is high, which is when we see significant price increments.

At the present time consumers, whether they be in the retail or wholesale markets, do not have the sort of choice that proper cost-reflective pricing that would be facilitated by interval meters would allow. We need to ensure that the burden on the supply of electricity, in terms of generation, transmission and distribution, will minimise the cost to the community overall. That will best be done by providing clear information. Interval meters certainly as a principal have the support of the opposition, and I daresay all those who do get excited about electricity are keen to see their introduction. One might say it has been a long pregnancy. There has been discussion about the introduction of interval meters for many years, and the fact that we are moving closer to a rollout is to be commended. There are some issues I shall go into.

Hon. T. C. Theophanous — You do agree on something.

Hon. PHILIP DAVIS — The minister interjected that we agree on something. It occurs to me that only last Thursday evening at a forum hosted by the Victorian Employers Chamber of Commerce and Industry (VECCI) I made the observation that we agree on about 90 per cent of things. Clearly as a matter of policy the opposition does not agree with the minister robbing consumers to subsidise his friends in the wind farm development business.

I turn to the particulars of interval meters. Amendments to the Energy Safe Victoria Act 2005 will require the deployment of electricity interval meters. Electricity pricing peaks at certain predictable times of the day and the season. In particular, if generation is constrained prices can rise significantly during these times as more expensive sources of power are purchased from other jurisdictions or more costly generation is brought online. The billing of customers on the basis of how much is consumed and at what time of day, consumers will be able to adjust their consumption habits to be more responsive to market prices.

As I have said, traditional electricity meters only measure total consumption and do not provide any information about when the energy was consumed. Smart meters provide a method of measuring this information. It is possible the government will mandate a distributor rollout of interval meters rather than a retail-led one due to concerns about customers transferring from retailers and the cost of implementing advanced metering across the state. This would have a negative effect upon competition in the market and effectively increase the overall cost to consumers by limiting competition. I will be looking for the minister to respond specifically to our concerns about the consequences of mandating the way in which meters are rolled out with respect to competition issues. The opposition understands the need for mandating minimum technology requirements, but beyond that we believe essentially that this should be a matter for the electricity industry to resolve in a market sense. I therefore ask that in his reply the minister indicate clearly what government policy is in mandating a retail or indeed distributor-led rollout.

I certainly am concerned, and have had issues raised with me, about the cost recovery of the rollout. Most of the industry concern has been expressed in terms of whether or not mandating a certain form of rollout will inevitably lead to the minister recovering costs, given that the bill provides wide power for a determination of the way in which the costs are recovered by the minister.

Therefore the industry asks the minister whether or not he has a view on how those costs will be recovered. The bill gives the minister some capacity but the minister has not articulated either in policy or in legislation what that means to the industry. I am sure there is a great deal we will need to understand before the Parliament assents to this bill.

I note, as I earlier indicated, some concern about the use of orders in council. I respectfully assert to the minister that we have concerns about the orders in council regarding the rollout of interval meters and the hardship provisions. The legislation provides power for an order in council to be made to confer powers on the Essential Services Commission. The commission ought to be able to make a determination rather than a decision in line with the similar provision provided for in section 45 of the Electricity Industry Act 2000, which has subsequently been repealed.

The legislation fails also to include appropriate sunset provisions or another mechanism to restrict the application of the powers relating to advanced metering infrastructure over time. Carrying this power over into the future will affect the price review periods and there will be uncertainty about the future regulation of metering. This power ought to be sunsetted, as was mentioned previously in respect of section 45 of the Electricity Industry Act 2000, which, as I said, has been repealed.

The industry considers that new powers that potentially reopen the price determination are unfettered and that the power of the Essential Services Commission to revoke and make a new price determination already exists under the tariff order — specifically clause 3.2 — and this ought to be used rather than the arrangement provided for in the bill. If a change is to occur, it ought to contain limitations similar to the scope of the amendments that currently apply in the tariff order.

Licence variation is provided for under the terms of licences and under section 29 of the Energy Industry Act 2000, and any attempt to override the legislative requirement in relation to the process of variation of licences by an order in council is inappropriate.

I make those general remarks to reflect the industry view about orders in council. It would be helpful to the house if the minister could clarify for the purposes of this debate why the government has chosen to use the mechanisms provided for in the bill. Its choice has not become evident in the briefing provided to the opposition, in any of the public debate held or in debate in the other place. I am sure that the minister could explain why he has taken this course.

As I said at the outset of the debate, the opposition has no intention of delaying the passage of the bill. Indeed, we substantially support the essential aspects of it. Firstly, we support the need to have appropriate hardship provisions for retail customers but I reiterate that we have concerns about how they are being fixed. Secondly, there is no question in principle of our support for the rollout of interval meters. However, because of the wide scope of the bill there is a prospect that the government will mandate a certain style of rollout that will militate against full and fierce competition.

It is certainly the view of the opposition with respect to the implementation of the rollout that there should be an industry-driven competitive model, but the industry has no confidence that that will be the case as the government has given itself such wide powers. The minister now has the opportunity to clarify his position on both those matters.

I conclude my remarks and indicate that, providing the minister clarifies those matters for the house, we will no longer delay the passage of the bill.

Hon. P. R. HALL (Gippsland) — I am pleased to put The Nationals position on the Energy Legislation (Hardship, Metering and Other Matters) Bill. I indicate at the outset that we will not be opposing the legislation. I appreciate that the Leader of the Opposition has sought clarification on a number of unknown issues. His answers will be of interest to us; we want to know the answers. I have an additional question for the minister to which he may respond in summing up the second-reading debate.

This fairly small bill of some five or six clauses makes amendments principally to two acts — the Electricity Industry Act 2000 and the Gas Industry Act 2001. There are essentially two main areas of amendment. The first relates to issues regarding hardship policies and what will be required of the electricity and gas retailers in this state, to develop and have approved by the Essential Services Commission a financial hardship policy for domestic consumers experiencing a genuine incapacity to pay their bills. It does so by the inclusion of details in clause 3 that makes amendments to the electricity industry legislation and clause 5, which makes amendments to the Gas Industry Act.

By way of a general comment, over the years a number of constituents have from time to time raised matters with me about their relationship with the electricity or gas retailers. Where there has been an issue of general genuine financial hardship I always found electricity and gas retailers to be more than reasonable in their accommodation of the needs of those people who may be experiencing temporary financial hardship.

There have been times when I have negotiated on behalf of constituents, mostly with retail electricity companies but also with some gas companies, and I have come to satisfactory arrangements to ensure those debts to a company have been paid off over a period of time. Although we hear a lot of talk about energy companies cutting supplies to consumers who may be in financial difficulties, I have never experienced that happening. We have been able to work out satisfactory resolutions to the problems in each case I have been involved with.

One of the companies I was able to contact and discuss this issue with was TRUenergy. It has no problems with what is essentially a formalisation of the process it adopts now — that is, TRUenergy has a general policy of dealing with people who are in genuine difficulties and this will formalise that by requiring a formal hardship policy to be approved by the Essential Services Commission. TRUenergy does not have any problems in terms of this particular provision. I believe the case to be the same with other energy retailers around the state. This is just a formalisation of existing practices and there is no real harm in doing that. That is why we are happy to see these amendments go through. I also note that power cannot be disconnected while consumers are engaged in a financial hardship

agreement. Again, that sort of provision makes a lot of sense.

I turn now to the other main area of amendment brought about by this bill — that is, we are legislating for the introduction of electricity interval metering. We are doing that through clause 4 of this bill. The details as to the who, how and when interval metering will be introduced will be determined by orders in council. As the Leader of the Opposition indicated, not a lot of detail is given by the minister in the second-reading speech as to how this will occur. I pose a question for response from the minister as to why we need to legislate to give electricity retail companies the power to embark upon providing an interval metering service to consumers. I am not too sure why this needs to be done by legislation. Most companies do not need the approval of the government of the day to offer a new product line — the market usually determines the merits or otherwise of that product. In many senses I see interval metering as a product which can be offered by an electricity retail company. In saying that I am not sure why we need legislation, why the government believes it needs the power to regulate the introduction of this new product line in the first instance. I would appreciate the minister's responding to that particular inquiry in his summing up of this debate.

The issue of cost is an interesting one. I know the minister has already been asked whether he has some thought about how the cost of introducing this particular new product line will be met. It is my suspicion that the only way the cost will be recovered is by embedding it in the tariff structure people will pay for the electricity they receive. However, if the minister has other ideas on that, as I said, I would be interested to hear of them.

In general those two concepts, as outlined in this bill, are supportable. As I said, the first concept of a hardship policy is really just formalising what electricity and gas retailers are doing now. If the minister can tell me why we need formal regulations to implement what is essentially a new product line in interval metering, I would be pleased to hear his explanation. It would satisfy me and my colleagues in The Nationals, and enable us to support in full this legislation.

Mr SCHEFFER (Monash) — I am very pleased to speak in support of this bill, because its provisions are important to low-income energy consumers living in Victoria who can be hard-pressed to pay their gas and electricity bills. Access to energy is one of the basic services that everyone is entitled to: access to heating, to an oven or stove for cooking, to entertainment and information — the radio, television, the Internet — to creature comforts and to communication with the outside world, all of which keep people feeling secure and healthy. Older people and those on low incomes — and all vulnerable people — are much more likely to be exposed to a lack of these services because in general they have less discretion over their resources and they are more likely to go without things they need in order to keep up payment of electricity bills and energy bills in general. The bill gives significant support to those in hardship who otherwise would disconnect themselves from the energy supply. Therefore, the bill is to be welcomed, because it will make a big difference in protecting those residents who find themselves in financial difficulty from falling into further debt and hardship.

The Minister for Energy Industries, the Honourable Theo Theophanous, established a committee of inquiry into energy consumer hardship in response to concerns raised by consumer and welfare groups and the energy industry about the need for better direction from government on the complex issue of consumer hardship in the energy area. The minister asked the committee, chaired by Professor John Nieuwenhuysen, to assess the impact on consumer hardship of the policies and practices of energy retailers, government departments and agencies, financial counsellors and welfare agencies.

Minister Theophanous appointed Mr Smith from this place and Mr Rob Hudson, the member for Bentleigh in another place, to jointly chair a reference group to consult the committee of inquiry. I congratulate the minister, Mr Smith and Mr Hudson on the work they did at that time, work which has had a positive influence on the bill under discussion today. It is important to recognise that Minister Theophanous dealt with this complex issue in a very constructive way by establishing a consultative process that enabled people with expertise in the community sector and in industry to make considered recommendations to the government.

The committee found that while overall the supports available to consumers facing hardship are satisfactory, some deficiencies need to be remedied. It noted that community sector organisations reported that they provide very significant levels of assistance to energy consumers experiencing hardship, and that these organisations were usually the last resort for many people. The committee made some 20 recommendations, including that best practice hardship policies should be developed by all Victorian energy retailers, and that retailers should respond to hardship cases in a more consistent manner to provide

better access to support for financially disadvantaged households. The government largely endorsed the recommendations made by the committee.

The summary report of the committee of inquiry into the financial hardship of energy consumers is a very interesting document. It notes that the energy bills are typically only about 5 per cent of household income, so they are not in themselves a major driver of financial hardship. However, they become a problem when considered in the context of a person's overall situation, especially housing costs and the unexpected things that happen such as illness causing an inability to work and the consequent loss of income or a hot water service or car breaking down and diverting resources. That is what makes it hard to catch up, and that is when energy bills go unpaid.

The committee looked at how responsibilities of government, community sector organisations and retailers are allocated and found that overall the system works fairly well but the way responsibilities are exercised needs to be regularly assessed. The report also looked at the importance of the first point of contact and early intervention programs which would minimise the spiral of debt. It concluded that stakeholders should make a stronger commitment to find ways to encourage customers to contact their retailers if they are getting into trouble.

The summary report states that community sector organisations called for hardship guidelines for retailers to be regulated, whereas retailers argued that hardship programs needed to remain discretionary so that retailers could have the flexibility to assist customers on a case-by-case basis, keeping in mind the commercial realities of running a business.

The government's response to the recommendations that came out of the inquiry had a number of aspects. It included a model to improve the working relationships among government bodies, energy retailers and the community sector; improvements to government assistance programs; and the release of a consumer hardship policy statement, which was released in May this year. The statement expressed the government's commitment that all consumers, especially those on low incomes and those who experience disadvantage, should be able to access energy services on an affordable basis. The statement also announced that legislation would be introduced to prevent consumers from being disconnected on the grounds of their being unable to pay. The government announced it would strengthen energy concessions and relief grants, and support consumers through energy efficiency programs and financial counselling services. In the budget the government committed to spending a further $4.6 million over two years to help energy consumers facing financial hardship.

The government also announced that it would introduce legislation — which it has done — to ensure that the Essential Services Commission would have power to determine the principles and practices that would inform best practice hardship policies. The government announced that the ESC will be empowered through legislation to monitor and audit retailer compliance to hardship policies and would oblige retailers to publicly report on their performance. For this the government provided $9.6 million over two years to help retailers address the issues confronted by those consumers who are unable to pay their energy bills owing to financial hardship.

The second-reading speech states very clearly that the government believes there is an obligation on energy retailers to develop and implement best practice policies in ameliorating consumer financial hardship. It is very important to put in place preventive measures to help consumers before they get into trouble and to encourage energy retailers to work together so that they can provide a more complete response to consumers who are experiencing hardship in paying their bills.

Clause 4 of the bill, which will insert section 46D, empowers the government to deal with the introduction of advanced metering infrastructure so that new smart electricity meters can become available. These meters will enable energy consumers to make choices about how they buy energy at cheaper rates by using the information the new smart meters can provide. The meters are capable of providing information about the energy efficiency of home appliances, and this measure will help control the use of these appliances and so reduce electricity bills.

In July the government announced that new smart electricity meters would be rolled out on a trial basis across the state. The new meters will be able to cut power use and reduce greenhouse emissions. I think that rollout is planned to commence in 2008. The present bill provides for the trial of about 1000 meters in homes. The meters will be of different types, and the trial will enable the best option to be worked out and selected. Consumers will be able to see how much they pay for electricity at different times of the day so that they can adjust their use patterns to times when power is cheaper and to reduce the overall rates. The smart meters will also be able to detect outages quickly, monitor the quality of supply and display the level of greenhouse gas emissions at any given point in time.

A series of retail pricing trials will also be conducted to assess the impacts of any restructuring of retail electricity prices made possible by the metering infrastructure project. This will enable stakeholders, including consumers, to appreciate the potential benefits and advantages of the meters. There is no expectation that the advanced metering infrastructure plan will lead to changes having to be made to the current concession framework, but I expect that the issue will be looked at in the course of the trial during the rollout after 2008.

I congratulate the minister on the broad consultation process that has so positively contributed to the development of this legislation. I also congratulate organisations that have participated and thereby ensured that the legislation is widely supported. I commend the bill to the house.

Hon. C. A. STRONG (Higinbotham) — As other speakers have said, the Energy Legislation (Hardship, Metering and Other Matters) Bill is a short bill. It does a couple of things. It deals with the perceived problem of hardship by introducing hardship provisions into the Electricity Industry Act, the Energy Safe Victoria Act, the Gas Industry Act and the Pipelines Act. It also deals with the issue of interval metering, to which I will turn in a moment.

I will talk about the hardship provisions first. Basically the bill calls upon the Essential Services Commission to develop some hardship procedures and policies and then to administer those policies. I note that, quite significantly, clause 3 inserts a new section 46 into the Electricity Industry Act to give the minister the power to pre-empt that by introducing hardship provisions, and at some time in the future the ESC can proceed to bring in its own provisions or modify those introduced by the minister or whatever. In many ways this bill shows a position in which the government is taking over a lot of the decision-making process in energy. The initial concepts of the privatisation process were to set up an ESC as an independent body which would make a lot of these decisions so that the government of the day was not deeply involved. The reason for doing that was to minimise the concept of sovereign risk and to give the players a sense that they were dealing with an independent arbiter.

Clause 3 inserts a new section 46 into the Electricity Industry Act, which provides that the minister can put all these things in place and that at some time in the future the ESC can come along and modify those measures if it sees fit, or is game or able to, and in the meantime can administer those measures put in place by the minister.

I think it is worth noting some of the rules of the game. New section 45 of the Electricity Industry Act will set out what has to be in a financial hardship policy, and new section 45(2)(c) says:

> community expectations that the electricity supply will not be disconnected solely because of a customer's inability to pay for the electricity supply …

I think everybody accepts the importance of electricity, but I must say that that is a pretty sweeping concept. Paragraph (b) says:

> community expectations that licensees will work with domestic customers to manage customers' present and future electricity usage and associated financial obligations …

It is a pretty wide ambit to expect a utility to manage its customers' present and future electricity usage and associated financial obligations.

New section 43(2)(b) of the Electricity Industry Act will require utilities to conduct electricity audits on domestic customers. If these audits show that appliances are not very efficient, then utilities are obliged to move in and replace those inefficient appliances and provide low-interest loans to the consumers for that purpose. It requires utilities to have hands-on involvement with customers who have hardship and to advise those customers how they should use their power and how they should manage their finances so they can pay their bills. To intervene in the life of the particular individual involved is potentially significant.

Very briefly I would like to touch on the question of who pays for this. It is an issue, because any of these things are of themselves cross-subsidy. Never let us forget that customers who experience hardship and get the benefits will cost money to those who pay their bills on time. The people who scrimp and save to pay their bills and are responsible citizens and consumers will be cross-subsidising the people who experience hardship.

I also think the point needs to be made that, as I understand it, the utilities are not particularly against these provisions. The electricity industry uses the wonderful word 'headroom', which is the difference between what people charge and what it costs them — in other words, their profit margin.

In the default tariff area there is significant headroom. There is certainly enough fat in the default tariffs to well and truly pay for the cross-subsidy to people who take advantage of the hardship provisions. The point again needs to be made that it is the government that sets these default tariffs. These default tariffs are not set by the Essential Services Commission, and they do not

run through a hearing process. They are in fact set by the minister, and he says what the default tariff will be.

Hon. T. C. Theophanous — That is wrong!

Hon. C. A. STRONG — I am right. You set the default tariff; they are not set by the Essential Services Commission.

The ACTING PRESIDENT (Mr Smith) — Order! Through the Chair, Mr Strong.

Hon. C. A. STRONG — Those default tariffs, as I understand it, have a fairly significant headroom in them.

Hon. T. C. Theophanous — They are done by agreement.

Hon. C. A. STRONG — The minister says they are done by agreement. That means it is a negotiation between him and the utilities. They are set by the minister and the utilities together; they are not set by the Essential Services Commission. As the minister confirms, they are set by an agreement between him and the utilities.

Hon. T. C. Theophanous — It is set by the distributors, by agreement.

Hon. C. A. STRONG — That is right, but we would point out that it is an agreement with the minister.

Hon. T. C. Theophanous — It is the distributors who set them.

Hon. C. A. STRONG — And the minister ticks them off, so they are basically approved by him. They are not set by an independent process. As I understand it, the majority of domestic customers are still on these default tariffs, which of course raises the question of when will the default tariffs be wound up so we get full retail contestability and we see a real benefit in falling electricity prices for the majority of customers? As I say, default tariffs still apply to the majority of domestic consumers.

Interval metering was an essential part of the concept of the far-reaching changes to the electricity industry that have taken place in Victoria under the previous government and under this government. Interval metering is an absolutely essential step in that process. I think we will see enormous benefits down the track from proper time-of-use pricing. Time-of-use pricing was always a concept that was envisaged as an integral part of electricity deregulation and privatisation.

Some people have expressed concern about potentially over-prescriptive regulation of interval metering and how it will work and how it will be rolled out and so on. I hope the government will be as general and non-prescriptive as possible, because the freer the whole question of interval meeting is — the freer the technology, the greater the ability of the electricity businesses to adapt to meet the market — is what will make time-of-use pricing work and what will give the maximum benefits to consumers. Everybody accepts that we really need to give the issue of interval metering a kick on, and I commend the government for that. I hope this legislation will give interval metering and time-of-use pricing a real push.

This will also go a long way to more deregulation of the costing, perhaps making more contestability by lifting the default caps. I am sure the minister and his advisers will ensure that there is maximum flexibility in the codes and regulations to ensure that interval metering gets going. By the same token, I hope they ensure that the regulations are not over-prescriptive on the technology so that the various companies can introduce technology that will suit their customer mix well and so there will also be contestability in the technology to even further allow innovation and flexibility in this marketplace, which is so dependent on interval meters.

In summary, I applaud the effort to give interval metering a kick along. I would also say to the minister that, in his agreement with the utilities on the default cap, he should be mindful that there is still a significant number of customers on the default tariff. Although there is in theory contestability for a whole series of reasons, the majority of customers have not bothered to take that up and therefore take the default tariff. I would urge the minister to really apply pressure — be it through advertising, marketing, public relations and so on — and make people aware that they can get very significant gains by shopping around and taking advantage of contestability and by not being a little lazy, like I think a lot of people are, and simply taking the default tariff. Perhaps he should also be talking to the companies as well.

It is my understanding — and certainly from the offers that I have looked at — that most companies, when they make an offer to a customer to go to a different tariff rate, often make reference to the default tariff. In other words, they will give some discount off the default tariff or some give-away relating to the default tariff rather than, as it were, coming up with their own more advantageous tariff. We will very much more easily be able to close the loop once we get time time-of-use metering. With those few comments, I commend the bill to the house.

Mr SMITH (Chelsea) — I am pleased to make a contribution to debate on the Energy Legislation (Hardship, Metering and Other Matters) Bill, which is a small but not unimportant bill. I say that because it goes to what the Labor Party is about: it is a party with a heart, and it believes in social justice. The bill clearly recognises that we believe we have a social contract with the people of Victoria and, in particular, those people who do it tough from time to time, or, in some cases, all the time.

On 13 March 2005 the Minister for Energy Industries, who is responsible for this bill and for the industry in particular, established a committee of inquiry at the behest of welfare groups who were raising concerns about financial hardship being incurred by some customers across the state. I was privileged to be one of the committee members inquiring into these issues, along with the chair, Professor John Nieuwenhuysen, AM, from Monash University; Mr John Huitfeldt from Customer Service Benchmarking Australia; Miss Cath Scarth from the Brotherhood of St Laurence; Mr Rob Hudson, the member for Bentleigh in the other place; Mr Sandy Canale from AGL; Mr Gavin Dufty from St Vincent de Paul; Ms Sue Fraser from Kildonan Child and Family Services; Mr Iain Graham from Red Energy Limited; Mr David McAloon from TRUenergy Retail; and Ms Anna Stewart from the Consumer Law Centre of Victoria. Those people and the organisations they represent show that it was a very broad consultative committee with a broad range of interests and skills. Those people were brought together to review where we are at with regards to hardship in the energy industry.

I am pleased to say that out of this inquiry came an acknowledgment that the Victorian government provides the best safety net, if you like, for consumers in this country. There is no state that does it better than we do, and I think we wear that fact like a badge of honour. It is also fair to say that a number of different views on different matters were expressed at that table. Everyone was looking after their own interests initially, but we did come to a consensus on all those matters. For instance, I recall the representatives of the Brotherhood of St Laurence and St Vincent de Paul arguing that there should be no circumstances in which a disconnection could be applied. My own view on that argument was that it is fine in theory and in principle, but in reality it is unacceptable. Why would I ever pay my bill again, even if I could afford to do so? If there was no chance of my being disconnected, why would I pay?

Whilst it was a well-meaning argument, it was unacceptable and it was never going to get up. But, as I say, people put their own positions, and perhaps the companies wanted a harder line than the one they got, but at the end of the day we came up with a sensible position that meets our social contract as a government and which protects the interests of those suppliers. I think that is commendable.

By and large the 20 recommendations made by the committee have been picked up in the bill. In particular clause 3 applies to the electricity industry, and clause 5 applies to the gas industry. When we referred to meters and a metering system, that put the frighteners on a few people. They were thinking of coin meters and the horror stories coming out of parts of Europe and the UK in particular, where we were made aware of very severe winters when particularly pensioners were freezing to death in their homes.

It is totally unacceptable from all perspectives that anything like that could happen in Australia. Whilst we never suffer the bitter winters experienced in Europe, a Melbourne winter can be very bitter for elderly and frail pensioners or citizens. No-one in Victoria would get to that stage. I think Mr Hall said in his contribution to the debate that while he has dealt with a few people who were in difficult circumstances and were struggling to meet their financial obligations, he was not aware of anyone whose electricity or gas had actually been disconnected. I am sure there have been some cases in some circumstances, but I think we do it pretty well.

Tasmania's metering system seems to be working quite well; it has some real advantages in that it is a voluntary system. A metering system is ideal in holiday homes, for those who are fortunate enough to have them. I am thinking about how such a system might impact on families with daughters who like to take showers for as long as you could possibly imagine. There are some real advantages in the metering systems, if they are on a voluntary basis, and I do not think anyone should be afraid of them.

The bill picks up the vast majority of the recommendations made by the committee, and the Essential Services Commission has been given the brief to develop guidelines that will ensure we have a very fair system in Victoria and that the interests of those people who do it tough from time to time are protected. This is good legislation. As I said at the start of my contribution, it is a small but important bill, and I commend it to the house.

Hon. BILL FORWOOD (Templestowe) — It is my pleasure to indicate my support for the Energy Legislation (Hardship, Metering and Other Matters) Bill now before the house. Like the previous speaker, I

commend the minister for his work on this bill. I note he has been recently described as a Labor king-maker and a shrewd numbers man. He appears to have got the numbers right with this legislation.

I would like to make a couple of comments in relation to this bill. Previous legislation introduced to this place has said, 'If you wrongfully disconnect supplies to someone's property, you are up for $250 per day in penalties'. As honourable members in this place know, the average retail margin for a retail supplier of electricity to an ordinary retail customer is about $50, so they would not have to get too many disconnections wrong before they would begin to rip their profit margin up. None of them, to my understanding, appears to be in much danger of destroying their business through wrongful disconnections, but I think the proposal in the bill to formalise these plans is very sensible.

I congratulate the committee on which Mr Smith served for the work it did. In particular I was pleased to hear him say we cannot allow a situation where people have open slather. I am reminded of the story of a former minister, one Bunna Walsh, who, when he became Minister for Housing and Construction in a previous government, was presented by the bureaucrats with a pile of files and the request, 'Minister, could you please sign these?'.

He said, 'What are they?'. The bureaucrat said, 'They are eviction notices for people who have failed to pay their rent'. Bunna Walsh said, 'Over my dead body. No way am I signing any of those!'.

It did not take long for the message to get throughout the housing sector that you did not need to pay your rent any more; you could not be evicted because the minister would not sign the bit of paper. There was of course a change in the ministry, and a nice, sensible and honest politician by the name of Barry Pullen was appointed as the Minister for Housing. He holds the record for the greatest number of people evicted by any Minister for Housing — it is very unfair. He was a man with a social conscience and he belonged to the socialist left faction. But he was the person who had to get the system back into kilter and the only way to do it — —

Mr Smith interjected.

Hon. BILL FORWOOD — I feel sorry for Mr Pullen because he was the person who had no choice but to sign eviction notices. I applaud the efforts of Mr Smith and other colleagues who recognise that under some circumstances there may be some people who have followed the hardship provisions and are in a hardship plan, but they still do not apply and keep to the agreements they have.

In the Department of Human Services there is a system that assists these people — and there should be. We need to ensure that we do not put all the onus on the retailer, and that the government continues to provide sufficient funds for those people who are never going to be able to do this. As honourable members know, I spent quite some time as the shadow minister in this area. I met with a number of people in hardship. As Mr Scheffer said, you get faced with choices. Sometimes the choices are, 'Do I pay the rent, do I pay the electricity or do I feed my family?'. People who are in those circumstances need assistance not just from energy retailers but from government, and other welfare opportunities should be provided to them.

I have no difficulty at all with the hardship provisions in the bill. I note the point made by the Leader of the Opposition about whether or not this will lead to a diminution in the amount of work undertaken by the Victorian Energy and Water Ombudsman which will therefore lower the cost of the facility. As honourable members know, I think its budget at the moment is between $5 million and $6 million a year which is paid for by the retailers. In essence what it means is that we, as consumers, pay for it. I think any mechanisms that we can put in place that lead to efficiency in the operations of these sorts of institutions is for the benefit of not only the actual consumers who deal with hardship but all of us because ultimately, as it is in every case, we, the consumers, pay.

I am interested in the clauses to do with the introduction of interval metering and the trial. I am of the view that if we have only about 50 per cent churn rate at the moment, then the rest of the people are therefore on the default tariff. It seems strange to me that they will then warmly embrace an interval meter which requires them to study how they spend their electricity. If I am spending $1000 to $1500 a year on electricity, I will need to be concentrating hard to make sure I get information, understand it and turn on the washing machine, the dishwasher and the sorts of things that I need in the middle of the night. But I am aware that the minister and I have both churned, because we are interested in ensuring good deals.

Hon. T. C. Theophanous — I didn't do it; my wife did.

Hon. BILL FORWOOD — She is good at numbers too! I recently selected an energy retailer for the new house that I have purchased. I have entered into

an agreement whereby if I pay by direct debit I get a 10 per cent deduction on the amount I owe. That is good. I applaud that retailer for offering that to me. I think I was equally smart to accept it.

Ms Hadden — Who was it? Was it Origin Energy or AGL?

Hon. BILL FORWOOD — No, I will not go there. I think it is an indication that full retail contestability is there for people who wish to use it. Obviously if we get the standards right and the interval meters in place, I think it will be for the benefit of those of us who choose to spend our time and money doing that. As the Leader of the Opposition said, I hope we get some standards in place that do not compromise the ability of the market to put forward innovative products. It would be disappointing if we limited the way that we allowed the uptake of interval metering and the rollout of the system. I look forward to watching that in the future.

I know other members are asking the minister all sorts of questions that he is to respond to in a few minutes. I only have one I would like to ask him. Clause 6 on page 16 says:

> New section 132A inserted into Pipelines Act 2005
>
> After section 132 of the Pipelines Act 2005 insert —
>
> "132A. Funding
>
> A licensee must pay to Energy Safe Victoria at such times or times as the Minister determines …

I am interested to know what criteria the minister will use when deciding how much these licensees will pay. I take it that he is looking for some sort of cost recovery. I note that the money is going into the general account, so if he is deciding that this should be — —

Hon. T. C. Theophanous — Is this for Energy Safe Victoria?

Hon. BILL FORWOOD — Yes. If the minister is deciding that this is in fact not cost recovery for the operations that are provided to people who are licensees under the Pipelines Act, and if it is identical to the mechanisms which are currently in place, then I am sure that other people will be pleased, because that will lower the amounts they are currently paying. I cannot believe it will put the cost of Energy Safe Victoria up all that much, but if the minister would care to let us know whether or not he intends to make a profit on the provision of these services, I would be grateful.

As it has been said, we support the legislation. We think it is important that hardship provisions are put in place. Putting them in as part of the licence is sensible — they are in place already. In many senses it is a de facto regime that is being legitimised by the legislation.

Along with other members I congratulate the minister on his ability to get agreement from so many different parties in relation to the legislation. I wish it a speedy passage.

Ms HADDEN (Ballarat) — I rise to speak on the Energy Legislation (Hardship, Metering and Other Matters) Bill, which I support. It is very timely that we as a Parliament should consider hardship and metering provisions, especially hardship provisions, because the cost to each household of utilities keeps going up and up. For instance, I just received a letter from my electricity provider announcing a 3 per cent increase from 6 September 2006. This is after an earlier 3 per cent increase for the quarter ending March 2006. Whilst it might be somewhat easier for me than others to pay increases in my utility bills, I fear for my constituents in Ballarat Province in country Victoria, especially those who are on fixed incomes — that is, low-income earners and those who are totally reliant on a pension or government benefit through absolutely no fault of their own — because it is not just electricity that goes up but also gas, phone and all the other fees and charges associated with running a house and a car and even catching public transport. It is very important that hardship provisions be placed in the legislation to help people work through their financial hardship difficulties.

The bill amends the Electricity Industry Act 2000, the Energy Safe Victoria Act 2005, the Gas Industry Act 2001 and the Pipelines Act 2005. The amendments to the Electricity Industry Act and the Gas Industry Act respectively require energy retailers to develop and submit for the approval of the Essential Services Commission financial hardship policies which are aimed at providing greater support for energy consumers who are experiencing genuine inability and incapacity to pay their bills. At clause 4 the bill deals with advanced metering infrastructure, which previous speakers have asked questions about. I will also ask a couple of questions for the minister to respond to later.

A purpose of the bill is to assist those people who are having difficulty paying their electricity and energy bills to sign up to a financial hardship policy with their energy provider. Clause 3 substitutes a new division 6 of part 2 of the Electricity Industry Act. The first very important object of that division, which is set out in new section 42, is to recognise that financial hardship may be suffered by domestic customers — and it certainly is suffered by many, even in the rather affluent city of Ballarat. The second object is:

to promote best practice in electricity service delivery to facilitate continuity of electricity supply to domestic customers experiencing financial hardship.

New section 43 deals with financial hardship policies and provides that a licence to sell electricity will be subject to a deemed condition requiring the licensee to submit a financial hardship policy to the commission for approval and, if required to do so, to the minister. New section 44 gives the commission the power to issue guidelines in relation to the development and implementation of financial hardship policies. That is very important and very timely, but my question to the minister is: who will formulate such guidelines and who will have the ultimate responsibility for the oversight and implementation of the guidelines?

New section 45 deals with the power of the Essential Services Commission to consider a financial hardship policy submitted by a licensee in accordance with new section 43. It provides that the commission may approve the policy if it considers it appropriate. The commission must have regard to a number of matters set out in new section 45(2). I will precis them, but they are very important. The commission must have regard to the essential nature of the electricity supply, the community expectations that licensees will work with domestic customers to manage their present and future electricity usage and associated financial obligations, the community expectations that the electricity supply will not be disconnected solely because of a customer's inability to pay and the principle that the electricity supply to premises should only be disconnected as a last resort. There are another couple of criteria too. The clause covers all angles, if I can put it that way. A financial policy submitted under new section 43 must include a flexible payment option, provision for the auditing of a domestic customer's electricity usage, flexible options for the purchase and supply of replacement electrical equipment and processes for an early response by both the licensee and the domestic customer to electricity bill payment difficulties.

New section 46D empowers the Governor in Council to make orders with respect to advanced metering infrastructure. I ask the minister in his response to address exactly what that means. The meaning eludes me, even after having read page 3 of the second-reading speech. Perhaps that matter could be elucidated by the minister. I am sure he has the capacity to explain exactly what 'electricity interval meters, with advanced metering communications functionality' means, and how it will assist the financial hardship policies to be implemented under this bill.

It is very important that the government consider the social impact. The previous speaker said that this bill, with its financial hardship policies, is in effect a social contract between the suppliers and the consumers. It is that, but I think it is a legal contract and not just a social contract. There is a need for something to follow that — for example, the government needs to make sure it properly funds and resources financial counsellors in the community, especially in rural and regional Victoria. This is so that people can seek assistance in relation to the financial hardship policy document and how they can set aside their small incomes or government benefits to meet all the requirements to keep their daily lives going. I think that needs to be addressed and considered as a matter either out of the budget of the Department of Human Services or the budget of the Minister for Energy Industries.

As members of Parliament know, many people come to us for assistance. They want financial assistance with paying their bills. They try to do the best they can through the various welfare organisations. In particular in Ballarat many people who simply cannot meet their repayments come into my office, and it is becoming a more and more frequent event — it probably happens daily during some weeks. They cannot even prepay their electricity or phone bills. Many have a prepayment system which has been organised through a particular welfare organisation, and they have not got the money once they prepay to renew the prepayment card for their electricity and phone. They are just desperate. These are people too who rely on the various welfare agencies in Ballarat for their food to feed themselves and their children, and even with the generous assistance from volunteers who provide food to the church and welfare organisations, these families still have great difficulty in paying for their basic utilities.

We need as a community, and the government needs, to address greater funding and resourcing of financial and welfare services that are needed to assist these people in getting their head around a financial hardship document and to get their head around how they can actually meet their commitments. As I say, the electricity bills are going up. One of them was going up by 3 per cent on 1 September this year. I imagine most of them will be doing that. Our water rates in Ballarat have gone up 8 per cent. Council rates have gone up 7.5 per cent in Ballarat. This is all added to everyone's weekly household commitments, and it is passed on to the consumer whether the consumer is an owner of the house or a tenant. Tenants do it a lot harder in country Victoria.

I support the bill. I think it is important, but it needs to be resourced properly by the government so that people do not fall through the cracks and so that they fully

understand their responsibilities under a financial hardship agreement with an energy provider.

The other issue is with the guidelines under new section 44. As I said, who will formulate them? Who will participate in formulating them and amending them and how will they actually operate? I believe new section 46D in relation to the Governor in Council orders with respect to advanced metering infrastructure et cetera needs to be explained to the house.

I have had very recent experience with one of my constituents, Ms Vicky Pilven, who faced the very real threat of having her electricity disconnected, which would have meant her 'demise' — in her words — when her life support electricity concession, which she had been receiving since 1991, was threatened. She received a very stern letter from Origin Energy which gave her three days to pay the bill, or it threatened disconnection and a reconnection fee and security deposit. It threatened to lodge her details with an external credit reporting agency as a defaulter. That of course would have affected her credit rating in the future. Vicky had nowhere to turn. She came to me, thank goodness, as the Independent member for Ballarat Province. Together with her family we got through that.

I contacted Origin Energy in writing to make it formal. It is all very well dealing with phone calls between myself and a nameless person in Origin Energy's South Australian headquarters, but I believe one must commit it to writing. That is the old lawyer coming out in me. But certainly it worked. Vicky was adamant that she was not going to pay the bill. She was entitled to the concession which was for electricity to her life support ventilator and suction unit. She needed it and will need it for about 12 hours of each and every day for the rest of her life. She had had that ventilator and suction unit connected since 1991, when she was released from hospital, and no amount of any hardship policy document would have saved Vicky. But we worked together with Origin Energy. I first raised the issue in Parliament on 19 July. I wrote to Origin Energy on 5 July and 11 July, and Vicky wanted to expose the situation to the media, which we did in the first week of July.

It worked out well because Origin Energy contacted me on 7 August and said, 'Congratulations, you have done a great job; the concession has been reinstated by the Department of Human Services'. It acknowledged that had I not done the hard work that I had done for Vicky the concession would not have been reinstated, and it did not know quite what it was going to do. It assured me that it would not disconnect the electricity supply to her home, in view of the fact that she needed it for her life support, to live and breathe, but it said it would have had to forgo the normal concession rate, which was around $60 per bill.

To her credit, Vicky paid the July account and the previous account less the normal concession that she was entitled to, although she was extremely upset about her treatment. She still is. She still has not had an apology from the department or Origin Energy as to her treatment, but together we got through it. I think this was a great way of helping a constituent who was being treated pretty poorly by both the Department of Human Services and an energy provider, although the energy provider came around a lot sooner than the department. This is an important bill.

Hon. P. R. Hall interjected.

Ms HADDEN — I thank Mr Hall for the congratulations. Certainly Vicky's situation taught me a lot about the energy industry.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! The member's time has expired.

Hon. DAVID KOCH (Western) — The Energy Legislation (Hardship, Metering and Other Matters) Bill is an omnibus bill that amends the Electricity Industry Act 2000, the Energy Safe Victoria Act 2005, the Gas Industry Act 2001 and the Pipeline Act 2005. In acknowledging that there appear to be three broad areas covered under the bill, it is important to note that the Liberals are supportive of the principle of finding ways that better afford consumers access to energy supplies while at the same time removing the threat of disconnection wherever it can be avoided.

Firstly, the bill attempts to amend both the Electricity Industry Act 2000 and the Gas Industry Act 2001 to allow energy retailers to submit hardship policies to the Essential Services Commission (ESC) for consideration. Clearly any hardship policies would endeavour to accommodate customers who found themselves in a position of not being able to settle their accounts at some point for what may well be legitimate reasons. Of particular importance in putting any such policy together is finding a sensible and acceptable way of resolving issues without automatically resorting to supply disconnection.

I know supply companies work hard in trying to reach agreement with customers in many cases to resolve these matters, and in the majority of cases good outcomes are achieved. Sadly many situations get a bit out of hand, principally due to a fear of approaching

companies by customers who find themselves in a difficult position they do not really know how to address. My own experience in handling some of these matters on behalf of constituents demonstrates that distributors generally take a compassionate attitude to the concerns of their customers and in many cases waive outstanding amounts where due cause or hardship is a major contributor.

The bill goes on to amend the Electricity Industry Act 2000 to provide for electricity interval meters to be installed and by whom, the specification standards that are required to gain the best results, along with the necessary number of supply points that are needed, and the setting and regulation of prices that industry licensees may charge when connecting this metering technology. Lastly the bill amends the Energy Safe Victoria Act 2005 and the Pipelines Act 2005 to allow Energy Safe Victoria to recover costs due to the transfer of responsibility.

Electricity interval meters are not new. The concept has been around for many years. These meters principally allow for the power delivered to be measured and costed over defined periods as small as even half an hour where high peak loads are required several times within an 8-hour work period or shift. With the installation of this technology and better management of peak demands there is an opportunity for customers to benefit and for costs to be contained, even if it requires an industry to move its load demands out a little bit in either direction to accommodate supply curves within a power delivery district.

Two cases that come to mind are domestic and commercial floor heating and a large industry in Western Province — that is, the dairy industry. Although floor heating is mostly in operation during the night beyond 11.00 p.m. and stops at about 6.00 a.m., it usually needs the odd boost during the early afternoon to maintain optimum temperatures. While appreciating that our dairy industry already gains some benefits from off-peak usage for milking, and more so for water heating, I consider that by the use of the technology offered with interval meters even greater advantages may well be gained in what has now become an industry with high costs, especially for energy. This technology is of immense importance to industries that have a narrow but high demand for power over small periods of time.

One of our concerns with the bill is the ongoing pricing determinations that may take place. Where pricing applicable to interval metering is to be amended over time, this needs to be clearly specified, especially if — and we understand this is to be the case — it is supposed to be an industry-based regulation and pricing may be fixed over given periods of 3, 4 or 5 years. We are concerned about whether the existing mechanisms under the current tariff orders should be maintained or whether the government's demand for greater and more sweeping powers, as is laid out in this legislation, should be implemented. We look forward to this legislation offering the opportunity to have national consistency in electricity obligations and pricing determinations that may offer greater relief to energy users. This is especially important for high-demand industries in order that Victoria may remain competitive and preserve jobs that have been rapidly exported by the Bracks government over recent times with little care or concern. I commend the bill to the house and wish it a speedy passage.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — During the course of the 15 minutes allocated to me, I shall try to respond to the issues that have been raised. Hopefully that will deal with the issues raised so far. I thank the opposition parties for their support for the legislation and the major initiatives contained within it.

I want to make some points in the beginning about some misconceptions. The first is that the safety net price that is currently available — members would know the government negotiated with the three major retailers a safety net price over a period — is determined on the basis of prices set by distributors, not on the basis of an order in council by the minister, and consequently it is in that sense a price set by the distributors after negotiation with the government. Full retail competition is now available and any consumer can change supplier. There is no limit on that contestability. Contrary to what is understood, the advice I have is that more than half of all consumers have taken advantage of that and have moved to a market-based contract over time to get the sort of advantage that Mr Forwood indicated he got as a result of changing.

As a government we believe there were unnecessary disconnections, which was evidenced dramatically by the fact that when we put in place the $250 wrongful disconnection rule, disconnections dropped by 50 per cent. That showed dramatically that maybe the use of disconnections had been overdone by retailers and that they could have done better. We do not run away from that.

I also indicate that at a fairly fundamental level the contestability that we keep talking about in relation to the technology is that there will be basic rules about the type of technology that is acceptable or will be required

to be implemented in relation to interval meters. The interval meter itself must meet a minimum requirement in relation to technology. However, that is only a technology specification, it is not a type of meter specification. So long as any meter that meets that specification is put in place, that will meet the requirements under the act.

It should also be understood that we expect there will be so-called add-ons that will be done at the same time by retailers and by consumers. Members might have seen that when we made the announcement I displayed one of those add-ons — that is, a kind of in-house display. It is not part of the meter but is an in-house display which would indicate to the consumer with that display when would be the best time to buy cheaper electricity and so forth.

That would not be available with every meter installed, but we would expect many people would take the opportunity to have such an in-house display. We also anticipate that maybe some of the retail companies would want to offer that piece of technology to get the customer in the first place and put them on the new tariff. We think that will work very well.

I also indicate that we believe this package has the best hardship policy or the best set of hardship relations in Australia. I have publicly made the point, and I hope the opposition supports this position, that as we move to national regulation of the retail sector, Victoria will not accept a circumstance of watering down our hardship provisions so as to get consistency at a national level. I hope the opposition will be prepared to adopt that position, too.

I hope I can get through all the questions asked of me during the debate. The first is the add-on contestability issue. The order in council provision in proposed section 46D will allow the Essential Services Commission to set the distributors charges for the technology. Proposed section 46E(2)(a) enables matters to be decided by the Essential Services Commission.

I am undertaking — I think this is the undertaking the Leader of the Opposition wants as to the action the minister would take — to leave this by order in council to the Essential Services Commission. In doing that, the order in council will clearly state to the Essential Services Commission that when deciding distributors charges, it will do so by making a determination in the first instance in the normal way that the ESC does under the Essential Services Commission Act. That is contestable, as members are aware, and there are processes in place to contest that particular issue.

Hon. Philip Davis interjected.

Hon. T. C. THEOPHANOUS — I am not sure it would not have been better to have gone into the committee stage because members asked so many different questions.

The other question asked was how we would deal with who was responsible for the meters. We will use the current national electricity rules to bring this about. Under those rules only two parties can be appointed as the responsible persons for advanced metering services. These are either electricity retailers or electricity distributors. The current Victorian proposals do not intend to amend the rules on matters relating to responsible persons.

Under the rules retailers will have the first right of refusal in relation to installing the meter, of becoming the responsible person for putting in the meter. If they are unable or unwilling to meet the prescribed requirement for 'a responsible person', the rules require that the retailer will then request the relevant distributor to offer to undertake that role in their stead. In effect that means that the distributor is on the last line of persons described as responsible when it comes to installation. We expect that most retailers will not want to become involved in installing the basic metering technology.

There is a reason for that: there is a cost associated with a retailer installing a new meter but there is nothing to stop a consumer from changing from their current provider to a different retailer. In that circumstance the rules are that the retailer would not be able to come and remove the newer meter and reinstall the old one. Most retailers may not be willing to take the risk of whether the customer continues to stay with them. I do not think that would apply to the add-on technology that I talked about earlier, where you could install an in-house display but then move it if the consumer wanted to change to a different retailer.

There will also be some contestability issues for the distributors because the ESC will impose requirements to make sure he does not overcharge for the installation of the meters. The ESC will have to satisfy itself that the distributor has gone through a process to arrive at the lowest cost of installing the meters. That will mean other people will be able to make bids to the distributor for providing metering services and placing meters into people's homes. That is the general structure which we think will work.

Some issues were raised about the hardship question. Proposed section 48I says that the commission may

approve financial hardship policy, and proposed section 48J says the minister may approve financial hardship policy. Some people might say, 'Which one is it?'.

We say that in the first instance, this provision is designed so that a hardship policy is approved by the ESC. However, we are also maintaining a reserve power because in the event some circumstance emerges where the ESC approves a particular financial hardship policy but which the government may not agree with — we did not think it met the objectives of the act for whatever reason — under proposed section 48J the minister may, by notice in writing, require a licensee to submit a financial hardship policy directly to the minister for approval within the period specified in the notice.

We see the other process as a kind of safety mechanism to ensure that what we have set out in the act and the sorts of things we want to have included in the financial hardship policies are in fact reflected in the policies worked out by the ESC. I must say community groups were especially demanding of us on this issue, because whatever one might say, some of them have concerns about the way in which the ESC has handled hardship in the past. They made some fairly strong representations in relation to that issue.

In the minute that remains, I will respond to the Honourable Bill Forwood, who wanted to know about the insertion of new section 132A, which concerns funding, into the Pipelines Act. Under the new section a licensee must pay a fee to Energy Safe Victoria at such times as the minister determines. Mr Forwood was concerned about whether that was any different to the current procedure. All it does is pick up exactly the same procedure that we use under the Electricity Industry Act and the Gas Industry Act in order to fund Energy Safe Victoria. Because Energy Safe Victoria is getting an additional responsibility in relation to pipelines we are applying exactly the same set of rules in relation to that.

I hope I have answered members' questions adequately. If not, I am happy to respond to members in writing at a later date if they raise issues with me.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In so doing I thank honourable members for their genuine support for two really good initiatives. The legislation will allow us to look forward to Victoria's electricity and energy being provided in a way that is sensitive to hardship issues but also within a highly competitive structure, with new smart meters for each of the 2.3 million consumers of electricity in this state.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL

Introduction and first reading

Received from Assembly.

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

CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 9 August; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Coroners and Human Tissue Acts (Amendment) Bill, I am happy to indicate that the opposition will support this piece of legislation. It is a fairly straightforward bill, which amends the Coroners Act 1985 in relation to autopsy procedures and extends the functions of the Victorian Institute of Forensic Medicine. In many ways this bill simply amends, tidies up and codifies most of the existing practices in regard to this issue.

In many ways this bill deals with health issues, because it essentially deals with the area we generally know as

organ transplants, or tissue transplants, to extend the definition from simply regarding organs to including tissue. As this is a health bill, it is worth reflecting on the growing importance of more sophisticated health interventions in our society. As the sophistication and the number of these interventions grow — and organ or tissue transplant is growing, and we would all agree it needs to grow more — it is important that this area be codified in legislation, which this bill goes a long way towards doing.

We all know there have been significant changes regarding health in our community. How we deal with health — individual health and public health — is rapidly changing. It was not that long ago that there were major advances in public health with regard to sanitation, water purity et cetera. Unfortunately, if we look at less developed countries, we see that this area — sanitation, drinking water and waste disposal et cetera — is still very important for them, causing much disease and death. These are areas which have well and truly been dealt with in the advanced world and in Australia. As such, the health of our population and our society has dramatically improved over the last century.

Of course there are still public health issues out there. I think the new one which everybody acknowledges has come on the scene is the whole issue of obesity. It is attracting a great deal of attention in the media and other places today. The issue of how we deal with these societal or public health issues, as they are known, is very important. We need to be ever mindful and ever vigilant that these public health issues are under constant scrutiny and receive constant attention to see that they are properly dealt with. Issues like sanitation and obesity, as the new one which has come along, affect a great many people and are major factors in the health outcome of our society. Nevertheless as the global health of the economy improves, the more special, more personal interventions like organ and tissue transplants if somebody is in an accident and needs a new organ or new tissue or nerve cells or whatever, become more and more important. We see in that the whole issue of health and gene therapy and so on; constant advances are taking place in our society.

Organ and tissue transplant is an essential part of that. This bill sets out more clearly the responsibilities of the various parties in that area. It particularly deals with the coroner's position in this. We have the Victorian Institute of Forensic Medicine where various autopsies and the like are carried out. There needs to be an ability for some of the tissue and organs, with the agreement of the family of course, to be saved so they can be reused. We already have the Donor Tissue Bank of Victoria where many of these organs, with the families' permission, are stored so they can be used to save lives and improve the lifestyles of other patients.

This whole area of tissue donation is incredibly important. There is much that needs to be done in the public arena to make people aware of this important work so that when for whatever reason we shuffle off this earth, what is left of us can be reused and put to good use by people who have a great need for it. I encourage people to ensure as much as they possibly can that they have the appropriate authorities in place so that if something happens to them their vital organs will be available to the tissue bank and can be used to aid people who are in very great need of organ and tissue donations.

As I said, the bill tidies up and codifies much of the existing practice. This practice has taken place for some time and will continue to take place. However, its importance is underlined by the fact that there needs to be legislation to ensure things are done properly in the whole area of autopsies and family sensitivities et cetera. With those few comments, I commend the bill to the house as a very important and sensible piece of housekeeping to ensure that this whole area of organ and tissue donation can continue to flourish, and the community and people who are in great need of new organs and tissue have a mechanism in place to look after them.

Hon. W. R. BAXTER (North Eastern) — I share Mr Strong's support for the bill. As he said, it is simply codifying what has largely been the practice for some time. It is obviously appropriate that it be given a proper statutory basis. We are dealing with very sensitive subjects and times of severe trauma and grief for the persons who need to give consent to tissue being taken from a recently deceased person. I have studied the bill and had a lot of discussions with my leader in another place, who has a particular interest in this subject. We in The Nationals are well satisfied that the provisions in the bill are appropriate.

I think we are very fortunate, and this has been acknowledged by Mr Strong, that we live in an age of extraordinary medical technology. I simply marvel at how in my lifetime progress has been made to such an extent that things which would have seemed like science fiction when I was a boy are now capable of execution. Lives are being saved, and more particularly lives are being made more livable, simply because we have the technology to do these transplants and we have people in our community who are prepared to make provision in the event of their demise, accidentally or otherwise, for their organs and their tissue to be made available to other persons. As I understand it, it does

not happen that often because in many cases the death occurs at a time and in a place where it is not possible to collect the relevant tissue in a short enough period of time for it to be reused. No doubt we will get better at that as time goes on, science improves even further and the techniques are better.

However I think we have a long way to go in getting the message out to our community at large about the extraordinary value of tissue donation and that many more people need to make provision and advise their next of kin as to what their wishes are. I know there is some very good work going on. I carry in my wallet an organ donor card which indicates what my intentions are. I commend people such as Mrs Marcia Coleman, the wife of our former colleague in another place, for the work she is doing in promoting the need for people to become much more aware of the value of organ transplants.

I think of a family in Shepparton which tragically lost their seven-year-old daughter a year or two ago. They made the decision, despite their grief, at the time to make her organs available. I understand some 8 or 10 citizens, hopefully young citizens like the recently deceased, were able to benefit from that thoughtfulness and that generosity. For many people this is unpleasant to think about, but it is a fact of life that we have many in our community who are suffering because of a disease or an illness which could be either overcome or at least largely alleviated if they could be the recipient of an organ donation from another.

I support the work being done by those groups. I certainly encourage everyone to make sure that they register — it is so easy to do online — and that they make their next of kin aware of their intentions. The bill expands the objectives of the Victorian Institute of Forensic Medicine in a way that I think is quite appropriate. That institute runs the Donor Tissue Bank of Victoria and adheres to strict protocols regarding prospective donors, the manner in which the next of kin of a deceased are approached and the process of retrieval and storage of the tissue for donation. These are very sensitive matters, but from the research that I have been able to do I am confident that it is being undertaken in the correct manner and that the Parliament can have confidence in passing this legislation, which I am happy to support.

Ms MIKAKOS (Jika Jika) — I am very pleased to make a brief contribution in support of the Coroners and Human Tissue Acts (Amendment) Bill. I am also very pleased that both the opposition and The Nationals have also indicated their support for what I think is a very important piece of legislation. I share the sentiments expressed by the other speakers in this debate so far. Encouraging members of the public to consider organ donation or the donation of human tissue is a very sensitive issue. We should encourage the public to become more aware of it as medical science advances. This very straightforward bill is designed to ensure that our legislation reflects the reality of common medical practice today, particularly as it relates to the removal of human tissue and organs during autopsies.

Medical technology is rapidly advancing and, as we have an ageing population, organ donations and transplantations are becoming more necessary, and these types of procedures need to occur in a very time-critical manner. For many of these operations we need to ensure that tissue typing and matching is conducted quickly and accurately by qualified professionals. The amendments will ensure that the Donor Tissue Bank of Victoria has a proper legislative basis for continuing its role in saving and enhancing the lives of Victorians and expanding the pool of donors. I want to acknowledge the very important work that the DTBV undertakes. DTBV is run by the Victorian Institute of Forensic Medicine, and I understand that in its 15 years of operation it has provided more than 10 000 tissue allografts; therefore many thousands of Victorians have been able to benefit from these advances in medicine.

Essentially the bill clarifies who can remove tissue to enable an autopsy to be undertaken or to make tissue available for transplant. Presently medical practitioners who conduct autopsies are assisted by trained technicians. This bill recognises that the technicians play an essential role in the autopsy process, and this legislation will allow this practice to continue.

Up until now there has been the theoretical possibility that criminal prosecution could have been brought in certain circumstances due to what we could say has been a lag in the law recognising what has become current practice. Consultation was undertaken with key stakeholders in the main to alleviate concerns that their past practices involving autopsies would not be regarded as improper or in any way illegal. By amending the Human Tissue Act to allow common practices to be properly recognised by the law in relation to non-coronial autopsies performed at hospitals, we are ensuring that these practices will be on a proper legal footing. The bill also amends the Coroners Act to make it clear that medical practitioners who conduct autopsies can be assisted in this process by mortuary technicians or scientists working under the general supervision of the medical practitioner.

I note that in the course of the debate in the other place a question was raised about the retrospectivity aspect of this bill. In particular I note that the responsible minister responded to this particular issue, which was also raised by the Scrutiny of Acts and Regulations Committee. Both the Attorney-General and the Minister for Health responded to this issue. As I am aware, the issue of retrospectivity is not intended to address any issue of proceedings commenced before the introduction of this bill or claims made regarding these matters. Rather it is intended to ensure that what has become medical best practice is in fact provided with greater legal certainty into the future.

By way of conclusion, like the Honourable Bill Baxter I have spoken with people who have experienced the tragic loss of family members. In fact I spoke to a family only a few weeks ago who had lost their son, who was in his 20s, in a culpable driving matter. They had made the very honourable decision to donate their son's eyes to medicine. Although they were understandably grieving in the circumstances, they were comforted by the fact that they knew that part of their son would live on and benefit another family. Those types of situations are ones that we as members of Parliament should share with the Victorian community more generally. Such honourable and generous donations are made at extremely difficult times in the lives of families, and the circumstances in which those families find themselves truly reflect the great generosity of spirit with which they make those difficult decisions.

We should be encouraging members of our community to register as organ donors. There is a huge shortage of organs in this country to meet the demand that exists, and people are having to turn to donations and operations overseas in order to avail themselves of those organs. Allegations have been made about the trafficking of organs in a number of countries. Very poor people are being encouraged to sell kidneys in order to obtain money for their families who are probably in very difficult circumstances. As wealthy members of the international community we have a responsibility to look after the health needs of our own community, and by encouraging more people to donate hopefully we will ensure that the black market in human tissue or organs does not proliferate any further. I commend the bill to the house.

Sitting suspended 6.27 p.m. until 8.03 p.m.

Hon. J. G. HILTON (Western Port) — I would like to make some brief comments on the Coroners and Human Tissue Acts (Amendment) Bill. As we heard before the dinner break, as it is not being opposed by The Nationals or the opposition I will be relatively brief in my comments.

I read the report of the contributions in the lower house debate on this bill. It was quite obvious that there are occasions in politics when issues rise above the normal point scoring and grandstanding. To some extent that is the theatre of the Parliament, but I do not think it always contributes to its value as seen by the community. A number of members in the lower house referred to their own personal experiences on these issues. I was particularly moved by the contribution by the member for Evelyn. She referred to the overwhelmingly traumatic experience she had when her husband unexpectedly died at the relatively early age of 33. She was asked to donate his organs.

I was not in the Assembly when she made her contribution, but from reading her speech in *Hansard*, the emotion and sincerity at the time she spoke was obvious. I would very much like to commend her for the courage she showed in talking about the issues which are obviously very personal for her.

A number of the members of the parliamentary Law Reform Committee also spoke in the debate. As a new member on that committee, I will do the same. At present the committee has a reference to investigate and examine the Coroners Act. It has been very interesting to be part of that committee as it has received many submissions, some of which were quite harrowing and related to people's experiences in dealing with the Coroners Act, especially when they were faced with the death of a dearly loved relative.

In the course of that inquiry the committee has heard about the excellent work of the Victorian Institute of Forensic Medicine and the people who work at the Donor Tissue Bank of Victoria, which is incorporated into that institute. The donor bank and the institute have a worldwide reputation. The purpose of this bill is to ensure that the organisation can remain at the forefront of international best practice in its work.

In some ways this bill is a recognition that science has moved on and that the law sometimes — in fact, usually — is behind science. I suppose that is only to be expected. Law cannot pre-empt science, but the law should certainly not hold back science. This was demonstrated to me very clearly when members of the Law Reform Committee were discussing whether the coroner should be allowed to investigate stillbirths. As it is presently determined, life does not begin until a child is born. Consequently it is argued that because life had never existed, stillbirths cannot be investigated by the coroner.

Apparently that concept is derived from common law, which has probably existed for the last 200 years. To my mind it is obvious that life begins before birth. Babies that are born after a gestation period of 28 weeks can survive without artificial support and become normally functioning human beings. In my view — and I know this is contentious in the wider community, so I want to emphasise that it is my own personal view — life begins when it is viable for life to be sustained outside the womb. Therefore a conjecture that a stillbirth is evidence that life never existed is in my mind totally at variance with reality. I mention this issue as another example of where in my opinion the law is yet to catch up with scientific realities. This legislation currently before the house is another example of that type of legislation. It is commonsense legislation. It is a recognition of the realities of scientific practice. I have great pleasure in commending it to the house and wishing it a speedy passage.

Hon. ANDREA COOTE (Monash) — I wish to make a very short contribution to debate on the Coroners and Human Tissue Acts (Amendment) Bill and reiterate what my colleague the Honourable Chris Strong said, that the Liberal Party will indeed be supporting this bill.

The main purpose of this bill, as has been enunciated before, is to allow technicians under the general supervision of a medical practitioner to remove tissue during autopsies and to amend the functions of the Victorian Institute of Forensic Medicine to allow it to remove tissue from Australian jurisdictions and receive tissue from other national or international jurisdictions for use on Victorian patients. To be eligible to receive tissue, other jurisdictions must have similar corresponding laws that protect the removal of tissue and consent. I am particularly pleased to see that, because we hear of draconian practices right around the world and fairly horrifying scenarios of people being kidnapped and their kidneys being removed and then on-sold on the international market. It is imperative for us as Victorians to make quite certain that the rules, regulations and laws that we implement here do not allow that sort of poaching of organs to occur or for us to receive such organs.

The other major change the bill makes is to the Human Tissue Act of 1982. The bill will allow prescribed persons to remove the tissue of a deceased person. If the next of kin of a deceased person gives consent to a registered medical practitioner or authorised officer of a hospital for the removal of tissue, they must be satisfied that they have received proper consent. The bill will also allow medical practitioners, health service providers and the Victorian Institute of Forensic Medicine to collect and use the medical history of a deceased to ascertain whether or not the deceased's tissue is suitable for removal, storage and transplant.

Other speakers tonight have spoken about the great need for organ donations. Indeed, if you go to the Red Cross web site you can see there a number of very well laid out scenarios for organ donation. There are a lot of facts on the site, including some frequently asked questions that people want answered prior to becoming an organ or tissue donor. I would like to say at the outset that there is some very good counselling and support provided to deal with these issues. According to LIFEGift, the Victorian organ donation service, people ask the following questions:

> Are there age limits on becoming an organ and tissue donor?

To my understanding, there are no age limits, but obviously a person would have to be healthy for a donation to happen. I am not certain about what transpires when people are particularly old, but I am led to believe that eye tissue from people up to quite a significant age can be used.

> Are there any costs involved?
>
> How are the organs and tissues removed, and is the body disfigured?
>
> I lived in Britain between 1980 and 1996 for longer than six months, and I am unable to donate blood. Am I also unable to donate organs, even if I die in the right circumstances?
>
> I want to be an organ and tissue donor when I die. What should I do?
>
> …
>
> What is brain death?
>
> …
>
> What is the difference between brain death and coma?
>
> Which organs and tissues can be donated?
>
> Who can become an organ donor when they die?
>
> Why do I need to tell my family? Can they overrule my wishes?
>
> Will I really be dead?

These are really important things to know about what actually happens, because people want to be assured that the body parts they are donating will actually be used effectively and that there will be an understanding of the value to the recipients of those donations.

There is an enormous amount of support in place for donors and their families. I heard the Honourable Bill Baxter commend Marcia Coleman for the work she

does in encouraging people to become organ donors. Marcia also helps to alleviate people's concerns, such as the ones I have enunciated. I would also like to put on the record my acknowledgment of the huge amount of work she does and the excellence of the work she does.

We have become used to synthetic donations in this community. We can get synthetic knees and synthetic hips made of titanium. Indeed we have become used to receiving body parts from animals especially bred for the purpose — for example, valves from pigs that are used in various parts of our bodies. But there is a huge need for donations of human tissue and organs. The Red Cross web site I referred to earlier states:

> At any one time there are around 2000 people on transplant waiting lists in Australia. There are waiting lists because of the relative shortage of organ and tissue donors. It is crucial that more people consider offering to become organ and tissue donors and that they discuss their decision with their family.
>
> Families are faced with organ donation at a time of immense heartache and personal grief. If the family knows their loved one's wishes regarding organ and tissue donation, then the process is a little easier.

I encourage each and every member in this chamber tonight to consider their own position on organ and tissue donation and, if it is something they wish to do, to make certain that those close to them are very aware of what their wishes are. You do not want your family to face a dilemma, and you should make quite certain they are aware of your wishes in this respect.

It is interesting to see the huge inroads in organ donation that have been made in this country since 1982, which is the date of the original legislation we are dealing with here tonight. I would like to run through a brief chronology of what has happened in Australia, because I think it is really important for us as Australians to understand how far ahead of many countries in the world we are with our scientific and medical research. It is salutary for us to understand that the research is happening right here in Victoria in many instances and elsewhere in Australia in others.

In 1984 Dr Victor Chang established the national heart transplant program at St Vincent's Hospital in Sydney. To date over 1200 heart-lung transplants have been performed under the program. In 1987 the first segmental liver transplant for children was performed in Brisbane. In December 1988 an 11-year-old girl at the Alfred hospital in Melbourne became the youngest recipient of a heart-lung transplant in Victoria. In 1989 the first successful living-related liver transplant, mother to child, happened in Brisbane. In February 1989 the Alfred hospital performed its first heart transplant. In 1989 Victoria also opened its donor tissue bank, which was the first in Australia. In December 1990 the Alfred hospital heart transplant program was forced to shut because of funding cuts but was later reopened.

In 1999 Victoria opened its first eye bank. In 1994 the Transplant Promotion Council established the Victorian organ donor register. The registrations on the Victorian organ donor registry peaked at 32 000 in 1999. In May 2004 surgeons in Victoria used a revolutionary procedure to regrow missing bone in the leg of a victim of a horror car smash. A paediatric lung transplant centre was established at the Alfred hospital in May 2005.

In February 2005, a new technique was introduced to the Alfred hospital to allow doctors to use organs from bodies in which the hearts had stopped beating. This technique is estimated to increase available donor organs by 30 per cent. This is all happening here, right under our noses, at the Alfred hospital. Some huge and significant leaps are being made in medical research, enhancing the quality of life and lengthening the lives of recipients of these organ and tissue donations.

I commend the bill to the house. I would like to praise all the scientists in Australia particularly those medical world-renowned researchers and scientists in Victoria, because I know they do an excellent job. I have much pleasure in supporting the Coroners and Human Tissue Acts (Amendment) Bill.

Hon. RICHARD DALLA-RIVA (East Yarra) — I also rise on behalf of the Liberal Party to make a brief contribution to the Coroners and Human Tissue Acts (Amendment) Bill 2006. In doing so, I indicate my support for the bill.

My contribution will be a brief outline of the bill, as is the explanatory memorandum a detailed outline of the bill. At times the house should acknowledge the work of the people who undertake the process of fully explaining the details within the clauses of bills.

The bill is broken into three parts, none of which is of any great length. The bill is essentially a mechanism to codify some of the existing medical best practice and procedures in relation to the Coroners Act. Under the general supervision of a medical practitioner, technicians can now remove tissue during autopsies. The bill also amends the functions of the Victorian Institute of Forensic Medicine (VIFM) by allowing it to remove tissue from other Australian or international

jurisdictions for use on Victorian patients. That is appropriate in the sense of best practice.

Under the amendments to the Human Tissue Act 1982 particular persons are now allowed to remove tissue from deceased persons. The amendments provide that the next of kin to the deceased is to be satisfied that they have given proper consent to a registered general medical practitioner or authorised officer in a hospital for the removal of tissue from the deceased. The bill also ensures that medical practitioners and health service providers can legally remove tissue and blood while carrying out medical procedures. This occurs regularly but this bill provides a legislative framework and the necessary protection under the legislation I have outlined.

As the Honourable Andrea Coote indicated, this bill puts Victoria at the forefront of some of the developments we have heard about. I commend Mrs Coote for her contribution. As I said, I do not propose to labour the point on this bill. I look forward to the Law Reform Committee reporting on its inquiry into the Coroners Act. This bill codifies some areas which have always been of concern and allows for greater clarity in respect of those particular matters. As I said, my contribution on this bill will be brief. This legislation is important to Victoria.

It is important to understand that the bill is not controversial and is supported by all parties in this house. Its amendments to the Coroners Act 1985 allow for autopsy procedures to become a function of VIFM; also, the bill makes numerous minor amendments to the Human Tissue Act 1982.

Amendments to the Coroners Act 1985 will allow technicians, under general supervision, to remove tissue during autopsies. The bill also allows for the Victorian Institute of Forensic Medicine to carry out procedures and to remove tissue from deceased persons under the control of other Australian jurisdictions.

Also, amendments to the Human Tissue Act allow for medical practitioners, health service providers and VIFM to collect and use the medical history of the deceased as to decide whether the tissue of the deceased is suitable for removal, storage and transplant. My understanding is that this is a common procedure that occurs during ordinary practice, but we are now codifying that practice in this legislation. Numerous recommendations are made in this legislation. I fully support the bill. I commend it to the house and wish it a speedy passage.

Motion agreed to.

Read second time.

Third reading

Ms BROAD (Minister for Local Government) — By leave, I move:

That the bill be now read a third time.

In doing so I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) BILL

Introduction and first reading

Received from Assembly.

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

COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL

Second reading

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

Ms BROAD (Minister for Local Government) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill establishes a corporate trustee for the Coptic Orthodox Church, Diocese of Melbourne and Affiliated Regions. The diocese was formed in 1999 and is part of the Coptic Orthodox Church of Alexandria and the See of St Mark.

The Coptic Orthodox Church had been formally established in Australia in the 1970s, when the pope of the church, His Holiness Pope Shenouda III, appointed several priests to establish parish congregations in Melbourne and Sydney. The Coptic Orthodox Church is a hierarchical church with authority residing in His Holiness, who is elected for life by the Holy Synod of metropolitans and bishops of the church.

The Holy Synod is the supreme legislative, judicial and doctrinal body of the church.

The bishop of the diocese, His Grace Bishop Suriel, has asked for the enactment of this bill to facilitate the administration of his diocese and, in particular, to provide for a corporate trustee with perpetual succession to hold the church's property. The new trustee will take the place of several bodies of trustees that, since the formation of the diocese, have held the church's property on trust for the church or its parishes or other institutions.

The establishment of a corporate trustee by this bill will assist the bishop in the administration of his diocese and will make it possible for all property of the church and the parishes in Victoria to be held by a single body, thereby overcoming the difficulties in having several trustee bodies and ensuring a succession of trustees.

The bill deals only with the establishing of a corporate trustee and the holding by it of the property of the church and the administration of that property. The bill provides for the transfer of existing property to the church, and for the cancellation of the registration of a number of incorporated associations that in the past were the owners of property on behalf of the church.

I commend the bill to the house.

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

Debate adjourned until next day.

WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL

Second reading

Debate resumed from 10 August; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. ANDREA COOTE (Monash) — I have much pleasure in being the lead speaker on this bill. The Liberal Party will be supporting the World Swimming Championships (Amendment) Bill. It amends the World Swimming Championships Act 2004 and is largely based on the legislative model adopted by the Commonwealth Games. It delivers a range of powers to assist the 2007 World Swimming Championships Corporation to deliver the event. The background is that the championships will be held from 18 March to 1 April and will overlap with the grand prix. Both of these events will be in my electorate of Monash Province, and I think it will be quite confusing.

More than 180 countries belonging to FINA will be attending. As Mr Pullen so adequately gave us the proper enunciation for FINA today, we only need to look back at his contribution in *Hansard* to see exactly what FINA stands for. Athletes from 50 countries won medals at the last championships in Montreal. There will be 2000 athletes competing in Melbourne, with 3000 seats at the diving, 5000 seats at the water polo competition to be held at the Melbourne Sports and Aquatic Centre (MSAC) at Albert Park, open water swimming at St Kilda, and swimming and synchronised swimming, which are very popular, in a temporary pool at the Rod Laver Arena, with more than 10 000 seats. Athletes will be housed at up to 15 hotels to be contracted by FINA. The championships are a declared event under the Sports Events Ticketing (Fair Access) Act.

Obviously there is going to be a lot of tension in Victoria at that time. Melbourne is seen to be the events capital of the country, and I think that is a title that all of us in this chamber would agree is something we hold very dear. The issue will be a tension point between two of our major events: the grand prix and the swimming championships. I personally feel that people in my electorate are going to find it extremely difficult. When the grand prix is held it is particularly difficult for the residents of Albert Park and Middle Park, and the street traders have some of the worst times commercially of their entire year. Most people stay away from Fitzroy Street, Acland Street and the other tourist destinations in this area at grand prix time expecting that the traffic will be overwhelming. People who are not attending events will not go there. If this period is extended to cater for the swimming championships as well, I believe the shop traders in this area will find it even more difficult.

Parking is at a premium at the very best of times, and I would like to take this opportunity to say how absolutely appalling it is that this government has started to charge parking meter fees in Albert Park, the heart of the Deputy Premier's own seat. I was at a function the other night, and it was quite late by the time we came out, but there were still traffic inspectors snooping around, checking vehicles. It is just not good enough. I think it is appalling. How are people going to park at a time when the grand prix is in competition with the swimming events? It is just about impossible to get a car park at MSAC at the very best of times.

However, if we look at what is happening we see that the bill contains a comprehensive enforcement regime which includes the prohibiting of unauthorised access to restricted areas or interference with works; the prohibiting of a range of activities during the event period, such as jumping in pools, obstructing events or throwing flares or other objects; the prohibiting of unauthorised commercial activities such as unauthorised advertising or hawking; appointing

authorised officers to assist with enforcement; the enabling of on-the-spot infringement notices to be issued for certain offences; and the enabling of the police to seek a court order to exclude repeat offenders from championship events. The regime is substantially similar to the one provided for the Commonwealth Games and draws on the experience of implementing the Major Events (Crowd Management) Act 2003.

I would also like to say that the city of Port Phillip is very happy to be the place in which a lot of these events are held. The championships for yachting — and there is a whole range of activities — will be at St Kilda Beach. St Kilda is often seen as an iconic tourist destination, but the problem is that there is not sufficient funding given to the City of Port Phillip to help with crowd control, parking control and indeed rubbish control. I hope that next year, when the government is faced with this enormous influx into the city of Port Phillip for the grand prix and FINA events, it will give some additional support and understanding to the City of Port Phillip to help it control the enormous numbers of people who will come to the area and to these various events and to help with rubbish collection. It is vitally important that the City of Port Phillip be recognised.

In this bill provisions related to the Australian Formula One Grand Prix have been added to delineate the rights and obligations of both events. It is very important that they be clear. Safety is a huge issue, and it is imperative that rights and obligations be clearly enunciated to ensure that M2007 and the Australian Grand Prix Corporation will have absolute control over their respective venues during their respective race and event periods. The bill also states that the Australian Grand Prix Corporation can undertake works and road closures in accordance with its own legislation during February and March 2007 but that the corporation must consult with M2007 if any works or closures will affect the championships. As with the Commonwealth Games, the key will be in ensuring that all affected organisations communicate regularly and plan well ahead if strategies require the approval of, or affect, other parties.

As I said at the outset, the Liberal Party is happy to support this bill. We are happy to see more major events in this state. I am concerned to think that we have just had the Commonwealth Games and spent an inordinate amount of money on facilities, including the putting down of an expensive running track only to have it ripped up and not used again. I also ask: why on earth did this government not take the opportunity of making certain there were facilities that could deal with the FINA requirements? I think diving events are going to have to be held at Rod Laver Arena, and the expense of the government having to put in a swimming pool and diving pool to accommodate those events is absurd, considering we are fresh from the Commonwealth Games and money — —

Hon. B. N. Atkinson interjected.

Hon. ANDREA COOTE — Mr Atkinson has just corrected me. The diving is at Melbourne Sports and Aquatic Centre but the swimming and synchronised swimming are at Rod Laver Arena. My point still stands. We should have been able to incorporate those into the MSAC region and to have made quite certain that we did not have to go to the expense of putting in a temporary pool at Rod Laver Arena. I think that is absolutely absurd. We saw some big mistakes made at the time of putting in the additions to MSAC for the Commonwealth Games. I think Mr Atkinson knows it was $450 000 for a gum tree, was it not? This government is very short on long-term strategic planning. It is a great pity that it did not have the foresight to think we might have been able to attract these FINA events. In fact we could have had a first-class facility all in the one spot. This bill enables two events to happen hopefully harmoniously and simultaneously, and I think that Melbourne and Victoria will be the beneficiaries. I have much pleasure in supporting the bill.

Hon. D. K. DRUM (North Western) — It is with great pleasure that I rise on behalf of The Nationals to support the World Swimming Championships (Amendment) Bill. It would give me even greater pleasure if after the next election we actually had the opportunity to deliver these championships. We might be able to deliver some decent games without spending $400 000 on looking after a gum tree. I concur with the previous speaker that it seems quite amazing that here we are less than a year after hosting the Commonwealth Games — said to be one of the greatest games in Victoria's history — yet we are unable to find a stadium that can seat 12 500 people without building temporary swimming pools at Rod Laver Arena. The question that needs to be asked is: what does the government plan to do with the temporary pools once the world swimming championships are finished? Obviously we know there is going to be a tremendous need for these pools in regional Victoria.

Certainly one issue that has become very apparent is the state of Victoria's regional swimming pools. After the 1956 Olympics a large amount of federal money became available and a whole range of regional communities banded together to build swimming pools around the state. I imagine they were built right around

Australia. But that was more than 50 years ago, and we find that these swimming pools are in a serious state of disrepair. We have a looming crisis on our hands. Not only do we not have the water to put into our swimming pools but swimming pools in our small regional towns are in a very poor state.

The world championships will be held from 17 March through to 1 April next year at three specific sites. The diving will take place at the Melbourne Sports and Aquatic Centre (MSAC). After our defeat at the soccer World Cup we can only hope that if the Italians send out a diving team, although they might be hard to beat, the Australians can get over the top of them. St Kilda Beach will host open water events and, as was mentioned earlier, the swimming events and synchronised swimming will take place in transportable pools to be erected at Rod Laver Arena. We have yet to hear from the government what it plans to do with those swimming pools once the championships are over.

The bill will adopt many of the regulations that were used in the administration of the 2006 Commonwealth Games, such as the ability for authorised officers to search bags and control crowd behaviour, including penalties in relation to crowd behaviour. I am unsure why this event has not been declared a major event. If that had happened all of these issues would have come under the one suite of regulations that apply to declared major events. The fact that the world swimming championships are not being declared a major event means that rules and regulations will have to be hand picked. For some reason I have not received word from the government — the minister might be able to sum it up in his reply — why these world swimming championships were not declared a major event. I do not think many events are bigger than these championships. The event has been held in Perth in recent years and was a major success. As I recall it, Perth was able very successfully to host of the world swimming championships in two years out of four.

There will be a slight overlap of two events taking place in the same Albert Park precinct. The world swimming championships will be conducted over some two weeks and on the last couple of days there will be an overlap with the Australian Formula One Grand Prix. The bill will diminish the effect of some local laws that would normally apply. Organisers and workers may have to work into the night and there may be excessive noise that would normally contravene local laws. Normally it would be well within the rights of residents to insist that lights, for example, be turned off and roads be clear, but with the need to get a certain amount of work done the effect of local laws will be moderated, effectively giving the organisers the opportunity to work through the night to reach any deadlines that may be deemed necessary. They will be able to proceed without any obstruction, which is something we hope is used sparingly.

If the planning is done correctly, the extra powers may not need to be called on at all. It is understandable that certain roads will need to be blocked off to traffic to enable last-minute alterations in the Albert Park sector to take place for the championships — for example, there may be some clash of wills in relation to the two major events. The formula one grand prix may need roads open for transport and access. There is a dispute-resolution mechanism in the legislation which will enable the two ministers to sort out any disputes that may arise from each of the respective major events.

A clause in the legislation allows for businesses to enter into an agreement with the government in relation to their ability to carry on business as usual. Such agreements will have to allow for the disruption that is likely to take place in the staging of these events. I must mention that the level of imposition caused to business by the Commonwealth Games events was underestimated. I know in my home city of Bendigo that Bendigo Stadium Ltd lost a significant amount of money as a result of changes to its normal trading because it had to close down for a couple of weeks in the lead-up to the Commonwealth Games to prepare the stadium. That revenue was sorely missed. The games were well staged and well managed, but Bendigo Stadium Ltd lost a significant amount of money.

Clause 11 of the bill deals with crowd safety provisions and the Major Events (Crowd Management) Act of 2003. The bill sets out various offences and penalties in relation to crowd behaviour. I do not think there is much more to be said about the world swimming championships. The Nationals are looking forward the staging of the event. The championships have been a huge success when Australia has hosted them previously. There is no reason, given our fantastic facilities at MSAC, our beautiful beaches and the ability to put in temporary swimming pools at Rod Laver Arena, not to take advantage of those facilities. The capacity of that stadium should put us in a prime position to host this world-class event. We all know that Melbourne's sporting facilities fantastic infrastructure put us in a prime position to host these events with minimal disruption to the city, which is something we should be proud of. On behalf of The Nationals I support the legislation and hope that the necessary amendments and regulations are put in place to enable us to stage a great games in 2007.

Mr PULLEN (Higinbotham) — I congratulate Mrs Coote on coming off the reserve bench and putting on a good performance. She obviously is not a Melbourne supporter or it might not have been such a good performance. The reason these events are being held at the Rod Laver Arena is because it can hold a lot more people than other venues, and plenty of people will want to come to these great FINA championships.

The purpose of the bill is to amend the act of 2004 to facilitate the management and conduct of the world swimming championships to be held in Melbourne in 2007.

Hon. D. McL. Davis interjected.

Mr PULLEN — Keep your ears open, Mr Davis, because you will hear something about a southern suburbs electorate while I speak on this bill. The act, which commenced on 16 February 2005, established the 2007 World Swimming Championships Corporation and provided all the powers necessary for the establishment of venues and events associated with the championships, modified the effect of a number of pieces of legislation in relation to the championships and provided the management and control of the commercial aspects of the championships, such as the protection of logos and images.

I explained to the opposition earlier today what FINA meant. It is the international governing body of swimming and is based at Lucerne in Switzerland.

Specifically the amendments facilitate construction works for the event, including providing for temporary road closures and the establishment of restricted access areas; outline management arrangements for venues and designated access areas; establish measures to protect crowd safety and deter disruptive crowd behaviour; provide for the appointment of authorised officers to assist with enforcement under the act; and modify or limit the effect of certain other state and local laws on the championships, including certain laws relating to the emanation of noise and light.

These amendments will contribute to the smooth running of an event that will be well supported by Victorians and will contribute to the development of aquatic sports in Victoria. It will bring to Victoria approximately 2000 athletes from 175 countries, 1500 team support staff, around 1000 international media and 12 000 international and interstate visitors. It will have an estimated economic impact, for the benefit of Mr Rich-Phillips, of $80 million. The athletes will use the championships as a build-up to the 2008 Beijing Olympics.

Again the Bracks government has delivered, because the FINA world swimming championships are the largest aquatic sports event in the world. Next year, to be held in Melbourne from Saturday, 17 March, until Sunday, 1 April, will be the 12th FINA championships, which are held in every odd-numbered year. FINA's first president was George Hearn, from Great Britain, who held the post from 1908 to 1924. An Australian, William Phillips, was president of FINA from 1964 to 1968.

As other members have said, three venues will be used to host the events forming part of the championships. A temporary pool will be installed in the Rod Laver Arena. I looked at the FINA web site, which was updated on 18 August, to find that it contains all the world champion winners, but I will not take the time of the house reminding people of the great Australian medal holders because I know we have to try and get Mr Atkinson's contribution of 60 minutes squashed into 15 minutes, and I will be all ears to that contribution.

The Melbourne Sports and Aquatic Centre (MSAC) will host the water polo and diving events. The 2006–07 budget recently announced by the government included a $2 million allocation to improve diving and water polo infrastructure at MSAC for the staging of the championships and to ensure more Victorians will be able to see these events.

Hon. B. N. Atkinson interjected.

Mr PULLEN — I could read out the records but it will take too much time. I want to hear the member's contribution, so I may come back to them later.
St Kilda beach will host the 5 kilometres, 10 kilometres and 25 kilometre open water swimming events. The course will run between the famous St Kilda pier — once again restored by the Bracks government — and the St Kilda marina. I remind the house that Brendan Capell of Australia won the silver medal in the 25 kilometre men's race in Canada in 2005.

I shall comment on the contribution of the member for Sandringham in the other place in relation to the bill.

Hon. D. McL. Davis interjected.

Mr PULLEN — This is important, so the member should listen to this. The member probably will be representing the southern suburbs, but I keep telling people, 'If you must vote Liberal, vote Coote 1, and David Davis last'. I am not sure that Mr Davis will be representing the area.

The member for Sandringham in the other place, Mr Thompson, claimed that the City of Bayside in concert — I emphasise 'in concert' — with the manager of Klim Swim in Sandringham had readjusted the opening hours of the Sandringham Leisure Centre. This is very important. The member said the City of Bayside was playing up.

Hon. D. McL. Davis — On a point of order, President, it is hard to see the relevance the member is making about a local swimming centre to this bill.

The PRESIDENT — Order! There is no point of order. The member is allowed to present his arguments, and he is about to draw them to the bill.

Mr PULLEN — The fact is that no changes have been made to the hours of operation in the new lease with King Village Pty Ltd, Klim Swim, from previous lease arrangements. Klim Swim has decided to institute the pool closure during some hours of the day, Monday to Friday, based reportedly on commercial reasons. Klim Swim raised no intention of reducing public access to the swimming pool during lease negotiations.

These facts are important because the member in the other place referred to amateur swimming and the world swimming championships. I am coming to that, so Mr Davis should sit there with his ears open. The Bayside City Council has said it is disappointed that Klim Swim has chosen to reduce the hours during which the public has access to the pool. The council is currently negotiating with Klim Swim to redress the situation and hopefully improve the hours of access to the pool by the public.

Mr Thompson further claimed that the government was not supporting amateur sport. Again the facts are that under the 2006–07 round of the Sport and Recreation Victoria (SRV) community facility funding program major facilities category, Bayside City Council received a grant of $500 000 towards the redevelopment of the Sandringham Family Leisure Centre. The project's scope includes works for the redevelopment of the existing 25-metre indoor pool, redevelopment of the entrance foyer and reception, redevelopment and expansion of the crèche, and redevelopment of food services and social gathering areas. Yes, another $500 000 has been given to the redevelopment of the Sandringham pool.

This grant continues the outstanding track record of the Bracks government in supporting amateur sport in the city of Bayside. Every application submitted by Bayside council to the government since I have been a member for Higinbotham Province has been approved by the government. Just where do these Liberals get off!

The member for Sandringham in the other place said that we are doing nothing for amateur sport. I remind the house of a media release of the Premier dated 13 July 2003 in relation to the world swimming championships. Under the heading 'Melbourne wins 2007 swimming world championships' — I want to keep reminding the opposition that we are an action government — it states:

> The FINA world swimming championships further cement Melbourne's reputation as a first-class city when it comes to staging major events, Mr Bracks said.
>
> Victoria's calendar of major events is in a league of its own, and these championships provide yet another opportunity for international media exposure of our state.

Ms Hadden interjected.

Mr PULLEN — I have already told the house; the member was not here at question time. If the member had turned up at question time, she would know. I will tell the elected Labor member for Ballarat Province later on. Don't tell me you are an Independent because you were elected as a Labor member of Parliament!

Ms Hadden interjected.

Mr PULLEN — You should resign, then. The media release further states:

> Victoria has successfully secured matches of the 2003 Rugby World Cup, the 2004 UCI World Track Cycling Championships, the 2004 World Hot Air Ballooning championship, in Mildura and the 2006 ILS World Lifesaving Championships in Geelong and Lorne.

All that is in addition to the homeless games and retaining all the other major events such as the Australian grand prix and the Australian Tennis Open.

I indicate for the benefit of the elected Labor member for Ballarat Province, who ran out on the party — —

Ms Hadden interjected.

Mr PULLEN — You are in school now, so listen! FINA stands for the Fédération Internationale De Natation Amateur. That is for Ms Hadden so that she will know exactly what it means. The member can tell other people about that too!

I support the bill because it is a great bill. Victoria leads the way — it is a great place to live, work, play, have major events and raise a family.

Hon. B. N. ATKINSON (Koonung) — I am not sure Mr Pullen was discussing the bill I came prepared to discuss this evening.

An honourable member — Late.

Hon. B. N. ATKINSON — Late, but with very good briefing notes. Most of the description of what the bill is about has been conveyed to the house. I do not intend to run through the technical aspects of the legislation, which were covered by the Honourable Andrea Coote and, in particular, the Honourable Damian Drum.

I hasten to indicate to the house that as the shadow Minister for Sport and Recreation, I am very supportive of this initiative. I believe the world swimming championships will be an important and successful event for Victoria. In economic terms — that is, in terms of investment to return — I believe the swimming championships will probably be better value for money than were the Commonwealth Games. There will be a significant television audience for it, and it will allow us to showcase Victoria and Melbourne.

I have a couple of concerns about the approach to this legislation. One might see them as trifling at this point, and I do not think they will be of great import going forward, but it occurs to me that the government did not nail down these championships in the way I would have expected it to nail down such an important event. One might argue the government has escaped by the skin of its teeth. There are two key issues regarding running these swimming championships in 2007 that I believe the government should have finalised with FINA — and we know what that stands for, thanks to one of my colleagues from Higinbotham Province

First of all, the issue of when the grand prix was to be run in Melbourne and the relationship of the grand prix to the swimming championships should have been nailed down. Clearly it was anticipated that there could be an overlap, which was provided for in the legislation before the dates for the grand prix were announced, but the government should have clarified the dates for those respective events at an earlier stage and ensured there would be no clash of dates.

Whilst I am confident that the state government agencies involved in the organisation of this event as established under the 2005 legislation will be able to run the events successfully and minimise disruption to both the grand prix, through the Australian Grand Prix Corporation, and the swimming championships, it would have been more desirable — notwithstanding the publicity spin from the minister — for the two events not to clash on this occasion. I believe that might have been possible had the government taken a more studious approach.

Secondly, and perhaps more importantly — and I understand this has also been resolved, but it was certainly a matter of contention at one point — was the question of when the finals of the swimming championships would be swum. I would have thought that when the government sat down to negotiate with FINA at a very early stage it would have made it clear to FINA that the finals would be swum of an evening — that that was in the best interests of the event in Australia.

As we know, FINA is enthusiastic about having the finals broadcast to some of the major television markets at times which — because of Australia's time zone — would require the finals to be swum in the morning. Indeed there has been considerable discussion about the Beijing Olympics. As I understand it, the Chinese government is prepared to allow some morning finals at the Olympic Games. I think this matter should have been concluded with FINA at a much earlier stage, so it should not have been the matter of contention it has proved to be. Notwithstanding that, we will have evening finals at the FINA championships in Melbourne, which will be to the betterment of the event. I am sure people around the world who watch the broadcast of those swimming events will appreciate the competition and the way in which the events are delivered, and will excuse the time frame in which these events are delivered.

I ask that the Minister for Sport and Recreation answer two questions for me in the context of the third-reading debate. Firstly, why is no section 85 statement required with this legislation when one of its provisions denies people compensation for lost business or suchlike? As the minister would be aware, there are provisions in this bill that deny people the opportunity to seek compensation where good faith actions have occurred in terms of decision-making. I would like it clarified for the house why, given a legal option is taken from people, there is no section 85 provision in this legislation.

The second aspect I would like the minister to clarify in the third-reading debate is what will happen to the pool that is to be constructed at Rod Laver Arena once the event is finished. Where will that pool go? What will happen to it? Will it be simply dismantled and discarded like the athletics track at the Melbourne Cricket Ground or will it be rebuilt somewhere else? If so, what is the minister's plan for that swimming pool at the conclusion of the event?

I am pleased that this event has become a declared event for the sake of the ticket process to avoid scalping of tickets and so forth. That is an important initiative. After the fiasco associated with Cricket Australia's release of tickets for the Sydney New Year and Melbourne Boxing Day tests, where there was a lot of scalping activity associated with those two major events, I do not want to see that sort of blight occur in terms of the swimming championships, so I am pleased to see it become a declared event in that sense.

From my point of view these sorts of events are important. I am mindful that the government is looking at bidding for netball championships and there is an opportunity for the masters games to go to Geelong. There are a number of other events but those two are very active bids at the moment. I welcome that bidding and hope Victoria is successful in obtaining those opportunities to showcase Melbourne and, in the case of the masters games, Geelong, hopefully on an ongoing basis. As I understand it, the Geelong bid is not about a one-off event but a continuing event on I think an every-second-year basis or something of that nature. It would be tremendous to have Victoria's second city involved in such a premier event which attracts a great many people.

I have done quite a bit of work on this and talked to all of the people associated with the major events involved in the swimming championships. I am satisfied that the choice of Rod Laver Arena as a venue and the decision to install a temporary pool is appropriate. I think it will give us an opportunity to have more people at the venue able to see the swimming and synchronised swimming events. I have unkindly said to people on a number of occasions that synchronised swimming is an acquired taste. Nonetheless the perfection of those athletes is remarkable. When they represent their countries they strive, as athletes do in any field, to do their best. While synchronised swimming is not my cup of tea, I know it has a very strong following. I daresay that the seating capacity of Rod Laver Arena will be as important for synchronised swimming as it is for the swimming events themselves. The diving events will be conducted at the Melbourne Sports and Aquatic Centre. MSAC proved its worth as a diving venue at the Commonwealth Games. I believe it is an outstanding facility. It will provide an opportunity for outstanding competition.

I am encouraged to see the open water event will be held in St Kilda. I think St Kilda is a marvellous gateway to Melbourne in its own right. The facilities I understand are to be put in place in St Kilda to facilitate the open water event will be very good. The only concern I have with that venue, and I guess it applies to much of the bay, is the water quality issue. I hope we do not have a major storm event shortly before the open water swim; I have some concerns about water quality if we do. Nonetheless a lot of work has been done by consultants and so forth to look at the ability to stage the event at St Kilda and no doubt water quality was one of the issues they took into account. I am encouraged by their advice, presumably, to the government that that is the most appropriate place to stage those events. In a setting context, as I said, St Kilda is very much a gateway to Melbourne. I think it will provide quite a special experience for those athletes and the people who view the open water swim as part of these championships.

The legislation is appropriate and measured. It is legislation which does not address governance issues, which were covered by legislation previously passed by this Parliament. It is instead legislation which aims at providing for the operational aspects of the staging of the swimming championships. It picks up many of the provisions associated with the Commonwealth Games undertaking. To that extent it is informed by the experience of the Commonwealth Games. I am sure we can be very confident that these games will be very successful in that context. I welcome the opportunity for many volunteers to be involved in the swimming championships. I am delighted to see the number of organisations which are already starting to look towards these championships as an opportunity to provide a tremendous showcasing of Melbourne yet again on the world sporting stage, and for Melbourne and Victoria to show hospitality to visitors from interstate and overseas.

This event has bipartisan support. I think it is another important sporting event for Victoria. I commend the legislation to the house, hoping that in his contribution to the third-reading debate the Minister for Sport and Recreation will be able to address the two matters I have raised by way of questions.

Hon. J. G. HILTON (Western Port) — I am also very pleased to make a small contribution to the World Swimming Championships (Amendment) Bill. As has been acknowledged previously, this bill is not being opposed by the opposition or The Nationals. I believe that is entirely appropriate.

The purpose of this bill is essentially to facilitate the world swimming championships, to make sure that they run smoothly, that appropriate works are carried out so the events can be facilitated, that crowd management issues are dealt with, and a range of other matters to ensure everything which needs to be done to ensure the

events are as successful as we hope they will be is completed.

I do not propose to go through the details of the bill; that has been done by other speakers. However I would like to indicate that Melbourne is rightly proud of its reputation of being able to organise world-class sporting events. This was very appropriately demonstrated with the Commonwealth Games earlier in the year. Most people who have knowledge of these things seem to consider them to have been the best games ever. Melbourne is the sporting capital of Australia and has established an enviable reputation for its ability to facilitate these world-class events. They include the annual tennis championships, the spring racing carnival and the MotoGP — the motorcycle grand prix on Phillip Island — among others.

Sport is very important to the Australian culture. Personally I think sometimes it can be rather too important. I have referred in the past to everybody knowing who Barry Hall and Ricky Ponting are but how many people remember Barry Marshall and Robin Warren? A year ago these men won a Nobel prize. People look up to our sporting heroes and they act as role models. I will have a little bit to say on that later in my contribution.

These role models have worked very hard for their sporting success. They have sacrificed their personal lives to be the best they can be, and I think young people do tend to look up to such individuals and aspire to their success. However, at times of intense competition in elite sport athletes sometimes resort to using performance-enhancing drugs to improve their performance. This is especially so given the financial rewards which can accrue to sporting success and because, as is the case with swimming, many thousands of dollars in sponsorship can turn on a fingertip finish and there is a significant difference between a gold medal and a silver medal.

I am a great fan of the Tour de France and look forward to watching it every year, especially the highlights on SBS, which this year featured the entire race live. France is the most popular tourist destination in the world, and the fact that yearly coverage of the Tour de France has incredible scenes of chateaus, the general countryside and the mountains certainly has a lot to do with that popularity. But this year's race was tarnished because according to scientific analysis the initial winner, Floyd Landis, was guilty of taking drugs; he was not the genuine winner. In a science briefing held some weeks ago in this Parliament it was freely admitted that science is only playing catch-up to drugs in sport. Science can never be absolutely sure that it has the testing procedures in place to detect all drugs that can be used.

Referring to swimming, I think it was about 10 or 15 years ago that the world swimming championships were held in Perth and we saw images of Chinese swimmers with battleaxe shoulders which would not have been out of place in the front row of the Melbourne Storm. Such images reduce the confidence of the public in the integrity of sport and by implication the integrity of our sporting stars. I believe this is unfortunate. I am sure that the vast majority of the competitors who compete in swimming championships get there on their own merits without any artificial stimulants, and I am sure that scientists will be working very hard to ensure that the world swimming championships to be held in Melbourne next year are as drug free as they can be.

In conclusion I would like to mention our young female stars: Liesel Jones, Libby Lenton and Jodie Henry. As usual they will acquit themselves outstandingly well. Grant Hackett will return to his rightful place as the best 1500-metre swimmer in the world, and we can only hope that Ian Thorpe will decide to put his modelling career on hold and return to win some more gold medals. I am sure this event will be a tremendous success. I would like to send everyone concerned with its management my very best wishes. I have great pleasure in commending the bill to the house.

Ms CARBINES (Geelong) — I am very pleased to join all members of this place in supporting the World Swimming Championships (Amendment) Bill. As we know from the contributions made by other members, Victoria yet again is hosting a premier world event. The FINA world swimming championships will be held between Saturday, 17 March — which happens to be my daughter's birthday — and Sunday, 1 April.

Hon. B. N. Atkinson interjected.

Ms CARBINES — Yes, she was born on St Patrick's Day. She has the luck of the Irish, and next year she will have her 18th birthday. But that is enough about my daughter!

I can remember watching the news and seeing the Minister for Sport and Recreation, the Honourable Justin Madden, and his team in Barcelona at the announcement that we had won the right to host the FINA world swimming championships in 2007. We were absolutely ecstatic at hearing that news. We were not confident of winning, because many countries were in the race to hold the championships, but Victoria won out. Of course we will all get behind them next year.

I heard Mr Pullen's pronunciation this morning at question time. As a former French teacher I have to give the house the correct pronunciation and put on the record the correct full title — that is, Fédération Internationale de Natation Amateur. The championships will be held in Melbourne next year. This event will build on Victoria's and indeed Melbourne's fantastic hosting this year of the 2006 Commonwealth Games. I think that everyone in this state was proud of those two weeks of competition, which were held in Melbourne and in regional centres around the state such as my own. Geelong hosted basketball games. Melbourne certainly shone during those two weeks, and I was absolutely delighted to take my family to a number of the events. We managed to secure tickets through the ballot, and we had a memorable time. The Commonwealth Games and Festival Melbourne were enjoyed by many thousands of Victorians, Australians and international visitors.

Earlier this year Victoria also hosted the World Lifesaving Championships, which were held in Geelong and Lorne. My home city of Geelong was very proud to host some of the events at Kardinia pool, and the Surf Coast shire was very pleased to host the ocean events at Lorne. Next year we will build on our worldwide reputation as being a great sporting nation by hosting the FINA world swimming championships. We expect to see some 2000 athletes representing 175 countries taking part in these championships. Some 1500 support staff will travel to our state with the athletes, about 1000 representatives of the international media and about 12 000 visitors. Yet again it will be a huge event.

March is a month of big events for Victoria. Every year we have the Australian Formula One Grand Prix, and in my region the Australian International Airshow at Avalon also takes place. There will be plenty for visitors to our state to get along and see and plenty for them to do. These championships are to be held about a year before the next Olympics in Beijing, so they will be great preparatory championships for Australian swimmers. I am hoping that Ian Thorpe will be well enough to compete this time, because we certainly missed him at the Commonwealth Games this year. We are looking forward to seeing him come to Melbourne next year and hopefully achieve greatness once again in front of a loving home crowd.

In 2004, the government passed legislation with bipartisan support to set up the 2007 World Swimming Championships Corporation. This corporation is charged with conducting the event on behalf of Victorians and indeed all Australians. We have heard about the events that will be conducted, including synchronised swimming. I am disappointed that Mr Atkinson considers it to be an acquired taste. I am sure he could acquire that taste. I am disappointed to hear that men do not participate in synchronised swimming. I think the fact that men do not participate probably shows how difficult it is. You only have to imagine how difficult it would be for those swimmers to undertake such manoeuvres and keep smiling in the way they do. They deserve admiration from us in this place. I am hoping that Mr Atkinson shows them due respect when they arrive next year to participate in the championships. We will also see the more traditional diving events, water polo and open-water swimming.

This bill amends and builds on the principal act that was passed in 2004. It is all about assisting with the facilitation of the championships next year. Melbourne will be hosting the championships at three major locations, including the Rod Laver Arena, which Mr Atkinson spoke of. My home town of Geelong is bidding for the swimming pool, and once the event is wrapped up we want that swimming pool in Geelong afterwards. The mayor of the City of Greater Geelong, Peter McMullin, has talked about his hope that it will come to Geelong after the championships conclude next year.

St Kilda Beach will be an amazing backdrop for the open swimming events, and of course the wonderful Melbourne Sports and Aquatic Centre will host many of the events to take place in March next year.

The world championships are going to bring some $80 million to Victoria. Not only will they serve our sporting needs, wants and desires, they will also contribute fantastically to the Victorian economy. They deserve the support of everyone in this chamber, and I know they have that support.

As I said before, the bill amends the principal act to facilitate the event next year. It will enable the organisers of the event, M2007, to facilitate the construction works. It will provide for temporary road closures and will establish measures to protect crowd safety, amongst other things. These are all important and similar to the provisions that were contained in facilitation bills for the Commonwealth Games. We saw how successful they were, and we have no reason to doubt the success of M2007. They are necessary amendments to the principal act, and we are very pleased to be able to discuss this legislation tonight.

This event will be important to Victoria. We look forward to hosting some 2000 international athletes. I know Australia considers itself to be the premier swimming nation of the world, and we look forward to

seeing our athletes perform and hopefully excel at the FINA world championships next year. They have created a huge interest in this state. As other members have said, we consider Victoria to be the sporting capital of the nation, and we look forward to hosting this event. I wish all athletes great success at the championships, and we look forward to welcoming you. I wish this bill a speedy passage.

Mr SOMYUREK (Eumemmerring) — Before I speak on the World Swimming Championships (Amendment) Bill I would like to correct a statement by Elaine Carbines. She said she thought Victoria had the potential to be the swimming capital of Australia: I have to say that we already are the sporting capital of Australia; in fact, we are the sporting capital of the world.

Hon. B. N. Atkinson — The universe!

Mr SOMYUREK — Of the universe! Why stop there? The act, which commenced operation on 16 February 2006, established a 2007 World Swimming Championships Corporation. It provided all powers necessary for the establishment of venues and events associated with the championships. It modified the effect of a number of pieces of legislation in relation to the championships and provided for the management control of the commercial aspects of the championships, such as protection of logos and images.

Intellectual property rights are very important contemporary issues and perhaps not enough emphasis is placed on intellectual property rights throughout the world. It is certainly a big issue in Western democracies as opposed to some of the developing countries in the world, whose respect for intellectual property rights is perhaps not as well developed as it could be.

I refer to the context of this bill — this is very important, because I am sure Mr Gordon Rich-Phillips will have his own set of figures — and according to the information I have in front of me, the championships will reinforce Victoria's reputation of being the sports capital of Australia. The championships will be of economic benefit to the state. I would love some feedback on this aspect because the information I have suggests that the expected profit to the state from the championships should be in the vicinity of $80 million.

That will be part of the annual economic benefit of $1.2 billion generated by major events in Victoria. The event will make a substantial contribution towards achieving Victoria's aim of being the sports capital of Australia and will bring many jobs to different industries in Victoria.

An amendment in the bill makes further provisions for the staging and conduct of the championships, including measures to ensure the safe and efficient management of the venues and crowds. There are more specific things which I will not go into now, but I will comment on the issue of disruptive crowds, which, along with riots, are not something that I normally associate with swimming. I do not think many people associate riots with the world championships of swimming, unlike Bay 13 at the Melbourne Cricket Ground. We have all witnessed some interesting crowd activities and pretty boisterous cheering in those areas in the past as the crowds watch Australian sports. That rowdy crowd activity certainly does not come anywhere near the disgraceful type of behaviour exhibited at world football events.

Having said all of that, it is important to make sure that crowds are controlled. Because we are pitching Victoria to the rest of the world and because we will have a global audience, anything that goes wrong with the coverage — —

Ms Hadden interjected.

Mr SOMYUREK — What are you on about?

The ACTING PRESIDENT (Hon. H. E. Buckingham) — Order! Mr Somyurek will address the Chair.

Mr SOMYUREK — Because we will have a global audience, anything that potentially goes wrong in the crowd will be amplified to the world. The good work we do in terms of staging this event and the positive public relations we can potentially receive from staging these championships could turn incredibly bad with a few bad apples in the crowd, so I congratulate the authorities.

Hon. G. K. Rich-Phillips interjected.

Mr SOMYUREK — It is a metaphor, Mr Rich-Phillips. Having said all that, I commend the bill to the house.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank honourable members for their respective contributions to debate in support of the bill. I want to respond to a number of requests from members for clarification of some of the more technical areas of the bill.

One query raised was why this event was not deemed a major event under the major events legislation. The bill before us provides a framework for a more comprehensive form of coverage than the major events

legislation provides. It will basically allow us to do even more than the major events legislation would have allowed.

One member opposite made reference to the Melbourne Sports and Aquatic Centre and in particular to the tree which we were able to retain through the redevelopment of the competition pool and the roofing work that was carried out at the time. Some figures were mentioned by members opposite, and I wish to correct those figures. They were figures that were suggested by the *Herald Sun*, and they were in no way reflective of what was actually spent on the retention of that tree during the construction period prior to the Commonwealth Games.

Mr Atkinson requested clarification of why there was no section 85 statement in relation to the bill. I am advised that no section 85 statement was required because the jurisdiction of the Supreme Court is not being limited by this legislation. I am advised that the court's jurisdiction remains unlimited and extends to all cases. However, in cases where that jurisdiction is invoked under the act in relation to things done in good faith in connection with the championships, the law is being changed so that compensation will not be payable. My understanding is that the bill relates to compensation but not to the jurisdiction of the court, which would normally require a section 85 statement.

Hon. Bill Forwood interjected.

Hon. J. M. MADDEN — I advise Mr Forwood that that is the advice I have received, and I understand it to be correct.

Mr Atkinson also raised the matter of where the temporary pools will go after the event. Ms Carbines and a number of other members in this chamber have been eager to know where those pools might be located or where the materials might end up. We are doing some substantial work on that throughout the Department for Victorian Communities. We have a number of technical officers in the department doing work on that, and we expect to be able to make some announcements in the future about how, when and if those pools will be reused in any shape or form after the event.

In relation to the matters of ticketing that were mentioned by members opposite during their contributions to the debate, we are very fortunate in this state to have event ticketing legislation which requires sufficient time to allow us to determine an event under that legislation and to accept and review the ticket plan. That is reviewed within the department in cooperation with event managers. That has been a great advantage to this state in retaining its reputation for delivering those events and for ensuring that people purchasing tickets are paying face value. That has been a great attribute to this state in enhancing and maintaining its reputation of event delivery. A number of Australian Football League grand finals and the Commonwealth Games have been declared major events under the act. We are now reviewing the ticketing plan of Melbourne 2007, and we expect to be able to make further announcements in relation to the ticket distribution methods, form and pricing in the not-too-distant future.

It is worth noting that Melbourne is the only city to have ever held the Olympic Games, the Commonwealth Games and the FINA world swimming championships. We are very fortunate to have a reputation for having not only the capacity and the venues to host major events, but also a highly skilled work force and people who contribute at both the event and grassroots levels. Their enthusiasm for the development of sport in this state ensures that we have large numbers of volunteers and patrons attending these events. The tremendous support that the sports sector enjoys, and aquatics and swimming in particular, will be reflected in this event when it takes place here next year.

I thank honourable members for their contributions, and I look forward not only to this legislation passing but also to holding the event next year.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

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

That the house do now adjourn.

Taralye centre for deaf children

Hon. ANDREA COOTE (Monash) — I refer the Minister for Community Services in another place to the issue of funding for the early intervention hearing facility at Taralye in Blackburn. I visited Taralye recently with a candidate for Mitcham, Philip Daw. I have said in this place before what an excellent facility Taralye is. The early intervention programs the staff at

Taralye run for children with hearing disabilities are world renowned. It certainly is an excellent facility.

I met many of the children in a very pleasant environment. The children were dealing with rabbits, and there were rabbit hutches with little bunnies in every room. They were following the rabbits and doing a nature study on them. I met many of the children and many of the parents. There was a mother I met there who was quite exceptional. She had a little boy whose name was Isaac. The mother explained to me that Isaac was her fourth and youngest son. She explained that the family had a restaurant where a commercial vacuum cleaner was being used when Isaac was a baby, and she said to her husband, 'This little boy cannot hear'.

I would like to read a letter she wrote to me about her son and Taralye. She said:

> Taralye has been the driving force behind Isaac's independence and success. Everything my husband and I had hoped for is being made real with help from Taralye. To know that Isaac will now be able to go to a mainstream public school is something that brings tears to my eyes. Even to hear him yell at his brothers over the computer is so beautiful. Initially I could not have imagined this to be possible, and now it is reality!
>
> As you can imagine, when Isaac was diagnosed on Christmas Eve in 2002 our hopes and dreams for our beautiful son were thrown into a spin. All the toys we had bought for him that year were ones that make noises or played tunes. I remember tossing one toy across the room in despair, desperately wanting to change those words, 'Your son is profoundly deaf and may need an implant. We have a staff party to go to. Merry Christmas!'. I will never get back that moment. It seemed like time stood still and all my thoughts were merged into one moment of emptiness.
>
> But now we are so truly blessed, with Isaac having near normal language skills and a social life that equals his three brothers.

Taralye has excellent fundraisers, but it cannot rely upon fundraising alone. It requires substantial, reliable and recurrent funding to support both its existing programs and the large number of additional programs it wishes to implement. I ask the minister to ensure that a sustainable and recurrent funding stream is provided to Taralye as a matter of urgency.

Road safety: Geelong drivers

Ms CARBINES (Geelong) — I wish to raise a matter with the Minister for Transport in the other place, the Honourable Peter Batchelor. It concerns the alarming results of a survey undertaken by AAMI into driver attitudes across Australia. The annual AAMI crash index survey reveals that many Australian drivers show a dangerous and callous indifference to the nation's road rules. Of particular concern to me as a member for Geelong Province is that the survey reveals that more drivers in Geelong believe it is okay to drink and drive than drivers anywhere else in the state. This is disturbing news and has dangerous implications for those drivers, their passengers and other unsuspecting law-abiding drivers on our roads. This matter is highlighted today in an article in the *Geelong Advertiser* headed 'Geelong drivers say it's okay to drink and drive: our own bloody idiots'. The article says:

> According to insurer AAMI's annual crash index, 17 per cent of Geelong drivers believe it is all right to get behind the wheel after a few drinks, as long as they feel capable of driving.
>
> The result compares to an average figure of 10 per cent Australia wide, is the highest in Victoria …

In the article AAMI's public affairs manager, Geoff Hughes, is quoted as saying:

> 'This is the kind of arrogance that kills people and shows some drivers have little value for their lives or the lives of other road users …

Unfortunately and disturbingly for Geelong this is borne out in the number of people in our region who are caught drink-driving. The article also says:

> Police in the Geelong region have caught more than 100 drink-drivers during five crackdowns this year, while 28 drivers, riders or pedestrians killed during the past five years have had blood alcohol concentrations above the legal limit.

In regard to the other indicators in this survey, Geelong is in line with national averages, but it is still not good when we find out that 87 per cent of Australians have admitted to speeding. I ask Minister Batchelor to work with the community of Geelong to re-educate our drivers as to their obligations under the law with a view to improving this damning and potentially life-threatening attitude.

Police: Mansfield station

Hon. E. G. STONEY (Central Highlands) — I raise a matter for the attention of the Minister for Police and Emergency Services in the other place regarding the need for a 24-hour police station at Mansfield. I have a letter from Liz Clark, who owns a business in Mansfield. It reads:

> I am writing to you in the hope that you may be able to help. As you would well know Mansfield has grown rapidly over recent years and unfortunately with it has come more crime, drugs, theft, vandalism et cetera.
>
> Recently we have had the damage to the golf course, break-in at Alpine butchery, vandalism of the pole people statues in the main street as well as the complete destruction of the glass

> plaque, also in the main street, along with arrests for drugs and the usual driving offences, plus others too numerous to mention. I, and I am sure many other residents of Mansfield, feel that there is a definite need for a 24-hour police station in our town. Any help you can give in raising this matter would be greatly appreciated.

Mansfield is quite remote from other major centres. Mansfield police have responsibility for their local district as well as for Mount Buller, which strains resources, especially in winter. Mansfield has been changed dramatically by the high number of visitors and itinerant people who visit. The police at Mansfield do a great job, but their resources are strained. They need more resources. At the very least there needs to be more resources for a police presence late at night, on weekends and other busy times.

I ask the minister to make more resources available to the police stations at Mansfield and Mount Buller and to look especially closely at the request of the locals to upgrade the Mansfield police station to a 24-hour station.

Gas: rural and regional Victoria

Hon. P. R. HALL (Gippsland) — Tonight I wish to raise a matter for the attention of the Minister for State and Regional Development in the other place. It concerns reticulated liquefied petroleum gas (LPG). There are many towns in country Victoria which do not have access to natural gas. They either rely on bottled gas as their only fuel alternative or they utilise electricity or wood for some of their heating and cooking.

It was interesting to hear the Minister for State and Regional Development on ABC regional radio on Friday of last week mention an encounter with a lady from an outer metropolitan suburb — I think it was in the Yarra Ranges— who has just been connected to natural gas. She was delighted to tell the minister that her cost saving from being connected to natural gas was about $1000 per year. That is a significant saving. While we in The Nationals strongly support extensions to the natural gas network, we realise the cost to many small towns will make such extensions economically impossible.

I know of at least two towns in Victoria that have found a solution that has a cost somewhere between the cost of bottled gas and reticulated natural gas. Both Dinner Plain and Mount Hotham have stand-alone reticulated LPG networks. LPG is reticulated from a central storage area and there are meters at the front gate which measure household use. Places just down the road from Dinner Plain and Mount Hotham, such as Omeo, continue to rely on expensive bottled gas. The Omeo community has spoken to me about this matter. It is keen to explore whether a reticulated LPG system would be feasible for its town, and if so what upfront and ongoing costs would be involved.

My request to the Minister for State and Regional Development is that he ask his department to supply the funding required to arrange and have undertaken a feasibility study on setting up a reticulated LPG system for Omeo, including what it would cost. The outcome could be applied to towns in the Tambo Valley such as Swifts Creek, Ensay and Bruthen and to a number of other small towns around country Victoria. It would produce indicative costs. Dinner Plain and Mount Hotham share a cost structure that is somewhere between the cost of bottled gas and the much cheaper natural gas system. This is a sensible measure. I ask the Minister for State and Regional Development to provide funding for such a feasibility study to be undertaken, and I ask that Omeo be used as an example.

Netball: Vermont South stadium

Hon. B. N. ATKINSON (Koonung) — I address my remarks to the Minister for Sport and Recreation. I seek the minister's intervention in respect of a decision that has been announced by the government. Effectively I seek a review of an announcement of a funding contribution towards a netball centre at Vermont South. The parsimonious Premier, Mr Bracks, came to Vermont South recently to announce funding of $500 000 for that project. One might think that $500 000 is a reasonable amount and therefore my use of the word 'parsimonious' is out of place, but the reality is that it represented a significant backflip by the government on the $2.5 million funding it had led the City of Whitehorse to believe would be forthcoming for this netball centre, which is a joint school-community project involving the Livingstone Primary School and the City of Whitehorse.

The project was originally costed at $5 million and is now out to $8 million. The council recognises that the increased costs are associated with works that it requires to be done and is quite happy to meet the difference between the $5 million and what the ultimate cost of the facility will be, but it is certainly most concerned that it seems ratepayers now have to foot such a hefty bill on this project when George Droutsas, a former ministerial adviser, as mayor of the City of Whitehorse had given the council assurances that the government was prepared to contribute $2.5 million, then half the cost of the project.

I therefore seek the minister's review of the netball project funding. The local netball community is a particularly strong one and has an outstanding local association. The facilities are inadequate at this point in time, and the community deserves this new centre. The City of Whitehorse is proceeding with it, and the government should now be true to its original commitment and allocate another $2 million to this project. I seek the minister's action in that regard.

Mildura Specialist School: transport contract

Hon. B. W. BISHOP (North Western) — My adjournment matter tonight is directed to the Minister for Education Services in the other place, the Honourable Jacinta Allan. The issue I raise is the contract that the Christie Centre at Mildura has with the Department of Education and Training to provide transport to the Mildura Specialist School. The major issue is the structure of the contract, which up until 2006 was for one year. However, the department is now demanding a six-month contract. This is quickly becoming a ridiculous situation, with the Christie Centre being expected to make long-term plans to manage increasing demands on a six-month contract, which in anyone's world would be unworkable. The extremely short contract time is making it difficult for the Christie Centre to manage an unexpected substantial rise in the number of students to be transported. The number has risen to such an extent that both the centre and the school are now attempting to find the best way to deal with the increases.

Perhaps it would be timely to give some information in relation to the Christie Centre. It is a not-for-profit organisation that provides day care activities for young people and adults with disabilities. It is an organisation I am extremely proud of as it has a long history of serving our community and is also involved in activities that earn revenue and provide employment for some of its clients. It provides a fantastic transport service for the parents and kids of the Mildura Specialist School. Joy Teasdale, who does a great job as head of the Christie Centre, advised me that there were 66 students on the list last year and a further 15 this year, a total of 81 students. It is very good to see two fantastic community groups like the Christie Centre and the Mildura Specialist School work together for these special kids. A visit to the specialist school always leaves people with a real respect for the many people who made it happen originally and who continue to make it happen for the quite large catchment area of the region. I have heard that the Department of Education and Training is considering putting its own service in. That would be nonsensical, as any attempt not to give the Christie Centre first go at the contract would be detrimental to the fabric of disability care in our community.

The action I request is that the Minister for Education Services step in and extend the contract to three or five years so we can get maximum use collectively from this resource, which, given a fair go, will continue to serve our community very well into the future.

Bushfires: Grampians

Hon. DAVID KOCH (Western) — I raise a matter of concern for the attention of the Minister for Sustainability and Environment in another place that deals with protecting the Grampians National Park from bushfires this summer. Farmers with properties bordering the Grampians at Victoria Valley and Willaura remain anxious that the park could easily burn again this summer. They have pleaded with the Department of Sustainability and Environment (DSE) and Parks Victoria to undertake additional fuel reduction burns during the autumn and winter to protect areas that were not destroyed in last year's summer fires and to prevent their livelihoods from going up in flames this summer.

Last January's fire, ignited by a lightning strike, burnt more than 130 000 hectares of national park and farmland. It destroyed thousands of livestock, hundreds of kilometres of fencing and many farm improvements, and tragically it resulted in the deaths of a Pomonal man and his son who were making a heroic attempt to reach family members threatened by the fire.

In response to the devastating fires DSE said prescribed burns were of a high priority in its new, three-year, draft fire management plan for the Horsham-Grampians area. The plan includes a total of 5077 hectares of prescribed burning around the northern and southern parts of the Grampians. But local farmers are saying it is not aggressive enough to protect farms or the Grampians from bushfire. This concern is based on the severity of last January's fires and the inadequacy of fuel reduction prior to last summer. DSE and Parks Victoria need to reassess their reluctance to include high conservation areas in fuel reduction plans, which resulted in large areas being destroyed by the fires. Fuel reduction is more important now than ever to protect the remaining 53 per cent of the Grampians.

For nearly 40 years local Country Fire Authority brigades have repeatedly sought DSE and Parks Victoria's support to undertake more burns and construct larger fire breaks, but the response has been that these burns destroy the environment. Management practices must take into account the high risk and cost

of major fires. Essentially the timing of fuel reduction burns is critical.

While some areas that had been previously burnt by DSE slowed last January's fires, an 18-month-old autumn burn down the west side of the Serra Range failed to hold the flames. This demonstrates the need for continuous, ongoing scheduled burns to take place on an annual basis to ensure some security to the national park and adjoining neighbours. Will the minister ensure that every effort will be made through fuel reduction prescribed burns to protect the Grampians National Park and surrounding farming communities from a repeat of last January's devastating bushfires?

WorkCover: travel allowance

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise a matter for the attention of the Minister for WorkCover and the TAC. It relates to the travel allowance paid by the Transport Accident Commission for claimants who use their private vehicles to attend TAC-authorised hospital appointments, doctors appointments et cetera. The TAC currently pays 22 cents per kilometre for claimants who use their private vehicles to attend these appointments. That 22 cents per kilometre is based on cost estimates provided by the Royal Automobile Club of Victoria (RACV) to operate a large passenger vehicle such as a Holden Commodore or Ford Falcon.

The breakdown of that 22 cents as circulated by the TAC is 11 cents for fuel, roughly 1 cent for tyres, about 4 cents for service and repairs, and about 5.4 cents for depreciation, totalling approximately 22 cents per kilometre. I note that the depreciation figure is taken from the NRMA in New South Wales rather than from the RACV, so the total of 22 cents paid by the TAC is in fact an amalgam of the allowances of the two motoring organisations.

However, despite a note on the TAC web site that this allowance would be reviewed on an annual basis, this 22-cent travel allowance has not been changed since 2001. As honourable members would be aware, the price of fuel has increased dramatically — in the order of 30 or 40 per cent over the last two years or so. Therefore the amount that is now paid to TAC claimants is substantially below the actual cost of running their vehicles, and the figure provided by the TAC is now woefully out of date. I ask the Minister for WorkCover and the TAC as a matter of urgency to review the level of payments made to TAC claimants so that it more accurately reflects the true current cost of operating their vehicles.

Warrnambool: pharmacotherapy service

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for Health in the other place, the Honourable Bronwyn Pike. It concerns the crisis that is occurring due to the lack of specialist alcohol and drug-trained GPs, dispensing pharmacies and pharmacotherapy-trained GPs within south-west Victoria.

Across the region a total of 102 clients who are currently managed on pharmacotherapy programs require consistent appointments, monitoring and follow-up. There is also a group of 86 clients who are on S8 medication for pain management who may be suitable for a pharmacotherapy intervention, but it would require time, resources and funding to provide responsible transfer to a pharmacotherapy program. Presently Dr Roger Brough, Dr David Richards and Dr Clare Mooney are employed on a sessional basis to provide the services. With pharmacotherapy outside Warrnambool being withdrawn — because it is no longer viable without significant funding, support and resources — we are in danger of losing our pharmacotherapy service in Warrnambool as well. The lack of resources and support is now taking a significant personal toll on the doctors I have mentioned.

The Western Region Alcohol and Drug Centre (WRAD) in Warrnambool has new, purpose-built premises with provision for enough staff and training facilities to deliver a comprehensive service to south-west Victoria. What it requires now before it is too late is funding. WRAD informs me that to survive it will require funding of $227 000 per annum for three years plus a one-off set-up cost of $38 000 to realistically maintain the existing services at an adequate level. The action I seek from the minister is to make the money available to ensure this essential service for south-west Victoria is not lost.

The health department's regional office is fully aware of the crisis unfolding before its eyes but is powerless to help due to lack of funds. There is only a small window of opportunity to utilise the expertise of Dr Richards, Dr Brough and Dr Mooney to secure a regional pharmacotherapy service and to provide some succession planning for the future of south-west Victoria.

We all understand that the group of clients is often chaotic and problematic, but for a small investment the benefits derived are enormous. The minister would receive nothing but wholehearted support from local police, other medical practices and pharmacies,

community services and families. Services outside Warrnambool have been withdrawn from last month, so time is of the utmost importance for this vital service to survive.

Rail: Echuca–Toolamba line

Hon. W. A. LOVELL (North Eastern) — I raise a matter for the attention of the Minister for Transport. During a recent visit to Tatura with the Liberal candidate for Shepparton, Stephen Merrylees, a number of concerned residents raised the issue of safety on the rail crossings on the recently reopened Toolamba–Echuca rail line with Mr Merrylees and me. The Toolamba–Echuca rail line travels from Toolamba through to Tatura, Merrigum, Kyabram and Tongala and on to Echuca, and was reopened last Sunday, 20 August. It was reopened for freight trains with only a couple of trains to run daily. The residents are deeply concerned about the quality of the crossings and the lack of signals at some of these crossings. They are also concerned that, since the last train ran on this line in June 2003, no-one will be expecting to see a train on the line.

Pacific National has erected small signs that have been put at each rail crossing to say that the track was reopening, but the residents feel that these are not adequate. In fact the police have also joined in and complained that they were not officially informed of the starting date, the train times or the frequencies. They also expressed concern that because there have not been any trains people will not be bothered looking or expecting to see a train coming.

Safety on rail crossings is a particular concern, considering the recent accidents at unprotected rail crossings in Victoria, and the Toolamba–Echuca rail line has about 20 unprotected rail crossings on it. Particular crossings that are of concern are at Downer, Dhurringile and Winter roads in the Toolamba area. In fact the Downer Road crossing was particularly noted because it is on an angle to the road and is considered dangerous. In the Tongala area Watson, Kerr and Simmie roads have also been nominated as crossings of particular concern.

The state government has a duty of care to the community to ensure that rail crossings are safe and that there is adequate signage and signals. The action Mr Merrylees and I seek from the minister is that in response to the community concern the minister conduct a government study into the safety of the crossings on the Toolamba to Echuca rail line to ensure all crossings are adequately provided with signage or signals to provide greater community safety on this line.

Responses

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Mrs Coote raised the matter of Taralye hearing intervention services. I will refer that to the Minister for Community Services in the other place.

Ms Carbines raised the matter of the AAMI crash index, particularly in relation to drink-driving matters in Geelong. I will refer that to the Minister for Transport in the other place.

Mr Stoney raised the matter of the Mansfield police station. I will refer that matter to the Minister for Police and Emergency Services in the other place.

Mr Hall raised the matter of reticulated liquid petroleum gas supply. I will refer that to the Minister for State and Regional Development in the other place.

Mr Atkinson raised the matter of funding in relation to the Vermont South netball centre. While I do not have specific detail of that matter in front of me, I am happy to have a look at it. I am surprised that those organisers may have been expecting more funding in relation to that project, given that funding programs for major facilities from the sport and recreation area tend to be limited to a ceiling of a $500 000 contribution. I am happy to have a look at that to see what the details of that project might be.

Mr Bishop raised the matter of the Christie Centre and the education services provided. I will refer that to the Minister for Education and Training in the other place.

Mr Koch raised the matter of fuel reduction burn-offs in the Grampians region. I will refer that to the Minister for Environment in the other place.

Mr Rich-Phillips raised the matter of the Transport Accident Commission allowance for claimants. I will refer that to the Minister for WorkCover and the TAC.

Mr Vogels raised the matter of pharmacotherapies in south-west Victoria. I will refer that to the Minister for Health in the other place.

Ms Lovell raised the matter of the Toolamba–Echuca rail line and the respective rail crossings and safety matters. I will refer that to the Minister for Transport in the other place.

Motion agreed to.

House adjourned 10.12 p.m.